

CITY COUNCIL AGENDA
Tuesday, September 3, 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

- 1. CONSENT AGENDA*** (Items removed from consent agenda will be considered at the end of the regular agenda)
- a. MINUTES: July 1 regular meeting, July 31 Council retreat, July 31 special meeting, August 5 special and regular meetings
 - b. APPROPRIATION: FY 2020 Fire Programs Aid to Locality Funding (Firefund) - \$158,343 (1st of 2 readings)
 - c. APPROPRIATION: Safe Routes to School Non-Infrastructure Grant Award - \$93,125 (1st of 2 readings)
 - d. APPROPRIATION: Charlottesville-Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (2nd of 2 readings)
 - e. APPROPRIATION: FY 2019 - 2020 Virginia Department of Transportation (VDOT) Revenue Sharing Program Multi-Modal Improvements and Local Match Transfer - \$826,436 (2nd of 2 readings)
 - f. APPROPRIATION: VDOT Revenue Sharing Program for West Main Streetscape Improvements Phase 1 (additional award) - \$163,478 (2nd of 2 readings)
 - g. APPROPRIATION: Bama Works Fund Fire Safety Trailer Grant - \$3,500 (2nd of 2 readings)
 - h. APPROPRIATION: State Revenue Sharing and SmartScale funds for West Main Streetscape Improvements Phase 2 - \$4,009,265 (2nd of 2 readings)
 - i. RESOLUTION: Establishing new line of succession – City Manager (1st of 1 reading)
 - j. ORDINANCE: Amend Charlottesville-Albemarle Convention and Visitors Bureau Operating Agreement (1st of 2 readings)
 - k. ORDINANCE: Amending Charlottesville City Code Section 26-29 – leaf collection (2nd of 2 readings)
 - l. ORDINANCE: Petition to close a alley off Charlton Avenue, next to 931 Charlton Avenue (2nd of 2 readings)

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:** Release of Portion of a Gas Line Easement - Shops at Stonefield (1st of 2 readings)

**3. PUBLIC HEARING/
ORDINANCE:** Valley Road, Monroe Avenue and Jefferson Park Avenue Easements (1st of 2 readings)

4. ORDINANCE: Amendment to the text of the City's Zoning Ordinance, City Code Section 34-896, to modify access requirements for various uses. (1st of 2 readings)

OTHER BUSINESS

MATTERS BY THE PUBLIC
*ACTION NEEDED

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COUNCIL CHAMBER - July 1, 2019

ROLL CALL

The Charlottesville City Council met in regular session on July 1, 2019, with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Dr. Wes Bellamy, Ms. Kathy Galvin, and Mr. Mike Signer.

Ms. Walker called the meeting to order at 6:40 p.m.

ANNOUNCEMENTS / PROCLAMATIONS

Ms. Hill read an announcement from Mr. Alex Zan regarding an event, the 11th Annual “Summer Think Shop” on Thursday, July 18, from 10:30 a.m. to Noon.

Dr. Bellamy thanked supporters of Run These Streets. There were 206 participants. He read an announcement about a Minority Mental Health Awareness and Unity Days event on July 24 from 6:00 p.m. to 8:00 p.m. at the Jefferson School and read a proclamation for National Minority Mental Health Awareness Month - July 2019. Ms. Myra Anderson, members of Brave Souls on Fire, and Central Virginia Clinicians of Color were present to accept the proclamation.

Ms. Hill presented a proclamation for John Henry James Day - July 12, 2019, to recognize that a history of racial injustice must be acknowledged, recognized, and remembered in order for a community to heal, and to ensure that these actions are not repeated. John Henry James was lynched on July 12, 1898, in nearby Albemarle County.

Ms. Galvin read an announcement from the Charlottesville Food Justice Network regarding a two-day “Local Foods, Local Places” workshop on July 16 and 17.

Dr. Richardson and members of the Board of Elections introduced the new General Registrar and Director of Elections, Ms. Melissa Morton, who was sworn in on June 28, 2019.

Mr. Signer read a proclamation about Welcoming Week, September 13-22, 2019.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record.

- a. **MINUTES:** **in progress**
- b. **APPROPRIATION: Highway Safety Improvement Program - Appropriation of funds for Pedestrian Connections within Hillcrest/Birdwood Neighborhood - \$708,932 (2nd reading)**

Highway Safety Improvement Program pedestrian connections appropriation

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

c. APPROPRIATION: Virginia Department of Education Special Nutrition Program
Summer Food Service Program - \$100,000 (2nd reading)

Summer Food Service Program 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.

- d. APPROPRIATION: Study of Disproportionate Minority Contact in the Adult Criminal Justice System - \$55,400 (carried)**

DMC STUDY - Human Services \$55,400

- e. APPROPRIATION: Charlottesville Student Victim Outreach Program Department of Criminal Justice Services Victim of Crimes Act Grant - \$245,428 (carried)**

HUMAN SERVICES DCJS GRANT \$245,428

- f. APPROPRIATION: Virginia Department of Transportation Grants for Water Street Trail - \$115,257 (carried)**

Water Street Trail TAP Appropriation

- g. RESOLUTION: Regional Transit Partnership Memorandum of Understanding**

RTP Agreement

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

h. RESOLUTION: Adopting a New Greenhouse Gas Reduction Goal

New Greenhouse Gas Reduction Goal resolution

**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

i. RESOLUTION: Accepting Hillsdale Drive Project into the City Street System for Maintenance

Hillsdale Roadway Acceptance resolution

**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.

j. RESOLUTION: Virginia Department of Transportation Revenue sharing

VDOT Revenue Sharing resolution

**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.

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

Agreement for Shared Staffing at Circuit Court

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

l. RESOLUTION: Capital Funding Transfer for the Purchase and Installation of City Hall Security Cameras \$26,000

City Hall Cameras resolution \$26,000

Per request of Ms. Walker, this item was pulled from the consent agenda for a separate vote.

On motion by Ms. Hill, seconded by Mr. Signer, Council by the following vote APPROVED the resolution: 3-2 (Ayes: Ms. Hill, Ms. Galvin, Mr. Signer; Noes: Ms. Walker, Dr. Bellamy).

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
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Transfer To

\$26,000	Fund: 426	WBS: P-01023	G/L Account: 599999
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m. ORDINANCE: Amending and Re-enacting City Code Chapter 18, Article III - Special events (carried)

Special Events Ordinance

Mr. Jeff Fogle asked Council to repeal the amendment.

Ms. Tanesha Hudson spoke about the events of August 12, 2017, and the hindrances of the permit program.

Council by the following indication moved the item forward to the August 5th regular Council meeting (Ayes: Ms. Hill, Ms. Galvin, Mr. Signer; Noes: Ms. Walker, Dr. Bellamy).

n. ORDINANCE: Renewing Lumos Networks Inc. - Telecommunications Franchise (carried)

Lumos Telecom Franchise Memo and Agmt

o. REPORT: Water Resources Protection Program Advisory Committee Annual Report (written report only)

REP 2018 WRPP AC annual report

p. REPORT: Rivanna Water Services Authority Quarterly Update to Council (written report only)

RWSA written report

On motion by Ms. Hill, seconded by Mr. Signer, Council by the following vote APPROVED the consent agenda with the exception of items “l” and “m”, which were pulled for separate vote by the request of Ms. Walker: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: none).

On motion by Ms. Hill, seconded by Mr. Signer, Council by the following vote APPROVED consent agenda items “l” and “m”, which were pulled for separate vote by the request of Ms. Walker: 3-2 (Ayes: Ms. Hill, Ms. Galvin, Mr. Signer; Noes: Ms. Walker, Dr. Bellamy).

On motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote AMENDED the regular agenda to add a Resolution to appropriate \$468,000 to Charlottesville City Schools – first of two readings: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: none).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Dr. Richardson advised that there were no items that required follow-up from the previous meeting.

COMMUNITY MATTERS

Ms. Erica Gaines ceded her time to Ms. Gudrun Campbell, who thanked Council for their action on approving the greenhouse gas climate goal resolution to become carbon neutral by the year 2050.

Ms. Claire Habel ceded her time to Mr. Martin Chapman, who thanked Council for passing the greenhouse gas reduction goals resolution, and in particular for incentives to local businesses.

Mr. Eugenio Schettini, City resident, spoke about manipulation with zoning in the form of proffers.

Ms. Virginia Moore with the Green Grannies of Charlottesville, sang a song for the environment.

Ms. Sharon Baiocco with the Green Grannies of Charlottesville, sang a song about biking in the City.

Ms. Page Dabney ceded her time to Caetano de Campos Lopes of The Charlottesville Climate Collaborative (C3), who thanked Council for passing a climate goals resolution. He encouraged promoting renewable energy and an emissions-free transportation system.

Ms. Joan Chapman thanked Council for action taken to approve greenhouse gas reduction goals. She asked Council to add a CO2 inventory every two years and focus on energy efficiency to reduce the burden on lower-income households, and to fund bike and walking paths to provide a safe means of transportation as an alternative.

Ms. Kat Maier spoke about zoning regarding Hinton Avenue, on behalf of neighbors in low income housing.

Mr. John Hall made suggestions about additional Charlottesville Area Transit service.

Mr. Mason Pickett advised that he was harassed by several members of the Civilian Review Board. He spoke in support of Council actions.

Mr. Ben Daugherty, City resident, spoke in support of removing the Thomas Jefferson birthday holiday and replacing it with a Freedom and Liberation Day holiday on March 3.

Ms. Lisa Woolfork, City resident, spoke in support of removing the Thomas Jefferson holiday and acknowledging historical context for replacing it with Freedom and Liberation Day on March 3.

Mr. Scott Warner, former city resident and current County resident, spoke in support of Thomas Jefferson holiday and gave an account of Thomas Jefferson's accomplishments.

Mr. Peter Krebs of the Piedmont Environmental Council, working with the Thomas Jefferson Planning Commission, talked about next steps for the Bike-Pedestrian initiative and a Regional Plan.

Mr. Harold Folley asked Council to pass the bylaws of the Police Civilian Review Board.

Ms. Donna Shaunesey, Chair of the local Sierra Club, applauded Council for passing the greenhouse gas resolution and advised that the Sierra Club will help to move the action items forward. She encouraged an inventory every two years.

Mr. Lewis Newman spoke about conspiracy in Charlottesville related to his personal situation.

The meeting recessed at 7:52 p.m.

The meeting reconvened at 8:12 p.m.

PUBLIC HEARING/ ORDINANCE: 750 Hinton Ave rezoning (carried)

750 Hinton Ave rezoning documents

Mr. Matt Alfele, City Planner, presented a summary of the request, noting that the Planning Commission recommended approval of amending the zoning map to reclassify the Hinton Avenue United Methodist Church Property from R-1S to Neighborhood Commercial Mixed Use Corridor District ("NCC"), subject to proffered development conditions.

Ms. Kim Crader with the Charlottesville district of the United Methodist Church gave further explanation about the project proposal. She addressed concerns expressed by neighbors. Project Architect Andy Thomas spoke on behalf of the Rachel's Haven Project.

After clarifying questions from Council, Ms. Walker opened the public hearing and noted a time limit of two minutes for each speaker, with three minutes allowed if necessary.

Public Hearing Speakers:

Ms. Vickie Bravo, City resident, with IMPACT, spoke in support of the proposal.

Mr. Mike Dunn, City resident, spoke in support of the project, sharing a story about his son who was born with developmental disabilities, but could benefit from a project such as this.

Mr. Lucius Bracey, City resident and owner of 759 Belmont Avenue, wished the church well in their endeavors, however requested R4 zoning to avoid fallback should the project be unsuccessful.

Ms. Susan Minasian, City resident and pastor of a church neighboring 750 Hinton Avenue, spoke in support of the proposal and implored Council to pass the zoning request unanimously. She asked that the neighborhood residents be part of the planning process.

Mr. Robert Lewis, City resident and Pastor of Hinton Avenue United Methodist Church, spoke in support of the proposal. He advised that the project is not a mission of the Hinton Avenue UMC, but of the more than 75 UMCs in the Charlottesville District, and that Hinton Avenue has the space to bring about an affordable housing option for individuals with intellectual disabilities in the community.

Ms. Kate Fincham, City resident, spoke in support of the proposal and asked Council to do due diligence to make sure current residents do not suffer from parking and other impacts. She asked Council to consider R4 zoning.

Ms. Nancy Carpenter, City resident, spoke in support of the proposal as a way to impact affordable housing in the City.

Ms. Sue Woodson, City resident, representing the United Methodist Church in this endeavor, spoke in support of the proposal and advised that her name is on the application.

Ms. Mary Anna Dunn, City resident, spoke about the difference between developmental and intellectual disabilities and asked that Belmont and Charlottesville be inclusive and welcoming.

Mr. Bob Kreps, City resident and parent of a daughter with developmental disabilities, spoke in support of the proposal.

Ms. Carol Starling, City resident, read a letter from Shirley Shotwell, long-time resident of Belmont, regarding the impact of NCC zoning and the lack of parking. She advised of restaurant proffers that have not been kept.

Ms. Allison Ruffner, County resident and former Belmont resident, advised that she left because of the NCC district. She also advised that her mother has a developmental disability. She spoke in support of the church's efforts, but questioned the City's use of NCC zoning.

Mr. Charles Gendrot, City resident, spoke of a failing zoning system. He advised that the NCC zoning does not serve the residents.

Ms. Kimber Hawkey, City resident, advised that she is not against the project, but would like the details to be added to the proposal, and to use zoning other than NCC. She advised that the zoning system has not worked for residents of Belmont.

Mr. Gary Bill, Albemarle County resident, raised in Belmont, spoke in support of the proposal to fill the need of affordable housing. He advised that Belmont has always been a commercial corridor.

Ms. Eleanor Biasioli, City resident, asked about ownership of the units once they are built. She asked about the selection process for applicants.

Mr. Frank Biasioli, joint owner of a property in Belmont, advised that he supports the vision of the Hinton Avenue UMC, but advised of issues still to be resolved. He asked that Council and the church take a step back and reconsider the zoning.

Ms. Kristin Szakos, City resident, spoke as a parent of a child with developmental disabilities, as former City Councilor, and as a neighbor. She spoke in support of the project.

Mr. Josh Carp, City resident, advised that housing policy is also climate policy. He spoke in support of the project, advising that building more multi-family dwellings that are walkable and more central to downtown helps to reduce greenhouse gases.

Mr. Matthew Gillikin, City resident who has worked for many years with individuals with developmental disabilities in various capacities, spoke in support of the proposal.

Mr. Mark Kavit, City resident, spoke in opposition to NCC zoning. He advised that it is time to update the Zoning Ordinance and finish the Comprehensive Plan.

Ms. Sarah Williamson, Belmont property owner, spoke in support of the proposal with the more restrictive proffers.

Ms. Ang Conn, Belmont homeowner, spoke in support of the project.

Mr. Eugenio Schettini, Belmont property owner spoke in support of the project, and advised the City to consider creating a new type of zoning rather than manipulating NCC zoning.

Ms. Julia Williams, Belmont resident, spoke in opposition of using the NCC zoning. She asked Council to hire a Long-range Planner and consultants and update the Zoning Ordinance as soon as possible.

Unknown speaker asked about the shelf-life for the offer of affordable housing.

Ms. Lois Sandy, County resident and former Charlottesville resident, spoke in support of the project. She advised that she moved from the City to the County because of affordability. She advised that Rachel's Haven is asking for rezoning, not funding and encouraged Council to vote in favor of the project.

Ms. Walker closed the public hearing.

City Attorney John Blair clarified information about proffers and NCC zoning. He advised that proffers do carry the effect of law as part of the Zoning Ordinance.

Mr. Signer asked about the financing of the project, and the designation of affordable units.

The applicant advised that this project would not be an income stream for the church.

Councilors acknowledged concerns of neighbors on both sides of the issue and noted the need for a Zoning Ordinance update.

Council agreed to move the item forward to the Consent Agenda for the next meeting.

The meeting recessed at 10:13 p.m.

The meeting reconvened at 10:30 p.m.

PUBLIC HEARING/ ORDINANCES/ RESOLUTION: Flint Hill Planned Unit Development

Flint Hill Planned Unit Development documents

Mr. Matt Alfele, City Planner, presented a summary of the rezoning request. The Planning Commission recommended approval. The applicant provided an update to the application regarding stormwater management. Mr. Alfele reminded Council that the Planning Commission recommended approval of the critical slope waiver by a vote of 6-0. He advised that without waiver of the street closing policy, the rest of the request cannot go through.

Mr. Blair advised of Council procedures.

(1) Request for Waiver of Street Closing Policy

Mr. Blair explained the recently passed street closing policy, and advised that Council would want to consider whether they want to set a precedent with approval of the waiver. The adoption of a new plat would avoid setting a new precedent regarding waivers.

Ms. Galvin expressed concern with the design of the Planned Unit Development (PUD).

On motion by Ms. Hill, seconded by Mr. Signer, Council by the following vote APPROVED the waiver of the street closure policy for the Flint Hill PUD conditioned on recordation of the plat at Flint Drive and Keene Court: 4-1 (Ayes: Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: Ms. Walker).

(2) Public hearing: proposed vacation of Keene Court and a portion of Flint Drive

Ms. Walker opened the public hearing. No one was present to speak.

The public hearing was closed.

(3) Consideration of an Ordinance granting the vacation of Keene Court and a portion of Flint Drive (deferred to August 5, 2019)

Mr. Charlie Armstrong, with Southern Development and Belmont Station LLC, applicant, gave a summary of the layers of the request and shared a handout with Council, showing the proposed plat. He

advised that the change in stormwater treatment from 100% to 76% is because of the feasibility of treating all nutrients and the developers did not want to make promises they could not keep.

Ms. Walker expressed concern about affordability in the number of dwelling units and the number of years. She also expressed concern that the applicant has not discussed the best interest of residents. Mr. Armstrong advised that he would work with Habitat for Humanity to address affordability.

Ms. Galvin expressed concerns about parking, curb cuts for driveways, sidewalk elevation changes, porches, and active neighborhood components.

Council considered whether to move the item forward to the next meeting as a consent agenda item. The poll resulted in the following (Yes: Mr. Signer; No: Ms. Galvin, Ms. Walker, Dr. Bellamy; Indifferent: Ms. Hill).

Mr. Armstrong asked if Council would consider a deferment for him to come back with a stronger affordable housing proffer. Councilors asked that he also present some architectural revisions as well as quality of life components. Council agreed to bring the item back to the August 5th Council regular meeting.

(4) Consideration of an Ordinance granting a rezoning to allow development of the Flint Hill Planned Unit Development

Based on the deferment of the “Consideration of an Ordinance granting the vacation of Keene Court and a portion of Flint Drive”, this item was not discussed.

(5) Consideration of a Resolution granting a Critical Slope Waiver to allow development of the Flint Hill Planned Unit Development

Based on the deferment of the “Consideration of an Ordinance granting the vacation of Keene Court and a portion of Flint Drive”, this item was not discussed.

PUBLIC HEARING/ ORDINANCE: 209 Maury Avenue rezoning

Mr. Matt Alfele, City Planner, presented a summary of the request. The Planning Commission recommended approval 4-2.

Applicant Charlie Armstrong of Southern Development, made a presentation. He advised that the Eugene Bradbury House would be saved, as a matter of a private agreement, and that the City cannot enforce the deed restriction.

Mr. Blair provided explanation about rezoning in relation to updating the Comprehensive Plan.

Ms. Hill asked for clarity around usage of the Eugene Bradbury House and a site plan.

The applicant advised that he would need to know what zoning would be approved by Council in order to move forward with spending significant funds to develop a site plan. He asked whether Council was in favor of the property being

Ms. Galvin expresses concern of there being no concept plan.

Mr. Alex Ikefuna, Director of Neighborhood Development Services, advised that the director can exercise discretion, and the applicant needed direction from Council regarding density before providing a tangible plan so that they could make an informed decision.

Ms. Walker opened the public hearing.

Ms. Adrienne Dent, Fry's Spring neighborhood, spoke in opposition to the proposal.

Mr. William Atwood, who sold the property to Charlie Armstrong, spoke about the subdivision of the land surrounding the house, and about approval from the sisters who grew up in the house. He spoke in support of the project and stated that he would be willing to work with Mr. Armstrong to make sure that the house is celebrated.

The public hearing was closed.

Councilors acknowledged that there was not enough information to move the item forward.

ORDINANCE*: Amend Section 2-6 of the Charlottesville City Code - City holidays (2nd reading)

Mr. Blair reviewed procedure with City Council.

Dr. Richardson shared that according to his interactions, City employees indicated preference for a floating holiday.

On motion by Dr. Bellamy, seconded by Dr. Bellamy, Council by the following vote APPROVED deletion of the April 13 Thomas Jefferson birthday City holiday: 4-1 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Mr. Signer; Noes: Ms. Galvin).

Dr. Richardson suggested that if Council make March 3 a City holiday, they approve a floating holiday in addition.

Ms. Walker indicated that the County has 12 holidays and the additional day would bring City employees into parity with the County for number of holidays.

On motion by Dr. Bellamy, seconded by Ms. Galvin, Council by the following vote APPROVED the addition of March 3 - Freedom and Liberation Day, as a legal City holiday: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: none).

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the resolution authorizing the City Manager to amend the City's Personnel Policies and Regulations to provide a floating holiday to City employees: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: none).

RESOLUTION*: Minority Business Task Force update

Minority Business Task Force update

Ms. Hollie Lee of the Office of Economic Development, gave an overview of the business development aspects of the program. She also advised that the business equity loan program approved in February 2019, has been successful.

Ms. Jennifer Stieffenhofer gave an update on the success of small purchase threshold changes, and introduced Sarah Hawthorne who was employed as the Minority Business Procurement Coordinator.

Ms. Sarah Hawthorne spoke about creation of the Procurement Minority Business Directory and changes to procurement forms to include the supplier diversity initiatives. She advised that a helpdesk ticket was submitted so that internal systems will be programmed to track the minority and women-owned businesses that are not yet certified. Ms. Hawthorne noted that the City website has been updated with information about supplier diversity and vendor resources so that the public has more access to it.

Mr. Rek LeCounte presented the Minority Business Task Force Report for fiscal year 2019. Increases were indicated in the usage of minority and women-owned business.

A request was made to move from the Task Force model to a Commission.

On motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote APPROVED the establishment of the Minority Business Commission: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: none).

RESOLUTION*: Racial Engagement and Equity Funds for Minority Business Program -\$35,300

Racial Engagement and Equity Funds for Minority Business Program -\$35,300

Dr. Bellamy presented the item and Ms. Hollie Lee provided additional information. Future funds would be requested during the budget cycle; however, these funds would be needed as startup costs since this is the first year for the program and more significant costs would be needed for marketing.

Council discussed the processes of on-cycle and off-cycle budget requests.

On motion by Ms. Galvin, seconded by Ms. Walker, Council by the following vote APPROVED the funding of \$35,300 for the Minority Business Program: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: none).

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

REPORT: HomeStay Taxation/Regulation and AirBnB

Report - HomeStay Taxation/Regulation and AirBnB

Mr. Todd Divers, Charlottesville Commissioner of the Revenue, introduced Maggie Reagan, his counterpart from Staunton, Virginia, whom he invited as subject matter expert. He also introduced Brenda Thornton, Business Tax Supervisor; Bob Rush, Business Tax Auditor; and Reid Broadhead from Neighborhood Development Services.

Mr. Divers explained that AirBnB is only one of a number of hundreds of vendors of short-term rental platforms. He gave a presentation explaining the taxation models of AirBnB, BRBO and other lodging taxes, as well as new legislation requiring payment of sales tax to the State.

Mr. Divers advised that he did not feel that he could enter into an agreement with AirBnB without violating State Code referencing auditable records. He cited transparency, fairness, uniformity and accountability issues.

Mr. Divers encouraged Council to change the requirement for annual re-application for short-term rentals to a one-time application.

Ms. Reagan spoke on behalf of the Commissioner of the Revenue Association of Virginia and advised that a subcommittee has been following this issue. She added that they will continue as it develops through sales tax and transient occupancy tax purposes to do the best they can for localities and the people who want to be in the business to ensure fairness and consistency without being controlled by outside entities.

REPORT: Jefferson Area Bike and Pedestrian Plan update

Jefferson Area Bike and Pedestrian Plan update

Mr. Chip Boyles gave a presentation and referenced the recently completed Regional Bike and Pedestrian Plan. He noted excitement about the renewed and engaged public input toward bicycle use.

Mr. Boyles also reviewed next steps for the Plan, which included: presentations to decision-makers (when requested), ensuring that the Plan projects are incorporated in all future relevant plans, continued community input, multi-stakeholder coordination, project/corridor studies, grant applications and building the infrastructure.

Mr. Peter Krebs of the Piedmont Environmental Council answered questions and provided additional information.

REPORT: Vinegar Hill Park/Slave Auction Block update

Vinegar Hill Parks/Slave Auction Block update

Mr. Jeff Werner, Historic Preservation and Design Planner, gave background and presented the report on Vinegar Hill Park. He showed a sample of Court Square markers.

He advised that the slave auction block plaque in the sidewalk at Court Square has not been worked on because there was no directive. Ms. Hill advised that on more than one occasion Ms. Galvin has requested that the slave auction block be given more prominence. Mr. Werner advised that there is a marker going up across the street (unrelated) and that he followed up with Charlene Green, and the Blue Ribbon Commission made recommendations.

Dr. Bellamy advised that this is an opportunity to be bold in erecting a monument to represent triumph.

Ms. Galvin suggested following up with Dr. Andrea Douglas for consultation and suggestions of what may be appropriate for a monument.

Mr. Brian Wheeler will work on a fact sheet for the Blue Ribbon Commission.

Council asked that the Historic Resources Committee bring an agenda item to a future Council meeting for options on the slave auction block. Mr. Werner advised that the agenda item could be available in a month or two.

ALLOCATION - CHARLOTTESVILLE CITY SCHOOLS \$468,000 - for the gifted program, hiring of teachers. Ms. Walker gave context of recent discussions with Dr. Atkins and School Board members regarding a push-in model versus pull-out model to provide enrichment in elementary classes. (carried)

Ms. Walker gave the context of recent discussions with Dr. Atkins and School Board members regarding a push-in model versus pull-out model to provide enrichment in elementary classes. Funds from the Citywide Reserves Fund (2/3) and Council Strategic Initiatives - Equity Fund (1/3), would be used for the initiative and Council will ask for a midyear update.

Council agreed to move the item to the August 5th consent agenda.

OTHER BUSINESS

None.

MATTERS BY THE PUBLIC

Mr. Elliot Harding recommended making Election Day or Juneteenth a City holiday.

The meeting adjourned at 1:12 a.m.

City Council Retreat – July 31, 2019
Jefferson School African American Heritage Center

City Council met in retreat on Wednesday, July 31, 2019, at the Jefferson School African American Heritage Center, 233 4th Street NW, Charlottesville, Virginia, with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Dr. Wes Bellamy, Ms. Kathy Galvin, and Mr. Mike Signer.

Various department leaders and staff were present to provide information as needed.

Mayor Walker called the meeting to order at 9:18 a.m.

Ms. Hill suggested having someone in the meeting take notes besides the Clerk who would be taking minutes. Ms. Walker advised that Councilors could take notes and recap later. She turned the meeting over to City Manager Tarron Richardson.

City Manager’s Recap of the Past 80 Days

Dr. Richardson gave the City Manager’s Recap of the Past 80 Days. He advised that he has met with members of the public, members of various boards and commissions, citizens who attend City Council meetings, members of the business community, and neighborhood associations. He has walked through public housing areas and talked to residents, as well as citizens along the Downtown Mall. Dr. Richardson advised that he has spoken about small-scale and larger capital project with citizens. He has also met with all five City Councilors and School administrators. He advised that he has met with City department leadership to discuss operations and needs to achieve success in departments in day to day operations.

Dr. Richardson advised that his discussions with Constitutional Officers centered around how to work collectively to move the City forward.

Dr. Richardson discussed results of a questionnaire to describe the culture of the City and morale. He advised that succession planning came up in several departments as an area for improvement.

The following items were proposed as items to address moving forward:

- Re-engineering organization structure
- Hires for key leadership positions
- Succession planning
- Compensation study
- Vacancy report for all departments
- HR policies & procedures
- Building improvements
- Centralized fleet services
- Centralize IT services
- Zero-based budgeting methodology

Dr. Richardson reviewed the previous organization structure and explained that the new structure allows for more efficient operations, a more centralized span of control, and the ability to answer inquiries in a timelier manner. Performance improvements would be more easily

managed with the Deputy of Public Utilities. He advised of the need to put all financial components together. He also advised that public safety departments as well as the Communications Department would report directly to the City Manager. The Chief Operating Officer will be able to work to identify deficiencies, outcomes from various studies, and work to make improvements.

Dr. Richardson reviewed recent new hires in leadership positions for Information Technology (internal candidate Sunny Hwang), Charlottesville Area Transit (Garland Williams), and the Deputy City Manager/Chief Operating Officer (Letitia Shelton), noting the still vacant Human Resources Director position, and the application process recently closed.

The proposal for Succession Planning included: investing in the growth and development of future leaders; providing opportunities for cross-training within and across departments; and creating organization structures with either Deputy Directors or Assistant Directors, creating layers for fully functioning departments.

Regarding the Compensation Study, the proposed approach is that each position would have steps with annual increases; employees would be able to reach the highest point on salary scale for their respective positions; positions would be correctly categorized and named; and new employee salaries would not exceed tenured staff members.

Dr. Richardson advised that he would review all funded position vacancies and the length of time that they have been unfilled, evaluate the vacant positions to determine if they are still relevant, and evaluate all City positions for future funding.

Regarding the Human Resources Policies and Procedures Manual, Dr. Richardson shared that it had not been updated since the late 1990s. His plan would include making the manual accessible on the City website for applicants. The first completely revised version is expected to be forwarded to the City Attorney Office for review in mid-August. He advised that going forward, the committee would meet quarterly and provide annual updates.

Building improvements were another area of concern as several City buildings are old and in poor condition. Dr. Richardson expressed the need to consider building improvements for the following areas in Capital Projects: City Hall; City Hall Annex; Police Department; off-site buildings; and employee parking. He advised that there should be FY2020 funding for a Design and Feasibility Study to consider consolidating departments, budget considerations for FY 2021, and centralizing Fleet Services and Information Technology Services.

Dr. Richardson gave an overview of Zero-based budgeting, explaining that all expenses must be justified and approved for each new period. He advised that this budgeting approach would improve accuracy and efficiency, reduce wasteful spending, and increase coordination and communication.

Ms. Hill asked about the timeline for going to zero-based budgeting. Dr. Richardson advised by next fiscal year budget.

Ms. Walker asked about how he would determine departments with too many employees. Dr. Richardson advised that the goal would be to reduce duplication of services.

Ms. Galvin asked whether staff was aware of changes. Dr. Richardson advised that emails were sent to Department leaders and all staff.

Overview of Existing Data Sources & Discussion

Deputy City Manager, Mr. Mike Murphy, reviewed Sources of Input of information to the City: phone calls, email, website, social media, and the MyCville app. He shared data and advised that the vision is to increase usage of MyCville and enhance the app for ease of use, directing workflow, and tracking. Mr. Murphy reviewed various surveys and reports that have been conducted over the years for public and employee input.

Councilors discussed the need to implement action plans from the studies and have more frequent updates. Mr. Murphy reminded Council that some reports such as the Police Department “stop & frisk” data are reported to the public monthly.

Ms. Walker asked about the MyCville app and about the approach of having a department dedicated to service calls, specifically referencing 332 unique users who have submitted 2,131 tickets (41% entered by City staff). She encouraged trying to get more citizens to use the MyCville app. Mr. Murphy advised that the app has not been widely marketed. Ms. Walker asked if there is a way to segment an area in the app for Transit complaints. Mr. Murphy advised that the request type could be built, and that there is a need to better track resolution of complaints.

Dr. Richardson advised that many of the complaints could be reduced by code enforcement and management.

Mr. Signer asked about strategically communicating to the public all of the work that is being done by City employees. Dr. Richardson advised of various dashboards that could be used, including use of the website. Mr. Signer shared that the City Manager could hold press conferences on a regular basis. Dr. Richardson advised that his approach so far is to go directly to the citizens and groups. Ms. Hill mentioned an annual colorful insert in the local paper.

Ms. Walker mentioned the customer service system from France, which had a 24-hour deadline and the commitment was signed by leadership. She suggested that possibly the City Manager signature could go on follow-up correspondence. She suggested figuring a way to get diverse participation in future surveys.

Ms. Hill suggested leveraging systems of input to work together and tracking to gather concerns, giving equity to concerns whether brought to a Council meeting or sent in by other means.

Dr. Bellamy guarded against sensationalizing surveys, and encouraged being more plugged in to the community.

Ms. Walker encouraged Council to be mindful of equity in input and who has access to systems and technology.

Mr. Signer suggested that a staff person could be copied on emails to Council and respond. Mr. Wheeler advised that there is technology that could track that email correspondence, but it is not currently in place. Mr. Murphy advised that auto-responses would not address the specifics of each email.

Roles and Responsibilities of Mayor, Councilors, and City Manager - Revisiting/Refining Inter-Council Protocols

Ms. Galvin reviewed the Local Elected Leadership Model. She reviewed the list of roles and responsibilities that was developed by a previous Council from five years ago for City Council, the City Manager, and the Mayor. This list was intended to serve as a springboard for discussion of current roles.

Dr. Richardson advised that the City Attorney is reviewing the City Charter for necessary updates. He also advised that the Vision, Goals and Mission need to be reviewed annually in order to provide direction to the City Manager for priorities.

Ms. Walker suggested a half-day retreat with the current Council to give the next Council a base.

Dr. Richardson suggested doing a pre-Council and post-Council session with Council-elect officials. Mr. Blair advised that Councilors-elect are treated as any citizen until they take office on January 1, and may attend meetings without the bounds of FOIA.

Dr. Bellamy suggested removing items from the list that cannot be defined, that are subjective, or that are just character traits. Ms. Galvin suggested creating a separate category regarding Value Traits for Councilors.

Ms. Hill suggested leveraging the Compass program for Councilor onboarding.

Ms. Galvin reviewed Council Operating Guidelines.

Dr. Richardson asked Council whether they were accepting recommendations from professional staff, task forces and committees. If not, then why delegate to committees? He suggested that involving so many entities prolongs the process for making decisions. Ms. Hill advised that the groups fill the gap for areas where staff capacity is lacking.

Dr. Bellamy expressed concern with how the Operating Guidelines were written.

Council discussed needs for policy analysis and research.

Dr. Richardson advised Council to consider annual planning, fiscal year budget, and staff need for prioritization.

Some Councilors expressed the desire to work directly with staff to develop policy ideas, while other Councilors expressed that staff should take direction from a majority Council vote.

Mr. Signer asked what would be the formal process for Councilors to get help developing ideas when there is no majority formed.

Mr. Blair suggested that Council consider monthly topic-driven work sessions with staff. Mr. Signer suggested open topic quarterly or regular work sessions. Other Councilors agreed.

Council took an abbreviated lunch and reconvened to discuss Councilor budgets. Dr. Bellamy and Ms. Walker expressed the need for a more flexible budget rather than limiting the dollar amount. Mr. Signer recommended the use of what Council considers as a reasonable budget, and suggested a \$5,000 limit per Councilor. Councilors discussed having report-outs from Councilors after conferences. Transparency was discussed, as well as the need for the mayor to have a higher threshold. Council directed the City Manager to provide analysis before they set a travel budget amount.

The credit card policy was discussed, and being mindful of how taxpayer money is used. Mr. Blair reviewed the Code of Virginia referencing the verbiage of expending public funds for a public purpose, the second part of that Code section referencing that the funds should be budgeted.

Dr. Richardson advised that the City Credit Card policy was being reviewed and would be a part of the Employee Policies and Procedures Manual.

Regarding work sessions, Mayor Walker asked to have a level of flexibility, and Ms. Hill suggested designating a time of month for work sessions so that staff could block off time. Dr. Richardson shared his experience from Richmond and DeSoto, and advised that planning would be helpful in order for staff to be prepared for those meetings.

Council Meetings - Collective Meeting Management

Mr. Signer referenced prior meeting management goal/rules set by Council in February 2018. He advised that fairness to the public is an issue as well as Council and staff ability to focus after 11:00 p.m. He asked if Council was interested in enforcing the established time limits for making motions, debating, and moving forward with agenda items. He also stated that addressing the presiding officer to be recognized to speak prevents cross-talking.

Dr. Bellamy brought up community engagement time as a factor.

Ms. Hill suggested being disciplined about break time and a different handling of the public comment period, where Council listens, but does not engage.

Dr. Bellamy asked about having separate Town Hall meetings to avoid spending that time at the City Council meeting.

Ms. Galvin suggested waiting until after Community Matters to address concerns or ask clarifying questions.

Ms. Walker suggested that discussion of agenda items at the Council meetings is more transparent for the public to feel engaged and informed.

Councilors discussed the handling of personal attacks.

Ms. Walker advised that when people feel that they have been heard, they are less likely to come back before Council.

Ms. Walker and Dr. Bellamy advised that the environment is different because voices that have traditionally not been heard are now empowered to speak.

Council agreed to move toward enforcing the meeting rules adopted in February 2018, and voting to extend meetings if they go past 11:00 p.m.

Dr. Bellamy advised that he is not in favor of removing people from Council Chamber. With different communication styles, consequences could be different.

Mr. Blair advised that people who sign up for public hearings have to be heard.

Council/City Manager/Staff Engagement & Communication Protocols

Dr. Richardson advised that the information provided was sufficient.

Ms. Hill clarified that Dr. Richardson would be copied on email from Councilors to staff to keep him informed. Dr. Richardson advised that keeping him in the loop will help with workflow.

Role and Scope of Boards/Commissions/Task Forces -Council/Staff Representation on Boards/Commissions/Task Forces

Ms. Galvin reviewed the types of Council committees – ongoing and ad hoc. Councilors reviewed the list of current boards and commissions, reviewed mandated boards for Council membership, and areas where staff members could attend, noting that certain committees do not particularly need Council direct participation such as LEAP and Historic Resources Committee.

Mr. Blair advised of challenges with addressing term limits, citizen engagement to get more applicants, and the ongoing need for certain boards. He suggested holding a future work session to address Boards and Commissions. Clerk staff, liaisons and department leaders will begin evaluating boards and commissions to make proposals for consolidation. It was noted that boards and commissions should help and not hinder operations.

Short-term Goals

Dr. Bellamy asked about creating a City Council meeting YouTube recap, and suggested that the Council Outreach Coordinator be involved in the effort.

Ms. Walker asked Dr. Richardson to make the hiring of a Director of Equity and Inclusion a priority, with this person reporting directly to the City Manager – looking at everything through an equity lens. This position would look internally and externally.

Mr. Murphy advised that the City Manager equity and inclusion group that was convened will be presenting its recommendation in the near future.

Regarding the Efficiency Study, Dr. Richardson advised that Deputy City Manager Letitia Shelton is reviewing the Efficiency Study and will try to report the approach for evaluating the study to Council on August 19. Ms. Hill advised that the Efficiency Study does not always line up with the recommendations.

It was noted that the Request for Proposal (RFP) period closes on August 16 for the Comprehensive Plan and Zoning Rewrite. Ms. Hill asked about a realistic timeline.

The Future Budget Approach was discussed earlier in the meeting as the Zero-based budget approach.

Dr. Richardson advised that I.T. is working on finding a new vendor to overhaul the City website.

Customer Services & Responsiveness continue to be areas that will be addressed for improvement, and will benefit from enhancements to the City website and the MyCville app. Dr. Richardson advised that from his experience with the Civic Plus web platform and design, departments would have more control over information and it would be easier to access.

Council discussed a six-month operating plan for the City Manager.

Ms. Galvin asked about having an onboarding document for new Councilors. Mr. Blair and other staff have been working on putting together this information.

The meeting adjourned at 3:53 p.m.

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Wednesday, July 31, 2019, AT 4:10 p.m. AT THE Jefferson School African American Heritage Center, Classroom A, 233 4th Street NW, Charlottesville, Virginia.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code
(Personnel)

BY ORDER OF THE CITY COUNCIL

BY Kyna Thomas

African American Heritage Center – July 31, 2019

City Council met on this date with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Dr. Wes Bellamy, Ms. Kathy Galvin, and Mr. Mike Signer.

Mayor Walker called the meeting to order at 4:10 p.m.

On motion by Ms. Hill, seconded by Ms. Galvin, Council voted (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin and Mr. Signer. Noes: None.) to meet in closed session as authorized by Va. Code sec. 2.2-3712, specifically:

- Section 2.2-3711(A)(1) to discuss the performance of specific employees of the Office of the Charlottesville City Manager and a specific employee of the Office of the Charlottesville Clerk of Council; and

- Section 2.2-3711(A)(8) for consultation with legal counsel from the City Attorney's Office pertaining to the City Charter and personnel.

On motion by Ms. Hill, seconded by Dr. Bellamy, Council certified by the following vote (Ayes: Ms. Walker, Ms. Hill, Ms. Galvin, Dr. Bellamy and Mr. Signer. Noes: None.), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 5:00 p.m.

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, August 5, 2019, AT 5:00 p.m. IN THE Second Floor Conference Room, City Hall, 605 E. Main Street, Charlottesville, Virginia.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code
(Personnel; Boards & Commissions)

BY ORDER OF THE CITY COUNCIL

BY Kyna Thomas

Second Floor Conference Room – August 5, 2019

City Council met on this date with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Ms. Kathy Galvin, and Mr. Mike Signer. Absent: Dr. Bellamy.

Mayor Walker called the meeting to order at 5:42 p.m.

On motion by Ms. Hill, seconded by Mr. Signer, Council voted (Ayes: Ms. Walker, Ms. Hill, Ms. Galvin and Mr. Signer. Noes: None. Absent: Dr. Bellamy) to meet in closed session as authorized by Va. Code sec. 2.2-3712, specifically:

- Section 2.2-3711(A)(1) to discuss the appointment of a member of the Albemarle Charlottesville Regional Jail Authority; and

- Section 2.2-3711(A)(8) for consultation with legal counsel from the City Attorney's Office pertaining to a proposed lease of city property and city special event regulations.

On motion by Ms. Hill, seconded by Mr. Signer, Council certified by the following vote (Ayes: Ms. Walker, Ms. Hill, Ms. Galvin, and Mr. Signer. Noes: None. Absent: Dr. Bellamy), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 6:07 p.m.

COUNCIL CHAMBER - August 5, 2019**ROLL CALL**

The Charlottesville City Council met in regular session on Monday, August 5, 2019, with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Dr. Wes Bellamy, Ms. Kathy Galvin, and Mr. Mike Signer.

ANNOUNCEMENTS/PROCLAMATIONS

Dr. Bellamy requested a moment of silence for the recent shootings in El Paso, Texas, and Dayton, Ohio, which were fueled by white supremacist ideology.

Ms. Galvin requested a moment of silence for Ms. Karenne Wood of the Monacan Indian Nation, who passed away.

Mr. Signer presented the Welcoming Week Proclamation to Russ Linden of Welcoming Greater Charlottesville. Welcoming Week is September 13 – 20, 2019.

Ms. Galvin presented a Resolution in Support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution. Members of the Charlottesville Chapter of the National Organization for Women were present to accept the resolution.

ERA resolution 2019 City of Charlottesville**CONSENT AGENDA***

Ms. Walker opened the floor for public comment on the Consent Agenda.

Ms. Kat Mabry on behalf of Indivisible Charlottesville asked that Item "k" be removed from the Consent Agenda.

Ms. Molly Conger spoke of reservations about Item "k", advising that the ordinance is too vague.

Mr. Jeff Fogle of Belmont echoed Ms. Conger's concerns. He also spoke about the 50% increase in funding for the study of disproportionate minority contact, which he believes the consultant is not using to study the police department.

Mr. Don Gathers spoke in opposition to Item "k". He asked Mr. Blair to review the amendments.

Mr. Blair reviewed the proposed changes.

Mr. John Hall spoke of a form from Parks and Recreation for holding an event or rally, advising that it outlines prohibited items.

Ms. Nancy Carpenter spoke in opposition to Item "k".

Ms. Walker pulled Items "k" and "m" from the consent agenda, seconded by Dr. Bellamy.

Clerk of Council Kyna Thomas read the consent agenda items into the record.

a. MINUTES: May 20 Regular Meeting, June 3 Regular Meeting, June 6 Joint Meeting - Board of Supervisors

May 20, 2019 Draft Minutes

June 3, 2019 Draft Minutes

June 6, 2019 Draft Minutes - Joint meeting

b. APPROPRIATION: Highway Safety Improvement Program - Appropriation of funds for Pedestrian Connections within Hillcrest/Birdwood Neighborhood - \$708,932 (2nd reading)

APP Hillcrest 061719 Final

c. APPROPRIATION: Virginia Juvenile Community Crime Control Act Grant (VJCCCA) -\$452,704 (carried)

APP_FY20 VJCCCA Appropriation \$452,704

d. APPROPRIATION: Study of Disproportionate Minority Contact in the Adult Criminal Justice System - \$55,400 (2nd reading)

APP_DMC STUDY - Human Services \$55,400

e. APPROPRIATION: Charlottesville Student Victim Outreach Program Department of Criminal Justice Services Victim of Crimes Act Grant - \$245,428 (2nd reading)

APP_HUMAN SERVICES DCJS GRANT \$245,428

f. APPROPRIATION: Virginia Department of Transportation Grants for Water Street Trail - \$115,257 (2nd reading)

APP WaterStreet Trail TAP Appropriation-July2019SupplementTransfer

g. APPROPRIATION: Virginia Department of Transportation Primary Extension Paving Project Funds - \$633,442 (carried)

APP VDOT Primary Ext Paving Funds FY20 \$633,442

h. RESOLUTION: Welcoming Greater Charlottesville funding request - \$4,100

Welcoming Week Resolution - \$4,100

Ms. Walker expressed that itemized expenses should be presented for future requests.

i. APPROPRIATION: Thomas Jefferson Area Crisis Intervention Team Training Grant - \$20,708 (carried)

Crisis Intervention Team DBHDS funding FY2020 - \$20,708

j. APPROPRIATION: Moving from Foster Care to Adulthood Rental Assistance Grant - \$300,000 (carried)

FY2020 Fostering Futures Rental Assistance Grant \$300,000

k. This item pulled for separate vote.

l. ORDINANCE: Renewing Lumos Networks Inc. - Telecommunications Franchise (2nd reading)

Lumos Telecom Franchise Memo and Agmt

m. This item pulled for separate vote.

n. ORDINANCE: Amending and Re-enacting City Code Chapter 11, Article IV- Director of Finance (carried)

Ordinance Re: Finance Director

On motion by Dr. Bellamy, seconded by Ms. Hill, Council voted 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: None), to APPROVE the Consent Agenda minus items “k” and “m”, which were pulled for separate consideration.

k. ORDINANCE: Amending and Re-enacting City Code Chapter 18, Article III - Special events (2nd reading - tabled)

ORD Amend Special Events Ordinance

This item was pulled from the Consent Agenda by Ms. Walker. Mr. Blair gave clarification about wording.

Dr. Bellamy asked clarifying questions about definitions in response to concerns brought forth by the public. He asked of the possibility of tabling this item, pending further development of the ordinance.

Ms. Galvin asked for more time to consider the changes.

On motion by Dr. Bellamy, seconded by Ms. Galvin, Council voted 3-2 (Ayes: Ms. Walker, Dr. Bellamy, Ms. Galvin; Noes: Ms. Hill, Mr. Signer) to table this item to the August 19 Council meeting, for more time to consider changes.

m. ORDINANCE: 750 Hinton Ave rezoning (2nd readings)

Hinton Ave UMC Rezoning

Mr. Alex Ikefuna , Neighborhood Development Services Director, came forward to provide clarification about the affordable housing component for 750 Hinton Avenue and the benefits to the City.

On motion by Ms. Galvin, seconded by Ms. Hill, Council voted 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: None), to APPROVE the 750 Hinton Avenue rezoning request.

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote appointed Mr. Jay James to the Albemarle-Charlottesville Regional Jail Authority: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: None). This seat is a joint City/County seat.

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Dr. Richardson responded to a concern from Ms. Chapman, who asked if the City could conduct a CO2 inventory every two years. He advised that it is possible and the City is in the process of implementing software that takes raw data and puts it into a more understandable format. He advised that from that, the goal is to ensure that the data is placed into an interactive dashboard on the City website so that users can see information as the City reduces its carbon footprint.

COMMUNITY MATTERS

Mr. Harold Folley spoke in support of the initial Police Civilian Review Board (CRB). He asked City Council to guard against watering down the CRB, and to provide funding. He ceded his time to Ms. Marissa Turner-Harris of the People's Coalition, who asked for Council's support of the CRB.

Ms. Katie Zhang and Shaalini Desai, students at UVA spoke about sustainability in Charlottesville, and the use of Styrofoam, which does not degrade. They asked Council to consider establishing a ban or regulation on the use of Styrofoam containers.

- Mr. Blair and Mr. Signer advised of the Dillon Rule State laws that prohibit the City from passing laws that have not been permitted by the State.

Mr. Paul Long ceded his time to Ms. Nancy Carpenter, who spoke in support of the work done by the Civilian Review Board, and encouraged Council to support.

Mr. Brandon Morsberger advised that the Skate Park needs lights. He also suggested that a commercial development proposed for Rose Hill Center underground parking should not be supported.

Ms. Kate Fraleigh spoke in support of the CRB being independent. She addressed comments from Police Chief Brackney in an article. She focused on disproportionate minority contact.

Ms. Andrea Massey spoke in support of strong CRB and ceded her time to Mr. Luis Rabiola, who spoke about the need for a strong CRB, particularly regarding immigrant rights.

Ms. Tanesha Hudson referenced a letter that she sent regarding a Unity Days event that she is sponsoring, requesting additional funding. She stated that in going to obtain her permit, there were mostly white males in the room. She spoke about perceived race problems with the hiring process for the City, noting that she applied for a position just to see what would happen.

- Dr. Bellamy spoke about the Unity Day event funding request.

Mr. John Hall spoke about including Stop sign arms on public buses. He also spoke about the definition of “psychotic intent”.

Ms. Mary Carey spoke in support of the CRB.

Ms. Adrienne Dent spoke about the resolution for 209 Maury Avenue. She advised that Land Use Map decisions be led by the Comprehensive Plan. She also spoke about students who wanted to have the pool schedule extended, but had to leave because of inappropriate language being used in Council Chamber.

Mr. Larry Scott spoke as a voice for future Habitat for Humanity homeowners. He asked Council to support the development of Flint Hill.

Ms. Katrina Turner spoke about personal complaints involving the police department and the Chief of Police.

Ms. Colette Blount, Gordonsville resident who owns property in the City of Charlottesville, spoke about the Greenleaf Center Clinic proposal and language in the City Code that should be updated. She shared a survey with Councilors. She advised that the zoning is not appropriate.

Ms. Sena McGill spoke to encourage a strong CRB. She also mentioned the petition from students for the Washington Park Pool to stay open. The students left the meeting early because of behavior from other meeting participants.

Ms. Abby Guskin spoke in support of a strong CRB.

Ms. Gloria Beard spoke in support of a Stop light at 10th and Page Streets instead of a caution light. She spoke about a program to have students help senior citizens with issues such as snow removal. She asked if anyone has thought of a place for seniors to go for entertainment.

The meeting recessed at 8:22 p.m.

The meeting reconvened at 8:46 p.m.

RESOLUTION*: 209 Maury Avenue Comprehensive Plan amendment - Future Land Use Map

Resolution Re: 209 Maury Avenue Comprehensive Plan

City Attorney John Blair guided Council through this item, advising that the applicant has submitted proffers subsequent to the last reading of the item. He advised that the request would need to be referred back to the Planning Commission.

Mr. Alfele asked for clarification on whether Council would like for the applicant to go back and re-engage the public. Council agreed.

On motion by Ms. Galvin, seconded by Ms. Hill, Council voted 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: None), to refer the Resolution back to the Planning Commission, with the applicant to include public engagement based on new information.

APPROPRIATION*: City Schools hiring of teachers for push-in gifted program - \$468,000 (2nd reading)

Schools Equity Request \$468,000 - Gifted Programs

Ms. Rosa Atkins, Superintendent of Charlottesville Schools, presented the request and advised that the presentation would demonstrate additional equity issues that will be addressed by the program. She advised that the request will support eight additional teachers and that five of the eight teachers have already been hired.

Ms. Bev Catlin presented the proposed gifted model, Pathways to Gifted Education.

Ms. Atkins advised of equity efforts that address: Supported and Supportive Staff; Growing Relationships; Diverse, Inclusive and Rigorous Learning; and Equity Foundations.

Ms. Galvin and Ms. Hill requested that the School Board be proactive in moving forward with future budget requests during the budget cycle. Ms. Atkins advised that the School Board reached a point in its research when they were able to make the request for additional funds and thought it was important to make a request sooner rather than wait another year.

On motion by Dr. Bellamy, seconded by Ms. Galvin, Council voted 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: None), to APPROVE the appropriation of \$468,000 from the Council Strategic Initiatives Funds – Equity Allocation and the Citywide Reserve Fund to the Charlottesville City Schools.

APPROPRIATION

APPROPRIATION OF \$468,000.00 FROM THE COUNCIL STRATEGIC INITIATIVES FUND – EQUITY ALLOCATION - AND THE CITYWIDE RESERVE FUND TO THE CHARLOTTESVILLE CITY SCHOOLS

BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia that the sum of \$468,000.00 is hereby appropriated from the Council Strategic Initiatives Fund – Equity Allocation and the Citywide Reserve Fund to the Charlottesville City Schools.

- \$312,000.00 will be appropriated from the Citywide Reserve Fund (105 –1631001000)
- \$156,000.00 will be appropriated from the Council Strategic Initiatives Fund – Equity Allocation (105-1011001000)

ORDINANCES*/ RESOLUTION*: Flint Hill Planned Unit Development

(1) Consideration of an Ordinance granting the vacation of Keene Court and a portion of Flint Drive (2nd reading)

(2) Consideration of an Ordinance granting a rezoning to allow development of the Flint Hill Planned Unit Development (2nd reading)

(3) Consideration of a Resolution granting a Critical Slope Waiver to allow development of the Flint Hill Planned Unit Development (2nd reading)

Flint Hill - REVISED rezoning Ordinance

Flint Hill - street vacation, rezoning, critical slope waiver request

Mr. Blair guided Council through the options for moving forward.

The applicant, Mr. Charlie Armstrong, gave a summary of changes made to the request. At the request of Ms. Hill, Mr. Armstrong described parking.

Councilors Bellamy, Galvin and Walker expressed reservations about the development.

Responding to Mr. Signer, City Planner Matt Alfele gave an explanation of the current zoning and proposed zoning. He advised that the PUD zoning is a higher standard.

Mr. Signer asked to hear from staff about interpretation of the affordable housing study.

Ms. Walker advised of the need to be strategic about development of housing for lower income residents.

Mr. Alex Ikefuna, Neighborhood Development Services Director, shared study information.

On motion by Ms. Galvin, seconded by Dr. Bellamy, Council voted 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: None), to DENY the street closure and critical slopes waiver.

RESOLUTION*: Authorizing submittal of a Preliminary Information Form for River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area)

Carr-Greer Farmhouse Resolution

Mr. Blair presented the request.

On motion by Ms. Galvin, seconded by Ms. Hill, Council voted 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer; Noes: None), to authorize submittal of a Preliminary Information Form for River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area).

RESOLUTION

In Support of Nominating River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area) for Listing on the Virginia Landmarks Register and the National Register of Historic Places

WHEREAS, the City Council of the City of Charlottesville, through its Vision Statement, the City's Comprehensive Plan and the City's Strategic Plan has recognized the value of preserving and protecting historic and cultural resources; and

WHEREAS, the City Council wishes to encourage such efforts; and

WHEREAS, the River View Farm and the Carr-Greer Farmhouse located at the Ivy Creek Natural Area are significant relative to their connection to local African-American history; and

WHEREAS, the City is a co-owner of the Ivy Creek Natural Area and thus a steward in the preservation and protection of the River View Farm and the Carr-Greer Farmhouse; and

WHEREAS, the Ivy Creek Foundation (IFC) is preparing and will submit to the Virginia Department of Historic Resources (VDHR) a Preliminary Information Form (PIF) in order to determine eligibility of River View Farm and the Carr-Greer Farmhouse for listing on the Virginia Landmarks Register and the National Register of Historic Places; and

WHEREAS, the IFC has requested the City's consent to prepare and submit the PIF;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Charlottesville, Virginia endorses this effort and authorizes the City Manager, after consultation with staff and the City Attorney's approval as to form, to sign the PIF prior to its submittal to VDHR.

The meeting recessed at 9:51 p.m.

The meeting reconvened at 10:01 p.m.

REPORT: Police Civilian Review Board presentation

Initial Police Civilian Review Board Presentation

Members of the initial Civilian Review Board came forward to present the report. Ms. Sarah Burke reviewed materials that were provided to the City and are available to the public for review. She also advised of recommendations that are being made for paid staffing, board membership and funding.

Members took turns reading portions of the cover letter submitted to City Council: Ms. Katrina Turner, Ms. Sarah Burke, Mr. Josh Bowers, Mr. Guillermo Ubilla, Ms. Gloria Beard and Ms. Rosia Parker.

The board requested that at least one City Council member will move the CRB recommendations forward.

Mr. Ubilla presented the Police Civilian Oversight Overview and Recommended Next Steps.

Ms. Walker thanked the initial CRB for its efforts. She described what a possible timeline would look like and advised that a September worksession is being planned to invite the Fairfax County CRB and staff from Fairfax County to meet with the City Attorney, City Council and the Chief of Police to give an understanding of what a CRB would look like once in place. A potential date in October was proposed for presenting to the public. Ms. Walker volunteered to take on the effort to move the CRB forward.

Each Councilor expressed thanks to the initial CRB. Ms. Galvin also thanked the Police Chief.

Ms. Beard asked for consideration of a stipend for each CRB member, using leftover funds from their budget.

REPORT: Unity Days report

Unity Days Report

Mr. Brian Wheeler, Director of Communications and Charlene Greene, manager of the Human Rights Commission reviewed scheduled events. Over eighty events were scheduled through Unity Days this year between May and August.

Chief Brackney advised that the Night Out event was moved up to September. She also discussed safety and security with events in a variety of places in the City rather than concentrated in one location, noting that the perimeter is more flexible than last year. She reminded everyone to remain vigilant.

Mr. Wheeler thanked the action committee.

OTHER BUSINESS

Dr. Bellamy advised that he was interested in supporting the funding request from Ms. Tanesha Hudson. Mr. Wheeler advised that the Reclaim Concert has been allocated \$15,000. Ms. Hudson iterated that the request is for funds to bring a celebrity to Charlottesville for the African-American community.

Mr. Signer mentioned setting a precedent for procurement procedures. He also advised of three off-budget requests that have been honored.

Dr. Bellamy shared that this Unity Days event would provide a social opportunity that has been missing in the African-American community in Charlottesville. He advised that the funds could come from the Equity Fund.

Ms. Galvin stated that the \$35,000 request exceeds Council's discretionary amount of \$25,000.

Pursuant to Council procedures approved at the July 31, 2019 Council Retreat, Dr. Bellamy motioned to extend the Council meeting to 11:30 p.m. The motion was seconded by Ms. Hill. Council voted unanimously to extend the meeting from 11:00 p.m. to 11:30 p.m.

Dr. Bellamy made a motion to support the request with funds from the Equity Fund. With no second, the motion was not considered for vote.

MATTERS BY THE PUBLIC

Ms. Adiola Ogunkeyede of the Legal Aid Justice Center asked questions about Council comments post-CRB report. She asked for clarification around meeting to happen with the

Fairfax CRB. Ms. Walker advised that the intention of the meeting would be so that Council would have a full understanding. Ms. Ogunkeyede advised that the initial CRB are the experts for this community and should be further consulted with questions rather than Council reaching out to another CRB. She expressed concern that the future process would not be transparent.

Mr. Josh Bowers spoke about consulting the Fairfax CRB and questions that could be asked that would add value.

Ms. Sarah Burke gave the name of Richard Schott, Auditor for the Fairfax CRB, who may serve as a resource for Council. She also advised that staff from NACOLE training would be willing to serve as a resource.

Mr. Harold Folley spoke of disappointment in overhearing someone say they had to leave Charlottesville to experience black culture.

Ms. Nancy Carpenter spoke about overspending for public safety in August 2018.

Mr. Cliff Hall spoke about creating contacts.

Mr. Wasch asked about who paid for repairs at the Pavilion roof. Councilors advised that the City did not pay for those repairs.

Ms. Tanesha Hudson addressed Councilors Galvin, Hill and Signer directly regarding race issues in relation to the perceived reality of their lack of support for funding her event.

Ms. Marissa Turner-Harris spoke in support of the event presented by Tanesha Hudson and addressed Councilors Galvin, Hill and Signer directly for their non-support of the budget request.

The meeting adjourned at 11:32 p.m.

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CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	September 3, 2019
Action Required:	Appropriation
Presenter:	Mike Rogers, Deputy Chief – Operations, Charlottesville Fire Dept.
Staff Contacts:	Mike Rogers, Deputy Chief – Operations, Charlottesville Fire Dept.
Title:	Fiscal Year 2020 Fire Programs Aid to Locality Funding (Firefund) - \$158,343.00

Background:

The Code of Virginia provides for the collection of an annual levy each fiscal period from the insurance industry. Such levy is collected by the State Corporation Commission, and the amounts collected are then transferred into the Fire Program Fund (Firefund). These aid to locality monies are then distributed to the jurisdictions to supplement the localities funding for fire service based training, training supplies, training equipment, prevention activities, and some response equipment. This is an annual allotment of funding. All usage and any carryovers are reported out to the Department of Fire Programs at the end of the fiscal period before the next fiscal period monies are granted. The City of Charlottesville has been awarded \$158,343.00 in these funds for FY 2020.

Discussion:

The Aid to Locality monies are distributed annually to aid departments in their training, prevention, and equipment efforts. While the monies cannot be used to directly/indirectly supplant or replace other locality funds, they help us to provide for additional firefighting training resources, logistics, courses, and equipment as outlined in the Department of Fire Programs Aid to Locality allowable uses chart.

Alignment with Council Vision Areas and Strategic Plan:

The Aid to Locality/Firefund allocation supports the City's mission "We provide services that promote equity and an excellent quality of life in our community" by providing supplemental training and equipment funding for fire prevention, firefighting, hazardous materials, and technical rescue. With this additional funding being put towards these purposes we are better able to prepare our responders to deliver emergency services and/or information to the citizens, students, business community members, and guests of the City.

The assistance from this annual funding allotment also aligns with Goal 2.1, Reduce adverse impact from sudden injury and illness and the effects of chronic disease, as well as the elements within Goal 5 - A Well-managed and Responsive Organization.

Community Engagement:

N/A

Budgetary Impact:

There is no impact to the General Fund, as these are grant funds that do not require a City match. The FY 2020 funds will be budgeted and expensed in the City's grant fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If Aid to Locality funding is not appropriated, the Fire Department will not be able to utilize this supplemental funding to help support its training, prevention, and equipment efforts.

Attachments:

N/A

APPROPRIATION

Fiscal Year 2020 Fire Programs Aid to Locality Funding (Firefund)

\$158,343

WHEREAS, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$158,343.00 be appropriated in the following manner:

Revenues - \$158,343

\$158,343 Fund: 209 I/O: 1900010 G/L Account: 430110

Expenditures - \$158,343

\$158,343 Fund: 209 I/O: 1900010 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$158,343 from the Virginia Department of Fire Programs.

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



Agenda Date: September 3, 2019

Action Required: Appropriation of Grant Funds

Presenter: Amanda Poncy, Bicycle and Pedestrian Coordinator

Staff Contacts: Amanda Poncy, Bicycle and Pedestrian Coordinator;
Kyle Rodland, Safe Routes to School Coordinator

Title: Safe Routes to School Non-Infrastructure Grant Award - \$89,900

Background:

This is the 4th year that the Virginia Department of Transportation (VDOT) has awarded the City of Charlottesville with a Safe Routes to School (SRTS) Non-Infrastructure (Activities and Programs) Grant of \$74,500. This grant will be used to fund education, encouragement, evaluation and enforcement programs related to Safe Routes to School. The Non-Infrastructure Grant will also be used to fund a fulltime SRTS coordinator who works within the school division to promote and facilitate Safe Routes to School activities.

Last year, the city received a non-infrastructure grant in the amount of \$77,000 to fund a full-time coordinator and associated program budget to manage, train, and expand Safe Routes to School programming city-wide. The grant provides for a dedicated champion to work within schools to provide education, encouragement and evaluation activities needed to support active transportation for K-8 students.

Discussion:

As part of the grant application, the City was required to update the Safe Routes to School (SRTS) Activities and Programs Plan (APP), a written document that outlines a community's intentions for enabling and encouraging students to engage in active transportation (i.e. walking or bicycling) as they travel to and from school. The plan details the number of students living within ¼ to 2 miles of their school and demonstrates the potential benefits that can be accrued from a coordinate SRTS program (nearly 30% of students live within ½ mile of school and nearly 70%

live within 1 mile of school). The SRTS APP was originally created through a team-based approach that involved key community stakeholders and members of the public in both identifying key behavior-related to barriers to active transportation and, using the four non-infrastructure related E's (education, encouragement, enforcement and evaluation) to address them.

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

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

The SRTS Activities and Programs Plan will continue to serve as a guiding document to assist in promoting, encouraging, and enabling walking and bicycling to school. The \$74,500 grant request will allow the City to continue to fund a full-time Safe Routes to School Coordinator and the supplies needed to implement the recommendations included in the APP. The grant requires a 20% match in the amount of \$15,400, which will be funded by the Neighborhood Development Services Operating Budget. An additional \$3,225 will be provided as an in-kind donation of bicycle maintenance. As a reimbursable grant, costs will be incurred by Neighborhood Development Services and reimbursed by VDOT.

Alignment with City Council's Vision and Strategic Plan:

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

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

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

Community Engagement:

This grant application implements one of the programming recommendations included in the Bicycle and Pedestrian Master Plan (adopted 2015), which included significant public

involvement. Further, city staff from Neighborhood Development Services worked with staff from the Thomas Jefferson Health District and Charlottesville City Schools (Physical Education and Pupil Transportation) to create a Safe Routes to School Task Force in 2016 that was responsible for outlining elements of a city-wide Safe Routes to School Activities and Programs Plan (APP). The task force included representatives from city schools, community organizations, multiple city departments (NDS, Public Works, Parks and Recreation), as well as health and enforcement disciplines. The APP was developed by the task force with input from parents (via Parent Survey) and further discussed/refined at public meeting in February 2016. The Bicycle and Pedestrian Advisory Committee provided feedback on the updates in Feb. 2019.

Budgetary Impact:

There is no impact to the General Fund. The total grant appropriation is \$89,900. Of that amount \$74,500 is the grant award from VDOT, with the remaining funding being the City match for the grant. The grant requires a 20% match (cash or in-kind donations are acceptable), which for this award would be an \$18,625 match for the city. \$15,400 of the City match will come from funds previously appropriated as part of the FY 2020 NDS Operating Budget and local in-kind donations will cover the remainder (\$3,225). For the 2018-2019 school year, the program received approximately \$10,000 in local in-kind and we anticipate being able to secure that level of match again for the 2019 – 2020 school year.

Recommendation:

Staff recommends approval and appropriation of the grant funds.

Alternatives:

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

Attachments:

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

Appropriation

APPROPRIATION

Safe Routes to School Program (SRTS) Non-Infrastructure Grants
\$89,900

WHEREAS, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for **education, encouragement, evaluation and enforcement** programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$74,500;

WHEREAS, the SRTS program is a 80% reimbursement program requiring a 20% match from the City, of which \$15,400 will come from Neighborhood Development and the remainder will be in-kind contributions;

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

REVENUE

\$74,500	Fund: 209	Cost Center: 3901008000	G/L Account: 430120
\$15,400	Fund: 209	Cost Center: 3901008000	G/L Account: 498010

EXPENDITURES

\$67,400	Fund: 209	Cost Center: 3901008000	G/L Account: 519999
\$22,500	Fund: 209	Cost Center: 3901008000	G/L Account: 599999

TRANSFER FROM

\$15,400	Fund: 105	Cost Center: 3901001000	G/L Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$74,500 from the Virginia Department of Transportation.

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



Agenda Date:	August 19, 2019
Action Required:	Approve and appropriate grant funds
Presenter:	Susan Morrow, Offender Aid and Restoration
Staff Contact:	Susan Morrow, Offender Aid and Restoration Ryan Davidson, Senior Budget and Management Analyst
Title:	Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$240,000

Background:

The City of Charlottesville, on behalf of the Charlottesville/Albemarle Adult Drug Treatment Court, has received a Supreme Court of Virginia Drug Treatment Court Docket Grant in the amount of \$240,000 for operations of the drug court program, which is operated by Offender Aid and Restoration (O.A.R.). The City of Charlottesville serves as fiscal agent for the Supreme Court of Virginia Drug Treatment Court Docket Grant.

Discussion:

In its twenty-second year of operation, the Charlottesville/Albemarle Adult Drug Treatment Court is a supervised 12-month drug treatment program that serves as an alternative to incarceration for offenders. Drug Court is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving non-violent adult felony offenders who are addicted to drugs. The program uses the power of the court to assist non-violent offenders to achieve recovery through a combined system of intensive supervision, drug testing, substance abuse treatment, and regular court appearances.

The total program budget is **\$368,704** and includes three funding sources:

Supreme Court of V.A. - \$240,000

City of Charlottesville: \$72,331, which has already been appropriated

Albemarle County: \$56,373, which has already been appropriated

Alignment with City Council Vision and Strategic Plan:

This relates to Goal #2 in the City's Strategic Plan - A Healthy and Safe City. More specifically Objective 2.3 Improve community health and safety and outcomes by connecting residents with effective resources; and Objective 2.4 Reduce the occurrences of crime, traffic violations, and accidents in the community. The drug court is a valuable, less expensive alternative to incarceration for certain substance dependent criminal offenders which utilizes a blend of court-ordered supervision, drug testing, drug and mental health treatment services, court appearances, and behavioral sanctions and incentives to reduce recidivism and drug use among participants beyond what is observed after incarceration alone.

Community Engagement:

The Drug Treatment Court is a direct service provider and is engaged daily with non-violent criminal offenders with drug driven crimes who are at a high level of risk for reoffending due to active addictions and long-standing patterns of criminal behavior. By collaborating with the Court system, Region Ten Community Services Board, and the Sheriff's department, the Drug Treatment Court provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Drug Treatment Court through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the Circuit Court. If they successfully complete the program which takes a minimum of 12 months, participants may have their pending charges reduced or dismissed. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Drug Treatment Court participants return the community's investment in them by maintaining full time, tax paying employment, providing for and taking care of their children and families including paying off back child support, behaving as good role models in the community, and supporting the recovery community in Charlottesville.

Budgetary Impact:

No additional City funding is required as the City's match for this grant, \$72,331, was appropriated in the F.Y. 2020 Council Approved Budget as part of the City's contribution to Offender Aid and Restoration.

Recommendation:

Staff recommends approval and appropriation.

Attachments:

Appropriation

APPROPRIATION
Charlottesville/Albemarle Adult Drug Treatment Court Grant Award
\$240,000

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Drug Treatment Court Docket Grant in the amount of \$240,000 for the Charlottesville/Albemarle Drug Court Treatment Court in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$128,704; and

WHEREAS, the grant award covers the period 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 \$240,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$240,000 Fund: 209 Internal Order: 1900337 G/L Account: 430120

Expenditures

\$240,000 Fund: 209 Internal Order: 1900337 G/L Account: 530550

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$240,000 from the Supreme Court of Virginia.

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



Agenda Date:	August 19, 2019
Action Required:	Appropriation & Transfer
Presenter:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Staff Contacts:	Alex Ikefuna, Neighborhood Development Services Director Tony Edwards, Development Services Manager Jeanette Janiczek, Urban Construction Initiative Program Manager
Title:	FY 2019 & 2020 VDOT Revenue Sharing Program Multi-Modal Improvements Appropriation and Transfer of Capital funds for Local Match - \$826,436

Background:

The Virginia Department of Transportation (V.D.O.T.) administers the Revenue Sharing Program to provide additional funding for localities to improve their transportation network. With the realization that transportation needs are outpacing the state's budget, this program encourages local investment in the transportation network. Under the current law/regulations, for each local dollar that the City commits to an eligible project, the state is offering to match it 1:1 – up to \$10 million per locality per biennial application cycle. The maximum allocation the Commonwealth Transportation Board (C.T.B.) may make to the Revenue Sharing Program is \$200 million annually with the minimum allocation being \$15 million annually.

Discussion:

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

- 2015 Bicycle and Pedestrian Master Plan
- Streets That Work
- Strategic Investment Area Plans

Two applications were submitted – one in the FY 2019 Revenue Sharing Program for \$1 million (\$500,000 local, \$500,000 state) and another in the FY 2020 Revenue Sharing Program for \$800,000 (\$400,000 local, \$400,000 state) – using local matching dollars awarded in the City's Capital Improvement Program for new sidewalks, bike facilities and ADA improvements. The City received a prorated award of \$413,217 for FY 2019 that has been appropriated and transferred \$560,347 for the required local match.

At their June 19, 2019 meeting, the Commonwealth Transportation Board approved the process of applying the Revenue Sharing De-allocated funds to cover the proration on some of the projects that did not receive a 50% state match through the FY19-20 revenue sharing funding cycle. As such, the City is now receiving its full requested match and needs to appropriate \$486,783 in state funds and transfer \$339,653 in local funds.

To match the state funding, City staff recommends transferring the following local funds into a consolidated C.I.P. project account:

P-00697	Traffic Improvements	\$50,000
P-00335	New Sidewalk	\$239,653
P-00943	ADA Pedestrian Signal Upgrades	\$50,000

City staff has identified the following projects based on City Council priorities, public comment and the stage of project/plan development to account for the \$1,800,000 total in project funding:

- 1) Monticello Avenue Bike & Pedestrian Safety Improvements – Project proposes to construct curb extensions to reduce size of intersection and crossing distance for pedestrians. This funding would be used to remove and relocate existing signal equipment in conjunction with this project and ensure current ADA standards are met.
- 2) Rosehill Drive/Rugby Avenue Intersection – Project proposes to construct curb extensions to reduce size of intersection and crossing distance for pedestrians. This funding will replace the existing wire span signal equipment with new signal equipment that allows for current ADA standards to be met with addition of pedestrian pushbuttons and countdown displays.
- 3) Elliott Streetscape – Streetscape project on Elliott Avenue between Ridge Street and Ware Street. Includes landscaped buffered sidewalks on both sides, curb extensions with upgraded ADA ramps and high visibility crosswalks for improved crossings, retaining walls and bioretention swales.

Alignment with City Council’s Vision 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, 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:

Public participation occurred during the development of the various studies listed above. Matching funds are being considered during the current C.I.P. process.

Budgetary Impact:

There is no impact to the City's General Fund. All local matching funds were previously appropriated in prior Adopted Capital Improvement Programs (C.I.P.). The local matching funds awarded during the C.I.P. process are being supplemented with state funding from successful grant applications.

Recommendation:

Staff recommends approval of the appropriation and transfer of existing capital funding.

Alternatives:

- 1) The City could choose to not accept the grant award.
- 2) The City could select other funds to use as local match.

Attachment:

Appropriation & Transfer

APPROPRIATION
FY 2019 & 2020 Revenue Sharing Program - Multi-Modal Improvements
\$826,436

WHEREAS, a total of \$486,783 in state funds for the Revenue Sharing Program requires appropriation;

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

\$ 486,783	Fund: 426	WBS: P-01004	G/L Account: 430080
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Expenditures

\$ 486,783	Fund: 426	WBS: P-01004	G/L Account: 599999
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WHEREAS, a total of \$339,653 in matching city funds for the Revenue Sharing Program requires transferring;

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

\$ 50,000	Fund: 426	WBS: P-00697	G/L Account: 599999
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\$ 239,653	Fund: 427	WBS: P-00335	G/L Account: 561426
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\$ 50,000	Fund: 426	WBS: P-00943	G/L Account: 599999
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Transfer To

\$ 100,000	Fund: 426	WBS: P-01004	G/L Account: 599999
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\$ 239,653	Fund: 426	WBS: P-01004	G/L Account: 498010
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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	August 19, 2019
Action Required:	Appropriation
Presenter:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Staff Contacts:	Alex Ikefuna, NDS Director Tony Edwards, Development Services Manager Jeanette Janiczek, Urban Construction Initiative Program Manager
Title:	VDOT Revenue Sharing Program for West Main Streetscape Improvements Phase 1 (additional award) - \$163,478

Background:

The Virginia Department of Transportation (VDOT) administers the Revenue Sharing Program to provide additional funding for localities to improve their transportation network. With the realization that transportation needs are outpacing the state's budget, this program encourages local investment in the transportation network. Under the current law/regulations, for each local dollar that the City commits to an eligible project, the state is offering to match it 1:1 – up to \$10 million per locality per biennial application cycle. The maximum allocation the CTB may make to the Revenue Sharing Program is \$200 million annually with the minimum allocation being \$15 million annually.

Discussion:

West Main Street is a vital urban street, a locally designated historic district, and an important connection between the University of Virginia and Downtown Charlottesville, and to the surrounding neighborhoods. The City of Charlottesville has undertaken a plan to update the street with widened sidewalks, dedicated bicycle lanes, a diversity of trees and landscape plantings, and opportunities for historic interpretation and social gathering.

In March 2016, City Council approved both zoning ordinance modifications and a conceptual design plan option for West Main Street (Option 1). Since that time, the project team has been working with City staff to develop more detailed design plans, meeting with the community and the Board of Architectural Review, and creating a schematic design plan set, which was approved by City Council on May 15, 2017. The project team is currently developing the next phase of design plans in consultation with City staff.

The plan's priorities include:

- Better connectivity to and from the surrounding neighborhoods
- Beautification strategies for West Main Street
- An increased emphasis on pedestrian and bicycle-oriented infrastructure
- Use of best practices with regard to environmental issues such as green infrastructure and street trees
- Improved clarity in the built form and public space standards along West Main Street
- Recommended massing and land use for West Main Street
- Strategies to protect the historic fabric of the corridor
- Improved vehicular traffic circulation
- Consideration of parking alternatives
- An economic impact assessment of the proposed land use and zoning recommendations

To fund the project, the overall project has been broken into phases. An application was submitted for the first phase, between Ridge Street and 6th Street NW – for \$6 million (\$3 million local, \$3 million state) in the FY2019 Revenue Sharing program. The City received a prorated award of \$2,836,522 for FY2019 and another \$275,891 was transferred from the older, completed Revenue Sharing projects for a total of \$3,112,413 in state funding.

At their June 19, 2019 meeting, the Commonwealth Transportation Board approved the process of applying the Revenue Sharing De-allocated funds to cover the proration on some of the projects that did not receive a 50% state match through the FY19-20 revenue sharing funding cycle. As a result, West Main Phase 1 is eligible for an additional \$163,478 in state funding and the project received its full requested amount of \$3,000,000 for FY2019.

This award reduces the City's share to \$6,035,718 which has been previously appropriated.

Alignment with City Council's Vision 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, 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:

Public participation has occurred throughout development of the design of the West Main Streetscape project. Public participation opportunities include open public meetings, Board of Architectural Review Work Sessions, City Council Work Sessions and City Council Presentations. A Steering Committee was established to inform the design process. Information is also available on the website (www.gowestmain.com) and through emailed project updates.

Budgetary Impact:

The required local matching funds that were previously appropriated for Phase 1 of the West

Main Streetscape project are being reduced and replaced by these state funds. Those previously appropriated local matching fund will remain in the West Main Streetscape project account to be applied to other phases of the project or additional city costs that may arise as part of Phase 1.

Recommendation:

Staff recommends approval of the appropriation.

Alternatives:

The City could choose to not accept the additional grant award.

Attachment:

Appropriation

APPROPRIATION

VDOT FY20 Revenue Sharing Program West Main Streetscape Improvements Phase 1

\$163,478

WHEREAS, a total of \$163,478 in state funds for the Revenue Sharing Program requires appropriation;

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

\$ 163,478 Fund: 427 WBS: P-00336 G/L Account: 430080

Expenditures

\$ 163,478 Fund: 427 WBS: P-00336 G/L Account: 599999

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CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	August 19, 2019
Action Required:	Appropriation
Presenter:	Mike Rogers, Deputy Chief – Operations, Charlottesville Fire Dept.
Staff Contacts:	Mike Rogers, Deputy Chief – Operations, Charlottesville Fire Dept.
Title:	Bama Works Fund of the Dave Matthews Band at the Charlottesville Area Community Foundation Fire Safety Trailer Grant Appropriation - \$3,500

Background:

The Charlottesville Fire Department was given a pull behind trailer through a government to government transfer from the local Office of Emergency Management. The intent after receipt is to utilize it as a fire and life safety trailer - wrapping it in Vinyl with safety messages and building out the inside to resemble a residential kitchen area. The interior would have demonstrators for smoke detectors, CO detectors, fire extinguishers, a counter, stove top/oven, etc.

The department since has applied for and was awarded a grant from the Bama Works Fund of the Dave Matthews Band for the purposes of offsetting costs associated with the build out of this fire and life safety trailer.

Discussion:

The monies received from this grant will go towards offsetting the total build out costs of the trailer. There are two components of the built out - the exterior Vinyl wrap that will incorporate safety messaging into the theme, and the interior up fitting to include fixtures and furnishing to resemble a residential/home kitchen area. Additional implements such as sample fire extinguishers, smoke alarms, etc. will also occupy the interior along with message boards and demonstration items.

Alignment with Council Vision Areas and Strategic Plan:

This grant allocation supports the City's mission - "We provide services that promote equity and an excellent quality of life in our community" by providing a functional demonstrator for community life safety and risk reduction outreach efforts by the fire department.

The assistance from this grant allotment also aligns with Goal 2.3, Improve community health and safety outcomes by connecting residents with effective resources.

Community Engagement:

N/A

Budgetary Impact:

There is no impact to the General Fund, as these are grant funds that do not require a local match.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If these grant funds were not to be accepted, the department would need to utilize departmental funds in order to complete the trailer modifications, in order to up fit the trailer to serve in its desired role.

Attachments:

Appropriation

APPROPRIATION

Bama Works Fund of Dave Matthews Band at the Charlottesville Area Community Foundation – Fire Safety Trailer

\$3,500

WHEREAS, the Bama Works Fund of Dave Matthews Band at the Charlottesville Area Community Foundation has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$3,500 be appropriated in the following manner:

Revenues - \$3,500

\$3,500 Fund: 105 I/O: 2000152 G/L Account: 451020

Expenditures - \$3,500

\$3,500 Fund: 105 I/O: 2000152 G/L Account: 451020

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$3,500 from the Bama Works Fund of Dave Matthews Band at the Charlottesville Area Community Foundation.

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



Agenda Date:	August 19, 2019
Action Required:	Appropriation
Presenter:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Staff Contacts:	Alex Ikefuna, NDS Director Tony Edwards, Development Services Manager Jeanette Janiczek, Urban Construction Initiative Program Manager
Title:	State Revenue Sharing and SmartScale funds for West Main Streetscape Improvements Phase 2 Appropriation – \$4,009,265

Background:

The Virginia Department of Transportation (VDOT) administers several grant programs to fund transportation projects. Two such programs are the Revenue Sharing Program and SmartScale.

With the realization that transportation needs are outpacing the state's budget, the Revenue Sharing Program encourages local investment in the transportation network. Under the current law/regulations, for each local dollar that the City commits to an eligible project, the state is offering to match it 1:1 – up to \$10 million per locality per biennial application cycle based on available funding. The maximum allocation the CTB may make to the Revenue Sharing Program is \$200 million annually with the minimum allocation being \$15 million annually.

SmartScale was created as a process to score transportation projects based on an objective, outcome-based process that is transparent to the public and allows decision-makers to be held accountable to taxpayers. Localities, along with other eligible participants, are currently allowed to submit up to 4 applications per biennial cycle. Projects are scored based on 6 criteria: safety, congestion mitigation, accessibility, environmental quality, economic development and land use. Based on those scores, funding is awarded on a district and statewide basis.

Discussion:

West Main Street is a vital urban street, a locally designated historic district, and an important connection between the University of Virginia and Downtown Charlottesville, and to the surrounding neighborhoods. The City of Charlottesville has undertaken a plan to update the street with widened sidewalks, dedicated bicycle lanes, a diversity of trees and landscape plantings, and opportunities for historic interpretation and social gathering.

In March 2016, City Council approved both zoning ordinance modifications and a conceptual design plan option for West Main Street (Option 1). Since that time, the project team has been working with City staff to develop more detailed design plans, meeting with the community and the Board of Architectural Review, and creating a schematic design plan set, which was approved by City Council on May 15, 2017. The project team is currently developing the next phase of design plans in consultation with City staff.

The plan's priorities include:

- Better connectivity to and from the surrounding neighborhoods
- Beautification strategies for West Main Street
- An increased emphasis on pedestrian and bicycle-oriented infrastructure
- Use of best practices with regard to environmental issues such as green infrastructure and street trees
- Improved clarity in the built form and public space standards along West Main Street
- Recommended massing and land use for West Main Street
- Strategies to protect the historic fabric of the corridor
- Improved vehicular traffic circulation
- Consideration of parking alternatives
- An economic impact assessment of the proposed land use and zoning recommendations

To fund the West Main Streetscape, the overall project has been broken into phases. West Main Streetscape Phase 2 is located between 6th Street NW and 8th Street NW. The estimated total cost of West Main Streetscape Phase 2 is \$12,689,020. This phase has received two grant awards - \$4 million (\$2 million local, \$2 million state) in the FY2020 Revenue Sharing program and \$2,009,265 in the FY2020 Smart Scale program. This motion would appropriate the \$4,009,265 in state funding to West Main Streetscape's Phase 2 budget. The remaining cost of \$8,679,755 will be requested through the local capital funding program.

Alignment with City Council's Vision 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, 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:

Public participation occurred during past West Main Streetscape public meetings. Additional public meetings will occur during project development for Phase 2.

Budgetary Impact:

These funds will be in addition to the local funding that has been already been appropriated as

part of previous Adopted CIP budgets. A portion of the previously appropriated City CIP funding (\$2.0 million) will be used as the local match for the \$2.0 million State Revenue Sharing award. The \$2,009,265 Smart Scale award does not require a local match.

Recommendation:

Staff recommends approval of the appropriation.

Alternatives:

- 1) The City could choose to not accept the grant award.

Attachment:

Appropriation

APPROPRIATION

West Main Streetscape Improvements Phase 2

WHEREAS, a total of \$2,000,000 in state funds for the Revenue Sharing Program requires appropriation;

WHEREAS, a total of \$2,009,265 in state funds for the SmartScale Program requires appropriation;

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

\$ 2,000,000	Fund: 426	WBS: P-00336	G/L Account: 430080
\$ 2,009,265	Fund: 426	WBS: P-00336	G/L Account: 430080

Expenditures

\$ 2,000,000	Fund: 426	WBS: P-00336	G/L Account: 599999
\$ 2,009,265	Fund: 426	WBS: P-00336	G/L Account: 599999

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



Agenda Date:	September 3, 2019
Action Required:	Resolution
Staff Contacts:	John Blair, City Attorney
Presenter:	John Blair, City Attorney
Title:	Line of Succession Resolution

Background:

On July 2, 2018, the City Council enacted a resolution establishing a line of succession for purposes of emergency management operations. The Council enacted this resolution at a time when the incumbent City Manager was departing the office on July 31, 2018 and the Council had not appointed an interim City Manager. In the absence of a City Manager, the Council needed to establish a line of succession in order to declare a local emergency.

Dr. Tarron J. Richardson began serving as Charlottesville City Manager on May 13, 2019. Pursuant to City Code Section 2-146, Dr. Richardson is now the city's Director of Public Safety. Virginia Code Section 44-146.21 permits Dr. Richardson to declare a local emergency.

Discussion:

Virginia Code Section 44-146.21 permits the deputy director of emergency management to declare a local emergency in the director's absence.

Dr. Richardson has appointed Letitia Shelton and Mike Murphy as Deputy City Managers and Paul Oberdorfer as an Interim Deputy City Manager. Dr. Richardson has established the proposed line of succession contained in the attached resolution. In his absence, Ms. Shelton would have the authority to declare a local emergency. In the event that neither Dr. Richardson nor Ms. Shelton are available, Mr. Murphy could declare a local emergency. In the event that Dr. Richardson, Ms. Shelton, and Mr. Murphy are unavailable, Mr. Oberdorfer could declare a local emergency.

While the 2018 resolution no longer has any legal authority, the proposed resolution repeals its contents so that no conflicting Council action exists.

Budgetary Impact:

There is no anticipated budgetary impact.

Attachments:

2018 Council Resolution
Proposed Resolution

RESOLUTION

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that its resolution of July 2, 2018 establishing the city's line of succession in local emergencies is hereby repealed.

AND, BE IT FURTHER RESOLVED, that in the event that the City Manager is absent, or is otherwise unavailable, the following City of Charlottesville employees may exercise the powers and duties conferred upon the City Manager by Charlottesville City Code Section 2-146 and Virginia State Code Section 44-146.21 in the following line of succession. If an individual in the line of succession is absent or otherwise unavailable to act, then the individual next in the line of succession may exercise such powers and duties:

Line of Succession:

1. Letitia Shelton, Deputy City Manager
2. Mike Murphy, Deputy City Manager
3. Paul Oberdorfer, Deputy City Manager

AND, BE IT FURTHER RESOLVED, that the July 2, 2018 Charlottesville City Council Resolution establishing a line of succession in local emergencies is hereby repealed.

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia (the “City Council”) on this Second day of July, 2018, **THAT**, in the event that the City Manager is absent, or is otherwise unavailable, the following City personnel may exercise the powers and duties conferred upon the City Manager by local or state law (including, without limitation: the powers and duties set forth within City Code Section 2-146 et seq., and the powers and duties set forth within Virginia Code Section 44-146.21(A)), in the order stated (“line of succession”). If an individual in the line of succession is absent or otherwise unavailable to act, then the individual next in the line of succession may exercise such powers and duties:

Line of Succession:

<u>Position</u>	<u>Current Incumbent</u>
1. Assistant City Manager	Leslie Beauregard
2. Assistant City Manager	Mike Murphy

For purposes of actions which may become necessary in accordance with Virginia Code Section 44-146.21(A), and related statutes, if neither of the above-referenced assistant city managers is present or available to act, then the next individuals within the line of succession to act as director of emergency management are, in order of succession: the City’s Fire Chief (currently Andrew Baxter) and next, the City’s Chief of Police (currently RaShall Brackney).

Approved by Council
July 2, 2018



Clerk of Council

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



Agenda Date:	September 3, 2019
Action Required:	Ordinance Adoption
Staff Contacts:	John Blair, City Attorney
Presenter:	John Blair, City Attorney
Title:	Amend Charlottesville-Albemarle Convention and Visitors Bureau Operating Agreement

Background:

The City of Charlottesville and Albemarle County have jointly funded and undertaken the operation of a joint convention and visitors' bureau since 1979 for the purpose of promoting the Charlottesville Albemarle area as a tourist destination and site for conferences and meetings. Until recently, the Charlottesville-Albemarle Convention and Visitors' Bureau (CACVB) was operated pursuant to a July 1, 2004 agreement between the City and the County. In June 2018, the Albemarle County Board of Supervisors and the City Council adopted a new operating agreement, effective July 1, 2018.

On February 4, 2019, the City Council and Board of Supervisors enacted the first amendment to the 2018 operating agreement.

Discussion:

On August 15, 2019, the CACVB Executive Board adopted a motion to request the City Council and the Board of Supervisors adopt three amendments to the CACVB Operating Agreement.

The first proposed change to the agreement is to designate either the President or Chief Executive Officer of the Charlottesville Regional Chamber of Commerce as a CACVB Executive Board member. The current operating agreement states that the City Council and Board of Supervisors members on the CACVB Executive Board will appoint the Chamber of Commerce representative to the Executive Board.

The second proposed change to the agreement is to remove the CACVB Executive Director from the CACVB Executive Board as a non-voting member. The Freedom of Information Act (FOIA) only permits two members of a public body to meet at a time. Since the CACVB Executive Director is a non-voting member of the Executive Board, they may only meet with one other member of the Executive Board at a time without initiating the public meeting requirements of FOIA. This amendment removes the CACVB Executive Director from the board which will permit the Executive Director to meet with two CACVB Executive Board members without

initiating FOIA's public meeting requirements.

The third proposed change to the agreement is to permit an exception to Albemarle County's purchasing policies. Currently, the County's purchasing policies prohibit the purchase of alcohol, and the operating agreement requires the CACVB to comply with the County's procurement policies and ordinances. The third amendment would permit the CACVB Executive Director to purchase alcohol for tourism-related promotional and appreciation events with either the consent of the CACVB Executive Board, the County Executive, or the Albemarle County Chief Financial Officer.

Additionally, the County Attorney's Office is proposing deletion of all references of the transfer of fiscal agency and legal representation from the city to the county as of January 1, 2019. These are clean up amendments that remove reference to that particular date and those references are no longer necessary as the transfer is complete.

Budgetary Impact:

None

Attachments:

Proposed Ordinance

Operating Agreement with marked up proposed amendments

**AN ORDINANCE TO AMEND THE AGREEMENT
TO OPERATE A JOINT CONVENTION AND VISITORS' BUREAU**

WHEREAS, the City of Charlottesville (hereinafter "City") and Albemarle County (hereinafter "County") adopted, by ordinance, an Agreement to Operate a Joint Convention and Visitors' Bureau (hereinafter "Agreement") on June 28, 2018; and

WHEREAS, the City and County amended the Agreement on February 4, 2019; and

WHEREAS, the City and County desire to amend the Agreement by removing the Charlottesville-Albemarle Convention and Visitors' Bureau (hereinafter "CACVB") Executive Director from the CACVB Executive Board; and

WHEREAS, the City and County further desire to amend the Agreement by designating the President or Chief Executive Officer of the Charlottesville Regional Chamber of Commerce as the Chamber of Commerce's representative on the CACVB Executive Board; and

WHEREAS, the City and County further desire to amend the Agreement by permitting the CACVB Executive Director to purchase alcoholic beverages for tourism-related promotional or appreciation events with the consent of the CACVB Executive Board, the County Executive, or the County Chief Financial Officer; and

WHEREAS, the City and County further desire to amend the Agreement by removing all references about the transition of the fiscal agency and legal representation functions from the City to the County effective January 1, 2019.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville that pursuant to Virginia Code Section 15.2-1300, the Agreement is amended as described above and as further detailed in the amendments attached hereto as Exhibit A; and

BE IT FURTHER ORDAINED that the City Manager is hereby authorized to execute the Agreement on behalf of the City, after the City Attorney approves the Agreement as to form.

This ordinance shall be effective immediately.

**FIRST SECOND AMENDED AGREEMENT TO OPERATE
A JOINT CONVENTION AND VISITORS' BUREAU**

THIS AGREEMENT is entered into this ___ day of ~~January~~ October, 2019, by and between the County of Albemarle, Virginia (the "County") and the City of Charlottesville, Virginia (the "City"). This agreement may be referred to as the "CACVB Agreement" and "this Agreement." The County and the City may be referred to collectively as the "Parties."

RECITALS

- R-1** The County and the City are each enabled by Virginia Code § 15.2-940 to "expend funds from the locally derived revenues of the locality for the purpose of promoting the resources and advantages of the locality"; and
- R-2** The County is enabled by Virginia Code § 58.1-3819 to expend Transient Occupancy Taxes collected by it (amounts in excess of two percent of the total five percent authorized to be collected) solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with tourism industry organizations, including representatives of lodging properties located in Albemarle County, attract travelers to the County, increase occupancy at lodging properties, and generate tourism revenues within the County; and
- R-3** The County and the City are each enabled by Virginia Code § 15.2-1300 to jointly exercise the authority granted to them pursuant to Virginia Code § 15.2-940, and they desire to enter into an agreement with one another to continue to jointly fund and operate the local convention and visitors' bureau; and
- R-4** The County and the City desire to promote the resources and advantages of the County and the City, and to do so through the Charlottesville-Albemarle Convention and Visitors' Bureau as provided in this Agreement.

STATEMENT OF AGREEMENT

The County and the City agree to the following:

1. Convention and Visitors' Bureau Established and Authorized.

The Charlottesville-Albemarle Convention and Visitors Bureau (the "CACVB") is re-established and re-authorized.

2. Purpose of the CACVB.

The purpose of the CACVB is to promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, including marketing of tourism, as well as marketing of initiatives that: attract travelers to the City and County, increase lodging at properties located within the City and County, and generate tourism revenues within the City and County.

3. Organization of the CACVB.

The CACVB shall be organized to have an Executive Board, an Executive Director, and staff serving the CACVB.

A. Executive Board. An Executive Board is hereby established, and its composition and powers and duties are as follows:

- 1. Composition.** The Executive Board shall be composed of the following fifteen voting members ~~and one non-voting member:~~
 - a. Two members of the County Board of Supervisors.
 - b. Two members of the Charlottesville City Council.
 - c. The County Executive or his designee.

- d. The Charlottesville City Manager or his designee.
 - e. The County Director of Economic Development or his designee.
 - f. The City Director of Economic Development or his designee.
 - g. The Executive Vice President of the University of Virginia or his designee.
 - h. One tourism industry organization representative appointed by the County Board of Supervisors as provided in Section 3(A)(2)(b).
 - i. One tourism industry organization representative appointed by the Charlottesville City Council as provided in Section 3(A)(2)(b).
 - j. One representative of the arts community jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(c).
 - k. One representative of the recreation community jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(c).
 - l. ~~One representative of the Chamber of Commerce jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(e)~~ The President or Chief Executive Officer of the Charlottesville Regional Chamber of Commerce or designee.
 - m. The President or Chief Executive Officer of the Thomas Jefferson Foundation or his designee.
 - n. ~~The Executive Director of the CACVB (non-voting member).~~
2. **Appointments to the Executive Board.** Appointments to the Executive Board shall be made as follows:
- a. **Appointment of Members of the County Board of Supervisors and the Charlottesville City Council; Alternates.** The members of the County Board of Supervisors and the Charlottesville City Council who serve on the Executive Board shall be appointed by their respective governing bodies for terms determined by the respective governing bodies. The County Board of Supervisors and the Charlottesville City Council may appoint alternates to attend any meeting(s) that the regular appointees cannot attend. An alternate attending a meeting in place of the regular member may vote on behalf of the Board or Council at any such meeting.
 - b. **Appointment of Representatives of Tourism Industry Organizations; Term.** The tourism industry representatives identified in Sections 3(A)(1)(h) and (i) shall be appointed by a majority vote of the members of the County Board of Supervisors or the Charlottesville City Council, respectively, present and voting. Each appointment shall be for a two-year term; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.
 - c. **Appointment of Representatives of the Arts and Recreation Communities and the Chamber of Commerce; Term.** ~~The arts and recreation community representatives and the Chamber of Commerce representative identified in Sections 3(A)(1)(j) and (k), and (l)~~ shall be made by a majority of the four members of the County Board of Supervisors and the Charlottesville City Council appointed to the Executive Board. Each appointment shall be for a two-year term; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.

3. **Powers and Duties of the Executive Board.** The Executive Board shall:
- a. **Adopt a Strategic Plan.** Adopt a strategic plan for the CACVB that is consistent with the purposes of the CACVB.
 - b. **Adopt By-laws.** Adopt by-laws, which shall include procedures and rules for electing a chair, a vice-chair, the conduct of its meetings, and regulating the business of the Executive Board.
 - c. **Adopt Policies and Plans.** Adopt any policies or plans consistent with the purposes of the CACVB and that may provide direction to the CACVB.
 - d. **Marketing Strategies, Performance Measures, and Indicators.** Approve general marketing strategies and programs, and establish performance measures and indicators.
 - e. **Hold Meetings; Quorum; Voting.** Hold a regular meeting at least once every two months. Each meeting shall be conducted in compliance with the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*). Eight voting members of the Executive Board physically present at the meeting constitute a quorum. The Executive Board shall act only by a majority vote of those voting members present and voting at a lawfully held meeting.
 - f. **Adopt a Budget.** Adopt a budget for the CACVB's operations and activities each fiscal year.
 - g. **Contracts.** Acting through its Executive Director, arrange or contract for (in the name of the CACVB) the furnishing by any person or company, public or private, of goods, services, privileges, works or facilities for and in connection with the scope of Section 2 of this Agreement and the administrative operations of the CACVB and its offices. The contracts may include any contracts for consulting services related to tourism marketing and to promoting the County, the City, and the region.
 - h. **Appoint the Executive Director; Performance; Termination.** Appoint the Executive Director, who shall serve at the pleasure of the Executive Board, and evaluate the Executive Director's performance each year. If the CACVB does not have an Executive Director or an interim Executive Director on July 1, 2018, until the Executive Board appoints an interim or permanent Executive Director, the County shall provide an employee currently on its payroll to serve as an interim Executive Director for the CACVB, commencing July 1, 2018 and continuing only until such time as the newly constituted Executive Board has appointed an interim or permanent Executive Director.
 - i. **Offices.** Provide regular staffed visitor services at one location within the City of Charlottesville and one location within the County of Albemarle. Additional locations may be approved by the Executive Board. The Executive Board shall approve the location and terms and conditions for purchasing or leasing any CACVB office(s), and may, by recorded vote or resolution, authorize the Executive Director to execute any required instrument pertaining thereto.
 - j. **Official Seal.** Establish and maintain an official seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it, or in any other manner reproducing it.
4. **Attendance.** Members of the Executive Board or their designees are expected to attend all regular meetings of the Executive Board. The Executive Board may request the County Board of Supervisors or the Charlottesville City Council, as the case may be, to replace any Executive Board Member appointed by that body, or the designated members thereof, to replace any Member who is absent, or whose designee is absent, from more than three regular meetings during a calendar year.

B. Executive Director. The position of Executive Director is hereby established. The powers and duties of the Executive Director are as follows:

1. **Promotion.** Promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, the Strategic Plan, and other policies and plans adopted by the Executive Board within the scope of Section 2 of this Agreement, subject to the following:
 - a. **Services Provided Until Executive Board Directs Otherwise.** Beginning July 1, 2018, and until the Executive Board directs otherwise, the Executive Director and the persons hired to provide services for the CACVB shall provide the services identified in **Attachment A**, incorporated by reference herein.
 - b. **Services Identified by the Executive Board to be Provided.** When the Executive Board identifies different or additional services to be provided by the CACVB, the Executive Director and the persons hired to provide services for the CACVB shall provide those services. The different or additional services may include, but are not limited to, expanding destination packages focusing on the arts, wineries, breweries, and distilleries; promoting heritage and cultural tourism and including this area's African-American heritage; promoting agritourism; promoting outdoor recreational tourism for activities such as hiking, bicycling, kayaking, and canoeing; and developing and promoting events and activities related to the arts, local resources, and local businesses.
2. **Budgeting.** Recommend an annual budget to the Executive Board.
3. **Contracting.** Execute contracts on behalf of the CACVB; perform the duties of purchasing officer on behalf of the Executive Committee, subject to compliance with Albemarle County procurement ordinances and procedures. The Executive Director shall procure all goods and services in compliance with the County's procurement laws and procedures, or may delegate procurement responsibilities to the County's purchasing agent. As an exception to the County's procurement laws and procedures, the Executive Director or the County's purchasing agent, if delegated procurement responsibilities under this section, may contract for or purchase alcoholic beverages for tourism-related promotional and appreciation events and familiarization tours with the advance written approval of (i) the Executive Board or (ii) the County Executive or (iii) the County Director of Finance/Chief Financial Officer.
4. **Reports.** The Executive Director shall provide to the Executive Board any reports required by this Agreement or requested by the Executive Board.
5. **Distribute the Budget and Provide a Balance Sheet.** The Executive Director shall provide the CACVB's adopted annual budget to the County and the City and a balance sheet showing the CACVB's revenues and expenditures for the prior fiscal year and the fund balance, if any, from the prior fiscal year. The budget and the balance sheet shall be provided by December 31 each year.
6. **Employees.** The Executive Director shall recruit, hire, and manage persons to be employed to perform services for the CACVB, subject to Section 8 of this Agreement.

4. Funding the CACVB.

The CACVB shall be funded as follows:

- A. **Funding Cycle.** The County and the City agree to fund the activities and responsibilities of the CACVB during each Fiscal Year (July 1 through June 30 of each calendar year) in which this Agreement remains in effect, beginning with the Parties' Fiscal Year 2019.
- B. **Funding Levels.** Subject to Subsection 4(F), the County and the City shall provide funding for the CACVB in each Fiscal Year in an amount equal to 30 percent of its Transient Occupancy Tax

revenues collected by it in the most recent Fiscal Year (“Actuals”). This specified percentage and obligation is based on, and specifically limited to, a Transient Occupancy Tax of five percent in each locality. If either the County or the City enacts a Transient Occupancy Tax greater than five percent, that Party’s funding obligation under the formula in this subsection is not changed by the increase in the tax rate for the Transient Occupancy Tax.

- C. **Payments to the Fiscal Agent.** Annual funding provided pursuant to Subsection 4(B) shall be delivered by the Party that is not the Fiscal Agent to the Party that is the Fiscal Agent in equal quarterly payments, payable on July 1, October 1, January 1, and April 1 each year, due upon receipt of an invoice from the Fiscal Agent.
- D. **Budget.** The budget prepared and recommended by the Executive Director shall be presented to the Executive Board, and the recommended budget shall use the Actuals provided by the County and the City and referenced in Subsection 4(B), and any other revenue sources. Following receipt of a recommended budget from the Executive Director, the Executive Board shall take action to approve an annual budget, no later than May 1 each calendar year.
- E. **Documenting Costs.** All costs incurred and expenditures made by the CACVB in the performance of its obligations under this Agreement shall be supported by payrolls, time records, invoices, purchase orders, contracts, or vouchers, and other documentation satisfactory to the County and the City, evidencing in proper detail the nature and propriety of the costs. Records shall be maintained in accordance with Virginia law. Upon request by either the County or the City, the Executive Director shall allow City or County officials to inspect the documentation and records pertaining in whole or in part to this Agreement, or the Executive Director may, if acceptable to the requesting party, provide reports summarizing information within CACVB’s records.
- F. **Appropriations.** Notwithstanding any other provisions of this Agreement, the County’s and the City’s obligation to fund the CACVB is expressly contingent upon the availability of public funds derived from Transient Occupancy Tax revenues and the annual appropriations of those funds thereof by the Parties. The City’s appropriations of funds for the promotion and advertisement of the City are and shall be further subject to the provisions of Section 21 of the City’s Charter.

5. Permitted and Prohibited Uses of Funds, Goods, and Services by the CACVB.

The CACVB shall expend revenues and use its funds, goods, and services only as follows:

- A. **Purposes for Which Tax Revenues May be Spent.** Revenues appropriated by the County and the City to the CACVB shall be expended only for the purposes for which their respective Transient Occupancy Tax revenues may be spent, as may be governed by state enabling legislation, the City’s charter, and local ordinances.
- B. **Prohibited Use of Funds, Goods, and Services for Political Purposes.** The CACVB shall not expend its funds, use its materials or property, or provide services, either directly or indirectly, for any partisan political activity, to further the election of, or to defeat, any candidate for public office.

6. Duration of this Agreement; Termination.

This Agreement shall be effective ~~on July 1, 2018~~ as of October 2, 2019, and remain in effect until it is terminated by the Parties, or either of them, as follows:

- A. **Termination by One Party.** Either the County or the City may terminate this Agreement by giving at least six months’ written notice to the other Party.
- B. **Termination by Mutual Agreement.** The County and the City may mutually agree to terminate this Agreement under any terms and conditions they agree to.

- C. **Termination by Non-appropriation.** If either the County or the City fails to appropriate funds in the amount required to support its obligations under this Agreement for a subsequent fiscal year, then this Agreement shall automatically terminate at the end of the then-current fiscal year.

7. **Performance.**

The performance of the CACVB shall be measured as follows:

- A. **Until New Performance Measures and Performance Indicators are Adopted.** From July 1, 2018, until the Executive Board adopts new performance measures and performance indicators, the CACVB shall:
 - 1. **Return on Investment.** Meet a return on investment ratio of 7:1 annually that is based on seven dollars of total direct visitor expenditures for every one dollar of funding provided to the CACVB by the County and the City pursuant to the formula in Attachment A.
 - 2. **Performance Measures.** Measure performance using the specific measures in Attachment A.
 - 3. **Performance Indicators.** Track the performance indicators identified in Attachment A.
- B. **Adopted Performance Measures and Performance Indicators.** When the Executive Board adopts a new required return on investment, new performance measures, and new requirements to track performance indicators, the CACVB shall meet and perform those new measures and requirements.
- C. **Audits.** The County and the City may, at their option, request an independent audit of the CACVB's books and records. The cost of the audit shall be shared equally by the County and the City.

8. **Fiscal Agent Designation; Services.**

The County and the City will provide the following fiscal services for the CACVB:

- A. **Fiscal Agent.** ~~The City will continue to serve as Fiscal Agent for the CACVB through December 31, 2018. Effective January 1, 2019, the~~ County shall serve as Fiscal Agent for the CACVB. The Fiscal Agent shall be entitled to a fee of two percent of the Actuals referenced in Section 4(B) as compensation for acting as Fiscal Agent. This fee may be deducted from the Fiscal Agent's funding contribution pursuant to Section 4 each year.
- B. **Insurance.** The County will provide liability insurance coverage to the CACVB.
- C. **Legal Services.** ~~The City Attorney will continue to provide legal services to the CACVB through December 31, 2018. Commencing on January 1, 2019, the~~ County Attorney shall provide legal services to the CACVB, provided that representation does not create a conflict of interest under any rules of professional responsibility or other ethical rules of conduct. In the event any such conflict arises, the County Attorney shall so advise the Executive Board, so that the Executive Board may make necessary arrangements to obtain legal services. ~~If the County Attorney anticipates any such conflict(s), he shall advise the Executive Board prior to January 1, 2019.~~
- D. **Other Services.** The County shall act as the CACVB's accounting and disbursing office; provide personnel administration services; maintain personnel and payroll records; provide information technology services; provide procurement services and maintain purchasing accounts and monthly statements; and contract for annual audits. Personnel administration shall include the matters referenced in paragraph E, following below.
- E. **Personnel Administration.** The employment of the Executive Director and any other persons hired to perform services for the CACVB are subject to the following:

1. **County Employees.** Any Executive Director or other person hired on or after July 1, 2018 to perform services for the CACVB shall be hired as an employee within the County's personnel and payroll systems.
 - a. **Transition of Employees Hired Prior to July 1, 2018.** Effective January 1, 2019, or as soon thereafter as the County and the City have created and funded an Employee Transition Plan, any person who was hired prior to July 1, 2018 to perform services for the CACVB shall be transitioned to become an employee of the County and shall be classified within the County's pay system and shall be paid in accordance with the County's payroll system and policies and its personnel policies. Until January 1, 2019, all such employees shall remain within the City's personnel/payroll system.
 - b. **Pay and Benefits for Transitioning Employees.** Within their Employee Transition Plan, the City and the County shall provide benefits and funding, as necessary to assure, to the fullest extent practicable, that no employee will lose pay or retirement benefits as a result of making the transition from City to County employment. With respect to retirement benefits, it is the intention of the Parties to keep each person transitioning from City to County employment whole, and to ensure that they neither lose retirement credit for time employed nor monetary contributions made to the City's retirement plan.
2. **Duty Owed to Both the County and the City.** The Executive Director and any other persons hired to perform services for the CACVB owe a duty of good faith and trust to the CACVB itself as well as to both the County and the City as the localities which provide public funding for the CACVB.

~~F. **Sooner Transfer of Fiscal Agency.** Notwithstanding the January 1, 2019 date for fiscal agency to transfer from the City to the County as provided in this section, fiscal agency may transfer sooner if the County and the City have created and funded the Employee Transition Plan as provided in subsections 8(F)(1)(a) and (b) and the County and the City are otherwise prepared for fiscal agency to transfer.~~

9. **Disposition of Property Upon Termination or Partial Termination.**

Upon the expiration or earlier termination of this Agreement, all personal property of the CACVB shall be and remain the joint property of the County and the City for disposition, and the proceeds of disposition shall be pro-rated between the County and the City in accordance with the ratio of the amounts provided by each of them to the CACVB: (i) as capital contributions since 1979; and (ii) as contributions of operating funds during the 10 years preceding the date of termination, as compared with the aggregated contributions of the County and the City during that same 10-year period.

10. **Liability.**

Any liability for damages to third parties arising out of or in connection with the operations and activities of the CACVB and any persons employed to provide services for the CACVB shall be shared jointly by the County and the City, to the extent that any liability is not covered by funding within the CACVB's budget or liability insurance proceeds, and only to the extent that the County and the City may be held liable for damages under the laws of the Commonwealth of Virginia.

11. **Miscellaneous.**

- A. **Ownership of Materials; Copyright; Use.** Any materials, in any format, produced in whole or in part pursuant to this Agreement are subject to the following:
 1. **Ownership.** The materials are jointly owned by the County and the City.

- 2. **Copyright.** The materials are copyrightable only by the County and the City. Neither the CACVB, the Executive Board, nor any of its members, the Executive Director, any CACVB employee, nor any other person or entity, within the United States or elsewhere, may copyright any materials, in any format, produced in whole or in part pursuant to this Agreement.
 - 3. **Use.** The County and the City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared by or for the CACVB pursuant to this Agreement.
- B. **Amendments.** This Agreement may be amended in writing as mutually agreed by the County and the City.
 - C. **Assignment.** The CACVB shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement, whether by assignment or novation, without the prior written consent of the County and the City.
 - D. **Severability.** If any part of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect the validity or enforceability of any other part of this Agreement.
 - E. **Entire Agreement.** This Agreement contains the entire agreement of the County and the City and supersedes any and all other prior or contemporaneous agreements or understandings, whether verbal or written, with respect to the matters that are the subject of this Agreement.
 - F. **Applicable Law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the Commonwealth of Virginia.
 - G. **Approval Required.** This Agreement shall not become effective or binding upon the County and the City until it is approved by ordinances of the Charlottesville City Council and the Albemarle County Board of Supervisors.

IN WITNESS WHEREOF, and as authorized by duly adopted ordinances of the Albemarle County Board of Supervisors and the Charlottesville City Council, the County and the City each hereby execute this Agreement as of the date first above written, by and through their respective authorized agents or officials:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
City Manager

Approved as to Form: _____
City Attorney

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
County Executive

Approved as to Form: _____
County Attorney

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



Agenda Date:	August 19, 2019
Action Required:	Amend City of Charlottesville Code (1 st of 2 Readings)
Presenters:	Marty Silman, Public Works
Staff Contacts:	Paul Oberdorfer, Public Works Sebastian Waisman, City Attorney's Office Marty Silman, Public Works
Title:	Amend Charlottesville City Code §26-29

Background:

Charlottesville City Code §26-29 currently provides two methods by which a resident may dispose of fallen leaves between November and January. Residents may place leaves in clear plastic bags and set them at the curb for weekly pick-up or rake leaves to the curb for loose-leaf collection by the City's vacuum trucks, which occurs twice during the season.

The City's Public Service personnel are responsible for both methods of collection. City staff transports both bagged leaves and loose leaves to a nearby farm where they are used to make mulch. Bagged leaves are dumped at the farm and the plastic bags are then disposed of in the landfill.

This service is provided at no cost to all City residents.

Discussion:

After a review of the City's leaf collection program, Public Service is proposing to amend City Code § 26-29 to eliminate bagged leaf collection for the following reasons:

- Relying on plastic bags to collect and dispose of leaves has a negative environmental impact, as plastic bags increase the City's waste and reliance on landfills.
- The cost of the bags, including staff time to coordinate, assemble, distribute, and dispose of the bags, totals approximately 34.5% of the entire leaf collection program. It is estimated that eliminating use of the bags would save approximately \$81,129.47 annually in operational costs. (This figure excludes any equipment replacement costs.)
- The City's equipment for collecting bagged leaves is outdated and in dire need of replacement. Replacing this equipment would cost approximately \$650,000, whereas increasing the loose-leaf collection would only require the purchase of one addition vacuum apparatus at \$73,000, which can be absorbed in the current budget.
- The effort to coordinate, assemble and distribute the bags is an inordinate misalignment of time and skilled tradespeople, who would otherwise be employed in maintaining the City's transportation infrastructure.

The level of service for loose-leaf collection will be increased to offset this impact.

Alignment with Council Vision Areas and Strategic Plan:

This ordinance amendment aligns with the City’s Vision Areas for A Green City, A Connected Community and Smart, Citizen-Focused Government.

This ordinance amendment aligns with the City’s Strategic Plan Goal 3.4 “Be responsible stewards of natural resources”; Goal 5.1 “Integrate effective business practices and strong fiscal policies”; and Goal 5.3 “Provide responsive customer service”.

Community Engagement:

During the 2018/2019 leaf season, Public Service initiated an on-line survey regarding the leaf collection program. The survey ran for the entire 3 months of the leaf season and received 538 completed surveys, which yields a 95% confidence level with a 4.2% margin of error. The results of the survey indicated more than 65% of survey respondents approved of a proposal to abandon bagged leaf collection. In addition, 650 written responses were provided, which will be used to inform changes in the future.

Budgetary Impact:

Termination of bagged leaf collection will result in approximately \$81,129.47 of operational savings annually. Retention of the bagged portion of the leaf program will cost the city approximately \$650,000 to replace the aging equipment required to perform bagged leaf pickup , whereas increasing the loose-leaf collection would only require the purchase of one addition vacuum apparatus at \$73,000, which can be absorbed in the current budget.

Recommendation:

Staff recommends approval of the proposed amendment of the City Code.

Alternatives:

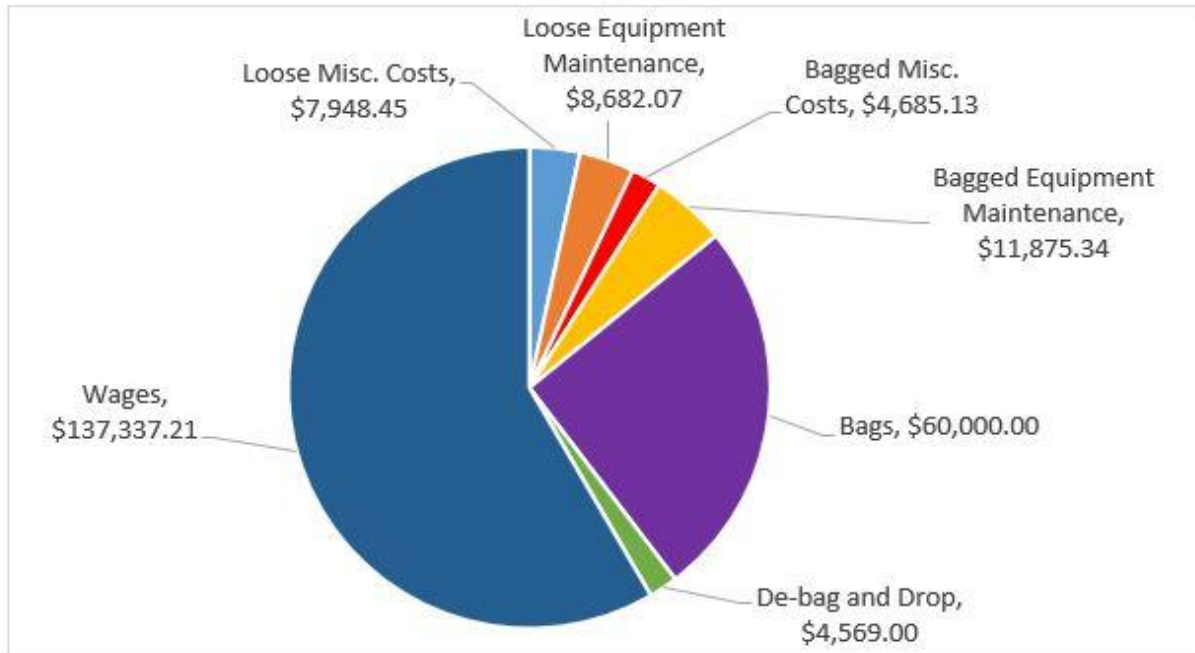
The Council could decline to enact the proposed ordinance. If it chooses to do so, it would need to appropriate funding in the near future to replace the trucks used for bagged leaf pickup, which his estimated at \$650,000.

Attachments:

Data regarding the leaf collection program.
Proposed ordinance

Leaf Collection and Disposal

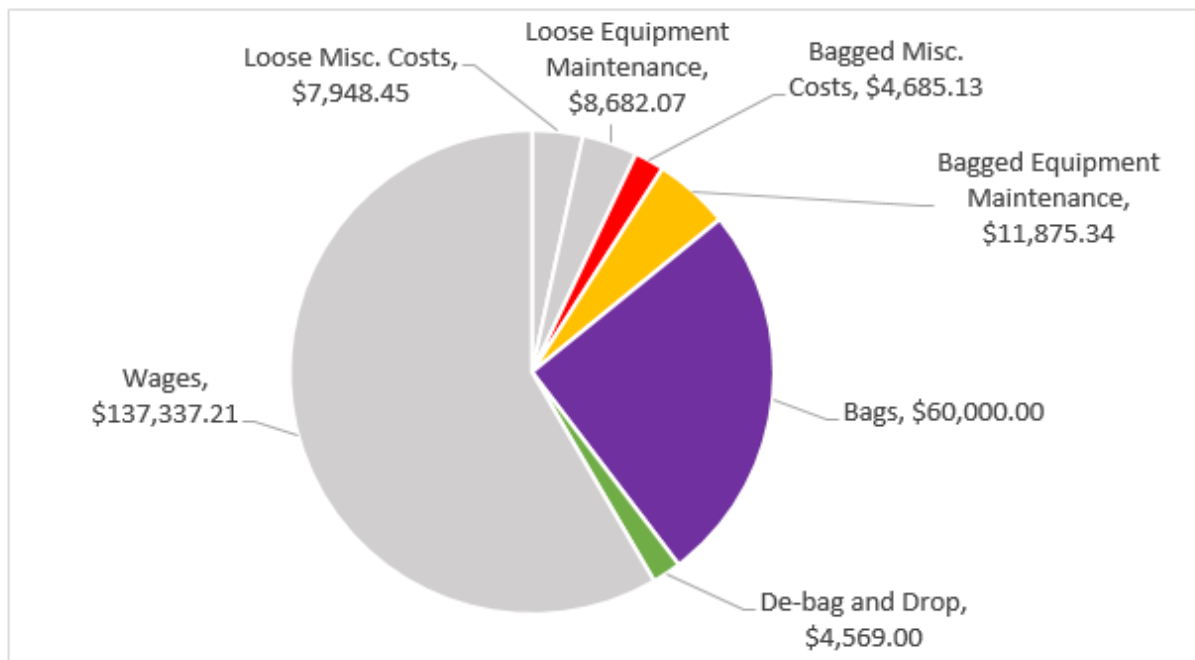
Existing Program Costs



Total FY19 Cost = \$235,097.20

Leaf Collection and Disposal

Bagged Program Costs

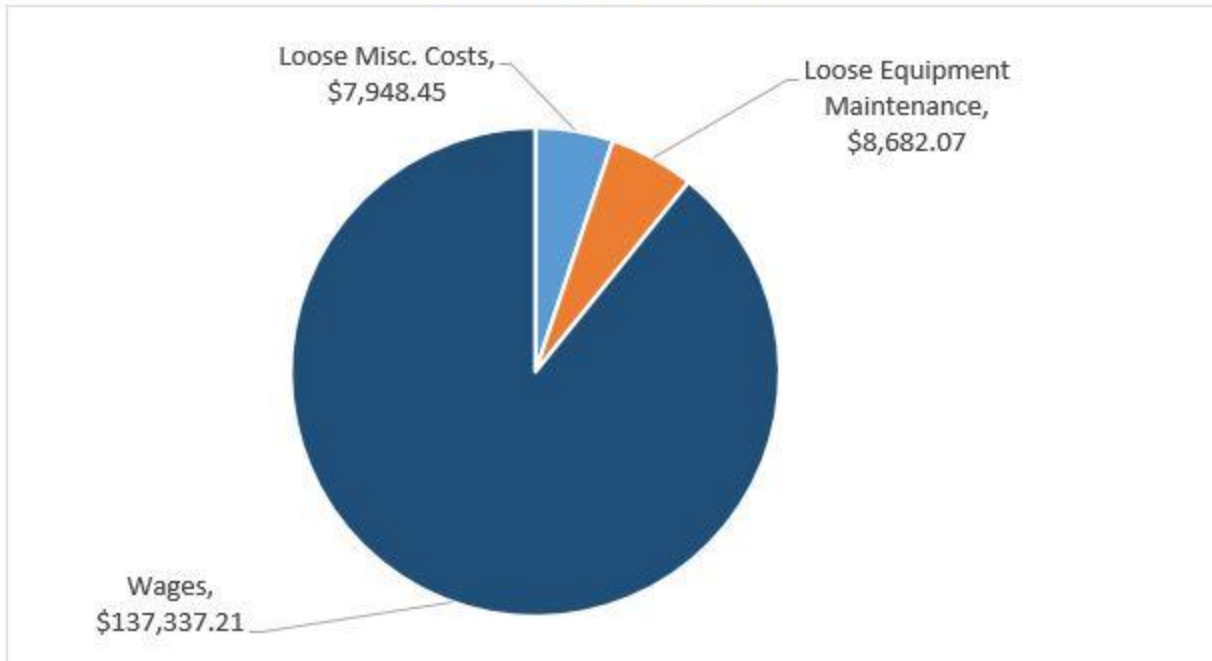


Total FY19 Bagged Cost = \$81,129.48

(Does not include equipment replacement)

Leaf Collection and Disposal

Proposed Program Costs



Anticipated FY20 Cost = \$153,967.73

(Does not include new replacement)

Leaf Collection and Disposal

Cost per Ton

<i>Cost Element</i>	<i>Hours</i>	<i>Tons</i>	<i>Loads</i>	<i>Cost</i>
Loose Leaf Comptime	30.0			\$567.57
Loose Leaf Time	4136.0			\$78,249.36
Loose Leaf Overtime	380.0			\$12,336.19
Loose Leaf Loads			119.0	
Loose Leaf Tonnages		111.3		
Loose Leaf Vacuum Maintenance				\$8,682.07
Printing and Duplicating				\$2,131.00
Misc.				\$5,817.45
Subtotals Loose Leaf	4546.0	111.3	119.0	\$107,783.6
Bagged Leaf Preparation	717.5			\$13,574.45
Bagged Leaf Time	1655.0			\$31,311.09
Bagged Leaf Overtime	40.0			\$1,298.55
Bagged Leaf Loads			60.0	
Bagged Leaf Tonnages		82.3		
Bags				\$60,000.00
Bagged Leaf Truck Maintenance				\$11,875.34
AVL software Maintenance				\$384.00
Debag and Waste Drop				\$4,569.00
Misc.				\$4,301.13
Subtotals Bagged Leaf	2412.5	82.3	60.0	\$127,313.6
Totals	6958.5	193.5	179.0	\$235,097.2
Cost per ton - Loose				\$968.75
Cost per ton - Bags				\$1,547.70

**AN ORDINANCE
AMENDING AND REORDAINING THE CODE OF THE CITY OF CHARLOTTESVILLE
CHAPTER 26 (SOLID WASTE) ARTICLE II (CURBSIDE COLLECTION BY CITY)
SECTION 26-29 (PREPARATION OF LEAVES FOR COLLECTION)
TO DISCONTINUE LEAF-BAGGING PROGRAM**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

Section 26-29 of Article II of Chapter 26 of the Code of the City of Charlottesville (1990) is amended and reordained as follows:

Sec 26-29. - Preparation of leaves for collection.

During the months of November through January, it shall be unlawful to place leaves in containers for collection by the city. During such months, leaves shall only be ~~placed in clear plastic bags for curbside collection or~~ placed loose at the curb or street edge for vacuum collection. It shall be unlawful to rake leaves into any street far enough from the curb of street edge so as to create a traffic hazard. The safe distance from a curb or street edge for the deposit of leaves for vacuum collection will vary depending on street widths and other traffic conditions. It shall be unlawful to rake leaves onto a sidewalk so as to cover its entire width and obstruct pedestrian traffic on such sidewalk.

During the months of February through October, any leaves intended for city collection shall be placed in containers with the appropriate sticker or decal as yard waste in accordance with section 26-28. This includes any leaves deposited earlier for vacuum collection if such leaves were not so collected during the months of November through January.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 19, 2019
Action Required:	Consideration of Proposed Ordinance
Presenter:	Tony Edwards, NDS Manager John C. Blair, City Attorney
Staff Contacts:	Tony Edwards, NDS Manager Alex Ikefuna, NDS Director
Title:	Petition to Close an Alley next to 931 Charlton Avenue

Background:

The City of Charlottesville received a petition request to close the 10' wide alley between 929 & 931 Charlton Avenue running from Charlton Avenue for a distance of approximately 121 feet to another perpendicular alley at the rear of the properties.

Discussion:

This request follows the City Council's **Procedures for Consideration of Application for Street or Alley Closings**, adopted by Council on May 6, 2019, attached. The Petition was filed by RT2, LLC (owner of 929 Charlton) and Mrs. Frances Gohanna (owner of 931 Charlton) on April 9, 2019, but we were informed that Mrs. Gohanna died recently. The property at 931 Charlton is currently in estate status, but her son, George Gohanna, Jr., has informed us that he will attend the Council meeting on his mother's behalf.

Matt Murray is an attorney representing RT2, LLC. RT2, LLC wants to sell the home at 929 Charlton Avenue, but the sale is being held up due to encroachment of the house into the alley right-of-way. Closing the alley will cure the encroachment issue and allow the sale to proceed.

The subject alley is 10' wide and approximately 121 feet in length, and cannot be used by vehicles due to heavy vegetation.

The Utilities Department has identified a sanitary sewer line in a portion of the alley, and there is no evidence that an easement for the sewer line has been granted to the City.

Alignment with City Council's Vision and Strategic Plan:

The project supports City Council's Green City vision for a safe, equitable, thriving and beautiful community. It also meets the city's goals and objectives for 3.1: Engage in robust and context sensitive urban planning and implementation, 3.4: Be responsible stewards of natural resources.

Community Engagement:

A sign was posted near the subject alley notifying passersby that a public hearing would be held on the closing of this alley, in accordance with the City's Street Closing Policy. A public hearing is also scheduled at this meeting, notice of which was published in the Daily Progress as required by law, to allow the general public to offer comment.

Budgetary Impact:

This closure should have no impact on the General Fund.

Recommendation:

Based on the criteria established (see attached scoring rubric) for this procedure, staff's evaluation of existing conditions has scored the alley at less than 1.5. Therefore it is required that the petition request be advanced for further consideration through the public hearing process. Staff recommends approval based on the following staff comments:

The alley has an existing city sanitary sewer line in place and existing overhead wires. If the alley is to be closed then the city should reserve the entire alley area in a utility easement and any additional easement required to center a 20 foot wide easement area over the existing line for future access.

Alternatives:

This Alley closure request could be denied and remain with the existing home encroachment conditions.

Attachments:

Petition and Attachments
Completed Scoring Rubric
Proposed Ordinance

PETITION TO CLOSE A STREET OR ALLEY

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

RECEIVED
APR 09 2019



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

NEIGHBORHOOD DEVELOPMENT SERVICES

A. PETITIONER INFORMATION

Petitioner Name: RT2, LLC BY MATT MURRAY AND FRANCES W. GOHANNA

Petitioner Mailing Address: 1852 WAYSIDE PLACE, C'VILLE, VA, 22903 / 931 CHARLTON AVE, C'VILLE, VA 22903
Does Petitioner currently own property adjacent to the area requested to be closed? YES If no, please explain _____

Petitioner Phone Number(s):

Work: 434 981-3225

Fax: _____

Home: _____

Email: MATTMURRAY1910@GMAIL.COM

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

Property Owner Name	Mailing Address	City Tax Map and Parcel #
<u>RT2, LLC</u>	<u>1852 WAYSIDE PLACE CHARLOTTESVILLE, VA 22903</u>	<u>36/42</u>
<u>FRANCES W. GOHANNA</u>	<u>931 CHARLTON AVE CHARLOTTESVILLE, VA 22903</u>	<u>36/43</u>

C. PETITIONER'S REQUEST

- That, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia (1950), as amended, the said Petitioner(s) apply for the vacating, closing and discontinuance of a certain street or alley, situated in the City of Charlottesville, Virginia, as described below as follows: (Provide name, right-of-way width and length of streets or alleys being closed)
THE ALLEY 10' IN WIDTH RUNNING FROM CHARLTON AVE 120' TO THE 15' ALLEY FOUND IN DB 39 PG 478. THIS ALLEY RUNS BETWEEN 929 AND 931 CHARLTON AVE.
- Confirm that no inconvenience will result to any person by reason of said closing, vacation and discontinuance of the said street or alley. Include details in narrative. SEE CERTIFICATION OF C. BRUCE MARRA, ESQ. OF MARCH 27, 2019
- That land owners along and adjacent to said street or alley desire and request the street of alley to be closed. Attach letters of approval or signatures of approval from adjacent property owners. BOTH LANDOWNERS OF ADJACENT PROPERTY JOIN IN THIS PETITION.
- Attach a copy of the city real property tax map showing the portion of the street or alley to be vacated with the square footage clearly indicated. ATTACHED.
- Applicant must provide copies of a title search and opinion performed by an attorney or licensed title company of the property in question and the alley to the original dedication of the alley or street. Highlight on the deed when the street or alley was created. The deed information is available at the City Circuit Courthouse (315 E. High Street). ATTACHED
- Applicant must review the attached closing policy prior to submission of this form and attach a narrative which addresses the objectives outlined in that policy to include specific information as to why an alley closing is being requested.

Respectfully Submitted, RT2, LLC BY Matt Murray, OWNER MATT MURRAY

Frances W. Gohanna
Signature of Petitioner(s)

MATT MURRAY
Print

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

FOR OFFICE USE ONLY (Sign Posting)

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

Signature: _____

Date Paid: 4/9/2019 Amt. Paid: \$ 100.00 Check #: 0321

Recorded by: A.L.B.

P19-0046

042 000
TMP 360
CHARLTON AVE
229

CERTIFICATION

March 27, 2019

TO: City of Charlottesville, VA

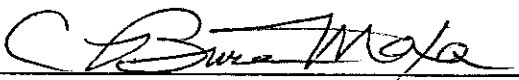
I hereby certify that I have personally examined the alley that runs between Lots 43 and 42, as shown on a subdivision plat of Lincoln Heights, of record in the Clerk's Office of the Circuit Court of the City of Charlottesville, Virginia, in Deed Book 39, page 478. The street address of Lot 43 is 931 Charlton Avenue, which is presently owned by Frances W. Gohanna and the street address of Lot 42 is 929 Charlton Avenue, which is presently owned by RT2, LLC, a Virginia limited liability company. I hereby make the following observations:

(1) There is absolutely no indication of any road, lane or alleyway between the house located at 931 Charlton Avenue and the house located at 929 Charlton Avenue. The "alley" is overgrown and appears to be part of the yard between the houses. There is no fence separating the two lots. There are bushes maybe 4 feet high and 23 feet long (parallel to the sides of both house) in the "alley" close to the RT2 house. There is a rock wall maybe 2 feet high and 30 feet long (parallel to the sides of both houses) in the "alley" close to the Gohanna house. A survey of 929 Charlton Avenue made by Brian D. Jamison, Land Surveyor, dated January 29, 2019, shows that the house located thereon encroaches upon the "alley" between Lots 43 and 42.

(2) The aforementioned plat also shows an alley that runs parallel to and between Charlton Avenue and Henry Avenue. This "alley" also does not exist, as it is completely overgrown with trees, bushes and brush.

(3) Obviously, to any observer, neither of these two "alleys" is currently used for ingress or egress to any lots in the area.

(4) A primary power line pole, identified as #G0025, sits in the sidewalk in front of and blocking the "alley". A substation power line pole, identified as #DOM GN04, is behind 929 Charlton Avenue and located in the "alley" that is parallel to Charlton Avenue and Henry Avenue.


C. Bruce Maxa, Attorney at Law

CERTIFICATE OF TITLE

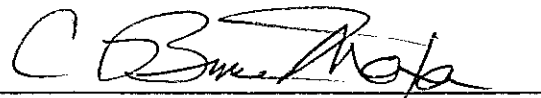
March 27, 2019

TO: City of Charlottesville, VA

I hereby certify that I have examined the records of the Clerk's Office of the Circuit Court of the City of Charlottesville, Virginia, for a period of time from November 9, 1959, to March 22, 2019, pertaining to the title to the following described property:

All that certain lot or parcel of land, with the improvements thereon and the appurtenances thereunto belonging, situated in the City of Charlottesville, Virginia, and fronting 40 feet on the north side of Charlton Avenue and running back between parallel lines 120-4/10ths feet on the east side and 117-8/10ths feet on the west side a 15 foot alley, and being designated as Lot 10, Block 34 on a plat of Lincoln Heights of record in the Clerk's Office of the Circuit Court of the City of Charlottesville, Virginia, in Deed Book 39, page 478; and BEING the same property that was conveyed to George H. Gohanna, Jr. and Frances W. Gohanna, husband and wife, jointly for their joint lives with remainder to the survivor in fee simple, by deed of Kenneth Coles, divorced, dated November 4, 1959, and recorded in the aforesaid Clerk's Office in Deed Book 216, page 327. The said George H. Gohanna, Jr. died on SEPTEMBER 2, 2010, and the said Frances W. Gohanna became the sole fee simple owner of the subject property by operation of law.

Based upon that examination, it is my opinion that as of March 22, 2019, a good and marketable fee simple title to such property is vested in Frances W. Gohanna, subject to no liens whatsoever, and the real estate taxes are paid current. (The present city tax map number is 360043000, and the address of the property is 931 Charlton Avenue, Charlottesville, VA 22901.)



C. Bruce Maxa, Attorney at Law

CERTIFICATE OF TITLE


March 27, 2019

TO: City of Charlottesville, VA

I hereby certify that I have examined the records of the Clerk's Office of the Circuit Court of the City of Charlottesville, Virginia, for a period of time from January 10, 1941, to March 22, 2019, pertaining to the title to the following described property:

All that certain lot or parcel of land, with the improvements thereon and the appurtenances thereunto belonging, located in the City of Charlottesville, Virginia, fronting 30 feet on the North side of Charlton Avenue and running back between parallel lines on the east side, 123 feet and the west side about 121 feet to a 15 foot alley, and being the eastern 30 feet of Lot 9, Block 34, on plat of Lincoln Heights of record in the Clerk's Office of the Circuit Court of the City of Charlottesville, Virginia, in Deed Book 39, page 478; and BEING the same property that was conveyed to RT2, LLC, a Virginia limited liability company, by deed of Argent Development, LLC, a Virginia limited liability company, dated April 18, 2014, and recorded in the aforesaid Clerk's Office as Instrument # 2014001361

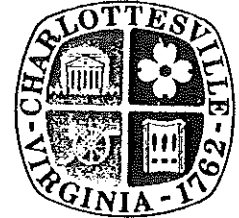
Based upon that examination, it is my opinion that as of March 22, 2019, a good and marketable fee simple title to such property is vested in RT2, LLC, a Virginia limited liability company, subject to no liens whatsoever, and the real estate taxes are paid current. (The present city tax map number is 360042000, and the address of the property is 929 Charlton Avenue, Charlottesville, VA 22901.)



C. Bruce Maxa, Attorney at Law

CITY OF CHARLOTTESVILLE

Office of Real Estate Assessments
City Hall • Charlottesville, Virginia • 22902
Telephone 804-971-3136



February 17, 1988

James A. Jackson
929 Charlton Avenue
Charlottesville, Va. 22901

Re: 929 Charlton Avenue
Tax Map 36, Parcel 42
Legal Description: Bk 34, Lot 9 Lincoln Heights

Dear Mr. Jackson:

As promised I have researched the deeds for the above mentioned property to resolve the matter regarding the lot measurements.

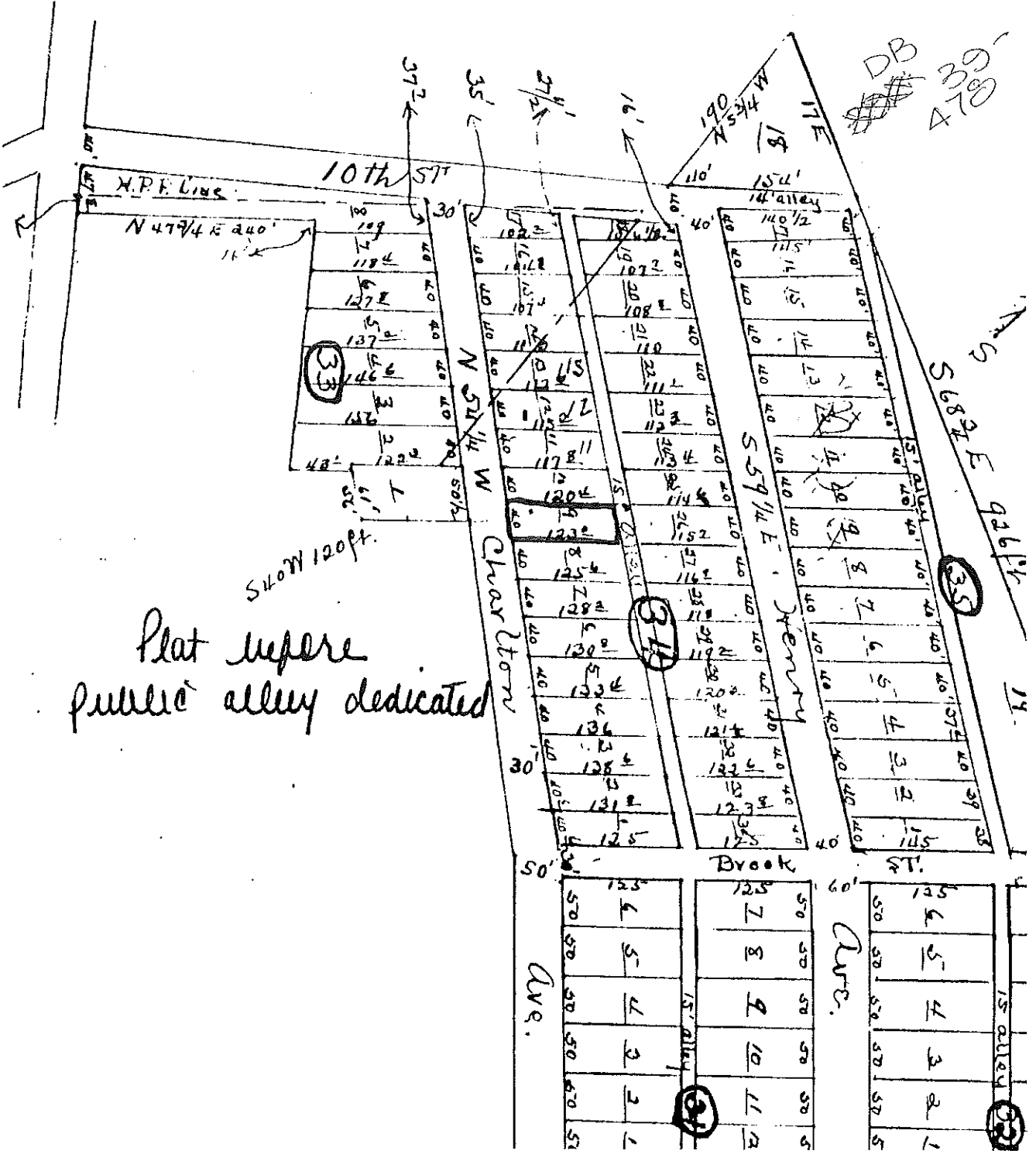
The plat which you provided me is a copy of an original subdivision plat of Lincoln Heights recorded March 7, 1922 in the City of Charlottesville Clerks Office. It wasn't until October 1928 (Deed Book 63 page 18) that the 10' section of lot #9 was dedicated as a public alley. So your lot does in fact measure 30' across the front. All of our records have been corrected to reflect that change. I apologize for any inconvenience which this error may have caused.

Sincerely,

Tammie Richey
Deputy Assessor

TR/jb

DB
G24
G20



City of Charlottesville
Alley and Paper Street Scoring Rubric

Alley: *Alley off CHARLTON AVE (NEXT 931 CHARLTON AVE)*

Criteria	3	2	1	Raw Score	Weight	Weighted Score
Increase rear access for potential ADU	(Number of ADU Possible or Existing) / (Number of Parcels) x 100 greater than 66%	(Number of ADU Possible or Existing) / (Number of Parcels) x 100 Greater than 33% but less than 66%	(Number of ADU Possible or Existing) / (Number of Parcels) x 100 less than 33%	1	x 0.25 =	0.25
Reduction of driveways from primary street	Parallel street that alley will act as an alternate route to has sidewalks and 30+% of properties have driveways	Has driveways and sidewalks on parallel street that alley will act as an alternative route	No sidewalks or driveways on parallel street that alley will act as an alternative route	1	x 0.2 =	0.2
Bicycle and Pedestrian Circulation	Provides alternative route to existing route on street with AADT** > 1000	Alley acts as parallel route to existing route on street	Walkable	1	x 0.15 =	0.15
Vehicular access to rear of lot	Through type alley	Dead end but drivable	Not drivable	1	x 0.1 =	0.1
Reduction of on-street parking demand	Reduce 2 or more cars per block	Reduce 1 car per block	No reduction	1	x 0.1 =	0.1
Greenway Connectivity	Alley connects to pedestrian route within 350' of recreation areas, parks, and trails	Alley connects to pedestrian route within 700' of recreation areas, parks, and trails	Alley does not connect with or route is greater than 700' of recreation areas, parks, and trails	1	x 0.1 =	0.1
Utility route	Existing utilities	Through type alley without existing utilities or has overhead utilities crossing alley	Dead end alley without existing utilities	3	x 0.1 =	0.3
Final Score (Sum of all weighted scores)						1.2

ADU* Accessory Dwelling Unit
AADT** Average Annual Daily Traffic

< 1.5

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING
AN ALLEY OFF CHARLTON AVENUE**

WHEREAS, RT2, LLC, owner of property (929 Charlton Avenue) designated as Tax Map Parcel 360042000, and Frances Gohanna, owner of property (931 Charlton Avenue) designated as Tax Map Parcel 360043000, initiated a petition seeking to close a 10' wide alley adjoining the Petitioners' properties, said alley running approximately 121 feet in length from its origin at Charlton Avenue, hereinafter "Subject Right of Way"; and,

WHEREAS, the Subject Right of Way was initially created in 1928 through a deed dated October 12, 1928, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 63, page 18, and was never accepted by the City as part of the City's public street system; and

WHEREAS, there is a sanitary sewer line located in the Subject Right of Way; and

WHEREAS, following notice to the public pursuant to Virginia Code §15.2-2204, a public hearing by the City Council was held on August 19, 2019, and comments from City staff and the public were made and heard; and,

WHEREAS, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on May 6, 2019, this Council finds and determines that the petitioner's request should be granted.

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

The 10' wide alley off Charlton Avenue, adjacent to City Tax Map Parcels 360042000 and 360043000, approximately 121 feet in length, and shown on the attached copy of City Real Estate Tax Map 36.

BE IT FURTHER ORDAINED that approval of this Ordinance is conditioned upon execution and recordation of a Deed of Easement granting the City a 20' wide easement for maintenance and repair of the existing sanitary sewer line; and

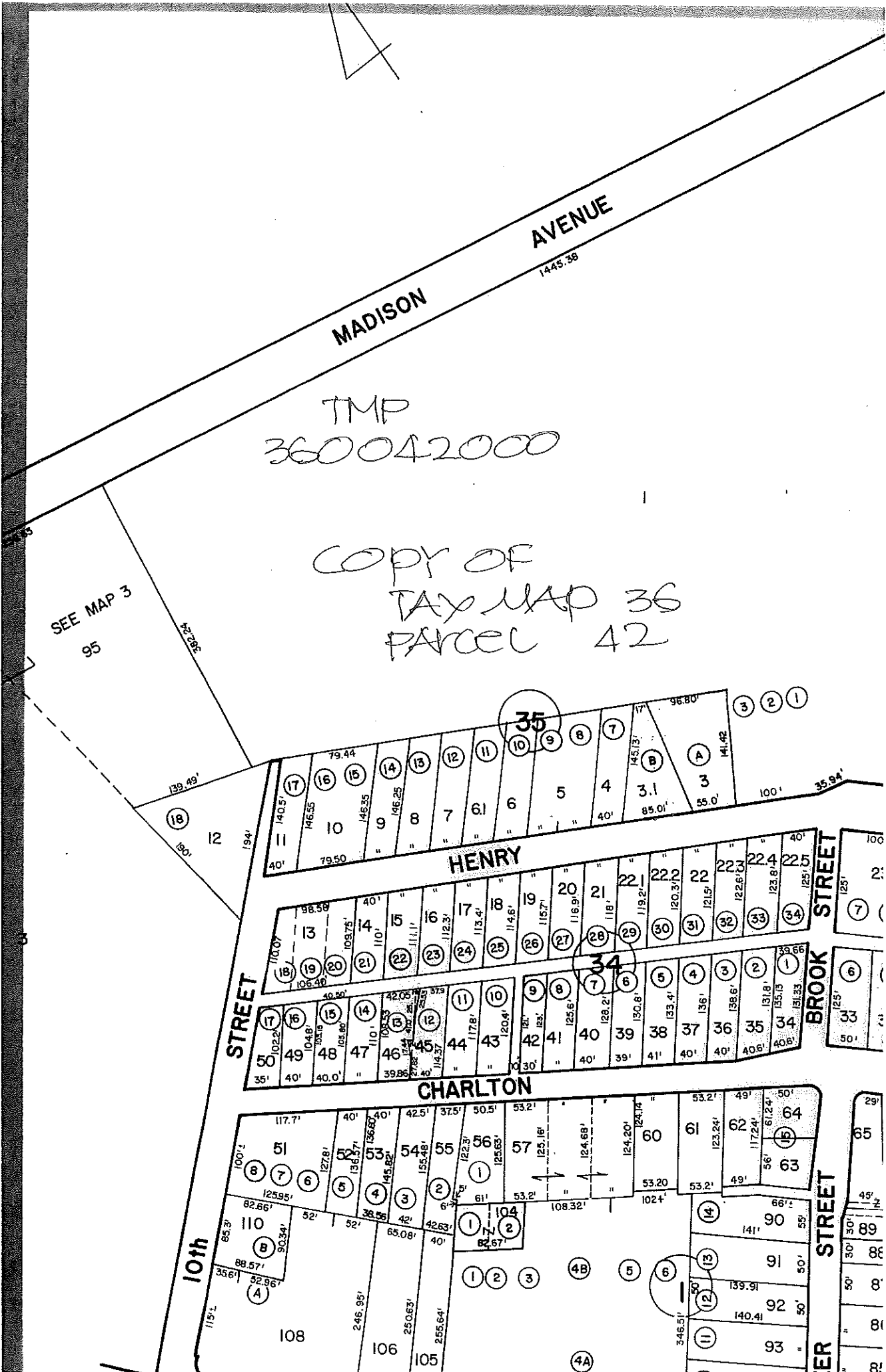
BE IT FURTHER ORDAINED that unless an appeal from Council's enactment of this ordinance is made to the Charlottesville Circuit Court within thirty (30) days of the date of adoption, the Clerk of the Council shall send a certified copy of this ordinance to the Clerk of the Circuit Court for recordation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

MADISON AVENUE
1445.38

TMP
360042000

COPY OF
TAX MAP 36
PARCEL 42

SEE MAP 3
95



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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 3, 2019
Action Requested:	Public Hearing and 1 st Reading on Ordinance
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities John Blair, City Attorney
Title:	Release of a Portion of a Gas Line Easement: Shops at Stonefield

Background: In January of 2015, the City acquired a natural gas line easement across property designated as Albemarle County Tax Map Parcel 61A-3-19A, located in the Shops at Stonefield shopping center. The proposed building (C&F Bank) in the Stonefield shopping center will encroach into the easement and the property owner and the Department of Utilities have agreed to relocate a portion of the easement. At the request of the Department of Utilities, an ordinance releasing a portion of the 2015 easement, a Deed of Partial Release, and the plat depicting its location have been prepared. The property owner has already granted a new easement for the relocated portion of the gas line easement (Albemarle County Deed Book 5202, Page 363).

Discussion: The easement to be partially released was granted to the City in 2015. The Department of Utilities has no objection to the release of this small portion of the easement in order to cure the encroachment.

Alignment with Council Vision Areas and Strategic Plan: Not applicable.

Community Engagement: A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of a property interest. Notice of such public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

Budgetary Impact: None.

Recommendation: Staff recommends approval of the ordinance releasing a portion of the existing gas easement.

Attachments: Ordinance and Deed of Release of Easement (with plat attached).

**AN ORDINANCE
AUTHORIZING THE RELEASE OF
A PORTION OF A NATURAL GAS EASEMENT GRANTED TO THE CITY BY
OCT STONEFIELD PROPERTY OWNER, LLC**

WHEREAS, OCT Stonefield Property Owner, LLC is the current owner of property located at 3924 Lenox Avenue in The Shops at Stonefield shopping center in the County of Albemarle (Albemarle Tax Map Parcel No. 61W-3-19A); and

WHEREAS, OCT Stonefield Property Owner, LLC has requested release of a portion of the permanent natural gas easement granted to the City by deed dated January 8, 2015, of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 4576, page 428, in order to cure an existing encroachment of their building into the easement area, as shown on a plat made by W/W Associates, dated July 18, 2019; and

WHEREAS, the Director of Utilities has reviewed the request and determined that the City has no objection to releasing said portion of the above described easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the partial release of this easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Release of Easement, in form approved by the City Attorney, to release a portion of the above-described natural gas easement.

*Prepared by John C. Blair, II, Esq. (VSB #65274)
Charlottesville City Attorney's Office, P.O. Box 911, Charlottesville, VA 22902*

Albemarle Tax Map 061W0-03-00-019A0 (Shops at Stonefield)

This deed is exempt from state recordation taxes imposed by Virginia Code §58.1-802 pursuant to Virginia Code §58.1-811(C)(4).

THIS DEED OF PARTIAL RELEASE OF EASEMENT, made and entered into this _____ day of _____, 20____, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, Grantor, hereinafter “City”, and **OCT STONEFIELD PROPERTY OWNER, LLC**, a Delaware limited liability company, “Grantee”, whose address is 240 Royal Palm Way, Suite 201, Palm Beach, Florida 33480.

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the City hereby VACATES, ABANDONS, QUITCLAIMS and EXTINGUISHES all right, title and interest to a portion of the natural gas easement acquired by the City by Deed of Easement dated January 8, 2015, of record in the Clerk’s Office for the Albemarle County Circuit Court in Deed Book 4576, page 428. The vacated easement area is located on property owned by Grantee near Blackbird Lane in Albemarle County, and shown as a cross-hatched area labeled “Areas of Gas Line Easement To Vacate” on the attached plat dated July 18, 2019, made by W/W Associates.

WITNESS the following signature and seal.

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Nikuyah Walker, Mayor

STATE OF VIRGINIA
City of Charlottesville

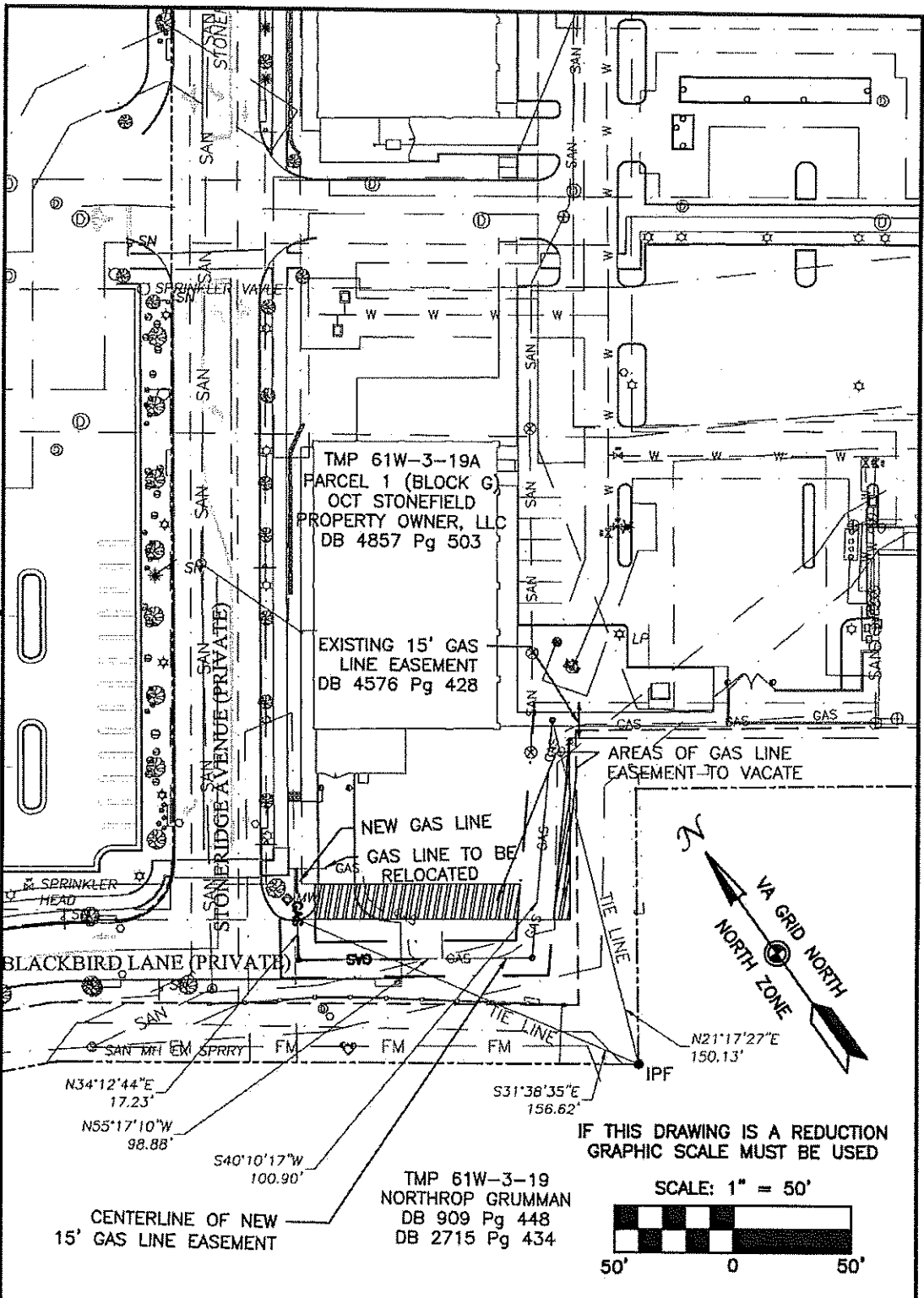
The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid City and State, by Nikuyah Walker, Mayor of the City of Charlottesville, on this _____ day of _____, 20____.

My commission expires: _____

Notary Public

Registration #: _____

M:\217036 Stonerified for OCP\217036.04 C&F Bank FSP Amendment\703604C_GAS_ESMT_PLAT.dwg



COMMONWEALTH OF VIRGINIA
 7/18/19
 EARL W. MOTTLEY
 Lic. No. 1625
 LAND SURVEYOR

PLAT SHOWING RELOCATION AND
 VACATION OF A PORTION OF CHARLOTTESVILLE
 GAS LINE EASEMENT
 ON OCT STONEFIELD PROPERTY OWNER, LLC
 JACK JOUETT MAGISTERIAL DISTRICT
 ALBEMARLE COUNTY, VIRGINIA

SCALE: 1"=50'	DRAWN BY: SHEET	WWA NUMBER:
DATE: 7/18/19	EWM 1 OF 1	217036.04

W
W
 ENGINEERS
 SURVEYORS
 PLANNERS
ASSOCIATES

PO Box 4119 3040 Avermore Square Pl.
 Lynchburg, VA 24502 Charlottesville, VA 22911
 Phone: 434.316.6080 Phone: 434.984.2700
 www.wvassociates.net

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



Agenda Date:	September 3, 2019
Action Required:	Public Hearing and 1 st Reading on Ordinance
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities John Blair, City Attorney
Title:	Valley Road, Monroe Lane and Jefferson Park Avenue Easements to the University of Virginia

Background:

In 2007 at the request of the University of Virginia (UVA), City Council approved a proposal to close and vacate a portion of Valley Road to mitigate cut-through traffic from the South Lawn Project and to accommodate requests from the adjacent neighborhood if utility and pedestrian access easements were granted to the City by the University of Virginia. The closing and vacation of Valley Road also required a sidewalk (already completed) in the pedestrian access easement location. In 2014, UVA granted the City the utility and pedestrian access easements in a portion of Valley Road.

In 2016, UVA developed a Master Plan to redevelop several properties adjacent to Brandon Avenue, to be constructed as a model green student community that will include academic spaces, student wellness facilities, student housing and a central “green street.” Brandon Avenue is centrally located near the Health System, the South Lawn, and Jefferson Park Avenue. The redevelopment project envisions multi-functional green space, enhanced pedestrian connections, and a mix of uses for the student community. UVA is nearing completion of the student housing building and has started construction on the wellness facilities.

Discussion:

UVA has requested the City vacate a utility easement and a pedestrian access easement in a portion of Valley Road. This request is to accommodate the construction for the Brandon Avenue project and the proposed buildings. In addition, UVA has submitted to the City a utility easement and pedestrian access easement in the same area that will accommodate the proposed buildings. The City has reviewed the easements and they will meet the City’s needs. The City’s approval should be conditioned upon UVA granting the City the new utility and pedestrian access easements.

UVA has requested the City approve an easement to allow a connection of a new UVA water line to an existing UVA water line in Jefferson Park Avenue. UVA has also requested the City approve

easements for a fiber optic line in Jefferson Park Avenue and Monroe Lane. These connections are to accommodate the Brandon Avenue project. The Departments of Utilities, Public Works, and Neighborhood Development Services have reviewed the request for easements and find them acceptable.

Alignment with City Council’s Vision and Strategic Plan:

The project supports City Council’s “Green City” and “A Center for Lifelong Learning” vision. It contributes to Goal 3: A Beautiful and Sustainable Natural and Built Environment, and Objective 3.1: Engage in robust and context sensitive urban planning and implementation.

Community Engagement:

A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of a public interest. Notice of the public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing

Budgetary Impact:

There is no budget impact to the City.

Recommendation:

Staff recommends approval of the vacation of the utility and pedestrian access easements conditional upon UVA granting the City utility and pedestrian access easements in another location in Valley Road. Staff also recommends approval of the easements for the waterline in Jefferson Park Avenue and the fiber optic line in Jefferson Park Avenue and Monroe Lane.

Alternatives:

Council could choose to deny the request and UVA would not be able to provide the needed infrastructure for the Brandon Avenue project.

Attachments:

Proposed Ordinance
Proposed Deed of Vacation and Deed of Easement with associated Plats

**AN ORDINANCE
TO VACATE CERTAIN EASEMENTS NEAR VALLEY ROAD
AND TO GRANT EASEMENTS FOR FIBER OPTIC AND WATER LINES
IN JEFFERSON PARK AVENUE AND MONROE LANE TO THE
UNIVERSITY OF VIRGINIA**

WHEREAS, the University of Virginia (“UVA”) has developed a Master Plan to redevelop multiple properties along Brandon Avenue, Jefferson Park Avenue, Monroe Lane and Valley Road (“Brandon Avenue Project”); and

WHEREAS, the Brandon Avenue Project requires installation of new fiber optic lines, utility lines, bike and pedestrian trails, and other facilities, some of which will be located in the public rights-of-way and require easements from the City; and

WHEREAS, the proposed easements to be granted by the City to UVA have been reviewed and found acceptable by Neighborhood Development Services, Public Utilities and Public Works, and are shown on the attached plat dated March 5, 2019 (fiber optic lines), and the attached plat dated May 8, 2019 (water line); and

WHEREAS, the City’s Department of Utilities has reviewed the request to release the utility and pedestrian access easements, shown on the attached plat dated June 28, 2019, granted by UVA to the City in 2014, and has no objection to the release because new easements for such purposes are being granted by separate deeds of easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), an advertised public hearing was held to give the public an opportunity to comment on the release of the 2014 easements and the grant of the fiber optic and water line easements to UVA; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that this City Council does hereby:

- (1) Release the existing 2014 public utility and pedestrian access easements located near Valley Road on UVA property, as shown on the plat dated June 28, 2019, conditioned upon UVA simultaneously granting the City of Charlottesville utility and pedestrian access easements in substantially the same area;
- (2) Grant an easement for fiber optic lines in the Jefferson Park Avenue and Monroe Lane rights-of-way, as shown on the plat dated March 5, 2019; and
- (3) Grant an easement for water lines in the Jefferson Park Avenue right-of-way, as shown on the plat dated May 8, 2019.

BE IT FURTHER ORDAINED that the Mayor is hereby authorized to execute: (1) Deed of Release of Easement, in form approved by the City Attorney, to vacate and release the public utility and pedestrian access easement acquired by the City by deed dated September 11, 2014, of record in the Charlottesville Circuit Court Clerk’s Office as Instrument No. 2014004270; and (2) Deed of Easement granting easements for fiber optic lines in the Jefferson Park Avenue and Monroe Lane rights-of-way, and a water line in the Jefferson Park Avenue right-of-way.

Prepared by John C. Blair, II, Esq. (VSB #65274)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, Virginia 22902

Tax Map Parcels 110028000; 110082000; 110091000

This deed is exempt from state recordation taxes imposed by Virginia Code §58.1-802 pursuant to Virginia Code §58.1-811(C)(4).

THIS DEED OF ABANDONMENT OF EASEMENTS made this _____ day of _____, 2019, from the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (hereinafter, the "CITY"), GRANTOR, to **THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA**, an educational institution of the Commonwealth of Virginia, GRANTEE, whose address is P.O. Box 400884, Charlottesville, Virginia 22904-4884.

WITNESSETH:

WHEREAS, GRANTEE is the owner of certain real property in the City of Charlottesville, Virginia, addressed as 1540 Jefferson Park Avenue, 500 Valley Road, and 417-419 Brandon Avenue, and designated on City Real Estate Tax Map 11 as Parcels 28, 82 and 91, respectively (the "Property"); and

WHEREAS, by recordation of a Deed of Dedication, Consolidation, Resubdivision, Easement and Vacation, dated September 11, 2014, of record in the Charlottesville Circuit Court Clerk's Office as Instrument 2014004270, the CITY was conveyed a general utility easement and right of way for the installation and maintenance of public utility facilities across the Property, and a pedestrian access easement and right-of-way for pedestrian ingress and egress by the public across the Property (hereinafter, the "Easements"); and

WHEREAS, GRANTEE has requested the City to abandon and release the above-described Easements granted to the City in 2014, because the public utility facilities and pedestrian access area are being relocated slightly, and new easements to the City have been granted; and

WHEREAS, the CITY has agreed to abandon and release the Easements as requested by GRANTEE, after holding a public hearing, advertised in accordance with Virginia Code Sec. 15.2-1800(B), and adoption of an Ordinance by the Charlottesville City Council on _____, 2019.

WITNESSETH:

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, the CITY does hereby VACATE, ABANDON, QUITCLAIM and RELEASE all its right, title and interest in and to the Easements acquired by the CITY by the above-referenced deed dated September 11, 2014, and shown on a plat dated June 28, 2019 made

by Dewberry Engineers, Inc., attached hereto and made a part hereof.

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an Ordinance adopted by City Council on _____, 2019.

WITNESS the following signature.

GRANTOR:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Nikuyah Walker, Mayor

APPROVED AS TO FORM:

John C. Blair, II, City Attorney
City of Charlottesville, Virginia

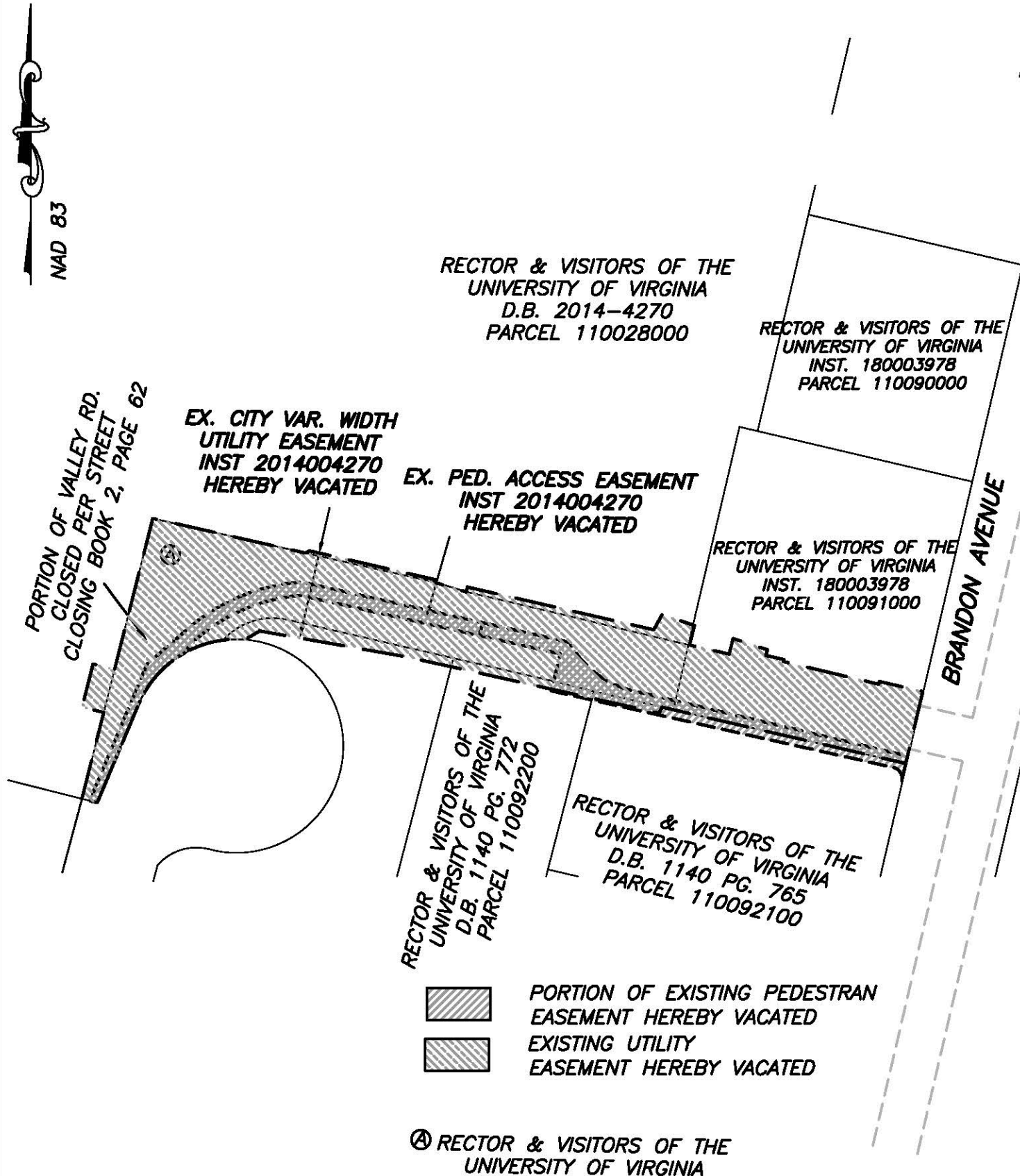
COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2019 by Nikuyah Walker, Mayor, on behalf of the City of Charlottesville, Virginia.

NOTARY PUBLIC
Registration #: _____
My commission expires: _____

1) PROPERTY INFORMATION FROM DEEDS AND PLATS OF RECORD.
THIS IS NOT A BOUNDARY SURVEY

NAD 83



**PLAT SHOWING VACATION OF
EXISTING PEDESTRIAN
EASEMENT AND EXISTING
VARIABLE WIDTH UTILITY
EASEMENT RECORDED IN INST.
2014004270
CITY OF CHARLOTTESVILLE ~ VIRGINIA**

SHEET 1 OF 1

JN 50090099	DATE: 6/28/19
-------------	---------------

 **Dewberry**®

**Dewberry
Engineers Inc**

4805 Lake Brook Drive
Glen Allen, VA 23060
PHONE: 804.290.7957
FAX: 804.290.7928
www.dewberry.com

Prepared by: John C. Blair, II (VSB #65274)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902

Tax Map 11 (Jefferson Park Avenue and Monroe Lane)

This deed is exempt from state recordation taxes
pursuant to Virginia Code §§ 58.1-811(A)(1) and 58.1-811(C)(4).

THIS DEED made this _____ day of _____, 2019, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia, hereinafter called Grantor, and **THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA**, an educational institution of the Commonwealth of Virginia, whose address is P.O. Box 400884, Charlottesville, Virginia 22904-0884, hereinafter called Grantee;

WITNESSETH:

That for the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, Grantor does hereby grant unto Grantee the following described easements in the Jefferson Park Avenue and Monroe Lane rights-of-way for fiber optic lines and water lines, hereinafter referred to as the "Facilities":

(1) A private communications easement, and such piping, conduit, electrical and related Facilities as Grantee desires to place in such duct bank, located within the rights-of-way of Jefferson Park Avenue and Monroe Lane, as shown on a plat prepared by Dewberry Engineers, Inc, entitled "Plat of 20' Private Communications Easements To Be Dedicated to Rector & Visitors of the University of Virginia, City Of Charlottesville, Virginia", dated March 5, 2019, which is attached hereto and made a part of this deed; and

(2) A 20' wide water line easement, and such lines, pipes, and facilities connected therewith, located within the right-of-way of Jefferson Park Avenue, as shown on a plat prepared by Dewberry Engineers, Inc, entitled "Plat Showing A 20' Private Water Line Easement Granted to The Rector And Visitors of the University of Virginia, City of Charlottesville, Virginia", dated May 8, 2019, which is attached hereto and made a part of this deed.

The Facilities constructed by Grantee shall remain the property of Grantee. Grantee shall have the right to inspect, rebuild, repair, improve and make such changes, alterations, additions to or extensions of its Facilities within the boundaries of said easement which are consistent with the purposes expressed herein. All construction, maintenance, equipment and facilities shall comply with any applicable laws, regulations or codes.

Grantee shall restore Grantor's premises, including the right-of-way, as nearly to its original condition as practicable, including backfilling of trenches, reconstruction of sidewalks, curbs or roads, reseeding of lands, removal of trash and debris, and removal of any of Grantee's equipment, accessories or appurtenances not consistent with the

construction, maintenance or operation of said Facilities or the exercise of any rights or privileges expressed herein. Grantee shall maintain said Facilities in such repair as not to endanger or otherwise limit the enjoyment and use of adjacent properties.

Grantee shall have the right of ingress to and egress from said easements over the lands of the Grantor. Grantee shall exercise such right in such manner as shall not occasion injury or unreasonable inconvenience to the Grantor or the public. Grantee shall at Grantor's election pay for or repair any injury to any of Grantor's land, structures, roads, fences, sidewalks, curbs and other improvements caused by Grantee, its employees, agents or contractors. Grantee shall notify Grantor immediately of any such injury, and shall make said payment or repair as soon as reasonably possible but not to exceed thirty (30) days after such injury occurs. Grantee shall be responsible for the payment of those claims for personal injury or death arising out of any act or omission of its employees or agents in connection with the exercise of its rights hereunder for which it is held liable under applicable law. Nothing contained herein shall be deemed an express or implied waiver of the sovereign immunity of Grantee.

Grantor, its successors and assigns, may use said right-of-way for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with the safe and efficient construction, operation or maintenance of Grantee's Facilities. Grantor's use of the right-of-way as a public road shall not in any way be construed to constitute interference with the construction, operation or maintenance of Grantee's Facilities.

These easements shall be in effect for a period of forty (40) years; however, if Grantee at any time discontinues use of all or any portion of the easements herein conveyed for a period of one (1) year, all of Grantee's rights and interest in said easements or portion thereof shall terminate and revert to Grantor, its successors and assigns, and Grantee shall at its expense remove any Facilities and restore Grantor's property as nearly to its original condition as practicable, and on written request by Grantor, Grantee shall quitclaim and release same.

If either party at any time deems it necessary or advisable to relocate for Grantor's convenience any of Grantee's Facilities installed and used pursuant to this deed of easement, Grantee shall relocate such Facilities to a route or place mutually agreed upon between Grantor and Grantee; provided Grantor, for no additional consideration, shall grant unto Grantee such easements as may be necessary to effect such relocation, subject to the same rights, privileges and conditions, as hereinabove set forth. If such relocation is for the convenience of Grantee, Grantee shall pay the costs of such relocation and restoration of Grantor's property. If such relocation is for the convenience of Grantor, Grantor shall reimburse Grantee the costs of such relocation and restoration of Grantor's property. Upon relocation of any of the Facilities from any portion of the easements hereby granted, that portion of the easement shall automatically terminate and all rights, title and interest therein shall revert to Grantor. Upon receipt of written request from Grantor, Grantee shall execute a deed of quitclaim to evidence such reversion to Grantor.

Both Grantor and Grantee agree and attest that no other agreement, either written

or implied, has been entered into by either or both parties except as expressed hereinabove, in regard to this specific subject matter.

Grantor covenants that it is seized of and has the right to convey these easements, that Grantee shall have quiet possession, use and enjoyment of the easements, and that Grantor shall execute such further assurances thereof as may be required.

[SIGNATURE PAGES TO FOLLOW]

WITNESS the following signatures and seals:

THE RECTOR AND VISITORS OF
THE UNIVERSITY OF VIRGINIA

Jennifer W. Davis
Executive Vice President &
Chief Operating Officer

STATE OF VIRGINIA
COUNTY/CITY OF _____, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Jennifer W. Davis for The Rector and Visitors of the University of Virginia.

My commission expires: _____.

Registration Number: _____

NOTARY PUBLIC

Reviewed and Approved as to
Form and Legal Sufficiency:

Pamela H. Sellers
Associate University Counsel
Special Assistant Attorney General

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an Ordinance adopted by City Council on _____, 20____.

CITY OF CHARLOTTESVILLE, VIRGINIA

Nikuyah Walker, Mayor

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Nikuyah Walker, Mayor of the City of Charlottesville, Virginia.

My commission expires: _____

Registration Number: _____

NOTARY PUBLIC

Approved as to Form:

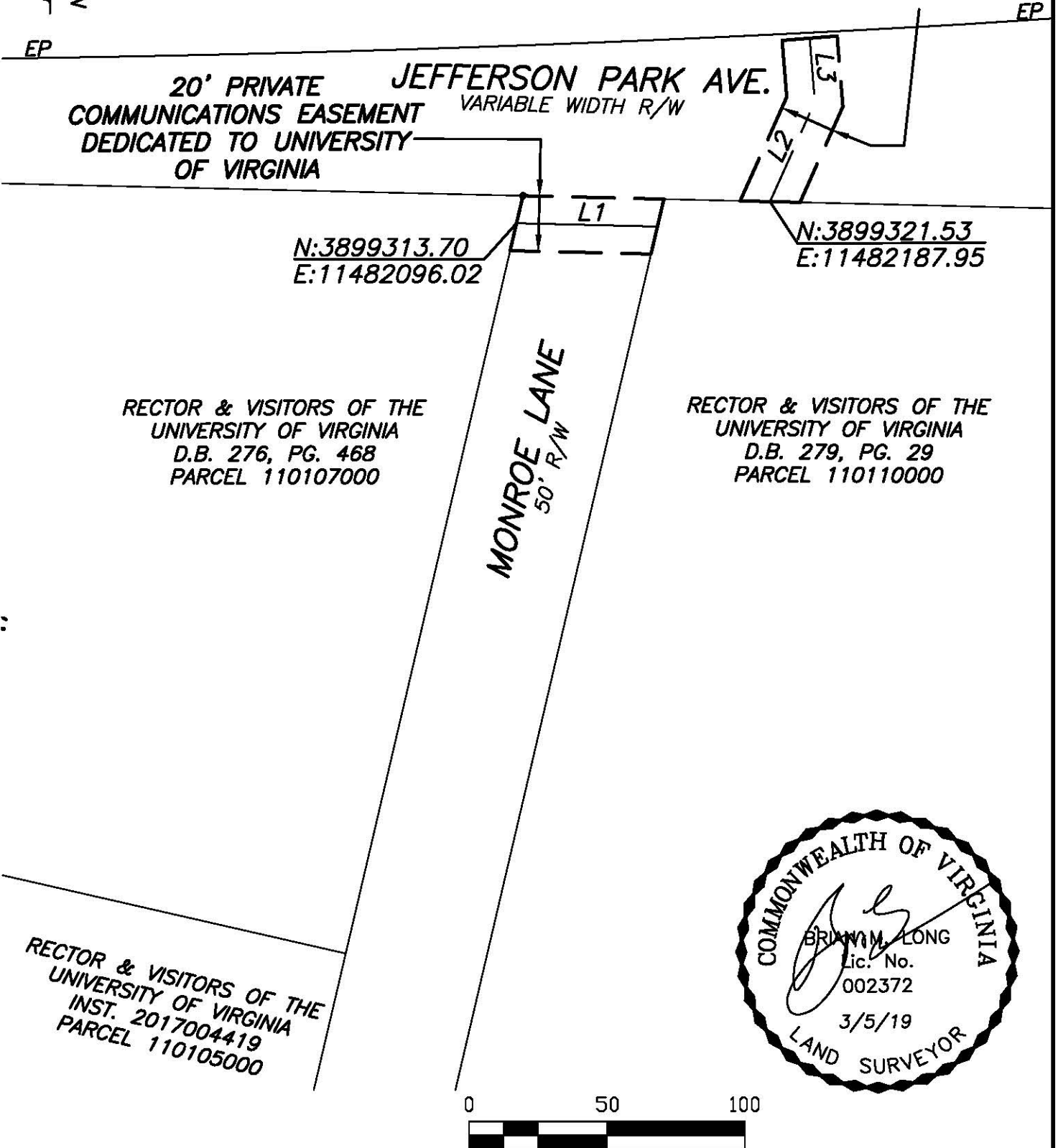
John C. Blair, II
City Attorney

1) PROPERTY INFORMATION FROM DEEDS AND PLATS OF RECORD.
THIS IS NOT A BOUNDARY SURVEY



LINE	BEARING	DISTANCE
L1	S 88°38'49" E	51.08'
L2	N 24°08'12" E	39.64'
L3	N 04°38'47" W	23.14'

20' PRIVATE COMMUNICATIONS
EASEMENT DEDICATED TO
UNIVERSITY OF VIRGINIA



PLAT OF
20' PRIVATE COMMUNICATIONS
EASEMENTS
TO BE DEDICATED TO RECTOR
& VISITORS OF THE
UNIVERSITY OF VIRGINIA
CITY OF CHARLOTTESVILLE, VIRGINIA

JN 50090099

DATE: 3/5/19



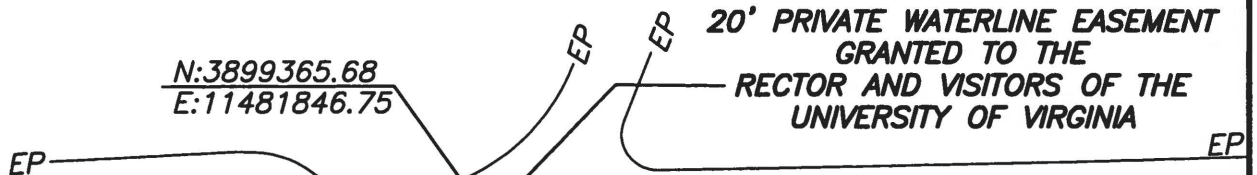
Dewberry®

Dewberry
Engineers Inc

4805 Lake Brook Drive
Glen Allen, VA 23060
PHONE: 804.290.7957
FAX: 804.290.7928
www.dewberry.com

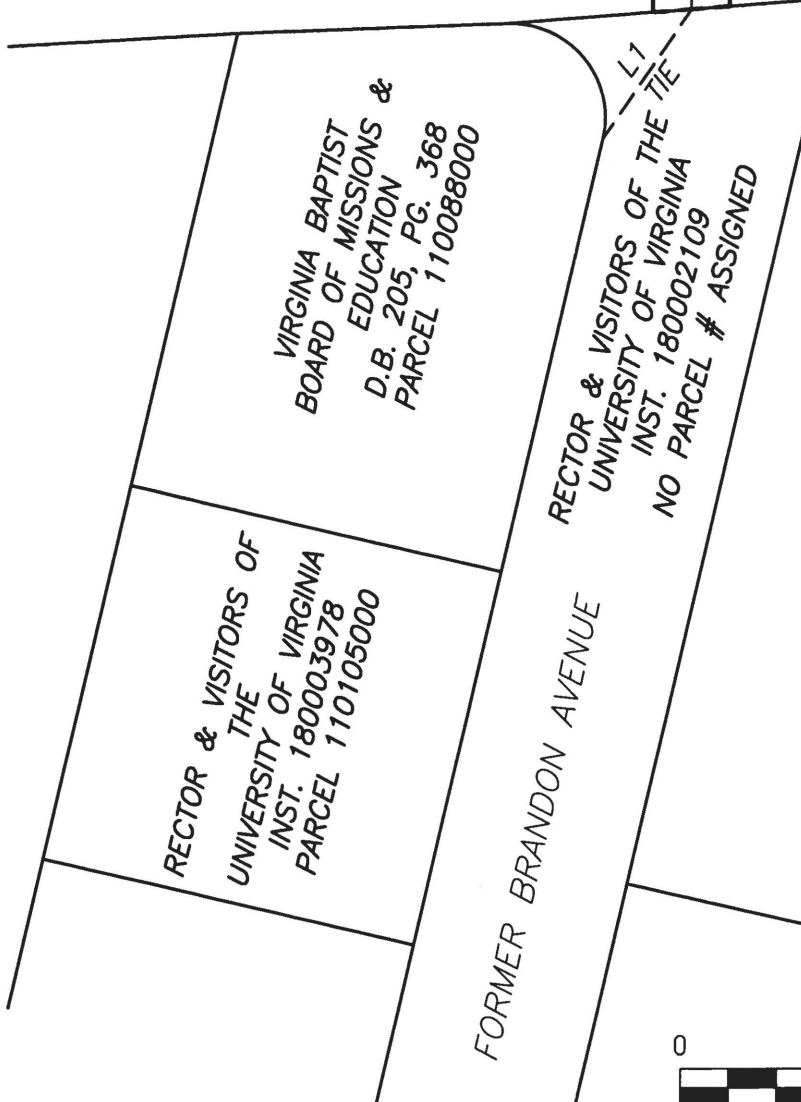
1) PROPERTY INFORMATION FROM DEEDS AND PLATS OF RECORD.
THIS IS NOT A BOUNDARY SURVEY

VCS MAD 83 SOUTH ZONE



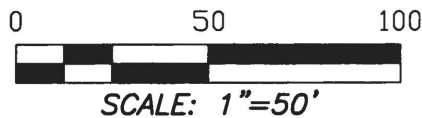
20' PRIVATE WATERLINE EASEMENT
GRANTED TO THE
RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA

JEFFERSON PARK AVE.
VARIABLE WIDTH R/W




LINE	BEARING	DISTANCE
L1	N 34°23'05" E	40.78'
L2	N 00°02'57" E	41.85'

RECTOR & VISITORS OF THE
UNIVERSITY OF VIRGINIA
D.B. 276, PG. 468
PARCEL 110107000



PLAT SHOWING A
20' PRIVATE
WATER LINE EASEMENT
GRANTED TO THE
RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA
CITY OF CHARLOTTESVILLE, VIRGINIA

JN 50090099	DATE: 5/8/2019
 Dewberry ®	
Dewberry Engineers Inc	
4805 Lake Brook Drive Glen Allen, VA 23060 PHONE: 804.290.7957 FAX: 804.290.7928 www.dewberry.com	

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



Agenda Date:	September 3, 2019
Action Required:	Consideration of a Zoning Text Amendment
Presenter:	Missy Creasy, Assistant Director, NDS Brennen Duncan, Traffic Engineer
Staff Contacts:	Missy Creasy, Assistant Director, NDS Brennen Duncan, Traffic Engineer Lisa Robertson, Deputy City Attorney
Title:	<u>ZT19-06-01 – Modify Access Requirements</u>

Background:

At the May 2019 Planning Commission Meeting, Mr. Trey Steigman requested that the Commission consider the initiation of a Zoning Text Amendment to change access requirements in the zoning ordinance (City Code Section 34-896 which currently requires at least two vehicular points of entry if a development contains 50 or more units). Mr. Steigman is undertaking a development that will have more than 50 dwelling units, but he believes that having to satisfy a requirement for two points of vehicular access is not reasonable and does not allow for flexibility in site design. The Commission discussed this item at the June Work Session and initiated review on July 9, 2019. Staff developed language that was reviewed by the Commission in July 2019 and a Joint hearing was held on August 13, 2019.

Proposed Zoning Text Change

Revise §34-896. - Access. as follows:

- (a) Each development shall provide for safe and convenient ingress from and egress to one (1) or more public roads. Each entrance onto any street for vehicular traffic to and from a development shall be designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street, and on-site; minimize conflict with all of the various modes of traffic, including, without limitation, pedestrian traffic (“multimodal traffic”); and provide continuous and unobstructed access for emergency purposes, such as police, fire and rescue vehicles. To these ends the City’s Traffic Engineer, in the review of a site plan, may specify the number, type, and location of access points to a public street, together with such measures as may be deemed appropriate to insure adequate functioning of such access points, and may require related facilities to be provided and constructed, such as travel lanes or driveways to serve adjoining properties. The design of

entrances, driveways and travel lanes shall take into account standards and design specifications referenced within the City's Standards and Design Manual as well as any other mandatory engineering and safety requirements.

- (b) .
- (c) Where discharge waters of the one hundred-year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct the principal means of access to a development, or a portion thereof: the principal means of access shall be designed and constructed so as to provide unobstructed access at time of flooding, subject to requirements of the flood hazard overlay district; and/or alternative vehicular access available to all dwellings and not subject to flooding shall be provided.
- (d) .
- (e) .
- (f) Developments containing multifamily dwellings must have (i) access on a public collector or arterial street, (ii) access to a collector or arterial street within two hundred (200) feet along a public street, or (iii) access to a street which meets minimum engineering and safety criteria for two-way vehicular travel with sidewalks. The provisions of this subparagraph shall not apply to developments for which a traffic study has been conducted and provided to the City Traffic Engineer and the City Traffic Engineer confirms that the results of the traffic study show that, based on traffic projections for the development the capacity of adjacent street(s) will not be increased beyond acceptable engineering and safety standards set forth within the City's Standards and Design Manual.

Discussion:

Overview of Staff Analysis

Staff recommended approval of the proposed zoning text amendment to modify access requirements as outlined in the zoning ordinance. Review of this code section was not site specific but based on the full context of the topic. It was determined that the inclusion of the numeric regulation in the zoning ordinance was concerning as it may contradict the traffic and fire standard regulations. In addition, the Fire Code as well as the Standards and Design Manual provide regulations to address access requirements per safety and traffic standards and the zoning ordinance should reference those standards.

The 2013 Comprehensive Plan provides guidance in both the Land Use and Transportation Chapters that support this proposal. Land Use Goal 5.5 and Transportation Goal 1.7 support the update to the SADM to provide for design features to support a multimodal network. Transportation Goal 3.3 specifically asks for access management standards to be developed of which this proposal could be a first step. The proposed amendment will allow the evaluation of

fire code and engineering standards to a specific case to determine access standards rather than a numeric standard that may or may not be appropriate for a particular circumstance.

Planning Commission

Among the matters discussed by the Planning Commission at their August 13, 2019 meeting were the following:

- Obtaining clarity from staff that this will not affect safety in an adverse way.
- Requested review of code language by fire officials.

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

The proposed zoning text amendment aligns with the City Council Vision of **A Connected Community** as it will evaluate fire code and engineering standards as they apply to a specific case to determine access standards rather than a numeric standard that may or may not be appropriate for a particular circumstance. The proposed changes align with **Strategic Plan, Goal 3.1**, as clarification of the language can assist with context sensitive urban planning.

Community Engagement:

A work session was held on June 25, 2019. Public comment at that meeting was in support of a code change. There were 5 speakers at the public hearing on August 13, 2019. Two speakers were in favor of the proposed language, one speaker thanked the commission for their deliberation on items, another speaker expressed concern that this would open the floodgates and make it so only one point of access would be provided for developments, and one speaker expressed concern about density in the community and the need for a long range planner. She also asked for language to address different types of transportation and a modification was made to the language to include "multimodal."

The Planning Commission requested that Fire review the language proposed. The Fire Marshall reviewed the proposal and had no additional comments.

Budgetary Impact:

No budgetary impact.

Recommendation:

The Commission took the following action:

Commissioner Stolzenberg moved move to recommend approval of this zoning text amendment to amend and re- ordain §34-896 (Amendments to the Zoning Ordinance) on the basis that the changes would serve the interests of public necessity, convenience, general public welfare and/or good zoning practice. Seconded by **Commissioner Dowell**. *Motion is Approved*

6-0-1. Commissioner Heaton abstained as he was outside Council Chambers for the majority of the item review.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance (granting the ZTA);
- (2) by motion, request changes to the attached Resolution, and then approve the ZTA in accordance with the amended Resolution;
- (3) by motion, deny the requested ZTA (as recommended by the Planning Commission).

Attachment:

- (1) Proposed Ordinance Approving a Zoning Text Amendment
- (2) Planning Commission Staff Report with Attachments, August 13, 2019
(<https://www.charlottesville.org/home/showdocument?id=66229> Page 62)

AN ORDINANCE AMENDING AND RE-ENACTING THE CODE OF THE CITY OF CHARLOTTESVILLE, CHAPTER 34 (ZONING), ARTICLE , DIVISION 4 (ACCESS AND PEDESTRIAN WAYS), SECTION 34-896 (ACCESS), AS AMENDED, TO REMOVE PROVISIONS THAT CONFLICT WITH THE STATE FIRE CODE, THE CITY’S STANDARDS AND DESIGN MANUAL AND THE PROVISIONS OF CITY CODE 34-975 ([PARKING] ACCESS AND CIRCULATION)

WHEREAS, upon the recommendation of City staff, the Planning Commission initiated a zoning text amendment proposing amendments to the City’s zoning ordinance, §34-896 (“Proposed Zoning Text Amendment”) to remove provisions that address matters that are governed by the Fire Code, such as the number and dimensions of access that will serve as fire apparatus lanes; to remove provisions that preclude applicants’ and city engineers from designing access in a manner consistent with generally-accepted traffic engineering and safety standards or the City’s Standards and Design Manual; and/or that conflict with other provisions of the zoning ordinance, such as §34-975, which regulates access to and circulation within parking areas.; and

WHEREAS, a joint public hearing on the Proposed Zoning Text Amendment was held by the Planning Commission and City Council on August 13, 2019, after notice to the public as required by law, and, following conclusion of the public hearing, the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment for the public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, after consideration of the Planning Commission’s recommendation, the City staff report and recommendations therein given, and the public comment received, this Council is of the opinion that that the Proposed Zoning Text Amendment, as recommended by the Planning Commission, has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Zoning Text Amendment; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 34 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and re-enacted as follows:

1. Amend the provisions of 34-975, to add a new subparagraph (j), as follows:

Sec. 34-896. - Access.

- (a) Each development shall provide for safe and convenient ingress from and egress to one (1) or more public roads. Each entrance onto any street for vehicular traffic to and from a development shall be designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street, and on-site; minimize conflict with all of the various modes of traffic, including, without limitation, pedestrian traffic

(“multimodal traffic”); and provide continuous and unobstructed access for emergency purposes, such as police, fire and rescue vehicles. To these ends the City’s Traffic Engineer, in the review of a site plan, may specify the number, type, and location of access points to a public street, together with such measures as may be deemed appropriate to insure adequate functioning of such access points, and may require related facilities to be provided and constructed, such as travel lanes or driveways to serve adjoining properties. The design of entrances, driveways and travel lanes shall take into account standards and design specifications referenced within the City’s Standards and Design Manual as well as any other mandatory engineering and safety requirements.

- (b) .
- (c) Where discharge waters of the one hundred-year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct the principal means of access to a development, or a portion thereof: the principal means of access shall be designed and constructed so as to provide unobstructed access at time of flooding, subject to requirements of the flood hazard overlay district; and/or alternative vehicular access available to all dwellings and not subject to flooding shall be provided.
- (d) .
- (e) .
- (f) Developments containing multifamily dwellings must have (i) access on a public collector or arterial street, (ii) access to a collector or arterial street within two hundred (200) feet along a public street, or (iii) access to a street which meets minimum engineering and safety criteria for two-way vehicular travel with sidewalks. The provisions of this subparagraph shall not apply to developments for which a traffic study has been conducted and provided to the City Traffic Engineer and the City Traffic Engineer confirms that the results of the traffic study show that, based on traffic projections for the development the capacity of adjacent street(s) will not be increased beyond acceptable engineering and safety standards set forth within the City’s Standards and Design Manual.