

CITY COUNCIL AGENDA
Monday, July 1, 2019



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

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

PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
PROCLAMATIONS

Introduction of newly appointed General Registrar, Melissa Morton
Equal Justice Initiative – John Henry James Day

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

- a. MINUTES: *in progress*
- b. APPROPRIATION: Highway Safety Improvement Program – Appropriation of funds for Pedestrian Connections within Hillcrest/Birdwood Neighborhood - \$708,932 (2nd of 2 readings)
- c. APPROPRIATION: Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$100,000 (2nd of 2 readings)
- d. APPROPRIATION: Study of Disproportionate Minority Contact in the Adult Criminal Justice System - \$55,400 (1st of 2 readings)
- e. APPROPRIATION: Charlottesville Student Victim Outreach Program Department of Criminal Justice Services Victim of Crimes Act Grant - \$245,428 (1st of 2 readings)
- f. APPROPRIATION: Virginia Department of Transportation Grants for Water Street Trail - \$115,257 (1st of 2 readings)
- g. RESOLUTION: Regional Transit Partnership Memorandum of Understanding (1st of 1 reading)
- h. RESOLUTION: Adopting a New Greenhouse Gas Reduction Goal (1st of 1 reading)
- i. RESOLUTION: Accepting Hillsdale Drive Project into the City Street System for Maintenance (1st of 1 reading)
- j. RESOLUTION: Virginia Department of Transportation Revenue sharing (1st of 1 reading)
- k. RESOLUTION: Agreement for Shared Staffing at Circuit Court – City of Charlottesville, Albemarle and Green Counties (1st of 1 reading)
- l. RESOLUTION: Capital Funding Transfer for the Purchase and Installation of City Hall Security Cameras \$26,000 (1st of 1 reading)
- m. ORDINANCE: Amending and Re-enacting City Code Chapter 18, Article III – Special events (1st of 2 readings)
- n. ORDINANCE: Renewing Lumos Networks Inc. - Telecommunications Franchise (1st of 2 readings)
- o. REPORT: Water Resources Protection Program Advisory Committee Annual Report (written report only)
- p. REPORT: Rivanna Water Services Authority Quarterly Update to Council (written report only)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 8 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

**2. PUBLIC HEARING/
ORDINANCE:** 750 Hinton Ave rezoning (1st of 2 readings)

**3. PUBLIC HEARING/
ORDINANCES/
RESOLUTION:**

Flint Hill Planned Unit Development
(1) Request for Waiver of Street Closing Policy
(2) Public hearing: proposed vacation of Keene Court and a portion of Flint Drive
(3) Consideration of an Ordinance granting the vacation of Keene Court and a portion of Flint Drive (1st of 2 readings)
(4) Consideration of an Ordinance granting a rezoning to allow development of the Flint Hill Planned Unit Development (1st of 2 readings)
(5) Consideration of a Resolution granting a Critical Slope Waiver to allow development of the Flint Hill Planned Unit Development (1st of 2 readings)

**4. PUBLIC HEARING/
ORDINANCE:**

209 Maury Avenue rezoning (1st of 2 readings)

5. ORDINANCE*:

Amend Section 2-6 of the Charlottesville City Code – City holidays (2nd of 2 Readings)

6. RESOLUTION*:

Minority Business Task Force update (1st of 1 reading)

7. RESOLUTION*:

Racial Engagement and Equity Funds for Minority Business Program -\$35,300 (1st of 1 reading)

8. RESOLUTION*:

~~915 6th Street SE Critical Slope waiver (1st of 1 reading)~~
[Item pulled at the request of applicant]

9. REPORT:

HomeStay Taxation/Regulation and AirBnB

10. REPORT:

Jefferson Area Bike and Pedestrian Plan update

11. REPORT:

Vinegar Hill Parks/Slave Auction Block update

OTHER BUSINESS

**MATTERS BY THE
PUBLIC**

*ACTION NEEDED

CITY COUNCIL AGENDA
Monday, July 1, 2019



MINUTES PLACEHOLDER

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



Agenda Date:	June 17, 2019
Action Required:	Appropriation
Presenter:	Jeanette Janiczek, UCI Program Manager
Staff Contacts:	Alex Ikefuna, NDS Director Tony Edwards, Development Services Manager Jeanette Janiczek, UCI Program Manager
Title:	Highway Safety Improvement Program – Appropriation and transfer of funds for Pedestrian Connections within Hillcrest/Birdwood Neighborhood - \$708,932

Background:

The City was awarded a grant in the amount of \$422,869 to implement pedestrian improvements within the Hillcrest/Birdwood neighborhood. An additional \$694,753 was reallocated to this project from remaining State funding from completed transportation projects. The previous grant appropriation was composed of state (10%) and federal (90%) allocations that are reimbursed once expended. This additional funding requires a City match of \$14,179 which will come from the remaining City funds that were previously appropriated to the JPA Bridge project. Total funding for the project will be \$1,131,801.

Discussion:

The Route 250 Bypass Interchange at McIntire Road (Interchange) project improved multi-modal access within its project limits. During numerous community meetings, citizens requested additional pedestrian/bicyclist improvements located outside of the project area. At two Hillcrest/Birdwood neighborhood meetings, citizens requested that their sidewalk network be completed and that an additional pedestrian access point connecting the neighborhood to the rest of the City.

A grant was pursued and awarded by VDOT to add sidewalk along Hillcrest Road, add/upgrade crosswalks/ADA ramps within the neighborhood to meet the latest ADA standards, and reconstruct a failing staircase for additional pedestrian access. While the majority of improvements are expected to be constructed within the existing right of way, staff will coordinate with neighboring property owners during the design and right of way process.

Project design plans have reached 60% in anticipation of entering the Right of Way Phase. Sidewalk will be constructed on the western side of Hillcrest Road with curb ramp improvements and crosswalks on Hillcrest Road and Birdwood Court. By constructing the sidewalk on the western edge of Hillcrest Road, right of way impacts will be limited to one private property owner who City Staff has consulted with to relocate the staircase from between two parcels owned by the same property owner to the far southern edge of the property. Even with the consultation the private property owner is resistant to re-establishing the staircase down to McIntire Road. A compensation offer will be made to this property owner in the Right of Way Phase and additional consultation efforts will be conducted with the property owner through formal negotiations.

Plans will be distributed to the adjacent property owners with an offer to meet one-on-one to discuss proposed improvements.

Alignment with City Council’s Vision Areas and Strategic Plan:

Approval of this agenda item upholds the City’s commitment to create “a connected community” by improving upon our existing transportation infrastructure. In addition, it would contribute to Goal 3 of the Strategic Plan, Beautiful Environment; 3.1 Engage in robust and context sensitive urban planning and implementation; 3.2 Provide reliable and high quality infrastructure and 3.3 Provide a variety of transportation and mobility options.

Community Engagement:

Previous public meetings related to the Interchange project resulted in the application of a grant to fund these improvements. Additional coordination with the adjacent property owners and neighborhood is being planned to provide design details and solicit feedback.

Budgetary Impact:

There is no impact on the general fund. The entire local match of \$14,179, will be transferred from previously appropriated Capital Improvement Program (C.I.P.) funding sources.

On-going maintenance will be required once improvements are constructed.

Recommendation:

Staff recommends approval and appropriation of the funds.

Alternatives:

Appropriate remaining state funding to another, existing transportation project.

Attachments:

Appropriation & Transfer

APPROPRIATION

Highway Safety Improvement Program funds for Pedestrian Connections within Hillcrest/Birdwood Neighborhood - \$708,932

WHEREAS, a total of \$694,753 in state funds for the Highway Safety Improvement Program requires appropriation; and

WHEREAS, \$14,179 in previously appropriated City funds require transfer to this project;

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

\$ 694,753 Fund: 426 WBS: P-00694 G/L Account: 430080

Expenditures

\$ 694,753 Fund: 426 WBS: P-00694 G/L Account: 599999

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

Transfer From

\$ 14,179 Fund: 427 WBS: P-00212 G/L Account: 561425

Transfer To

Revenue

\$ 14,179 Fund: 426 WBS: P-00694 G/L Account: 498010

Expense

\$ 14,179 Fund: 426 WBS: P-00694 G/L Account: 599999

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 17, 2019
Action Required:	Approval and Appropriation
Presenter:	Riaan Anthony, Parks and Recreation Management Specialist
Staff Contacts:	Riaan Anthony, Parks and Recreation Management Specialist Vic Garber, Parks and Recreation, Deputy Director
Title:	Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$100,000

Background:

The City of Charlottesville, through the Parks and Recreation Department, has received approval for reimbursement of up to \$100,000 from the Virginia Department of Education Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs and dinner to our community housing centers.

Discussion:

Charlottesville Parks and Recreation will operate six Summer Camp programs and four community housing centers (Westhaven, Friendship Court, South First, and GreenStone) throughout the City of Charlottesville. These sites serve children in Pre K-6th grades, for nine weeks during the summer, June 17-August 16 and 7th – 9th grades for six weeks during the summer, June 17-July 26th. Various activities are planned from 9:00am-4:00pm, Monday through Friday. The Virginia Department of Education Special Nutrition Program provides free, nutritious breakfast and lunch for these children and at the community housing centers will provide free, nutritious dinner. Most of the children served receive free or reduced meals during the school year. Over 1000 children were enrolled in Summer Camps last year.

The \$100,000 appropriation covers the cost of the food and administration of the summer food service program. The lunches are purchased through the City of Charlottesville School Food Service. The Parks and Recreation Department pays the bills to the City of Charlottesville Food Service and is then reimbursed by the Virginia Department of Education Special Nutrition Programs.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City and it contributes to Goal 2 of the Strategic Plan to be a safe,

equitable, thriving, and beautiful community. Children will receive nutritious breakfast, lunch and/or dinner, hopefully replacing a meal that did not exist or providing a healthier balanced option for them.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of funds

Alternatives:

If money is not appropriated, the free breakfast and lunch program will not be offered to youth, most of whom receive free or reduced meals during the school year.

Attachments:

Appropriation

APPROPRIATION

**Virginia Department of Education Special Nutrition Program
Summer Food Service Program
\$100,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$100,000 from the Virginia Department of Education Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs; and

WHEREAS, the grant award covers the period from period June 17, 2019 through October 31, 2019.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, which the sum of \$100,000, received from the Virginia Department of Education Special Nutrition Program, is hereby appropriated in the following manner:

Revenue – \$100,000

Fund: 209 Internal Order: 1900334 G/L Account: 430120

Expenditures - \$100,000

Fund: 209 Internal Order: 1900334 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$100,000 from the Virginia Department of Education Special Nutrition Program.

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



Agenda Date:	July 1, 2019
Action Required:	Appropriation
Presenter:	Kaki Dimock, Acting Assistant City Manager
Staff Contacts:	Kaki Dimock, Acting Assistant City Manager
Title:	Appropriation of \$55,400 for the Study of Disproportionate Minority Contact in the Adult Criminal Justice System

Background:

The Department of Human Services was awarded a grant from the Virginia Department of Criminal Justice Services to launch a study of disproportionate minority contact in the adult criminal justice system. The first year of this study process is coming to a close and a report from the M.G.T. Consultants is expected in late summer 2019. As one of the first communities in the country to undertake such an examination, city staff, consultants and the research planning team had to determine the best way to assess the extent of disproportionality and identify any potential points of disparity within this complex system. To that end, a master data set was created using data from multiple institutions within the criminal justice system for the years 2014-2016.

Discussion:

During the course of the creation of the master data set, the research team identified activities for analysis that had not been imagined in the original request for proposals created for our procurement process. As a result, M.G.T. Consultants has requested a change order in the amount of \$55,400 to cover the research team's time as follows:

Team Member	# of Hours	Hourly Rate	Cost
Andres Bernal (Data Manager)	200	\$190	\$38,000
Lara Opheim (Data Analyst)	116	\$150	\$17,400
Total	316		\$55,400

The Department of Human Services requests permission to use funds from the department's fund balance to cover the costs in this change order. M.G.T. Consultants has demonstrated significant flexibility over the course of this process which has positively benefitted the study's design and ensured that they were responsive to the local research team's evolving questions and needs.

Alignment with City Council's Vision and Strategic Plan:

The study of disproportionate minority contact in the adult criminal justice system is aligned with City strategic goals # 1.5 An inclusive community of self-sufficient residents – intentionally address issues of race and equity, and #2 a healthy and safe city.

Community Engagement:

The research and planning team and task force include representatives from City of Charlottesville Department of Human Services, Office of Human Rights, Sheriff, Commonwealth's Attorney, and Police Department; Albemarle County Police Department, Social Services, Office of Equity and Commonwealth's Attorney; Offender Aid and Restoration, Legal Aid Justice Center, Office of the Defender, University of Virginia, among others. M.G.T. Consultants has conducted over 35 community leader interviews in addition to focus groups and five community engagement meetings.

Budgetary Impact:

This appropriation has no impact on the general fund.

Recommendation:

Staff recommend approval of the appropriation request.

Alternatives:

Council could determine that another fund ought to be used to cover these expenses.

Attachments:

This section should list additional relevant supplemental material provided, such as appropriations, resolutions, ordinances, maps and drawings, reports, presentations, etc.

APPROPRIATION

Appropriation of Human Services Fund Balance for FY 2020 Expenses

\$55,400

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of up to \$55,400 in department fund balance, is hereby appropriated in the following manner:

Revenues - \$55,400

\$55,400 Fund: 213 Cost Center: 3411001000 G/L Account: 498011

Expenditures - \$55,400

\$55,400 Fund: 213 Cost Center: 3411001000 G/L Account: 530670

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Required:	Approval and Appropriation
Presenter:	Kaki Dimock, Acting Assistant City Manager
Staff Contacts:	Kaki Dimock, Acting Assistant City Manager Misty Graves, Acting Director, Department of Human Services
Title:	Charlottesville Student Victim Outreach Program Department of Criminal Justice Services Victim of Crimes Act Grant - \$245,428

Background:

The City of Charlottesville's Department of Human Services received \$245,428 from Department of Criminal Justice Services Victim of Crimes Act Grant to provide services 30 child victims of crime at Walker Upper Elementary School and Buford Middle School. The grant period is from July 1, 2019 through June 30, 2020. The total grant is \$245,248 and includes a \$49,085 match from the Department of Human Services.

Discussion:

The City of Charlottesville's Department of Human Services' Student Victim Outreach Project will increase access to trauma-informed intervention for victims within schools, expand access to mental health services for victims in schools, and support behavioral interventionist positions serving victims of crime at school. The Project will hire two school-based behavioral interventionists, who will provide assessment, service planning and delivery, coordination with other providers, and case management to up to thirty child victims each year. Youth will be referred by school personnel, families, or community partners. In addition to these individualized services, the interventionists will offer the evidence-based Girls Circle and the research-based Council for Boys and Young Men curricula at least twice annually. These trauma-informed programs, from the One Circle Foundation, have proven effective in supporting child victims, by improving skills development, self-efficacy, school engagement, and positive school climate. The culturally responsible programs are suitable for youth of color and marginalized youth.

Alignment with Council Vision Areas and Strategic Plan:

The Student Victim Outreach Program grant aligns with the City of Charlottesville's Strategic Plan – Goal 2: A Healthy and Safe City, Objective 2.2: Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization.

Community Engagement:

In preparing the grant proposal, the Department of Human Services created awareness of the proposed program. The Department worked closely with School Superintendent Rosa Atkins to identify needs and design of the Program. Staff consulted with leaders in seven public and private victim serving organizations. The following organizations have agreed to collaborate, provide referrals to the Student Victim Outreach project, and provide trauma-informed services to child victims of Crime:

- Charlottesville Department of Social Services
- Charlottesville Victim-Witness
- Foothills Child Advocacy Center
- Piedmont CASA
- ReadyKids
- Sexual Assault Resource Agency
- Shelter for Help in Emergency

Upon approval of funding, the Program will create educational materials and referral protocols. Before the beginning of the 2019-2020 school year, Program staff and leadership will conduct in-service training for staff at Walker Upper Elementary and Buford Middle Schools to educate them about the Program.

Budgetary Impact:

This has no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If the grant funds are not appropriated the Program will not be implemented.

Attachments:

Appropriation

APPROPRIATION

**Charlottesville Student Victim Outreach Program Department of Criminal Justice Services
Victim of Crimes Act Grant
\$245,428**

WHEREAS, the Human Services Department of the City of Charlottesville has been awarded \$245,248 from the Department of Criminal Justice Services Victim of Crimes Act, and

WHEREAS, the grant award covers the period from July 1, 2019 through June 30, 2020

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$245,428 is hereby appropriated in the following manner:

Revenue – \$245,428

\$196,343	Fund: 209	Cost Center: 3413018000	G/L Account: 430120
\$49,085	Fund: 209	Cost Center: 3413018000	G/L Account: 498010

Expenditures - \$245,428

\$165,111	Fund: 209	Cost Center: 3413018000	G/L Account: 519999
\$80,317	Fund: 209	Cost Center: 3413018000	G/L Account: 599999

Transfer - \$49,085

\$49,085	Fund: 213	Cost Center: 341300300	G/L Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$196,343 from the Virginia Department of Criminal Justice Services.



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

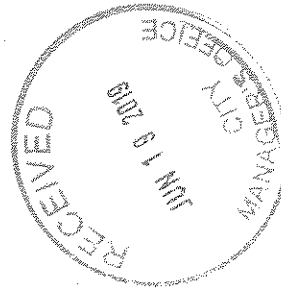
Shannon Dion
Director

Megan Peterson
Chief Deputy Director

Washington Building
1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
www.dcjs.virginia.gov

June 5, 2019

Ms. Kaki Dimock
Interim Asst. City Manager
City of Charlottesville
P. O. Box 911
Charlottesville, VA 22902



RE: VOCA School-based Victims Services

Dear Ms. Dimock:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **20-A4736SB18** and was approved for a total award of **\$245,428** funded through Federal Grant **2018-V2-GX-0011**. The project period for this program is **07/01/2019** through **06/30/2020**.

Enclosed you will find the Statement of Grant Award (SOGA) and Special Conditions documents, along with Reporting Requirements and Projected Due Dates. To indicate your acceptance of the award and conditions, please sign the SOGA and return it electronically within the next 60 days to grantsmgmt@dcjs.virginia.gov. Review the conditions carefully as some may require action on your part before we will disburse grant funds.

Please provide copies of this Award Package to those contacts listed on your grant application. We will be happy to assist you in any way we can to assure your project's success. If you have any questions regarding this award, please contact your Grant Monitor, Ed Holmes at (804) 786-4576 or via email at Ed.Holmes@dcjs.virginia.gov.

Sincerely,

Shannon Dion
Shannon Dion

Enclosures

STATEMENT OF GRANT AWARD (SOGA)

Virginia Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia

VOCA School-based Victims Services																	
Subgrantee: Charlottesville DUNS Number: 074745829 DCJS Grant Number: 20-A4736SB18 Grant Start Date: 07/01/2019 Grant End Date: 06/30/2020																	
Federal Grant Number: 2018-V2-GX-0011 Federal Awardee: OVC Federal Catalog Number: 16.575 Project Description: To provide direct services for crime victims. Federal Start Date: 10/1/2017																	
<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Federal Funds:</td> <td style="width: 30%;">\$196,343</td> <td style="width: 40%;">Indirect Cost Rate: _____%</td> </tr> <tr> <td>State General Funds:</td> <td>\$0</td> <td>*If applicable</td> </tr> <tr> <td>State Special Funds:</td> <td>\$0</td> <td></td> </tr> <tr> <td>Agency Match:</td> <td>\$49,085</td> <td></td> </tr> <tr> <td> Total Budget:</td> <td> \$245,428</td> <td></td> </tr> </table>			Federal Funds:	\$196,343	Indirect Cost Rate: _____%	State General Funds:	\$0	*If applicable	State Special Funds:	\$0		Agency Match:	\$49,085		 Total Budget:	 \$245,428	
Federal Funds:	\$196,343	Indirect Cost Rate: _____%															
State General Funds:	\$0	*If applicable															
State Special Funds:	\$0																
Agency Match:	\$49,085																
 Total Budget:	 \$245,428																
Project Director	Project Administrator	Finance Officer															
Ms. Misty Graves Program Supervisor City of Charlottesville 907 E. Jefferson Street Charlottesville, VA 22902 (434) 981-4014 graves@charlottesville.org	Ms. Kaki Dimock Interim Asst. City Manager City of Charlottesville P. O. Box 911 Charlottesville, VA 22902 (434) 970-3346 murphym@charlottesville.org	Mr. Christopher Cullinan Finance Director City of Charlottesville P. O. Box 911 Charlottesville, VA 22902-0911 (434) 970-3300 cullinan@charlottesville.org															

***Please indicate your ICR in the space provided, if applicable.** As the duly authorized representative, the undersigned, having received the Statement of Grant Awards (SOGA) and Special Conditions attached thereto, hereby accepts this grant and agree to the conditions and provisions of all other Federal and State laws and rules and regulations that apply to this award.

Signature: _____
 Authorized Official (Project Administrator)

Title: _____

Date: _____

SPECIAL CONDITIONS

Virginia Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

VOCA School-based Victims Services

<p>Subgrantee: Charlottesville DUNS Number: 074745829 Grant Start Date: 07/01/2019</p>	<p>DCJS Grant Number: 20-A4736SB18 Grant End Date: 06/30/2020</p>
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Acceptance of this grant award by the subgrantee constitutes its agreement that it assumes full responsibility for the management of all aspects of the grant and the activities funded by the grant, including assuring proper fiscal management of and accounting for grant funds; assuring that personnel paid with grant funds are hired, supervised and evaluated in accordance with established employment and personnel policies; and assuring that all terms, conditions and assurances--those submitted with the grant application, and those issued with this award--are complied with.

By signing the Statement of Grant Award/Acceptance, the subgrantee agrees to:

- use the grant funds to carry out the activities described in the grant application, as modified by the terms and conditions attached to this award or by subsequent amendments approved by DCJS;
- adhere to the approved budget contained in this award and amendments made to it in accord with these terms and conditions; and,
- comply with all terms, conditions and assurances either attached to this award or submitted with the grant application.

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the subgrantee that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs (OJP) or the Department of Criminal Justice Services (DCJS) taking appropriate action with respect to the subgrantee and the award. Among other things, the OJP and DCJS may withhold award funds, disallow costs, or suspend

or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the subgrantee is to contact DCJS promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>) including any updated version that may be posted during the period of performance. The subgrantee agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory

provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Requirements related to "de minimis" indirect cost rate

A subgrantee that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise DCJS in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

6. Requirement to report potentially duplicative funding

If the subgrantee currently has other active awards of federal funds, or if the subgrantee receives any other award of federal funds during the period of performance for this award, the subgrantee promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the subgrantee must promptly notify DCJS in writing of the potential duplication, and, if so requested by DCJS, must seek a budget-modification or change-of-project-scope to eliminate any inappropriate duplication of funding.

7. Requirements related to System for Award Management and Universal Identifier Requirements

The subgrantee must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/SAM/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The subgrantee must maintain a valid DUNS number (a unique nine-digit number used for identifying and keeping track of entities receiving federal funds). Subgrantees must be registered in SAM to receive an award and must maintain an active registration for the entire period of the award.

8. Requirement to report actual or imminent breach of personally identifiable information (PII)

The subgrantee must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it -- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (OMB Circular A-130). The subgrantee's breach procedures must include a requirement to report actual or imminent breach of PII to DCJS no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

9. All subawards ("subgrants") must have specific federal authorization

The subgrantee, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

10. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The subgrantee, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

11. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The subgrantee must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of

persons, whether on the part of subgrantees, or individuals defined (for purposes of this condition) as "employees" of any subgrantee.

The details of the subgrantee's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by subgrantees related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

12. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The subgrantee must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

13. Requirement for data on performance and effectiveness under the award

The subgrantee must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to DCJS as specified by DCJS in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

14. OJP Training Guiding Principles

Any training or training materials that the subgrantee develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

15. Effect of failure to address audit issues

The subgrantee understands and agrees that DCJS or the DOJ awarding agency may withhold award funds, or may impose other related requirements, if (as determined by DCJS or the DOJ awarding agency) the subgrantee does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform

Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

16. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 42

The subgrantee must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

17. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 54

The subgrantee must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

18. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 38

The subgrantee must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to subgrantee organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to subgrantees that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

19. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the subgrantee, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the subgrantee, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a subgrantee would or might fall within the scope of these prohibitions, the subgrantee is to contact DCJS for guidance, and may not proceed without the express prior written approval of DCJS and OJP.

20. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018, FY 2017, FY 2016)

The subgrantee must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at <https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm> and are incorporated by reference here.

Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2017, are set out at <https://ojp.gov/funding/Explore/FY17AppropriationsRestrictions.htm>, and are incorporated by reference here.

Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2016, are set out at <https://ojp.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a subgrantee would or might fall within the scope of an appropriations-law restriction, the subgrantee is to contact DCJS for guidance, and may not proceed without the express prior written approval of DCJS and OJP.

21. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The subgrantee must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subgrantee, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- mail directed to: Office of the Inspector General, U.S. Department of Justice,

(1) Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or

(2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

22. Restrictions and certifications regarding non-disclosure agreements and related matters

No subgrantee under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the subgrantee--

- a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the subgrantee does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

- (1) it has determined that no other entity that the subgrantee's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- (2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subgrantee, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

23. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The subgrantee must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The subgrantee also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the subgrantee is to contact DCJS for guidance.

24. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages subgrantees to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish

workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

25. Access to Grant Records

The subgrantee must authorize DCJS, Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper, or documents related to the VOCA grant.

26. VOCA Requirements

The grantee assures that the State and its subgrantees will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 34 U.S.C. 20103(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the State certifies that funds under this award will:

- a) be awarded only to eligible victim assistance organizations, 34 U.S.C. 20103(a)(2);
- b) not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 34 U.S.C. 20103(a)(2); and
- c) be allocated in accordance with program guidelines or regulations implementing 34 U.S.C. 20103(a)(2)(A) and 34 U.S.C. 20103(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.

27. Demographic Data

The subgrantee will collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.

28. Discrimination Findings

The subgrantee assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a recipient of victim assistance formula funds under this award, the subgrantee will forward a copy of the findings to the Office for Civil Rights of OJP.

29. National Environmental Policy Act Compliance

The subgrantee understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related

Federal laws (including the National Historic Preservation Act), if applicable. The subgrantee agrees to assist OJP in carrying out its responsibilities under NEPA and related laws, if the subgrantee plans to use VOCA funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The subgrantee also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

30. Performance Measurement Reporting

The subgrantee agrees to submit quarterly performance reports on the performance metrics identified by DCJS and OVC and in a manner required by DCJS and OVC. This information on the activities supported by the award funding will assist in assessing the effects that VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction.

31. Documentation Requirements

The subgrantee agrees promptly to provide, upon request, financial or programmatic-related documentation related to this award, including documentation of expenditures and achievements.

32. Additional Monitoring Requirements

The subgrantee understands that it may be subject to additional financial and programmatic on-site monitoring, which may be on short notice, and agrees that it will cooperate with any such monitoring.

33. Record Retention and Access

Records pertinent to the award must be retained for a period of three (3) years from the date of submission of the final expenditure report. Subgrantee must provide access, including performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

34. Non-Supplanting Requirement

Funds made available through this award will not be used to replace state or local funds that would, in the absence of this grant, be made available for the same purposes. Guidance on the non-supplanting requirement is available here:
https://ojp.gov/archives/financial_guides/financialguide11/PreawardRequirements/chapter5page6.htm

35. ACORN

The subgrantee cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.

36. VOCA Rule Compliance

The subgrantee agrees to comply with the “Victims of Crime Act Victim Assistance Program Final Rule, 28 CFR 94, effective August 8, 2016”, available here: <https://ecfr.io/Title-28/pt28.2.94#sp28.2.94.b>

37. Civil Rights Training Requirement

The subgrantee agrees to meet the civil rights training requirements through viewing the online training modules offered through the Office on Civil Rights at <https://ojp.gov/about/ocr/assistance.htm> or online training offered by DCJS. The subgrantee must review these training modules at least once per grant cycle and must view the civil rights overview, standard assurances modules, and the module on the obligations to provide services to limited English proficient (LEP) individuals.

38. Equal Employment Opportunity Plan (EEOP)

As a recipient of Department of Justice funding, the subgrantee agrees to comply with the requirements regarding Equal Employment Opportunity Plans (EEOP). In certain cases, subgrant recipients must develop an EEOP. Your organization is required to submit a Certification Report and/or the Utilization Report section of your plan to the Office of Civil Rights. Further guidance can be found at <https://ojp.gov/about/ocr/eeop.htm> . The Certification form required by OJP can be found at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf> .

39. Performance and Obligation Periods

Grant funds, including state and local match, may be expended and/or obligated during the grant award period of performance. Subgrantees may only charge to the award allowable costs incurred during this grant award period. All properly incurred obligations must be liquidated no later than 45 days after the end of the award period. No new obligations may be made during the liquidation period. The subgrantee agrees to submit a final financial report and return all received and unexpended grant funds to DCJS within 45 days of the end of the grant award period.

40. Travel Policy

Subgrantees may follow their own established travel rates if they have an established travel policy. DCJS reserves the right to determine the reasonableness of an organization’s travel policy. If the subgrantee does not have an established

policy, then they must adhere to federal travel policy. DCJS allows reimbursement for actual reasonable expenses and meals according to per diem. Please refer to the following IRS website for the most current mileage rate: <https://www.irs.gov/tax-professionals/standard-mileage-rates>. Transportation costs for air and rail must be at coach rates.

41. Project Initiation

Within 60 days of the starting date of the grant, the subgrantee must initiate the project funded. If not, the subgrantee must report to DCJS, in writing, the steps taken to initiate the project, the reasons for the delay, and the expected starting date. If the project is not operational within 90 days of the start date, the subgrantee must obtain approval in writing from DCJS for a new implementation date or DCJS may cancel and terminate the project and redistribute the funds.

42. Budget Amendments

No amendment to the approved budget may be made without the prior approval of DCJS. No more than two (2) budget amendments will be permitted during the grant period. Budget amendments must be requested using the online Grants Management Information System (GMIS), accompanied with a narrative. The deadline for all budget amendments to be submitted will be 45 days prior to the end of the grant year.

43. Financial Audits

The subgrantee agrees to forward a copy to DCJS of the subgrantee's scheduled financial statement audit for the fiscal year that covers the grant award period. If the subgrantee is a local government or non-profit organization and expends \$750,000 or more in federal awards (from all sources) during its fiscal year, the subgrantee is required to submit the appropriate single or program specific audit in accordance with the provisions outlined in 2CFR Part 200 Subpart F.

44. Procurement

The subgrantee agrees to provide for fair and open competition when procuring goods and services with award funds and to maintain documented procurement policies and procedures. Permission to make a sole source procurement requires the prior approval of DCJS. Any request for exemption to this regulation must be filed in writing.

45. Conflict of Interest

All subgrantees must have a written conflict of interest policy. The subgrantee certifies that it will disclose in writing any potential conflict of interest to DCJS in

accordance with applicable federal awarding agency policy as required in 2 C.F.R. Part 200, Subpart E § 200.112.

46. Financial Management Systems

All subgrantees are required to establish and maintain adequate accounting systems and financial records and to accurately account for funds awarded to them. They must have a financial management system in place that is able to record and report on the receipt, obligation, and expenditure of grant funds. Subgrantees must properly track the use of award funds and maintain adequate supporting documentation including maintaining proper documentation for all paid grant and match staff and volunteer time reported. Further information is available in the DOJ Financial Guide at https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf

47. Project Income

Any funds generated as a direct result of DCJS grant-funded projects are deemed project income. Project income must be reported on the Subgrantee Financial Report for Project Income provided by DCJS. Instructions for the Project Income form can be downloaded at: <http://www.dcjs.virginia.gov/forms/grants/subgrantProjectIncomeInstructions.doc>. The Project Income form can also be downloaded from the DCJS website at: <http://www.dcjs.virginia.gov/forms/grants/subgrantProjectIncome.xls>. Examples of project income might include service fees; client fees; usage or rental fees; sales of materials; and income received from sale of seized and forfeited assets (cash, personal or real property included).

48. Computer Equipment

All new Computer Processing Units (CPU's) purchased with grant funds must be protected by anti-virus software, which must be updated, as necessary.

49. E-mail and Internet

Email and internet access funded through this grant must be for official program use only.

50. Change in Personnel

The subgrantee agrees to submit the DCJS Program Change/Update form when there is a personnel change in the program. Available on the DCJS website at: <https://www.dcjs.virginia.gov/victims-services/forms>.

51. Required Reports

The subgrantee agrees to submit, on or before scheduled due dates, such reports as required by DCJS. This includes filing required reports using the online Grants Management Information System (GMIS). Failure to submit reports by the deadline dates may result in delay for reimbursement requests and/or cancellation of the subaward.

52. Delegation of Responsibility

Any delegation of responsibility for carrying out grant-funded activities to any entity must be pursuant to a written memorandum of understanding by which the implementing organization agrees to comply with all applicable grant terms, conditions and assurances. Any such delegation notwithstanding, the applicant acknowledges by its acceptance of the award its ultimate responsibility for compliance with all terms, conditions and assurances of the grant award.

53. Program Guidelines

The subgrantee agrees to comply with the applicable Grant Program Guidelines and Attachments, available here: <https://www.dcjs.virginia.gov/victims-services/grants/voca>

Costs, including staff time, associated with the preparation of subpoenas cannot be supported with grant funds.

In accordance with VOCA guidelines, grant funds may support membership in no more than three appropriate organizations. Memberships must be in the name of the organization, not the individual.

Unless otherwise stated, Special Conditions listed in item #54 must be met by August 31, 2019. If they remain unmet after this date, then the subgrantee must report to the DCJS, by letter, the steps taken to achieve compliance, the reasons for non-compliance, and the expected date of compliance. DCJS may terminate grant funding based upon unexplained or unreasonable failure to substantially comply with special conditions within reasonable specified timeframes.

54. Prior to DCJS disbursing funds, the subgrantee must comply with the following special conditions:

REPORTING REQUIREMENTS AND PROJECTED DUE DATES

Virginia Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

VOCA School-based Victims Services

Subgrantee: Charlottesville
DUNS Number: 074745829
Grant Start Date: 07/01/2019

DCJS Grant Number: 20-A4736SB18
Grant End Date: 06/30/2020

REPORTING REQUIREMENTS

By accepting the accompanying grant award, you are agreeing to submit online quarterly financial and progress reports for this grant throughout the grant period, as well as final reports to close the grant. No eligible current recipient of funding will be considered for continuation funding if, as of the continuation application due date, any of the required financial and progress reports for the current grant are more than 30 days overdue. For good cause, submitted in writing by the grant recipient, DCJS may waive this provision.

To submit reports, requests, and to view your grant award, refer to the Grants Management Information System (GMIS) at our website: www.dcjs.virginia.gov/grants/gmis-online. In order to use this web-based system, if you have not previously done so, you must obtain a user name and password set up by your Finance Officer.

- **FINANCIAL REPORTS** are due within 15 days after the end of each calendar quarter and must be approved by your locality's Financial Officer. Reports are required even if no expenditures occurred during the quarter. If the due date falls on a weekend or non-business day, the report is due on the next business day. For financial questions, contact Bill Dodd at (804) 371-0638 or via email at Bill.Dodd@dcjs.virginia.gov or Mark Fero at (804) 225-2782 or via email at Mark.Fero@dcjs.virginia.gov.
- **PROGRESS REPORTS** for most grant programs are due within 15 days after the end of each calendar quarter and must be approved by your DCJS Grant Monitor.
- **REQUEST FOR FUNDS** for most grant programs are processed quarterly. Requests must be preceded by the previous quarter's financial and approved progress reports. For request for funds questions, contact Bill Dodd at (804) 371-0638 or via email at Bill.Dodd@dcjs.virginia.gov or Mark Fero at (804) 225-2782 or via email at Mark.Fero@dcjs.virginia.gov.
- **BUDGET AMENDMENTS** can be submitted for most DCJS programs with prior approval through our online Grants Management Information System (GMIS). Please review your Special Conditions carefully to determine the requirements and procedures for amending budgets. For budget amendment questions, contact your assigned Grant Monitor.

- **GRANT CLOSEOUT:** The last quarterly financial report of a project using federal funds must indicate any unpaid obligations that may exist at the expiration of the grant award period. The subgrantee has up to 45 days from the end of the award period to liquidate any unpaid obligations and submit a final financial report. The liquidation period exists to allow projects time to receive final invoices and make final payments -- no new obligations may be incurred during this period. Closeout questions should be directed to Andrew Wooldridge (804) 225-1863 or via email at Andrew.Wooldridge@dcjs.virginia.gov or Mark Fero at (804) 225-2782 or via email at Mark.Fero@dcjs.virginia.gov.

REPORTING SCHEDULE

CALENDAR QUARTER ENDING	REPORT DUE DATES
9/30/2019	10/15/2019
12/31/2019	1/15/2020
3/31/2020	4/15/2020
6/30/2020	7/15/2020
Final Report	8/15/2020

GENERAL HELPDESK INFORMATION

GMIS Online: Send an email to grantsweb@dcjs.virginia.gov.

CIMS or VSDVVF Reporting Software: Call (804) 786-4576 or (804) 225-4868.

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



Agenda Date:	July 1, 2019
Action Required:	Appropriation
Presenter:	Chris Gensic, Parks and Recreation
Staff Contacts:	Chris Gensic, Parks and Recreation Brian Daly, Parks and Recreation Ryan Davidson, Office of Budget and Performance Management
Title:	VDOT TAP grant appropriations – 250 Bypass and Water Street Trails - \$115,257

Background:

The City of Charlottesville, through Parks and Recreation, has received two awards from the Virginia Department of Transportation (VDOT) Transportation Alternatives Program (TAP) to assist with efforts to construct a bicycle and pedestrian trail along the north side of the 250 bypass and to connect the existing Coal Tower Trail along Water Street to the Belmont bridge and downtown mall. Both grants require local match. Both projects have been bid. The 250 Bypass project bid came in much lower than expected, and the Water Street project bid came in much higher than expected. Through a combination of moving some funding from the 250 Bypass project to the Water Street project, the award of additional TAP funding from VDOT, and an increase of local match from the Trails Lump Sum CIP fund, funding will be available to move both projects into construction phase this summer.

Discussion:

The 250 Bypass Trail project came in approximately \$80,000 under bid, while the Water Street Trail project came in approximately \$115,000 over bid. The 250 Bypass project has been awarded and will begin construction soon. VDOT has awarded additional grant funding in the amount of \$74,317 to the Water street project. The City will be required to contribute the additional match required, as well as transfer \$17,888 (and the associated \$4,472 in already allocated local match) from the 250 Bypass Trail project. The Adopted FY 2020 Trails Lump Sum CIP budget will be used to fund the additional \$18,580 needed in local match. The approval of the transfer of these funds will enable this project to proceed to the construction phase.

Community Engagement:

The bicycle, pedestrian and trail master plan was developed with multiple public meetings and was approved by council to be an addendum to the City Comprehensive Plan.

Alignment with City Council's Vision and Strategic Plan:

Construction of this trail will further council goals of being a Connected City by establishing a portion of the bicycle and pedestrian trail system that enhances our residential neighborhoods.

Budgetary Impact:

There is no impact to the General Fund. Additional match funds will be transferred from previously appropriated funding in the Trails Lump Sum CIP account.

Recommendation:

Staff recommends appropriation of grant funds.

Alternatives:

If grants funds are not appropriated, Parks and Recreation will have to use local CIP funds for the additional required funding to complete the project, leaving less money for other potential parkland acquisitions.

Attachments:

Final Project Agreements
Appropriation

APPROPRIATION
VDOT Grants for Water Street Trail
\$115,257

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded an additional \$74,317 from the Virginia Department of Transportation, and reallocated \$17,888 from the Rt. 250 Trail project, to complete the funding required for the Water Street Trail; and require a 20% match for the new funding.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$115,257 is hereby appropriated in the following manner:

Revenue

\$74,317 Fund: 426 WBS: P-00925 G/L Account: 430120

Expenditures

\$74,317 Fund: 426 WBS: P-00925 G/L Account: 599999

Transfer From

Revenue

\$17,888 Fund: 426 WBS: P-00891 G/L Account: 430120

Expenditures

\$22,360 Fund: 426 WBS: P-00891 G/L Account: 599999

\$18,580 Fund: 426 Lump Sum: PR-001 G/L Account: 599999

Transfer To

Revenue

\$17,888 Fund: 426 WBS: P-00925 G/L Account: 430120

Expenditures

\$40,940 Fund: 426 WBS: P-00925 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$74,317 additional funding from the Virginia Department of Transportation.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Required:	Approve Resolution
Presenter:	Leslie Beauregard, Assistant City Manager Chip Boyles, Executive Director, T.J.P.D.C.
Staff Contacts:	Leslie Beauregard, Assistant City Manager
Title:	Regional Transit Partnership Memorandum of Understanding for Joint Transit Service

Background:

The Regional Transit Partnership (R.T.P.) worked for several months to develop the first written memorandum of understanding (M.O.U.) between the City of Charlottesville and Albemarle County for shared transit service and funding. The R.T.P. reviewed and unanimously recommended the City of Charlottesville and Albemarle County to consider and adopt the **Regional Transit Partnership Memorandum of Understanding for Joint Transit Service** on May 23, 2019.

Discussion:

Through a Memorandum of Understanding adopted October 30, 2017 between the City of Charlottesville, Albemarle County, JAUNT and the Thomas Jefferson Planning District Commission (T.J.P.D.C.) and Charlottesville Albemarle Metropolitan Planning Organization, the Regional Transit Partnership (R.T.P.) serves as an official advisory board to provide recommendations to decision-makers on transit-related matters within the T.J.P.D.C. region. The R.T.P. resulted from a recommendation of a Regional Transit Study of June, 2017. One finding of the study found that funding for transit services in Albemarle County by Charlottesville Area Transit was solely considered through the annual budget process and that no written agreement was in place to determine the funding calculations and as well, how to amend services during the fiscal year. The study recommended that a written memorandum of understating be developed. After nearly one year of development the Regional Transit Partnership recommends this Memorandum of Understanding for annual transit funding and services for County routes. The funding formula established in this process will serve as a formula for future years' service. The M.O.U. also establishes procedures to add, remove or alter routes within the County and route and customer service review by the R.T.P. and Albemarle County officials.

Alignment with City Council's Vision and Strategic Plan:

This M.O.U. supports Goal 3 – A Beautiful and Sustainable Natural and Built Environment and objective 3.3 which states the city should provide a variety of transportation and mobility options. It also supports Goal 4 which is to be a Well Managed and Responsive Organization and in particulate, objective 5.3 which is to provide responsive customer service.

Community Engagement:

Regional Transportation Partnership Meetings are open to the public to attend and offer comments and feedback.

Budgetary Impact:

This M.O.U. reflects the budget adopted as part of the F.Y. 2020 City Council Budget. No other funds are required at this time.

Recommendation:

Approve resolution to execute M.O.U.

Alternatives:

N/A

Attachments:

R.T.P. Memorandum of Understanding

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City of Charlottesville Mayor, and on behalf of Charlottesville Area Transit, is hereby authorized to sign the following document, attached hereto, in form approved by the City Attorney or his designee.

Regional Transit Partnership Memorandum of Understanding for Joint Transit Service

INTERGOVERNMENTAL
MEMORANDUM OF UNDERSTANDING

Between

Albemarle County and the City of Charlottesville

July 1, 2019 – June 30, 2020

WHEREAS, the City of Charlottesville (City) and Albemarle County (County), Virginia have historically cooperated in providing public transit services through a department of the City, Charlottesville Area Transit (CAT), serving all of the City of Charlottesville and portions of Albemarle County; and

WHEREAS, the City of Charlottesville on behalf of Charlottesville Area Transit receives ongoing Virginia Department of Rail and Public Transportation (DRPT) and Federal Transit Administration (FTA) grant money for the operation and capital improvements of CAT; and

WHEREAS, both the City of Charlottesville and County of Albemarle (collectively, the Parties) desire that the collaboratively operated service of CAT continues in both jurisdictions; and

WHEREAS, both the City of Charlottesville and County of Albemarle on October 30, 2017 entered into a Memorandum of Understanding with the Charlottesville Albemarle Metropolitan Planning Organization, the Thomas Jefferson Planning District Commission and JAUNT, Inc., creating the Regional Transit Partnership (RTP) to advise and recommend to the parties improved efforts for regional transit cooperation; and

WHEREAS, a written understanding between the City and County was recommended by the RTP to communicate and implement each party's roles and responsibilities toward shared public transit service; and

WHEREAS, this Memorandum of Understanding is not intended to be an agreement for Purchase of Service.

NOW, THEREFORE, this Memorandum of Understanding is entered between the City and County for the purpose of budgeting, funding, operating and planning for public transit services within Albemarle County, Virginia by Charlottesville Area Transit for the time period of July 1, 2019 through June 30, 2020.

Accordingly, the City and County understand as follows:

I. TERM

This Memorandum of Understanding is effective upon signature by all representatives for both parties and shall remain in full force and effect until June 30, 2020, or until canceled

pursuant to the provisions of Section VIII below; provided however that the terms of this MOU are subject to written amendment pursuant to Section X.

II. OPERATIONS AND SERVICES

- A. Operations. The Parties agree to continue operations of CAT providing ongoing public transit service within the City of Charlottesville and County of Albemarle. The CAT operating year begins on July 1 and ends on June 30 of the following year.
- B. Services. All transit services will be provided in vehicles open to the general public without discrimination.

The Parties agree to the bus routes and timetables for the various routes as set forth in Attachment A to this agreement.

The Parties agree to make best efforts to mutually develop routes, timetables and headways on or before January 1 of each year for the following fiscal year services, if the Parties anticipate renewing this MOU for the subsequent period.

The routes and timetables in Attachment A may be amended from time to time by mutual written agreement between the City and County. To the extent that such changes impact cost for services, the City and County will include the proper adjustment of those costs in the written amendment.

Emergency temporary changes and deviations of routes due to weather, sports events, concerts, community events or similar unexpected one-time occurrences are not subject to written amendment. Verbal or electronic notice to Albemarle County will be provided within a reasonable time period.

CAT will provide marketing and advertising services equitably between City and County routes. Marketing and advertising services should be provided systematically and not specific to any particular route unless specifically identified in the operating budget for that specific route or specific service.

All annual budgets, agreements, agreement amendments, route and timetable changes shall be presented to the Regional Transit Partnership for their review.

III. COMPLIANCE WITH FEDERAL AND STATE LAWS, RULES AND REGULATIONS

CAT has the sole responsibility for ensuring compliance with applicable federal and state laws, rules and regulations.

CAT, City and County will cooperate to develop a regional urban transit agency strategic plan that includes the development of regional operational strategic plans for transit agencies pursuant to Virginia Code Section 33.2-286.

Any charter use of any system vehicles used in the course of implementing services is subject to agreement of the parties and applicable FTA guidelines.

IV. FINANCIAL / EQUIPMENT COMMITMENTS

The Parties are obligated to the financial commitments for CAT as indicated in Attachment "B", Financial Detail Sheet.

A. Albemarle County.

1. The County shall pay an annual amount for public transit services provided during the period of July 1, 2019 through June 30, 2020 as set forth in Attachment "B" to this agreement.

Payments shall be from the County to the City on the following intervals:

Equal quarterly payments are due in July, October, January and April.

The actual fiscal year public transit services funding as stated in Section (IV) (A)(1) to be provided by the County to the City will be determined based upon the actual City approved budget and actual approved state and federal grants for operational expenses for the upcoming fiscal year.

2. County contributions are for operating services only. No contributions by the County create ownership by the County of any City or CAT capital stock, land, buildings or equipment.

B. City of Charlottesville.

1. The City will provide a draft budget to the County and RTP upon submission by the City Manager to the City Council.
2. The City will maintain a CAT fund account as part of the City budget.
3. The City will account for all funds received from the County pursuant to this agreement, and revenues generated by the CAT operations accounts. In the event that the County chooses to terminate this MOU, the City will prorate any and all related year-to-date operating expenses and reimburse the County any funds paid by the County up to the service termination date. In the event these related operating expenses exceed payments received from the County at the time of service termination, the City shall invoice the County within 30 days of service termination, for payment of utilized but unpaid hours of service. The City will retain all other operational and capital purchase reserve amounts in the CAT account, not otherwise owed to the County under this agreement. Those funds shall be utilized for the ongoing operation of the transit service.
4. The City, shall apply for federal and state grants for CAT when mutually beneficial to the system. Any grant applications which, if awarded, would commit County resources shall be reviewed by the Regional Transit Partnership and approved by the

Albemarle County Executive prior to the submission of the grant application to the sponsor or funding agency.

5. The City shall carry insurance coverages with written proof of coverage meeting the following minimum amounts:
 - a. Workers' Compensation - Statutory requirements and benefits. Coverage is compulsory for employers of three or more employees, to include the employer. This policy shall specifically list Virginia as a covered state.
 - b. Employer's Liability - \$100,000. This policy shall list Virginia as a covered state.
 - c. General Liability - \$1,000,000 per occurrence. General Liability is to include bodily injury and property damage, personal injury, advertising injury, contractual liability, products and completed operations coverage and public official's liability coverage.
 - d. Automobile Liability - \$1,000,000 per occurrence.
 - e. Excess Liability Coverage - \$3,000,000 per occurrence. The excess liability coverage policy will be written on an occurrence basis and shall follow form, without exclusions, to the underlying Commercial General Liability and Auto Liability coverages.

All insurance coverage:

- a. shall be issued by an insurance carrier authorized to do business within the Commonwealth of Virginia or other qualified proof of self-insurance as confirmed and approved by the Commonwealth of Virginia;
 - b. shall be kept in force throughout performance of services;
 - c. shall be an occurrence-based policy;
 - d. shall include completed operations coverage;
 - e. shall contain a cross liability or severability of interest clause or endorsement. Insurance covering the specified additional insured shall be primary and non-contributory, and all other insurance carried by the additional insureds shall be excess insurance.
 - f. A certificate of insurance will be provided by the City to the County's Office of Risk Management prior to the commencement of the operation of a transit vehicle. The premium for this insurance will be paid out of the transit account maintained by the City. All policies should name the County and its officers, employees, and volunteers as additional insureds on a primary and non-contributory basis. All insurance policies must also include a waiver of subrogation in favor of the County of Albemarle.
6. The City agrees that any excess funding paid by the County for operations will be accounted for as a percentage of contribution and the parties will mutually agree upon how the funds will be identified for use such as crediting them as matching funds or operational credit. Excess funding is defined as the actual budget dollars.
 7. The City agrees to contribute the amount of funding necessary for normal operations to achieve and maintain the level of service established in Attachment "A" above any portion that County will pay. In the event of an extreme and

unexpected economic situation as determined by the City, i.e., significant increase in fuel expense, both the County and the City agree to mutually determine how to resolve the resulting funding requirement.

V. OTHER COMMITMENTS AND GOALS

The parties are obligated to the financial commitments for CAT as indicated in Attachment "B".

A. Albemarle County

1. The County agrees to participate in the Regional Transit Partnership.
2. The County agrees to immediately notify the City of any staffing changes of executive officials of the County that that would affect operations, management or administration of this MOU and joint transit services.

B. City of Charlottesville

1. The City shall operate CAT in accordance with the terms, conditions and spirit of this MOU, including any properly executed amendments or other modifications mutually agreed upon in writing by both parties.
2. All CAT personnel will be employees of the City, and it is the City's responsibility to ensure that personnel who drive buses are properly licensed and trained.
3. The City will maintain all buses according to best practices to ensure that they are fully operational, safe, clean and well-kept, and the City will use its best efforts to ensure that buses display accurate information on the marquee of each bus.
4. The City agrees to jointly communicate with the County of any proposed route or schedule changes to its citizens, visitors and businesses.
5. The City agrees to participate in the Regional Transit Partnership.
6. The City agrees to immediately notify the County of any staffing changes of executive officials of the City (CAT) that that would affect operations, management or administration of this MOU and joint transit services.
7. The City agrees to provide reasonable accommodations of use at the Downtown Transit Station for public transit service of JAUNT and any other public transit service providing such services are pursuant to a contract with the County.

VI. ADMINISTRATION

- A. Responsibilities. Except as otherwise provided in this MOU, the City shall have the sole responsibility for the overall implementation, operations, and management of CAT. The City is responsible for adhering to the budget; any exceptions to the approved budget during the term of this agreement must be approved in writing by the County. The City

will provide operations information of ridership, fare revenues, expenses, routes, and general operational data to the County. All matters related to this agreement and the operation of the transit system shall be communicated to the County Executive with copy to the Regional Transit Partnership.

- B. Audit and Record Keeping. The County shall have the right, upon reasonable notice, to audit the records of the City and CAT as they pertain to these public transit services, including relevant computer files. The City agrees to provide the County with a copy of any audit initiated by an outside agency which includes any aspect of the City's public transit service operations, equipment or facilities.

The Regional Transit Partnership shall be responsible for annual auditing of the revenue hours, County percentage of operations, County service hours, approved budgets and awarded grant amounts.

- C. Reports. The City shall provide the following reports to the Regional Transit Partnership:

1. Ridership Report: The City shall electronically provide a monthly summary of ridership in a spreadsheet format. Additionally, the Regional Transit Partnership shall have access upon reasonable request to the daily ridership route logs.
2. Exception Reports: The City shall deliver a summary report indicating any run on a scheduled route that was not started or completed detailing the reason for the cancellation, or early termination of the run on the route, within five (5) business days of the occurrence. Early/late runs are not subject to this report.
3. Financial Reports: The City shall provide an annual budget report to the County showing the revenues and expenses for CAT including line item detail of the Capital Equipment Reserve Account and the CAT fund account.

- D. Meetings. The parties shall participate in regular Regional Transit Partnership meetings to discuss ridership trends, potential route modifications, operational matters, identify opportunities for efficiencies, and such other matters as the parties agree. Additionally, the parties agree to have at least one meeting between June 1 and September 1 of each calendar year to develop its budgetary priorities to communicate to the County and the City.

Upon submission of a recommended annual budget to the City of Charlottesville by the City Manager and to the Albemarle County Board of Supervisors by the County Executive, the RTP shall review the recommended CAT and public transit service budget for possible recommendations to the Charlottesville City Council and the Albemarle County Board of Supervisors.

VII. OVERSIGHT

- A. Regional Transit Partnership. The Regional Transit Partnership has been established as an advisory board that provides recommendations to City, County, Public Transit Operators and other stakeholders, such as the University of Virginia (UVA). The Partnership shall not have any inherent decision-making powers and does not supersede management over the Public Transit Operators.

Changes to multi-jurisdictional routes, bus stops outside of the City of Charlottesville, substantial rider or service policies shall be submitted to the RTP for their review and recommendations to the governing bodies.

- B. Transit Director. The City's Transit Director shall apprise the RTP of all matters pertaining to CAT and will recommend to the RTP those actions and policies believed necessary for the efficient operation of CAT. The Transit Director shall receive advisory direction from the RTP but is ultimately a City employee responsible to the City and they will be governed by City administrative, financial, and personnel policies.

The Transit Director shall serve as the RTP's contact and staff representative for CAT operations and shall provide the RTP with the following information monthly, or upon request:

1. monthly operations reports of relevant operational activities of CAT; (narrative of activities occurring such as staffing/driver concerns, fuel cost projections, upcoming construction detours, site issues, etc.)
2. ridership data for all routes;
3. revenue/expenditure reports;
4. citizen complaints and suggestions;
5. Citizen Advisory Committee updates; ;
6. new service requests;
7. grant requests;
8. long-range planning; and
9. capital improvement programs.

VIII. TERMINATION / EXTENSION

This MOU may be terminated by either party upon 120 days written notice.

Upon termination:

1. The City will reimburse the County any funds paid by the County during the year in which the termination occurred which had not yet been obligated.
2. Upon any reduction or elimination of grant funding for CAT by the DRPT or by the FTA, neither party to this MOU shall be required to provide funding to maintain operations and services. This event will be considered a Special Exception allowing the early termination of this MOU, if the MOU cannot be modified, by the written agreement of both parties to continue operations without the grant funds at issue.

This MOU will automatically renew for a one (1) year term, for a maximum of four one-year renewal terms, unless either party provides notice to the other of its intent to terminate this agreement not less than one hundred twenty (120) days before the end of the then current MOU term. Such renewal is terminated upon the execution of a new or amended MOU.

IX. LIABILITY AND INDEMNIFICATION

To the fullest extent allowed by law, the City of Charlottesville will and does hereby agree to protect and defend, hold harmless and indemnify Albemarle County and its respective affiliated enterprises, officers, employees, representatives and agents from and against all damages, losses, liens, causes of action, suits, judgments, expenses and other claims of any nature, kind or description by any entity or person resulting from the operation of Charlottesville Area Transit under the performance of this agreement through the procurement of and coverages offered by general liability insurance, public official liability, automobile and bus, worker's compensation, excess liability insurance coverage, and any other insurance endorsements that serve to protect the City of Charlottesville.

X. RENEGOTIATION

Both parties agree to meet, review and consider changes that could be caused by grant funding changes, service level changes, ridership, and efficiencies including any potential amendments of this MOU. All such changes or amendments to this MOU must be in writing and be signed by the authorized representatives of the parties.

XI. Non-appropriation

The obligation of the County to appropriate funds to the City as provided in this agreement is subject to, and dependent upon, appropriations being made from time to time by the County's Board of Supervisors. Under no circumstances shall this agreement be construed to establish an irrevocable obligation on the County to contribute the funds. The obligation of the City to appropriate funds as provided in this Agreement is subject to, and dependent upon, appropriations being made from time to time by the Charlottesville City Council. Under no circumstances shall this Agreement be construed to establish an irrevocable obligation on the City to contribute the funds.

XIII. Entire Memorandum of Understanding.

This MOU states all covenants, promises, agreements, conditions, and understandings between the County and the City regarding the County's contribution of funds to the City for public transit services.

XIV. Amendments

In addition to renegotiating certain changes identified in Section X, this MOU may be amended by a mutual written amendment signed by the authorized representatives of the parties.

XV. NOTICE TO PARTIES

Any notice, consent or other communication ("Notice") required or permitted under this MOU shall be in writing and either delivered in person, sent by electronic mail (e-mail), deposited in the United States mail, postage prepaid, registered or certified mail, return receipt requested, or deposited with any commercial air courier or express service addressed as follows:

If to the City:

City of Charlottesville
Charlottesville Area Transit
Attn: Transit Director
615 East Water Street
Charlottesville, VA 22902

and to:

City of Charlottesville
City Manager
PO Box 911
Charlottesville, VA 22902

If to the County:

Albemarle County
Attn: County Executive
401 McIntire Road
Charlottesville, VA 22902

and to:

Albemarle County
Attn: Director of Community Development
401 McIntire Road
Charlottesville, VA 22902

Correspondence should be copied to:
Thomas Jefferson Planning District Commission
Regional Transit Partnership
Executive Director
401 East Water Street
Charlottesville, VA 22902

IN WITNESS WHEREOF, all concerned parties have executed this Memorandum of Understanding on the _____ day of _____, 2019:

Signatures:

_____ WITNESS BY _____

DATE _____

Ned Gallaway,
Chair
County of Albemarle Board of Supervisors

_____ WITNESS BY _____

DATE _____

Nikuyah Walker,
Mayor
City of Charlottesville, and on behalf of the Charlottesville Transit Service

ATTACHMENT "A"

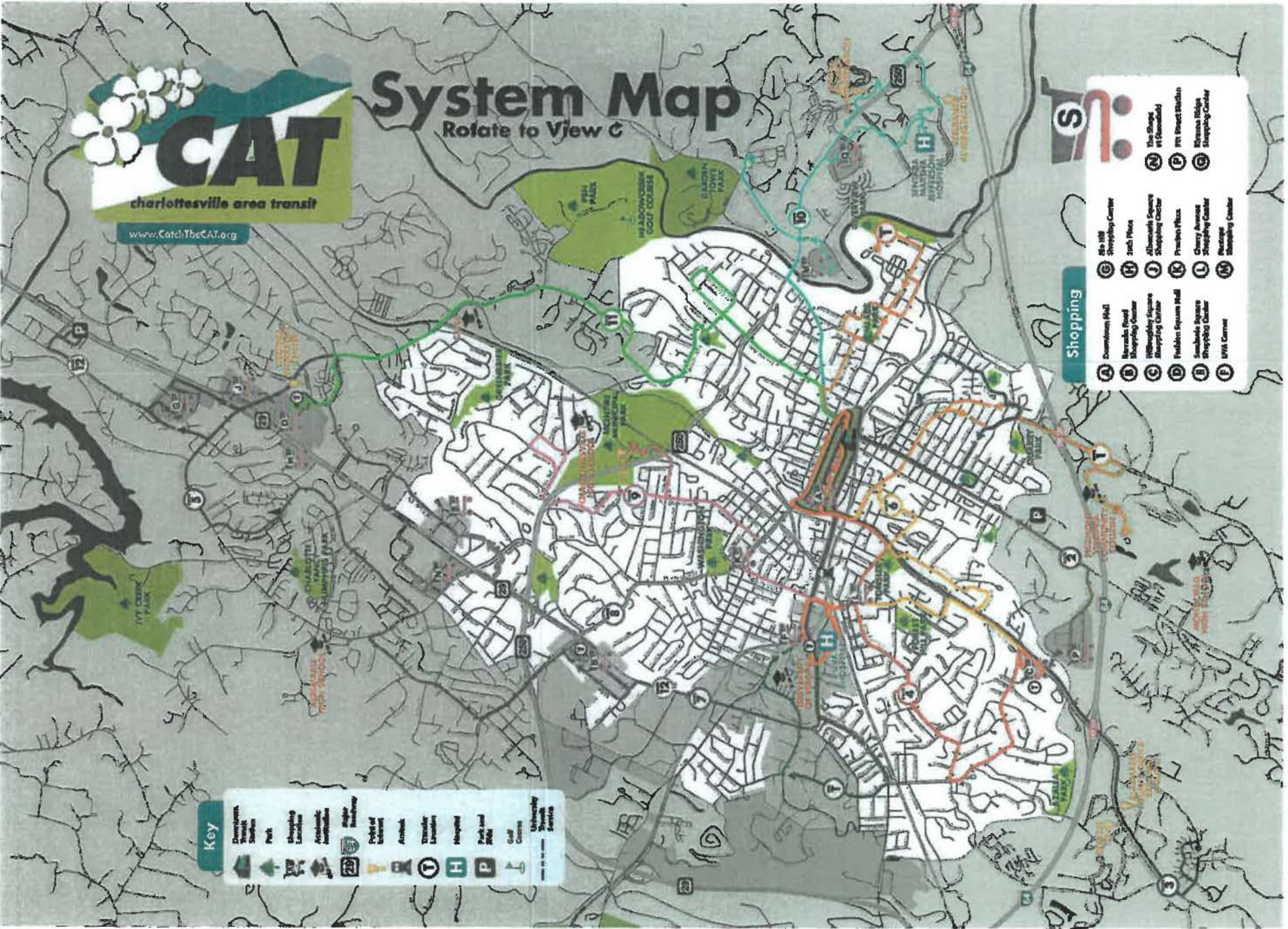
CHARLOTTESVILLE AREA TRANSIT ROUTE MAP AND SCHEDULE



www.CatchTheCAT.org

System Map

Rotate to View C



Key

- Bus
- Bike
- Park
- Shopping Center
- Library
- Post Office
- Police Station
- Fire Station
- City of Charlottesville
- Arts
- Theater
- Library
- Hospital
- Park and Ride
- Call Center
- Transfer
- Transfer

Shopping

	Commonwealth Mall		5th Hill Shopping Center
	Marshall Road Shopping Center		10th Place
	Shopping Square Shopping Center		Shenandoah Square Shopping Center
	Fishback Square Mall		Princeton Plaza
	Shenandoah Square Shopping Center		Cherry Avenue Shopping Center
	10th Corner		Shenandoah Square Shopping Center

S

N The Plaza at Shenandoah

P 10th Street Station

C Shenandoah Square Shopping Center



W Main St & UVA

Monday - Saturday 6:40 AM - 11:37 PM
 Sunday 8:00 AM - 5:47 PM (schedule on page 37)



Free to Ride!
 The perfect choice when traveling
 between UVA and Downtown.

Monday through Saturday

17333	11193	11908	17333	17333	11193	11908	17333
DTS Departure	UVA Hospital	Chapel	DTS Arrival	DTS Departure	UVA Hospital	Chapel	DTS Arrival
A	B	C	A	A	B	C	A
6:40 AM	6:50 AM	7:05 AM	7:22 AM	3:10 PM	3:20 PM	3:35 PM	3:52 PM
6:55 AM	7:05 AM	7:20 AM	7:37 AM	3:25 PM	3:35 PM	3:50 PM	4:07 PM
7:10 AM	7:20 AM	7:35 AM	7:52 AM	3:40 PM	3:50 PM	4:05 PM	4:22 PM
7:25 AM	7:35 AM	7:50 AM	8:07 AM	3:55 PM	4:05 PM	4:20 PM	4:37 PM
7:40 AM	7:50 AM	8:05 AM	8:22 AM	4:10 PM	4:20 PM	4:35 PM	4:52 PM
7:55 AM	8:05 AM	8:20 AM	8:37 AM	4:25 PM	4:35 PM	4:50 PM	5:07 PM
8:10 AM	8:20 AM	8:35 AM	8:52 AM	4:40 PM	4:50 PM	5:05 PM	5:22 PM
8:25 AM	8:35 AM	8:50 AM	9:07 AM	4:55 PM	5:05 PM	5:20 PM	5:37 PM
8:40 AM	8:50 AM	9:05 AM	9:22 AM	5:10 PM	5:20 PM	5:35 PM	5:52 PM
8:55 AM	9:05 AM	9:20 AM	9:37 AM	5:25 PM	5:35 PM	5:50 PM	6:07 PM
9:10 AM	9:20 AM	9:35 AM	9:52 AM	5:40 PM	5:50 PM	6:05 PM	6:22 PM
9:25 AM	9:35 AM	9:50 AM	10:07 AM	5:55 PM	6:05 PM	6:20 PM	6:37 PM
9:40 AM	9:50 AM	10:05 AM	10:22 AM	6:10 PM	6:20 PM	6:35 PM	6:52 PM
9:55 AM	10:05 AM	10:20 AM	10:37 AM	6:25 PM	6:35 PM	6:50 PM	7:07 PM
10:10 AM	10:20 AM	10:35 AM	10:52 AM	6:40 PM	6:50 PM	7:05 PM	7:22 PM
10:25 AM	10:35 AM	10:50 AM	11:07 AM	6:55 PM	7:05 PM	7:20 PM	7:37 PM
10:40 AM	10:50 AM	11:05 AM	11:22 AM	7:10 PM	7:20 PM	7:35 PM	7:52 PM
10:55 AM	11:05 AM	11:20 AM	11:37 AM	7:25 PM	7:35 PM	7:50 PM	8:07 PM
11:10 AM	11:20 AM	11:35 AM	11:52 AM	7:40 PM	7:50 PM	8:05 PM	8:22 PM
11:25 AM	11:35 AM	11:50 AM	12:07 PM	7:55 PM	8:05 PM	8:20 PM	8:37 PM
11:40 AM	11:50 AM	12:05 PM	12:22 PM	8:10 PM	8:20 PM	8:35 PM	8:52 PM
11:55 AM	12:05 PM	12:20 PM	12:37 PM	8:25 PM	8:35 PM	8:50 PM	9:07 PM
12:10 PM	12:20 PM	12:35 PM	12:52 PM	8:40 PM	8:50 PM	9:05 PM	9:22 PM
12:25 PM	12:35 PM	12:50 PM	13:07 PM	8:55 PM	9:05 PM	9:20 PM	9:37 PM
12:40 PM	12:50 PM	1:05 PM	1:22 PM	9:10 PM	9:20 PM	9:35 PM	9:52 PM
12:55 PM	1:05 PM	1:20 PM	1:37 PM	9:25 PM	9:35 PM	9:50 PM	10:07 PM
1:10 PM	1:20 PM	1:35 PM	1:52 PM	9:40 PM	9:50 PM	10:05 PM	10:22 PM
1:25 PM	1:35 PM	1:50 PM	2:07 PM	9:55 PM	10:05 PM	10:20 PM	10:37 PM
1:40 PM	1:50 PM	2:05 PM	2:22 PM	10:10 PM	10:20 PM	10:35 PM	10:52 PM
1:55 PM	2:05 PM	2:20 PM	2:37 PM	10:25 PM	10:35 PM	10:50 PM	11:07 PM
2:10 PM	2:20 PM	2:35 PM	2:52 PM	10:40 PM	10:50 PM	11:05 PM	11:22 PM
2:25 PM	2:35 PM	2:50 PM	3:07 PM	10:55 PM	11:05 PM	11:20 PM	11:37 PM
2:40 PM	2:50 PM	3:05 PM	3:22 PM	11:10 PM	11:20 PM	11:35 PM	—
2:55 PM	3:05 PM	3:20 PM	3:37 PM	11:25 PM	11:35 PM	—	—



Sunday

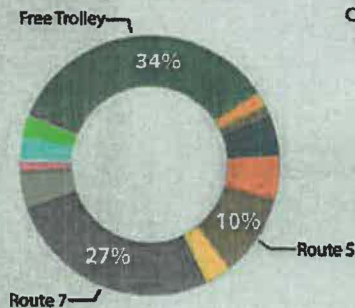
17333	11193	11908	17333	17333	11193	11908	17333
DTS Departure	UVA Hospital	Chapel	DTS Arrival	DTS Departure	UVA Hospital	Chapel	DTS Arrival
A	B	C	A	A	B	C	A
8:00 AM	8:10 AM	8:20 AM	8:27 AM	1:00 PM	1:10 PM	1:25 PM	1:42 PM
8:30 AM	8:40 AM	8:50 AM	8:57 AM	1:20 PM	1:30 PM	1:45 PM	2:02 PM
9:00 AM	9:10 AM	9:20 AM	9:27 AM	1:45 PM	1:55 PM	2:10 PM	2:27 PM
9:30 AM	9:40 AM	9:50 AM	9:57 AM	2:05 PM	2:15 PM	2:30 PM	2:47 PM
10:00 AM	10:10 AM	10:25 AM	10:42 AM	2:30 PM	2:40 PM	2:55 PM	3:12 PM
10:20 AM	10:30 AM	10:45 AM	11:02 AM	2:50 PM	3:00 PM	3:15 PM	3:32 PM
10:45 AM	10:55 AM	11:10 AM	11:27 AM	3:15 PM	3:25 PM	3:40 PM	3:57 PM
11:05 AM	11:15 AM	11:30 AM	11:47 AM	3:35 PM	3:45 PM	4:00 PM	4:17 PM
11:30 AM	11:40 AM	11:55 AM	12:12 PM	4:00 PM	4:10 PM	4:25 PM	4:42 PM
11:50 AM	12:00 PM	12:15 PM	12:32 PM	4:20 PM	4:30 PM	4:45 PM	5:02 PM
12:15 PM	12:25 PM	12:40 PM	12:57 PM	4:45 PM	4:55 PM	5:10 PM	5:27 PM
12:35 PM	12:45 PM	1:00 PM	1:17 PM	5:05 PM	5:15 PM	5:30 PM	5:47 PM

System Facts

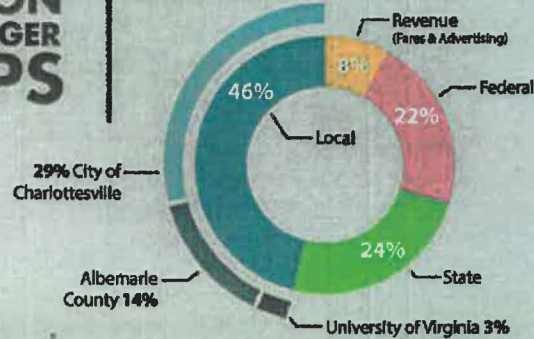
Did you know that, on average, **CAT** logs enough miles to travel to California each day? These facts are based on data collected from fiscal year 2017.

2.1 MILLION PASSENGER TRIPS

Ridership by Route

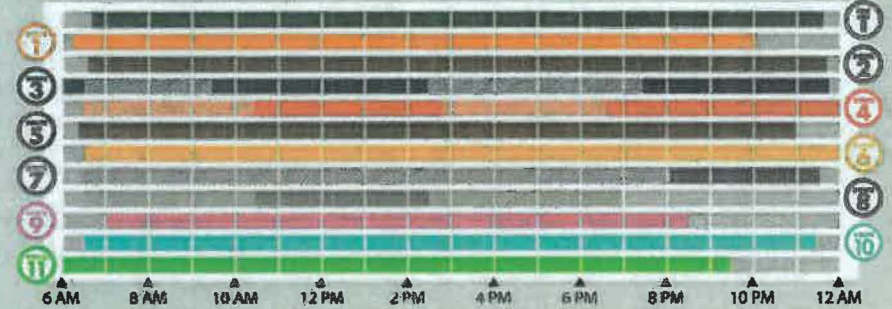


Operating Funding Sources

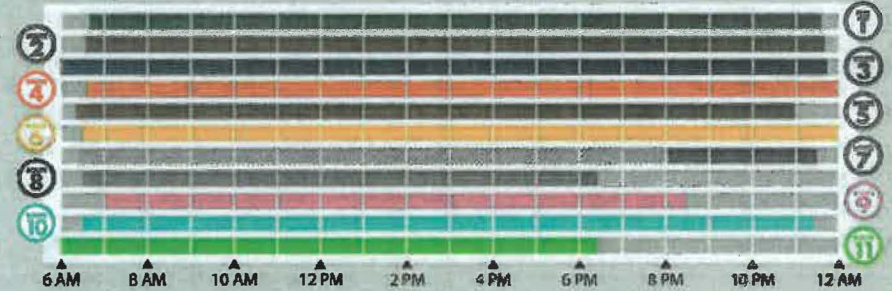


1.1 MILLION MILES

Service Hours Monday through Friday



Saturday



Sunday



Buses in Service



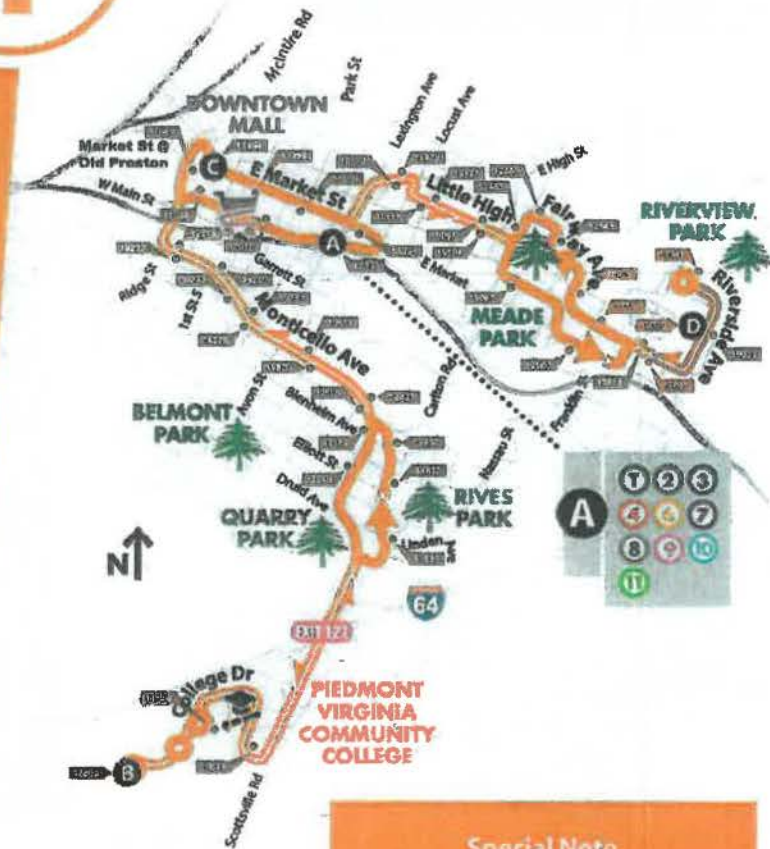
*High frequency periods begin and end with standard frequency bus counts. Buses are phased in to reach the mandatory count and then phased out as the period comes to a close.

** Not representative of Sundays

ROUTE 1

PVCC & Woolen Mills

Monday - Friday 6:15 AM - 10:05 PM
Saturday & Sunday No Service



Special Note

The Downtown Transit Station is only served in the southbound direction (towards PVCC). Passengers who wish to transfer to and from Route 1 when traveling to Woolen Mills should do so at the East Market Street @ 301 South Northeast bus stop (#11309).

17333 Downtown Transit Station Departure A	12800 PVCC @ Dickinson Bldg B	11494 Market St @ Old Preston C	19056 Riverside Avenue D	17333 Downtown Transit Station Arrival A
—	—	—	6:15 AM	6:27 AM
6:30 AM	6:50 AM	7:00 AM	7:15 AM	7:27 AM
7:30 AM	7:50 AM	8:00 AM	8:15 AM	8:27 AM
8:30 AM	8:50 AM	9:00 AM	9:15 AM	9:27 AM
9:30 AM	9:50 AM	10:00 AM	10:15 AM	10:27 AM
10:30 AM	10:50 AM	11:00 AM	11:15 AM	11:27 AM
11:30 AM	11:50 AM	12:00 PM	12:15 PM	12:27 PM
12:30 PM	12:50 PM	1:00 PM	1:15 PM	1:27 PM
1:30 PM	1:50 PM	2:00 PM	2:15 PM	2:27 PM
2:30 PM	2:50 PM	3:00 PM	3:15 PM	3:27 PM
3:30 PM	3:50 PM	4:00 PM	4:15 PM	4:27 PM
4:30 PM	4:50 PM	5:00 PM	5:15 PM	5:27 PM
5:30 PM	5:50 PM	6:00 PM	6:15 PM	6:27 PM
6:30 PM	6:50 PM	7:00 PM	7:15 PM	7:27 PM
7:30 PM	7:50 PM	8:00 PM	8:15 PM	8:27 PM
8:30 PM	8:50 PM	9:00 PM	9:15 PM	9:27 PM
9:30 PM	9:50 PM	10:00 PM Straight to DTS	—	10:05 PM

ROUTE 2

5th Street Station

Monday - Saturday 6:35 AM - 11:42 PM
 Sunday 7:35 AM - 5:42 PM



Free Parking
 The City of Charlottesville offers free parking at the Park & Ride on Avon Street Extended. Take the bus and avoid paying for parking downtown.

17333 Downtown Transit Station Departure A	20054 5th Street Station B	20077 Avon St Ext @ Park & Ride C	17333 Downtown Transit Station Arrival A
—	—	● 6:35 AM	● 6:42 AM
● 6:45 AM	● 7:00 AM	● 7:05 AM	● 7:12 AM
● 7:15 AM	● 7:30 AM	7:35 AM	7:42 AM
7:45 AM	8:00 AM	8:05 AM	8:12 AM
8:15 AM	8:30 AM	8:35 AM	8:42 AM
8:45 AM	9:00 AM	9:05 AM	9:12 AM
9:15 AM	9:30 AM	9:35 AM	9:42 AM
9:45 AM	10:00 AM	10:05 AM	10:12 AM
10:15 AM	10:30 AM	10:35 AM	10:42 AM
10:45 AM	11:00 AM	11:05 AM	11:12 AM
11:15 AM	11:30 AM	11:35 AM	11:42 AM
11:45 AM	12:00 PM	12:05 PM	12:12 PM
12:15 PM	12:30 PM	12:35 PM	12:42 PM
12:45 PM	1:00 PM	1:05 PM	1:12 PM
1:15 PM	1:30 PM	1:35 PM	1:42 PM
1:45 PM	2:00 PM	2:05 PM	2:12 PM
2:15 PM	2:30 PM	2:35 PM	2:42 PM
2:45 PM	3:00 PM	3:05 PM	3:12 PM
3:15 PM	3:30 PM	3:35 PM	3:42 PM
3:45 PM	4:00 PM	4:05 PM	4:12 PM
4:15 PM	4:30 PM	4:35 PM	4:42 PM
4:45 PM	5:00 PM	5:05 PM	5:12 PM
5:15 PM	5:30 PM	5:35 PM	5:42 PM
● 5:45 PM	● 6:00 PM	● 6:05 PM	● 6:12 PM
● 6:15 PM	● 6:30 PM	● 6:35 PM	● 6:42 PM
● 6:45 PM	● 7:00 PM	● 7:05 PM	● 7:12 PM
● 7:15 PM	● 7:30 PM	● 7:35 PM	● 7:42 PM
● 7:45 PM	● 8:00 PM	● 8:05 PM	● 8:12 PM
● 8:15 PM	● 8:30 PM	● 8:35 PM	● 8:42 PM
● 8:45 PM	● 9:00 PM	● 9:05 PM	● 9:12 PM
● 9:15 PM	● 9:30 PM	● 9:35 PM	● 9:42 PM
● 9:45 PM	● 10:00 PM	● 10:05 PM	● 10:12 PM
● 10:15 PM	● 10:30 PM	● 10:35 PM	● 10:42 PM
● 10:45 PM	● 11:00 PM	● 11:05 PM	● 11:12 PM
● 11:15 PM	● 11:30 PM	● 11:35 PM	● 11:42 PM

● NOT SERVED ON SUNDAY

ROUTE 3

Southwood & Belmont

Monday - Saturday 6:00 AM - 11:45 PM
Sunday No Service



Special Note

The Downtown Transit Station is only served when traveling towards Southwood. Passengers who wish to transfer to and from Route 3 when going to Belmont should do so at the East Market Street @ 5th Street Northeast bus stop (#11309).

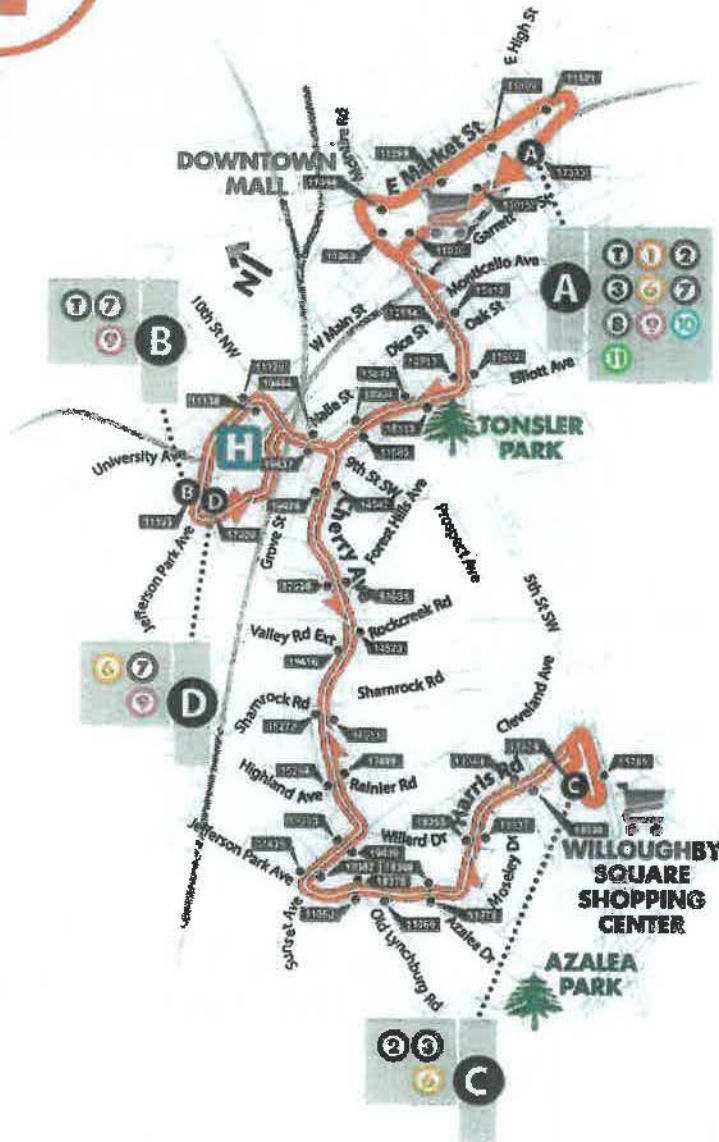
17333 Downtown Transit Station Departure	19324 Willoughby Square Shopping Center	19939 Southwood	11494 Market St @ Old Preston	15887 Belmont Park	17333 Downtown Transit Station Arrival
A	B	C	D	E	A
—	—	—	6:00 AM	6:15 AM	6:27 AM
6:30 AM	6:40 AM	6:45 AM	7:00 AM	7:15 AM	7:27 AM
◆ 7:00 AM	◆ 7:10 AM	◆ 7:15 AM	◆ 7:30 AM	◆ 7:45 AM	◆ 7:57 AM
7:30 AM	7:40 AM	7:45 AM	8:00 AM	8:15 AM	8:27 AM
◆ 8:00 AM	◆ 8:10 AM	◆ 8:15 AM	◆ 8:30 AM	◆ 8:45 AM	◆ 8:57 AM
8:30 AM	8:40 AM	8:45 AM	9:00 AM	9:15 AM	9:27 AM
9:30 AM	9:40 AM	9:45 AM	10:00 AM	10:15 AM	10:27 AM
10:30 AM	10:40 AM	10:45 AM	11:00 AM	11:15 AM	11:27 AM
11:30 AM	11:40 AM	11:45 AM	12:00 PM	12:15 PM	12:27 PM
12:30 PM	12:40 PM	12:45 PM	1:00 PM	1:15 PM	1:27 PM
1:30 PM	1:40 PM	1:45 PM	2:00 PM	2:15 PM	2:27 PM
2:30 PM	2:40 PM	2:45 PM	3:00 PM	3:15 PM	3:27 PM
◆ 3:00 PM	◆ 3:10 PM	◆ 3:15 PM	◆ 3:30 PM	◆ 3:45 PM	◆ 3:57 PM
3:30 PM	3:40 PM	3:45 PM	4:00 PM	4:15 PM	4:27 PM
◆ 4:00 PM	◆ 4:10 PM	◆ 4:15 PM	◆ 4:30 PM	◆ 4:45 PM	◆ 4:57 PM
4:30 PM	4:40 PM	4:45 PM	5:00 PM	5:15 PM	5:27 PM
◆ 5:00 PM	◆ 5:10 PM	◆ 5:15 PM	◆ 5:30 PM	◆ 5:45 PM	◆ 5:57 PM
5:30 PM	5:40 PM	5:45 PM	6:00 PM	6:15 PM	6:27 PM
◆ 6:00 PM	◆ 6:10 PM	◆ 6:15 PM	◆ 6:30 PM	◆ 6:45 PM	◆ 6:57 PM
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7:30 PM	7:40 PM	7:45 PM	8:00 PM	8:15 PM	8:27 PM
8:30 PM	8:40 PM	8:45 PM	9:00 PM	9:15 PM	9:27 PM
9:30 PM	9:40 PM	9:45 PM	10:00 PM	10:15 PM	10:27 PM
10:30 PM	10:40 PM	10:45 PM	11:00 PM	11:15 PM	11:27 PM
11:30 PM	11:40 PM	11:45 PM	—	—	—

◆ NOT SERVED ON SATURDAY

ROUTE 4

Cherry Ave & Harris Rd

Monday - Friday 6:25 AM - 12:03 AM
 Saturday 6:36 AM - 12:03 AM
 Sunday No Service



17333	11193	19324	17028	17333
Downtown Transit Station Departure	UVA Hospital Outbound	Willoughby Square Shopping Center	Pinn Hall Inbound	Downtown Transit Station Arrival
A	B	C	D	A
—	—	6:25 AM	6:42 AM	6:57 AM
—	—	6:48 AM	7:05 AM	7:20 AM
6:36 AM	6:51 AM	7:11 AM	7:28 AM	7:43 AM
7:00 AM	7:15 AM	7:35 AM	7:52 AM	8:07 AM
7:23 AM	7:38 AM	7:58 AM	8:15 AM	8:30 AM
7:46 AM	8:01 AM	8:21 AM	8:38 AM	8:53 AM
8:10 AM	8:25 AM	8:45 AM	9:02 AM	9:17 AM
8:33 AM	8:48 AM	9:08 AM	9:25 AM	9:40 AM
8:56 AM	9:11 AM	9:31 AM	9:48 AM	10:03 AM
9:20 AM	9:35 AM	9:55 AM	10:12 AM	10:27 AM
10:06 AM	10:21 AM	10:41 AM	10:58 AM	11:13 AM
11:16 AM	11:31 AM	11:51 AM	12:08 PM	12:23 PM
12:26 PM	12:41 PM	1:01 PM	1:18 PM	1:33 PM
1:36 PM	1:51 PM	2:11 PM	2:28 PM	2:43 PM
2:46 PM	3:01 PM	3:21 PM	3:38 PM	3:53 PM
3:10 PM	3:25 PM	3:45 PM	4:02 PM	4:17 PM
3:33 PM	3:48 PM	4:08 PM	4:25 PM	4:40 PM
3:56 PM	4:11 PM	4:31 PM	4:48 PM	5:03 PM
4:20 PM	4:35 PM	4:55 PM	5:12 PM	5:27 PM
4:43 PM	4:58 PM	5:18 PM	5:35 PM	5:50 PM
5:06 PM	5:21 PM	5:41 PM	5:58 PM	6:13 PM
5:30 PM	5:45 PM	6:05 PM	6:22 PM	6:37 PM
6:16 PM	6:31 PM	6:51 PM	7:08 PM	7:23 PM
7:26 PM	7:41 PM	8:01 PM	8:18 PM	8:33 PM
8:36 PM	8:51 PM	9:11 PM	9:28 PM	9:43 PM
9:46 PM	10:01 PM	10:21 PM	10:38 PM	10:53 PM
10:56 PM	11:11 PM	11:31 PM	11:48 PM	12:03 AM

● NOT SERVED ON SATURDAY

ROUTE
5

Commonwealth Dr

Monday - Saturday 6:20 AM - 11:00 PM
Sunday No Service (Refer to Route 12)



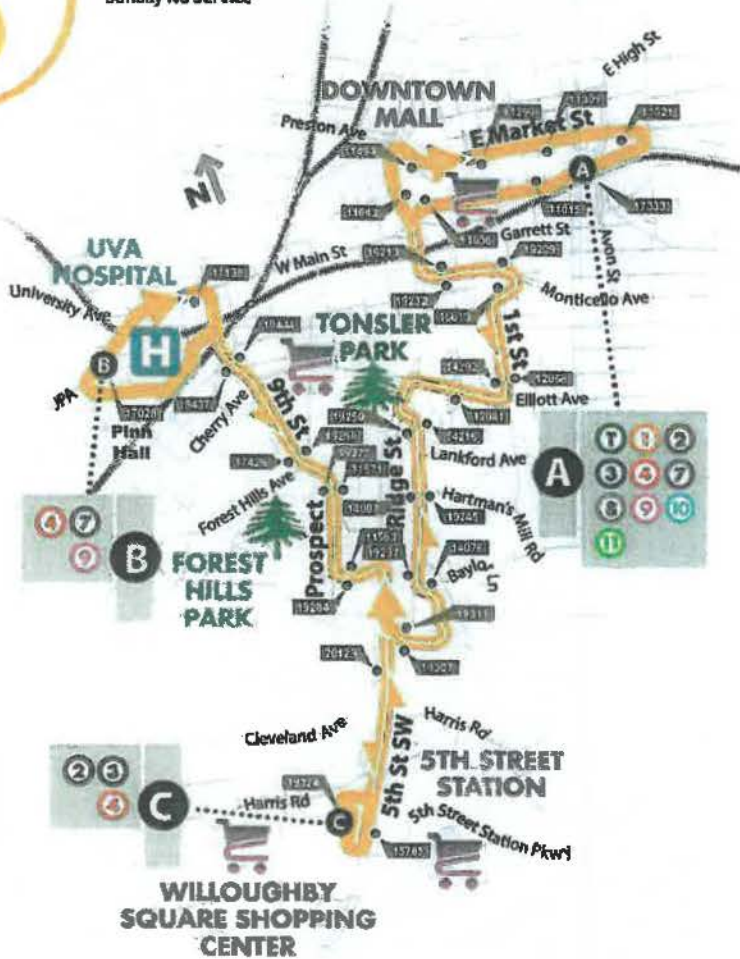
Try our App!
Get up-to-the-minute arrival information on your smart phone. Available on both the Android and IOS platforms. Simply search for "Charlottesville Area Transit" in your mobile phone's app store.

13265 BRSC at Arlington Blvd Southbound Departure	16596 Fashion Square Mall Northbound	13296 Walmart	16596 Fashion Square Mall Southbound	13265 BRSC at Arlington Blvd Southbound Arrival
A	B	C	B	A
--	--	6:20 AM	6:30 AM	6:55 AM
--	6:30 AM	6:50 AM	7:00 AM	7:25 AM
6:30 AM	7:00 AM	7:20 AM	7:30 AM	7:55 AM
7:00 AM	7:30 AM	7:50 AM	8:00 AM	8:25 AM
7:30 AM	8:00 AM	8:20 AM	8:30 AM	8:55 AM
8:00 AM	8:30 AM	8:50 AM	9:00 AM	9:25 AM
8:30 AM	9:00 AM	9:20 AM	9:30 AM	9:55 AM
9:00 AM	9:30 AM	9:50 AM	10:00 AM	10:25 AM
9:30 AM	10:00 AM	10:20 AM	10:30 AM	10:55 AM
10:00 AM	10:30 AM	10:50 AM	11:00 AM	11:25 AM
10:30 AM	11:00 AM	11:20 AM	11:30 AM	11:55 AM
11:00 AM	11:30 AM	11:50 AM	12:00 PM	12:25 PM
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8:30 PM	9:00 PM	9:20 PM	9:30 PM	9:55 PM
9:00 PM	9:30 PM	9:50 PM	10:00 PM	10:25 PM
9:30 PM	10:00 PM	10:20 PM	10:30 PM	10:55 PM
10:00 PM	10:30 PM	10:50 PM	10:55 PM	--
10:30 PM	11:00 PM	--	--	--

ROUTE 6

Ridge St & Prospect Ave

Monday - Saturday 6:30 AM - 12:00 AM
Sunday No Service



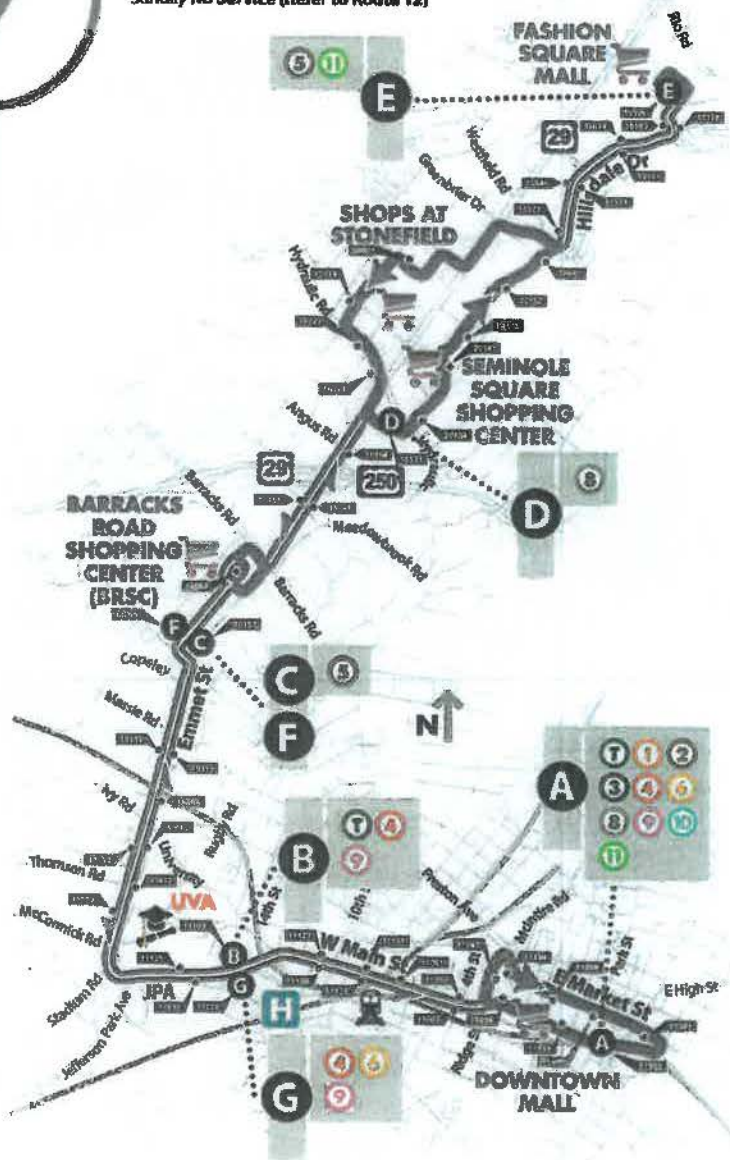
See Something?
You can provide feedback on new services and
improvements. Just call 800-370-4663
and visit www.compton1.com

17333 Downtown Transit Station Departure	17028 Pinn Hall	19924 Willoughby Square Shopping Center	17333 Downtown Transit Station Arrival
A	B	C	A
6:30 AM	6:50 AM	7:05 AM	7:27 AM
7:30 AM	7:50 AM	8:05 AM	8:27 AM
8:30 AM	8:50 AM	9:05 AM	9:27 AM
9:30 AM	9:50 AM	10:05 AM	10:27 AM
10:30 AM	10:50 AM	11:05 AM	11:27 AM
11:30 AM	11:50 AM	12:05 PM	12:27 PM
12:30 PM	12:50 PM	1:05 PM	1:27 PM
1:30 PM	1:50 PM	2:05 PM	2:27 PM
2:30 PM	2:50 PM	3:05 PM	3:27 PM
3:30 PM	3:50 PM	4:05 PM	4:27 PM
4:30 PM	4:50 PM	5:05 PM	5:27 PM
5:30 PM	5:50 PM	6:05 PM	6:27 PM
6:30 PM	6:50 PM	7:05 PM	7:27 PM
7:30 PM	7:50 PM	8:05 PM	8:27 PM
8:30 PM	8:50 PM	9:05 PM	9:27 PM
9:30 PM	9:50 PM	10:05 PM	10:27 PM
10:30 PM	10:50 PM	11:05 PM	11:27 PM
11:30 PM	12:00 AM	-	-

ROUTE 7

Emmet St & Seminole Trl

Monday - Saturday 6:25 AM - 11:32 PM
 Sunday No Service (Refer to Route 12)



17303	11193	13157	16531	16596	13269	17028	17303
DTS Departure	UVA Hospital	BRSC at Arlington Blvd Northbound	Kroger at Hydraulic Rd	Fashion Square Mall	BRSC at Arlington Blvd Southbound	Pinn Hall	DTS Arrival
A	B	C	D	E	F	G	A
---	---	---	---	---	6:30 AM	6:40 AM	6:52 AM
---	---	---	---	6:25 AM	6:50 AM	7:00 AM	7:12 AM
---	---	---	6:30 AM	6:45 AM	7:10 AM	7:20 AM	7:32 AM
---	---	6:40 AM	6:50 AM	7:05 AM	7:30 AM	7:40 AM	7:52 AM
6:35 AM	6:47 AM	7:00 AM	7:10 AM	7:25 AM	7:50 AM	8:00 AM	8:12 AM
6:55 AM	7:07 AM	7:20 AM	7:30 AM	7:45 AM	8:10 AM	8:20 AM	8:32 AM
7:15 AM	7:27 AM	7:40 AM	7:50 AM	8:05 AM	8:30 AM	8:40 AM	8:52 AM
7:35 AM	7:47 AM	8:00 AM	8:10 AM	8:25 AM	8:50 AM	9:00 AM	9:12 AM
7:55 AM	8:07 AM	8:20 AM	8:30 AM	8:45 AM	9:10 AM	9:20 AM	9:32 AM
8:15 AM	8:27 AM	8:40 AM	8:50 AM	9:05 AM	9:30 AM	9:40 AM	9:52 AM
8:35 AM	8:47 AM	9:00 AM	9:10 AM	9:25 AM	9:50 AM	10:00 AM	10:12 AM
8:55 AM	9:07 AM	9:20 AM	9:30 AM	9:45 AM	10:10 AM	10:20 AM	10:32 AM
9:15 AM	9:27 AM	9:40 AM	9:50 AM	10:05 AM	10:30 AM	10:40 AM	10:52 AM
9:35 AM	9:47 AM	10:00 AM	10:10 AM	10:25 AM	10:50 AM	11:00 AM	11:12 AM
9:55 AM	10:07 AM	10:20 AM	10:30 AM	10:45 AM	11:10 AM	11:20 AM	11:32 AM
10:15 AM	10:27 AM	10:40 AM	10:50 AM	11:05 AM	11:30 AM	11:40 AM	11:52 AM
10:35 AM	10:47 AM	11:00 AM	11:10 AM	11:25 AM	11:50 AM	12:00 PM	12:12 PM
10:55 AM	11:07 AM	11:20 AM	11:30 AM	11:45 AM	12:10 PM	12:20 PM	12:32 PM
11:15 AM	11:27 AM	11:40 AM	11:50 AM	12:05 PM	12:30 PM	12:40 PM	12:52 PM
11:35 AM	11:47 AM	12:00 PM	12:10 PM	12:25 PM	12:50 PM	1:00 PM	1:12 PM
11:55 AM	12:07 PM	12:20 PM	12:30 PM	12:45 PM	1:10 PM	1:20 PM	1:32 PM
12:15 PM	12:27 PM	12:40 PM	12:50 PM	1:05 PM	1:30 PM	1:40 PM	1:52 PM
12:35 PM	12:47 PM	1:00 PM	1:10 PM	1:25 PM	1:50 PM	2:00 PM	2:12 PM
12:55 PM	1:07 PM	1:20 PM	1:30 PM	1:45 PM	2:10 PM	2:20 PM	2:32 PM
1:15 PM	1:27 PM	1:40 PM	1:50 PM	2:05 PM	2:30 PM	2:40 PM	2:52 PM



17333	11193	13157	16531	16596	13265	17028	17333
DTS Departure	UVA Hospital	BRSC at Arlington Blvd Northbound	Kroger at Hydraulic Rd	Fashion Square Mall	BRSC at Arlington Blvd Southbound	Pinn Hall	DTS Arrival
A	B	C	D	E	F	G	A
1:35 PM	1:47 PM	2:00 PM	2:10 PM	2:25 PM	2:50 PM	3:00 PM	3:12 PM
1:55 PM	2:07 PM	2:20 PM	2:30 PM	2:45 PM	3:10 PM	3:20 PM	3:32 PM
2:15 PM	2:27 PM	2:40 PM	2:50 PM	3:05 PM	3:30 PM	3:40 PM	3:52 PM
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5:15 PM	5:27 PM	5:40 PM	5:50 PM	6:05 PM	6:30 PM	6:40 PM	6:52 PM
5:35 PM	5:47 PM	6:00 PM	6:10 PM	6:25 PM	6:50 PM	7:00 PM	7:12 PM
5:55 PM	6:07 PM	6:20 PM	6:30 PM	6:45 PM	7:10 PM	7:20 PM	7:32 PM
6:15 PM	6:27 PM	6:40 PM	6:50 PM	7:05 PM	7:30 PM	7:40 PM	7:52 PM
6:35 PM	6:47 PM	7:00 PM	7:10 PM	7:25 PM	7:50 PM	8:00 PM	8:12 PM
6:55 PM	7:07 PM	7:20 PM	7:30 PM	7:45 PM	8:10 PM	8:20 PM	8:32 PM
7:15 PM	7:27 PM	7:40 PM	7:50 PM	8:05 PM	8:30 PM	8:40 PM	8:52 PM
7:35 PM	7:47 PM	8:00 PM	8:10 PM	8:25 PM	—	—	—
8:05 PM	8:15 PM	8:25 PM	8:35 PM	8:45 PM	9:05 PM	9:15 PM	9:32 PM
8:35 PM	8:45 PM	8:55 PM	9:05 PM	9:15 PM	9:35 PM	9:45 PM	10:02 PM
9:05 PM	9:15 PM	9:25 PM	9:35 PM	9:45 PM	10:05 PM	10:15 PM	10:32 PM
9:35 PM	9:45 PM	9:55 PM	10:05 PM	10:15 PM	10:35 PM	10:45 PM	11:02 PM
10:05 PM	10:15 PM	10:25 PM	10:35 PM	10:45 PM	11:05 PM	11:15 PM	11:32 PM
10:35 PM	10:45 PM	10:55 PM	11:05 PM	11:15 PM	—	—	11:25 PM

• BUS ENDS SERVICE AT THIS STOP



PLANNING AN EVENT?

Give your guests a 3-Day Transit Pass!

Passes only cost \$5.50 each and can be purchased weeks or months in advance.

Only when the pass is first used will it begin to depreciate.



For bulk sales, please call 434-970-3649, Ext. 3 

ROUTE

8

Preston Ave & Emmet St

Monday - Friday 6:30 AM - 6:57 PM
 Saturday 6:30 AM - 6:27 PM
 Sunday No Service



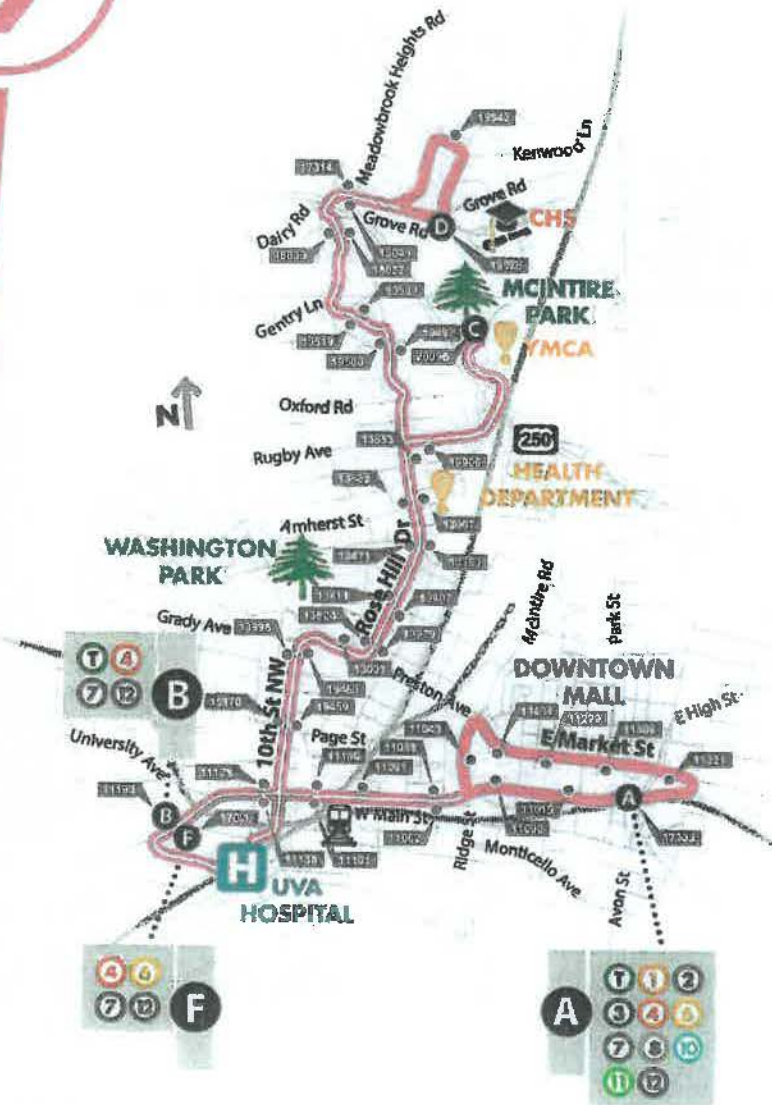
17333 Downtown Transit Station Departure A	16680 Barracks Road Shop Ctr CVS B	16531 Kroger at Hydraulic Rd C	16680 Barracks Road Shop Ctr CVS B	17333 Downtown Transit Station Arrival A
6:30 AM	6:40 AM	6:50 AM	7:05 AM	7:27 AM
• 7:00 AM	• 7:10 AM	• 7:20 AM	• 7:35 AM	• 7:57 AM
7:30 AM	7:40 AM	7:50 AM	8:05 AM	8:27 AM
• 8:00 AM	• 8:10 AM	• 8:20 AM	• 8:35 AM	• 8:57 AM
8:30 AM	8:40 AM	8:50 AM	9:05 AM	9:27 AM
• 9:00 AM	• 9:10 AM	• 9:20 AM	• 9:35 AM	• 9:57 AM
9:30 AM	9:40 AM	9:50 AM	10:05 AM	10:27 AM
10:30 AM	10:40 AM	10:50 AM	11:05 AM	11:27 AM
11:30 AM	11:40 AM	11:50 AM	12:05 PM	12:27 PM
12:30 PM	12:40 PM	12:50 PM	1:05 PM	1:27 PM
1:30 PM	1:40 PM	1:50 PM	2:05 PM	2:27 PM
2:30 PM	2:40 PM	2:50 PM	3:05 PM	3:27 PM
• 3:00 PM	• 3:10 PM	• 3:20 PM	• 3:35 PM	• 3:57 PM
3:30 PM	3:40 PM	3:50 PM	4:05 PM	4:27 PM
• 4:00 PM	• 4:10 PM	• 4:20 PM	• 4:35 PM	• 4:57 PM
4:30 PM	4:40 PM	4:50 PM	5:05 PM	5:27 PM
• 5:00 PM	• 5:10 PM	• 5:20 PM	• 5:35 PM	• 5:57 PM
5:30 PM	5:40 PM	5:50 PM	6:05 PM	6:27 PM
• 6:00 PM	• 6:10 PM	• 6:20 PM	• 6:35 PM	• 6:57 PM

• NOT SERVED ON SATURDAY

ROUTE 9

The Health Dept & YMCA

Monday - Saturday 7:00 AM - 8:30 PM
 Sunday 10:40 AM - 5:40 PM



Monday through Saturday

17333 Downtown Transit Station Departure	11193 UVA Hospital	20096 YMCA	19526 Grove Rd at Concord Dr	20096 YMCA	17028 Pinn Hall	17333 Downtown Transit Station Arrival
A	B	C	D	C	F	A
—	—	—	7:00 AM	7:10 AM	7:25 AM	7:40 AM
7:40 AM	7:50 AM	8:05 AM	8:10 AM	8:20 AM	8:35 AM	8:50 AM
8:50 AM	9:00 AM	9:15 AM	9:20 AM	9:30 AM	9:45 AM	10:00 AM
10:00 AM	10:10 AM	10:25 AM	10:30 AM	10:40 AM	10:55 AM	11:10 AM
11:10 AM	11:20 AM	11:35 AM	11:40 AM	11:50 AM	12:05 PM	12:20 PM
12:20 PM	12:30 PM	12:45 PM	12:50 PM	1:00 PM	1:15 PM	1:30 PM
1:30 PM	1:40 PM	1:55 PM	2:00 PM	2:10 PM	2:25 PM	2:40 PM
2:40 PM	2:50 PM	3:05 PM	3:10 PM	3:20 PM	3:35 PM	3:50 PM
3:50 PM	4:00 PM	4:15 PM	4:20 PM	4:30 PM	4:45 PM	5:00 PM
5:00 PM	5:10 PM	5:25 PM	5:30 PM	5:40 PM	5:55 PM	6:10 PM
6:10 PM	6:20 PM	6:35 PM	6:40 PM	6:50 PM	7:05 PM	7:20 PM
7:20 PM	7:30 PM	7:45 PM	7:50 PM	8:00 PM	8:15 PM	8:30 PM

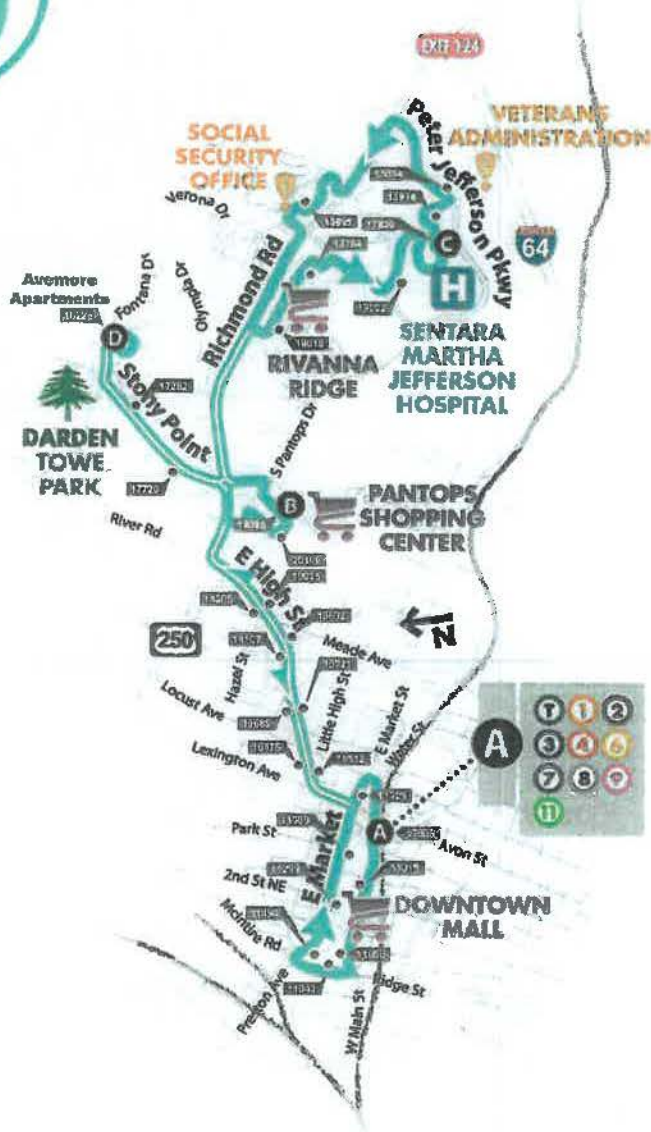
Sunday

17333 Downtown Transit Station Departure	11193 UVA Hospital	20096 YMCA	19526 Grove Rd at Concord Dr	20096 YMCA	17028 Pinn Hall	17333 Downtown Transit Station Arrival
A	B	C	D	C	F	A
—	—	—	10:40 AM	10:50 AM	11:05 AM	11:20 AM
11:20 AM	11:30 AM	11:45 AM	11:50 AM	12:00 PM	12:15 PM	12:30 PM
12:30 PM	12:40 PM	12:55 PM	1:00 PM	1:10 PM	1:25 PM	1:40 PM
1:40 PM	1:50 PM	2:05 PM	2:10 PM	2:20 PM	2:35 PM	2:50 PM
2:50 PM	3:00 PM	3:15 PM	3:20 PM	3:30 PM	3:45 PM	4:00 PM
4:00 PM	4:10 PM	4:25 PM	4:30 PM	4:40 PM	4:55 PM	5:10 PM
5:10 PM	5:20 PM	5:35 PM	5:40 PM	—	—	—

ROUTE 10

Pantops

Monday - Saturday 6:30 AM - 11:27 PM
 Sunday No Service



17323 Downtown Transit Station <i>Departure</i> A	14095 Pantops Shopping Center B	17330 Sentara Martha Jefferson Hospital C	18226 Avemore Apartments D	17333 Downtown Transit Station <i>Arrival</i> A
6:30 AM	6:45 AM	7:00 AM	7:10 AM	7:27 AM
7:30 AM	7:45 AM	8:00 AM	8:10 AM	8:27 AM
8:30 AM	8:45 AM	9:00 AM	9:10 AM	9:27 AM
9:30 AM	9:45 AM	10:00 AM	10:10 AM	10:27 AM
10:30 AM	10:45 AM	11:00 AM	11:10 AM	11:27 AM
11:30 AM	11:45 AM	12:00 PM	12:10 PM	12:27 PM
12:30 PM	12:45 PM	1:00 PM	1:10 PM	1:27 PM
1:30 PM	1:45 PM	2:00 PM	2:10 PM	2:27 PM
2:30 PM	2:45 PM	3:00 PM	3:10 PM	3:27 PM
3:30 PM	3:45 PM	4:00 PM	4:10 PM	4:27 PM
4:30 PM	4:45 PM	5:00 PM	5:10 PM	5:27 PM
5:30 PM	5:45 PM	6:00 PM	6:10 PM	6:27 PM
6:30 PM	6:45 PM	7:00 PM	7:10 PM	7:27 PM
7:30 PM	7:45 PM	8:00 PM	8:10 PM	8:27 PM
8:30 PM	8:45 PM	9:00 PM	9:10 PM	9:27 PM
9:30 PM	9:45 PM	10:00 PM	10:10 PM	10:27 PM
10:30 PM	10:45 PM	11:00 PM	11:10 PM	11:27 PM

ROUTE 11

Locust Ave & Rio Rd

Monday - Friday 6:00 AM - 9:27 PM
 Saturday 6:00 AM - 6:27 PM
 Sunday No Service



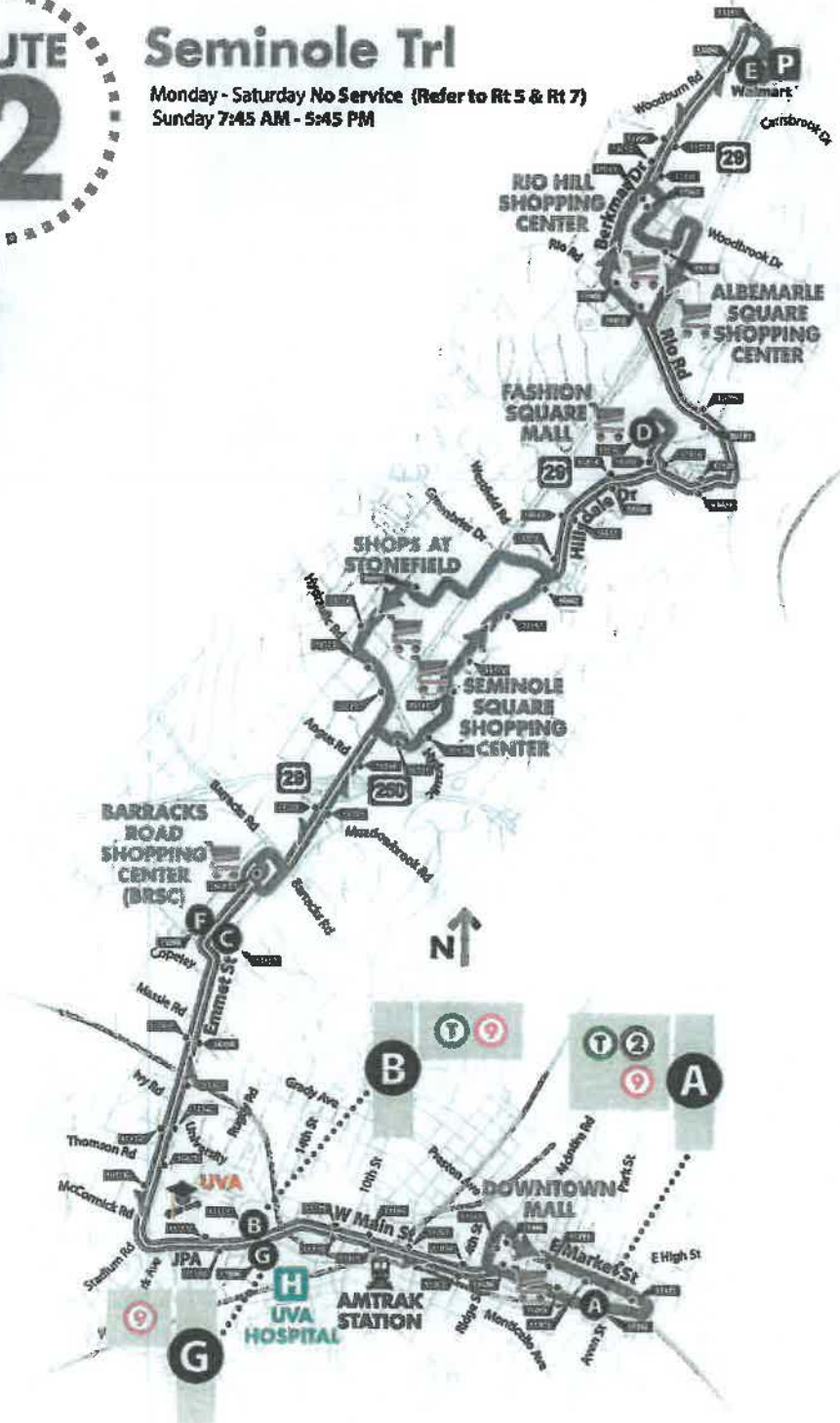
17333 Downtown Transit Station Departure A	16596 Fashion Square Mall B	17333 Downtown Transit Station Arrival A
—	6:00 AM	6:27 AM
6:30 AM	7:00 AM	7:27 AM
7:30 AM	8:00 AM	8:27 AM
8:30 AM	9:00 AM	9:27 AM
9:30 AM	10:00 AM	10:27 AM
10:30 AM	11:00 AM	11:27 AM
11:30 AM	12:00 PM	12:27 PM
12:30 PM	1:00 PM	1:27 PM
1:30 PM	2:00 PM	2:27 PM
2:30 PM	3:00 PM	3:27 PM
3:30 PM	4:00 PM	4:27 PM
4:30 PM	5:00 PM	5:27 PM
5:30 PM	6:00 PM	6:27 PM
⦿ 6:30 PM	⦿ 7:00 PM	⦿ 7:27 PM
⦿ 7:30 PM	⦿ 8:00 PM	⦿ 8:27 PM
⦿ 8:30 PM	⦿ 9:00 PM	⦿ 9:27 PM

⦿ NOT SERVED ON SATURDAY

ROUTE 12

Seminole Trl

Monday - Saturday No Service (Refer to Rt 5 & Rt 7)
 Sunday 7:45 AM - 5:45 PM



17333	11193	13157	16596	13296	16596	13265	17028	17333
DTS Departure	UVA Hospital	BRSC at Arlington Blvd North	Fashion Square Mall	Walmart	Fashion Square Mall	BRSC at Arlington Blvd South	Pinn Hall	DTS Arrival
A	B	C	D	E	D	F	G	A
—	—	—	—	7:45 AM	8:00 AM	8:20 AM	8:30 AM	8:42 AM
7:45 AM	7:55 AM	8:05 AM	8:30 AM	8:45 AM	9:00 AM	9:20 AM	9:30 AM	9:42 AM
8:45 AM	8:55 AM	9:05 AM	9:30 AM	9:45 AM	10:00 AM	10:20 AM	10:30 AM	10:42 AM
9:45 AM	9:55 AM	10:05 AM	10:30 AM	10:45 AM	11:00 AM	11:20 AM	11:30 AM	11:42 AM
10:45 AM	10:55 AM	11:05 AM	11:30 AM	11:45 AM	12:00 PM	12:20 PM	12:30 PM	12:42 PM
11:45 AM	11:55 AM	12:05 PM	12:30 PM	12:45 PM	1:00 PM	1:20 PM	1:30 PM	1:42 PM
12:45 PM	12:55 PM	1:05 PM	1:30 PM	1:45 PM	2:00 PM	2:20 PM	2:30 PM	2:42 PM
1:45 PM	1:55 PM	2:05 PM	2:30 PM	2:45 PM	3:00 PM	3:20 PM	3:30 PM	3:42 PM
2:45 PM	2:55 PM	3:05 PM	3:30 PM	3:45 PM	4:00 PM	4:20 PM	4:30 PM	4:42 PM
3:45 PM	3:55 PM	4:05 PM	4:30 PM	4:45 PM	5:00 PM	5:20 PM	5:30 PM	5:42 PM
4:45 PM	4:55 PM	5:05 PM	5:30 PM	5:45 PM	—	—	—	—

Don't Pay for Parking!
 Take the bus and save! A
 24-Hour Pass only costs \$1.50
 and kids ride for free (see
 page 5 for details).

ATTACHMENT "B"

RECOMMENDED BUDGET

FISCAL YEAR 2020 7/1/2019	ALBEMARLE COUNTY COST ALLOCATION	Recommended May 23, 2019
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Routes by Funding (A)								
Routes	Revenue Hours	County %	County Hours	Annual \$	FOA Credit	Fare Credit	County Cost	City Cost
Trolley	19,604	0%	0	\$0	\$0	\$0	\$0	\$1,421,594
1	4,160	25%	1,040	\$75,416	-\$32,790	-\$7,194	\$35,433	\$266,232
2	5,460	30%	1,638	\$118,780	-\$51,644	-\$11,330	\$55,807	\$340,128
3	7,176	25%	1,794	\$130,093	-\$56,562	-\$12,409	\$61,122	\$459,250
4	8,736	0%	0	\$0	\$0	\$0	\$0	\$633,496
5	15,288	92%	14,065	\$1,019,928	-\$443,448	-\$97,286	\$479,193	\$629,424
6	5,616	0%	0	\$0	\$0	\$0	\$0	\$407,247
7	24,960	24%	5,990	\$434,397	-\$188,869	-\$41,435	\$204,093	\$1,605,895
8	5,564	17%	946	\$68,591	-\$29,822	-\$6,543	\$32,226	\$371,250
9	4,680	0%	0	\$0	\$0	\$0	\$0	\$339,373
10	5,304	50%	2,652	\$192,311	-\$83,614	-\$18,344	\$90,354	\$294,269
11	4,628	52%	2,407	\$174,513	-\$75,875	-\$16,646	\$81,992	\$253,610
12	1,092	44%	480	\$34,842	-\$15,149	-\$3,323	\$16,370	\$62,817
Totals	112,268		31,012	\$2,248,872	-\$977,774	-\$214,510	\$1,056,588	\$7,084,585

Historical Albemarle Contribution			
Fiscal Year	Approved	Actual	Difference
FY13	\$722,555		
FY14	\$815,567		
FY15	\$868,988		
FY16	\$905,477		
FY17	\$1,054,244		
FY18	\$1,135,821		
FY19	\$1,178,382		
FY20			

Service Cost/Credit Calculations	
CAT FY20 Operating Budget	
Expenditures	\$8,141,173
Gross Cost/Service Hour	\$72.52
FOA Federal / State Revenue	\$3,539,652
FOA %	44%
FOA \$/Service Hour	-\$31.53
Farebox \$ / Service Hour	-\$6.92
Net Cost per Service Hour (B)	\$34.07

Service Hours - All Routes

Route	Service Hours / Day			Revenue Hrs	Annual \$	Ann Fare \$	Ann Grants \$
	Weekday	Sat	Sun				
Trolley	60.5	60.5	14	19,604			
1	16	0		4,160			
2	17.5	17.5		5,460			
3	24	18		7,176			
4	30	18		8,736			
5	49	49		15,288			
6	18	18		5,616			
7	80	80		24,960			
8	19	12		5,564			
9	14	14		4,680			
10	17	17		5,304			
11	15.5	11.5		4,628			
12	0	0	21	1,092			
Total	360.5	315.5	35	112,268			

	Budget Formula						
A	Total Albemarle County Revenue Hours						
B	Net Cost per Service Hour						
C	County Funding						
	$A \times B = C$						
A	Hours of fixed route revenue service in Albemarle County						
B	Total expenses min us Fed/State Grants minus System farebox revenues divided by Total system revenue hours equals NET COST PER SERVICE HOUR						
	Farebox cost per service hour equals system farebox revenue divided by system revenue hours.						

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Required:	Vote on Resolution
Presenter:	Susan Elliott, Climate Protection Program Manager
Staff Contacts:	Susan Elliott, Climate Protection Program Manager Kristel Riddervold, Environmental Sustainability and Facilities Development Manager Paul Oberdorfer, Director of the Department of Public Works
Title:	Proposal: New Greenhouse Gas (GHG) Reduction Goal

Background:

This agenda item follows from the June 2017 commitment by City Council to the [Global Covenant of Mayors](#) (the Covenant) as part of a [Response to the U.S. Withdrawal from the Paris Climate Agreement](#). The June 2017 commitment built on previous commitments and existing efforts of the City through its [Climate Protection Program](#). The updates on the City's activities following this commitment were presented to City Council on [November 19, 2018](#) (Item 5. Report) and [May 6, 2019](#) (Item 8. Resolution) and included a proposed timeline for community engagement and consideration of a new greenhouse gas emissions reduction goal for the City.

Review of Timeline and Activities

From February 14 – March 17, 2019, staff solicited direct input from the community on a new greenhouse gas (GHG) reduction goal. Community members could completed an online questionnaire with a set of questions and an open response option or could contact staff directly. The online questionnaire provided information regarding what the City aimed to achieve with this process and points of reference from the Intergovernmental Panel on Climate Change's (IPCC) October 2018 findings and data from [Charlottesville's 2016 greenhouse gas inventory](#).

The community input received was presented to City Council on [May 6, 2019](#) (Item 8. Resolution) along with draft recommendations from staff for a new GHG reduction goal. A second period for public input was open from May 1, 2019 through May 31, 2019 for community response and further input on the draft reduction goal.

This timeline was developed to allow time for community input as well as staff preparation of Council packet materials to propose a reduction goal for adoption at the first Council meeting in July, which is before the July 10, 2019 reporting deadline for the Covenant of Mayors.

Community Input – First Comment Period February to March 2019

From February 14th through March 17th, staff received 142 responses to the online questionnaire and three community letters signed by 41 for-profit and non-profit businesses, 7 independent schools, and

827 residents of whom 422 live in the city. The full responses were included as Attachments 1-4 in the [May 6, 2019 Council Agenda Packet](#) (Item 8. Resolution). The list below summarizes the positions supported overall by the input received:

- Goal Alignment with Albemarle County and the University of Virginia
- Reflection of the IPCC Recommendations
- Importance of Charlottesville as a Leader
- Need Interim Targets within the Overall Goal
- Front Load Reductions – pursue steeper reductions in the near term
- Identify of Sub-Goals by Sector and by Strategy in the Climate Action Plan
- Address Equity Specifically in Goals and the Climate Action Plan
- Frequent Measurements (every 2 year minimum) & Accountability Mechanisms
- The Importance of Funding and Financing to Enable and Support Private Sector Action

Community Input – Second Comment Period May 2019

During the second public comment period, staff received 26 public input responses, which are provided as attachments to this memo. All comments received support the proposed GHG reduction goal, and some urge for greater action. Additionally, many of the comments request a commitment to producing an updated community GHG inventory at a minimum of every two years.

Why This Reduction Target?

Evidence for climate change being human-driven has reach a [“gold standard” level](#), which is the same threshold used t

The most recent IPCC report, which took two years to develop and references 6,000 works, lays out the scientifically-based challenge that communities and governments face. News articles, such as [this one by the Guardian](#), attempt to capture some of the key highlights:

- the world has already warmed by 1 degree Celsius (1C), and we are experiencing the effects of climate change;
- while only 0.5 degrees different, the impacts to ecological and social systems of our world will be substantially improved if we can limit warming to 1.5C as opposed to 2C;
- pathways to limiting the amount of warming have been identified, but they are not achievable under current commitments;
- commitments of 45% reduction by 2030 from 2010 levels and carbon neutral by 2050 are in alignment with a 1.5C warming limit

Discussion:

Staff recommends that the City of Charlottesville adopt a new GHG reduction target that represents leadership in the topic of climate change and adequately responds to the challenges of climate change in both scale and timeline. Given the use of new inventory protocol standards as part of the Covenant commitment and recommendations from the IPCC that reference 2010 as a baseline emissions year, staff also recommends that the City maintain comparison to its 2000 inventory for reference, but

establish its 2011 inventory year as the basis for emissions reductions.

Staff proposes that the City of Charlottesville adopt a 45% reduction by 2030 interim target, from its 2011 inventory year, and the goal of carbon neutrality by 2050.

A precise path from the City's 2016 emissions inventory to carbon neutrality in 2050 is not currently clear. There is wide-spread recognition that carbon capture and sequestration will need to be part of the strategy globally to limit warming, and investments are being made to further the potential and understanding of these strategies ([DOE \\$20 million investment, H.R. 763, Washington DC Carbon Neutrality Strategy](#)). The level of advancement that has been made in energy storage and renewable energy technologies over the past 10 years speaks to the potential for further technological advancement in this area over the next 30 years.

Accompanying this proposed reduction goal is direction to develop a Climate Action Plan that focuses clearly on the 2030 interim target and incorporates periodic reviews to track and integrate new technology developments and policy strategies. Staff are pursuing strategies that could make updating the community GHG inventory easier and will evaluate the needed time commitment during 2019 so that a more specific reporting frequency can be integrated as part of the Climate Action Plan.

Alignment with City Council's Vision and Strategic Plan:

These efforts are in alignment with City Council's Green City Vision, the Strategic Plan: Goal 3 – A Beautiful and Sustainable Natural and Built Environment; and the Comprehensive Plan: Chapter 4 (and as proposed in the 2018 update).

Community Engagement:

City staff discussed the public input process during focus group sessions with community groups that are "climate mission aligned" in the fall of 2018. Based on their input, staff have pursued the public input timeline and opportunities as described above. In addition, sustainability staff from the City, County, and UVA, recognizing that all three organizations are undertaking climate action planning and goal setting concurrently, are working together to coordinate on community engagement. We have set up a joint landing page website – climateactiontogether.org – as a central landing point for information about climate action planning locally. Through this webpage, each organization's website, press releases, and social media, we are promoting opportunities for community engagement. City and UVA staff participated in the County's Climate Open House event on March 18th, City and County staff co-presented at the March Sierra Club Chapter meeting, and City, County, and UVA staff have participated in community events and tabling opportunities. Additional joint efforts are anticipated to continue.

Budgetary Impact:

Funds have already been appropriated as part of the Fiscal Year 2020 budget within the Environmental Sustainability Division cost center to be used for this purpose. No additional budgetary impact is expected following this action.

Recommendation:

The City of Charlottesville should adopt a 45% reduction by 2030 interim target, from its 2011 inventory year, and the goal of carbon neutrality by 2050. Additionally, the City should develop a Climate Action Plan that incorporates the aspects indicated by the community through the community input.

Alternatives:

Council can modify the proposed GHG reductions goals or not adopt a new reduction goal. Council can also amend the proposed resolution or not adopt it.

Attachments:

1. Community Input Responses
2. Resolution Establishing a New GHG Reduction Goal

Public Input Received on Draft Greenhouse Gas (GHG) Reduction Goal Recommendations

NAME	COMMENT
Brian L. Poe, PhD	<p>Please take up the recent recommended greenhouse gas reduction targets of 45% reduction in emissions by 2030 and carbon neutrality by 2050.</p> <p>It's essential to track our progress, so please formalize plans to take inventory of greenhouse gas emissions every 2 years.</p> <p>We have a moral imperative to switch to energy systems and lifestyles that are ecologically regenerative. Please think of the transition in terms of fossil fuel phase out and not renewable scale up.</p> <p>We can thrive while shifting into a just and sustainable world. It can be done, and Charlottesville can be a global leader.</p> <p>Thanks for your consideration.</p>
Marcia Geyer	<p>I'd like to express support for the science-based commitment that City Council is to vote on as the initiation of Phase 2. I'd also like to ask that a commitment be added to repeat the GHG measurements every two years, to provide timely clarity and detail about how well reductions of the parts of the goal are being met or not met.</p> <p>Thank you for your work!</p>
Josh Morrison	<p>Over 100 cities nationwide have committed to 100% renewable energy and we have done nothing. Everyone has to do their part to avoid an outright crisis and so far Charlottesville has not. We need policy, action, and funding to address many environmental issues. We also need to take on single use plastic.</p> <p>Please act for us and the future.</p>
Herb Stahl	<p>The more you can do to protect our planet, the better. We are in bad shape and need all the help we can get.</p>
Cathy Butler	<p>Dear council members,</p> <p>Thank you so much for your time and energy put into discussing emissions reductions for our city. I'm thrilled to hear about the goals that you have set. I also would love to see you commit to measuring our emissions every two years so that we can see that we are indeed on track for the goals that you are recommending. Thank you again for all of your hard work!</p>
Shawnee West	<p>I want to thank all city council members who have committed to climate issues. I support the goals for reducing fossil fuels and using renewable energy, such as solar panels on schools and city buildings. And to emphasize that Dominion Energy does the same. I also support the commitment to measure these results every two years. with hope for all our children.</p>
Dave Stackhouse	<p>I applaud the City's commitments to reduce carbon emission to 45% by 2030 and to 0% by 2050. However, these goals are not aggressive enough and do not adequately address the urgency needed to stop and reverse warming from carbon emissions.</p>

	<p>Our City should be a leader and an example in these efforts. I personally invested in solar voltaics on my home and have not used a single watt of energy from Dominion in the past 12 months. My system alone has removed the equivalent of over 7 tons of carbon from going into the atmosphere, or the equivalent of planting over 365 trees. If I can achieve this as a private individual with limited resources, why can't our City do this and more? 2030 is ten years from now and a goal of 45% reduction in 10 years is inadequate. And 2050, your target for carbon neutrality, is over 30 years from now. Meanwhile our planet continues to heat up.</p> <p>We need dramatic action NOW! Why not set a goal of carbon neutrality by 2030 or 2035?</p> <p>And what budget expenditures has the City made that will allow it to achieve the stated goals? Goals are commendable but don't achieve results without implementing action plans. Action (such as budget allocations that fund hiring a professional group to create and implement) is needed in order to convert goals to achieve results.</p> <p>I urge the City to set more aggressive goals and to immediately establish a "climate action" department, and to suggest and approve budget funding that will allow hiring of staff, development of action plans, and to begin implementation as soon as staff and plans are established.</p> <p>Anything less may be only a "wish and a prayer". Wishes and prayers are always good, but ultimately it's our actions that bring about the future reality.</p>
Elizabeth Tabony	<p>Thank you for setting goals for the reduction of fossil fuel emissions for the city of Charlottesville!</p> <p>Please commit to measuring emissions every two years in order to implement these goals!</p>
Madeleine Hawks	<p>In a time when the city has a lot of priorities and competing interests to focus on, I really appreciate the attention of council and staff to climate change related problems. I support the recommended reduction goals (45% by 2030 and carbon neutrality by 2050). I hope that the city will continue to monitor success at meeting those goals and understanding emissions every two years.</p>
Carol Carter	<p>I'm writing to support the recommended carbon reduction goals of 45% by 2030 and carbon neutrality by 2050.</p> <p>Thank you for focusing on climate and energy issues which are crucial.</p> <p>Please continue to measure carbon output compared to goals each 2 years so that improvements and adjustments can be made.</p> <p>Many of us who can afford to are stepping out of our traditional comfort zones in order to try to reduce carbon by adding EE to our homes and appliances, buying EVs and going solar. It will really help if Cville gets more EV chargers (to reduce range anxiety).</p>

	<p>Residential EE programs through organizations like LEAP esp in low income areas where residents do own their homes can really help residents to keep their homes comfortable as well as to reduce carbon and to keep money in their pockets for more important things than fuel bills.</p> <p>Thank you!</p>
<p>Allison Love</p>	<p>Thank you for your attention to climate issues, and the importance of making changes in order to successfully reduce/eliminate carbon emissions.</p> <p>I am writing as a resident of Greene County who commutes to Downtown Charlottesville to work every weekday. I am greatly concerned by the steadily increasing numbers of commuters that commute with me. Traffic is definitely increasing. I am concerned at the frequent and often reckless driving, the excessive rates of speed and the texting that occurs while driving. There is also quite a lot of impatience and road rage, and I am always concerned about being involved in an accident.</p> <p>In addition, I am disappointed to see more development along Route 29 between Greene and Albemarle counties. We do not need more housing developments, or more shopping areas, because our roads cannot handle the ever-increasing number of automobiles. They are already unsafe. Anyone who disagrees with me should ride with me once.</p> <p>I would love to see electric commuter buses between Greene and Charlottesville, and I would pay to ride one to work and back. I do not think that I would be alone in that. I hope that electric commuter buses could be part of the plan for decreasing emissions. I would wholeheartedly support it! I also think that electric buses could also run between downtown and shopping areas. I feel that retirement of current buses would be an essential part of meeting the goal.</p> <p>I also want to applaud your recommended emission reduction goals, and I would encourage measuring emissions every two years, and posting them on billboards or other signage to encourage people. Thank you for your actions and goals towards a better, healthier planet.</p>
<p>deKoven Pelton</p>	<p>I whole heartedly support the goals of 45% reduction by 2030 and carbon neutrality by 2050. I don't see how we can look anyone under 35 in the eyes if we do not support these goals for our future, their future and all future generations. I believe it is possible to beneficially alter the current climate path with a commitment to reduction goals, education, encouragement, and monitoring to be sure we are making progress toward the goal. Please confirm absolute commitment to these goals for Charlottesville and commit to measuring the emissions every two years.</p> <p>Thank you for your attention to climate issues. I feel this issue is the highest priority.</p>

Corey Salem	This is a great initiative and something we should be proud to lead as a community. I believe in us. Think about our future. A future we can depend on!
Ellen Tully	I support the two staff recommended GHG emissions reduction goals of 45% reduction by 2030 and carbon neutrality by 2050. But I strongly urge that the language include some measurement of progress, at least every two years. Without metrics there is no way to determine whether progress is being made towards reaching these goals.
Tray Biasioli	I fully endorse the city's proposed GHG reduction goals, and recommend that their be intermittent reporting to ensure city progress toward these necessary targets. I look forward to the development of policies that align with these targets.
Morgan Butler	<p>Attached please find comments from the Southern Environmental Law Center on the City's draft greenhouse gas emission reduction goal and key focus areas for the climate action planning process.</p> <p>Please feel free to contact me with any questions.</p> <p><i>[STAFF COMMENT: LETTER ATTACHED AFTER THIS COMPILED FORMAT OF COMMENTS]</i></p>
John Semmelhack	I fully support City of Charlottesville staff recommendations for a 45% reduction in greenhouse gas pollution by 2030 interim target, from its 2011 inventory year, and the goal of carbon neutrality by 2050.
Susan Kruse	<p>Please accept these as the Charlottesville Climate Collaborative's formal public comments on the City of Charlottesville's climate action goal setting process. We will also be forwarding a copy of these comments to City Council and the former and current City Manager. Thank you for the opportunity to participate in this process and for all your hard work to prioritize climate action.</p> <p><i>[STAFF COMMENT: LETTER ATTACHED AFTER THIS COMPILED FORMAT OF COMMENTS]</i></p>
Kevin Chandler	I would just like to thank the City Council and its staff for the thoughtful deliberations on the City's climate goals. More importantly, I would like to thank and congratulate everyone involved for stepping up and setting aggressive standards. Lastly, I encourage the City to commit to measuring progress every two years to ensure we are on track to achieve our targets.
Navarre Bartz	<p>Dear City Council,</p> <p>I want to thank you so much for taking a stance on targets for greenhouse gas emissions here in Charlottesville. You're showing the world that Charlottesville is a leader in the fight against climate change and a great place to live.</p> <p>A 45% reduction in emissions by 2030 and complete carbon neutrality by 2050 is an ambitious goal, and I hope that we will be measuring our progress toward these goals. In that regard, I would ask that you commit the city to measuring our progress toward these goals every two years to ensure we stay on target.</p>

	<p>Again, thank you for showing that Charlottesville is a world-class city, and I hope you have a lovely day.</p>
Clement Tingley	<p>There is a Climite emergency - it cannot be characterized as anything less than that. I urge the City adopt itsclimate reduction goals.</p> <p>I appreciate that City Council and its staff have seen fit to work on this vital issue. I hope the City will monitor its progress and report to the public on its progress no less than every other year.</p>
Anna Henry	<p>I just want to voice my support for the strong climate goals you have proposed for the City — aligning with IPCC recommendations to reduce emissions by 45% by 2030 and be carbon neutral by 2050 will make us a leader in Virginia and will empower our locality to make a meaningful impact in the fight against climate change.</p> <p>One small note I would like to add is that we ought to address the plan for the City’s natural gas utility. Rebates are still being offered to promote the installation of new natural gas systems, but we will most likely need to phase out natural gas at some point if we wish to reach carbon neutrality. So, I think it would be best to start thinking of a plan now so that there aren’t any sudden corrections as we get closer to target dates for achieving our climate goals.</p> <p>Thanks so much for the work that you’re doing!</p>
Matthew Gillikin	<p>I am writing in support of the city's proposed greenhouse gas reduction targets. These targets are in line with IPCC recommendations and will establish Charlottesville as a regional leader in addressing climate change.</p> <p>I would particularly like to see the city implement changes to reduced reliance on car transit and to incentive use of high efficiency electrical appliances in residential and commercial settings.</p> <p>Thank you for your time.</p>
<ul style="list-style-type: none"> • Albemarle Housing Improvement Program (AHIP) • Charlottesville Food Justice Network • Charlottesville Low-Income Housing Coalition • Greater Charlottesville Habitat for Humanity • Local Energy Alliance Program (LEAP) • Legal Aid Justice Center • Piedmont Housing Alliance • sinBarreras <i>without barriers</i> • Virginia Organizing 	<p>Dear City Councilors -</p> <p>Thank you for the opportunity to comment on the City of Charlottesville's climate action planning process. On behalf of nine local nonprofit service providers, I am pleased to submit a letter encouraging the City to consider the impacts of climate change on vulnerable populations in Charlottesville and Albemarle County. We submit this letter as a part of the formal public comment process for climate emissions goal setting.</p> <p>Please let me know if you have any questions.</p> <p>Sincerely,</p> <p>Susan Kruse</p> <p><i>[STAFF COMMENT: LETTER ATTACHED AFTER THIS COMPILED FORMAT OF COMMENTS]</i></p>

<p>Chris Meyer / Local Energy Alliance Program (LEAP)</p>	<p>Please find attached a letter of support for the explicit inclusion of CPACE in the City's climate action plan as a way to reduce emissions from the commercial building sector.</p> <p><i>[STAFF COMMENT: LETTER ATTACHED AFTER THIS COMPILED FORMAT OF COMMENTS]</i></p>
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May 30, 2019

energy@charlottesville.org

BY EMAIL

Re: Comments on Greenhouse Gas Emissions Reduction Goal and Key Focus Areas

The Southern Environmental Law Center (SELC) would like to provide the following comments on the City of Charlottesville's proposed greenhouse gas (GHG) emissions reduction goal, as well as one of the key focus areas of the climate action planning process discussed with City Council at its May 6, 2019 meeting.

Although we are a regional organization that works across six states, SELC is headquartered in Charlottesville and has a special affinity for our hometown. Our unique Charlottesville-Albemarle Initiative promotes land use, transportation, and environmental policies that strengthen the community, protect natural resources, and improve residents' health and overall quality of life. Climate change poses a significant threat to all of these goals, so we applaud the City for expanding its efforts on this crucial issue and working to involve the community closely in the climate action planning process.

Although many people view it primarily as an environmental threat, climate change will impact nearly every important issue the City will confront. From the cost of food and housing to the quality of the air we breathe and the need for increased health care, every person in our community will be affected. Further, those impacts are likely to fall heaviest on our most disadvantaged residents. For example, families who struggle to pay to heat or cool their homes will be even further strained as heat waves and protracted cold spells occur more often, and many of the residents who will experience the worst effects of flooding from more severe rainstorms are likely to be among our lower-income households. In short, climate change intersects with many high-impact issues the City is striving to do more to address and to set an inspiring example.

We can start to respond to the climate crisis by adopting an ambitious goal for reducing our carbon pollution and then crafting an action plan that charts the course for achieving that goal. SELC supports the GHG reduction target that City staff has proposed, and we commend staff for advancing a goal that demonstrates Charlottesville is serious about doing its part to address this threat. Reducing emissions 45% from 2011 levels by the year 2030, and achieving carbon neutrality by 2050 as staff is recommending, is consistent with the overarching goal articulated by the International Panel on Climate Change. In the absence of effective leadership on this issue at the federal level or from Virginia's General Assembly, localities like Charlottesville must show the way forward and commit to achieving the level of reductions that

the world's preeminent climate scientists have determined is necessary to avoid the most harmful consequences of climate change.

In addition to supporting staff's proposed GHG reduction target, we want to stress the importance of the City conducting GHG inventories on a frequent basis so that we can continually track progress toward meeting the 2030 and 2050 goals. If, for example, the next inventory takes place in 2025 and reveals that we are far behind the pace needed to reach our 2030 target, we will likely have too little time left at that point to make the changes necessary to achieve our goal. Frequently tracking our progress—we recommend that an inventory be conducted every two years—will be key to achieving success.

Finally, we wanted to flag an important missing component in the key focus areas staff has proposed for the climate action planning process. Strategy 3 rightly focuses on the transportation sector—a major source of GHG emissions in the City, and the primary source in Virginia and the United States. However, as drafted in the resolution presented to City Council at its May 6 meeting, Strategy 3 focuses solely on the importance of promoting zero emission vehicles (ZEVs). Although we certainly agree that ZEVs must be a key piece of the City's transportation-climate strategy, they are only part of the needed solution.

It also is critical for the Climate Action Plan to focus on ways to enable residents to reduce their reliance on the automobile—particularly single-occupancy vehicle trips—including improving our public transit system and making it safer and easier to get around on foot or a bike. This will require not only making greater and smarter investments in these cleaner transportation alternatives, but also carefully coordinating transportation improvements with land use planning to help make these modes more accessible and convenient. As such, we recommend that the transportation focus area be expanded from highlighting only ZEVs to also include enhancing alternative transportation modes and ensuring that our land use patterns support them. Among other benefits, this would help ensure the City's transportation-climate strategy will benefit an even broader array of the public and be more effective overall.

Thank you for your consideration of these comments. SELC looks forward to continuing to be closely involved as the City continues its work on this important initiative.

Sincerely,

A handwritten signature in black ink that reads "Morgan Butler". The signature is written in a cursive, slightly slanted style.

Morgan Butler
Director, Charlottesville-Albemarle Initiative



May 31, 2019

Dear Charlottesville City Council -

On behalf of the board and staff of the Charlottesville Climate Collaborative, I want to thank for prioritizing climate action, and **I urge you to adopt staff's recommended greenhouse gas emissions reduction target of a 45% reduction by 2030 and carbon neutrality by 2050.**

The importance of developing successful models for local government action on climate change is more urgent than ever. International scientists and policy makers are increasing their calls for drastic steps to decrease emissions. The next 10 years will determine whether or not we are able to avoid the most catastrophic impacts of climate change. This community must do all it can to lead the way and build a small city model that can be replicated across the Commonwealth and beyond. **By adopting staff's recommendation, the City of Charlottesville could become the first locality in the state to adopt a goal of carbon neutrality.**

The immensity of the problem will require cross-sector solutions. The Charlottesville Climate Collaborative works with many leaders in these sectors and has witnessed a widespread desire for technical support and community-wide action. During the first public comment period, the Charlottesville Climate Collaborative submitted several letters in support of what is now the staff's recommendation — a 45% emissions reduction by 2030 and carbon neutrality by 2050.

The first was on behalf of 41 local for-profit and non-profit businesses, representing nearly 3,000 employees including business such as Sentara Martha Jefferson Hospital, the CFA Institute, Champion Brewery, Virginia Organizing, and the Legal Aid Justice Center.

We submitted the second letter on behalf of 7 independent schools, including the International School, Peabody School, and Village School.

The final letter was submitted on behalf of 827 citizens — 422 of which are City residents. An additional 108 citizens have joined that letter during this current comment period bringing the total to 936 — 485 of which are City residents. I have attached these additional names to this document.

These letters clearly demonstrate that our community is not only ready for City Council to set leadership targets on climate, but that momentum exists for businesses and citizens to take action independent of government to help us reach these ambitious goals.

In addition, the Charlottesville Climate Collaborative requests that the City conduct an emissions inventory every two years to keep us on track. An ambitious target can only be met if we are regularly checking on our progress to ensure that our policies are having the desired impact. With only 10 years to hit our 45% target, I am confident that staff and Council agree that regular measurement is an essential part of climate action.

The Charlottesville Climate Collaborative is well-positioned to work with businesses who are ready to invest in sustainable practices, schools who are educating the next generation of climate leaders, and non-profit organizations advocating for affordable housing, energy efficiency, food security, and climate justice. We believe that our work can support City leaders by convening sectors and developing common sense policy solutions. **We stand ready to aid you in this process.**

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan Trice".

Susan Trice, Executive Director
Charlottesville Climate Collaborative

Hillary Geissing	City of Charlottesville	22902
Connor Kenaston	City of Charlottesville	22902
Cary Oliva	City of Charlottesville	22901
Shantell Bingham	City of Charlottesville	22903
Beryl Solla	City of Charlottesville	22902
Abdullah Abood	City of Charlottesville	22903
Seth Herman	City of Charlottesville	22902
Steven Johnson	City of Charlottesville	22903
Madeleine Hawks	City of Charlottesville	22902
Douglas Olson	City of Charlottesville	22902
Jocelyn Johnson	City of Charlottesville	22902
Jane McDonald	City of Charlottesville	22903
Cathleen Butler	City of Charlottesville	22902
Polina Mischenko	City of Charlottesville	22903
Kimber Hawkey	City of Charlottesville	22902-5713
Frederick Schneider	City of Charlottesville	22902
Kimber Hawkey	City of Charlottesville	22902-5713
Elizabeth Tabony	City of Charlottesville	22903
Kaki Pearson	City of Charlottesville	22903
Richard McCrone	City of Charlottesville	22903

Melinda Baumann	City of Charlottesville	22901
George Wilkes	City of Charlottesville	22903
Erik Pearson	City of Charlottesville	22903
Dorothy Carney	City of Charlottesville	22903
Katie Barry	City of Charlottesville	22903
Ted Pearson	City of Charlottesville	22903
Mercedes Ferreira	City of Charlottesville	22905-4252
William Lankford	City of Charlottesville	22902
Nikolai Braun	City of Charlottesville	22902
Burnet Davis	City of Charlottesville	22902
David White	City of Charlottesville	22902
PETER DENNISON	City of Charlottesville	22903
Brian Kelly	City of Charlottesville	22901
Clare Venus	City of Charlottesville	22901
Laura Covert	City of Charlottesville	22902
Angela Orebaugh	City of Charlottesville	22903
Roland H. Simon	City of Charlottesville	22903-1417
Francine Smith	City of Charlottesville	22902
Herbert Stahl	City of Charlottesville	22903-3613
Patricia Wilkinson	City of Charlottesville	22902
Lorrie Delehanty	City of Charlottesville	22902

Joanne Kittredge	City of Charlottesville	22901
Elisabeth Christian	City of Charlottesville	22903
Eric Turkheimer	City of Charlottesville	22903
Nancy Damon	City of Charlottesville	22903
Donna Thacker	City of Charlottesville	22903
Ellen Rambo	City of Charlottesville	22903
John Delehanty	City of Charlottesville	22902
terri di cintio	City of Charlottesville	22903
Tammy Wilt	City of Charlottesville	22903
Lauren Breeden	City of Charlottesville	22903
Alex Taurel	City of Charlottesville	22903
avery patterson	City of Charlottesville	22940
Chelsea Blakely	City of Charlottesville	22903
greg jackson	City of Charlottesville	22902
Katherine Reeves	City of Charlottesville	22903
Brian Meffle	City of Charlottesville	22903
Kelly Jones	City of Charlottesville	22903
June Jones	City of Charlottesville	22903
Martha Donnelly	City of Charlottesville	22903
Gina Carroll	City of Charlottesville	22906
edward clarke	City of Charlottesville	22901

J.T. Newberry	City of Charlottesville	22902
Daniel Mietchen	City of Charlottesville	22902
Annette Osso	County of Albemarle	22923
Barbara Baker	County of Albemarle	22902
Sarah Lanzman	County of Albemarle	22935
Janice Lugar	County of Albemarle	22903
Abby Sabri	County of Albemarle	22932
David Bruton	County of Albemarle	22932
Elizabeth Burdash	County of Albemarle	22936
Cynthia Bowles	County of Albemarle	22902
David Crouch	County of Albemarle	22903
Rebecca Hettig	County of Albemarle	22923
ANDREA BURTON	County of Albemarle	22903
Beth Gould	County of Albemarle	22901
Diane Grieder	County of Albemarle	22902
Carla Moore	County of Albemarle	22903
Brian Doench	County of Albemarle	22903
Elizabeth K Williams	County of Albemarle	22924
Shirley Freeman	County of Albemarle	22902
Charlotte Graham	County of Albemarle	22902
gary powell	County of Albemarle	22902

Elizabeth Crocker	County of Albemarle	22947
Emily Gogoll	County of Albemarle	22912
Laura Giannini	County of Albemarle	22902
Scott Ziemer	County of Albemarle	22932
David Silver	County of Albemarle	22901
Patrick Thornton	County of Albemarle	22902-7207
Beth Sneider	County of Albemarle	22903
James Sivley	County of Albemarle	22902
JULIE HORNE	County of Albemarle	22902
Robin Munson	County of Albemarle	22932
Diane Szaflarski	County of Albemarle	22911
Virginia Fuentes	County of Albemarle	22903
Phyllis White	County of Albemarle	24590
Bev Thierwechter	County of Albemarle	22932
Madison Crouch	County of Albemarle	22903
tim sanjule	County of Albemarle	22932
Amanda Barone	County of Albemarle	22903
Salena Levi	County of Albemarle	22901
Robyn Sealey	County of Albemarle	22903
Rowen Perry	County of Albemarle	22901
Marc Oettinger	County of Albemarle	22903

Sue Weiss	County of Albemarle	22932
John Carter	County of Albemarle	22901
Kari Miller	County of Albemarle	22911
Rebecca Keller	County of Albemarle	22911

May 30, 2019

Dear City Councilors and County Supervisors,

As stakeholders in Charlottesville's actions on climate, affordable housing, and food security, we thank you for your commitment to addressing the local impacts of climate change and for recognizing the need to develop comprehensive Climate Action Plans. As a collaboration of environmental and social justice organizations, we have come together to collectively urge you to ensure that the strategies and outcomes of your climate action planning processes are viewed specifically through an equity lens, recognizing that low-wealth members of our community are the most vulnerable to the impacts of climate change.

Having worked closely with some of the most vulnerable members of our community, we know that the changing climate has already begun to affect the lives of families in Charlottesville and Albemarle County. Equitable strategies and outcomes of local climate action planning are imperative for a number of reasons:

1. Extreme temperatures increase energy use and utility costs, moving the affordability of housing beyond the means of low-income families.

As temperatures rise, so will energy costs. The ability to cool and heat a home during temperature extremes is not simply a matter of comfort but a matter of necessity. Air conditioning is also a critical tool in mitigating mold growth and ensuring healthy indoor air quality. With much of the housing available for low-income families desperately in need of insulation and other energy efficiency upgrades, the increased energy costs associated with climate change will have a direct impact on housing affordability.

2. The health impacts of climate change will have a disproportionate impact on vulnerable residents.

Extreme weather events, like flash flooding or intense heat, are becoming increasingly more frequent and severe. According to the Natural Resources Defense Council¹, the greater Charlottesville area is experiencing an average of 9-14 days of extreme heat per summer, and the average national increase in the risk of death increases by about 2.5% for every 1°F increase in the intensity of heatwaves. While climate change impacts all of us, low-income families, children, and the elderly are members of our community that feel the effects to an even greater extent.

3. Changes in local weather patterns resulting from climate change will have a direct impact on the accessibility and affordability of food.

As the climate changes, so does local growing seasons and availability of certain crops. Many low-income families currently experience difficulty in accessing healthy food options and the effects of climate change on food scarcity are likely to continue negatively impacting

¹ <https://www.nrdc.org/sites/default/files/climate-change-health-impacts-virginia-ib.pdf>

access to affordable food options.²

4. Lack of access to living wage jobs hinders the flexibility to mitigate the rising costs associated with climate change.

The lack of reliable public transportation and the availability of affordable housing near major employers in our community has a direct impact on the ability of low-income residents to acquire and maintain living wage income opportunities. Combined with rising energy costs, these factors will make stable access to food, safe living conditions, and the ability to build financial independence further out of reach for vulnerable communities.

We urge City Council and the County Board of Supervisors to ensure that forthcoming climate action plans are developed with inclusivity and equity for all community members by incorporating the following:

1. Include strategies for increased affordable housing in local climate action plans.

If residents cannot afford to live near major employment centers, they will continue to be pushed out into surrounding counties making it difficult to reduce transportation emissions and the ability for families to maintain higher wage jobs. Strategies to address zoning and density restrictions, incentives for implementing energy efficiency upgrades, and other opportunities to increase affordable housing should be analyzed.

2. Explore financing models for energy efficiency projects for low and middle income households.

Significant energy efficiency upgrades and access to renewable energy are often out of reach for low and even some middle income families. Financing models with low interest rates, minimal credit requirements, and the ability to impact tenants as well as home owners are a solution other communities are embracing to address this disparity. Financing projects through the City utility should be explored and prioritized for low-income and extremely low-income renters, with priority on extremely low-income.³

3. Equitable climate action planning should examine the nexus of reliable public transportation, affordable housing, and access to healthy food hubs.

Reliable public transportation to and from affordable housing, job centers, and grocery stores and community garden sites are needed to ensure climate resiliency for low-income residents. Walkable, bikeable neighborhoods and a robust and efficient bus system are essential components of an equitable and resilient community.

Sincerely,

Members of the Charlottesville City and Albemarle County Non-Profit Service Providers

(See attached list of nonprofit service providers.)

² https://www.usda.gov/oce/climate_change/FoodSecurity2015Assessment/FullAssessment.pdf

³ Low-income is defined as 30- 60% of AMI, and extremely low-income is defined as less than 30% AMI.





May 30th, 2019

City Council of Charlottesville
Charlottesville, Virginia

Dear City Council,

As one of the leading non-profit organizations in region interested in the continued green growth of the City of Charlottesville, we are pleased to offer our support for development of a Commercial Property Assessed Clean Energy, or C-PACE, financing program. C-PACE provides building owners an innovative way to finance environmentally friendly renovations to their properties with no upfront capital, and to stimulate investment in a cleaner environment and local economy. As a non-profit leader who discuss green economic development strategies with localities, we support C-PACE as a powerful tool for communities like Charlottesville to promote sustainability and a business-friendly environment. This is of course very important now considering the new commercial buildings happening in the City's core.

From a local government perspective, C-PACE financing improves the building stock, which helps attract and retain businesses, creates jobs in the construction sector, brings in incremental tax revenue, and would further consolidate Charlottesville as a leader in the new technologies of the future. We believe that the City of Charlottesville can benefit from a C-PACE program that enables energy efficient buildings and attracts businesses that increasingly include sustainability and job growth as their core goals.

Please let us know how we can help to bring C-PACE to fruition in the City of Charlottesville.

Sincerely yours,

Chris Meyer
Executive Director
Local Energy Alliance Program
www.leap-va.org

RESOLUTION
ESTABLISHING A NEW GREENHOUSE GAS (GHG) REDUCTION GOAL

WHEREAS, the weight of scientific evidence and scientific consensus indicates that greenhouse gas emissions from human activities is driving climate change, especially the combustion of fossil fuels that create greenhouse gases; and

WHEREAS, climate change has been widely recognized by government, business, academic, and other community leaders as a worldwide threat with the potential to harm our economy, safety, public health, and quality of life; and

WHEREAS, the City of Charlottesville resolved in June 2017 to stand with cities and other public and private sector partners throughout the world to advance action in accordance with the with the goals outlined in the Paris Agreement, the first global commitment to fight climate change; and

WHEREAS, the City of Charlottesville adopted a Statement of Economic Principles in September 2017 that supports growing a wide array of local industry sectors, the availability of excellent affordable housing, a globally competitive workforce, redevelopment that produces local jobs and affordable housing, builds upon Charlottesville's commitment to sustainability, and promotes active partnerships at the regional level; and

WHEREAS, the City of Charlottesville is currently in Phase 2 of implementing its Global Covenant of Mayors for Climate and Energy commitment which requires a new reduction goal to be adopted, and will develop a Climate Action Plan in Phase 3; and

WHEREAS, the City of Charlottesville has been involved in and continues to explore a variety of important actions to reduce greenhouse gas emissions in our community; and

WHEREAS, 90% of Charlottesville's carbon emissions profile is attributed to residential, commercial, and transportation sector activities; and

WHEREAS, initial costs for energy efficiency and renewable energy measures can pose a barrier for residential, commercial, and non-profit property owners and slow adoption of low carbon actions despite many such installations resulting in net-cost savings over their lifetime; and

WHEREAS, the private financial sector has access to resources that local government does not and that can aid in increased investment in energy performance of buildings in Charlottesville; and,

WHEREAS, the affordability of housing is affected by the cost of the housing unit and the cost of powering the home, known as the energy burden; and

WHEREAS, improvements in building energy performance through energy efficiency and renewable energy installations can reduce the energy burden cost for the building occupants and, in many cases, improve the comfort and quality of life of the building occupants; and

WHEREAS, local investment in energy improvements for buildings and low carbon strategies requires a skilled local workforce and supports local businesses and industries that are

seeing national and global growth, and enables partnerships such as those seen in the GO Solar program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the City of Charlottesville adopts the goal of 45% reduction in community-wide greenhouse gas emissions by 2030 target from its 2011 inventory year, and the goal of carbon neutrality by 2050; and, develops a Climate Action Plan pursuant to this goal and that includes the following aspects:

- Front Load Reductions – pursue steeper reductions in the near term
- Identify of Sub-Goals by Sector and by Strategy in the Climate Action Plan
- Address Equity Specifically in Goals and the Climate Action Plan
- Identify Measurement Frequency & Accountability Mechanisms
- Addresses Funding and Financing Options to Enable and Support Private Sector Action

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



Agenda Date:	July 1, 2019
Action Required:	Resolutions
Presenter:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Staff Contacts:	Alex Ikefuna, Director of Neighborhood Development Services Tony Edwards, Development Service Manager Jeanette Janiczek, Urban Construction Initiative Program Manager
Title:	Acceptance of Hillsdale Drive Extension – City’s Transportation Network and the Urban Maintenance Inventory System for Maintenance Payments

Background: The City administered construction of the Hillsdale Drive Extension project which created an addition to the City’s roadway network. At the completion of a construction project, any changes to the roadway length and/or location must be documented, reported and receive appropriate governing body action for acceptance. Such actions adjust the mileage of the City’s highway inventory and impact the maintenance payment received from the State.

Discussion: The Hillsdale Drive Extension project added 1.71 moving lane miles to Hillsdale Drive from the northern City/County line to the former dead-end section of previously constructed Hillsdale Drive off of Hydraulic Road. This new section of Hillsdale Drive also removed 0.32 moving lane miles by replacing Line Drive between Zan Road and Indian Road. Zan Road was also shortened by 0.22 moving lane miles between Line Drive and Seminole Court with the construction of the roundabout. These additions/deletions must first be accepted into the City’s transportation network for on-going maintenance.

Then, to be added to the Urban Maintenance Inventory System for Urban System Projects, the locality prepares a U-1 form showing the changes in the system. The City is also asked to pass a resolution concurring with all changes in the system. The VDOT’s Residency Administrator reviews the information for accuracy, inspects proposed street(s) and approves Form U-1. On an annual basis, all roadway additions/adjustments are added into the state’s overall transportation network and maintenance payments are calculated for each locality.

Maintenance responsibilities will be assumed by the City for this new roadway minus the roadway deletions which will increase the maintenance payment from the State to the City.

Alignment with City Council’s Vision and Strategic Plan: Approval of this agenda item upholds the City’s commitment “a connected community” by improving upon our existing transportation infrastructure. In addition, it would contribute to Goal 3 of the Strategic Plan, to be “A Beautiful and Sustainable Natural and Built Environment” by meeting Objective 3.1 Engage in robust and context sensitive urban planning and implementation; Objective 3.2. Provide

reliable and high-quality infrastructure; and Objective 3.3. Provide a variety of transportation and mobility options.

Community Engagement: Though no community engagement has been held specific to the road acceptance, there has been significant engagement throughout project development with the understanding that the city would request that these streets be accepted into the city street system.

Budgetary Impact: Maintenance responsibilities will increase and will be mitigated by increase in maintenance payment received from the State.

Recommendation: Staff recommends approval of resolutions.

Alternatives: N/A

Attachment: Resolutions, Form U-1, Map

RESOLUTION
ACCEPTING HILLSDALE DRIVE PROJECT
INTO THE CITY STREET SYSTEM FOR MAINTENANCE

WHEREAS, the new portions of Hillsdale Drive have been completed by Fielder's Choice Enterprises, LLC;

WHEREAS, the subject roadway has been built to the specifications and standards required by the city approved plan;

WHEREAS, City staff and Whitman, Requardt & Associates, LLP on behalf of the City have inspected the roadway and recommends acceptance into its street system for maintenance; now, therefore

BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia, on recommendation of the City Engineer, that the new street portions of Hillsdale Drive as shown on the attached drawing, are hereby accepted into the City street system for maintenance.

- 1) add 1.71 moving lane miles to Hillsdale Drive from the northern City/County line to the former dead-end section of previously constructed Hillsdale Drive off of Hydraulic Road.
- 2) remove 0.32 moving lane miles from Line Drive between Zan Road and Indian Road.
- 3) remove 0.22 moving lane miles from Zan Road between Line Drive and Seminole Court.

BY ORDER OF THE COUNCIL OF THE
CITY OF CHARLOTTESVILLE, VIRGINIA

Attest:

City Clerk

RESOLUTION

**PETITIONING THE DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE
PAYMENTS FOR HILLSDALE DRIVE IN THE URBAN MAINTENANCE
INVENTORY SYSTEM**

WHEREAS, pursuant to the provisions of Virginia Code Section 33.2-319, the Virginia Department of Transportation makes payments to municipalities for the maintenance of qualifying highways; and

WHEREAS, Virginia Department of Transportation procedures require that municipalities requesting lane mileage additions and deletions for payments under § 33.2-219 submit Form U-1, "Request for Street Additions, Deletions or Conversions for Municipal Assistance Street Payments," as approved by the municipality's governing body;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

1. That the City of Charlottesville hereby petitions the Virginia Department of Transportation to accept (or delete) those streets listed on Form U-1 for street maintenance payments; a copy of said Form U-1 being attached hereto and made a part of this resolution.
2. That Form U-1 and accompanying maps, and a copy of this resolution, shall be transmitted to the Resident Engineer of the Virginia Department of Transportation.
3. That this resolution shall be in full force and effect upon its passage.

BY ORDER OF THE COUNCIL OF THE
CITY OF CHARLOTTESVILLE, VIRGINIA

Attest:

City Clerk

Appendix B
Form U-1 (rev. 7-1-17)

LOCAL ASSISTANCE DIVISION
VDOT
REQUEST FOR STREET ADDITION, DELETIONS AND CONVERSIONS FOR
STREET PAYMENTS SECTION 33.2-319
CODE OF VIRGINIA

MUNICIPALITY Charlottesville

DISTRICT Culpeper

ACTION REQUIRED (SELECT BELOW)	STREET NAME ROUTE NUMBER	TO TERMINI FROM	R/W (Width) (FEET)	PAVEMENT WIDTH (FEET)	CENTER LANE (MILES)	NUMBER OF LANES	MOVING LANE MILES	Eligibility Code Reference Link	FUNC. CLASS. (T&MPD USE ONLY)
ADD (New Road)	Hillsdale Drive	Dead End; NCL	50-80	36-54	0.9	2	1.71	1	
DELETE	Line Drive	Zan Road; India Road	50	40	0.2	2	0.32	1	
DELETE	Zan Road	Line Drive; Seminole Court	50	39	0.1	2	0.22	1	
SELECT ONE							0.00	Select one	
SELECT ONE							0.00	Select one	
SELECT ONE							0.00	Select one	
SELECT ONE							0.00	Select one	
SELECT ONE							0.00	Select one	
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SELECT ONE							0.00	Select one	
SELECT ONE							0.00	Select one	


* Council Resolution and Map Attached

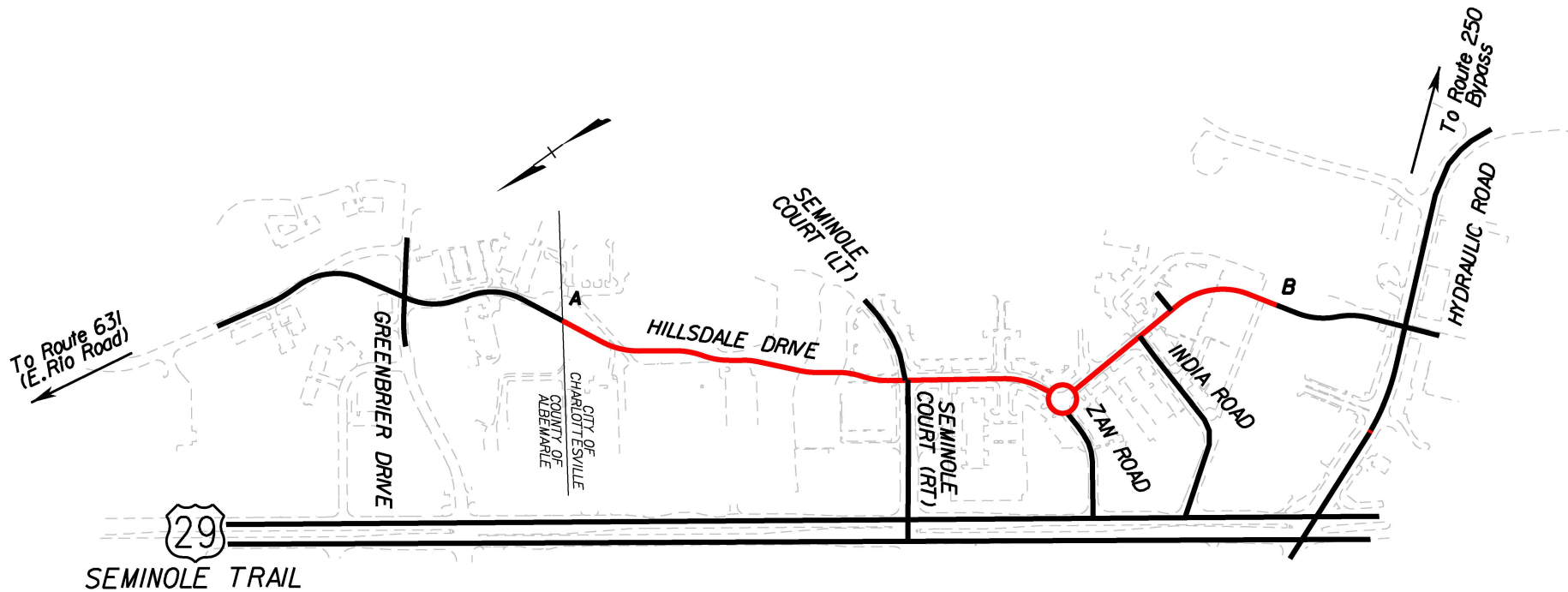
SIGNED _____
MUNICIPAL OFFICIAL DATE

SIGNED _____
AUTHORIZED VDOT OFFICIAL DATE

Submit to: District Point of Contact in triplicate

CLASSIFIED BY _____
T&MPD ENGINEER DATE

STREET	SEGMENT	TERMINI	LENGTH
HILLSDALE DRIVE	A  B	FR: 0.016 MI. N. GREENBRIER DRIVE TO: HYDRAULIC ROAD	0.67 MI



CITY OF CHARLOTTESVILLE

SKETCH OF ROADWAY
REQUESTED FOR ADDITION
TO STREET PAYMENTS
UPC: 60233

PROJECT: U000-104-119
PE-101, RW-201, C-501, B-612

HILLSDALE DRIVE EXTENSION

*Sketch not to scale
Approximate location shown for reference purposes*

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Required:	Resolutions
Presenter:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Staff Contacts:	Alex Ikefuna, Director of Neighborhood Development Services Tony Edwards, Development Service Manager Jeanette Janiczek, Urban Construction Initiative Program Manager
Title:	VDOT Revenue Sharing Program Applications – \$2 million East High Streetscape Signalization, \$300k Route 250 Bypass/Hydraulic Turn Lane Extension & \$3 million Citywide Multi-Modal Improvements

Background:

The Virginia Department of Transportation (VDOT) administers the Revenue Sharing Program to provide additional state funding for localities to improve their transportation network. The Revenue Sharing Grant Application Process has begun for Fiscal Year 2021 and 2022. Under the current program, for each local dollar that the City commits to an eligible project, the state is offering to match it 1:1. A locality may apply for a maximum of \$5 million in matching allocations per fiscal year (\$10 million per biennial cycle) and the maximum lifetime matching allocation per project is limited to \$10 million in matching allocations.

The total amount allocated each fiscal year by the Commonwealth Transportation Board for the Revenue Sharing Program has been approximately \$100 million dollars for the last few years with additional funding redistributed from previously awarded, closed Revenue Sharing projects. In accordance with Virginia Code requirements, funding is awarded based on a priority/tiered system.

Priority 1 – Construction Projects that have previously received Revenue Sharing funding as part of the Program application process.

Priority 2 – Construction Projects that meet a transportation need identified in the Statewide Transportation Plan (VTRANS) or when funding will accelerate advertisement of a project in a locality's capital improvement plan(CIP).

Priority 3 – Projects that address deficient pavement resurfacing and bridge rehabilitation (as described in Appendix E).

Priority 4 – All other eligible projects (projects not meeting priority criteria described above) which include: Construction Projects that provide a new or significantly modified transportation facility; Reconstruction Projects that completely replace an existing facility or

significantly improve the functionality of an existing facility; Improvement Projects that facilitate or enhance traffic flow or safety; and Maintenance Projects.

Based on previous demand from around the state, funding very rarely extends past Priority 2 and is often prorated within Priority 2 (which can increase the local share above 50%).

Staff has not identified any Priority 1 projects, those that have previously received Revenue Sharing funding, in need of additional funding at this time. Below is a discussion of proposed projects that would qualify as Priority 2 and are being recommended for application.

Discussion:

FY2021 Grant Applications

1. *East High Streetscape Signalization - \$2 million (\$1 million local, \$1 million state)*

Located within and on the periphery of the Downtown Corridor Urban Development Area (UDA) of VTRANS, this project will improve access to transportation networks beyond the UDA ensuring its qualification as a Priority 2 project.

The East High Streetscape project was awarded \$5.638k in a previously awarded SmartScale application. The submission included the future evaluation of replacement of the following signals but did not include the cost to complete this work: Market Street & 7th Street, Market Street & 9th Street, High Street & 9th Street and 10th Street & East High Street. This project is included within the City's CIP, would upgrade the signals to meet the latest ADA standards and would benefit from efficiencies by completing this work with the streetscape project.

The \$1 million required local match would be a new request in the next CIP.

2. *Route 250 Bypass/Hydraulic Turn Lane Extension - \$300,000 (\$150k local, \$150k state)*

VTRANS identified the need for improved Regional Connectivity to address chronic problems such as bottlenecks and multimodal conflicts around Route 250 ensuring this project's qualification as a Priority 2 project.

The left turn lane from Route 250 eastbound to Hydraulic Road northbound would be lengthened to alleviate the safety issue of stopped vehicles blocking the mainline and eliminating a bottleneck on Route 250. This was part of a previous SmartScale application that also included the following improvements - traffic signal replacement, multi-use trail extension, pedestrian bridge replacement, side street access improvements, box culvert extension, capacity improvements. The application totaled \$6.4 million and was ranked in the middle of the pack at #17 out of 42 projects for the Culpeper District in a previous round. This project would address an immediate safety issue along a heavily traveled corridor located on the National Highway System.

A new CIP request of \$150,000 could be made for matching funds or existing CIP funding could be used as the match.

3. *Citywide Multi-Modal Improvements - \$3 million (\$1.5 million local, \$1.5 million state)*

VTRANS identified the need for Complete Streets and Multimodal Networks to increase accessibility for residents, alleviate potential congestion and allow for more efficient movement of goods/people ensuring this project's qualification as a Priority 2 project. It is also located within the City's CIP.

Several studies have been conducted through the public process to identify priority multi-modal improvements citywide. These studies include:

- Priority Sidewalk projects (through Planning Commission)
- ADA Transition Plan
- ADA Pedestrian Signal Upgrades
- Downtown Pedestrian Intersection Lighting
- 2015 Bicycle and Pedestrian Master Plan
- Streets That Work
- Strategic Investment Area Plans

The improvements contained within these studies for new sidewalks, bike facilities and ADA improvements could be constructed with this funding – doubling the amount of improvements able to be constructed with matching state funds.

The \$1.5 million required local match would be a new request in the next CIP.

Alignment with City Council's Vision & Strategic Plan:

The grant applications would support City Council's Vision Statements of America's Healthiest City and A Connected Community, and 2018-2020 Strategic Plan Goal 3: Beautiful Environment by supporting transportation projects that engage in robust and context sensitive urban planning and implementation (3.1); provide reliable and high quality infrastructure (3.2) and provide a variety of transportation and mobility options (3.3).

Community Engagement:

Public participation occurs during each study that produces a planning document, the annual Capital Improvement Program and continues throughout project development.

Budgetary Impact:

Represents opportunity to double \$3,650,000 in local CIP funds to receive \$3,650,000 in state grant funding.

Recommendation:

Staff recommends approval of the three support resolutions for the following projects:

FY2021 Grant Applications

1. East High Streetscape - \$2 million

2. Route 250 Bypass/Hydraulic Turn Lane Extension - \$300,000

FY2022 Grant Application

3. Multi-Modal Improvements - \$3 million

Alternatives:

The City could reduce or increase the amount of funding sought for Multi-Modal Improvements.
The City could choose to not submit one or more applications.

Attachments:

2 Resolutions

RESOLUTION

Fiscal Year 2020 – 2021 Revenue Sharing Program - \$1,150,000

At a regularly scheduled meeting of the City of Charlottesville City Council held on July 1, 2019, on a motion by [name of Council or Board member], seconded by [name of Council or Board member], the following resolution was adopted by a vote of [#] to [#]:

WHEREAS, the City of Charlottesville City Council desires to submit two applications for an allocation of funds of up to \$1,150,000 through the Virginia Department of Transportation Fiscal Year 2020-21, Revenue Sharing Program; and,

WHEREAS, \$1 million of these funds are requested to fund the East High Streetscape Signalization; and,

WHEREAS, \$150,000 of these funds are requested to fund the Route 250 Bypass/Hydraulic Turn Lane Extension; and,

WHEREAS: The City of Charlottesville City Council hereby supports this application for an allocation of \$1,150,000 through the Virginia Department of Transportation Fiscal Year 2020-21 Revenue Sharing Program.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Charlottesville hereby commits to fund its local share of preliminary engineering, right-of-way and construction (as applicable) of the project(s) under agreement with the Virginia Department of Transportation in accordance with the project financial document(s).

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

ADOPTED this 1st day of July 2019.

A COPY ATTEST

Kyna Thomas, Clerk

RESOLUTION

Fiscal Year 2021 – 2022 Revenue Sharing Program - \$1,500,000

At a regularly scheduled meeting of the City of Charlottesville City Council held on July 1, 2019, on a motion by [name of Council or Board member], seconded by [name of Council or Board member], the following resolution was adopted by a vote of [#] to [#]:

WHEREAS, the City of Charlottesville City Council desires to submit one application for an allocation of funds of up to \$1,500,000 through the Virginia Department of Transportation Fiscal Year 2021-22, Revenue Sharing Program; and,

WHEREAS, \$1.5 million of these funds are requested to fund the Multi-Modal Improvements, Citywide; and,

WHEREAS: The City of Charlottesville City Council hereby supports this application for an allocation of \$1,500,000 through the Virginia Department of Transportation Fiscal Year 2021-22 Revenue Sharing Program.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Charlottesville hereby commits to fund its local share of preliminary engineering, right-of-way and construction (as applicable) of the project(s) under agreement with the Virginia Department of Transportation in accordance with the project financial document(s).

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

ADOPTED this 1st day of July 2019.

A COPY ATTEST

Kyna Thomas, Clerk

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



Agenda Date:	July 1, 2019
Action Required:	Approve Resolution
Presenter:	Leslie Beauregard, Assistant City Manager
Staff Contacts:	Leslie Beauregard, Assistant City Manager
Title:	Agreement for Shared Staffing at Circuit Court – City of Charlottesville, Albemarle and Greene Counties

Background:

The City of Charlottesville is part of the Sixteenth Judicial Circuit of Virginia and is served by a Circuit Court, General District Court, Juvenile and Domestic Relations Court, and Magistrate’s Office. In addition to the City of Charlottesville, the 16th Judicial District includes Albemarle, Culpeper, Fluvanna, Goochland, Greene, Louisa, Madison, and Orange Counties. Currently, Charlottesville’s Circuit Court is served by one full time judge, Richard E. Moore, whose salary and benefits are covered by the State Compensation Board (“Comp Board”). As is usual and customary in Virginia, the City also supports expenditures of the court that are not covered by the Compensation Board, such as the salary and benefits of a full-time Administrative Assistant for Judge Moore. Judge Moore is not full time with Charlottesville. He sits with Fluvanna County, with which the City has an agreement that was approved early this year regarding the cost of his Administrative Assistant.

Discussion:

Recently, due to increasing caseloads, the State appointed an additional judge, Claude Worrell, to assist the localities of Albemarle, Greene, and the City of Charlottesville. As with other judges appointed to the Circuit, the salary and benefit costs associated with the new judge will be covered in full by the State Comp Board. Judge Worrell has approached the localities to which he is assigned with a request to fund a full-time legal services assistant to assist him with administrative duties customarily required with circuit court operations. Given that he will be sitting two days in Albemarle County, and one day in the City of Charlottesville, Judge Worrell has requested a permanent office in the County’s court complex and that his new legal assistant be a part of the County’s pay plan.

County staff has drafted, and the City has reviewed, a cost-sharing Agreement for the Board’s consideration (attached). The Agreement outlines the hiring of a Legal Services Assistant who will be employed by Albemarle County, subject to a fully executed cost-sharing Agreement between the City of Charlottesville, Greene County, and Albemarle County in which Greene County and Charlottesville agree to contribute to Albemarle 40% and 20%, respectively, of all costs incurred by Albemarle in connection with providing Legal Assistant services, including the costs of providing office space and supplies.

Alignment with City Council's Vision and Strategic Plan:

This action aligns with *Goal 5: A Well-Managed and Responsive Organization*, and in particular objective 5.3 which is to provide responsive customer service, as this request is in response to increasing caseloads in the city and two counties.

Community Engagement:

N/A

Budgetary Impact:

Staff estimates the total cost of a new assistant, including benefits, office and supply costs, at approximately \$80,000 per year, with approximately \$16,000 to be contributed by Charlottesville \$32,000 contributed by Greene, and \$32,000 by Albemarle County in F.Y. 20. These amounts are approximate, and exact amounts will be determined and may change before the agreement is approved by all parties. Because this expense was not anticipated in the F.Y. 20 budget, City staff recommends the use of the Employee Pay and Benefits pool. In F.Y. 21, this will be a budgeted item.

Recommendation:

Staff recommends that City Council adopt the attached Resolution approving the Agreement.

Alternatives:

N/A

Attachments:

Agreement for Shared Staffing at Circuit Court - City of Charlottesville, Albemarle and Green Counties

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Manager is hereby authorized to sign the following document, attached hereto, in form approved by the City Attorney or his designee.

Agreement for Shared Staffing at Circuit Court – City of Charlottesville,
Albemarle and Greene Counties

This agreement, made this _____ day of _____, 2019, by and between THE COUNTY OF ALBEMARLE, a political subdivision of the Commonwealth of Virginia, ("Albemarle"); THE COUNTY OF GREENE, a political subdivision of the Commonwealth of Virginia ("Greene"); and THE CITY OF CHARLOTTESVILLE, a political subdivision of the Commonwealth of Virginia ("Charlottesville").

WITNESSETH:

WHEREAS, Albemarle, Greene, and Charlottesville are all located in the 16th Judicial Circuit of the Commonwealth and are served by the circuit courts thereof; and

WHEREAS, by formal action of the State of Virginia, the Honorable Claude Worrell has been appointed to serve the 16th Judicial Circuit. He is expected to devote 40% of his time to Albemarle, 40% to Greene, and 20% to Charlottesville, generally resulting in 2 days, 2 days and 1 day each week, respectively; and

WHEREAS, Albemarle, Greene, and Charlottesville have determined that Judge Worrell needs a legal services assistant and that it is lawful and appropriate that they provide for such assistance for Judge Worrell; and

WHEREAS, the costs for a legal services assistance include salary and benefits, and any necessary administrative support to the judge and the legal assistant, for an estimated yearly total cost of \$80,000; and

WHEREAS, based upon the existing caseload, it has been determined that it is most efficient that Judge Worrell have his principal office in Charlottesville; and

WHEREAS, Albemarle, Greene and Charlottesville have determined that, based upon the time and resources spent in each jurisdiction, the localities agree to contribute a pro rata portion of the cost of providing a legal assistant as follows: Albemarle 40%; Greene 40%; City of Charlottesville 20%.

NOW, THEREFORE, for and in consideration of the mutual covenants set forth hereinafter, and pursuant to the provisions of Virginia Code Section 15.2-1300, *et seq.*, the localities hereby agree as follows:

- (1) All references to Judge Worrell are presumed to apply also to any successor in office, meaning a judge who replaces Judge Worrell in largely the same duties and for the same localities.
- (2) Albemarle agrees to provide a legal services assistant for Judge Worrell, providing him with salary and benefits, and any necessary administrative support to the judge and the legal services assistant (collectively, "Legal Assistance"). Legal Assistance may be provided in any manner that Judge Worrell and Albemarle agree.
- (3) Greene agrees to pay Albemarle 40% of the cost of providing Legal Assistance.
- (4) Charlottesville agrees to pay Albemarle 20% of the cost of providing Legal Assistance.
- (5) Until a planned renovation makes available suitable chambers space at Albemarle County Circuit Court ("Courthouse"), Judge Worrell will be provided with chambers in the Levy Opera House, the Jessup House, or another building agreeable to Albemarle, Charlottesville, and Judge Worrell. Upon suitable

chambers space becoming available at the Courthouse, Judge Worrell's chambers will be transferred to the Courthouse.

- (6) Each year, Albemarle shall propose to Greene and Charlottesville, no later than February 1 of each year, a budget that sets forth each's share of the estimated cost of Legal Assistance for the next fiscal year. Thereafter, Albemarle shall bill Greene and Charlottesville for each's share no later than September 30. Greene and Charlottesville shall remit payment to Albemarle on or before January 1.
- (7) This agreement will be effective upon the execution of the final of the 3 localities, and remain in effect until the parties mutually decide to terminate the agreement. One party may elect to unilaterally remove itself from this agreement; notice of unilateral termination must be made not later than June 1, to be effective on the July 1 of the following calendar year. Notice is considered given on the date it is actually received by the office of the chief executive officer of the other localities.
- (8) The obligations set forth herein are subject to all the localities approving an annual appropriation sufficient to cover their respective obligations.

IN WITNESS WHEREOF, Albemarle, Greene, and Charlottesville have executed this agreement as of the dates below.

COUNTY OF ALBEMARLE:

Jeffrey B. Richardson
County Executive

Date

COUNTY OF GREENE:

Mark B. Taylor, Esq.
County Administrator

Date

CITY OF CHARLOTTESVILLE:

Dr. Tarron J. Richardson
City Manager

Date

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Required:	Approve Resolution
Presenter:	Sunny Hwang, Interim Director Information Technology
Staff Contacts:	Sunny Hwang, Interim Director, Information Technology Fred Felgenhauer, Senior Network Engineer, Information Technology Captain James Mooney, Charlottesville Police Department
Title:	Capital Funding Transfer for the Purchase and Installation of City Hall Security Cameras - \$26,000

Background:

The City Department of Information Technology (I.T.), along with the Charlottesville Police, Procurement/Finance, Parks & Recreation and Public Works have partnered to design and implement a unified security camera system to address loss prevention, theft, building security and enhance community safety. This unified system has been deployed at the Downtown Mall (7th Street NE to 5th Street NE), Public Works yard, recreational facilities, as well as multiple city buildings. As a part of a multifaceted approach to enhance the City's security posture, staff is seeking the approval of the transfer of \$26,000 in existing funding in the Capital Improvement Program (C.I.P.) Fund to expand the existing unified security system to City Hall.

Discussion:

This unified security camera system provides a technological and operational opportunity to enhance public safety by providing information to police officers responding to calls in the vicinity of the cameras and to detectives by aiding investigations.

While cameras would not be continuously monitored, our officers could immediately access a live camera feed and obtain pertinent information. The department understands there may be privacy concerns regarding the use of security cameras. In this regard, the Charlottesville Police Department has enacted a policy to ensure privacy while offering security for our citizens and staff.

Funding for this project has been identified from previously appropriated funding in the C.I.P. Funding was previously appropriated for the Emergency Communications Center Telephone System Replacement project which has now been completed. Staff is recommending the transfer of a portion of the existing funds (\$26,000) from that project for the purchase and installation of

the City Hall Security Camera System.

Alignment with City Council's Vision and Strategic Plan:

The project supports City Council's "Smart, Citizen Focused" vision. Also, it contributes to Goal 2 of the Strategic Plan "A Healthy and Safe City" by reducing the occurrence of crime while promoting the safety needs of the community and City employees.

Community Engagement:

Not applicable.

Budgetary Impact:

This has no impact on the General Fund. No new funding is being appropriated. All funds will be transferred from funding previously appropriated in the Capital Improvement Program Fund.

Recommendation:

Staff recommends approval of the transfer of existing funding to cover the purchase and installations of security cameras at City Hall.

Alternatives:

If the transfer is not appropriated, the purchase and installation of security cameras at City Hall will not occur.

Attachments:

Resolution

RESOLUTION

**Capital Funding Transfer for the Purchase and Installation of City Hall Security Cameras
\$26,000**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the funding for the purchase and installation of City Hall security cameras is hereby transferred in the following manner:

Transfer From:

\$26,000 *Fund: 426* *WBS: P-00762* *G/L Account: 599999*

Transfer To

\$26,000 *Fund: 426* *WBS: P-01023* *G/L Account: 599999*

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Requested:	Amendment of City Special Events Ordinance
Presenter:	John Blair, City Attorney
Staff Contacts:	Lisa Robertson, Chief Deputy City Attorney
Title:	Amend City Special Events Ordinance

Background:

In early 2018 the City Council adopted an ordinance to regulate special events (including demonstrations and other First-Amendment-protected assemblies) conducted on public property. Recently the City Attorney's office reviewed the provisions of the ordinance, reflecting on experiences and comments which have been received since its adoption.

Discussion:

The City Attorney's Office recommends that the Special Events Ordinance should be amended. It is desirable to provide clarification of certain defined terminology as well as of the applicability of specific requirements. One such issue: clarification that the Prohibited Items regulations apply to individuals actually participating in any event—regardless of whether or not the event requires a permit. The Prohibited Items section is separated out from other applicable requirements, and items are presented in a list format rather than a single paragraph. Also, we propose that violations of provisions pertaining to the requirement to obtain a permit should become punishable by a civil penalty, rather than as a criminal offense. Most, if not all, of the proposed amendments involve wordsmithing rather than changes in policy.

Alignment with City Council's Vision and Strategic Plan: N/A

Community Engagement: N/A

Budgetary Impact: None

Recommendation: The City Attorney's Office recommends adoption of the attached Ordinance.

Alternatives: The City Attorney's Office has no alternatives to recommend at this time.

Attachment:

- (1) Ordinance Amending and Re-enacting City Code Chapter 18, Article III

ORDINANCE
AMENDING AND RE-ENACTING CHAPTER 18 (PARKS AND RECREATION), ARTICLE III
(PERMITS FOR SPECIAL EVENTS AND DEMONSTRATIONS) OF THE CODE OF THE
CITY OF CHARLOTTESVILLE (1990) AS AMENDED

1. The provisions of Chapter 18, Article III of the Code of the City of Charlottesville (1990), as amended, are hereby amended and re-enacted, as follows:

~~ARTICLE III. - PERMITS FOR~~ REGULATION OF SPECIAL EVENTS AND
DEMONSTRATIONS

Sec. 18-21. - Purpose.

The purposes of this article are to:

- (a) To establish procedures and standards governing the use of public property by non-city organizations and individuals for the purpose of conducting events, and to ensure the preservation of public convenience in the use of city streets and outdoor areas, the preservation of public order and safety, and the defraying of administrative expenses associated with certain types of uses; and,
- (b) To protect the right of persons and groups to organize and participate in peaceful assemblies to express their political, social, religious, or other views on city streets, sidewalks, and other public ways, in parks, and on other public lands, subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interest of persons not participating in such assemblies in not having their ability to use city streets, sidewalks, and other public ways to travel to their intended destinations, city parks for recreational purposes, and other city lands for their intended purposes unreasonably impaired.
- (c) The application of the provisions of this article, and any rules and regulations adopted pursuant to these provisions, shall be without regard to the content of the beliefs expressed or anticipated to be expressed during any permitted event.

Sec. 18-22. - Definitions.

~~*Community event* means the events listed in section 28 29(e) of this Code, and such other events designated by city council as "community events" from time to time.~~

~~*Demonstration* means any demonstration, rally, protest, counter-protest, picket, or other similar public assembly conducted on public property, at which one or more individuals are engaged in non-commercial expression protected by the First Amendment of the United States Constitution an event involving non-commercial expression protected by the First Amendment of the United States Constitution (such as picketing, political marches, speechmaking, vigils, walks, etc.) conducted on public property, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual activity by persons which does not have an intent or propensity to attract a crowd or onlookers. The term "demonstration" shall exclude:~~

- ~~(1) Any events conducted by tenant of the Economic Development Authority of the City of Charlottesville ("CEDA") under the Pavilion lease dated September 20, 2004 (i.e., all "operator events" as that term is defined within that Pavilion lease); and~~
- ~~(2) Any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument.~~

~~Event refers to any activity that is may refers either to a demonstration or a special event, a demonstration or special event or to demonstrations and special events, collectively.~~

Open burning and *open fire* have the same meaning as set forth in this Code section 12-2.

Open flame means fire whose flame is supported by a wick, oil or other slow-burning means to sustain itself. "Open flame" includes, but is not limited to, flame producing devices such as candles, torches, and juggling or other fire artist equipment; provided, however, that "open burning and open fire" and "open flame" shall not include handheld candles when used for ceremonial purposes, provided that they are not held or used in an intimidating, threatening, dangerous or harmful manner.

Person means an individual, or any legal entity, such as a corporation, association, limited liability company, or partnership.

Public property means any land or premises owned or leased by the City of Charlottesville.

Prohibited items shall mean:

- ~~(1) All items prohibited by law from being held, carried, displayed, worn or otherwise used in public;~~
- ~~(2) Items banned from public or park lands;~~
- ~~(3) Any BB guns, pellet guns, air rifles or pistols, paintball guns, pellet guns, nun chucks, tasers, stun guns, heavy gauge metal chains, lengths of lumber or wood, poles, bricks, rocks, metal beverage or food cans or containers, glass bottles, axes, axe handles, hatchets, ice picks, acidic or caustic materials, hazardous, flammable, or combustible liquids, dogs (except service dogs), skateboards, swords, knives, daggers, razor blades or other sharp items, metal pipes, pepper or bear spray, mace, aerosol sprays, catapults, wrist rockets, bats, sticks, clubs, drones, explosives, fireworks, open fire or open flames, or other item considered an "implement of riot";~~
- ~~(4) Any items capable of inflicting bodily harm when these items are held or used in an intimidating, threatening, dangerous or harmful manner; and~~
- ~~(5) Law enforcement or military like uniforms or uniform like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that when held, carried, displayed or worn tend to suggest or imply that the wearer is a current member of law enforcement, the military, a private militia, or other public safety organization, such as a fire department or emergency medical services agency.~~

Special event means any activity, such as a sports events, pageants, celebrations, historical reenactments, carnivals, music festivals or and other entertainments, exhibitions, dramatic presentations, fairs, festivals, races (i.e., runs/walks), any community events (as defined in city

code 28-29(c)), block party parties, movie filming, parades and any other, similar activity activities, conducted on public property conducted by a person other than the City of Charlottesville which (i) are not demonstrations, and (ii) are engaged in by fifty (50) or more persons on public property that is reserved, or is sought to be reserved, as the venue for such activity. The term "special event" shall be construed to include a community event or private organization celebration held in or on city owned property and is attended by more than fifty (50) people. The term "special event" shall *exclude* (i) any events conducted by the Charlottesville Economic Development Authority's CEDA's tenant under the Pavilion lease dated September 20, 2004 (i.e., all "operator events" as that term is defined within the Pavilion lease), and (ii) any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument; ~~and~~ (iii) a gatherings of ten (10) or more people in a park for general recreational or sports activities, and (iv) a demonstration, as defined above within this section.

Sponsor means any the person (as defined above) or persons who (i) conduct(s) an event, (ii) organizes an event, or who holds himself or herself out as being the organizer of an event, or (iii) who sign(s), or whose authorized representative(s) sign(s), an application for an event permit that is required for an event and who will be responsible under the permit, if issued, for ensuring that an the event will be conducted in accordance with these regulations. Where a purported sponsor is not a legal entity, the sponsor shall be the individual(s) signing the permit application.

Sec. 18-23. - Permit required for certain events.

- (a) The city manager is authorized to adopt standard operating procedures that establish a permit application process for events to be administered through the department of parks and recreation. The procedures shall also provide for the grant or denial of permit applications within specified times; establish the grounds for revocation of an approved permit; provide for the application of reasonable time, place and manner regulations for permitted events; and establish reasonable fees, charges, rentals and insurance and indemnification requirements for events; and restrict the possession or use of prohibited items, as defined herein, during the event.
- (b) Any person intending to ~~hold or sponsor~~ conduct an event ~~on any city owned or leased property~~ must first obtain a permit from the city through the department of parks and recreation, unless:
 - (1) The event is exempt from permitting requirements under the standard operating procedures promulgated by the city manager; or
 - (2) Such person is using public property in accordance with ~~holding or sponsoring such event pursuant to~~ a valid permit issued by the city ~~manager~~ pursuant to another chapter of this Code.
- (c) By accepting a permit issued by the city pursuant to this article, the sponsor represents that:
 - (1) All information included or presented as part of the permit application was, to the best of the sponsor's information and belief, complete and correct;

- (2) That the sponsor will comply with all terms and conditions of the permit and the sponsor will use reasonable means to ensure that persons participating in the event will comply with all terms and conditions of such permit ~~have been or will be complied with~~; and
- (3) That a copy of the permit will be made available for inspection by any city representative during the event.

(d) The following conduct is declared to be unlawful, and any person who engages in such conduct shall be subject to a civil penalty of up to five hundred dollars (\$500.00):

(1) Advertising, promoting or conducting an event for which a permit is required, without first obtaining a permit;

(2) Conducting an event for which a permit has been issued on any day(s), or at time(s), or location(s) not authorized by the permit, or advertising or promoting such event to take place on any day(s), time(s) or location(s) not authorized by the permit;

(3) Providing false, misleading or incomplete information within a permit application;

(4) Failing to comply with any terms or conditions placed on a permit, or failing to use reasonable means to ensure that persons participating in the event will comply with all terms and conditions of a permit.

Sec. 18-24. - Insurance requirements.

- (a) To further the goal of public safety and to protect the city and its officers, officials and employees from claims for damage to property or bodily injury occurring during the event, the sponsor of an event shall be required to furnish a general liability and property damage insurance contract insuring the sponsor's liability for personal injury and death and damages to property resulting from its use of public property. The required general liability and property damage insurance, unless waived in whole or in part, shall be provided in an amount not less than one million dollars (\$1,000,000.00), and the insurance policy shall name the city (including its officers, officials, employees and agents), as additional insured parties to the insurance contract.
- (b) This insurance requirement may be waived, in whole or in part, by the city manager or his or her designee because:
 - (1) The cost of the insurance will result in a documented financial hardship to the sponsor;
or
 - (2) For an event that:
 - a. Does not pose a high level of liability risk to the city or a material risk to public safety; and
 - b. Does not involve any inherently dangerous activity.

A written request to waive or modify any insurance requirement must be made by the sponsor at the time a permit application is submitted. An approval or denial of the request will be made in writing to the event sponsor.

- (c) The decision on whether the insurance requirement will be waived in whole or in part will be based on the following factors:
- (1) Whether the event and planned activities present a risk of personal injury or property damage;
 - (2) Whether the event involves a large number of participants relative to the size of the event venue;
 - (3) Whether the event involves the preparation and sale of food;
 - (4) The duration of the event; and
 - (5) Whether the event involves transportation or installation of heavy equipment, or the installation of a stage or other temporary structures. Provided however, that, in deciding whether insurance will be required or waived for a demonstration the city manager or his or her designee shall not consider the number of anticipated onlookers or counter-demonstrators, the potential risk of property damage or bodily injury that may be caused by onlookers or counterdemonstrators, nor the possibility that the demonstration will be controversial in nature.

Sec. 18-25. - ~~Violations and penalties~~ Prohibition on carrying or possessing specified items while attending or participating in an event.

- (a) It shall be unlawful for any person to carry or possess any of the following items or articles while attending or participating in an event:
1. Any length of lumber, wood or wood lath unless that object is ¼ inch or less in thickness and 2 inches or less in width, or if not generally rectangular in shape, such object shall not exceed ¾ inch in its thickest dimension. Both ends of the lumber, wood or wood lath permitted by this subsection shall be blunt;
 2. Any length of metal or plastic pipe, whether hollow or solid; provided, however, that hollow plastic piping not exceeding ¾ inch in its thickest dimension, and not exceeding 1/8 inch in wall thickness, and not filled with any material, liquid, gas or solid, may be used solely to support a sign, banner, placard, puppet or other similar expressive display. Both ends of any plastic pipe permitted by this subsection shall be blunt;
 3. Signs, posters, banners, plaques or notices, whether or not mounted on a length of material permitted under subdivision 1 or 2 of this section, above, unless such sign, poster, banner, plaque or notice is constructed solely of soft material such as cloth, paper, soft plastic capable of being rolled or folded, or cardboard material no greater than ¼ inch in thickness;

4. Baseball or softball bats, regardless of composition or size, provided however that such items are permissible when configured of cloth, cardboard, soft plastic, foam or paper for expressive purposes;
 5. Any aerosol spray, tear gas, mace, pepper spray or bear repellent;
 6. Any projectile launcher or other device, such as a catapult or wrist rocket, which is used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;
 7. Weapons, such as knives, swords, sabers or other bladed devices; axes; hatchets; ice picks; razor blades; box cutters; nunchucks or other martial arts weapons of any kind; metal/composite/wooden knuckles; conducted electrical weapons (CEWs), including, but not limited to, tasers or stun guns; any chain greater than 20 inches in length or greater than ¼ inch in diameter; or pellet or BB guns. This subdivision also includes toy or replica firearms unless such toy or replica is florescent-colored or transparent;
 8. Balloons, bottles or any other containers, such as water cannons or super-soakers, filled with any flammable, biohazard or other noxious matter which is injurious, or nauseous, sickening or irritating to any of the senses, with intent to throw, drop, pour, disperse, deposit, release, discharge or expose the same in, upon or about any persons attending a public assembly;
 9. Glass bottles, whether empty or filled;
 10. Open flame torches, lanterns or other devices that utilize combustible materials such as gasoline, kerosene, propane or other fuel sources;
 11. Shields made of metal, wood, hard plastic or any combination thereof;
 12. Bricks, rocks, pieces of asphalt, concrete, pellets or ball bearings.
- (b) When feasible, except in exigent circumstances, a warning shall be issued before enforcement of the provisions of this section. Such warning shall be sufficient if provided orally, by a posted sign, or by amplified announcement.
- (c) Authorized employees, agents or representatives of the City, and any person providing public services in aid of or in cooperation with City forces, shall be exempt from the provisions of this section while engaged in the official business of the City.
- (d) Nothing in this section shall prohibit an individual from carrying a cane or using a walker or other device necessary for providing mobility so that the person may participate in a public assembly. Further, nothing in this section shall prohibit the imposition of specific conditions for activities authorized under a permit issued by the City.

~~Sec. 18-25. Violations and penalties.~~

~~The following conduct is declared to be unlawful and shall be, upon conviction, punishable as a class IV misdemeanor, unless a greater penalty is authorized and imposed in any other chapter of this Code or by the laws of the Commonwealth of Virginia:~~

~~Any person who engages in conduct prohibited by this article shall, upon conviction, be guilty of a class IV misdemeanor, unless a greater penalty is authorized and imposed in any other chapter of this Code or by the laws of the Commonwealth of Virginia:~~

- ~~(a) Sponsoring, holding or conducting an event for which a permit is required, without first obtaining a permit;~~
- ~~(b) Sponsoring, holding or conducting an permitted event for which a permit has been issued on days or at times not authorized by the permit;~~
- ~~(c) Intentionally providing false, misleading or incomplete information in a permit application;~~
- ~~(d) Failing to comply with any terms or conditions placed on a permit;~~
- ~~(e) The failure to comply during an event with any lawful directive of a law enforcement officer, or with any lawfully posted public sign, direction or instruction;~~
- ~~(f) Climbing, during an event, upon any tree, or any wall, fence, shelter, fountain, statue, or any other structure not specifically intended for climbing purposes;~~
- ~~(g) Rendering any part of an event venue dangerous, unsafe or unsuitable for use by others;~~
- ~~(h) Closing any street or public right of way during an event, or using any street or right of way in a manner that obstructs vehicular or pedestrian passage during an event, without first obtaining a street closing permit;~~
- ~~(i) Holding, carrying, displaying or using any prohibited item as defined herein within an area where an event is taking place with a permit, without the prior written consent of the city manager or his or her designee;~~
- ~~(j) Holding, carrying, displaying or using any prohibited item as defined herein within a restricted area established by police officers as a security measure for or in connection with any event;~~
- ~~(k) Throwing or propelling objects of a potentially dangerous nature during an event, including but not limited to rocks, bottles, sticks, staffs, glass objects or cans;~~
- ~~(l) Engaging in a course of conduct or committing any act that endangers the public welfare or safety of others during an event;~~
- ~~(i) Damaging landscaping, plantings, improvements, equipment or structures located on city property where an event is being held.~~

~~In addition to the criminal sanctions authorized herein, any person engaging in the unlawful conduct proscribed by this section, or who violates any section in this article, may also be held civilly liable for any damages or loss, and may be banned from the future use of city owned property for a specified period of time.~~

Sec. 18-26. Other conduct prohibited while attending or participating in in an event

- (a) It shall be unlawful for any person to engage in the following conduct while attending or participating in an event:
 - (1) Failure to comply with lawful directions or instructions set forth on a sign posted by the City for or in connection with the event;

- (2) Climbing upon, during an event, any tree, wall, fence, shelter, fountain, statue, or other structure not specifically intended for climbing purposes;
 - (3) Rendering any part of the event venue dangerous or unsafe for use by others;
 - (4) Closing any street or public right-of-way during the event, or using any street or right-of-way in a manner that obstructs vehicular or pedestrian passage during the event, without first obtaining a street closing permit;
 - (5) Damaging landscaping, plantings, improvements, equipment or structures located on the public property where the event is being held;
 - (6) Holding, carrying, displaying or wearing law enforcement or military-like uniforms or uniform-like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that, when held, carried, displayed or worn, tend to suggest or imply that the wearer is a current member of the military, a private militia, a law enforcement agency, or another public safety organization (such as a fire department or emergency medical services agency).
- (b) The provisions of this section shall be enforceable as provided within Sec. 18-27 of this article.

Sec. 18-27. Violations and penalties.

Any person who commits an act made unlawful under the provisions of sec. 18-25 or 18-26 of this article shall, upon conviction, be guilty of a class 3 misdemeanor punishable as set forth within sec. 1-11 of the City Code.

2. **Severability. If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.**
3. **Effective Date. This ordinance shall become effective upon adoption by City Council.**

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

Agenda Date:	July 1, 2019
Action Required:	Ordinance Approval (Consent Agenda – 1st of 2 readings)
Staff Contacts:	Allyson Davies, Deputy City Attorney
Presenter:	John C. Blair, II, City Attorney
Title:	Lumos Networks Inc. - Telecommunications Franchise Renewal

Background:

Lumos Networks, Inc. (“Lumos”) requested a renewal of its current franchise to maintain its existing fiber lines and equipment. Lumos has had a franchise agreement with the City since 2014. The current franchise agreement expires July 21, 2019.

Discussion:

The proposed franchise ordinance contains substantially the same terms as the model Telecommunications Franchise ordinance developed by the City Attorney’s Office and used in other franchises granted by the City. The purpose of the franchise will not change. In accordance with the franchise terms, LUMOS Networks, Inc. is prepared to comply with the bonding and insurance requirements set forth in the agreement.

Budgetary Impact:

The proposed franchise has no anticipated budget impact. However, the franchise agreement reserves the right to impose a public right-of-way use fee as allowed by Virginia law through the passage of an ordinance providing for such fee. Previously, Council has declined to adopt such a fee.

Recommendation:

Approve the renewal of the franchise agreement. **Suggested motion: I move to adopt the Ordinance granting a telecommunications franchise to LUMOS Networks, Inc., as set forth within the written franchise included with the July 1, 2019 Council agenda materials.**

Alternatives:

Council may decline to adopt the ordinance and decline to renew the franchise agreement with LUMOS Networks, Inc.

Attachments:

Request Letter
Proposed LUMOS Franchise Agreement Ordinance

May 15, 2019

VIA U.S. FIRST CLASS MAIL

John C. Blair, II
City Attorney
City Attorney's Office
P.O. Box 911
Charlottesville, VA 22902

RE: Lumos Networks Inc. – Requested Renewal of Telecommunications Franchise


Dear Mr. Blair:

By letter dated May 3, 2019, Barbara Ronan, on behalf of the City of Charlottesville (“City”), contacted Lumos Networks Inc. (“Lumos”) to inquire whether Lumos was interested in renewing its current Franchise Agreement (“Franchise”) for an additional five (5) year term. As you know, Lumos was originally granted this Franchise by the City to use its public rights-of-way for the placement of poles, wires, conduits, cables and fixtures. The Ordinance approving the Franchise was adopted by the City and became effective July 21, 2014 for a term of five (5) years.

Accordingly, pursuant to Article XI, Section 1102 of the current Franchise, please accept this letter as written notice of Lumos’ desire to maintain its equipment and continue operations within the City’s Public Rights-of-Way by formally applying for a new Telecommunications Franchise for an additional five (5) year term. In submitting this request for renewal of this Franchise, Lumos represents that the purpose of the Franchise regarding the continued utilization of the City’s Public Rights-of-Way will not change. In addition, Lumos represents that it has fully complied with the provisions of its current Franchise.

Please feel free to contact the undersigned at your convenience with appropriate next steps intended to facilitate the City’s adoption of Lumos’ new Franchise. In this regard, I may be reached directly by telephone at (304) 720-2159 or by e-mail at steve.hamula@segra.com.

Sincerely yours,



STEVEN HAMULA
Associate General Counsel
Lumos Networks Inc.

Cc: City Manager, City of Charlottesville
Barbara Ronan, Paralegal, City of Charlottesville
Mary McDermott, General Counsel, Lumos Networks Inc.

LUMOS NETWORKS, Inc.
TELECOMMUNICATIONS FRANCHISE

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**AN ORDINANCE
GRANTING A TELECOMMUNICATIONS FRANCHISE TO
LUMOS NETWORKS, INC., ITS SUCCESSORS AND ASSIGNS
TO USE THE STREETS AND OTHER PUBLIC PLACES
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
FOR ITS POLE, WIRES, CONDUITS, CABLES AND FIXTURES,
FOR A PERIOD OF FIVE (5) YEARS**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that LUMOS Networks, Inc. (the “Company”), its successors and assigns, is hereby granted a telecommunications franchise for a period of five (5) years from the effective date hereof and is hereby authorized and empowered to erect, maintain and operate certain communications lines and associated equipment, including posts, poles, cables, wires and all other necessary overhead or underground apparatus and associated equipment on, over, along, in, under and through the streets, alleys, highways and other public places of the City of Charlottesville, Virginia (the “City”) as its business may from time to time require; provided that:

ARTICLE I

Section 101. Purpose And Scope

To provide for the health, safety and welfare of its citizens and to ensure the integrity of its roads and streets and the appropriate use of the Public Rights-of-Way, the City strives to keep the right-of-way under its jurisdiction in a state of good repair and free from unnecessary encumbrances.

Accordingly, the City hereby enacts this Ordinance relating to a telecommunications right-of-way franchise and administration. This Ordinance imposes regulation on the placement and maintenance of Facilities and equipment owned by the Company currently within the City’s Public Rights-of-Way or to be placed therein at some future time. The Ordinance is intended to complement, and not replace, the regulatory roles of both state and federal agencies. Under this Ordinance, when excavating and obstructing the Public Rights-of-Way, the Company will bear financial responsibility for their work to the extent provided herein. Finally, this Ordinance provides for recovery of the City’s reasonable out-of-pocket costs related to the Company’s use of the Public Rights-of-Way, subject to the terms and conditions herein.

Section 102. Authority to manage the right of way

This Ordinance granting a telecommunications franchise is created to manage and regulate the Company’s use of the City’s Public Rights-of-Way along city roads pursuant to the authority granted to the City under Sections 15.2-2015, 56-460, and 56-462(A) of the Virginia Code and other applicable state and federal statutory, administrative and common law.

This Ordinance and any right, privilege or obligation of the City or Company hereunder, shall be interpreted consistently with state and federal statutory, administrative and common law, and such statutory, administrative or common law shall govern in the case of conflict. This Ordinance shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce other general ordinances necessary to protect the health, safety, and welfare of the public.

Section 103. Definitions

103.1 CITY means the City of Charlottesville, Virginia, a municipal corporation.

103.2 COMPANY means LUMOS Networks, Inc., including its subsidiaries, successors and assigns.

103.3 DIRECTOR means the Director of Public Works for the City of Charlottesville, or other department head who may be designated by the City Manager to administer the provisions of this Franchise Ordinance.

103.4 FACILITY means any tangible asset in the Public Rights-of-Way required to provide utility service, which includes but is not limited to; cable television, electric, natural gas, telecommunications, water, sanitary sewer and storm sewer services.

103.5 PATCH means a method of pavement replacement that is temporary in nature.

103.6 PAVEMENT means any type of improved surface that is within the Public Rights-of-Way including but not limited to any improved surface constructed with bricks, pavers, bituminous, concrete, aggregate, or gravel or some combination thereof.

103.7 PUBLIC RIGHTS-OF-WAY or PROW means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, or sidewalk in which the City has an interest, including any other rights-of-way dedicated for public travel, or utility easements (paved or otherwise). This definition does not include a state highway system regulated pursuant to the direction of the Commonwealth Transportation Board.

ARTICLE II

Section 201. Initial Installation

Upon the effective date of this Ordinance, the Company either already has Facilities installed, or may install its Facilities in public rights-of-way, in accordance with this Franchise Ordinance. The location of major or significant installation of equipment, lines, cables or other Facilities by the Company is a mixture of overhead and underground in the Public Rights-of-Way as depicted in the Public Right of Way (PROW Plan) attached and incorporated herein as **Exhibit A**. The PROW Plan may have been or may hereafter be modified (see Section 304, *infra*), and upon

approval of a modification by the Director, the modified PROW Plan shall be deemed incorporated herein by reference, as if set forth herein verbatim.

Section 202. Subsequent Installation

202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:

Additional Facilities installed within the PROW may be placed overhead or underground pursuant to an approved request by the Company made pursuant to Article III, and in accordance with such generally applicable ordinances or regulations governing such installations that have been adopted by the City from time to time.

202.2 GENERAL PREFERENCE FOR UNDERGROUND FACILITIES: As a matter of policy, the City prefers that the installation of any Facility within the PROW occur underground. Notwithstanding this preference, the City recognizes that in some circumstances the placement of Facilities underground may not be appropriate. Any substantial, additional installation of lines, cable, equipment, or other Facilities shall be underground unless it shall be determined by the Director, pursuant to Article III that it is not feasible to do so.

202.3 INSTALLATION OF OVERHEAD FACILITIES: Where a subsequent PROW plan is approved for overhead installation, the Company shall use its existing Facilities, or those of another utility where available. If the PROW plan calls for overhead installation and existing Facilities cannot accommodate the proposed installation, the Company will clearly indicate in the PROW plan its intended placement of new Facilities for the Director's review and consideration pursuant to Article III.

202.4 FUTURE ORDINANCES: Nothing herein shall be construed to limit the authority of the city to adopt an ordinance that will restrict the placement of overhead lines for all utilities using the PROW within a defined area of the City.

202.5 CONDITIONS FOR RELOCATING UNDERGROUND: The Company agrees that if, at some future time, the telephone and other utility lines on the posts, poles, and other overhead apparatus upon which the Company has placed some or all of its Facilities in the City's PROWs are relocated voluntarily and in the Company's sole discretion underground, the Company will also, at such time, relocate its Facilities on those posts, poles, and other overhead apparatus underground at its expense. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

Section 203. Inspection by the City

The Company shall make the work-site available to the City and to all others as authorized by law for inspection at all reasonable times, during the execution of, and upon completion of, all work conducted pursuant to this Ordinance.

Section 204. Authority of the City to Order Cessation of Excavation

At the time of inspection, or any other time as necessary, the City may order the immediate cessation and correction of any work within the Public Rights-of-Way which poses a serious threat to the life, health, safety or travel upon the public roadways by the public.

Section 205. Location of Posts, Poles, Cables and Conduits

In general, all posts, poles, wires, cables and conduits which the Company places within the Public Rights-of-Way pursuant to this Ordinance shall in no way permanently obstruct or interfere with public travel or the ordinary use of, or the safety and convenience of persons traveling through, on, or over, the Public Rights-of-Way within the City of Charlottesville.

Section 206. Obstruction of the PROW

Generally, any obstruction of the PROW is limited to the manner clearly specified within an approved PROW plan.

206.1 REMOVAL OF OBSTRUCTIONS: Obstructions of the PROW not authorized by an approved PROW plan shall be promptly removed by the Company upon receipt of written notice from the City. The City's notice of the Obstruction will include a specified reasonable amount of time determined by the Director for the Company's removal of the obstruction, given the location of the obstruction and its potential for an adverse effect on the public's safety and the public's use of the PROW. If the Company has not removed its obstruction from the PROW within the time designated within the notice, the City, at its election, will make such removal and the Company shall pay to the City its reasonable costs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within the thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the removal and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to administrative overhead, mobilization, material, labor, and equipment related to removing the obstruction.

206.2 NO OBSTRUCTION OF WATER: The Company shall not obstruct the PROW in a manner that interferes with the natural free and clear passage of water through the gutters, culverts, ditches tiles or other waterway.

206.3 PARKING, LOADING AND UNLOADING OF VEHICLES SHALL NOT OBSTRUCT THE PROW: Private vehicles of those doing work for the Company in the PROW must be

parked in a manner that conforms to the City's applicable parking regulations. The loading or unloading of trucks must be done in a manner that will not obstruct normal traffic within the PROW, or jeopardize the safety of the public who use the PROW.

ARTICLE III

Section 301. Administration of the Public Rights of Way

The Director is the principal City official responsible for the administration of this Ordinance granting a telecommunications franchise to the Company and any of its PROW Plans. The Director may delegate any or all of the duties hereunder to an authorized representative.

Section 302. Submission of PROW Plan

At least thirty (30) days before beginning any installation, removal or relocation of underground or overhead Facilities, the Company shall submit detailed plans of the proposed action to the Director for his or her review and approval, which approval shall not unreasonably be withheld, conditioned, or delayed.

Section 303. Good Cause Exception

303.1 WAIVER: The Director, at his or her sole judgment, is authorized to waive the thirty (30) day requirement in Section 302 for good cause shown.

303.2 EMERGENCY WORK: The Company shall immediately notify the Director of any event regarding its facilities that it considers to be an emergency. The Company will proceed to take whatever actions are necessary to respond to the emergency, or as directed by the Director.

If the City becomes aware of an emergency regarding the Company's facilities, the City will attempt to contact the Company's emergency representative as indicated in Section 1202. In any event, the City shall take whatever action it deemed necessary by the Director to make an appropriate and reasonable response to the emergency. The costs associated with the City's response shall be borne by the person whose facilities occasioned the emergency.

Section 304. Decision on PROW Plan by the Director

304.1 DECISION: The Director, or his or her authorized representative, shall, within thirty (30) days, either approve the Company's plans for proposed action as described in Section 302

or inform the Company of the reasons for disapproval. The Company shall designate a responsible contact person with whom officials of the Department of Public Works can communicate on all matters relating to equipment installation and maintenance.

304.2 APPEAL: Upon written request within thirty (30) days of the Director’s decision, the Company may have the denial of a PROW Plan reviewed by the City Manager. The City Manager will schedule its review of the Director’s decision within forty-five (45) days of receipt of such a request. A decision by the City Manager will be in writing and supported by written findings establishing the reasonableness of its decision.

Section 305. Mapping Data

Upon completion of each project within the Public Rights-of-Way pursuant to this Ordinance, the Company shall provide to the City such information necessary to maintain its records, including but not limited to:

- (a) location and elevation of the mains, cables, conduits, switches, and related equipment and other Facilities owned by the Company located in the PROW, with the location based on (i) offsets from property lines, distances from the centerline of the Public Rights-of-Way, and curb lines; (ii) coordinates derived from the coordinate system being used by the City; or (iii) any other system agreed upon by the Company and the City;
- (b) the outer dimensions of such Facilities; and
- (c) a description of above ground appurtenances.

ARTICLE IV

Section 401. Compliance with all Law and Regulations

Obtaining this telecommunications franchise shall in no way relieve the Company of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any applicable state or federal rule, law or regulation. The Company shall comply with and fulfill all generally applicable laws and regulations, including ordinances, regulations and requirements of the City, regarding excavations and any other work in or affecting the Public Rights-of-Way. The Company shall perform all work in conformance with all applicable codes and established rules and regulations, and it is responsible for all work conducted by the Company, another entity or person acting on its behalf pursuant to this Ordinance in the Public Rights-of-Way.

ARTICLE V

Section 501. Relocation of Company Facilities within the Public Rights-of

Way

Upon written notice from the Director of a planned and authorized improvement or alteration of City sidewalks, streets or other property for the purpose of enabling improved utility services, public works services or roadway enlargement, or of a proposed relocation of any City-owned utilities that necessitate relocation of some or all of the Facilities owned by the Company and lines to accommodate same, the Company shall relocate at its own expense any such Facilities within one hundred eighty (180) days of receipt of the notice. At Company's request, the city may consent to a longer period, such consent not to be unreasonably or discriminatorily withheld, conditioned or delayed. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

Section 502. Rights-of Way Patching and Restoration

502.1 RESTORATION STANDARD: Where the Company disturbs or damages the Public Rights-of-Way, the Director shall have the authority to determine the manner and extent of the restoration of the Public Rights-of-Way, and may do so in written procedures of general application to all utilities or other parties who disturb the PROW. In exercising this authority, the Director will consult with any state or federal standards for rights-of-way restoration and shall be further guided by the following considerations:

- (a) the number, size, depth and duration of the excavations, disruptions or damage to the Public Rights-of-Way;
- (b) the traffic volume carried by the Public Rights-of-Way; the character of the neighborhood surrounding the right-of-way;
- (c) the pre-excavation condition of the Public Rights-of-Way and its remaining life expectancy;
- (d) the relative cost of the method of restoration to the Company balanced against the prevention of an accelerated deterioration of the right-of-way resulting from the excavation, disturbance or damage to the Public Rights-of-Way; and
- (e) the likelihood that the particular method of restoration would be effective in slowing the depreciation of the Public Rights-of-Way that would otherwise take place.

502.2 TEMPORARY SURFACING: The Company shall perform temporary surfacing, patching and restoration including, backfill, compaction, and landscaping according to industry standards which may be reasonably determined by, and with the materials determined to be industry standard by, the Director.

502.3 TIMING: After any excavation by the Company pursuant to this Ordinance, the patching and restoration of the Public Rights-of-Way must be completed promptly and in a manner determined by the Director as set forth above.

502.4 GUARANTEES: The Company guarantees its restoration work shall meet industry standards and that such restoration work shall be of a standard free of any defects for at least 24 months following such restoration including sufficient restoration of plantings and turf such that these plantings shall be viable for a period of at least 12 months. Restoration work shall be completed after receipt of notice from the Director, within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure. Notwithstanding the foregoing, the Company's guarantees set forth hereunder concerning restoration and maintenance, shall not apply to the extent another company, franchisee, licensee, permittee, other entity or person, or the City disturbs or damages the same area, or a portion thereof, of the Public Right of Way.

502.5 DUTY TO CORRECT DEFECTS: The Company shall correct defects in patching, or restoration performed by it or its agents. Upon notification from the City, the Company shall correct all restoration work to the extent necessary and to a standard approved by the Director. Such work shall be completed after receipt of the notice from the Director within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure.

502.6 FAILURE TO RESTORE: If the Company fails to restore the Public Rights-of-Way in the manner and to the condition required by the Director pursuant to Section 502.5, or fails to satisfactorily and timely complete all restoration required by the Director pursuant to the foregoing, the City shall notify the Company in writing of the specific alleged failure or failures and shall allow the Company at least ten (10) days from receipt of the notice to cure the failure or failures, or to respond with a plan to cure. In the event that the Company fails to cure, or fails to respond to the City's notice as provided above, the City may, at its election, perform the necessary work and the Company shall pay to the City its reasonable costs for such restoration within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within the thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative overhead, mobilization, material, labor, and equipment related to such restoration.

502.7 DAMAGE TO OTHER FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY: The Company shall be responsible for the cost of repairing any Facilities existing within the Public Rights-of-Way that it or the Facilities owned by the Company damage. If the Company damages the City's Facilities within the Public Rights-of-Way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, the Company shall correct the

damage within a prompt period after receiving written notification from the City. If the Company does not correct the City's damaged Facilities pursuant to the foregoing, the City may make such repairs as necessary and charge all of the reasonable, actual and documented costs of such repairs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within such thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative overhead, mobilization, material, labor, and equipment related to such repair.

502.8 DIRECTOR'S STANDARD: All determinations to be made by the Director with respect to the manner and extent of restoration, patching, repairing and similar activities under the franchise granted by this Ordinance, shall be reasonable and shall not be unreasonably conditioned, withheld, or delayed. The Company may request additional time to complete restoration, patching, repair, or other similar work as required under the franchise granted by this Ordinance, and the Director shall not unreasonably withhold, condition, or delay consent to such requests.

ARTICLE VI

Section 601. Indemnification and Liability

601.1 SCOPE OF INDEMNIFICATION: Subject to the following, the Company agrees and binds itself to indemnify, keep and hold the City, Council Members, officials and its employees free and harmless from liability on account of injury or damage to persons, firms or corporations or property growing out of or directly or indirectly resulting from:

- (a) the Company's use of the streets, alleys, highways, sidewalks, rights-of-way and other public places of the City pursuant to the franchise granted by this Ordinance;
- (b) the acquisition, erection, installation, maintenance, repair, operation and use of any poles, wires, cables, conduits, lines, manholes, facilities and equipment by the Company, its authorized agents, subagents, employees, contractors or subcontractors; or
- (c) the exercise of any right granted by or under the franchise granted by this Ordinance or the failure, refusal or neglect of the Company to perform any duty imposed upon or assumed by the Company by or under the franchise granted by this Ordinance.

601.2 DUTY TO INDEMNIFY, DEFEND AND HOLD HARMLESS: If a suit arising out of subsection (a), (b), (c) of Section 601.1, claiming such injury, death, or damage shall be brought or threatened against the City, either independently or jointly with the Company, the Company will defend, indemnify and hold the City harmless in any such suit, at the cost

of the Company, provided that the City promptly provides written notice of the commencement or threatened commencement of the action or proceeding involving a claim in respect of which the City will seek indemnification hereunder, and provided the suit or claim is not based upon the negligence of the City. The Company shall be entitled to have sole control over the defense through counsel of its own choosing and over settlement of such claim provided that the Company must obtain the prior written approval of City of any settlement of such claims against the City, which approval shall not be unreasonably withheld, conditioned or delayed more than thirty (30) days. If, in such a suit, a final judgment is obtained against the City, either independently or jointly with the Company, the Company will pay the judgment, including all reasonable costs, and will hold the City harmless therefrom.

Section 602. Waiver by the City

The City waives the applicability of these indemnification provisions in their entirety if it:

- (a) elects to conduct its own defense against such claim;
- (b) fails to give prompt notice to the Company of any such claim such that the Company's ability to defend against such claim is compromised;
- (c) denies approval of a settlement of such claim for which the Company seeks approval; or
- (d) fails to approve or deny a settlement of such claim within thirty (30) days of the Company seeking approval.

Section 603. Insurance

603.1 The Company shall also maintain in force commercial general liability insurance in a form reasonably satisfactory to the City Attorney, which must provide:

- (a) evidence that an insurance policy has been issued to the Company by an insurance company licensed, permitted or authorized to do business in the State of Virginia;
- (b) evidence that the Company is insured against claims for bodily injury, including death and property damage arising out of (i) the use and occupancy of the Public Rights-of-Way by the Company and its employees including products/completed operations, and damage of underground Facilities and collapse of property;

- (c) verification that the policy has a combined single limit coverage of two million dollars (\$2,000,000) per occurrence for bodily injury and property damage and two million dollars (\$2,000,000) general aggregate.

The policy shall include the City as an additional insured party as their interest may appear under this Agreement, and the Company shall provide the City Attorney with a certificate of such coverage upon execution of this franchise.

The Company shall provide the City with thirty (30) days prior written notice of cancellation of any required coverage.

603.2 The Company shall also require similar indemnification and insurance coverage from any contractor working on its behalf in the public right-of-way.

Section 604. Negligence and Intentional Acts

Nothing herein contained shall be construed to render the Company liable for or obligated to indemnify, defend and hold harmless the City, its agents, or employees, for the negligence or intentional acts of the City, its Council members, its agents or employees, or a permittee of the City.

ARTICLE VII

Section 701. General Requirement of a Performance Bond

Prior to the Effective Date of this Ordinance, the Company has deposited with the City a Performance Bond made payable to the city in the amount of twenty-five thousand dollars (\$25,000). The bond shall be written by a corporate surety acceptable to the City and authorized to do business in the Commonwealth of Virginia. The Performance Bond shall be maintained at this amount through the term of this franchise.

Section 702. Changed Amount of the Performance Bond

At any time during the Term, the City may, acting reasonably, require or permit the Company to change the amount of the Performance Bond if the City finds that new risk or other factors exist that reasonably necessitate or justify a change in the amount of the Performance Bond. Such new factors may include, but not be limited to, such matters as:

- (a) material changes in the net worth of the Company;
- (b) changes in the identity of the Company that would require the prior written consent of the City;

- (c) material changes in the amount and location of Facilities owned by the Company;
- (d) the Company's recent record of compliance with the terms and conditions of this Ordinance; and
- (e) material changes in the amount and nature of construction or other activities to be performed by the Company pursuant to this Ordinance.

Section 703. Purpose of Performance Bond

The Performance Bond shall serve as security for:

- (a) the faithful performance by the Company of all terms, conditions and obligations of this Ordinance;
- (b) any expenditure, damage or loss incurred by the City occasioned by the Company's failure to comply with all rules, regulations, orders, permits and other directives of the City issued pursuant to this Ordinance;
- (c) payment of compensation required by this Ordinance;
- (d) the payment of premiums for the liability insurance required pursuant to this Ordinance ;
- (e) the removal of Facilities owned by the Company from the Streets at the termination of the Ordinance, at the election of the City, pursuant to this Ordinance;
- (f) any loss or damage to the Streets or any property of the City during the installation, operation, upgrade, repair or removal of Facilities by the Company;
- (g) the payment of any other amounts that become due to the City pursuant to this Ordinance or law;
- (h) the timely renewal of any letter of credit that constitutes the Performance Bond; and
- (i) any other costs, loss or damage incurred by the City as a result of the Company's failure to perform its obligations pursuant to this Ordinance.

Section 704. Fees or Penalties for Violations of the Ordinance

704.1 FEE OR PENALTY: The Company shall be subject to a fee or a penalty for violation of this Ordinance as provided for in applicable law.

704.2 APPEAL: The Company may, upon written request within thirty (30) days of the City's decision to assess a fee or penalty and for reasons of good cause, ask the City to reconsider its imposition of a fee or penalty pursuant to this Ordinance unless another period is provided for in applicable law. The City shall schedule its review of such request to be held within forty-five (45) days of receipt of such request from the Company. The City's decision on the Company's appeal shall be in writing and supported by written findings establishing the reasonableness of the City's decision. During the pendency of the appeal before the City or any subsequent appeal thereafter, the Company shall place any such fee or penalty in an interest-bearing escrow account. Nothing herein shall limit the Company's right to challenge such assessment or the City's decision on appeal, in a court of competent jurisdiction.

ARTICLE VIII

Section 801. Compensation/PROW Use Fee

The City reserves the right to impose at any time on the Company consistent with Section 253(c) of the Communications Act of 1934, as amended:

- (a) a PROW Use Fee in accordance with Section 56-468.1(G) of the Code of Virginia as authorized, and/or
- (b) any other fee or payment that the City may lawfully impose for the occupation and use of the Streets.

The Company shall be obligated to remit the PROW Use Fee and any other lawful fee enacted by the City, so long as the City provides the Company and all other affected certificated providers of local exchange telephone service appropriate notice of the PROW Use Fee as required by Section 56-468.1(G) of the Code of Virginia. If the PROW Use Fee is eliminated, discontinued, preempted or otherwise is declared or becomes invalid, the Company and the City shall negotiate in good faith to determine fair and reasonable compensation to the City for use of the Streets by the Company for Telecommunications.

Section 802. Reserved

Section 803. No Credits or Deductions

The compensation and other payments to be made pursuant to Article VIII: (a) shall not be deemed to be in the nature of a tax, and (b) except as may be otherwise provided by Section 56-

468.1 of the Code of Virginia, shall be in addition to any and all taxes or other fees or charges that the Company shall be required to pay to the City or to any state or federal agency or authority, all of which shall be separate and distinct obligations of the Company.

Section 804. Remittance of Compensation/Late payments, Interest on Late Payments

(1) If any payment required by this Ordinance is not actually received by the City on or before the applicable date fixed in this Ordinance, or (2), in the event the City adopts an ordinance imposing a PROW Use Fee, if such Fee has been received by the Company from its customers, and has not been actually received by the City on or before the applicable date fixed in this Ordinance or thirty (30) days after receipt of the PROW Use Fee from its customers, whichever is later, then the Company shall pay interest thereon, to the extent permitted by law, from the due date to the date paid at a rate equal to the rate of interest then charged by the City for late payments of real estate taxes.

ARTICLE IX

Section 901. Reservation of All Rights and Powers

The City reserves the right by ordinance or resolution to establish any reasonable regulations for the convenience, safety, health and protection of its inhabitants under its police powers, consistent with state and federal law. The rights herein granted are subject to the exercise of such police powers as the same now are or may hereafter be conferred upon the City. Without limitation as to the generality of the foregoing the City reserves the full scope of its power, if any and only to the extent existing under current law, to require by ordinance substitution of underground service for overhead service, or the transfer of overhead service from the front to the rear of property whenever reasonable in all areas in the City and with such contributions or at such rates as may be allowed by law.

Notwithstanding anything herein to the contrary, nothing herein shall be construed to extend, limit or otherwise modify the authority of the City preserved under Sections 253 (b) and (c) of the Communications Act of 1934, as amended. Nothing herein shall be construed to limit, modify, abridge or extend the rights of the Company under the Communications Act of 1934, as amended.

Also, nothing in this Ordinance or agreement is intended to alter, amend, modify or expand the taxes or fees that may be lawfully assessed on Company pursuant to existing statutes, regulations or ordinances. And nothing in this Ordinance or agreement is intended to waive or eliminate any right Company may have pursuant to statute, regulation, case law or contract for reimbursement of costs concerning relocation of facilities, or concerning public grants or funding.

Section 902. Severability

If any portion of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE X

Section 1001. Maintenance Obligation

The Company will maintain the poles, wires, cable, conduits, lines, manholes, equipment and other Facilities it owns within the City's PROW in good order and operating condition throughout the term of the franchise granted by this Ordinance.

Section 1002. Tree Trimming

Should the Company install any overhead lines, it shall have the authority to trim trees upon or overhanging the streets, alleys, walkways or Public Rights-of-Way to prevent the branches of such trees from interfering with its lines or other Facilities. However, all such trimmings shall be performed in a safe and orderly manner under the general direction of the Director of Public Works or his or her designee and in compliance with the pruning standards of the National Arborists Association as currently in effect.

ARTICLE XI

Section 1101. Initial Term of Telecommunications Franchise

The term of the franchise granted by this Ordinance shall be for a period of five (5) years from the effective date of this Ordinance.

Section 1102. Application for New Telecommunications Franchise

If the Company wishes to maintain its equipment within the City and to continue the operation of the system beyond the term of the franchise granted by this Ordinance, it shall give written notice to the City at least one hundred twenty (120) days before expiration of the franchise granted by this Ordinance, stating that it wishes to apply for a new franchise. Such application shall include a report of the location of the Facilities owned by the Company within the City's PROW, and a statement as to whether the Company has complied with the provisions of this Ordinance.

Section 1103. Operation of Facilities Owned by the Company While Renewal is Pending

Upon a timely request by the Company prior to the expiration of its initial franchise, the Company shall be permitted to continue operations of the Facilities owned by the Company within the City under the terms of the franchise granted by this Ordinance until the City acts. Nothing herein shall be construed to grant the Company a perpetual franchise interest.

ARTICLE XII

Section 1201. Notice

All notices, except for in cases of emergencies, required pursuant to the franchise granted by this Ordinance shall be in writing and shall be mailed or delivered to the following address:

To the Company:

Mary McDermott
General Counsel
Lumos Networks, Inc.
One Lumos Plaza
Waynesboro, VA 22980

To the City:

City of Charlottesville
Attn: City Manager
605 East Main Street
Charlottesville, VA 22902

Copy To:

Anne Sarbin, Regulatory Manager
Lumos Networks, Inc.
One Lumos Plaza
Waynesboro, VA 22980

Copy to: City of Charlottesville

Attn: City Attorney
605 East Main Street
Charlottesville, VA 22902

All correspondence shall be by registered mail, certified mail or overnight carrier with return receipt requested; and shall be deemed delivered when received or refused by the addressee. Each Party may change its address above by like notice.

Section 1202. Emergency Notification

Notices required pursuant to Section 303.2 shall be made orally and by facsimile to the following:

To the Company:
Emergency contact for
afterhours/weekends/holidays:

To the City:
Gas Dispatchers
(434) 970-3800 (office)
Emergency (434)293-9164 (leaks)
(434) 970-3817 (facsimile)

Paul Oberdorfer, Director of Public Works
(434) 970-3301 (office)
(434) 970-3817 (facsimile)

Section 1203. Registration of Data

The Company, including any subleasee or assigns, must keep on record with the City the following information:

- (a) Name, address and e-mail address if applicable, and telephone and facsimile numbers;
- (b) Name, address and e-mail address if applicable, and telephone and facsimile numbers of a local representative that is available for consultation at all times. This information must include how to contact the local representative in an emergency; and
- (c) A certificate of insurance as required under Article VI, Section 603 of this telecommunications franchise, and upon prior request a copy of the insurance policy.

The Company shall update all of the above information with the City within fifteen (15) days following its knowledge of any change.

ARTICLE XIII

Section 1301. Termination of Telecommunications Franchise

The franchise granted by this Ordinance may be terminated:

- (a) by the Company, at its election and without cause, by written notice to the City at least sixty (60) days prior to the effective date of such termination; or
- (b) by either the Company or the City, after thirty (30) days written notice to the other party of the occurrence or existence of a default of the franchise granted by this Ordinance, if the defaulting party fails to cure or commence good faith efforts to cure, such default within sixty (60) days after delivery of such notice.

Notwithstanding the provisions of this Section, the terms and conditions of the franchise granted by this Ordinance pertaining to indemnification shall survive a termination under this Section.

ARTICLE XIV

Section 1401. Removal of Facilities from the Public Rights-of-Way

The Company shall remove all Facilities owned by the Company from the streets, alleys and public places of the City at the expense of the Company within six (6) months after the termination, abandonment, or expiration of this franchise granted by this Ordinance, or by such reasonable time to be prescribed by the City Council, whichever is later. No such removal will be required while any renewal requests as provided for in Section 1102 and Section 1103, are pending before the City. If such renewal request is denied, the six (6) month period provided above shall commence on the date of denial or expiration, whichever is later. The City reserves the right to waive this requirement, as provided for in Section 1402 herein. The City shall grant the Company access to the Public Rights-of-Way in order to remove its telecommunications Facilities owned by the Company pursuant to this paragraph.

Section 1402. Abandonment of Facilities Owned by the Company in the Public Rights-of-Way

The telecommunications Facilities owned by the Company may be abandoned without removal upon request by the Company and approval by the City. This Section survives the expiration or termination of this franchise granted by this Ordinance.

ARTICLE XV

Section 1501. Prior Written Consent For Assignment

The franchise granted by this Ordinance shall not be assigned or transferred without the expressed written approval of the City, which shall not be unreasonably or discriminatorily conditioned, withheld or delayed.

In addition, the City agrees that nothing in this Ordinance shall be construed to require Company to obtain approval from the City in order to lease any Facilities owned by the Company or any portion thereof in, on, or above the PROW, or grant an indefeasible right of use (“IRU”) in the Facilities owned by the Company, or any portion thereof, to any entity or person. The lease or grant of an IRU in such Facilities owned by the Company, or any portion or combination thereof, shall not be construed as the assignment or transfer of any franchise rights granted under this

Ordinance.

Section 1502. Successors and Assigns

Notwithstanding Section 1501, the Company may assign, transfer, or sublet its rights, without the consent of the City, to any person or entity that controls, is controlled by or is under common control with the Company, any company or entity with which or into which the Company may merge or consolidate, to any lender of the Company provided the City is advised of the action prior to enactment. Any successor(s) of the Company shall be entitled to all rights and privileges of this franchise granted by this Ordinance and shall be subject to all the provisions, obligations, stipulations and penalties herein prescribed.

ARTICLE XVI

Section 1601. Nonexclusive Franchise

Nothing in the franchise granted by this Ordinance shall be construed to mean that this is an exclusive franchise, as the City Council reserves the right to grant additional telecommunications franchises to other parties.

ARTICLE XVII

Section 1701. All Waivers in Writing and Executed by the Parties

Subject to the foregoing, any waiver of the franchise granted by this Ordinance or any of its provisions shall be effective and binding upon the Parties only if it is made in writing and duly signed by the Parties.

Section 1702. No Constructive Waiver Recognized

If either Party fails to enforce any right or remedy available under the franchise granted by this Ordinance, that failure shall not be construed as a waiver of any right or remedy with respect to any breach or failure by the other Party. Nothing herein shall be construed as a waiver of any rights, privileges or obligations of the City or the Company, nor constitute a waiver of any remedies available at equity or at law.

ARTICLE XVIII

Section 1801. No Discrimination

The Company's rights, privileges and obligations under the franchise granted by this Ordinance shall be no less favorable than those granted by the City to and shall not be interpreted by the City in a less favorable manner with respect to any other similarly situated entity or person or user of the City's Public Rights-of-Way.

ARTICLE XIX

Section 1901. Force Majeure

Neither the Company nor the City shall be liable for any delay or failure in performance of any part of the franchise granted by this Ordinance from any cause beyond its control and without its fault or negligence including, without limitation, acts of nature, acts of civil or military authority, government regulations, embargoes, epidemics, terrorist acts, riots insurrections, fires, explosions, earthquakes, nuclear accidents, floods, work stoppages, equipment failure, power blackouts, volcanic action, other major environmental disturbances, or unusually severe weather conditions.

ARTICLE XX

Section 2001. Effective Date

This Ordinance shall be effective upon the date of its adoption, certified below:

Adopted by the Council of the City of Charlottesville on the _____ day of _____, 2019.

Kyna Thomas, Clerk of Council

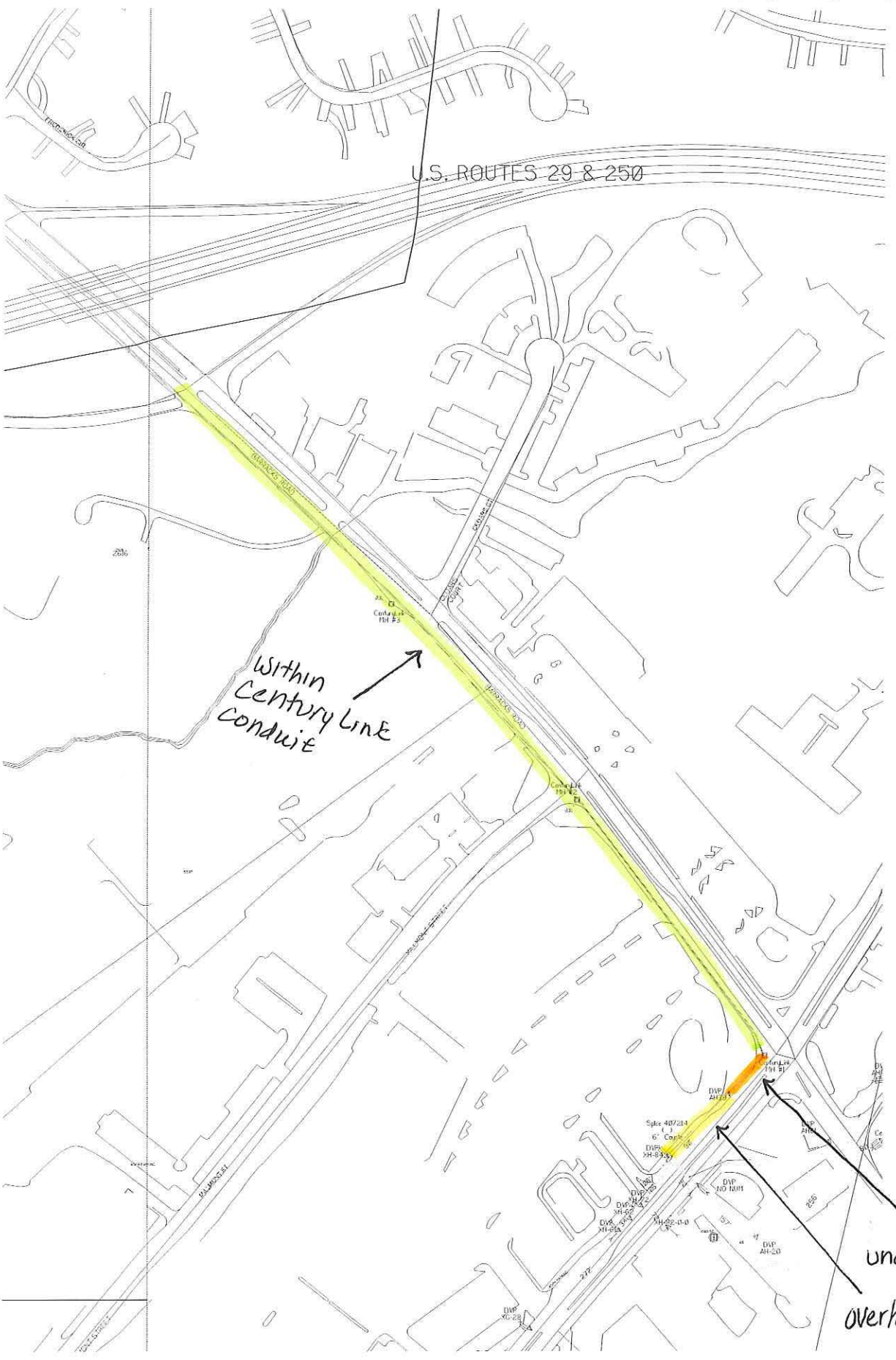
ACCEPTED: This franchise is accepted, and we agree to be bound by its terms and conditions set forth within the Franchise Ordinance adopted by the Charlottesville City Council, effective as of the date certified by the Clerk of Council preceding above.

LUMOS NETWORKS, INC.

By _____

Its _____

Date _____



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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Required:	Report Only – no verbal presentation
Presenter:	Report Only– no verbal presentation
Staff Contacts:	Lauren Hildebrand, Director of Utilities Melissa Orndorff Stephens, Stormwater Utility Administrator
Title:	2018 Water Resources Protection Program Advisory Committee Annual Report

Background:

City Council established the Water Resources Protection Advisory Committee (WRPP-AC) by resolution in February of 2013. One of the duties of the WRPP-AC per the resolution is “to make an annual report to City Council”.

Discussion:

The WRPP-AC met throughout calendar year 2018 and prepared the attached annual report with minimal support from staff.

Alignment with City Council’s Vision and Priority Areas:

The work of the WRPP-AC, and therefore the Annual Report, supports City Council’s vision to make Charlottesville “A Great Place to Live for All of Our Citizens.” The WRPP-AC positions the City as a leader in environmental sustainability and promotes the idea of Charlottesville being a Green City with Smart, Citizen-Focused Government.

The Committee and Report contributes to Goal 3 of the Strategic Plan, to create “A Beautiful and Sustainable Natural and Built Environment. The Committee aims to achieve objectives 3.2 to “provide reliable and high quality infrastructure” and 3.4 to “be responsible stewards of natural resources” within Goal 3.

Community Engagement:

Not Applicable

Budgetary Impact:

The Report has no impact on the General Fund.

Recommendation:

Not Applicable

Alternatives:

Not Applicable.

Attachments:

2018 WRPP-AC Annual Report

**Charlottesville Water Resources Protection Program
Advisory Committee (WRPP-AC)
End-of-Year Report to City Council, CY2018**

Executive Summary

The Water Resources Protection Program (WRPP) was established to comply with federal and state stormwater regulations, rehabilitate the City's aging stormwater system, address drainage and flooding problems and pursue environmental stewardship in an economically practicable and sustainable manner. The program implementation is proceeding as expected. The stormwater utility fee has been through eight (8) biannual billing cycles and revenue generated by the fee continues to be invested in ongoing drainage pipe rehabilitation and design and construction of capital improvement projects.

The City offers a Stormwater Utility Fee Credit to reduce the stormwater utility fee for property owners that implement Best Management Practices (BMPs) on their property. Property owners are not responding to the Stormwater Utility Fee Credit Program, most likely due to the high cost of implementing a practice and the modest reduction in the fee that would be generated. While the Water Quality Incentive Program continues to attract limited attention, the Memorandum of Agreement with the Thomas Jefferson Soil and Water Conservation District (TJSWCD) has been renewed. Potentially, a stewardship program, where property owners are recognized for their conservation efforts, would create more interest in BMP implementation by property owners.

The City of Charlottesville is substantially in compliance with requirements for the Chesapeake Bay Total Maximum Daily Load (TMDL) through the next permit cycle ending in 2023 and on track to meet final reduction goals for phosphorous and total suspended solids (TSS) by 2028. The remaining nitrogen reduction requirements may be more challenging to meet. Regulatory uncertainty persists with the Chesapeake Bay TMDL Program and while the City's TMDL Action Plan has been approved by DEQ, the 2017 Mid-Point Assessment may change the reduction goals. For the time being, with the water quality objectives apparently met, the immediate WRPP emphasis is turning to addressing drainage issues inherent in the comingled public/private drainage system. The recently completed city-wide Water Resources Master Plan will be utilized to identify, prioritize and select water quality drainage improvement projects going forward.

Background

The Water Resources Protection Program Advisory Committee (WRPP-AC) was established to advise City Council and City staff on issues regarding continued development and implementation of the Water Resources Protection Program (WRPP) and the Stormwater Utility. The WRPP is designed to comply with federal and state stormwater regulations, rehabilitate the City's aging stormwater system, address drainage and flooding problems and pursue environmental stewardship in an economically practicable and sustainable manner.

In February 2013, City Council established the stormwater utility fee to provide an adequate and stable source of funding for the WRPP. The stormwater utility fee is a "fee for service" based on the amount of impervious surface area on individual properties (impervious area is a basic representation of the amount of stormwater that drains from properties into the City's regulated stormwater system). Revenue from fees are deposited in a dedicated Stormwater Utility Fund that can only be used for activities and services required to meet the objectives of the WRPP which include:

- Meeting state and federal regulatory requirements contained in the City's Municipal Separate Storm Sewer System (MS4) permit;
- Development of a City-wide Water Resources Master Plan to identify, select, and prioritize projects to accomplish the WRPP's goals and objectives; and
- Implementation of capital projects, including:
 - Rehabilitation, repair and replacement of the City-owned stormwater pipe systems;
 - Stormwater retrofits to attain mandated pollution reductions;
 - Drainage improvement projects to address local flooding and drainage issues; and
 - Stewardship projects to preserve, enhance, and restore the integrity of the City's water resources.

To meet these objectives, the WRPP contains various program elements, as outlined below:

- **Stormwater Utility Fee:** The stormwater utility fee is a "fee for service" based on the amount of stormwater that drains from individual properties into the City's regulated stormwater system. This fee provides an adequate and stable funding source for the WRPP.
- **Stormwater Utility Fee Credit:** As the operator of a municipal stormwater utility, the City is required by state law to offer a fee credit program. City property owners who own and maintain stormwater management facilities that provide permanent reductions in pollutants and/or stormwater runoff are acknowledged for their contribution to improved water quality through a reduction in their annual stormwater utility fee.
- **Water Quality Incentive Program:** The City works with the Thomas Jefferson Soil & Water Conservation District (TJSWCD) to operate a water quality incentive program, known as the Charlottesville Conservation Assistance Program (CCAP). This program provides a cost share for the construction of on-lot stormwater practices.

- Pipe Rehabilitation & Other Project Implementation: This includes work to-date through capital projects to replace or line City-owned pipes, particularly those made of clay and metal; implementation of new stormwater practices as part of other Capital Improvement Projects (CIP), stand-alone stormwater retrofit projects, and the redesign and reconstruction of existing stormwater practices.
- Public Education & Citizen Engagement: Includes WRPP efforts to educate, inform, and engage citizens in the program.

In January of 2017 the Stormwater Utility/WRPP joined the water, wastewater, and gas utilities to form the Department of Utilities. City utilities were previously a division of the Department of Public Works.

WRPP Advisory Committee Overview

WRPP-AC Duties

As established by City Council resolutions dated February 19, 2013 and December 16, 2013, and specified in the advisory committee by-laws, the WRPP-AC is tasked with the following duties:

- Engage in matters pertaining to the Water Resources Protection Program;
- Monitor the formulation and implementation of the Water Resources Protection Program including, but not limited to, the following elements:
 - Master planning;
 - Progress with respect to pollutant reduction requirements established via the municipal separate storm sewer system (MS4) general permit;
 - Infrastructure rehabilitation, repair, and maintenance;
 - Capital drainage program.
- Conduct periodic assessments of program priorities and funding needs, including recommendations for potential adjustments in the stormwater utility fee rate by City Council once specific program objectives or milestones have been satisfied;
- Report to City Council from time to time on the appropriateness and effectiveness of the credits and incentives program; and
- Make an annual report to City Council.

Year 5 WRPP-AC Membership

In 2018, the WRPP-AC was composed of the following nine (9) committee members: Michael Ramsey (Chair), Mary Eiserman (Secretary), Dustin Greene, David Hirschman, Trey Steigman, Rebecca Quinn, Jeff Atkins, Brian Becker, and Morgan Butler. Jacqueline Goodrum joined the committee mid-way through the year, bringing membership on the Committee to ten (10).

Members of City staff who regularly attended and contributed to WRPP-AC meetings during the year included: Melissa Stephens (Stormwater Utility Administrator), Lauren Hildebrand (Director of Utilities) and Sarah Osterman (Stormwater Technician).

Year 5 WRPP-AC Activities

The WRPP-AC executed its duty to monitor the implementation of and engage in matters pertaining to the WRPP by holding three (3) meetings during Calendar Year (CY) 2018:

- [WRPP-AC Meeting #16 – March 19, 2018](#)
- [WRPP-AC Meeting #17 – June 18, 2018](#)
- [WRPP-AC Meeting #18 – October 15, 2018](#)

Summary of Year 5 WRPP Activities

- **Stormwater Utility Fee implementation, including the credits and incentives program:**

As the Stormwater Utility Program moves out of its initial business plan period, operations continue smoothly. The stormwater utility fee collection rate is exceeding 99%. Average residential bills are approximately \$70.27 per year, equating to \$5.86 per month. In CY 2018, the Stormwater Utility collected \$1,920,067 in revenue.

Actuals for the first four (4) years of the program, show the Stormwater Utility took in \$8.5 million in fees. Through the end of CY 2018, approximately 11 miles of pipe and 137 structures located in the City right-of-way and on City-owned parcels had been rehabilitated.

In CY 2018, straddling the fiscal years of 2018 and 2019, the stormwater budget remained flat and the Stormwater Utility Fee rate remained stable. The Stormwater Utility Fee was introduced in 2014 at a rate of \$1.20 per billing unit (500 square feet of impervious area), per month and has not increased since inception. During 2018, in Fiscal Year 2019, the Utility transitioned to an annual fee review schedule. This change brings the Stormwater Utility in line with the other City-owned and operated utilities (gas, water, and wastewater) and revenue requirements will be evaluated each year to determine if and when a rate change may be necessary.

State law requires all stormwater utilities adopted in Virginia to include a credit program. Charlottesville's [Stormwater Utility Fee Credit Program](#) offers an ongoing partial reduction of the stormwater utility bill for property owners that own and maintain stormwater management facilities that provide permanent reductions in pollutants and/or stormwater runoff volumes. Continuing the trend of recent years, few credit adjustment requests have been received. Two (2) requests for credit adjustments were received in CY2018; however, upon review, neither were approvable. One application was for a best management practice installed as a condition of development and the other application was an erroneously filed Petition for Adjustment. Thirteen credits have been approved since the program's inception.

The [Water Quality Incentive Program](#) offers cost-share for property-owners to install stormwater BMPs on their property. The Charlottesville Conservation Assistance Program (CCAP) is modeled after the Virginia Conservation Assistance Program (VCAP), and is administered locally by the Thomas Jefferson Soil and Water Conservation District (TJSWCD). CCAP funding is earmarked for Charlottesville residents and is leveraged by VCAP funding, as available. VCAP has been funded entirely through grants, so funding availability varies significantly. In 2018, the City reissued and executed the Memorandum

of Agreement for the CCAP incentive program, and witnessed a substantial growth in the interest from Charlottesville residents to implement stormwater best management practices into their landscapes. In CY2018 alone, TJSWCD conducted 30 site visits, completed six (6) projects, and approved four (4) projects to proceed with construction. From these efforts, the City of Charlottesville achieved a 269,436 square foot runoff reduction, and was able to utilize \$19,991.05 of the allocated cost-share reserve.

Moreover, through coordination with TJWSCD, it has been made possible that eligible CCAP projects will be guaranteed funding every month as long as CCAP funds remain. This strategy was developed in response to the exponential growth of the VCAP program, and its limited resources that were threatening match funding and monthly approvals

The WRPP-AC continues to explore the idea of how a stewardship-orientated program can be developed within the existing WRPP framework, but is extremely satisfied with the growth that the incentive program has seen over the year.

- **Regulatory Compliance**

The Virginia Department of Environmental Quality (DEQ) approved the City of Charlottesville's Chesapeake Bay TMDL Action Plan, which is a requirement of the City's MS4 General Permit. The TMDL Action Plan was approved in 2016. The Action Plan describes the phased reductions of the three (3) pollutants of concern (POC) before the end of FY2028: total nitrogen (N), total phosphorous (P), and total suspended solids (TSS). With the approved Action Plan in place, the City is in compliance with the Chesapeake Bay TMDL through the next permit cycle ending in 2023. The City is also on track to meet 2028 reduction goals in phosphorous and total suspended solids, but still requires additional reductions in nitrogen (Table 1). The latter pollutant has a reduction load criteria that is difficult to achieve due to the lack of land cover available in highly urbanized areas, thus, limiting the space for BMP's suitable for capturing large amounts of nitrogen.

In addition to the Chesapeake Bay TMDL, the DEQ requires TMDL Action Plans for local impaired streams with approved waste-load allocations (WLAs). Overall, approximately 16 stream miles in the City are listed as "impaired or threatened for one or more designated uses by a pollutant(s) and requires a TMDL."

Evaluating the WRPP is complicated by the regulatory uncertainty with DEQ and Chesapeake Bay Program models, regulations, and permits. While the City must meet specific pollutant reduction targets outlined in its MS4 permit, the numbers are subject to change when the U.S. Environmental Protection Agency (EPA) Chesapeake Bay Program updates the Chesapeake Bay Model and issues the 2017 Mid-Point Assessment. This assessment will reallocate pollutant loads and reductions to land uses across the Watershed.

Table 1. Progress towards compliance with the City of Charlottesville's pollution reduction goals, to be achieved by 2028. POC = pollutant of concern; N= nitrogen; P = phosphorus; TSS = total suspended solids. Source: Stormwater Utility Update, September 8, 2017.

POC	% COMPLIANCE
N	64.2%
P	100.1%
TSS	186.0%

As DEQ responds to changes at the Chesapeake Bay Program, guidance to regulated MS4 permit holders on how to compute the specific reductions and the “credit” allocated to each type of practice are modified. It is anticipated that additional guidance and crediting modifications will occur in the coming years. While the City is currently on a sound trajectory for compliance with its 2023 and 2028 goals, these goals may shift, as will the methods of compliance. This uncertainty makes it difficult, at present, to fully evaluate the program, its funding and the rate of implementation. The WRPP-AC, with assistance from staff, plans to keep abreast of the regulatory framework and to evaluate program priorities and funding on an ongoing basis as additional information becomes available.

- **Capital program implementation**

City-Wide Water Resources Master Plan

The City contract with AMEC Foster-Wheeler to develop the Water Resources Master Plan was completed in 2017. The purpose of the Water Resources Master Plan is to identify, prioritize, and select Capital Improvement Projects to improve water quality and address drainage issues across the City. The Advisory Committee provided input to program staff regarding the weighting factors (e.g., cost, pollution reduction, visibility in the community, etc.) that the decision support tool uses to rank potential projects. The CIP 1 (water quality) Master Plan had nitrogen reduction added as a factor considered in the ranking formula and the most heavily weighted factors are: cost efficiency for Nitrogen removal and the extent to which a project addresses drainage issues (Figure 1).

In the CIP 2 (drainage) Master Plan, the most heavily weighted factors are: potential for structural damage, public responsibility, public health/safety and the extent to which the project also addresses water quality (Figure 2). The project ranking tool is a deliverable of the Master Plan that the City can continue to use into the future as new projects are proposed.

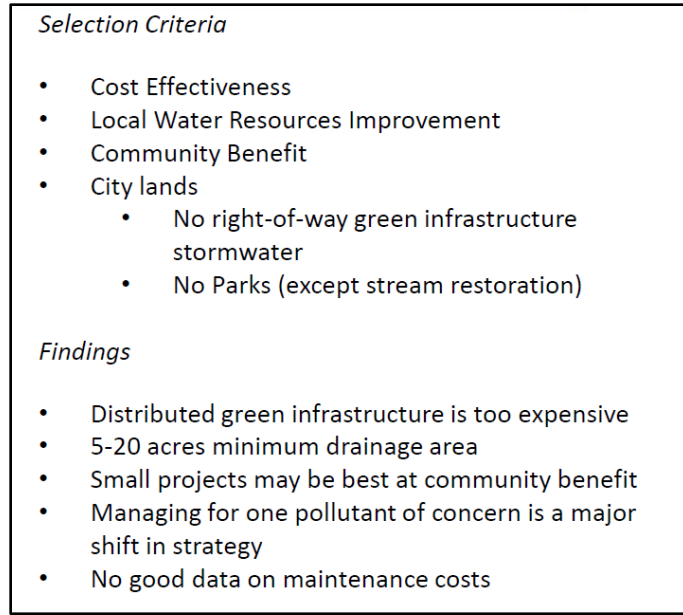


Figure 1. Selection criteria and findings for the CIP 1, focused on water quality. Source: Stormwater Utility Program Update, September 8, 2017.

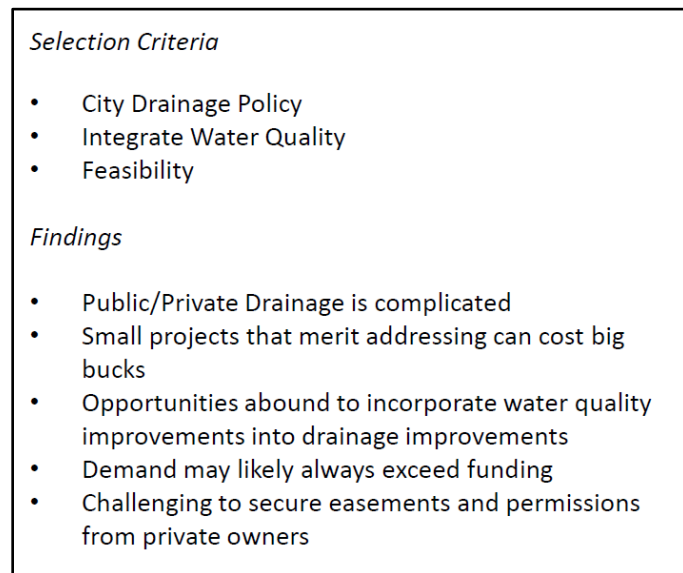


Figure 2. Selection criteria and findings for CIP 2, focused on drainage. Source: Stormwater Utility Program Update, September 8, 2017.

Stormwater BMPs

As of 2018, four (4) projects from CIP 1 have been issued for land-survey. These are:

- WQ-07 – Cherry Avenue, this stream restoration project will provide drainage and water quality improvements;
- PR-02 – Brookwood Drive, a water quality BMP retrofit project to modify an existing dry extended detention pond;
- PR-03 – Woolen Mills (Franklin Street), this water quality BMP retrofit project proposes to modify an existing structure to create a constructed wetland; and

- PR-04 – Birdwood Court, a water quality BMP retrofit project proposing to modify existing structures in an extended detention facility.

As of 2018, a grant application has been submitted for one (1) project from CIP 1:

- SR-02 – Meadow Creek, Upstream, a stream restoration project that will provide water quality and drainage improvements within the Meadow Creek Gardens disc golf course.

Capital drainage projects

Nine (9) projects from CIP 2 have been issued for survey. These projects include:

- DR-04 – Meadowbrook Road, a drainage project including water quality improvements. This project proposes to improve drainage through the use of grassed swales and stream restoration;
- DR-09 – Kenwood Lane, a drainage project including abandonment of existing failing pipe and installation of new pipe with outfall;
- DR-10 – Moseley Drive, a drainage project including water quality improvements. The project is proposed to consist of a dry swale and check dams to improve drainage;
- DR-14 – Cedar Hill Road, a drainage project including water quality improvements. The project proposes a pipe upgrade and grassed swale to improve drainage;
- DR-15 – Rothery & Ivy Roads, a drainage and water quality improvement project proposing to improve drainage through stream restoration and pipe upgrades;
- DR-16 – Forest Hill Road, a drainage and water quality improvement project. The project proposes to improve drainage through stream restoration and pipe upgrades;
- DR-17 – Locust Lane, a drainage project with water quality improvements. This project proposes to improve drainage through the installation of a level spreader and vegetative buffer;
- DR-18 – Druid Avenue, a drainage project which proposes to upgrade pipe to mitigate drainage problems; and
- DR-19 – Cherry Avenue, a drainage and water quality improvement project proposing to install a grassed swale to improve drainage problems.

Non-Capital Projects

Four (4) other projects not included in the master plan were also underway in Calendar Year 2018. These are:

- A retrofit to the Forest Hills Park bio-retention area in Forest Hills Park which was completed during the summer of 2018.
- In late 2018, construction on the River Run/Pen Park joint stream restoration project with Albemarle County began in Pen Park.
- Grant applications were prepared and filed with the Virginia Department of Environmental Quality Stormwater Local Assistance Fund for two (2) additional stream restoration projects. These projects have been proposed for streams located within City-owned parks:
 - A continuation of the stream restoration in Pen Park on River Run and
 - Schenks Branch Tributary in McIntire Park

Infrastructure rehabilitation, repair, and maintenance

Repair and rehabilitation of the City-owned stormwater drains continues. By the end of CY 2018, the City had lined or replaced approximately 11 miles of City-owned pipe and rehabilitated, rebuilt, or replaced 137 structures in the stormwater system. Charlottesville stormwater pipes are a complicated, comingled system, with two-thirds of the pipes being located on private land and under private ownership. The City cleans and flushes the pipes on a five to seven-year cycle and performs ongoing maintenance on the +/- 50 mile publicly owned system, as needed.

Conclusions

Program implementation continues as expected. The utility fee has been through eight (8) billing cycles and appears to be accepted by property owners. Property owners are not responding to the credit program, most likely due to the high cost of implementing a practice and the relatively modest reduction in the fee that would be generated. The incentives program continues to attract some attention. Potentially, a stewardship program, where property owners are recognized for their conservation efforts, would create more interest in implementation by property owners.

The City of Charlottesville is substantially in compliance with requirements for the Chesapeake Bay TMDL through the next permit cycle ending in 2023 and is on track to meet final reduction goals for phosphorous and total suspended solids by 2028. However, regulatory uncertainty persists with the Chesapeake Bay TMDL Program. While the City's TMDL Action Plan was approved by the DEQ, the 2017 Mid-Point Assessment may change reduction goals. There has been a recent emphasis on addressing challenges arising from a comingled public/private drainage system. The completed Master Plan will continue to be used to guide water quality and drainage improvement project implementation.

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MEMORANDUM

TO: THE HONORABLE CHARLOTTESVILLE CITY COUNCIL

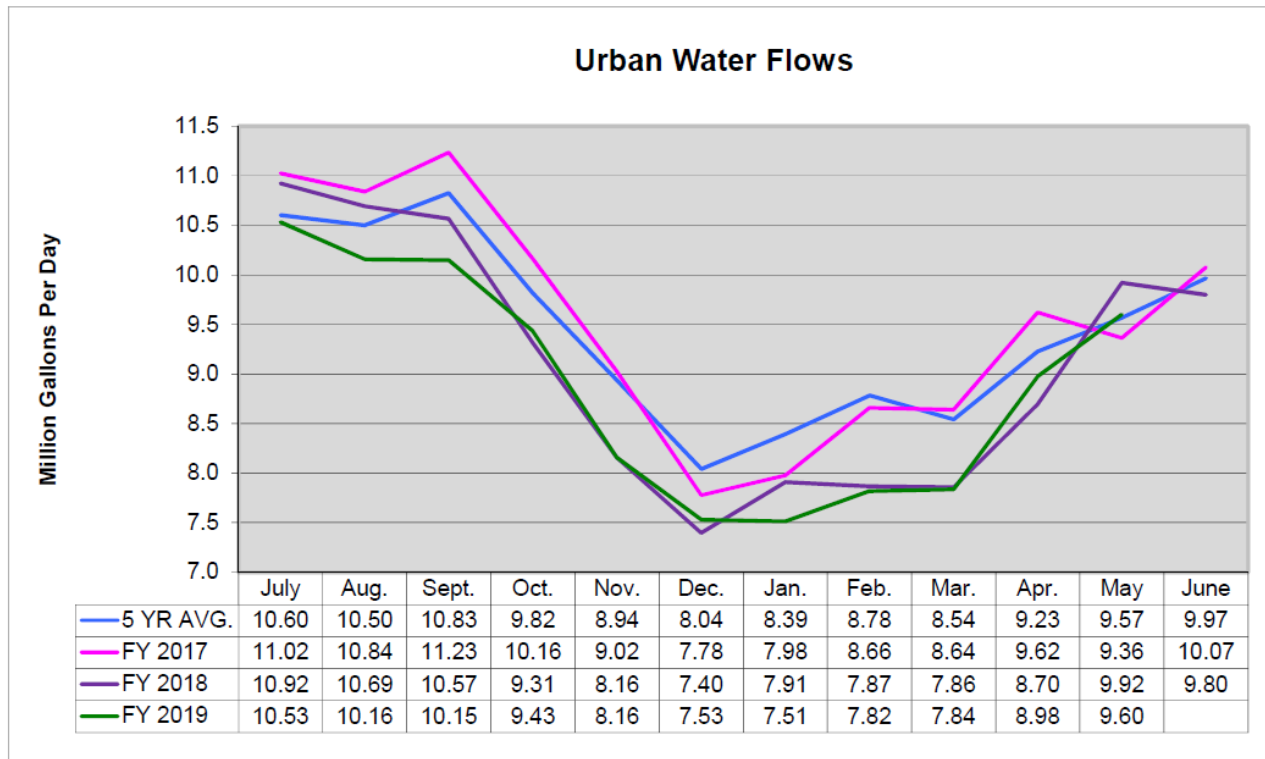
**FROM: BILL MAWYER, EXECUTIVE DIRECTOR
RIVANNA WATER & SEWER AUTHORITY
RIVANNA SOLID WASTE AUTHORITY**

SUBJECT: QUARTERLY UPDATE

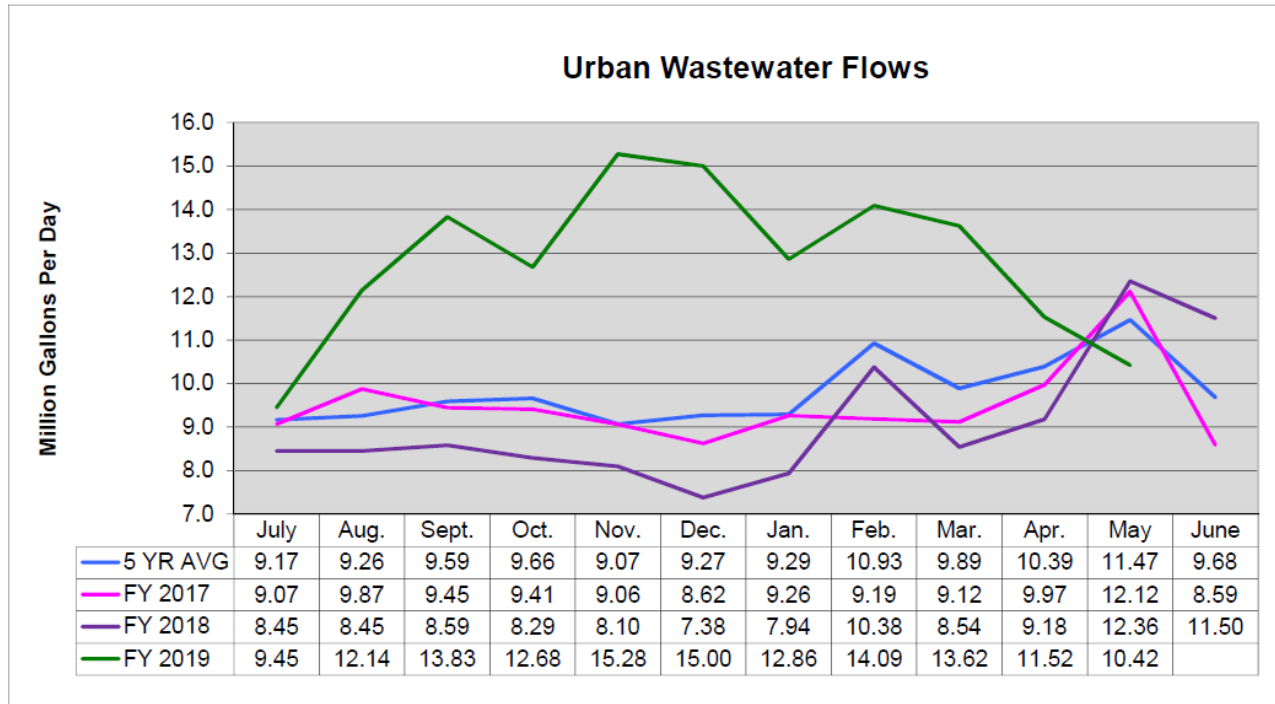
DATE: JULY 2019

This quarterly update is to provide a general update on drinking water, wastewater and solid waste programs managed by the Rivanna Authorities, as follows:

1. The production of drinking water for the Urban area (Charlottesville and adjacent developed areas of Albemarle) averaged 9.6 million gallons per day in May 2019, which was consistent with the five year average for May, as shown by the following graph:



2. Urban wastewater flow for 2019, including flows from Crozet, was significantly higher than the five year average for the first four months of this year due to the significant amount of rainfall we have received. Wastewater flow of 10.4 million gallons per day in May was less than the five year average in May, as shown by the following graph:



3. A general overview of significant current and upcoming Capital Improvement Projects includes:

A. Water Treatment Plant Improvements

Scope: Replace equipment which has reached end-of-service life at the South Rivanna and Observatory Water Treatment Plants. Increase water treatment capacity from 7.7 to 10 million gallons per day at the Observatory Water Treatment Plant.

Completion: 2019 - 2023

Cost: \$34.7 million

B. Ragged Mountain Reservoir to Observatory Water Treatment Plant Raw Water Line and Raw Water Pump Station

Scope: Replace two 18-inch cast iron raw water pipes, which have been in service for more than 110 and 70 years, respectively, and the existing Stadium Road and Royal raw water pump stations which have exceeded their service lives or will require significant upgrades to support the Observatory Water Treatment Plant expansion.

Completion: 2022 - 2026

Total Capital Project: \$18 million

C. Sugar Hollow Dam – Rubber Crest Gate Replacement and Intake Tower Repairs

Scope: Replace the inflatable rubber device that sits on top of the concrete dam and regulates the normal water level in the reservoir. The gate is over 20 years old, and has reached the end of its service life. Concrete repairs will be made on the intake tower.

Completion: 2020 - 2021
Cost: \$1.1 million

D. South Fork Rivanna to Ragged Mountain Reservoir Pipeline Right-of-Way Acquisition

Scope: Determine alignment and acquire right-of-way and easements for a nine-mile-long pipeline and pumping station to transfer raw water between the South Rivanna Reservoir and the Ragged Mountain Reservoir, as required by the Community Water Supply Plan.

Completion: 2017-2021
Cost: \$2.3 million

E. Birdwood Raw Water Main

Scope: Install approximately 6,000 linear feet of 36-inch raw water piping along the eastern property boundary of the Birdwood property while the golf course is being reconstructed.

Project Completed: May 2019
Cost: \$3.8 million

F. Urban Water Demand and Safe Yield Study

Scope: Assess the capacity of the Urban water supply reservoirs as well as the community's future water demand to ensure our long-term water supply is adequate, as required by the Ragged Mountain Dam Agreement.

Completion: November 2019
Cost: \$154,000

G. Urban Finished Water Infrastructure Master Plan

Scope: Update our drinking water infrastructure master plan to ensure future water distribution piping projects are planned to effectively serve customers throughout the system.

Completion: April 2020
Cost: \$253,000

H. Upper Schenks Branch Wastewater Piping Replacement, Phase II

Scope: Replace sewer piping installed in the mid 1950's in conjunction with the City's sewer upgrade program to increase system capacity. The new underground piping would be located near McIntire Road.

Completion: TBD
Cost: \$4 million

4. Refuse disposal and recycling services have been improved at the Ivy Material Utilization Center as follows:

- A new and larger refuse transfer center was completed in September 2018
- Refuse disposal charges were reduced in January 2019
- The transfer center increased its service days by opening on Mondays starting on March 18, 2019.

- Interim recycling facilities were made available in March while plans for a permanent recycling convenience center are developed.
- Plastics #3 – 7 will not be accepted at the Ivy or McIntire Recycling Centers starting on July 1, 2019. There is no market to recycle these products.

Please let me know if you have any questions. I will be glad to provide additional information.

cc: RSWA Board of Directors
RWSA Board of Directors

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Requested:	Consideration of a Rezoning Application
Presenter:	Matt Alfele, Senior Planner
Staff Contacts:	Brian Haluska, Principal Planner
Title:	ZM19-00001 Hinton Avenue United Methodist Church

Background:

Sue Woodson of Hinton Avenue United Methodist Church, owners of Tax Map 58 Parcel 161 (“Subject Property”) has requested a zoning map amendment to reclassify the Subject Property to Neighborhood Commercial Mixed Use Corridor District (“NCC”), subject to proffered development conditions (“proffers”). The Subject Property is currently zoned R-1S and is the location of the Hinton Avenue United Methodist Church.

Discussion:

The Planning Commission discussed this matter at their June 11, 2019 meeting. Several Commissioners expressed support for the project and the additional housing in the neighborhood.

Alignment with City Council’s Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to *Goal 3: Beautiful Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

On December 3, 2018, the applicant held a community meeting at the Subject Property. Neighborhood concerns gathered from the community meeting are listed below.

- The size of the proposed addition would be out of character with the surrounding low-density residential properties.

- The multi-family residential units will have HVAC systems that create a noise impact for the surrounding properties.
- The potential for commercial activity on the site is an extension of the commercial district beyond the current bounds of the NCC zone and downtown Belmont, which would present a host of impacts in terms of parking and traffic.
- The proposed reduction of on-site parking on the property will negatively impact on-street parking availability in the surrounding area.
- The minimum required parking under the Zoning Ordinance would not result in adequate parking for the surrounding area.

The applicant held an additional public meeting on June 6 at the Subject Property to review the changes that had been made to the application in the prior month

On June 11, 2019 the Planning Commission held a Public Hearing. Twenty-six members of the public spoke. The members of the public that indicated opposition to the project cited:

- ongoing problems the residents of the area have with businesses operating in the NCC zone, especially the impact of noise and traffic
- concerns about the City's ability to enforce proffers
- the expansion of NCC zoning beyond its current boundaries
- concerns about noise from the HVAC equipment necessary for the new facility
- concerns about traffic impact on Rialto Street,. Which is proposed to be the sole point of access for the Subject Property
- concerns about the applicant's vision of serving the developmentally disabled not being a guarantee.

Supporters of the project cited

- The City's need for housing overall, and especially housing for underserved populations
- The applicant's proffer to eliminate the possibility of all commercial uses

Budgetary Impact:

This has no impact on the General Fund.

Recommendations:

The Planning Commission took the following action:

Mr. Lahendro moved to recommend approval of **ZM19-00001** to rezone the Subject Property from R-1S to NCC, subject to proffered development conditions, to allow for the specific multifamily development described within the application, based on a finding that the rezoning is required by public necessity, convenience, general welfare, or good zoning practice.

Mr. Solla-Yates seconded the motion

Mr. Mitchell, Yes

Mr. Lahendro, Yes

Ms. Dowell, Yes
Mr. Solla-Yates, Yes
Mr. Heaton, Yes
Mr. Stolzenberg, Yes

The motion passed 6 – 0 to recommend approval of the rezoning application to City Council.

Alternatives:

City Council has several alternatives following a public hearing:

- (1) by motion, approve the requested Rezoning as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Ordinance included in our agenda materials, rezoning land as requested within ZM19-00002, based on a finding that the proposed rezoning is required by public necessity, convenience, general welfare, or good zoning practice”

- (2) by motion, request changes to the attached ordinance, and then approve the Rezoning;
 - (3) by motion, take action to deny the Rezoning;
- Or
- (4) by motion, defer action on the Rezoning.

Attachments:

- A. Ordinance
- B. Final Proffer Statement
- C. Link to the Staff Report and background information from the June 11, 2019 Planning Commission meeting:
<https://www.charlottesville.org/home/showdocument?id=65433>
(Staff Report begins on page 50)

PROFFER STATEMENT

May 14, 2019

Before the City Council of the City of Charlottesville, Virginia
In re: Petition for Rezoning Petition by Hinton Avenue United Methodist Church

Project Name: Rachel's Haven

City of Charlottesville Rezoning Application No.: ZM-19-00001

Zoning: Neighborhood Commercial Corridor ("NCC") zoning district

RECITALS

WHEREAS, Hinton Avenue United Methodist Church is the owner of real property described as Lots 1 through 7 of Block 12 in the Belmont Subdivision, being located at 750 Hinton Avenue in the City of Charlottesville, Virginia and further described in the tax records of the City of Charlottesville as Tax Parcel Number 580161000 (the "Subject Property"); and

WHEREAS, Hinton Avenue United Methodist Church (the "Applicant") has petitioned for rezoning of the Subject Property to the Neighborhood Commercial Corridor ("NCC") zoning district with associated proffers;

NOW THEREFORE, the Applicant as owner of the Subject Property hereby proffers and agrees that if the Subject Property is rezoned as requested, the Subject Property shall be subject to, and the Applicant and all others as may be in legal possession of the Subject Property or any portion thereof shall abide by, the following conditions:

1. Residential Density: No more than 15 dwelling units shall be permitted on the Subject Property.
2. Affordable Housing: A minimum of four residential units within multifamily dwelling building(s) on the subject property shall be restricted to residents with income at 80 percent or less of area median income ("AMI") as defined by the United States Department of Housing and Urban Development for the Charlottesville Virginia Metro Area.
3. Resident Safety: Access to all interior common areas serving residential units shall be controlled through the use of entry locks.
4. Uses: All non-residential uses other than educational facilities (non-residential) and day care facilities, which are not accessory to a house of worship or to residential uses located on the Subject Property, shall not be permitted on the Subject Property.
5. Access: Permanent vehicular ingress and egress to the Subject Property shall be restricted to Rialto Street, provided that this restriction on vehicular access shall not take

effect until such time as a building permit is issued for construction of any multifamily building. The City may require any site plan for any multifamily building proposed on the Subject Property to adhere to the vehicular ingress and egress limitation under this condition.

6. Height regulations as follows: Maximum height: Thirty-eight (38) feet.
7. Streetwall regulations as follows: (b) Setbacks.
 - (1) Primary street frontage: Six (6) feet minimum required; ten (10) feet, maximum.

The Applicant stipulates and agrees that use and development of the Subject Property shall be in conformity with the conditions stated hereinabove, and that said conditions shall run with the land and be binding on the Applicant as landowner, and the Applicant's successors-in-interest, until such time as the conditions may be amended or removed by further legislative action of the City Council of the City of Charlottesville in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this eighteenth day of June, 2019

Hinton Avenue United Methodist Church, Applicant

By: 

Title: Chair of Trustees, Hinton Avenue United Methodist Church

**AN ORDINANCE
APPROVING A REQUEST TO REZONE PROPERTY
IDENTIFIED ON CITY TAX MAP 58 AS PARCEL 161 (750 HINTON AVENUE)
FROM R-1S (SINGLE FAMILY RESIDENTIAL, SMALL LOT) TO NCC (NEIGHBORHOOD
COMMERCIAL CORRIDOR MIXED USE DISTRICT)
SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS**

WHEREAS, the Hinton Avenue Methodist Church (“Landowner”), is the owner of land identified on City Tax Map 58 as Parcel 161 (the “Subject Property”) and the Landowner has made application to the Charlottesville City Council seeking to change the zoning district classification of the Subject Property from R1-S (Single Family Residential, Small Lot) to NCC (Neighborhood Commercial Corridor Mixed Use), subject to certain development conditions voluntarily proffered by the Landowner, as set forth within a final written proffer statement submitted pursuant to City Code §34-64(c) (hereinafter, the “Proposed Rezoning”); and

WHEREAS, the Landowner seeks the Proposed Rezoning in order to develop the Subject Property for a specific project containing a multifamily dwelling, containing 15 dwelling units, to be offered for rental to households of various income levels, with approximately one-third of such units planned to be offered for rental by developmentally disabled individuals (the “Project”); and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by the Planning Commission on June 11, 2019, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, public hearing on the Proposed Rezoning was conducted by this City Council on July 1, 2019, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44; and

WHEREAS, this City Council has considered the matters addressed within the Landowner’s application (ZM19-00002), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; that the Proposed Rezoning is consistent with the Comprehensive Plan; and that the proffered development conditions are reasonable, consistent with the Comprehensive Plan, and in accordance with the requirements of Virginia Code §15.2-2303; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning from R1-S (Single Family Residential, Small Lot) to NCC (Neighborhood Commercial Corridor Mixed Use) subject to proffered development conditions, all of the property identified on City Tax Map 58 as Parcel 161, consisting of approximately 0.758 acre (approximately 33,018 square feet), and

BE IT FURTHER ORDAINED by the Council of the City of Charlottesville that the use and development of the Subject Property for the Project shall, effective as of the date of approval of this Ordinance, be subject to the following proffered development conditions, in addition to the requirements of other applicable City ordinances:

1. No more than 15 dwelling units shall be permitted on the Subject Property.
2. A minimum of four (4) residential units within the multifamily dwelling on the Subject Property shall be restricted to residents with income at eighty percent (80%) or less of area median income ("AMI") as defined by the United States Department of Housing and Urban Development for the Charlottesville, Virginia Metropolitan Area.
3. For the safety of residents within the multifamily dwelling, access to all interior common areas serving residential units shall be controlled through the use of entry locks.
4. All non-residential uses (other than educational facilities (non-residential) and day care facilities) which are not accessory to a house of worship or to residential uses located on the Subject Property, shall be prohibited on the Subject Property.
5. Permanent vehicular ingress and egress to the Subject Property shall be restricted to Rialto Street, provided that this restriction on vehicular access shall not take effect until such time as a building permit is issued for construction of any multifamily building. The City may require any site plan for any multifamily building proposed on the Subject Property to adhere to the vehicular ingress and egress limitation under this condition.
6. The maximum height of buildings and structures shall be thirty-eight (38) feet.
7. Setbacks shall be provided along primary street frontage as follows: six (6) feet minimum required; ten (10) feet, maximum.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Requested:	Consideration of a Rezoning Application, Critical Slope Waiver, and ROW realignment
Presenter:	Matt Alfele, AICP, City Planner
Staff Contacts:	Matt Alfele, AICP, City Planner
Title:	Flint Hill PUD - ZM-18-00003, P19-00013 & P19-0040

Background:

Charlie Armstrong (of Belmont Station, LLC, landowner) has submitted an application pursuant to City Code 34-490 et seq., seeking a zoning map amendment to change the zoning district classifications of the following thirteen (13) parcels of land: 100 – 109 Keene Ct., 304 – 306 Flint Dr., and a portion of 306 Camellia Dr. (Tax Map 20-259.31, TMP 20-259.32, TMP 20-259.33, TMP 20-259.34, TMP 20-259.35, TMP 20-259.38, TMP 20-259.37, TMP 20-259.26, TMP 20-259.27, TMP 20-259.28, TMP 20-259.29, TMP 20-259.30, and a portion of TMP 20-196) (together, the “Subject Property”). The application proposes to change the zoning classification of the Subject Property from “R-1S” (Residential Small Lots) to “PUD” (Planned Unit Development) subject to proffered development conditions. In addition, the proposed improvements associated with the rezoning will impact critical slopes on-site as defined by Section 34-1120(b)(2). The PUD referred to as “Flint Hill PUD” would allow up to fifty townhouses at an approximate density of five dwelling units per acre (DUA) and the following proffered conditions:

(i) Density: the density shall not exceed a maximum of 50 residential units;

(ii) New City Park: prior to project completion, the developer shall offer (at no cost to the City) approximately 3 acres of land to be added to the adjacent Longwood Park;

(iii) Affordable dwelling units: a) The Developer shall cause a minimum of 5 affordable dwelling units (ADUs) to be built on site (as defined in City Code §34-12(c) and §34-12(g), with affordability over a term of a minimum of 10 years. The ADU requirement shall be recorded as a deed restriction on each ADU lot.

b) During home construction ADUs shall be provided incrementally such that at least 1 incremental ADU shall be under construction prior to the issuance of every 10th Certificate of Occupancy.

c) As an alternative to the Developer building the ADUs as is contemplated in Proffer 3.b. above, the Developer may deed the ADU lots to a non-profit affordable housing provider for construction by the non-profit entity. If the required ADU lots are

deeded to a non-profit affordable housing provider in accordance with the incremental timing specified in 3.b. then the transfer of the lot shall be deemed to have satisfied the timing requirement specified in 3.b.

Key Features and Material Representations about the Specifics of the Proposed PUD Development: The PUD Development Plan for this proposed development includes the following key components and the applicant's representations as to the elements that will be included within the development:

- 8 rows of townhouses, in the general or approximate locations depicted within the PUD Development Plan, with architectural elements as follows: mix of two and three story townhouses with traditional and modern facades illustrated in the PUD application materials.
- A variety of housing sizes will be included, as follows: the development will primarily be single housing type to encourage density, but will promote inclusion of houses of various size, architectural styles, and price points with varying width and square footages, including some townhouses with rear-alley-loaded garages.
- An Architectural Review Board will be established by the homeowner association to create a coordinated architectural style.
- 5.1 acres of open space, in the general or approximate location(s) depicted with the PUD Development Plan. Among other specific promises, the applicant is promising to preserve 60% of existing tree, streams, and sensitive topography on site.
- New dedicated park land will account for approximately 3 acres of the 5.1 acres of open space.
- Sheltered 5' sidewalks located along Keene Court and Flint Drive; natural trails dedicated for public use within the development site to provide access to Longwood Park.
- On-street parking generally located as depicted within the PUD Development Plan. Rear loaded parking will be provided behind townhouses constructed on Flint Drive.
- A teardrop layout of Keene Court. This layout is not an option under the City's standards within the Standards & Design Manual.
- A preliminary landscape plan promising the following key features, which would not otherwise be required by the City's standard landscaping regulations:
 - Preservation of the wetlands and buffer along the tributary streams 1 and 2 and Moores Creek. The application contains no information about how the preservation will be accomplished, either through restrictive covenants, or otherwise.
- A use matrix that allows residential and related uses such as single-family attached, townhouses, family day home, and residential treatment facilities up to 8 residents; non-residential uses such as house of worship, ball fields, and swimming pools. The use matrix prohibits such uses as multifamily apartment, nursing homes, animal shelters, and gas stations.
- No phasing. The PUD is proposed to be developed all at once.

To develop the PUD as proposed, Belmont Station, LLC is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance). Improvements specific to areas where critical slopes would be impacted should the waiver be approved include portions of

lots 9 through 22, lots 24 and 25, lot 31, open space, future park land, and parking on Flint Drive. Existing critical slopes areas located on this Property include 2.65 acres or 27 percent of the site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, **and** (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, **and** (b) a portion of the slope is within 200 feet of a waterway. See City Code Sec. 34-1120(b)(2).

In addition, Belmont Station, LLC is requesting City Council vacate the ROW for Flint Drive and Keene Court. This vacation is requested to facilitate the replating of Flint Drive and Keene Court to match the layout within the PUD Development Plan. Under the current procedure for consideration of application for street or alley closings, these two streets would not be considered for closing due to scoring above 1.5 on the Scoring Rubric. The applicant is requesting City Council reconsider (**Attachment D**).

Discussion:

The Planning Commission held a joint Public Hearing with City Council on May 14, 2019 on this matter. During the discussion, Planning Commission raised concerns with aspects of the proposed development. These concerns related to the safety of the road design, the stormwater design, affordability, and impact on the school system. The applicant requested, and was granted, a deferral to address some of the Commission’s concerns.

On June 11, 2019 the Planning Commission continued their discussion related to the PUD development. The applicant updated their materials, but only for clarification with no substantial changes. Super silt fence, protection of Moores Creek and the wetlands, and the administration of the affordable dwelling unit proffer were all areas of discussion. Planning Commission is concerned the wording of the affordable dwelling unit proffer will conflict with current City policies and will be difficult to administer.

Alignment with City Council’s Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to **Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation**, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

On December 13, 2018 the applicant held a community meeting at City Hall in the Neighborhood Development Services’ Conference Room. The applicant gave an overview of the project as it related to the need for a rezoning. Six members of the public attended the meeting and voiced the following concerns:

- The density is too high. The City does not have the infrastructure to support more development (roads, sidewalks...)
- Traffic will be a problem.
- The land that is being given to Parks also needs to be programmed and money provide

so it does not end up being just “land” like at the back of Longwood PUD.

- Need more pedestrian connectivity.
- This development could lower the quality of life for people in the area by increasing traffic and removing forest.
- Could the developer work with Habitat on the affordable units?
- Parking is always as problem with new developments.
- Would like to see more parking.
- The townhouses might be too close to the existing on Moseley Drive.

Other comments included:

- The number of units and type of development in this area is not appropriate. The development should include a mix of single family homes, duplexes and townhouses.
- Concerned about construction noise and environmental damage.
- 50 townhouses will add unwanted traffic

On May 14, 2019 the Planning Commission held a joint Public Hearing with City Council. Seven (7) members of the public spoke and expressed the following:

- The development will create more traffic and adversely impact the quality of life for existing residents.
- This area of the City lacks the infrastructure to support such a large development.
- The proposed townhouses will not be affordable.
- The development could adversely impact the schools.
- Sidewalks are not safe in this area and there is not enough public transportation.
- The Fry’s Spring Neighborhood Association is neutral to the proposed rezoning, but any development should be well thought-out.
- The development will be good for the area by adding additional housing.

Staff received a number of emails regarding this project and they have been forwarded to Planning Commission and City Council.

Budgetary Impact:

This has no impact on the General Fund.

Recommendations:

The Planning Commission took the following action:

Mr. Solla-Yates moves to recommend that City Council should approve ZM18-0003, including the critical slope waiver requested in P19-00013, subject to the following conditions that are necessary to mitigate the potential adverse impacts of development within the critical slope area:

- 1) In order to protect the sensitive on-site wetland features, and also to protect the waters of the adjacent Moore’s Creek and its stream buffer areas from the impacts of the proposed development: a) all stormwater quantity and quality requirements for the Flint Hill PUD Development will be satisfied through use of facilities of such types,

and generally in such locations, as are described and depicted within the stormwater management concept submitted for Application # ZM18-0003; b) all stormwater outfalls and associated energy dissipaters shall be located outside critical slope areas and wetlands; c) no critical slope area will be disturbed with borings for any sanitary sewer laterals; d. the on-site biofilter shall be designed and installed to offer opportunity for groundwater recharge, and the final stormwater management plan for the Flint Hill PUD development shall indicate the design standard for groundwater recharge associated with the particular biofilter that is utilized; e) the mature upland wooded area of the development site will be permanently preserved; f) the following shall be included as part of the erosion and sediment control measures for all construction activities within the development area for the Flint Hill PUD Development: i) use of super silt fence, as described or defined in City standards, to be detailed within the E&S Plan and SWPPP for the area within the PUD; ii) fixed, immovable barriers shall be installed as tree protection measures, in accordance with the City's standard tree protection detail, and the barriers shall be maintained in place throughout all periods of construction activities within the area Flint Hill PUD; this protection requirement shall apply to the protection of the root zones of existing trees within the mature upland wooded area; to existing native woody and herbaceous trees and plantings in the critical slope areas and wetlands; and to protection of other mature trees identified within the tree preservation plan component of the final site plan for the Flint Hill PUD.

- 2) This critical slope waiver is approved only for and in connection with the proposed Flint Hill PUD Development described in Application # ZM19-00003 and shall not apply to any other use or development proposed or conducted on the Subject Property.
- 3) Sec. 34-1120(b) of the City's critical slope ordinance states that a landowner requesting waiver of critical slopes requirements must address how the proposed waiver will satisfy the purpose and intent of the critical slopes ordinance; within materials submitted in support of waiver Application #P19-00013 the Landowner has stated that it is willing to undertake measures to reinforce existing eroded areas in the vicinity of its proposed development (the upper reaches of Stream 2), as a partner with other stream-adjacent landowners, if feasible. Landowner shall confirm at the time of final site plan approval whether or not any such work will be performed and: (i) if so, the Landowner shall describe in writing the extent of the work and the timing in which the working will be undertaken in relation to completion of construction activities within the PUD development, or (ii) if not, the Landowner shall summarize in writing its efforts to follow-up with landowners to develop a work plan, and shall describe any financial or other impediments render a joint effort infeasible. Landowner shall have no obligation for the off-site work, beyond the actions specified in clauses (i) and (ii) of this paragraph.

This recommendation is on the basis that the streets proposed within the PUD Development are laid out in a manner substantially in accord with the Comprehensive Plan, and approval of the proposed PUD Development is consistent with the Comprehensive Plan and will serve the public necessity, convenience, general welfare and good zoning practice. Although support for the application is qualified, there are concerns about clarity, affordable housing proffer language, and possible conflicts between the proffer as written and administrative

policy that applies to affordable units. Seconded by Commissioner Dowell. Motion is approved 6-0.

Ms. Dowell seconded the motion

Ms. Dowell, Yes
Mr. Lahendro, Yes
Mr. Solla-Yates, Yes
Mr. Stolzenberg, Yes
Mr. Heaton, Yes
Mr. Mitchell, Yes

The motion passed 6 - 0 to recommend approval of the rezoning and critical slope waiver application to City Council.

Alternatives:

City Council has several alternatives after holding a Public Hearing for the road closure request:

- (1) by motions, provide approvals as outlined in the attached Procedural Memo from the City Attorney's Office;
- (2) by motion, take action to deny the attached ordinance granting the Rezoning, Street Vacation and Critical Slope Waiver;
- (3) by motion, request changes to the attached ordinances, and then approve the Rezoning Street Vacation, and Critical Slope Waiver; or
- (4) by motion, defer action on the Rezoning, Street Vacation, and Critical Slope Waiver.

Attachments:

- A. Procedural Memo - City Attorney's office
- B. Rezoning Ordinance
- C. Street Closing Resolution
- D. Critical Slope Waiver Resolution
- E. Final Proffer Conditions dated June, 13, 2019
- F. Street Closing Request Letter from Applicant dated May 29, 2019
- G. Preliminary BMP Plan
- H. Link to the Staff Report(s) and background information from the May 14, 2019 and June 11, 2019 Planning Commission meetings:
<http://www.charlottesville.org/home/showdocument?id=65435>

City Attorney's Office
City of Charlottesville

MEMORANDUM



TO: City Council
FROM: Lisa Robertson, Chief Deputy City Attorney
DATE: June 17, 2019
RE: Flint Hill PUD --- Procedure for Decision

Councilors, please note that the proposed Flint Hill PUD requires two sets of actions from you, in order to move forward. Please address each of these requests, **in the following order**:

- (1) **A proposed waiver of the Street and Alley Closing Policy** you recently approved on May 6, 2019.
On May 6, 2019, Council adopted an updated Street and Alley Closing Policy, which states that any application which receives a score of 1.5 or higher on a new Scoring Rubric **must** be administratively denied and may not be presented to Council for a decision. In adopting the new policy, staff did not propose, and Council did not include, any exceptions for applications filed prior to the effective date of the new policy. According to staff, Flint Drive and Keene Court have the potential to increase rear access, for potential ADU development, and by the calculations required by the Scoring Rubric, this alone would cause the application to score 1.5 or higher. The landowner's street closing application (Application P19-0040) predates 5/6/2019 and he is asking for the policy to **not** be applied in this case. **Possible motions:**
 - (i) **Approval:** I move to approve the landowner's request for waiver of the City's Street and Alley Closing Policy dated 5/6/2019, so that the new policy will not be applied to the proposed Flint Hill PUD
 - (ii) **Denial:** I move to deny the landowner's request for waiver of the City's Street and Alley Closing Policy dated 5/6/2019, as applied to the proposed Flint Hill PUD
- (2) **Flint Hill PUD-- [if waiver of the 5/6/2019 is granted]**—if you decide to approve the proposed Flint Hill Planned Unit Development ("PUD") three actions would be required: **(i)** approval of an Ordinance for Application P19-0040 (Street Closure request), following a public hearing, vacating Flint Drive and Keene Court in order to allow development as proposed within ZM18-00003, **(ii)** approval of a Resolution for Application P19-0013 granting a Critical Slope Waiver, and **(iii)** approval of an Ordinance for ZM18-00003 rezoning the Subject Property to allow development of the Flint Hill PUD. Please review these applications using the following process:
 - a. **Public Hearing:** First, open and conduct a public hearing on the proposed vacation of Flint Drive and Keene Court
 - b. **Close the Public Hearing, on the proposed street vacation. Then consider and vote on the entire PUD package all at once—possible motions:**
 - i. **Approval:** I move to approve the Ordinance for Application ZM18-00003, in order to rezone the Subject Property to allow development of the specific project known as the "Flint Hill Planned Unit Development", and I include as part of this PUD approval the approval of the Ordinance for Application P19-0040 vacating Flint Drive and Keene Court within the area of the Flint Hill PUD, as well as approval of the Resolution for Application P19-0013 granting a critical slope waiver for the Flint Hill PUD.
 - ii. **Denial:** I move to DENY the Landowner's request for approval of Application ZM18-00003 for the Flint Hill PUD, to DENY the related Applications P19-0013 (seeking a critical slope waiver) and P19-0040 (seeking to vacate a portion of Flint Drive and Keene Court).

**ORDINANCE
TO AMEND AND RE-ENACT THE ZONING MAP FOR THE CITY OF CHARLOTTESVILLE,
TO RECLASSIFY CERTAIN PROPERTY FROM R-1S TO PLANNED UNIT DEVELOPMENT
("FLINT HILL PUD")**

WHEREAS, Belmont Station, LLC ("Landowner"), by its member Charlie Armstrong, has rezoning application ZM18-00003 ("Application") seeking a change in the zoning district classification for certain land identified on the City of Charlottesville's 2019 Tax Map 20 as Parcels 259.31, 259.32, 259.33, 259.34, 259.35, 259.38, 259.37, 259.26, 259.27, 259.28, 259.29, 259.30, and a portion of Parcel 196, having frontage on the unimproved portions of Flint Drive and Keene Court and, having, in the aggregate, an area of approximately 9.81 acres/ 427,323 square feet (collectively, the various parcels of land are referred to herein as the "Subject Property"), with such rezoning to be subject to certain proffered development conditions dated June 13, 2019 ("Proffers") and submitted as part of the Application; and

WHEREAS, the purpose of the rezoning application is to allow a specific development project identified within: a written PUD Development Plan, dated April 17, 2019, (revision #1 dated May 20, 2019), the Proffers, and supplemental application materials dated May 20, 2019, describing details of a planned residential development named "Flint Hill PUD"—this development project will provide townhouse dwelling units, with accessory dwelling units allowed, up to a total of not more than 50 dwelling units within the PUD, in the aggregate—said townhouses to be provided in a variety of two- and three-story units, of various floor plans and sizes; 5.1 acres of open space, effectively preserving sixty percent (60%) of existing trees, streams and sensitive topography within the PUD, including preservation of wetlands and stream buffer areas along Moore's Creek and tributary streams 1 and 2; rear loaded parking behind units constructed on Flint Drive; sheltered 5-foot-wide sidewalks along Keene Court and Flint Drive; natural trails providing access from the interior of the development to Longwood Park; and such development further subject to matters set forth within (i) a resolution of this Council granting a waiver of critical slopes regulations for the development under certain conditions, as requested in Application P19-0013, and (ii) an ordinance adopted by this Council vacating Keene Court and Flint Drive for the development under certain conditions, as requested within Application P19-0040 (collectively, the foregoing describe the specific "Project"); and

WHEREAS, a joint public hearing on the proposed rezoning of the Subject Property was held before the Planning Commission and City Council on May 11, 2019, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, on June 11, 2019, following the joint public hearing, the Planning Commission voted to recommend that City Council should approve the proposed rezoning for the Project; and

WHEREAS, City Council has considered the details of the specific development project represented within: the Landowner's various application materials; the Staff Reports relating to the application materials; comments received from the public; and the Planning Commission's recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the proposed rezoning; that both the existing zoning classification (R-1S) and the proposed PUD zoning classification (subject to the proffered development conditions) are reasonable; and that the proposed rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that, in order to allow the development of the Project described above within this Ordinance, the Zoning Map Incorporated in

Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, shall be and hereby is amended and reenacted as follows:

Section 34-1.Zoning District Map. Rezoning from R-1S to PUD, land identified on the City of Charlottesville’s 2019 Tax Map 20 as Parcels 259.31, 259.32, 259.33, 259.34, 259.35, 259.38, 259.37, 259.26, 259.27, 259.28, 259.29, 259.30, and a portion of Parcel 196, consisting, collectively, of 9.81 acres, or 427,323 square feet, subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowner in accordance with law and are hereby accepted by this City Council:

Approved Proffers

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowner, which conditions shall apply in addition to the regulations otherwise provided within the City’s zoning ordinance:

1. Density shall not exceed a maximum of 50 residential units.
2. At or prior to project completion, the Developer shall offer to donate, at no cost to the City, approximately 3 acres of land to the City of Charlottesville to be added to the adjacent Longwood Park.
3. Affordable Housing:
 - a. The Developer shall cause a minimum of 5 affordable dwelling units (ADUs) to be built on site (as defined in City Code §34-12 (c) and §34-12(g)), with affordability to be maintained over a term of not less than 10 years. The ADU requirement shall be recorded as a deed restriction on each ADU lot.
 - b. During home construction ADUs shall be provided incrementally such that at least one (1) incremental ADU shall either:
 - i. be under construction prior to the issuance of every tenth certificate of occupancy, or
 - ii. at the Landowner’s option, any ADU lot(s) may be conveyed by recorded deed to a non-profit affordable housing provider for construction of an ADU by the non-profit entity, and, if any ADU lot(s) are so conveyed to a non-profit entity in accordance with the timing requirement specified in 3.b.i., above, then the transfer of the lot shall be deemed to be “under construction” as of the date of the recordation of the deed of conveyance containing the required ADU restriction.

BE IT FURTHER ORDAINED THAT, in the event the layout of the streets within the Flint Hill PUD, including, without limitation, the “teardrop” design of Keene Court (as depicted within the concept plan component of the Flint Hill PUD Development Plan) cannot be designed and constructed in accordance with provisions of applicable City ordinances and the City’s Standards and Design Manual, then the Landowner shall be required to obtain City Council’s approval of an amended PUD Development Plan, showing a different street layout, prior to obtaining any preliminary or final site plan or subdivision approval for the Project.

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING
PORTIONS OF FLINT DRIVE AND KEENE COURT
WITHIN THE AREA OF THE PROPOSED FLINT HILL PUD**

WHEREAS, as permitted by Virginia Code Sec. 15.2-2006, the owner of certain land adjacent to portions of Flint Drive and Keene Court has petitioned City Council to alter or vacate those public rights-of-way (Application P19-0040) in order to allow development of a specific development project described in rezoning application ZM18-00003, referred to as the proposed Flint Hill Planned Unit Development (together, hereinafter, the applicable portions of Flint Drive and Keene Court are referred to as the “Subject Rights-of-Way”); and,

WHEREAS, following notice to the public pursuant to Virginia Code §15.2-2006, a public hearing by the City Council was held on July 1, 2019; and,

WHEREAS, this Council finds and determines that Application P19-0040 should be conditionally granted in order to allow for development of the proposed Flint Hill PUD;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City hereby authorizes the vacation of the following portions of Flint Drive and Keene Court described, to wit:

- (1) The portion of Flint Drive having frontage along the land referenced as City tax parcel identification numbers 200259380 and 200259350; and
- (2) Keene Court, from its intersection with Moseley Drive to its terminus at the cul-de-sac that currently forms the frontage of land referenced as City tax parcel identification numbers 200259320, 200259310, 200259301, and 200259290.

PROVIDED, HOWEVER, that the vacation of the Subject Rights-of-Way is hereby expressly conditioned upon approval of the Flint Hill Planned Unit Development (“PUD”) as proposed within rezoning application ZM18-00003, and upon commencement of development of the Flint Hill PUD, as evidenced by issuance of a building permit for construction of residential dwellings within the development, within thirty-six (36) months from the date this Ordinance is approved by City Council. The landowner’s failure to commence development of the Flint Hill PUD within this specified period of time shall render vacation of the Subject Rights-of-Way, at the option of City Council, void.

**RESOLUTION
GRANTING A CRITICAL SLOPE WAIVER
FOR A DEVELOPMENT PROJECT DESCRIBED IN
REZONING APPLICATION ZM18-00003 (“FLINT HILL PLANNED UNIT
DEVELOPMENT”)**

WHEREAS, Belmont Station, LLC (“Landowner”), by its member Charlie Armstrong, has filed three related applications (“Applications”): one seeking a rezoning (Application ZM18-00003) in order to change the zoning district classification for property identified on the City of Charlottesville’s 2019 Tax Map 20 as Parcels 259.31, 259.32, 259.33, 259.34, 259.35, 259.38, 259.37, 259.26, 259.27, 259.28, 259.29, 259.30, and a portion of Parcel 196 (collectively, the various parcels are referred to herein as the “Subject Property”); the second, a request for a critical slope waiver (Application P19-0013), to allow for the specific development project described in the rezoning application (“Project”); and the third (Application P19-0040), to request vacation of Keene Court and Flint Drive to accommodate the Project; and

WHEREAS, the purpose of the rezoning application is to allow construction of a specific planned residential development within the Subject Property, described and referred to within an Ordinance of City Council approving Application ZM18-00003, and this specific Project cannot be developed without City Council’s approval of the requested Critical Slopes Waiver; and

WHEREAS, on May 11, 2019, the Planning Commission considered the requested Critical Slope waiver at its June 11, 2019 regular meeting, and subsequently on June 11, 2019 the Planning Commission voted to recommend that the Critical Slopes Waiver be granted; and

WHEREAS, based on the representations, information, and materials included within the materials submitted by the Landowner with its various Applications, including its Application for a Critical Slopes Waiver; and upon consideration of the information and analysis set forth within the Staff Report(s), the factors set forth in City Code §34-1120(b), this City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d.)(i) that the benefits of allowing disturbance of critical slopes in connection with the Project outweigh the public benefits of the undisturbed slopes;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, **THAT** the request by the Landowner for a waiver of the critical slopes requirements (Application P19-0013) is **GRANTED** for and in connection with the above-referenced Project, subject to the Landowner’s compliance with the following conditions in its use and development of the Land for construction of the Project:

Critical Slope Waiver Conditions

1. In order to protect the sensitive on-site wetland features, and also to protect the waters of the adjacent Moore's Creek and its stream buffer areas from the impacts of the proposed development:
 - a. all stormwater quantity and quality requirements for the Flint Hill PUD Development will be satisfied through use of facilities of such types, and generally in such locations, as are described and depicted within the stormwater management concept submitted for Application ZM18-0003;
 - b. all stormwater outfalls and associated energy dissipaters shall be located outside critical slope areas and wetlands;
 - c. no critical slope area will be disturbed with borings for any sanitary sewer laterals;
 - d. the on-site biofilter shall be designed and installed to offer opportunity for groundwater recharge, and the final stormwater management plan for the Flint Hill PUD development shall indicate the design standard for groundwater recharge associated with the particular biofilter that is utilized;
 - e. the mature upland wooded area of the development site will be permanently preserved;
 - f. the following shall be included as part of the erosion and sediment control measures for all construction activities within the development area for the Flint Hill PUD Development:
 - i. use of super silt fence, as described or defined in City standards, to be detailed within the E&S Plan and SWPPP for the area within the PUD;
 - ii. fixed, immovable barriers shall be installed as tree protection measures, in accordance with the City's standard tree protection detail, and the barriers shall be maintained in place throughout all periods of construction activities within the area Flint Hill PUD; this protection requirement shall apply to the protection of the root zones of existing trees within the mature upland wooded area; to existing native woody and herbaceous trees and plantings in the critical slope areas and wetlands; and to protection of other mature trees identified within the tree preservation plan component of the final site plan for the Flint Hill PUD.
2. This critical slope waiver is approved only for and in connection with the proposed Flint Hill PUD Development described in Application ZM19-00003 and shall not apply to any other use or development proposed or conducted on the Subject Property.

3. Sec. 34-1120(b) of the City's critical slope ordinance states that a landowner requesting waiver of critical slopes requirements must address how the proposed waiver will satisfy the purpose and intent of the critical slopes ordinance; within materials submitted in support of waiver Application P19-00013 the Landowner has stated that it is willing to undertake measures to reinforce existing eroded areas in the vicinity of its proposed development (the upper reaches of Stream 2), as a partner with other stream-adjacent landowners, if feasible. Landowner shall confirm at the time of final site plan approval whether or not any such work will be performed and: (i) if so, the Landowner shall describe in writing the extent of the work and the timing in which the working will be undertaken in relation to completion of construction activities within the PUD development, or (ii) if not, the Landowner shall summarize in writing its efforts to follow-up with landowners to develop a work plan, and shall describe any financial or other impediments render a joint effort infeasible. Landowner shall have no obligation for the off-site work, beyond the actions specified in clauses (i) and (ii) of this paragraph.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-18-00003)
STATEMENT OF FINAL PROFFER CONDITIONS
For the Flint Hill PUD
Dated as of June 13th, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned limited liability company is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan, pages 1 through 7, dated May 20th, 2019.

The Owner/Applicant hereby proffers and agrees that if the Subject Property is rezoned as requested, the rezoning will be subject to, and the Owner will abide by, the approved PUD Development Plan as well as the following conditions:


1. Density shall not exceed a maximum of 50 residential units.
2. At or prior to project completion, the Developer shall offer to donate, at no cost to the City, approximately 3 acres of land to the City of Charlottesville to be added to the adjacent Longwood Park.
3. Affordable Housing:
 - a. The Developer shall cause a minimum of 5 affordable dwelling units (ADUs) to be built on site (as defined in City Code §34-12 (c) and §34-12(g), with affordability to be maintained over a term of not less than 10 years. The ADU requirement shall be recorded as a deed restriction on each ADU lot.
 - b. During home construction ADUs shall be provided incrementally such that at least one (1) incremental ADU shall either:
 - i. be under construction prior to the issuance of every tenth certificate of occupancy, or
 - ii. at the Landowner's option, any ADU lot(s) may be conveyed by recorded deed to a non-profit affordable housing provider for construction of an ADU by the non-profit entity, and, if any ADU lot(s) are so conveyed to a non-profit entity in accordance with the timing requirement specified in 3.b.i., above, then the transfer of the lot shall be deemed to be "under construction" as of the date of the recordation of the deed of conveyance containing the required ADU restriction.

WHEREFORE, the undersigned Owner(s) stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 13th day of June, 2019.

Owner:
Belmont Station, LLC

Owner's Address:
170 South Pantops Drive
Charlottesville, VA 22911

By: 
Charles Armstrong, Member

May 29, 2019

Charlottesville City Council
City Hall – 610 East Market Street
P.O. Box 911
Charlottesville, VA 22902

Re: Newly Adopted Street Closing Policy

Dear Mayor Walker and City Councilors:

In early March this year Belmont Station, LLC submitted a request to close a portion of Flint Drive and Keene Court, two unimproved “paper” streets in the City. On May 6th City Council adopted a new street closing policy. In the staff report of our request you will see that our request is not to eliminate the paper streets. Our request is to vacate the streets as they are currently aligned and replat them in slightly modified locations so that we may actually build them.

The new street closure policy uses a scoring rubric to numerically evaluate the pros and cons of closing a street and thus inform City Council how much benefit a “paper” street has to nearby residents and the City for things like access, connectivity, and parking. The scoring rubric does not account for a situation like this, where the applicant owns all surrounding land and is requesting street closure so that the street may be re-platted in a slightly different location. In this situation the closure of the right of way in its current alignment will enable construction of the street that currently only exists on paper.

Looking at the 7 scoring rubric criteria it is clear that vacating, replatting, and building the streets in question will benefit all 7 criteria. By not factoring in newly platted street, the scoring rubric works in direct opposition to its stated goals in this scenario.

The City Attorney has advised that we may ask City Council for a waiver to the new policy. **We hereby request a waiver of the new Street Closing Policy.** To apply the new scoring rubric to this situation would be completely contrary to the stated intent of the policy.

Sincerely,



Charlie Armstrong
Belmont Station, LLC

Preliminary BMP/Stormwater Management Plan

Project Name: **Flint Hill**
Date: **6/14/2019**

CLEAR ALL

- data input cells
- constant values
- calculation cells
- final results

BMP Design Specifications List: 2013 Draft Stds & Specs

Site Information

Post-Development Project (Treatment Volume and Loads)

Land Cover (acres)

	A Soils	B Soils	C Soils	D Soils	Totals
Forest/Open Space (acres) undisturbed, protected forest/open space or reforested land	2.00	1.50			3.50
Managed Turf (acres) disturbed, graded for yards or other turf to be mowed/managed		2.18			2.18
Impervious Cover (acres)		1.82			1.82
<i>* Forest/Open Space areas must be protected in accordance with the Virginia Runoff Reduction Method</i>					7.50

Constants

Annual Rainfall (inches)	43
Target Rainfall Event (inches)	1.00
Total Phosphorus (TP) EMC (mg/L)	0.26
Total Nitrogen (TN) EMC (mg/L)	1.86
Target TP Load (lb/acre/yr)	0.41
Pj (unitless correction factor)	0.90

Runoff Coefficients (Rv)

	A Soils	B Soils	C Soils	D Soils
Forest/Open Space	0.02	0.03	0.04	0.05
Managed Turf	0.15	0.20	0.22	0.25
Impervious Cover	0.95	0.95	0.95	0.95

Post-Development Requirement for Site Area

TP Load Reduction Required (lb/yr)	2.06
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Drainage Area A

Drainage Area A Land Cover (acres)

	A Soils	B Soils	C Soils	D Soils	Totals	Land Cover Rv
Forest/Open Space (acres)					0.00	0.00
Managed Turf (acres)		0.54			0.54	0.20
Impervious Cover (acres)		1.20			1.20	0.95
Total					1.74	

6. Bioretention (RR)

6.a. Bioretention #1 or Micro-Bioretention #1 or Urban Bioretention (Spec #9)	40	0.54	1.20	0	1,812	2,718	4,530	25	0.00	2.84	1.56	1.28	
6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	80			0	0	0	0	50	0.00	0.00	0.00	0.00	

STORMWATER NARRATIVE:

THE WATER QUANTITY PORTION WILL USE THE ENERGY BALANCE EQUATION TO PROVIDE CHANNEL PROTECTION AND FLOOD PROTECTION. THE TOTAL DISTURBED LAND AREA FOR THE PROJECT IS 4.60 AC WHICH INCLUDES THE ROADS TO BE BUILT TO MOSELEY DRIVE AND LONGWOOD DRIVE. THERE WILL BE THREE DISCHARGE POINTS FOR THIS DEVELOPMENT AND ALL POINTS WILL BE SHOWN TO PROVIDE AN ADEQUATE CHANNEL TO THE 100-YR FLOODPLAIN.

THE WATER QUALITY PORTION OF THE DEVELOPMENT WILL USE A LEVEL 1 OR LEVEL 2 BIOFILTER AT THE CENTER OF THE OPEN SPACE IN THE CUL-DE-SAC AREA AND/OR OTHER APPROVED PRACTICES AS NECESSARY. THE APPLICANT WILL TREAT AS MUCH OF THE STORMWATER ON SITE AS IS TECHNICALLY AND ECONOMICALLY FEASIBLE, AS DETERMINED BY THE APPLICANT, WITHIN REASON, BUT THE SWM CONCEPT DOES NOT PRECLUDE THE PURCHASE OF NUTRIENT CREDITS IF THAT BECOMES NECESSARY.

IN THE SCENARIO PROVIDED ABOVE WE WOULD BE PRODUCING 2.06 LBS/YR OF PHOSPHOROUS AND TREATING 76.2% ONSITE WHILE PURCHASING 0.49 LBS/YR (23.8%) OF PHOSPHOROUS. OTHER BMP METHODS WILL BE EXPLORED BY THE APPLICANT AND COULD RESULT IN HIGHER ONSITE TREATMENT.

Site Results (Water Quality Compliance)

Area Checks	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	AREA CHECK
FOREST/OPEN SPACE (ac)	0.00	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER (ac)	1.20	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER TREATED (ac)	1.20	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA (ac)	0.54	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA TREATED (ac)	0.54	0.00	0.00	0.00	0.00	OK.
AREA CHECK	OK.	OK.	OK.	OK.	OK.	

Site Treatment Volume (ft³) 8,168

Runoff Reduction Volume and TP By Drainage Area

	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	TOTAL
RUNOFF REDUCTION VOLUME ACHIEVED (ft ³)	1,812	0	0	0	0	1,812
TP LOAD AVAILABLE FOR REMOVAL (lb/yr)	2.85	0.00	0.00	0.00	0.00	2.85
TP LOAD REDUCTION ACHIEVED (lb/yr)	1.56	0.00	0.00	0.00	0.00	1.56
TP LOAD REMAINING (lb/yr)	1.28	0.00	0.00	0.00	0.00	1.28
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	13.02	0.00	0.00	0.00	0.00	13.02

Total Phosphorus

FINAL POST-DEVELOPMENT TP LOAD (lb/yr)	5.13
TP LOAD REDUCTION REQUIRED (lb/yr)	2.06
TP LOAD REDUCTION ACHIEVED (lb/yr)	1.56
TP LOAD REMAINING (lb/yr):	3.57
REMAINING TP LOAD REDUCTION REQUIRED (lb/yr):	0.49

Total Nitrogen (For Information Purposes)

POST-DEVELOPMENT LOAD (lb/yr)	36.71
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	13.02
REMAINING POST-DEVELOPMENT NITROGEN LOAD (lb/yr)	23.69



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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Requested:	Consideration of a Rezoning Application
Presenter:	Matt Alfele, AICP, City Planner
Staff Contacts:	Matt Alfele, AICP, City Planner
Title:	ZM—19-00002 209 Maury Avenue

Background:

Charlie Armstrong (of Southern Properties, LLC, Landowner) has submitted an application seeking a zoning map amendment for approximately (1.6) at 209 Maury Avenue and the surrounding five parcels of land (collectively, “Subject Properties”). The Subject Properties have frontage on Maury Avenue and Stadium Road. The application is requesting a change from the current zoning of R-2U (Residential two-family University) to R-3 (Multifamily) with no Proffered conditions or development plan. The Comprehensive Land Use Map for this area calls for Low Density Residential (15 Dwelling Units per Acres).

Discussion:

The Planning Commission held a Public Hearing on June 11, 2019 on this matter. During the discussion, Planning Commission raised the following:

- Concern about the preservation of the existing Eugene Bradbury designed home.
- Rezoning the subject properties to R-3 density could be increased providing more student housing closer to grounds. This could pull some students out of other areas of the City and open up more housing stock.
- Concern about rezoning the subject properties without a development plan to review.
- The Planning Commission also initiated a Comprehensive plan land use map amendment to change the subject properties to “High Density Residential”. This would insure the land use map designation would match the corresponding zoning.

Alignment with City Council’s Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to **Goal 3: A**

Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation, and the City Council Vision of Quality Housing Opportunities for All.

Community Engagement:

On May 29, 2019 the applicant held a community meeting in the NDS Conference Room at City hall from 6:30pm to 8pm. No members of the public attended the meeting.

On June 11, 2019 the Planning Commission held a Public Hearing on this matter. No members of the public spoke.

Staff received a number of emails regarding this project and they have been forwarded to Planning Commission and City Council.

Budgetary Impact:

This has no impact on the General Fund.

Recommendations:

The Planning Commission took the following action:

Commissioner Stolzenberg moves to recommend approval of this application to rezone the subject properties from R-2U, to R-3, on the basis that the proposal would service the interests of the general public and good zoning practice.

Mr. Solla-Yates seconded the motion

Mrs. Dowell, No

Mr. Lahendro, No

Mr. Solla-Yates, Yes

Mr. Stolzenberg, Yes

Mr. Heaton, Yes

Mr. Mitchell, Yes

The motion passed 4 – 2 to recommend approval of the rezoning application.

Alternatives:

City Council has several alternatives after holding a Public Hearing:

(1) by motion, approve the requested Rezoning as recommended by the Planning Commission using the following suggested motion: I move the adoption of the Ordinance included in our agenda materials, rezoning land as requested within ZM19-00002, based on

a finding that the proposed rezoning is required by public necessity, convenience, general welfare, or good zoning practice;

(2) by motion, take action to deny the attached ordinance granting the Rezoning;

(3) by motion, request changes to the attached ordinance, and then approve the Rezoning;
or

(4) by motion, defer action on the Rezoning.

Attachments:

A. Rezoning Ordinance

B. Link to the Staff Report and background information from the June 11, 2019 Planning Commission meetings:

<http://www.charlottesville.org/home/showdocument?id=65433>

(the staff report starts on page 142)

**AN ORDINANCE
APPROVING A REQUEST TO REZONE LAND FRONTING ON MAURY AVENUE AND
STADIUM ROAD
FROM R-2U (TWO-FAMILY RESIDENTIAL, UNIVERSITY)
TO R-3 (MULTIFAMILY RESIDENTIAL)**

WHEREAS, Southern Properties, LLC is the owner (“Landowner”) of certain land fronting on Maury Avenue and Stadium Road, designated on 2019 City Tax Map 17 as Parcels 180, 180.1, 180.2, 184, 185, and 186 (collectively, hereinafter, the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from R-2U to R-3 hereinafter referred to as the “Proposed Rezoning”; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by the Planning Commission on June 11, 2019, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by this City Council on July 1, 2019, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44; and

WHEREAS, this City Council has considered the matters addressed within the Landowner’s application (ZM19-00002), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning the property designated on 2019 City Tax Map 17 as Parcels 180, 180.1, 180.2, 184, 185, and 186 (“Subject Property”), containing, in the aggregate approximately 1.6 acres (approximately 69,696 square feet), from R-2U (Two Family Residential, University) to R-3 (Multifamily Residential)

and the City’s Zoning Administrator shall update the Zoning District Map to reflect this reclassification of the Subject Property.

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



Agenda Date:	July 1, 2019
Action Required:	Ordinance Amendment
Staff Contacts:	John Blair, City Attorney
Presenter:	John Blair, City Attorney
Title:	Amend Section 2-6 of the Charlottesville City Code 2nd of 2 Readings

Background:

On September 20, 1933, the Charlottesville City Council adopted a resolution recognizing five official City holidays: New Year's Day, Independence Day, Labor Day, Thanksgiving and Christmas. In examining the Council's minutes, the City Attorney's Office could not find any other City Council action regarding City holidays until 1945. On December 3, 1945, the Charlottesville City Council adopted a resolution recognizing eight official City holidays including the observation of Thomas Jefferson's birthday on April 13. This is the first recognition of April 13 as an official City holiday contained in the Council's minutes. A December 4, 1945 *Daily Progress* story indicates that the City adopted its holiday schedule to mirror the holiday schedule adopted by the Albemarle County Board of Supervisors adopted in November of 1945.

On January 4, 1971, the Charlottesville City Council enacted City Code Section 2-189.1 codifying the legal holidays observed by the City of Charlottesville. The 1971 ordinance designated April 13 as a city holiday to observe Thomas Jefferson's birthday.

On September 5, 2017, the Charlottesville City Council adopted a resolution that recognized March 3 as Liberation Day within the city, but did not codify it as a legal holiday. A copy of the September 5, 2017 Council Memorandum and Resolution is attached to this memorandum.

On June 3, 2019, Mayor Walker requested that a future Council agenda consider removing April 13 as an official city holiday and making Liberation and Freedom Day an official city holiday.

On June 17, 2019, the Council discussed Mayor Walker's proposal. At the end of the discussion, a majority of Council requested that City Code Section 2-6 be amended to remove observation of Thomas Jefferson's birthday on April 13 as a City holiday. The Council also discussed amending City Code Section 2-6 to observe March 3 as Liberation and Freedom Day. A majority of Council also appeared to support adding March 3 as an official City holiday, but not adding March 4 as an official City holiday. Finally, the Council requested separate votes on the ordinance deletion of April 13 as a City holiday and the ordinance amendment to add March 3 as a City holiday.

Discussion:

On March 3, 1865, United States Army forces under the command of Major General Philip H. Sheridan arrived in Charlottesville, Virginia and remained in the area until March 6, 1865. From March 3 to March 6, 1865, area African-Americans emancipated themselves from enslavement.

Mayor Walker is proposing that the City of Charlottesville recognize March 3 as an official City holiday to be known as Liberation and Freedom Day. Additionally, Mayor Walker also proposed adding March 4 as an official City holiday.

April 13 would no longer be recognized as an official City holiday if Mayor Walker's proposal is adopted.

At the June 17 Council meeting, Councilors Signer and Hill asked City Manager Richardson to gather employee feedback about the proposed March 3 holiday. Dr. Richardson has spoken to a number of City employees, and he reports that most of the City employees he spoke to favored receiving a floating holiday. If the Council desires to adopt a floating holiday for employees rather than March 3 as an official City holiday, an ordinance amendment would not be necessary. Instead, the Council can, by resolution, request Dr. Richardson to amend the City's Human Resources Personnel Policies to reflect the floating holiday.

One additional ordinance change for the Council's consideration if it decides to adopt Mayor Walker's original proposal is the treatment of March 3 and 4 when March 3 occurs on a Friday and March 4 occurs on a Saturday. That version of the proposed ordinance would provide that the City would recognize the March 4 holiday on Monday March 6.

If the ordinance amendments are approved, the City's Human Resources Personnel Policies would be amended to reflect the ordinance, and City employees would receive notification of the change in the holiday schedule.

Budgetary Impact:

An additional city holiday would have a budgetary impact of approximately \$62,500 in Fiscal Year 2020 if the Council adopts the proposal to make March 3 and March 4 official City holidays.

Attachments:

Proposed Ordinance Removing April 13 as an official City holiday
Proposed Ordinance Adding March 3 and March 4 as official City holidays
Proposed Ordinance Adding March 3 as a City holiday
2017 Liberation Day Council Memorandum and Resolution

**AN ORDINANCE
AMENDING SECTION 2-6
OF CHAPTER 2 (ADMINISTRATION)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

Section 2-6 of Chapter 2 of the Code of the City of Charlottesville (1990) is amended as follows:

Sec. 2-6. - Legal holidays.

In each year, the first day of January (New Year's Day), the third Monday in January (Martin Luther King, Jr. Day), the third Monday in February (George Washington Day), ~~the thirteenth day of April (Jefferson's Birthday)~~, the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the eleventh day of November (Veterans Day), the fourth Thursday in November (Thanksgiving Day), the Friday after the fourth Thursday in November, the twenty-fifth day of December (Christmas Day) or, whenever any of such days shall fall on Saturday, the preceding Friday shall be a legal holiday, and whenever such days shall fall on Sunday, the Monday next following such day shall be a legal holiday.

**AN ORDINANCE
AMENDING SECTION 2-6
OF CHAPTER 2 (ADMINISTRATION)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

Section 2-6 of Chapter 2 of the Code of the City of Charlottesville (1990) is amended as follows:

Sec. 2-6. - Legal holidays.

In each year, the first day of January (New Year's Day), the third Monday in January (Martin Luther King, Jr. Day), the third Monday in February (George Washington Day), the third day of March (Freedom and Liberation Day), ~~the thirteenth day of April (Jefferson's Birthday)~~, the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the eleventh day of November (Veterans Day), the fourth Thursday in November (Thanksgiving Day), the Friday after the fourth Thursday in November, the twenty-fifth day of December (Christmas Day) or, whenever any of such days shall fall on Saturday, the preceding Friday shall be a legal holiday, and whenever such days shall fall on Sunday, the Monday next following such day shall be a legal holiday.

**AN ORDINANCE
AMENDING SECTION 2-6
OF CHAPTER 2 (ADMINISTRATION)**

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



Agenda Date:	June 17, 2019
Action Required:	Ordinance Amendment
Staff Contacts:	John Blair, City Attorney
Presenter:	John Blair, City Attorney
Title:	Amend Section 2-6 of the Charlottesville City Code 1st of 2 Readings

Background:

On September 20, 1933, the Charlottesville City Council adopted a resolution recognizing five official City holidays: New Year's Day, Independence Day, Labor Day, Thanksgiving and Christmas. In examining the Council's minutes, the City Attorney's Office could not find any other City Council action regarding City holidays until 1945. On December 3, 1945, the Charlottesville City Council adopted a resolution recognizing eight official City holidays including the observation of Thomas Jefferson's birthday on April 13. This is the first recognition of April 13 as an official City holiday contained in the Council's minutes. A December 4, 1945 *Daily Progress* story indicates that the City adopted its holiday schedule to mirror the holiday schedule adopted by the Albemarle County Board of Supervisors adopted in November of 1945.

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On September 5, 2017, the Charlottesville City Council adopted a resolution that recognized March 3 as Liberation Day within the city, but did not codify it as a legal holiday. A copy of the September 5, 2017 Council Memorandum and Resolution is attached to this memorandum.

On June 3, 2019, Mayor Walker requested that a future Council agenda consider removing April 13 as an official city holiday and making Liberation and Freedom Day an official city holiday.

Discussion:

On March 3, 1865, United States Army forces under the command of Major General Philip H. Sheridan arrived in Charlottesville, Virginia and remained in the area until March 6, 1865. From March 3 to March 6, 1865, area African-Americans emancipated themselves from enslavement.

Mayor Walker is proposing that the City of Charlottesville recognize March 3 as an official City

holiday to be known as Liberation and Freedom Day. Additionally, Mayor Walker is proposing adding March 4 as an official City holiday.

April 13 would no longer be recognized as an official City holiday.

One additional ordinance change for the Council's consideration is the treatment of March 3 and 4 when March 3 occurs on a Friday and March 4 occurs on a Saturday. The proposed ordinance would provide that the City would recognize the March 4 holiday on Monday March 6.

If the ordinance amendment is approved, the City's Human Resources Personnel Policies would be amended to reflect the ordinance, and City employees would receive notification of the change in the holiday schedule.

Budgetary Impact:

An additional city holiday would have a budgetary impact of approximately \$62,500 in Fiscal Year 2020.

Attachments:

2017 Liberation Day Council Memorandum and Resolution
Proposed Ordinance

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 21, 2017
Action Required:	Resolution Decision
Presenters:	Mike Murphy, Assistant City Manager
Staff Contacts:	Maurice Jones, City Manager
Title:	Recognition of Liberation Day as a City Holiday

Background:

Council created an ad-hoc blue ribbon commission on May 2, 2016 to address the questions and concerns brought before council regarding race, memorials and public spaces in Charlottesville. A number of recommendations were made based on the charge from City Council. One recommendation was the designation of March 3 as either Freedom or Liberation Day.

Discussion:

Union forces occupied Charlottesville from March 3-March 6, 1865. Encyclopedia Virginia says of the occupation "In February 1865, Sheridan's men rode south from Winchester with orders to destroy railroads and possibly take Lynchburg. They arrived in Charlottesville on March 3, and there were met by a delegation of town and university officials, who asked for protection. Union troopers burned a nearby woolen mills but, apart from widespread foraging and some looting, left the town and college intact. In the meantime, many of the area's African Americans, including at least one enslaved directly by the University of Virginia, used the Union occupation to escape their enslavement." UVA magazine reported in 2015 "Wherever Union troops went, large numbers of African Americans escaped to freedom. Scholars have called this phenomenon "self-emancipation," while Gallagher, for one, has emphasized the importance of the Union army in making such escapes even possible." (Dr. Gary Gallagher spoke to the Blue Ribbon Commission to provide historical context for their work.)

Vice Mayor Bellamy read a proclamation into the record on February 6, 2017. This item returns to Council so that a vote may be recorded to document the decision that Liberation Day will be recognized by the City of Charlottesville in future years.

Alignment with City Council's Vision and Strategic Plan:

The blue ribbon commission reflects the City's vision to be a "Community of Mutual Respect." This also aligns with Strategic Plan Goal 5: *Foster Strong Connections*, and the initiative to respect and nourish diversity.

Budgetary Impact

No budgetary impact has been discussed at this time. If Council sponsored events to commemorate Liberation Day, or created an additional holiday for City of Charlottesville employees, additional funding would be required from the City Council Strategic Initiatives account.

Recommendation:

Staff recommends approval of the resolution without creating an additional City of Charlottesville Holiday where offices would be closed.

Alternatives:

Council may elect to not pass a resolution at this time. Council may choose to appropriate funds for a celebration of Liberation day on March 3, 2018. Council may elect to consider the creation of an additional City of Charlottesville holiday where offices would be closed.

Attachments:

Resolution

RESOLUTION

WHEREAS more than half of the population of Charlottesville and of Albemarle County at the time of the Civil War was enslaved; and

WHEREAS this historical fact remained little-known until the recent salutary work of the Charlottesville Blue Ribbon Commission on Race, Monuments, and Public Spaces, which promoted public knowledge of this important aspect of the history of our City and county; and

WHEREAS the City of Charlottesville endeavors to “change the narrative on race” by recognizing and celebrating African American history as an important constituent of the City’s collective history; and

WHEREAS 14,000 members of our community, having struggled for generations in bondage, began to be freed on March the 3rd, 1865, owing to the arrival of Union forces under the command of Generals Custer and Sheridan, who enforced the 1863 Emancipation Proclamation; and

WHEREAS the values of freedom and justice are universal, and are thus rightly celebrated by everyone;

NOW, THEREFORE, BE IT RESOLVED, by declaration of the Charlottesville City Council, that March the 3rd shall henceforth be officially recognized by the City, and celebrated as “Liberation Day.”

**AN ORDINANCE
AMENDING SECTION 2-6
OF CHAPTER 2 (ADMINISTRATION)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

Section 2-6 of Chapter 2 of the Code of the City of Charlottesville (1990) is amended as follows:

Sec. 2-6. - Legal holidays.

In each year, the first day of January (New Year's Day), the third Monday in January (Martin Luther King, Jr. Day), the third Monday in February (George Washington Day), the third day of March (Liberation and Freedom Day), the fourth day of March, ~~the thirteenth day of April (Jefferson's Birthday)~~, the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the eleventh day of November (Veterans Day), the fourth Thursday in November (Thanksgiving Day), the Friday after the fourth Thursday in November, the twenty-fifth day of December (Christmas Day) or, whenever any of such days shall fall on Saturday, the preceding Friday shall be a legal holiday, and whenever such days shall fall on Sunday, the Monday next following such day shall be a legal holiday. When the fourth day of March occurs on a Saturday, the sixth day of March shall be a legal holiday.

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



Agenda Date:	July 1, 2019
Action Requested:	Vote on Resolution
Presenter:	Rek LeCounte, Minority Business Task Force Member
Staff Contacts:	Jennifer Stieffenhofer, Procurement and Risk Manager Hollie Lee, Chief of Workforce Development Strategies
Title:	Minority Business Task Force Report

Background:

The City of Charlottesville's Procurement and Risk Management Division and the Office of Economic Development continue to collaborate with the Minority Business Task Force appointed by City Council to accomplish the tasks designated by City Council in its associated Resolutions dated June 19, 2017 and July 2, 2018, included as Attachments A and B of the Minority Business Task Force Report.

Discussion:

Refer to the report provided by the Minority Business Task Force.

Alignment with City Council's Vision and Strategic Plan:

This initiative supports City Council's: 1) "A Community of Mutual Respect" vision, 2) "A Smart Citizen-Focused Government" vision, and 3) "Economic Sustainability" vision. It contributes to Goal 4 of the Strategic plan, objectives 4.2 and 4.3.

Community Engagement:

Presently a task force appointed by City Council.

Budgetary Impact:

None

Recommendation:

Dissolve the Minority Business Task Force and approve the creation of a Minority Business Commission to support the work of the City's Finance Department/Procurement and Risk Management Division, and Office of Economic Development.

Suggested Motion: I move to adopt the Resolution dated July 1, 2019 included within the Agenda Materials, approving the creation of a Minority Business Commission and setting out a charter of the commission's role within the City government.

Alternatives:

City staff will continue to advance the City's Minority Business Program.

Attachments:

- Minority Business Task Force Report
- Attachment A – Resolution to Establish Task Force, 6/19/17
- Attachment B – Resolution to Continue the Task Force, 7/2/18
- Attachment C – Proposed Resolution to Dissolve the Task Force and Create a Minority Business Commission

CITY OF CHARLOTTESVILLE

MINORITY BUSINESS TASK FORCE

Report to City Council
July 1, 2019

Submitted by: Melvin Burruss, Mark Manafee, Kaye Monroe, Andrea Copeland-Whitsett and Rek LeCounte

Presented by: Rek LeCounte

INTRODUCTION:

In November 2017, City Council appointed a five member task force, the Minority Business Task Force, to accomplish the tasks defined in Attachment A, a City Council resolution approved June 19, 2017. On July 2, 2018, the Minority Business Task Force provided an update to City Council, which included reporting the completion of Tasks 1 and 2 of the resolution, and requesting a resolution to continue as a task force to focus on the remaining task, Task 3, which is to serve as an advisory task force for the program. On July 2, 2018, City Council approved the resolution included herein as Attachment B, to allow the continuance of Minority Business Task Force to work as an advisory task force for the program.

This report highlights the many accomplishments made by the Minority Business Task Force and City staff during FY19. It also includes a request to move from a Task Force to a more formal Commission.

MINORITY BUSINESS PROGRAM PROGRESS REPORT:

Business Development

- New Minority Business Program logos created/branding developed



- Website created – www.charlottesville.org/minoritybusinessprogram; external website in development – www.cvilleminoritybusinessprogram.org
- Outreach and Events
 - Minority & Women Business Expo – November 2018 (50 exhibitors, 200+ attendees)
 - Minority Business Appreciation Breakfast – December 2018 (35 attendees)
 - Minority Business Appreciation Breakfast – May 2019 (70 attendees)
 - Minority Business Summer Social: A Reception on the Rooftop – July 10th
 - Minority Business Week – September 14th – September 20th

- Black Business Expo & Pitch Competition; 2:00pm – 6:00pm (Ix Park) - Saturday, September 14th
- Minority Business Week Kick Off Breakfast; 8:30am to 10:00am (CitySpace) – Monday, September 16th
- Chamber Business Diversity Council Minority Business Conference; 8:30am to 1:30pm (Jefferson School African American Heritage Center) – Tuesday, September 17th
- Forward/Adelante – Excellence in Business Award; 5:30pm – 7:30pm (Old Metropolitan – Wednesday, September 18th
- Minority & Women Business Expo; 10:00am to 2:00pm (Carver Recreation Center) – Thursday, September 19th
- GO Connect: Celebrating Business Diversity; 6:00pm – 8:00pm (Common House) – Friday, September 20th
- Business Equity Fund (BEF) established, six loans issued, and 70% of the \$100,000 allocated for the program expended
 - BEF is a loan program for City of Charlottesville businesses that have been in operation for at least six months. The program, which is administered in partnership with the Community Investment Collaborative (CIC), lowers eligibility criteria typically experienced in traditional banking scenarios and offers a subsidized interest rate that is well below the market rate (up to 3%)
- Better Business Challenge Mini Grant Program – grants in the amount of \$2,500 issued to four City businesses for the purpose of incorporating sustainable practices into their operations (e.g., LED lighting, portable dishwasher, etc.)
- Training and Workshops
 - Quarterly workshops
 - Strategizing Your Business Solutions (September 2019)
 - Determining Your Business’s Financial Health (December 2019)
 - City vendor registration video

Supplier Diversity

- Minority Business Procurement Coordinator vacancy filled. Sarah Hawthorne joined the team 1/7/19.
- Minority Business Directory for buyers launched 3/29/19.
- Increase in the City’s single quote limit from \$5,000 to \$10,000, which further simplifies making small purchases at a fair and reasonable price.
- Increase in the City’s small purchase procedures from \$50,000 to \$100,000, which provides a simpler procurement process for small purchases.
- Press release about becoming a City vendor - Fall 2018.
- Included new language in procurement forms to direct vendors to Supplier Diversity Initiatives when they submit a bid or proposal.
- Submitted helpdesk ticket to City IT to configure a way in SAP to track minority-owned and women-owned businesses not yet certified.

Outcomes

- 20% increase in certified Charlottesville minority-owned businesses registered to do business with the City (10 additional non-certified minority-owned businesses registered as vendors)
- 6.52% increase in certified women-owned businesses registered to do business with the City

- 3.66% overall increase in certified Charlottesville businesses

RECOMMENDATION(S):

1. The Minority Business Task Force recommends moving from a task force model to a standing committee under the scope of Boards and Commissions to work as an advisory task force with the City's Finance Department/Procurement and Risk Management Division and Office of Economic Development. The proposed resolution is included herein as Attachment C.

RESOLUTION
Disadvantaged Business Enterprise Task Force

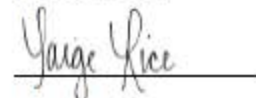
BE IT RESOLVED, by the City Council of Charlottesville, Virginia, that there is hereby created a Disadvantaged Business Enterprise Task Force, composed of five (5) members appointed by City Council with input from the City Manager, to act as an advisory board to City Staff and City Council.

BE IT FURTHER RESOLVED, that the Disadvantaged Business Enterprise Task Force's purpose is to:

1. Outline a strategy to increase the number and scale of minority-owned businesses contracting with the City;
2. Develop a job description for the approved procurement position within 60 days from the date City Council appoints five (5) members to the Task Force; and
3. Work as an advisory task force with the approved procurement position.

BE IT FURTHER RESOLVED, that after 60 days from the date the Disadvantaged Business Enterprise Task Force has five (5) members, City Council will assess whether the task force should remain in existence.

Approved by Council
June 19, 2017



Clerk of Council

RESOLUTION

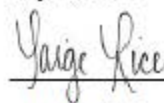
BE IT RESOLVED by the City Council of Charlottesville Virginia that the Minority Business Task Force, appointed by City Council in November 2017 with five members, shall continue to serve as an advisory body to the City Council, the City Finance Department/Procurement and Risk Management Division, and Office of Economic Development as it pertains to the City's Minority Business Program, and shall advise the City on policy and procedural issues involved in:

1. The City's established policy of equal opportunity and nondiscrimination in procurement;
2. The City's continuing efforts to encourage the participation of certified businesses in City contracts; and
3. The City's assurance that its procurement opportunities are made available to all persons, regardless of race, religion, color, sex, national origin, age, sexual orientation, disability, or any other basis prohibited by law.

The Minority Business Task Force shall not be empowered or authorized to provide advice or assistance with respect to or otherwise become involved in, individual procurement solicitations, evaluations, awards, disputes, or protests.

City Council may increase or decrease the number of members serving on the Minority Business Task Force, and make additional appointments when vacancies arise. The Task Force shall report to City Council periodically on the minority procurement program strategy.

Approved by Council
July 2, 2018



Clerk of Council

RESOLUTION
July 1, 2019
Establishing a Minority Business Commission

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the Disadvantaged Business Enterprise Task Force, also known as the Minority Business Task Force, previously created on June 19, 2017, is hereby dissolved and discontinued (and this Council expresses appreciation to the Task Force Members for their service); and.

BE IT FURTHER RESOLVED by this City Council THAT a new Minority Business Commission is hereby created and established pursuant to the following charter:

Purpose:

The purpose of the Minority Business Commission (“MBC”) is to serve in an advisory capacity to City Council on the following matters:

1. The City’s established policy of equal opportunity and nondiscrimination in procurement and business development;
2. The City’s efforts in promoting the startup of minority-owned businesses in the City and the growth and expansion of existing City minority-owned business;
3. The City’s continuing efforts to encourage the participation of businesses, and in particular those certified by the Department of Small Business and Supplier Diversity (SBSD), in City contracts; and
4. The City’s assurance that its business development and procurement opportunities are made available to all persons, regardless of race, religion, color, sex, national origin, age, sexual orientation, gender identity, disability or any other basis prohibited by law; and

The MBC will not have authority to participate in, provide advice or assistance with respect to, or otherwise become involved in individual procurement solicitations, evaluations, awards, disputes or protests.

The MBC shall provide a written report on an annual basis to the City Council regarding its meetings, members’ participation in the meetings, its analysis of the matters referenced in (1)-(4) above, and any findings and recommendations of the MBC regarding the effectiveness of the City Administration’s efforts in relation to those matters. The report shall be submitted to the Clerk of Council on or before March 1 each calendar year.

Membership:

The MBC will consist of eight (8) members, as follows:

Five (5) individuals shall be appointed by City Council to the MBC, each of whom must live or work in the City of Charlottesville and/or Albemarle County throughout the appointed

terms. Initially: two members shall be appointed for a term ending June 30, 2022; two members shall be appointed for a term ending June 30, 2021; and one member shall be appointed for a term ending June 30, 2020; upon the expiration of a member's initial term the member's replacement shall be appointed for a term ending on June 30 of the third year following the date of expiration of the term of the member whose term expired, so that the terms shall remain staggered in the manner established by the initial terms. In the event any member resigns or is removed by Council from the MBC prior to the expiration of his or her appointed term, then a replacement member shall be appointed to serve the remainder of that unexpired term.

Additionally, the MBC shall include: the City's Minority Business Development Coordinator and the City's Minority Procurement Development Coordinator and one City Councilor selected by City Council.

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



Agenda Date:	July 1, 2019
Action Required:	Approve Resolution
Presenter:	Councilor Bellamy
Staff Contacts:	Chris Engel, Director of Economic Development Hollie Lee, Chief of Workforce Development Strategies John C. Blair, II, City Attorney
Title:	Allocation of Racial Engagement and Equity Funds for Minority Business Program - \$35,300

Background:

In November 2017, City Council appointed a five member task force, the Minority Business Task Force, to assist the Office of Economic Development (OED) and the Division of Procurement and Risk Management in furthering the City's goals for the its Minority Business Program. Since this time, staff has worked closely with the Task Force to grow and solidify the program. This includes the below mentioned items highlighted in the Minority Business Task Force update. To date, all initiatives have been accomplished using existing departmental funds. However, to further expand the Minority Business Program and create awareness about services, programming, and events, dedicated funds are needed.

BUSINESS DEVELOPMENT

- New Minority Business Program logos created/branding developed
- Website created – www.charlottesville.org/minoritybusinessprogram; external website in development – www.cvilleminoritybusinessprogram.org
- Outreach and Events
 - Minority & Women Business Expo – November 2018 (50 exhibitors, 200+ attendees)
 - Minority Business Appreciation Breakfast – December 2018 (35 attendees)
 - Minority Business Appreciation Breakfast – May 2019 (70 attendees)
 - Minority Business Summer Social: A Reception on the Rooftop – July 10th
 - Minority Business Week – September 14th – September 20th
- Business Equity Fund (BEF) established, six loans issued, and 70% of the \$100,000 allocated for the program expended
- Better Business Challenge Mini Grant Program – grants in the amount of \$2,500 issued to four City businesses for the purpose of incorporating sustainable practices into their operations (e.g., LED lighting, portable dishwasher, etc.)
- Training and Workshops
 - Quarterly workshops

- Strategizing Your Business Solutions (September 2019)
- Determining Your Business’s Financial Health (December 2019)
- City vendor registration video

SUPPLIER DIVERSITY

- Minority Business Procurement Coordinator vacancy filled. Sarah Hawthorne joined the team 1/7/19.
- Minority Business Directory for buyers launched 3/29/19.
- Increase in the City’s single quote limit from \$5,000 to \$10,000, which further simplifies making small purchases at a fair and reasonable price.
- Increase in the City’s small purchase procedures from \$50,000 to \$100,000, which provides a simpler procurement process for small purchases.
- Press release about becoming a City vendor – Fall 2018.
- Included new language in procurement forms to direct vendors to Supplier Diversity Initiatives when they submit a bid or proposal.
- Submitted helpdesk ticket to City IT to configure a way in SAP to track minority-owned and women-owned businesses not yet certified.

Discussion:

On December 18, 2017, Charlottesville City Council appropriated \$1,000,000.00 to create a Council Reserve Fund for Racial Equity and Engagement (hereinafter “Equity Fund”). Councilor Bellamy suggested that a \$40,000.00 allocation from Council out of appropriated funds in the Equity Fund be designated to the OED for the purpose of enhancing the Minority Business Program and marketing the program’s offerings to the community. Specifically, the funds would be used for Minority Business Program programming, events, and marketing/communications. This would include all business development and supplier diversity efforts. The OED estimates that the initial amount needed for startup costs is approximately \$35,300.00 and annual costs would be about \$18,500.00. This request is for the initial program costs in the amount of \$35,300.00. The annual budget estimate will be requested during the regular budget cycle (\$18,500.00). For a budget and detailed descriptions of how the funds will be used, please see below.

MINORITY BUSINESS PROGRAM PROPOSED BUDGET

ITEM	START UP COST	ANNUAL COST
Programming		
GO Start-Up	\$6,500	\$600/cohort (2/year)
GO Contractor Academy	\$6,500	\$2,000/cohort (1/year)
Minority Business Mentorship Program	\$3,000	\$600/year for materials and mentor training
Events (venues, logistics, catering, facilitators, etc.)		
Minority Business Week	\$3,000	\$3,000/year
Minority Business Breakfasts	\$2,500	\$625/quarter
Semi-Annual Minority Business Expos	\$1,200	\$600/event
Quarterly Workshops	\$1,200	\$300/event
Training Videos	\$600	As needed
Marketing/Materials (TV, radio, print, social media, etc.)		
Minority Business Program collateral (website, booklet, rack card, promo items, etc.)	\$1,500	\$1,000

Minority Business Week	\$6,500	\$5,000/year (anticipating future sponsorships)
Minority Business Breakfasts	\$800	\$200/event
Promo Videos (program, week, etc.)	\$2,000	As needed
TOTAL	\$35,300	\$18,500

MINORITY BUSINESS PROGRAM EFFORTS *(to be supported by funding request)*

Programming

GO Start-Up – Growing Opportunities (GO) Start-Up will be a grassroots program for woman and minority residents interested in starting a business. The curriculum will focus on business etiquette/soft skills, budgeting, idea creation, and business basics. After discussions with senior leaders at CIC, staff found that many “would-be” entrepreneurs express an interest in the 16-week program, but ultimately do not participate due to similar challenges experienced by those in the workplace, such as childcare issues, transportation challenges, unexpected bills, etc. Difficulties such as these often require the potential entrepreneur, who already works long hours or two jobs, to pick up more hours at work or spend time addressing the issues rather than working on the business. During GO Start-Up, which will be much shorter than the CIC program, staff will work with individuals to address these challenges so that they will be better equipped to deal with them if they decide to start up or move on to CIC. (Please note that the model for this has already been established with the GO pre-employment training programs, so it should not be a challenge.) Additionally, CIC suggested that one of the main reasons that individuals do not get accepted into the program is because they either do not have a business idea or it is not fleshed out enough. GO Start-Up will spend a lot of time on idea creation and making sure that individuals have a solid, marketable business idea if they decide to start up or apply for CIC.

GO Contractor Academy – The Growing Opportunities (GO) Contractors Academy, which will be a partnership between the OED and Division of Procurement and Risk Management, will be a mid-level program for existing minority-owned businesses that want to do business with the City (or other governmental agencies/organizations). The program will be designed to enhance the technical and managerial skills of small contractors and entrepreneurs specifically in the construction industry since there is a lack of minority-owned businesses in this industry doing business with the City (and a lack of contractors competing in this industry just in general). Curriculum will touch on key topics related to business development and construction procurement such as:

- Business Basics – marketing to buyers, networking with buyers and general contractors and/or other sub-contractors, financing, etc.
- Construction Accounting and Finance – learning about the dollars and cents of construction and how to do business with the City of Charlottesville, will also offer complete coverage of City purchasing requirements and procedures
- Estimating and Bidding – hands-on training with actual estimating and bidding exercises
- Contract Administration – understanding and executing contracts
- Scheduling – effective and realistic scheduling to complete projects “on time and within budget”
- Conflict Resolution – protocol, methodology, and legal considerations

There could also be an opportunity to incorporate industry credentials that are required for specific contracts (or would make a contractor more competitive) if they can be obtained within a reasonable amount of time (e.g., OSHA 10 certification, flagging certification, etc.).

Minority Business Mentorship Program – During the last two Business Appreciation Breakfasts, attendees mentioned the need for mentors to help them explore ways to grow and expand their

businesses. Through a partnership with the Charlottesville Regional Chamber of Commerce to create the Minority Business Mentorship Program, minority-owned businesses would have access to executive level mentors (Chamber members) to help them with their businesses. The mentors would be trained using a developed curriculum to ensure that all mentees receive a structured, quality mentorship experience. Each mentor would be given a workbook that lays out five, one-hour mentorship sessions (one session every other week) with a focus on goal setting. After the initial five sessions, it would be up to the mentor and mentee to determine if the relationship should be continued, and if so, what the frequency of future meetings would be. Meetings beyond the five weeks would be less structured and focused more on the immediate needs of the business. Mentors will be brought together quarterly to share information and engage in retraining to ensure continued quality of the program.

Events

In order to create awareness about the Minority Business Program and provide opportunities for minority businesses to network and gain access to resources, the OED hosts events on a regular basis, with the goal of increasing the number of offerings as the program is expanded. Each year, the OED coordinates one larger business event focused on selling to the City. For the past, two years this event took the form of a Women and Minority Business Expo that featured over 40 local businesses owned by women and minorities in Charlottesville. For 2019, the expo will be part of a larger Minority Business Week (September 14th through September 20th). The week will encompass six events centered on minority businesses in Charlottesville.

- Saturday, September 14th – Black Business Expo & Pitch Competition; 2:00pm to 6:00pm (Ix Park)
- Monday, September 16th – Minority Business Week Kick Off Breakfast; 8:30am to 10:00am (CitySpace)
- Tuesday, September 17th – Chamber Business Diversity Council Minority Business Conference; 8:30am to 1:30pm (Jefferson School African American Heritage Center)
- Wednesday, September 18th – Forward/Adelanté – Excellence in Business Award; 5:30pm – 7:30pm (Old Metropolitan)
- Thursday, September 19th – Minority & Women Business Expo; 10:00am to 2:00pm (Carver Recreation Center)
- Friday, September 20th – GO Connect: Celebrating Business Diversity; 6:00pm to 8:00pm (Common House)

Additionally, two Minority Business Appreciation Breakfasts have been offered through the Minority Business Program in recent months. The goal is to continue the breakfasts, which have been very well attended, on a quarterly basis. Other planned events will provide training opportunities for minority-owned businesses. After the last breakfast, a survey of attendees was conducted. Businesses indicated that they would like quarterly, face-to-face training workshops. Topics identified as high interest include: business strategy/planning, financial management/bookkeeping, marketing/social media, and procurement/selling to the government. The goal would be to offer the first workshop in September and another one in December.

Cost associated with events include, but are not limited to: venue rentals (if necessary – typically opt for free space first), logistics (any type of items that need to be rented – e.g., linens, tables, chairs, tents, etc.), and catering (usually the most expensive aspect of each event).

Marketing/Materials

Over the past year, staff has been actively trying to promote the revamped Minority Business Program. This included an early press release encouraging area businesses to become registered

vendors with the City and obtain Small, Woman-, and Minority-owned business (SWaM) certification through the Department of Small Business and Supplier Diversity. Another press release was also done earlier this year to promote the newly created Business Equity Fund (BEF) loan program – this ultimately resulted in news coverage and a significant number of social media impressions. As a result, six loans have already been administered and the funds are close to being fully expended.

The intention of staff is to continue to keep the Minority Business Program at the media forefront. This will involve the development of collateral materials that can be used to further promote and brand the Minority Business Program. A logo was created to use for this purpose and a website was developed on the City's page. An external site is in the process of being created that will also include a Minority Business Directory. In addition to these items, staff would also like to develop other materials to help promote the program including, but not limited to: a brochure/rack card, a booklet about the program and how to become a registered vendor with the City, promotional items such as pens and notepads for events, etc. Staff would also like to create a promotional video about the Minority Business Program and several training videos. Unfortunately, there is no in-house staff capable of doing this.

In terms of marketing for events, the primary sources of marketing for smaller events are flyers/posters, emails, business visits, and social media (primarily Facebook – Facebook Live and paid promotions). For larger events, there will be a need to purchase paid advertising (i.e., TV, radio, and print). In particular, this will be the case with Minority Business Week, which will require a lot of advertising early on since it is a new event in the community. Additionally, staff intends to create a promotional video to use for PSAs and paid TV spots (NBC 29 and CBS 19).

Alignment with Council Vision Areas and Strategic Plan:

This action aligns with the Council's Vision for an economically sustainable community that offers a business-friendly environment in which employers provide well-paying, career-ladder jobs and residents have access to small business opportunities. This action aligns with the City Council's Strategic Plan Goal Four: A Strong Diversified Economy and Goal One: An Inclusive Community of Self-Sufficient Residents.

Budgetary Impact:

This action will reduce the funds available in the Council Reserve Fund for Racial Equity and Engagement by \$35,300.

Alternatives:

Council could decline to allocate the proposed funds for the Minority Business Program. Council could also reduce the amount of its allocation for the Minority Business Program.

Attachments:

None

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$35,300 is hereby allocated from currently appropriated funds in the Council Strategic Initiatives account in the General Fund to the City of Charlottesville Office of Economic Development.

Transfer From:

\$35,300 Fund: 105 Cost Center: 1011001000 G/L Account: 599999

Transfer To:

\$35,300 Fund: 105 Internal Order: 2000151 G/L Code: 599999

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



Agenda Date:	July 1, 2019
Action Required:	Resolution Approval
Presenter:	Carrie Rainey, City Planner, Neighborhood Development Services
Staff Contacts:	Carrie Rainey, City Planner, Neighborhood Development Services
Title:	Critical Slope Waiver Request at 915 6th Street SE

Background:

Rayonix, LLC requests a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for the construction of a mixed use development that would include two (2) buildings with 28 one- and two-bedroom multi-family residential units and commercial use, and a surface parking lot with vegetated canopies at 915 6th Street SE (Tax Map 27 Parcel 36). The subject property has street frontage on 6th Street SE and 2nd Street SE.

Existing critical slope areas located on this Property include 0.26 acres or 34% percent of the project site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, and (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, and (b) a portion of the slope is within 200 feet of a waterway. See City Code Sec. 34-1120(b)(2).

The Planning Commission discussed the critical slope waiver request at the May 14, 2019 meeting. The full critical slope waiver request application package can be viewed at: <http://www.charlottesville.org/home/showdocument?id=65250>

Discussion:

Per Sec. 34-1120(b)(6)(3), City Council (in granting a modification or waiver) may allow the disturbance of a portion of the slope, but may determine that there are some features or areas that cannot be disturbed. These include, but are not limited to: large stand of trees, rock outcroppings and slopes greater than 60%.

The following information is relevant to the evaluation of this request:

- Large stands of trees: **Much of the site is wooded. A single family home is located on the site near 6th Street SE.**
- Rock outcroppings: **None.**
- Slopes greater than 60%: **4,406 SF (36%) of the total critical slopes on site are greater than 60%. 2,701 SF of critical slopes great than 60% are proposed to be disturbed, accounting for 30% of the critical slope disturbance. See Attachment 2 for location of slopes greater than 60%.**
- Waterway within 200 feet: **The day-lighted portion of Pollocks Branch is located within 200-feet of the critical slope area that is located on the proposed project site.**
- Location of other areas of the Property, outside critical slopes areas, that fit the definition of a “building site” and could accommodate this proposed development: **The applicant proposes two buildings, one of which is located almost entirely in the critical slope areas. In addition, a portion of the proposed surface parking lot and associated grading is located within the critical slope areas. The proposed development, as shown with surface parking, could not be accommodated outside of critical slope areas. However, a development of similar use and residential density could potentially be accommodated outside of critical slope areas with a different site design.**

Among the matters discussed by the Planning Commission at their May 14, 2019 meeting were the following:

- The sensitivity and degraded health of Pollocks Branch.
- The height of the proposed retaining walls and related existing tree removal located in the critical slope areas.
- The possibility of clustering development outside of the critical slope areas, through proposing taller buildings to maintain similar uses.
- The possibility of exploring off-site cooperative parking agreements with other properties to minimize required parking provided on-site in the critical slope areas.

Alignment with Council Strategic Plan:

The project may support Goal 3 (A Beautiful and Sustainable Natural and Built Environment) of City Council’s Strategic Plan through objective 3.1, engage in robust and context sensitive urban planning and implementation.

Community Engagement:

Property owners within 500-feet of the subject properties were notified of the Planning Commission’s May 14, 2019 meeting, wherein the critical slopes waiver request would be discussed and a recommendation made, per Section 34-1220(b)(6)(b). No comments were

provided during Matters by the Public.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of approving the critical slope waiver for the applicant's parcel.

Planning Commission Recommendation:

The Planning Commission took the following action:

Mr. Lahendro moved to recommend denial of this application for a critical slope waiver.

Ms. Green seconded the motion. The Commission voted 3-2 to recommend denial of the application for a critical slope waiver with Mr. Mitchell abstaining.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to deny the critical slope waiver (as recommended by the Planning Commission);
- (2) by motion, take action to approve the attached resolution for the critical slope waiver with conditions (as provided in the attached resolution);
- (3) by motion, take action to approve the attached resolution for the critical slope waiver with conditions (differing from those in the attached resolution);
- (4) by motion, take action to approve the critical slope waiver without conditions;
- (5) by motion, defer action consideration of the critical slope waiver.

Attachments:

- A. Provided Resolution
- B. Critical Slope Waiver Request Application and Exhibits, received February 8, 2019

**RESOLUTION APPROVING A REQUEST FOR
WAIVER OF CRITICAL SLOPES PROVISIONS
PURSUANT TO CITY CODE SECTION 34-1120(B)(6)
FOR 915 6th STREET, S.E.**

WHEREAS, Rayonix, LLC, Applicant and owner of property designated on City Tax Map 27 as Parcel 36, consisting of approximately 0.77 acres, and addressed as 915 6th Street, S.E. (the "Property"), seeks a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) to allow for construction of a mixed-use development containing two buildings with 28 one- and two-bedroom multi-family residential units and commercial use, and a surface parking lot with vegetated canopies on the Property (the "Project"); and

WHEREAS, the Planning Commission considered this request at their regular meeting on May 14, 2019, and recommended denial of the request for a waiver of the critical slopes requirements, pursuant to City Code Sec. 34-1120(b)(6); and

WHEREAS, upon consideration of the information and materials provided by the applicant, and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d)(i) that the benefits of allowing disturbance of the critical slopes in connection with the Project outweigh the public benefits of the undisturbed slopes; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the request by Rayonix, LLC for a waiver of the critical slopes requirements for the above-described Project to be developed on the Property, is hereby granted, conditioned upon the following:

1. Require erosion and sediment control measures that exceed minimum requirements in order to mitigate potential impacts to the undisturbed critical slope areas, tributary stream, and adjacent properties during land disturbance activities, per Section 34-1120(b)(1)(a-c); use of super silt fence to ensure adequate protection of the aforementioned items, to be detailed on the site plan and approved by the Engineering Department prior to final site plan approval.
2. Require all water quality and quantity requirements associated with site development be completed on-site without claiming the 1% rule for water quantity compliance, in order to mitigate potential stormwater impacts to Pollocks Branch and adjacent properties, per Section 34-1120(b)(1)(b-c), to be detailed on the site plan and approved by the Engineering Department prior to final site plan approval.
3. Require a fixed, immovable barrier to protect root zones of existing trees identified to be preserved on the final site plan at the drip line to remain throughout full completion of the construction, and additional habitat redevelopment in order to mitigate potential impacts to existing tree canopy and wildlife habitat per Section 34-1120(b)(1)(f); and the installation of additional species of native woody and herbaceous plantings in the critical slope areas not to contain buildings, the parking

lot, sidewalks, and other built improvements, to be detailed and on the site plan and approved by the Environmental Sustainability Department prior to final site plan approval.



WAIVER REQUEST FORM

RECEIVED

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

FEB 08 2019

NEIGHBORHOOD DEVELOPMENT SERVICES

For a Critical Slopes Waiver Request, please include one of the following application fees: \$75 for single-family or two-family projects; \$500 for all other project types. *additional application form required
 For all other Waiver Requests, please include one of the following application fees: \$50 for single-family or two-family projects; \$250 for all other project types.

Project Name/Description 915 6th Street Parcel Number ~~434-227-5140~~
 Address/Location 915 6th Street, 4th
 Owner Name Rayonix, LLC Applicant Name Shimp Engineering, P.C.

Applicant Address: 912 E High St
 Phone (H) 434-227-5140 (W) _____ (F) _____
 Email: Kendra@shimp-engineering.com

Waiver Requested (review Zoning Ordinance for items required with waiver submissions):

<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Drainage/Storm Water Management
<input type="checkbox"/> *Contact Staff for Supplemental Requirements	<input type="checkbox"/> Off-street Parking
<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Lighting
<input type="checkbox"/> Landscape	<input type="checkbox"/> Signs
<input type="checkbox"/> Setbacks	<input checked="" type="checkbox"/> Critical Slopes *additional application form required
<input type="checkbox"/> Communication Facilities	<input type="checkbox"/> Other
<input type="checkbox"/> Stream Buffer Mitigation Plan	

Description of Waiver Requested: Request to disturb critical slopes for residential building

Reason for Waiver Request: Site plan requires slope disturbance

[Signature] 2/8/19
 Applicant Signature Date
[Signature] 2/8/19
 Property Owner Signature (if not applicant) Date

For Office Use Only: Date Received: _____
 Review Required: Administrative _____ Planning Commission _____ City Council _____
 Approved: _____ Denied: _____
 Director of NDS
 Comments: _____

PIA-0014 - parcel \$500.00

Critical Slopes Waiver Application for City of Charlottesville

Applicant: **Shimp Engineering, P.C.**

Property Owner: **Rayonix, LLC**

Type of Development (please check one):

Redevelopment

New Development

Project Description: What are you proposing to do on this site? **Two residential buildings with 28 units total.**

Existing Conditions: **Single Family Dwelling**

Total Site Area: **.77 AC**

Zoning (if applying for rezoning-please note existing and intended change):

Existing: DE (Downtown Extended Corridor)

Percentage of Area greater than or equal to 25% slopes: (critical slopes make up **.26** acres of the site's **.77** acres, or **34** % of the site area.)

Review of Modification of Section 34-1120b to allow activity on critical slopes.
Critical Slope Ordinance effective January 17, 2006.

This application should be used to explain how the proposed project meets some or all of the requirements as described in Section 34-1120b.5. Modification or waiver. This application will help the Engineering Department make their recommendation for approval or denial to the Planning Commission.

***Please see attached guidelines for suggestions to fulfill each requirement.*

The planning commission may grant a modification or waiver, upon making one or more of the following findings:

Requirement #1: That a strict application of requirements would not help to achieve the goals of the critical slope restrictions. For each applicable purpose/intent (1a-1g) provide justification below.

1a. To protect and conserve steep hillsides.

As much hillside is being conserved as possible considering size of lot and development. A retaining wall is proposed on the edge of the parking area to reduce additional grading across the hillside.

1b. To recognize the increased potential for soil erosion.

The current condition is primarily a result of previously disturbed/graded land from prior development (see exhibits). Portions of the western side of the slope may be native, but it is difficult to interpret to due to the heavily disturbed surroundings.

1c. To recognize increased potential for sedimentation and water pollution.

Stormwater will be conveyed off the site, reducing the potential erosion of adjacent slopes. The addition of a retaining wall will decrease the potential of sedimentation from disturbing existing slopes.

1d. To recognize that development of critical slopes may result in rapid or large- scale movement of soil and rock.

The critical slopes proposed to be disturbed will be the site of a residential building, which is terrace into the hillside. The proposed condition will eliminate the movement of soil and rock, because the building foundations will stabilize the hillside.

1e. To recognize that development of critical slopes may result in concentrated and/or excessive stormwater runoff.

The developer is open to working with NDS to develop potential on-site BMPs.

1f. To recognize that development of critical slopes may result in siltation of natural and man-made bodies of water.

Critical slopes are left undisturbed where possible through the use of a retaining wall.

1g. To recognize that development of critical slopes may result in the loss of aesthetic resources.

-There will be a loss of many on-site trees, due to the construction of 28 residential units on what is now a single dwelling.

-We are adding a planted canopy over a portion of the parking area to provide shade and additional planting area.

-The critical slopes on the site are contiguous with a slope that has been heavily modified.

Requirement #2. Alternatives proposed by the developer that would satisfy the purpose and intent of these critical slopes provisions to at least an equivalent degree.

The only way to reach the same amount of units on the parcel would be to increase the size of the building fronting 6th street, creating a high-rise residential building. A building of that size would be far from the character of the current condition and not within the Strategic Investment Area (SIA) vision. The current layout adheres to Charlottesville's SIA master plan, creating mid-rise housing on 6th and along the IX development.

Requirement #3. Due to unusual size, topography, shape, location or other unusual physical conditions of a property one or more of the critical slopes provisions would effectively prohibit or unreasonably restrict the use of such property or would result in significant degradation of the site, or adjacent properties.

If the Downtown Extended zoning designation is to be utilized and the SIA vision is to be realized, frontage should be present on either end of the lot. The preservation of critical slopes, prevents the development of the site from becoming how it has been zoned and visualized (SIA).

Requirement #4. Granting the proposed modification or waiver would serve a public purpose of greater import than would be served by a strict application of the requirements of these critical slopes provisions.

See attached 'Critical Slopes Waiver Request Supplement'

Please list all attachments that should be viewed as support to the above explanations.

1. **Critical Slopes Waiver Request Supplement**
2. **Critical Slope Waiver Exhibits**

Please sign the following statement.

I certify that, to the best of my knowledge, the information I have provided above is based on sound engineering and surveying data and that this site has been carefully inspected and reviewed for the purposes of completing this application accurately. I certify that as the property owner/applicant I have not given false information that may affect the decisions made regarding this development.



Property Owner



Applicant

Please do not write below this line. For office use only.

Planner's Comments/Recommendations:

Engineer's Comments/Recommendations:



February 8, 2019

Carrie Rainey
Neighborhood Development Services
610 East Market Street
P.O.Box 911
Charlottesville, VA 22902

Regarding: 915 6th Street

Ms. Rainey,
Below are the responses to the Critical Slope Waiver Request Supplement:

**City of Charlottesville
CRITICAL SLOPES WAIVER REQUEST SUPPLEMENT**

Applicant: Shimp Engineering, P.C.

Property Owner: Rayonix LLC

Project description: (28) 1-2 Bedroom Residential Units with Associated Parking

Existing Condition: Single Family Residential

Total Site Area: .77 acres

Zoning: Downtown Extended Corridor (DE)

Total Critical Slope Area:

Critical Slopes 0.26 acres of total site (.77), or 34% of total site area.

Critical Slope Area Disturbed:

.21(78%) Acres of the total critical slope area identified above will be disturbed.

Description of Critical Slopes:

The majority of the sloped area on TMP 27-36 is a mixed deciduous forest with a mixture of native and disturbed slope conditions. The primary area of forestation is on the northern facing slope, which looks to have been disturbed during the extension of Blenheim Ave. and the construction of a parking area roughly in the 1970s (see attached exhibit of historic maps from USGS). The western slope appears to be a native condition that was once part of the Pollocks Branch stream drainage area. The continuity of the western slope has been interrupted multiple times, by both small retaining walls and stairs, but are shown on GIS as contiguous. Pollocks branch, in the immediate vicinity of the site, was undergrounded at roughly the same time as the Blenheim Ave. road construction.

Finding #1: The public benefits of allowing disturbance of critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes)

- **The development is consistent in use and scale to the City of Charlottesville Strategic Investment Area Plan 2013 (SIA). The parcel is marked as mid-rise multifamily (see pages 134-137 of the SIA), and is depicted in both plan and axon. 915 6th Street would be trailblazing the SIA vision, by being the first development along 6th street to realize the SIA plan.**
- **A commercial component to the western building would be in line with the adjacent development (IX). Providing housing and commercial space to the southern end of the IX development would contribute to the business activity.**
- **This project will serve to connect the property to 2nd Street SE, as it is currently a steep hill facing the street. The development will reduce runoff on the adjacent hillside.**

Finding #2. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

- **This property has frontage on both 6th Street and 2nd Street with maximum building setbacks of 15 and 20 feet, respectively. The critical slopes are closer to the Second Street portion of the site, meaning that the building fronting on Sixth Street would be doubled in size (to keep the same unit count) without the critical slopes waiver. The project hopes to add to the City's housing stock, but the increased size building would not fit in with the surrounding residential area.**
 - **2nd Street is an area intended to be developed as it is zoned Downtown Extended Corridor, and the critical slopes provisions would prohibit that.**
 - **The development could provide commercial space and residences in a desirable area, which already reflects a mixed area (Downtown Extended Corridor).**
1. Erosion affecting the structural integrity of those features.
The stormwater will be conveyed to Pollocks Branch, reducing the runoff/erosion across the adjacent slopes. Retaining walls will be used to minimize the grading of slopes where possible.
 2. Stormwater and erosion-related impacts on adjacent properties.
 - **All runoff from the site will be conveyed except for two small areas, 0.13 acres total out of the 0.77 acre site. The runoff from these areas will flow through the adjacent parking lot into a drainage inlet.**
 - **The stormwater will flow rate directly into the existing stormwater systems, avoiding erosion of the surrounding land.**
 3. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.
There are no wetlands or streams on or immediately near this site, as they have been previously undergrounded. The steep slopes on the property are critical based on a previous condition which has been altered by neighboring developments. Please see the attached picture of the site and critical slopes from the City GIS. The dimension is drawn to point out a small contiguous portion of the slopes are within 200 feet of Pollocks Branch, which have themselves been altered by staircases and retaining walls.
 4. Increased stormwater velocity due to loss of vegetation.

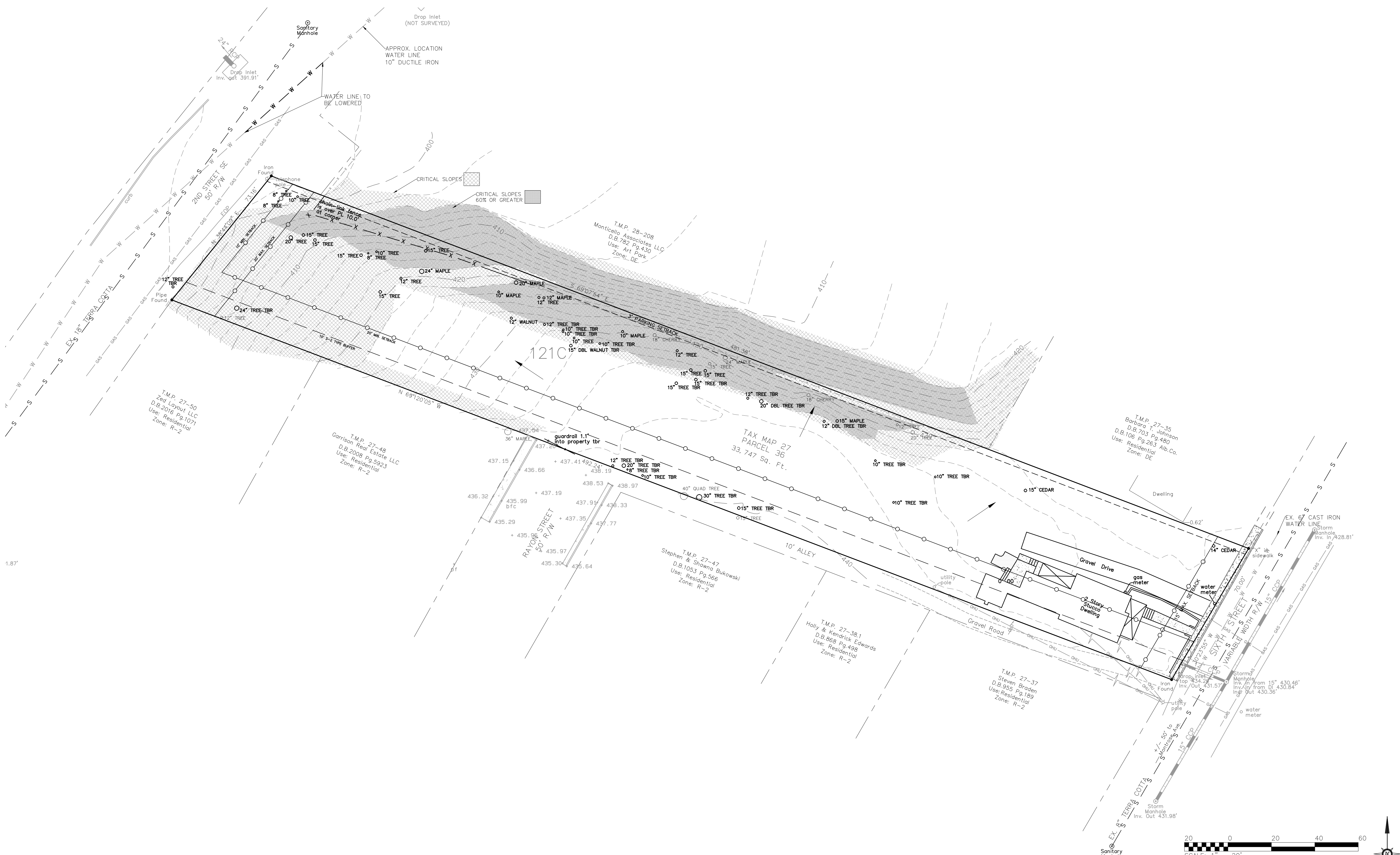
- **There will be a loss of vegetation across the site to make way for the buildings and large required parking area. To make up for the loss of vegetation over the parking area, a vegetated canopy has been proposed to provide covered parking.**
5. Decreased groundwater recharge due to changes in site hydrology.
Groundwater recharge from this area will be reduced. The developer is open to working with NDS on developing stormwater BMPs, such as pervious pavers, though it is not known whether existing soil would be suitable.
 6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.
The surrounding area has been highly altered from a native condition, the adjacent portion on Pollocks branch has been undergrounded, an industrial (now commercial) building was constructed across 2nd street, a parking lot constructed, and new homes have intensely altered the area. The loss of habitat and tree canopy is an unfavorable effect of development, but within the context of an urbanized area we believe the development is appropriate by providing residential and commercial space. We hope to contribute to the urban canopy as the trees, specified on the landscape plan, mature over time.

Please list all attachments that should be viewed as support to the above explanations.

- 1) City GIS Exhibit
- 2) Existing Staircase Exhibit
- 3) Historic USGS Maps

Thank you again for your time and please let us know if you have any additional questions about what is shown in this document.

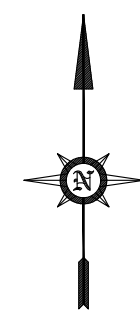
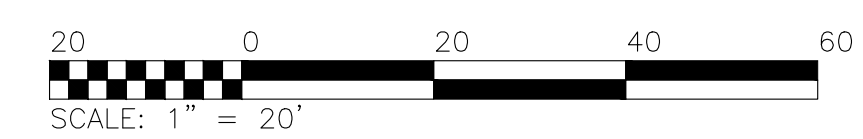
Best Regards,
Kendra Patrick
Shimp Engineering, P.C.



SOILS LEGEND

121C - Culpeper - Urban Land Complex 7 to 15% Slopes

→ Overland Flow Direction



EXISTING CONDITIONS AND DEMOLITION

PRELIMINARY SITE DEVELOPMENT PLAN
915 Sixth Street
 CITY OF CHARLOTTEVILLE, VIRGINIA

Date	04/26/2017
Scale	1" = 20'
Sheet No.	C2 OF 7
File No.	16.045

Rev. #	Date	Description
1	05/04/17	City Comments
2	11/06/17	City Comments
3	05/04/18	City Comments

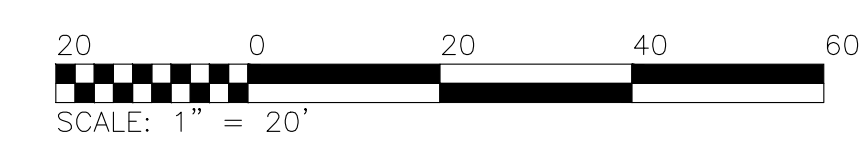
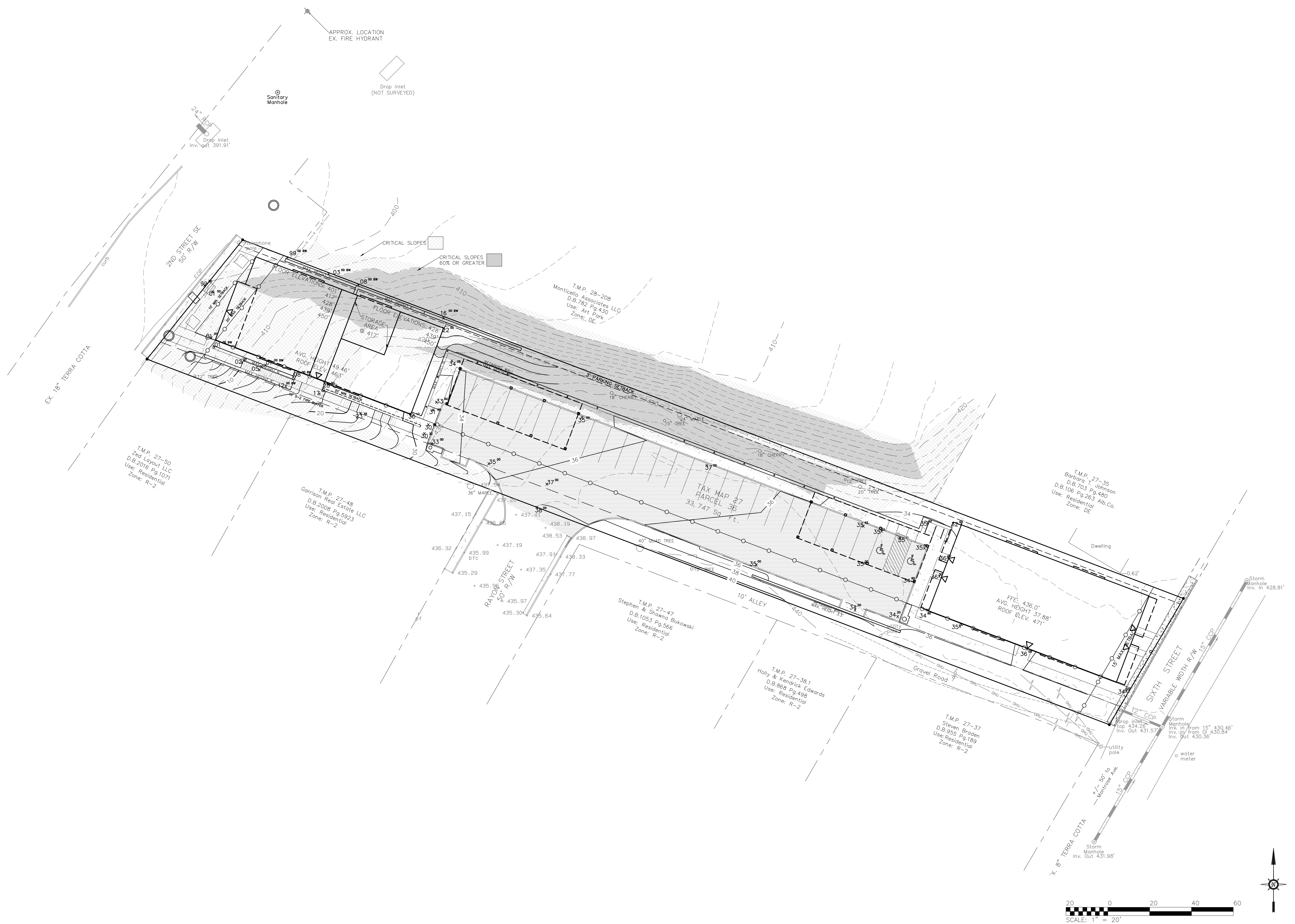


GRADING PLAN

Rev #	Date	Description
1	11/06/17	City Comments
2	05/04/18	City Comments
3		City Comments

PRELIMINARY SITE DEVELOPMENT PLAN
915 Sixth Street
 CITY OF CHARLOTTEVILLE, VIRGINIA

Date	04/26/2017
Scale	1" = 20'
Sheet No.	C4 OF 7
File No.	16.045



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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Required:	Report – No Required Action
Presenter:	Todd Divers, Charlottesville Commissioner of the Revenue Maggie Ragon, Staunton Commissioner of the Revenue
Staff Contacts:	Brenda Thornton, Charlottesville Business Tax Supervisor Bob Rush, Charlottesville Business Tax Auditor Read Brodhead, Neighborhood Development Services Zoning Administrator
Title:	Report on HomeStay Taxation/Regulation in the City and Ramifications of Entering into Collection Agreement with AirBnB

Background:

The City Manager asked me to provide a report to Council on the background related to collection agreements with AirBnB signed by two Virginia localities¹, as well as our decision not to pursue such agreements. This report will also attempt to outline AirBnB's legislative efforts in Virginia in recent years, as well as summarize and assess the efficacy of our tax and regulatory structure in the City with respect to HomeStays.

It was suggested at a previous Council meeting that you establish a higher lodging tax rate for HomeStays and then dedicate that extra revenue toward affordable housing initiatives. I am not aware of any enabling legislation that would allow a locality to arbitrarily tax two different classes of taxpayer at different rates for essentially the same activity. Setting aside a percentage of lodging tax for a particular purpose is likely within your purview, however it would be inappropriate for the Commissioner of the Revenue to advise you on such a policy.

Recent AirBnB History...

In the 2016 and 2017 sessions of the General Assembly, AirBnB pushed legislation that would have essentially exempted it and its hosts from local regulatory and tax authority and given it an unfair advantage over its competitors in the areas of zoning, business license and revenue compliance accountability. It argued at the time that it was not feasible for AirBnB to remit trust taxes on behalf of its host clients directly to Virginia's localities, preferring instead to remit to the State with no local oversight.

A year-long working group of various statewide stakeholders was convened by the Housing Commission of the General Assembly for the purpose of studying the legislation. Ultimately, these measures were defeated, and instead the General Assembly affirmed localities' authority in the areas of taxation and zoning with respect to temporary lodging activity.

In 2018, AirBnB began circulating a proposal to local tax officials across the Commonwealth that would have localities enter into written agreements with the platform to have AirBnB collect and remit local lodging taxes on behalf of their hosts.

In August of 2018, lobbyists working on behalf of AirBnB contacted our office via email to consider entering into such an agreement. We conducted a phone meeting with the same lobbyists, considered the merits of the agreement, and declined to sign on for the reasons indicated below.

Due to a number of deficiencies with the agreement related to transparency, uniformity and fairness, only two jurisdictions in Virginia out of 189 that collect lodging taxes signed onto the deal. The Commissioner of the Revenue Association of Virginia is uniformly opposed to these agreements.

Discussion:

1. There are significant problems with the agreement as presented:
 - The agreement shields owner identity, location and frequency of activity from local Commissioners of the Revenue and zoning authorities. It remains the locality's responsibility to identify hosts for purposes of business license or zoning compliance. Therefore, the argument that such an agreement reduces the workload for staff is false;
 - The agreement does not pertain to the collection of State sales tax. This will result in many hosts mistakenly assuming that everything is taken care of by the online platform, and they will neglect their sales tax responsibilities;
 - The agreement does not pertain to other online hosting platforms. If a host also books through VRBO or other platforms (and many do), they will still be responsible for collecting and remitting the tax themselves for those bookings. Similarly, we are seeing other types of more traditional entities offering lodging on the AirBnB platform, from traditional Bed and Breakfasts to Inns and Hotels. These entities will still need to collect and remit for non-AirBnB bookings. Again, the argument that such an agreement reduces the workload for staff is false;
 - The agreement prohibits us from auditing individual hosts for transient occupancy taxes. There are serious equity issues with exempting prospectively one class of taxpayers (AirBnB hosts) from documentation and audits, while requiring compliance by all others. State Code §58.1-3109 requires that taxpayers maintain auditable tax records for the current and three preceding tax years;
 - The agreement will not allow the City to audit AirbnB records more frequently than one twelve-month period every four years, or audit by name or address. Such an arrangement is utterly unacceptable from a compliance standpoint. No other industry would have such discretion in reporting its tax obligations. To be clear, this means that AirBnB gets to pay whatever it wants, and we would have no recourse to verify that the amounts are correct. We also feel that this will lead to other industry groups demanding the same treatment;
 - There is every reason to believe that there will be significant confusion when it comes to the distribution of revenue among neighboring localities. This is a common occurrence when it comes to sales tax distributions, where localities actually have recourse to file for redistribution. AirBnB is not likely to be better at this than the State Department of Taxation, and AirBnB offers no recourse to an adversely effected locality;
 - The agreement prohibits us from assessing, and the Treasurer from collecting, transient occupancy taxes owed by hosts for periods before the agreement goes into effect. That would amount to a blanket amnesty for any AirBnB hosts who currently owe taxes or who

have not yet filed for past activity. I do not have authority to offer such an amnesty. A citizen suit against my office for failure to fulfill the duties of my office would be a likely result if I adopted such an agreement;

- The agreement likely violates the Dillon rule since there is no specific authorization to treat a class of service providers differently from other substantially similar service providers;
- I have grave misgivings about AirBnB's reliability as partner:
 - According to a 2014 report by New York's Attorney General, 72% of AirBnB reservations in New York City violated the City's zoning ordinance prohibiting rentals of less than thirty days.^{2&3} This was followed by months of denials by the online entity and a purge of some 1,000 listings prior to making its own report available in an attempt to paint itself in a more favorable light.⁴
 - According to Barcelona's Housing Council, almost half of AirBnB's 2017 holiday rentals in Barcelona were illegal, and the company was fined €600,000.⁵
 - In 2015, 44% of advertised properties in Paris violated laws limiting their availability to 120 days out of the year. They were, in fact, available to rent year-round.⁵
 - In June 2018, the Japanese government was forced to crack down on illegal AirBnB's in response to overwhelming complaints of unruly tourists disrupting quiet residential neighborhoods.⁵
 - Illegal listings in Berlin resulted in a ban on short-term listings to tourists without a permit that could result in a €100,000 fine.⁵
 - A recent study in Australia found that 35% of AirBnB listings are by people who don't even own the property and do so without the knowledge of their landlord.⁶
 - A couple of years ago, in the course of negotiations over AirBnB's proposed legislation in Virginia, when asked by representatives from VML whether the platform would be willing to ban hosts who were found to be in violation of a locality's zoning or tax structures, the AirBnB lobbyist in Richmond replied that AirBnB would not ban such hosts. I was in the room.

2. There is not a proliferation of untaxed AirBnB's in the City:

- There are roughly 250 such enterprises in our tax system;
- Over \$1 million dollars in TOT has been collected from these entities in the last several years (\$360K in FY18 alone);
- The numbers of listings reported by some sources are grossly inflated and misleading. They include listings outside of our jurisdiction, and listings that are not active;
- Our office has given presentations to other COR offices around the State on how to find and tax AirBnB's. We know what we are doing.

3. De minimis activity is not and should not be subject to taxation. A host offering their house once or twice a year for graduation weekend or when they go on vacation themselves does not rise to the level of a taxable activity:

- Virginia Code § 58.1-609.10(2) provides that the retail sales and use tax does not apply to "[a]n occasional sale, as defined in § 58.1-602."
- Pursuant to Title 23 VAC 10-210-1080(B)(1), the term occasional sale means "[a] sale by a person who is engaged in sales on three or fewer separate occasions within one calendar year, except that sales at fairs, flea markets, circuses and carnivals and sales made by peddlers and street vendors are not occasional sales."
- The Tax Commissioner opined in PD 07-8 that private homeowners in Virginia who rent their private residences two weekends a year to those attending race events are not required to collect the retail sales tax on those rentals since the transactions in question are deemed occasional sales, as they occur three or fewer times within a calendar year.⁷

4. Our process...

In addition to following up on complaints received from City residents and spot checks of the hosting websites ourselves, our discovery process involves the use of a third party consultant (paid for out of my existing budget). Several times per year, we receive a list of AirBnB postings linked to City addresses and cross-referenced against our population of existing licensed HomeStays. From there, we reach out to the homeowners ourselves to try to bring them into compliance. We escalate our contact efforts depending on a homeowner's responsiveness. If necessary, we have them served with a summons by a Sheriff's Deputy. We find that this approach works very well.

A host listing their home on AirBnB with any regularity will need a HomeStay permit from NDS, a business license from us and will need to start remitting transient occupancy tax on a monthly basis. When compared to the requirements placed on every other type of business enterprise in the City, these obligations are NOT onerous. We offer online payment of the transient occupancy tax, our instructions are clear and readily accessible for anyone who takes the time to look, and we are very easy to contact and work with.

5. One suggestion for change...

I would encourage you to eliminate the requirement to annually refile and pay the \$100 HomeStay permit. This expense and requirement is out of line with other home occupation permits where a one-time form and payment are required. Neighborhood Development Services would have some input on this.

Alignment with City Council's Vision and Strategic Plan:

I believe that the manner in which my office currently administers taxes for HomeStay activity in the City balances Council's Vision for Economic Sustainability with its vision for Quality Housing Opportunities for All. Further, our approach delivers Smart, Citizen-Focused Government that contributes to the following goals of the Strategic Plan:

- 1.3 – Increase affordable housing options;
- 1.4 – Enhance financial health of residents;
- 4.4 – Promote tourism;
- 5.1 – Integrate effective business practices and strong fiscal policies;
- 5.3 – Provide responsive customer service.

Community Engagement:

In 2015 and 2016, the Planning Commission and City Council discussed at length and adopted a zoning ordinance that addresses HomeStays.

Council has received input from several individuals both at Council meetings and through email regarding the collection agreements adopted by Alexandria and Blacksburg. I have provided my perspective a number of times via email and memorandum, as well as my recent comments in the media.

I have had extensive experience dealing with AirBnB and its hosts – some of that experience taking place in Richmond. The Commissioner of the Revenue Association, of which I am an active participant, is uniformly opposed to the collection agreements as presented by AirBnB.

Budgetary Impact:

The City probably stands to see a slight revenue increase from adoption of a collection agreement with AirBnB. The amount is difficult to determine because 1) we already realize much of that revenue owing to our own efforts; and 2) the actual universe of listings in Charlottesville is difficult to know, and estimates are unreliable.

The City should also prepare itself for various legal entanglements should it decide to adopt an agreement that favors one class of taxpayer over another.

Recommendation:

Eliminate the requirement in the zoning ordinance to annually refile and pay the \$100 HomeStay permit.

Alternatives:

Attachments:

1. (Draft) VOLUNTARY COLLECTION AGREEMENT FOR CITY OF CHARLOTTESVILLE, VIRGINIA TRANSIENT OCCUPANCY TAX.

Citations:

2. Schneiderman, Eric T. "Airbnb in the City". New York State Office of the Attorney General. October 2014.
3. "A.G. Schneiderman Releases Report Documenting Widespread Illegality Across Airbnb's NYC Listings; Site Dominated By Commercial Users". New York State Attorney General. October 16, 2014. Web.
4. Bromwich, Jonah Engel, "Airbnb Purged New York Listings to Create a Rosier Portrait, Report Says". *The New York Times*. February 11, 2016. Web.
5. "Should You Use AirBnB? 8 Troubling Issues You Didn't Know". *The Invisible Tourist*. March 12, 2018. Web.
6. "Illegal AirBnB Subletting Exposed". *news.com.au*. February 8, 2018. Web.
7. Bowen, Janie E., Virginia Tax Commissioner. Public Document 07-8. 03-09-2007.

**VOLUNTARY COLLECTION AGREEMENT
FOR
CITY OF CHARLOTTESVILLE, VIRGINIA TRANSIENT OCCUPANCY TAX**

THIS VOLUNTARY COLLECTION AGREEMENT (the “**Agreement**”) is dated _____, 2018 and is between **AIRBNB, INC.**, a Delaware corporation (“**Airbnb**”) and the **TAX DEPARTMENT OF CHARLOTTESVILLE, VIRGINIA** (the “**Taxing Jurisdiction**”). Each party may be referred to individually as a “**Party**” and collectively as the “**Parties.**”

RECITALS:

WHEREAS, Airbnb represents that it provides an Internet-based platform (the “**Platform**”) through which third parties offering accommodations (“**Hosts**”) and third parties booking such accommodations (“**Guests**”) may communicate, negotiate and consummate a direct booking transaction for accommodations to which Airbnb is not a party (“**Booking Transaction**”);

WHEREAS, the Taxing Jurisdiction and Airbnb enter into this Agreement voluntarily in order to facilitate the reporting, collection and remittance of applicable transient occupancy taxes (“**TOT**”) imposed under applicable Charlottesville, Virginia law (the applicable “**Code**”), on behalf of Hosts for Booking Transactions completed by Hosts and Guests on the Platform for accommodations located in Charlottesville, Virginia (the “**Taxable Booking Transactions**”); NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, PROMISES AND AGREEMENTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

(A) Solely pursuant to the terms and conditions of this Agreement, including only for periods in which this Agreement is effective (defined below), and solely for Taxable Booking Transactions completed on the Platform, Airbnb agrees contractually to assume the duties of a TOT collector as described in the Code solely for the collection and remittance of TOT (hereinafter referred to as a “**Collector**”). The assumption of such duties shall not trigger any other registration requirements to which Airbnb is not otherwise subject.

(B) Starting on _____ (the “**Effective Date**”), Airbnb agrees to commence collecting and remitting TOT on behalf of Hosts, pursuant to the terms of this Agreement, at the applicable rate, on Taxable Booking Transactions. Except as set forth in Paragraph (L) below, Airbnb shall not assume any obligation or liability to collect TOT for any period or for any transaction prior to the Effective Date or after termination of this Agreement.

REMITTANCE OF TOT

(C) Airbnb agrees reasonably to report aggregate information on the tax return form prescribed by the Taxing Jurisdiction, including an aggregate of gross receipts, exemptions and adjustments, and taxable receipts of all TOT that is subject to the provisions of this Agreement. Airbnb shall remit all TOT collected from Guests in accordance with this Agreement and Airbnb's Terms of Service (www.airbnb.com) (the "TOS") in the time and manner described in the Code or as otherwise agreed to in writing.

AIRBNB LIABILITY

(D) Pursuant to the terms of this Agreement, Airbnb agrees contractually to assume liability for any failure to report, collect and/or remit the correct amount of TOT, including, but not limited to, penalties and interest, lawfully and properly imposed in compliance with the Code. Nothing contained herein nor any action taken pursuant to this Agreement shall impair, restrict or prevent Airbnb from asserting that any TOT and/or penalties, interest, fines or other amounts assessed against it were not due, are the subject of a claim for refund under applicable law or otherwise bar it from enforcing any rights accorded by law.

(E) During any period for which Airbnb is not in breach of its obligations under this Agreement, the Taxing Jurisdiction agrees to audit Airbnb on the basis of TOT returns and supporting documentation, and agrees not to directly or indirectly audit any individual Guest or Host relating to Taxable Booking Transactions unless and until an audit of Airbnb by the Taxing Jurisdiction has been exhausted with the matter unresolved. The Taxing Jurisdiction reserves the right to audit any individual Airbnb Host for activity that has been brought to the attention of the Taxing Jurisdiction in the form of a complaint or other means independent of this Agreement or independent of data or information provided pursuant to this Agreement.

(F) The Taxing Jurisdiction agrees to audit Airbnb on an anonymized transaction basis for Taxable Booking Transactions. Except as otherwise agreed herein, Airbnb shall not be required to produce any personally identifiable information relating to any Host or Guest or relating to any Booking Transaction without binding legal process served only after completion of an audit by the Taxing Jurisdiction of Airbnb with respect to such users. The Taxing Jurisdiction agrees that it will not audit or issue an assessment against Airbnb more than once per

any consecutive forty-eight month period and that such audit or assessment will be limited to a consecutive twelve-month period within the forty-eight month period.

(G) Airbnb, Inc. agrees to register as a Collector for the sole purpose of reporting, collection and remittance of TOT under this Agreement and will be the registered Collector on behalf of any affiliate or subsidiary collecting TOT.

GUEST AND HOST LIABILITY

(H) During any period in which this Agreement is effective relating to Taxable Booking Transactions, provided Airbnb is in compliance with its obligations herein, Hosts shall be relieved of any obligation to collect and remit TOT on Taxable Booking Transactions, and shall be permitted but not required to register individually with the Taxing Jurisdiction to collect, remit and/or report TOT. Nothing in this Agreement shall relieve Guests or Hosts from any responsibilities with respect to TOT for transactions completed other than on the Platform, or restrict the Taxing Jurisdiction from investigating or enforcing any provision of applicable law against such users for such transactions.

WAIVER OF LOOK-BACK

(I) The Jurisdiction expressly releases, acquits, waives and forever discharges Airbnb, its current or past affiliated parent or subsidiary companies, directors, shareholders investors, employees and other agents, and/or Hosts or Guests from any and all actions, causes of action, indebtedness, suits, damages or claims arising out of or relating to payment of and/or collection of TOT or other tax indebtedness, including but not limited to penalties, fines, interest or other payments relating to TOT on any Taxable Booking Transactions prior to the Effective Date. Nothing contained in this Paragraph of this Agreement will constitute a release or waiver of any claim, cause of action or indebtedness that the Jurisdiction may have or claim to have against any Host or Guest unrelated to Taxable Booking Transactions under this Agreement.

NOTIFICATION TO GUESTS AND HOSTS

(J) Airbnb agrees, for the purposes of facilitating this Agreement, and as required by its TOS, that it will notify (i) Hosts that TOT will be collected and remitted to the Taxing Jurisdiction as of the Effective Date pursuant to the terms of this Agreement; and (ii) Guests and Hosts of the amount of TOT collected and remitted on each Taxable Booking Transaction.

LIMITATION OF APPLICATION

(K) This Agreement is solely for the purpose of facilitating the administration and collection of the TOT with respect to Taxable Booking Transactions and, except with respect to the rights and liabilities set forth herein, the execution of or actions taken under this Agreement shall not be considered an admission of law or fact or constitute evidence thereof under the Code or any other provisions of the laws of the United States of America, of any State or subdivision or municipality thereof. Neither Party waives, and expressly preserves, any and all arguments, contentions, claims, causes of action, defenses or assertions relating to the validity or interpretation or applicability of the Code, regulations or application of law.

DURATION/TERMINATION

(L) This Agreement may be terminated by Airbnb or the Taxing Jurisdiction for convenience on 30 day written notification to the other Party. Such termination will be effective on the first day of the calendar month following the 30 day written notification to the other Party. Any termination under this Paragraph shall not affect the duty of Airbnb to remit to the Taxing Jurisdiction any TOT collected from Guests up through and including the effective date of termination of this Agreement, even if not remitted by Airbnb to the Taxing Jurisdiction as of the date of termination.

MISCELLANEOUS

(M) CHOICE OF LAW. This Agreement, its construction and any and all disputes arising out of or relating to it, shall be interpreted in accordance with the substantive laws of the State of Virginia without regard to its conflict of law principles.

(N) MODIFICATION. No modification, amendment, or waiver of any provision of this Agreement shall be effective unless in writing and signed by both Parties.

(O) MERGER AND INTEGRATION. This Agreement contains the entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements and understandings with respect thereto.

(P) COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument. The Agreement shall become effective when a counterpart has been signed by each Party and delivered to the other Party, in its original form or by electronic mail, facsimile or other electronic means. The Parties hereby consent to the use of electronic signatures in connection with the execution of this Agreement, and further agree that

electronic signatures to this Agreement shall be legally binding with the same force and effect as manually executed signatures.

(Q) RELATIONSHIP OF THE PARTIES. The Parties are entering into an arm's-length transaction and do not have any relationship, employment or otherwise. This Agreement does not create nor is it intended to create a partnership, franchise, joint venture, agency, or employment relationship between the Parties. There are no third-party beneficiaries to this Agreement.

(R) WAIVER AND CUMULATIVE REMEDIES. No failure or delay by either Party in exercising any right under this Agreement shall constitute a waiver of that right or any other right. Other than as expressly stated herein, the remedies provided herein are in addition to, and not exclusive of, any other remedies of a Party at law or in equity.

(S) FORCE MAJEURE. Neither Party shall be liable for any failure or delay in performance under this Agreement for causes beyond that Party's reasonable control and occurring without that Party's fault or negligence, including, but not limited to, acts of God, acts of government, flood, fire, civil unrest, acts of terror, strikes or other labor problems (other than those involving Airbnb employees), computer attacks or malicious acts, such as attacks on or through the Internet, any Internet service provider, telecommunications or hosting facility. Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused.

(T) ASSIGNMENT. Neither Party may assign any of its rights or obligations hereunder, whether by operation of law or otherwise, without the prior written consent of the other Party (which consent shall not be unreasonably withheld). Notwithstanding the foregoing, Airbnb may assign this Agreement in its entirety without consent of the other Party in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets.

(U) MISCELLANEOUS. If any provision of this Agreement is held by a court of competent jurisdiction to be contrary to law, the provision shall be modified by the court and interpreted so as best to accomplish the objectives of the original provision to the fullest extent permitted by law, and the remaining provisions of this Agreement shall remain in effect.

NOTICES

(V) All notices under this Agreement shall be in writing and shall be deemed to have been given upon: (i) personal delivery; (ii) the third business day after first class mailing postage

prepaid; or (iii) the second business day after sending by overnight mail or by facsimile with telephonic confirmation of receipt. Notices shall be addressed to the attention of the following persons, provided each Party may modify the authorized recipients by providing written notice to the other Party:

To Airbnb:

Airbnb, Inc.
Attn: General Counsel
888 Brannan Street, 4th Fl.
SF, CA 94103
legal@airbnb.com

Airbnb, Inc.
Attn: Global Head of Tax
888 Brannan Street, 4th Fl.
SF, CA 94103
tax@airbnb.com

To the Taxing Jurisdiction:

Fax: _____
E-mail: _____

IN WITNESS WHEREOF, Airbnb and the Taxing Jurisdiction have executed this Agreement effective on the date set forth in the introductory clause.

AIRBNB, INC., a Delaware corporation

By: _____
Signature of Authorized Representative

Mirei Yasumatsu, Global Tax Director
Name and Title of Authorized Representative

**THE TAX DEPARTMENT OF CHARLOTTESVILLE,
VIRGINIA**

By: _____
Signature

Name and Title

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 3, 2019
Action Required:	No action is requested at this time
Presenter:	Chip Boyles, Executive Director- Thomas Jefferson Planning District Commission
Staff Contacts:	Chip Boyles, Executive Director; Kristian Zimmerman, Regional Planner
Title:	Jefferson Area Bicycle and Pedestrian Plan

Background:

An update to the 2004 regional Bicycle and Pedestrian Plan has been created to reflect the many changes that have occurred and the multiple new plans that have been approved since 2004. This Plan brings together multiple planning efforts to provide a guide for implementation on a regional scale. It was adopted by the MPO Policy Board in February 2019 and by the Planning District Commission in March 2019.

Discussion:

This Plan seeks to encourage implementation by providing a focused list of regionally-significant bicycle and pedestrian projects that enhance regional connectivity and provide routes connecting the region's important residential and economic centers. The urban areas in the City of Charlottesville and Albemarle County are emphasized.

This plan accounts for the existing infrastructure including current bicycle and pedestrian plans in place by the City, County, and University of Virginia. The goal of this plan is to focus on the regional bicycle and pedestrian network, including on-road infrastructure and separated pathways. Through public engagement efforts, broad corridors had become apparent, of which TJPDC and Piedmont Environmental Council staff identified which corridors to evaluate. The corridors were further revised based on public and local staff input.

Alignment with City Council's Vision and Strategic Plan:

The project supports City Council's visions for "A Green City", "A Connected Community", "Economic Sustainability", and "Quality Housing Opportunities for All". It contributes to Goal 2 of the Strategic Plan, to be "A Healthy and Safe City" and aligns with Objectives 2.3 and 2.4. This Plan also aligns with the *Streets That Work Plan* and the *Bicycle and Pedestrian Master Plan*.

Community Engagement:

Creation of this Plan involved extensive public engagement in the urban areas, made possible through a grant awarded by the Charlottesville Area Community Foundation to TJPDC and Piedmont Environmental Council. Public involvement informed the Plan and will be important for encouraging implementation.

PEC held multiple events, drawing hundreds of participants to events with Chuck Flink in 2017 and Charles Brown in 2018. PEC staff also attended many events in the region to meet people where they are, which helped them to learn about community concerns, their values, and aspirations. A survey was conducted of which received 857 responses and provided notable data on safety, design, and specific community desires.

Major public engagement process themes:

- Existing shared use paths are heavily used but inventory is insufficient
- Predominant quasi-formal trail network is not desirable for many residents
- Infrastructure is not yet connected into a network that is desirable for the use of transportation

Budgetary Impact:

This has no impact on the General Funds. There is potential for impacts to future Capital Improvement Funds as selected projects approach the implementation phase.

Recommendation:

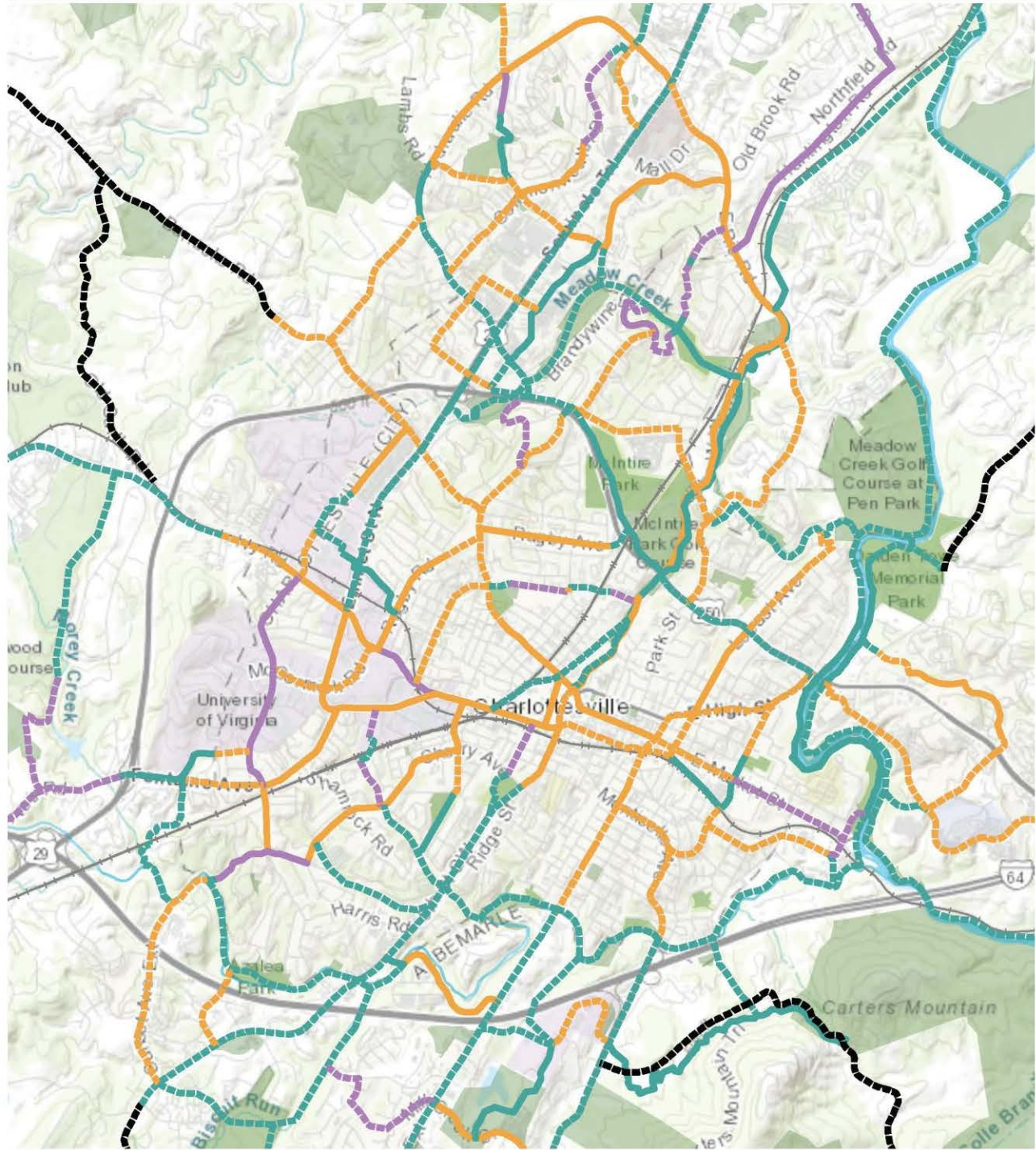
There is no recommendation at this time.

Alternatives:

No alternatives are given at this time.

Attachments:

There is one supplemental map on the following page, titled *Corridors and Prioritization*.



Map 7.1.1
Regional Corridors

ABOUT THIS MAP: This map depicts the corridors identified as the regional bicycle and pedestrian network. An interactive version of this map is [available online](#).

FEATURES

- Parks and Conservation
- Lakes and Rivers
- Railroads
- Proposed Bike Lane and Sidewalk
- Existing Bike Lane and Sidewalk
- Proposed Shared Road and Sidewalk
- Existing Shared Road and Sidewalk
- Proposed Shared Use Path
- Existing Shared Use Path
- Rural Corridors



JEFFERSON AREA BICYCLE AND PEDESTRIAN PLAN



July 1, 2019

Charlottesville City Council

Background

- TJPDC completed a bicycle and pedestrian plan for the region in 2004
- TJPDC identified the need for an update, particularly to increase planning and coordination between entities in the region
- In 2017, the TJPDC and Piedmont Environmental Council (PEC) received a Strengthening Systems grant from the Charlottesville Area Community Foundation, which funded extensive community outreach and stakeholder coordination



Photo credit: TJPDC

Vision

The vision of the updated Plan is to bring together multiple planning efforts and provide a **guide for implementation** on a regional scale

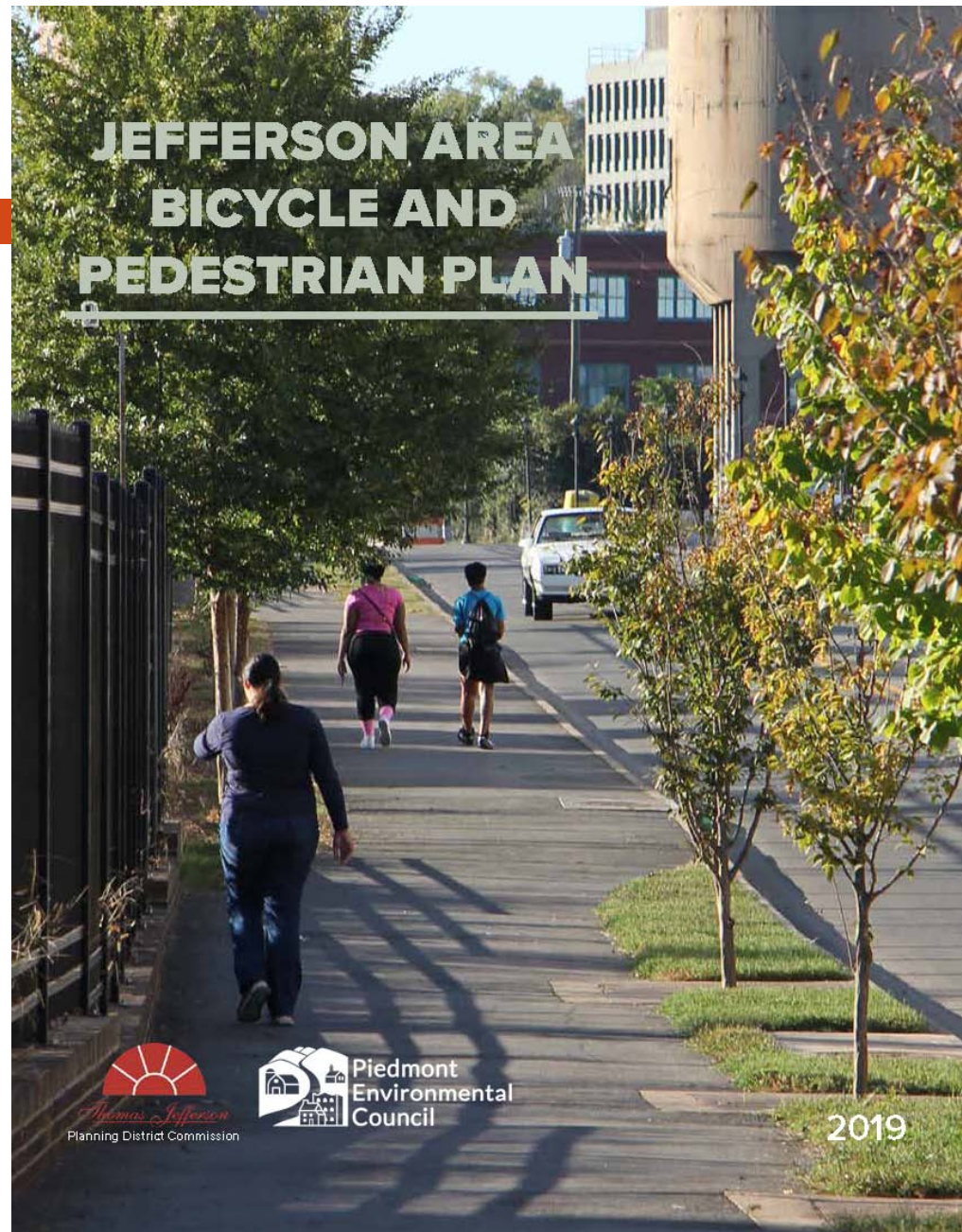


Photo credit: PEC

Overview

- Public engagement
- Existing conditions and existing plans
- Identification and evaluation of corridors
 - ▣ Urban
 - ▣ Rural
- Document creation and adoption
 - ▣ MPO in February, 2019
 - ▣ PDC in March, 2019
- Next Steps

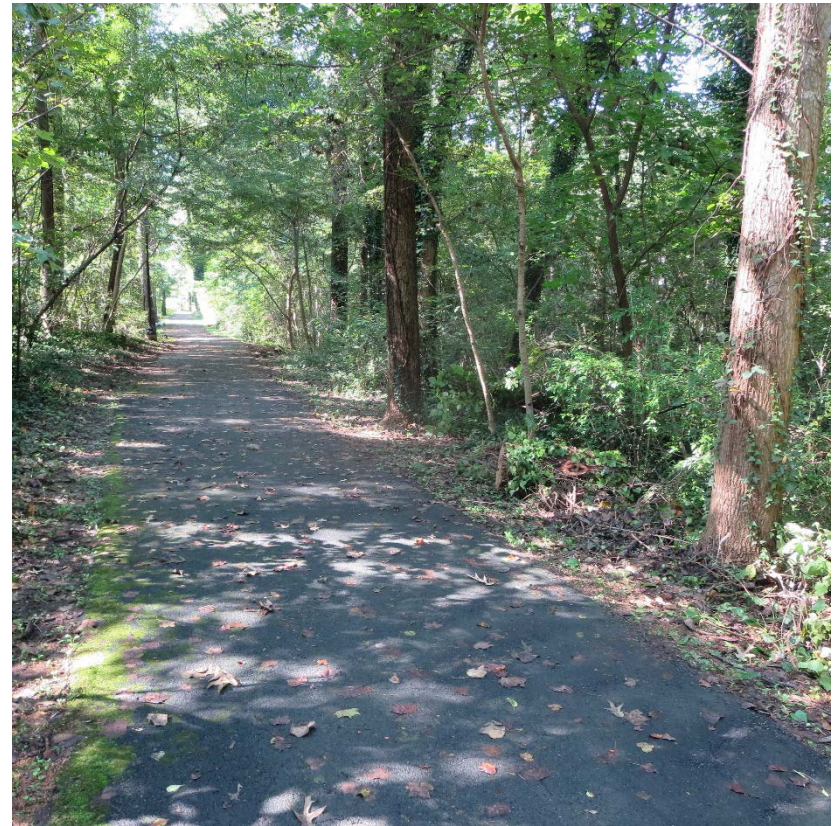


Photo credit: TJPDC

Public Engagement

- PEC held multiple events that drew hundreds of people
 - ▣ Chuck Flink in Nov 2017
 - ▣ Charles Brown in Nov 2018
- PEC staff attended many events in the region
 - ▣ Met people where they are
 - ▣ Learned community concerns, values, and aspirations
- Conducted a survey
 - ▣ Received 857 responses
 - ▣ Notable data on safety, design, and specific community desires



Photo credit: PEC

Engagement Themes

- More infrastructure, a more connected network
 - ▣ Existing shared use paths are heavily-used but inventory is insufficient
 - ▣ Predominant quasi-formal trail network is not desirable for many residents
 - ▣ Infrastructure is not yet connected into a network that is desirable for use for transportation
- Regional Cooperation
 - ▣ The existing gaps are often at jurisdictional boundaries
 - ▣ All stakeholders must coordinate their efforts

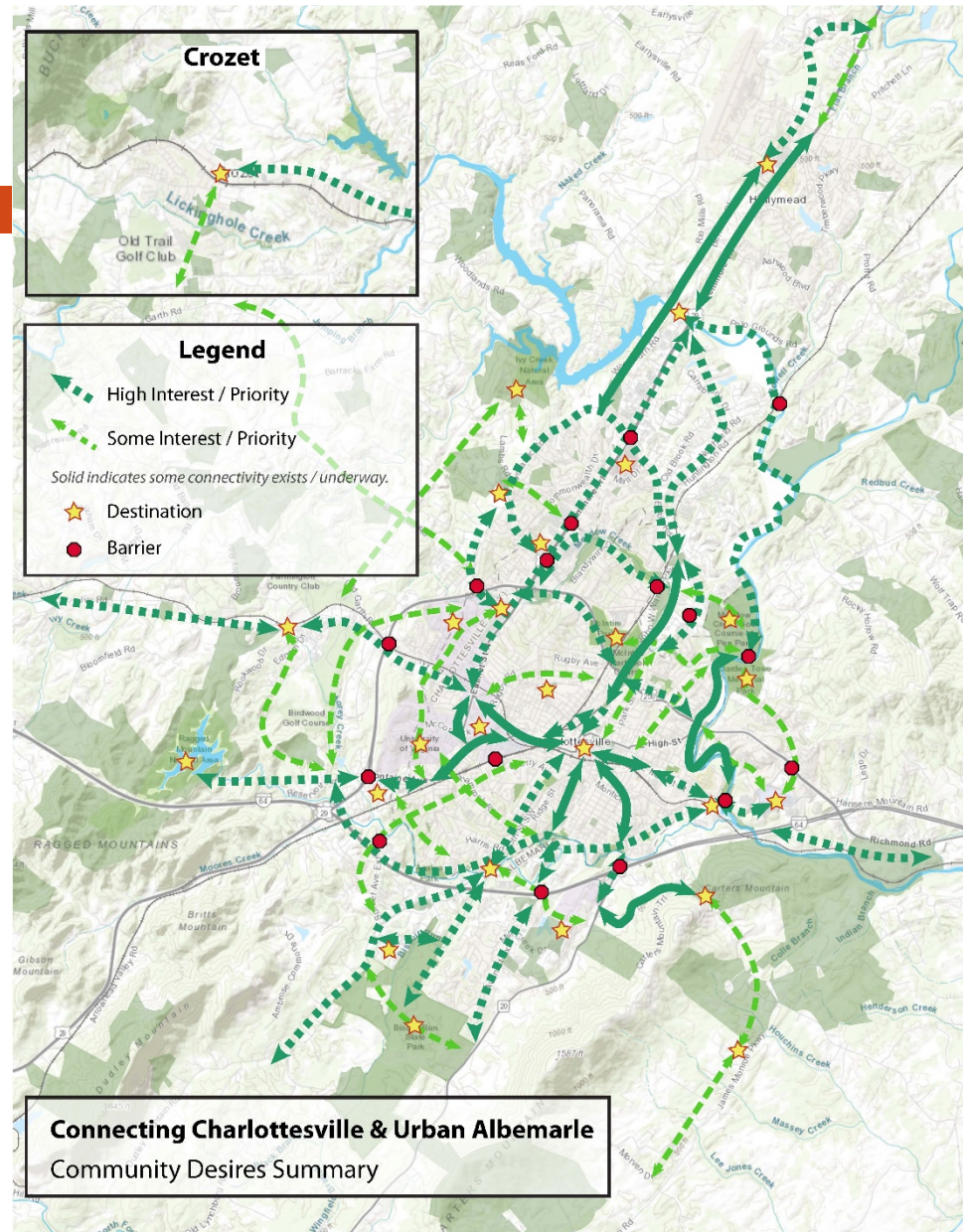


Diagram credit: PEC

Existing Conditions and Plans

- Existing infrastructure data
 - City inventory is shared online
 - County inventory was minimal
 - UVA has inventory
 - All are working on having shared data in similar format
- Current Bike/Ped Plans
 - City Bike/Ped Plan (2015) with detailed recommendations
 - County Comp Plan with general recommendations
 - UVA Bicycle Master Plan (2007) with some recommendations



Photo credit: TJPDC

Identifying Urban Corridors

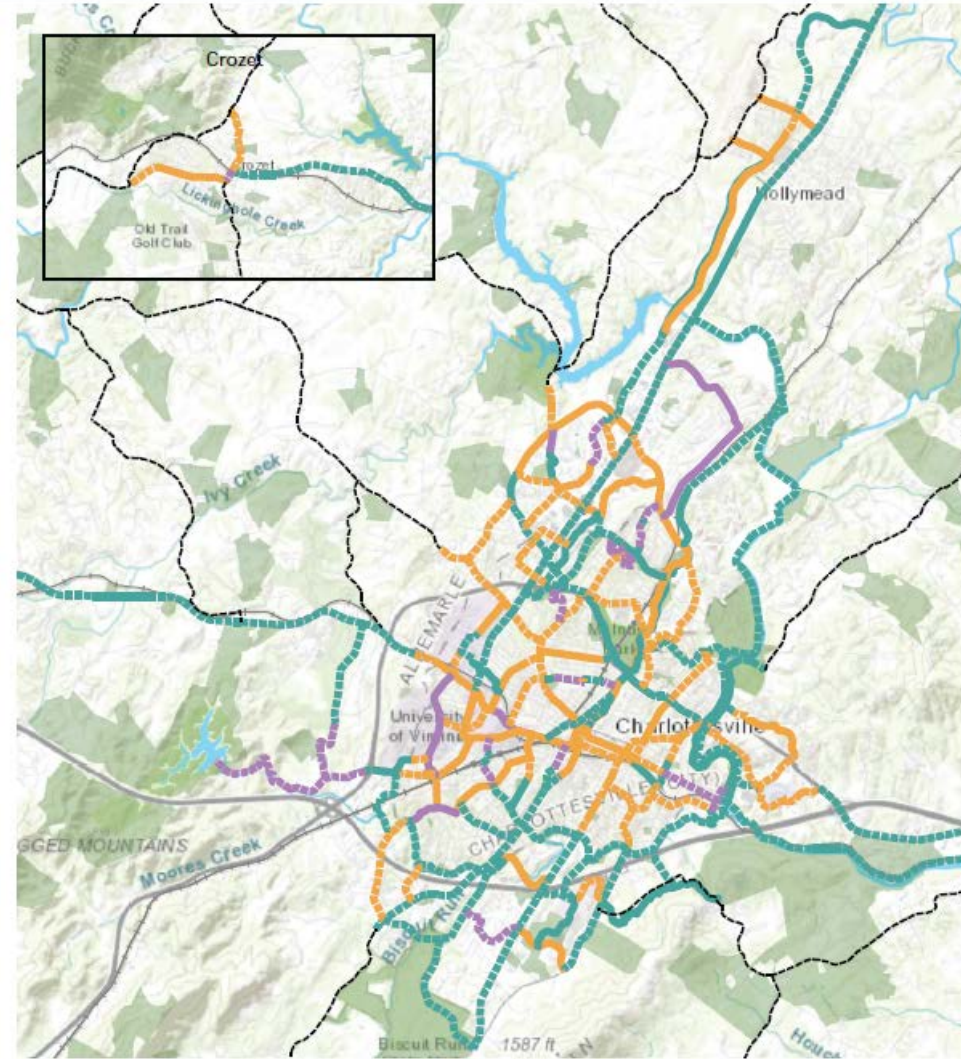
- **Goal**
 - ▣ Focus the plan on the regional bike/ped network
 - ▣ Include on-road infrastructure and separated paths
- **Process**
 - ▣ Broad corridors had become apparent through public engagement efforts
 - ▣ PDC and PEC staff identified corridors to evaluate
 - ▣ Corridors were revised based on public and local staff input



Photo credit: TJPDC

Urban Corridors

Interactive map available on <http://tjpd.org/transportation/jefferson-area-bike-and-pedestrian-plan/>



Map 7.1
Regional Corridors

ABOUT THIS MAP: This map depicts the corridors identified as the regional bicycle and pedestrian network.

- FEATURES**
- Parks and Conservation
 - Lakes and Rivers
 - Railroads
 - Proposed Bike Lane and Sidewalk
 - Existing Bike Lane and Sidewalk
 - Proposed Shared Road and Sidewalk
 - Existing Shared Road and Sidewalk
 - Proposed Shared Use Path
 - Existing Shared Use Path

Prioritizing Urban Corridors

- Used ActiveTrans Priority Tool (APT) for initial prioritization
 - ▣ APT is a flexible methodology
 - ▣ Many possible categories and variables can be used for evaluation
- Used 5 categories
 - ▣ Destinations: schools, libraries, parks, etc., and future densities of population and employment
 - ▣ Equity: residents in poverty, residents who are minority, households with zero vehicles
 - ▣ Improvement over existing conditions
 - ▣ Connectivity: crosses physical or political barrier
 - ▣ Demand: used StreetLight Data tools
- Adjusted prioritization based on public and local staff input



Photo credit: TJPDC

Rural Corridors

- Types of infrastructure recommendations
 - ▣ Shared use paths (i.e. James River)
 - ▣ Improvements in towns and development areas (sidewalks, bike lanes)
 - ▣ Rural shared roads (roads where cycling may be common and improvements such as signage or wide paved shoulders can increase safety and desirability for all road users)
- Note: Bicycle Route 76 shown, with reference to previous TJPDC Route 76 study recommendations

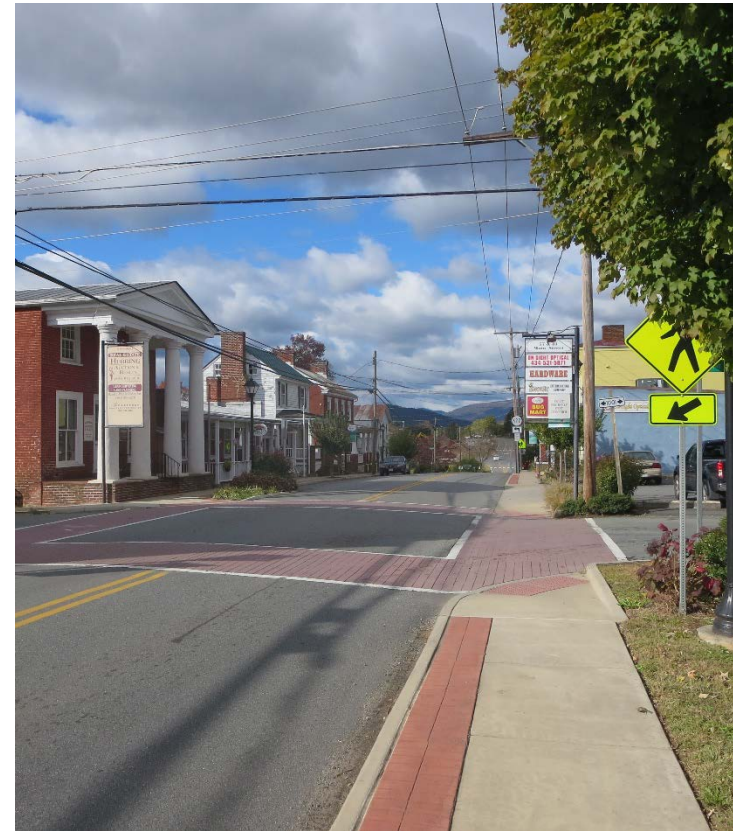


Photo credit: TJPDC

Rural Corridors

- To guide implementation
 - ▣ Routes of regional significance were identified, including those proposed in previous plans
 - ▣ Bicycle rider data from Strava informed the roads identified for rural shared road improvements
 - ▣ Discussions with VDOT, County, and town staff led to recommendations
- Plan is to be used by VDOT, County, town and other staff and decision-makers

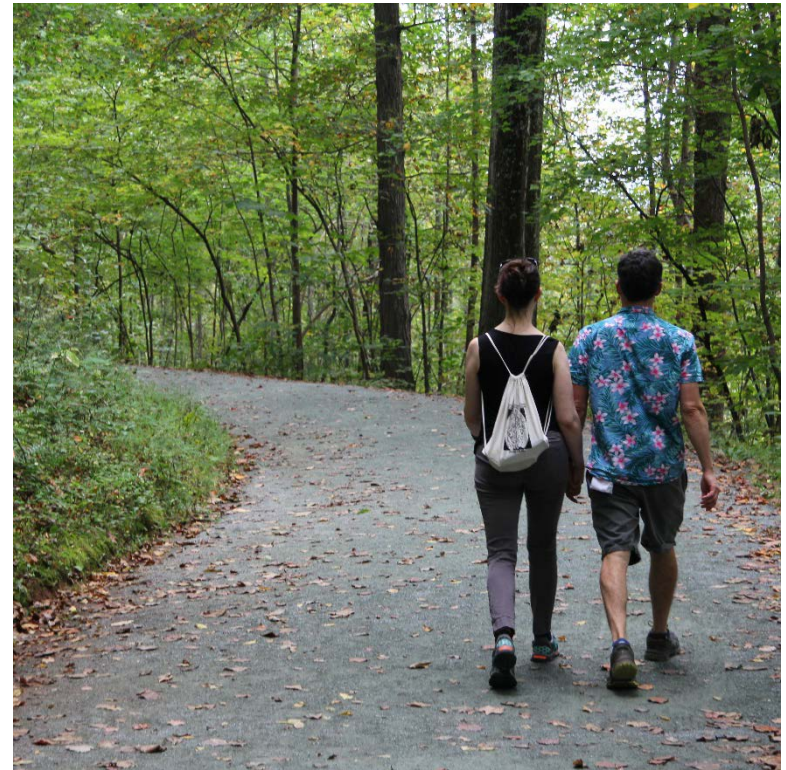


Photo credit: PEC

Plan Outline

Section 1: Introduction

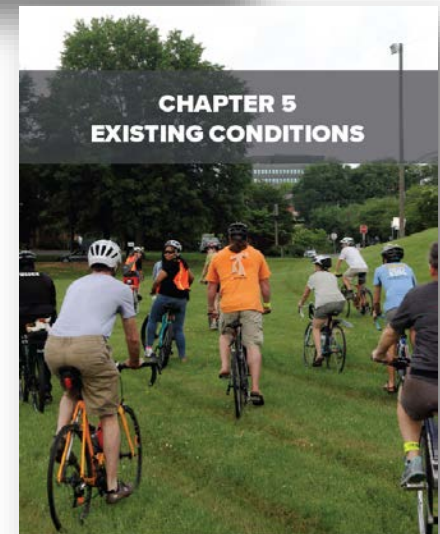
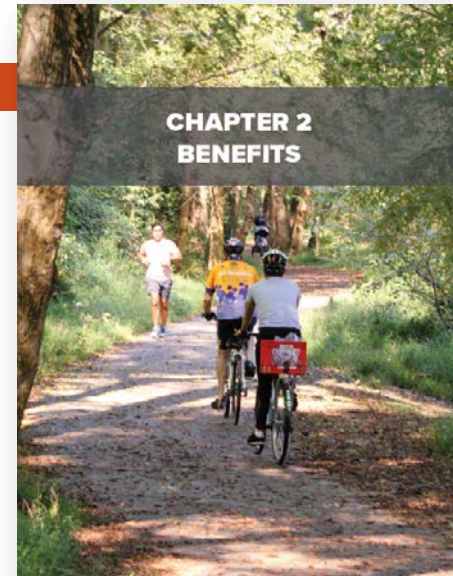
- ❑ Chapter 1 Purpose and Summary
- ❑ Chapter 2 Benefits
- ❑ Chapter 3 National Trends

Section 2: Urban Plan

- ❑ Chapter 4 Process & Outreach
- ❑ Chapter 5 Existing Conditions
- ❑ Chapter 6 Locality Approved Plans
- ❑ Chapter 7 Corridor Prioritization
- ❑ Chapter 8 Implementation Strategies

Section 3: Rural Plan

- ❑ Chapter 9 Outreach & Process
- ❑ Chapter 10 Local Assessment (each County)



Document Creation and Adoption

- The planning efforts were compiled into a Plan document
- Document reviewed:
 - ▣ January Public Open House
 - ▣ Staff from VDOT, UVA and the localities
 - ▣ Greenways Advisory Group
 - ▣ MPO Committees
- Document adopted by:
 - ▣ MPO in February
 - ▣ PDC in March



Photo credit: PEC

Next Steps

- Provide information to all stakeholders
 - ▣ Presentations to decision-makers (when requested)
 - ▣ Ensure that Plan projects are incorporated in all future relevant plans
- Implementation
 - ▣ Continued community input
 - ▣ Multi-stakeholder coordination
 - ▣ Project/corridor studies
 - ▣ Grant applications
 - ▣ Build the infrastructure!



Photo credit: TJPDC

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Required:	Update only. No action is required.
Presenter:	Jeff Werner, Historic Preservation & Design Planner
Staff Contacts:	Jeff Werner, Historic Preservation & Design Planner Alex Ikefuna, NDS Director
Title:	Update on Vinegar Hill Park and Court Square Historical Markers

Background:

The City Manager requested from staff an update on the Historic Resources Committee's (HRC) progress regarding Vinegar Hill Park and historical markers at Court Square.

The mission of the HRC is to advocate for historic preservation; to promote an appreciation of local historic resources, both tangible and intangible; and to encourage and coordinate, with appropriate municipal agencies, civic organizations, institutions and individual scholars, the documentation and interpretation of local history.

Discussion:

Vinegar Hill Park

On December 5, 2016, Council designated a portion of the west end of the Downtown Mall as *Vinegar Hill Park*. On March 20, 2017 Council allocated \$15,000 towards the installation of interpretative and wayfinding signage for Vinegar Hill Park. The signage and markers to follow the *Concept and Signage Plan for proposed Vinegar Hill Park* by Laura Knott, ASLA, dated July 20, 2016. No physical changes to the mall are proposed; only the installation of signage on four light poles, a monument sign near Water Street, and a freestanding sign/marker with information about Vinegar Hill.

Last year, with construction of the CODE Building slated to begin, the HRC decided to delay the installation of any permanent signage until the building is completed and the disturbed sections of the mall repaired. The HRC continues to work on the text for the informational signs and markers.

In the interim, the HRC approached the developer of the CODE Building about locating informational posters on the construction barricade. This was positively received and within the next several weeks the HRC hopes to complete the posters and have the owner's final permission to post them.

Court Square

Historical Markers: Early in 2017 the HRC completed the design of nine, new historical markers to be located in the Court Square area. The new would replace the old--and difficult to read--granite markers, create a self-guided walking tour of Court Square, and provide a more complete story of the historic buildings and activities there. Following the events of that August, the HRC was directed to further revise the markers. That process continued through late 2018, when the committee decided to focus on completing the Vinegar Hill posters (above), after which they would return to the Court Square markers, listed below.

1. Court Square
2. McIntire's Park Campaign
3. McKee Block
4. Jefferson Street
5. Early Hotels
6. Sixth Street
7. Number Nothing
8. Taverns
9. Town Hall & Opera House

Slave Auction Block plaque: This is the bronze plaque installed in the sidewalk at the east corner of Park Street and East Jefferson Street. The HRC has not been directed to revise or replace the plaque.

Note: Among the recommendations presented to Council by the Blue Ribbon Commission on Race, Memorials, and Public Spaces were to replace the Slave Auction Block plaque and commission a new memorial in or near Court Square. (See attached for the full text.)

Alignment with City Council's Vision and Strategic Plan:

From the City's Comprehensive Plan, *Historic Preservation & Urban Design*.

Goal 2.3: Continue to interpret historic resources to the community through markers, publications, events and other means. Strive to include the narratives and resources of under-represented groups and areas significant in our local history. Coordinate this interpretation of historic resources with City improvement projects and other city initiatives.

From the City Council Vision Statement.

Cultural and creative capital of Central Virginia: Our community has world-class performing, visual, and literary arts reflective of the unique character, culture, and diversity of Charlottesville. Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources. Through City partnerships and promotion of festivals, venues, and events, all have an opportunity to be a part of this thriving arts, cultural, and entertainment scene.

From the City's Strategic Plan.

Goal 3.5 Protect historic and cultural resources. The historic and cultural resources in the city are economic development and tourism assets. They also represent a testament to the community's past. The preservation of these resources is critical to protect the character of the city. The strategies and policies to preserve and sustain these resources include education, urban design, resource inventory, neighborhood conservation, resource protection, entrance corridor and other

regulatory review, and technical assistance to property owners.

Community Engagement:

The HRC is a diverse group representing a broad spectrum of the community. Additionally, interaction with wide array of individuals and stakeholder groups affords the committee members access to multiple perspectives and opinions. Furthermore, information for proposed markers, signs and posters is properly researched, vetted and cited, as necessary.

Budgetary Impact:

Vinegar Hill: The previously allocated \$15,000 remains available for the Vinegar Hill Park signage and markers. The cost of the posters is minimal and will be covered by existing HRC funds.

Court Square: The cost of the replacement markers has been programmed into the available HRC funds. (Note: No HRC funding has been programmed for the Slave Auction Block plaque, whether to be relocated, replaced, redesigned, etc. However, until a determination on what, if any, action is proposed, it is premature to speculate on costs or sources of funding.)

Recommendation:

Unless directed otherwise, the HRC and staff will continue with the current work plan as outlined above.

Alternatives:

N/A. This is an update only.

For Reference:

- City Council Resolution on Vinegar Hill Park, 5 December 2016.
Link to City Council Resolutions, 5 December 2016, see page 12 of the pdf:
<http://weblink.charlottesville.org/public/0/edoc/733951/20161205Dec05.pdf>
- Concept and Signage Plan for proposed Vinegar Hill Park by Laura Knott, ASLA, dated July 20, 2016.
Link to City Council Agenda 19 December 2016, see page 84 of the pdf:
<https://www.charlottesville.org/home/showdocument?id=48781>
- Blue Ribbon Commission on Race, Memorials, and Public Spaces report to City Council, dated 19 December 2016. Recommendations regarding the Court Square Slave Auction Block on pages 12 and 13.
Link to City Council Agenda 19 December 2016, see pages 106 and 107 of the pdf:
www.charlottesville.org/home/showdocument?id=48967