



CITY COUNCIL AGENDA June 7, 2021

Members

Nikayah Walker, Mayor
Sena Magill, Vice Mayor
Heather D. Hill
Michael K. Payne
J. Lloyd Snook, III
Kyna Thomas, Clerk

5:30 p.m. Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Personnel - City Manager review, legal consultation)

Virtual/electronic meeting

6:30 p.m. Regular Meeting

Register at www.charlottesville.gov/zoom. Virtual/electronic meeting in accordance with a local ordinance to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

CALL TO ORDER

MOMENT OF SILENCE

ROLL CALL

AGENDA APPROVAL

ANNOUNCEMENTS

RECOGNITIONS/PROCLAMATIONS

CONSENT AGENDA*

1. Minutes: April 5 closed and regular meetings
2. Resolution: Appropriating funds for the Belmont Bridge Replacement Project – \$4,280,739 (2nd reading)
3. Ordinance: Establishing a Grant Program to Promote and Preserve Home Ownership by Low and Moderate Income Persons within the City of Charlottesville (2nd reading)
4. Resolution*: Confirming City Council's intent to halt action on the East Market Street parking structure (1 reading)
5. Resolution: Approving Pavilion Naming Request (1 reading)
6. Resolution: Authorizing CenturyLink Communications LLC License Agreement (1 reading)
7. Resolution: Amending the Community Development Block Grant (CDBG) FY21-22 Budget (1 reading)
8. Resolution: Appropriating trail fund contribution from Milestone Partners for Meadow Creek Trail - \$12,043 (1st of 2 readings)
9. Resolution: Appropriating Virginia Department of Motor Vehicles Highway Safety Grant funds_Alcohol and Impaired Driving - \$9,453 (1st of 2 readings)
10. Resolution: Appropriating funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) - \$23,056 (1st of 2 readings)
11. Resolution: Allocating City Funding for a donation of \$15,000 to the nonprofit, charitable institution or association called "A Playground for Walker" (1 reading)

12. Ordinance: Amending and reordaining Charlottesville City Code Chapter 15, Article II, Section 15-39 (Motor Vehicles and Traffic) regarding Electric Power-assisted Bicycle License (1st of 2 readings)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

COMMUNITY MATTERS Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Public comment will be conducted through electronic participation while City Hall is closed to the public. Participants can register in advance at www.charlottesville.gov/zoom.

ACTION ITEMS

13. Public Hearing/Ord.: Amending and reordaining Charlottesville City Code Chapter 31 (Utilities) to establish new Utility Rates and Service Fees for City gas, water and sanitary sewer (1st of 2 readings)
14. Public Hearing/Res.: Approving removal, relocation, contextualization or covering of statues of Confederate Generals Lee and Jackson currently located within City parks (1 reading)

GENERAL BUSINESS

OTHER BUSINESS

MATTERS BY THE PUBLIC

*Action Needed

CITY COUNCIL MEETING
April 5, 2021
Virtual/electronic meeting via Zoom

5:00 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, April 5, 2021, in accordance with local ordinance #O-21-026, adopted February 16, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic. Mayor Nikuyah Walker called the meeting to order at 5:01 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

On motion by Councilor Hill, seconded by Councilor Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(7) for consultation with legal counsel and briefing by staff members pertaining to a pending lawsuit, and a separate matter involving probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body in each matter; and
- Section 2.2-3711(A)(8) for consultation with legal counsel regarding a process for the intended removal of the City’s confederate statues.

On motion by Councilor Hill, seconded by Councilor Snook, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; 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 6:42 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM REGULAR MEETING

The Charlottesville City Council met in an electronic meeting on Monday, April 5, 2021, in accordance with local ordinance #O-21-026, adopted February 16, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic. Mayor Nikuyah Walker called the meeting to order at 6:43 p.m. with the following members present: Mayor

Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

City Council observed a moment of silence.

On motion by Councilor Hill, seconded by Councilor Snook, Council unanimously approved the meeting agenda.

ANNOUNCEMENTS

Dr. Denise Bonds, Blue Ridge Regional Health District Director shared an update on Covid-19 data, including the vaccine phased roll-out. She shared contact information for vaccination sign-ups: vaccinate.virginia.gov or call 1-877-VAX-IN-VA (1-877-829-4682). She answered questions from Mayor Walker.

RECOGNITIONS/PROCLAMATIONS

City Manager Chip Boyles recognized Diane Kuknyo for 27 years of service to the City of Charlottesville. She retired as Director of Social Services on April 1, 2021. Diane made a few remarks and Councilors thanked her for her service and leadership in the City of Charlottesville.

Mayor Walker read a proclamation for National Dance Week. Maria Daniel with iDance Ministry, representing the National Dance Foundation, made remarks in acceptance of the proclamation.

CONSENT AGENDA*

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

1. MINUTES: February 16 work session, closed meeting and regular meetings; February 19 special meeting
2. APPROPRIATION: COVID Homelessness Emergency Response Program (CHERP) – Homelessness Management Information System Grant Award - \$29,786 (2nd reading)

APPROPRIATION

COVID Homelessness Emergency Response Program (C.H.E.R.P.) H.M.I.S. Grant Amendment - \$29,786

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the C.H.E.R.P. Grant from the Virginia Department of Housing and Community Development in the amount of \$29,786.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$29,786 is hereby appropriated in the following manner:

Revenues

\$29,786 Fund: 209 IO: 1900402 G/L: 430120 Federal Pass Thru

Expenditures

\$29,786 Fund: 209 IO: 1900402 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$29,786 in funds from the Virginia Department of Housing and Community Development.

3. APPROPRIATION: COVID Homelessness Emergency Response Program (CHERP) Grant Award - \$806,594 (2nd reading)

**APPROPRIATION
C.H.E.R.P. Grant Amendment \$806,594**

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the C.H.E.R.P. Grant from the Virginia Department of Housing and Community Development in the amount of \$806,594.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$806,594 is hereby appropriated in the following manner:

Revenues

\$806,594 Fund: 209 IO: 1900401 G/L: 430120 Federal Pass Thru

Expenditures

\$806,594 Fund: 209 IO: 1900401 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$806,594 in funds from the Virginia Department of Housing and Community Development.

Mayor Walker opened the floor for comments from the public on the Consent Agenda. There were no speakers.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote ADOPTED the Consent Agenda: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

City Manager Chip Boyles shared an update on the following community matters:

1. Regarding a question about the Police Department solicitation for purchase of weapons and off-duty holsters, he advised that the intent was to reduce inventory and move to a standardized weapon platform as well as provide appropriate holsters. Regarding the off-duty language, he clarified the “off-duty” misnomer and explained department procedure, advising of the various uses for the holsters.
2. Regarding school reconfiguration design and consulting services, he advised that the architectural and engineering services contract was awarded to local design firm VMDO, for \$1.47 Million. He summarized the project status.
3. He gave an update on the Riverview access point at Riverview Park, advising that the Parks and Recreation Department was working with community stakeholders.
4. He announced the hiring of Ashley Reynolds-Marshall to the position of Deputy City Manager for Racial Equity, Diversity and Inclusion (REDI). He shared that other key leadership positions would be filled soon. He announced that the City of Charlottesville has joined UVA with membership into the International Town and Gown Association, a group of which the City of Charlottesville was a founding member.

COMMUNITY MATTERS

Mayor Walker opened the floor for public comment.

1. Nancy Carpenter ceded her time to Mary Bauer, who spoke on behalf of the Charlottesville Human Rights Commission to request funding to provide counsel to tenants facing evictions.
2. Rosemary Miller asked that the city open the splash parks this summer.
 - City Manager Boyles advised that the State has not authorized the opening of splash parks at this time.
3. Christa Bennett, city resident, shared an update on the Walker Playground Project, including community and student engagement efforts. She shared that the City would need to help to address accessibility from the parking lot. She projected that the playground would be available for use in the summer.
4. Laurence Mann, city resident, spoke about negative impacts of a social media post from Mayor Walker.
5. Professor John Edwin Mason, city resident and former Vice Chair of the City's Blue Ribbon Commission on Race, Memorials and Public Spaces, spoke in support of removing Confederate monuments in the City of Charlottesville and the use of tarps for covering them until removed.
6. Shantell Bingham spoke about the urgency of tenants' right to counsel with the impending end of the eviction moratorium.

7. Tanesha Hudson read an email from May 2020 from Councilor Snook regarding management of city operations, which was received in a Freedom of Information (FOIA) request.
 - Mayor Walker commented on the creation of the role for the Deputy City Manager for Racial Equity, Diversity and Inclusion and other positions.
8. Don Gathers, city resident, spoke in support of the message behind Mayor Walker's poem shared on social media and spoke of disappointment in other Councilors' responses. He spoke about the honorary street designation notification and placement of signs for Black Lives Matter Boulevard. He asked about beginning discussions about the removal of confederate statues. He also spoke about the Acting City Attorney's actions surrounding the mayor's credit card use.
 - Councilor Hill added background information about the signage for Black Lives Matter Boulevard.
9. Kristin Szakos, city resident, spoke in support of removal of Confederate monuments in the City of Charlottesville, congratulated Assistant City Attorney Lisa Robertson, asked that the city find a creative way to dispose of the statues.
10. Robin Hoffman, city resident, spoke about supporting public access television and a Council periodical to support tourism. She also spoke about Covid vaccinations.

Councilor Snook clarified with Acting City Attorney Robertson the laws in place preventing the covering of statues. She advised that there is a period of time before the Supreme Court of Virginia orders would be final, and that there is a path forward.

Councilor Hill spoke about funding for eviction support and asked Mr. Boyles to comment. Mr. Boyles shared a recommendation to contract with the Legal Aid Justice Center in the eviction counseling funding, using American Recovery Program (ARP) funding.

Mayor Walker added remarks about keeping families out of the court system, and about other public comments.

Councilor Snook added that the County should be included in conversations regarding evictions. Mr. Boyles advised that he has reached out to the County to begin those discussions.

The meeting recessed at 8:14 p.m. and reconvened at 8:30 p.m.

ACTION ITEMS

PUBLIC HEARING/ORDINANCE: Designation of trees for protection under the Tree Conservation Ordinance (carried)

Mike Ronayne, City Arborist, made a presentation of the nominations made by the Tree Commission for trees to be protected by city ordinance.

Mayor Walker opened the public hearing.

- Marcia Geyer spoke about the tree preservation ordinance and the effort to protect six trees. She suggested that more effort be put into protecting the larger local tree canopy.

Mayor Walker closed the public hearing.

At the request of Councilor Hill, Mr. Ronayne provided clarification between the ordinance and local efforts to address tree canopy. Council agreed to move the item forward to the April 19 consent agenda.

PUBLIC HEARING/APPROPRIATION: Public Hearing on Budget/First Reading of FY 2022 Budget Appropriation (carried to April 13)

City Manager Boyles provided a summary of the City General Fund Budget, with revisions per Council requests, and updated revenues and expenditures. He presented amendments to the FY22 Capital Improvements Projects budget.

Mayor Walker opened the public hearing.

- Harold Folley spoke in support of the Public Housing Association of Residents (PHAR) Internship Program.
- Don Gathers supported comments from Mr. Folley and spoke in support of funding for Drug Court and the Therapeutic Docket.
- Jake Gold spoke in support of funding counsel for tenants facing eviction.
- Kate Fraleigh, city resident, spoke about the Charlottesville Police Department budget - particularly for bodyworn cameras.
- Jay James spoke in support of funding for Drug Court, the Therapeutic Docket, and the Bridge Ministry.

Mayor Walker closed the public hearing.

Councilors engaged in discussion. Mr. Boyles shared thoughts on future strategic planning for beginning the FY2023 budget process.

Council agreed to cancel the April 8, 2021 budget work session and move the item forward to the April 13 special meeting for a second reading and adoption.

ORDINANCE: Tax Rate/Tax Levy Ordinance for Calendar Year 2021 (carried to April 13)

Mr. Boyles shared that there were no proposed tax or fee changes recommended.

Mayor Walker asked about CHAP (Charlottesville Housing Assistance Program) and rent relief program increases.

Council agreed to move the item forward to the April 13 special meeting for a second reading.

ORDINANCE: City of Charlottesville COVID Ordinance request to repeal (carried)

Councilor Hill presented the request to repeal the local Covid-19 ordinance as various openings move forward at the State level.

Council agreed to move the item forward to the April 19 consent agenda for a second reading.

RESOLUTION: Comprehensive Plan Amendment – Starr Hill Neighborhood Community Vision Plan

Alex Ikefuna, Deputy Director for Neighborhood Development Services, shared background information for the Plan. He advised that on March 9 the Planning Commission held a joint public hearing with City Council and voted unanimously to amend the City's 2013 Comprehensive Plan to include the Starr Hill Vision Plan.

Yolunda Harrell, project consultant with New Hill Development Corporation, presented the Starr Hill Neighborhood Community Vision Plan, covering major themes and envisioned outcomes. Some benefits and foci of the Plan included: Centering Black Entrepreneurs, Ownership and Rental Housing, and Placemaking, Culture and Legacy.

Ms. Harrell spoke of the vision for creation of new housing and new home ownership opportunities, the creation of on-site and supply chain jobs, growing opportunities for churches to become a vital part of the community once again, and the opportunity to strengthen neighborhood connectivity and provide connectivity to the Downtown Mall using a pedestrian bridge across McIntire.

Councilors asked staff to explain the difference between Small Area Plan (SAP) and Vision Plan, as well as next steps. Mr. Ikefuna explained that the SAP would have detailed analysis of land use. Mr. Ikefuna listed options for next steps. He advised of existing funding in the Capital Improvement Program (CIP) budget for environmental work should Council decide to move forward.

Ms. Harrell and Shelli Brady of New Hill Development Corporation answered questions for Council regarding City Yard and the reasoning behind the Vision Plan. They discussed that they took into consideration what items could be accomplished in the immediate versus near future.

On motion by Vice Mayor Magill, seconded by Councilor Hill, Council by the following vote ADOPTED the resolution: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

Councilor Snook expressed concern about adopting a plan that incorporates developing the largest parcel of City-owned land. Ms. Brady provided clarification and advised that the City would not be locked into a particular plan or development.

RESOLUTION

TO APPROVE AN AMENDMENT OF THE 2013 CITY COMPREHENSIVE PLAN FOR THE CITY OF CHARLOTTESVILLE TO INCLUDE THE STARR HILL VISION PLAN

WHEREAS, on March 9, 2021, after notice was given as required by law, the Charlottesville Planning Commission and Charlottesville City Council conducted a public hearing on a proposed amendment to the 2013 Comprehensive Plan for the City of Charlottesville, to include the contents of the proposed Starr Hill Vision Plan; and

WHEREAS, on March 9, 2021, the Planning Commission adopted a resolution recommending approval by the City Council of the Comprehensive Plan Amendment, and certifying a copy of the Comprehensive Plan Amendment to Council for its consideration; now, therefore,

BE IT RESOLVED that, upon consideration of the recommended Comprehensive Plan Amendment, the City Council hereby adopts the June 26, 2020 Starr Hill Vision Plan as an amendment to the City's Comprehensive Plan. The Neighborhood Development Services staff shall post on the City's website notice of Council's adoption of this Update, along with a copy of the approval Update.

RESOLUTION: Harris Street Apartments, request to amend a Special Use Permit to increase residential density at 1221, 1223 and 1225 Harris Street

Brian Haluska, Principal Planner, introduced the item, advising that the applicant Cville Business Park LLC previously received a special use permit for additional density and height, and this request is for additional density to increase from 105 to 120 units. The Planning Commission in a March meeting unanimously recommended approval.

Councilors asked clarifying questions about land calculations, the reasoning for the item coming before Council again after the original plan was approved a year ago, about affordable units, about working with Charlottesville Redevelopment and Housing Authority (CRHA), and about the level of rents qualifying for the housing choice voucher program.

The developer Chris Virgilio added that the original footprint was reconfigured to fit more spaces and address the increasing costs of construction. Mr. Virgilio advised that there would be no issues with honoring vouchers for five units and that rents would be set at an affordable rate. Mayor Walker advised of the need for the developer and staff to provide clarity throughout the process.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote ADOPTED the resolution: 4-1 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

RESOLUTION
AMENDING AND REENACTING A SPECIAL USE PERMIT FOR PROPERTY
LOCATED AT 1221, 1223 and 1225 HARRIS STREET

WHEREAS, landowner CVILLE BUSINESS PARK, LLC is the current owner (“Landowner”) of certain land identified on 2019 City Tax Map 34 as Parcels 90B, 90C, and 90.1 (City Real Estate Parcel Identification Nos. 340090B00, 340090C00, and 340090100, and current street addresses of 1221, 1223 and 1225, respectively) and having, collectively, an area of approximately 2.446 acres (106,547 square feet) (the “Subject Property”), and

WHEREAS, Landowner proposes to redevelop the Subject Property for a specific project, described as follows: a mixed use building at a height of up to six (6) stories, containing retail and commercial space on the ground floor facing Allied Street and Harris Street, respectively, containing up to 120 residential dwelling units above the ground floor, and containing underground parking (the “Project”), for an overall density within the area of the Subject Property of up to 50 dwelling units per acre (DUA); and

WHEREAS, the Subject Property is located within the Industrial Corridor zoning district;

WHEREAS, the Project is described in more detail within the Landowner’s drawings submitted in connection with SP19-00010, as modified by floor plans and elevation drawings dated January 21, 2021 submitted in connection with SP21-00001 (collectively, the “Application Materials”); and

WHEREAS, on March 9, 2021 the Planning Commission and City Council conducted a joint public hearing on the proposed SUP Amendment (SP21-00001) after notice and advertisement as required by law; and

WHEREAS, upon consideration of the comments received during the joint public hearing on SP21-00001, the information provided by the Landowner within the Application Materials, and

the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed amended Special Use Permit for the Project; and

WHEREAS, upon consideration of the Planning Commission’s recommendation, the Staff Report, public comments received at the public hearing, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed amended Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-457(b)(5)(a.), 34-458(b), and 34-480, an amended special use permit is hereby approved and granted to authorize one mixed use building, with a height of up to six (6) stories and containing up to 120 residential dwelling units above the ground floor, within the Subject Property, subject to the following conditions:

1. The specific development being approved by this special use permit (“Project”), as described within the Application Materials (including the modified floor plans and elevations dated January 21, 2021) shall have the following minimum attributes/ characteristics:
 - a. Not more than one building shall be constructed on the Subject Property (the “Building”). The Building shall be a six-story Mixed Use Building, containing up to 120 residential dwelling units, ground floor commercial floor area, and underground parking, with overall residential density of up to 50 DUA within the area of the Subject Property.
 - b. The highest point of the Building, as defined within City Code §34-1100(a), shall not exceed an elevation of 520 feet above sea level. Exclusions from measurement of building height shall be those referenced within §34-1101(a).
 - c. The ground floor areas along Harris Street and Allied Street shall be used and occupied, respectively, for retail and commercial uses. The square footages of floor area to be used for retail and commercial uses shall be no less than depicted in the January 21, 2021 floor plans and elevation drawings.
 - d. Underground parking shall be provided within a parking garage structure constructed underneath the Building.
 - e. The Landowner shall provide a preliminary traffic study of the immediate area surrounding the building, as well as traffic impact on Allied Street, Harris Street and the intersection of Harris Street and McIntire Road. The scope of the traffic study shall

be approved by the City Traffic Engineer prior to submission, and must be submitted to the City for review and comment prior to the approval of the final site plan for the project.

2. Within the Building, five (5) affordable dwelling units shall be provided for rental by low- or moderate-income persons, as follows: three (3) one-bedroom units and two (2) two-bedroom units. Each of these units shall be an “affordable dwelling unit” as defined in City Code §34-12 throughout a period of ten (10) years.
3. During the first two months for which dwelling units are leased within the Building, five (5) dwelling units shall be reserved for lease to persons who hold housing choice vouchers at rents for which the vouchers can be used. Prior to commencement of this initial leasing period, Landowner shall notify the Charlottesville Redevelopment and Housing Authority that the 5 reserved units are, or will be, available to persons with vouchers.

RESOLUTION: City Council Rules and Procedures amendments

City Manager Boyles advised that the item was brought forward based on credit card charges, with the Commonwealth’s Attorney opinion that the credit card policy in place was not adequate to be enforceable. He advised that staff has begun review of policies for staff and City Council.

Acting City Attorney Lisa Robertson provided additional details, including proposed language revisions discussed at a work session on March 23, 2021.

Mayor Walker spoke about citizen time spent sharing opinions and perspectives. She asked about various community engagement scenarios and rules around making purchases.

Acting City Attorney Robertson advised that Council as a body could vote to allow individual councilors to expend funds in support of City Council business. She spoke about reimbursable expenses related to duties of City Council, and she shared information about Dillon's Rule.

At the mayor’s request, Ms. Robertson and Clerk Thomas shared information from counterparts in Richmond regarding their budget line items. Councilor Hill guarded against comparing Charlottesville to Richmond, given the size difference and lack of districts.

Ms. Robertson provided clarification around the need for a Council-adopted policy.

Mayor Walker asked for agreement on start time for closed meetings, as the previous policy adopted a 5:00 p.m. start time; however, the clerk was notified to start closed meetings at 5:30 p.m. Councilor Snook advised that the meeting time was general. Clerk Thomas questioned

whether general times would need to be included in the policy and Mayor Walker indicated that times could be set as needed.

Council discussed inquiries to staff and the amount of time involved, use of decentralized buying versus submitting receipts for reimbursable expenses placed on a credit card, emergency travel expenses, and an unapproved payment request for a meeting attendee. Mayor Walker requested that Council look into paying lower income meeting attendees. She voiced that the policy was restrictive and paternalistic.

Councilor Payne voiced the need to have a policy in conformity with State law – seeking a route to provide compensation for participating community members; adopting a general expenditure policy; adopting line items in an approved budget, with individual councilors responsible for ensuring their expenditures adhere to State law.

Councilor Snook voiced a desire to remove the verbiage allowing individual councilor expenditures for selecting speakers or consultants. Councilors Payne and Hill agreed.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote ADOPTED Council Rules and Procedures as amended during discussion, and agreeing to adopt line items for Council discretionary expenditures as part of the FY 22 Budget: 3-2 (Ayes: Hill, Magill, Payne; Noes: Snook, Walker).

Councilors were instructed to provide a desired line item budget to Clerk Thomas by Friday, April 9, for consideration at the April 13 Special Meeting to adopt the FY22 City Budget.

GENERAL BUSINESS

REPORT: Orange Dot Report 4.0 - Family Self-sufficiency in the Charlottesville Region

Ridge Schuyler, Dean of the Division of Community Self-sufficiency Programs at Piedmont Virginia Community College, shared a summary of the Orange Dot Report 4.0 to address the economic struggles of families in Charlottesville.

Mr. Schuyler shared comparison data between Charlottesville and surrounding localities. A major contributing factor to lower median income is adults over 25 years old without a high school diploma in a locality that requires a diploma by default for most jobs. He advised that in Charlottesville, being poor shortens life span by twelve years. He shared information about the racial wealth gap, which was brought about intentionally, advising that unequal labor income is a major factor.

He shared action items for what more could be done:

- Increase local procurement
- Pilot Open Hiring (TM)
- Provide universal pre-K
- Offer low-interest loans/grants to pay life expenses while attending school
- Pair subsidized housing with opportunities for economic mobility wherever possible
- Build more \$800/month two-bedroom apartments for working families
- Create a community-wide employee assistance program
- Expand homeownership and wealth-building through purpose-built condos
- Make access to capital affordable by providing loan guarantees
- Lock shifts

Mayor Walker shared comments about the report and about the local approach to resolving problems. She advised that it may be more effective to give money directly to families.

OTHER BUSINESS

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote AUTHORIZED the City Attorney to retain outside legal counsel to assist the City Attorney's Office in defending the City's interest in a lawsuit pending within the Charlottesville Circuit Court, Case# CL21-116: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

MATTERS BY THE PUBLIC

- Tanesha Hudson spoke about City Council accountability, specifically regarding the departure of black leaders and the credit card policy.
- Joy Johnson spoke of disappointment in others' negative reactions to the poem posted by Mayor Walker on social media. She also spoke in support of Council providing financial support for low income individuals to attend meetings.
- Don Gathers spoke about adverse treatment of black people in positions of power.

The meeting adjourned at 12:58 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date:	May 17, 2021
Action Required:	Approval of Appropriation (1 st of 2 Readings)
Presenter:	Jeanette Janiczek, UCI Program Manager
Staff Contacts:	David Brown, Public Works Director Tony Edwards, Public Works Development Services Manager Jack Dawson, City Engineer Jeanette Janiczek, UCI Program Manager
Title:	Belmont Bridge Replacement Project – Appropriation of \$4,280,739

Background: On May 16, 2005, the City entered into an agreement with the Virginia Department of Transportation (VDOT) to participate in the Urban Construction Initiative (“First Cities”) Program (UCI). Through this program, the City is responsible for administering its urban system construction program – design, right-of-way acquisition, utility relocation, and construction. The Belmont Bridge Replacement project is one such project being administered under this program.

A public participation plan was developed to create a conceptual plan for the project and included a Steering Committee, Open House, Mobility Summit, Design Charette, several surveys and small stakeholder group meetings. Based on this culminated plan, a Design Public Hearing was held on May 24, 2018 and the Design Concept accepted by City Council on July 16, 2018. The Board of Architectural Review granted a Certificate of Appropriateness on August 20, 2019. VDOT and the Federal Highway Administration (FHWA) reviewed the plans, and an Authorization to Advertise the Invitation of Bid (IFB) was issued on January 15, 2021.

A non-mandatory Pre-Bid Meeting was held on February 2, 2021. A Bid Opening was held on March 16, 2021 and six (6) bids were received. A preliminary evaluation by staff and its consultant has been performed to determine a responsive, apparent low bid and to identify any errors prior to submittal to the VDOT. Based on this preliminary evaluation, all submitted bids were over the Engineer’s estimate. It has been determined that the higher bid results are reflective of the increases in material costs, labor costs, and the abundance of work with limited availability of contractors. An official bid tabulation has not been released as the evaluation process is still underway and options are being assessed; therefor, the results have not been released at this time.

In review of the overall project budget, there are enough remaining funds to cover a construction contract. However, additional funds are needed to cover project expenditures such as construction engineering inspection services, as well as to maintain an appropriate contingency fund. It is estimated that an additional \$4,280,739 will be needed to complete the project at a total cost of \$35,380,782.

Discussion: Based on current project funding level, the City has two options:

- 1) Increase the project budget
- 2) Reject all bids, rescope the project in removing items and/or conditions of the IFB, and re-bid the project

Option 1

As noted above, it is estimated that an additional \$4,280,739 in funding will be needed to complete the project. Though the current budget is sufficient to cover the construction costs, the additional funds are needed to cover other project related expenditures such as construction engineering inspection services and to fund the project contingency at an appropriate level.

The City has been working with the VDOT to identify additional, available funding to address following the March 16th bid opening. The VDOT has identified \$4,280,739 in state funds from the State of Good Repair (SGR) Local Bridge funding to address the additional funding needs to construct the bridge project. This will permit the project to move forward without incurring delay or rescoping and redesign of the project. No additional local funding will be needed.

Option 2

As part of the preliminary bid evaluation and analysis, the following items were identified as part of the contributing to the reason for the project cost increase: MSE Wall, Lighting (poles + luminaries), Precast Girders, Steel Girders, Bridge Demolition and Temporary Shoring. These items either cannot be removed or their elimination/reduction would directly impact the concept plan accepted by the City, as well as would not resolve the bid overages.

In a preliminary assessment of the rescoping the project, various details and operational changes were considered, such as removing the “knuckle”, eliminating the pedestrian plaza, removing the new pedestrian underpass, allowing complete closure of the bridge during construction. These could potentially reduce the overall project construction cost. However, rescoping and re-bidding the project would require additional public participation to communicate these changes. This would also require more coordination with the VDOT & the FHWA to obtain re-design approval.

Rescoping of the project will require redesign, which will result in additional costs to the project. Re-bidding would most likely result in higher bids due to the delay for redesign and obtaining re-authorization, as well as it is anticipated the factors associated with the current bids results will continue to escalate. For these reasons, staff is not recommending re-advertising the current or a revised IFB.

Alignment with City Council’s Vision Areas and Strategic Plan: Approval of this agenda item upholds the City’s commitment to create “a connected community” by improving upon our existing transportation infrastructure. In addition, it would contribute to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community; Objectives 2.3. Provide reliable and high quality infrastructure and 2.6. Engage in robust and context sensitive urban planning.

Community Engagement: There has been significant engagement throughout project planning process through a Steering Committee, project specific public meetings, coordination with City boards/commissions and public surveys. a Design Public Hearing was held on May 24, 2018 and the Design Concept accepted by City Council on July 16, 2018. The Board of Architectural Review granted a Certificate of Appropriateness on August 20, 2019. Prior to commencement of construction, a Citizen Information Meeting will be advertised and held in the coming months to discuss maintenance of traffic for both vehicles and pedestrians, construction schedule and sequencing. Progress reports, future traffic notices as well as historical meeting information can be found on www.belmontbridge.org.

Budgetary Impact: On August 17, 2020, Council approved an appropriation in the amount of \$15,263,257.14, which represented the balance of State and Federal Funding that had been awarded by VDOT but not yet appropriated. Additionally, a total of \$7,500,000 in local dollars was committed and appropriated for the project in the FY 21 (\$5M) and FY 22 (\$2.5M) CIP budgets. Currently, the total Belmont Bridge project funding allocation is \$31,100,043 using a combination of federal, state, and local funds. With the additional award of State funds from the SGR Local Bridge funding program, the total funding allocation for the project is now \$35,380,782, and the appropriation will be amended as follows:

	<u>Federal</u>	<u>State (*)</u>	<u>Local</u>	<u>TOTAL</u>
Funding Allocations (as of August 2020)	\$3,181,234	\$14,870,194	\$13,048,615	\$31,100,043
Funding Allocations (revised May 2021)	<u>\$3,181,234</u>	<u>\$19,150,933</u>	<u>\$13,048,615</u>	<u>\$35,380,782</u>
		\$ 4,280,739		

(*) This amount is increased by the funds to be received through SGR Local Bridge funding.

The increase in state allocation will be reimbursed once expended.

Recommendation: Staff recommends approval of the appropriation.

Alternatives: City Council could reject the bids and direct staff to rescope the project.

Attachments: Belmont Bridge Council Memo and Appropriation from August 17, 2020;

Appendix A

APPROPRIATION
Belmont Bridge Replacement Project
\$4,280,739

WHEREAS, a total of \$4,280,739 in state funds for the Belmont Bridge Replacement Project requires appropriation; and

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

Revenues

\$4,280,739 Fund: 426 WBS: P-00436 G/L Account: 430080

Expenditures

\$4,280,739 Fund: 426 WBS: P-00436 G/L Account: 599999

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, Virginia that \$4,280,739 noted above is conditioned upon the receipt of a fully executed Appendix A and receipt of the funds from the Virginia Department of Transportation (VDOT).

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



Agenda Date:	August 3, 2020
Action Required:	Appropriation
Presenter:	Jeanette Janiczek, UCI Program Manager
Staff Contacts:	Marty Silman, Interim Public Works Director Tony Edwards, Development Services Manager Jeanette Janiczek, UCI Program Manager
Title:	Belmont Bridge Replacement Project – Appropriation of \$15,263,257.41

Background: On May 16, 2005, the City entered into an agreement with the Virginia Department of Transportation to participate in the Urban Construction Initiative (“First Cities”) Program (UCI). Through this program, the City is responsible for administering its urban system construction program – design, right-of-way acquisition, utility relocation, and construction. In addition, accounting of the UCI program funds must reconcile with the VDOT six-year plan. This appropriation involves the state, federal and local funds necessary to fund the City’s projects as outlined in the VDOT six-year plan.

Some state funds have been received upfront from the state based on the previously used urban allocation based on the City’s population and size. The remaining state and federal funding, however, must be spent first by the City and is later reimbursed by the Virginia Department of Transportation. Reimbursement requests are submitted to VDOT on a quarterly basis.

Discussion: Preliminary Engineering (PE) is the phase of the roadway project “that includes all project initiation and development activities undertaken after its inclusion in the approved State Transportation Improvement Program through the completion of (construction bid submittal). It may include preliminary Right of Way engineering and investigations necessary to complete the environmental document.” Activities include design, plan development, environmental evaluation and public participation process. Right of Way (ROW) is the phase of the roadway project that “includes the work necessary to appraise and acquire project right of way, relocate individuals or businesses, and revise or relocate utilities.” Construction is the phase of the roadway project that includes “the management of all construction activities necessary to ensure the completion of a high quality product meeting all contract specifications, and applicable federal, state, and local laws and regulations.”

To date, \$2,788,170.59 has been received in reimbursement for this project in the preliminary engineering and right of way phases. This appropriation reconciles and applies the remaining federal and state funding allocations previously awarded to the City. Additional local funding is planned for FY21 and FY22 totaling \$7,500,000 which fully funds this project based on the current engineering estimate.

Funding Allocations	Federal	State	Local	GRAND TOTAL
	3,181,234	14,870,194	13,048,615	31,100,043

Available Balance & Projected Capital Improvement Project Budget	Federal	State	Local	
			4,851,572	Available Balance
			5,000,000	Projected CIP FY21
			2,500,000	Projected CIP FY22
			12,351,572	

Past Reimbursements	Federal	State	Local	
	17,314	2,770,857	697,043	
	17,314	2,770,857	697,043	

Current Appropriation	Federal	State	Local	
	3,163,920	12,099,337		

Current Status: The Belmont Bridge Replacement project is currently in the Right of Way phase acquiring necessary property rights to construct the improvements as well as design of relocation of private utilities. Final design has been reviewed by City Staff as well as the Virginia Department of Transportation and comments are being addressed. Final Construction Documents, including revised final plans addressing comments, is under development with a planned advertisement date of Fall 2020.

Alignment with City Council’s Vision Areas and Strategic Plan: Approval of this agenda item upholds the City’s commitment to create “a connected community” by improving upon our existing transportation infrastructure. In addition, it would contribute to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community; Objectives 2.3. Provide reliable and high quality infrastructure and 2.6. Engage in robust and context sensitive urban planning.

Community Engagement: There has been significant engagement throughout project planning through a Steering Committee, project specific public meetings, coordination with City boards/commissions and public surveys. A Design Public Hearing was held on May 24, 2018 and its results were accepted by City Council on July 16, 2018. A Certificate of Appropriateness was granted by the Board of Architectural Review on August 20, 2019. A Citizen Information Meeting will be advertised and held in the coming months to discuss maintenance of traffic for both vehicles and pedestrians, construction schedule and sequencing. Progress reports, future traffic notices as well as historical meeting information can be found on www.belmontbridge.org.

Budgetary Impact: None. Appropriation is composed of the remaining state and federal allocations that are reimbursed once expended. Local funds were previously approved and funded through the CIP from FY03 to FY21 with a planned contribution in FY22.

Recommendation: Staff recommends approval and appropriation of the funds.

Alternatives: N/A

Attachments: Appropriation

APPROPRIATION
Belmont Bridge Replacement Project –
\$15,263,257.41

WHEREAS, a total of \$3,163,920.41 in federal funds for the Belmont Bridge Replacement project requires appropriation;

WHEREAS, a total of \$12,099,337 in state funds for the Belmont Bridge Replacement project 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

\$3,163,920.41	Fund: 426	WBS: P-00436	G/L Account: 430120
\$12,099,337	Fund: 426	WBS: P-00436	G/L Account: 430080

Expenditures

\$3,163,920.41	Fund: 426	WBS: P-00436	G/L Account: 599999
\$12,099,337	Fund: 426	WBS: P-00436	G/L Account: 599999

Appendix A

Date: 4/26/2021

Project Number: 0020-104-101 UPC: 75878 CFDA # 20.205 Locality: City of Charlottesville

Project Location ZIP+4: 22902-5303	Locality DUNS # 074745829	Locality Address (incl ZIP+4): 610 East Market Street Charlottesville, VA 22902-5303
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Project Narrative	
Work Description:	#SGR - RTE 20 - Bridge Replacement - Belmont Bridge
From:	Garrett Street/Levy Ave. (0.173 mi south of Water Street)
To:	East Market Street (0.095 mi. north of Water Street)
Locality Project Manager Contact Info:	Jeanette Janiczek janiczek@charlottesville.org 434-970-3309
Department Project Coordinator Contact Info:	Michael Barnes michael.d.barnes@vdot.virginia.gov 434-270-2233

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$3,111,747	\$1,076,425	\$30,464,695	\$34,652,867
Estimated VDOT Project Expenses	\$99,000	\$5,000	\$623,915	\$727,915
Estimated Total Project Costs	\$3,210,747	\$1,081,425	\$31,088,610	\$35,380,782


Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$3,158,240	Urban	20%	\$631,648	\$2,526,592	
	\$52,507	Local Funds	100%	\$52,507	\$0	
				\$0	\$0	
Total PE	\$3,210,747			\$684,155	\$2,526,592	\$2,427,592
Right of Way & Utilities	\$818,194	Urban	20%	\$163,639	\$654,555	
	\$263,231	MAP21 w/ Soft Match	0%	\$0	\$263,231	
				\$0	\$0	
Total RW	\$1,081,425			\$163,639	\$917,786	\$912,786
Construction	\$2,507,713	MAP21 w/ Softmatch	0%	\$0	\$2,507,713	
	\$4,500,000	Bond	0%	\$0	\$4,500,000	
	\$438,433	CTB Formula State	0%	\$0	\$438,433	
	\$5,280,739	SGR	0%	\$0	\$5,280,739	
	\$12,321,808	Revenue Sharing Quarterly Payments remaining after match	50%	\$6,160,904	\$6,160,904	
	\$86,537	Local Funds	100%	\$86,537	\$0	
Total CN	\$31,088,610			\$12,200,821	\$18,887,789	\$18,263,874
Total Estimated Cost	\$35,380,782			\$13,048,615	\$22,332,167	\$21,604,252

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$22,332,167
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$21,604,252

Project Financing											
Federal 80%	Quarterly Payments	MAP 21 STP	MAP 21 Soft Match	Revenue Sharing State	Revenue Sharing Local	State CTB Formula	Bond	SGR State	SGR Federal	Local Funds	Aggregate Allocations
\$3,181,147	\$881,824	\$2,216,755	\$554,189	\$6,160,904	\$6,160,904	\$438,433	\$4,500,000	\$5,280,652	\$87	\$6,005,887	\$35,380,782

Program and Project Specific Funding Requirements	
<ul style="list-style-type: none"> This Project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Revenue Sharing Program Guidelines. The Project will be constructed and maintained in accordance with VDOT's Urban Manual and Urban Construction Initiative Administration Guide. In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on May 29, 2018. This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$22,332,167 Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program. All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation. This Project has Revenue Sharing Program allocations. Per §33.2-357 the Project must progress in order to prevent these funds from being de-allocated. The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the Project be altered by the LOCALITY subsequent to Project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT. Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years: <ul style="list-style-type: none"> <input type="checkbox"/> FY10 - \$400,000 (\$200,000 locality match and \$200,000 VDOT match) <input type="checkbox"/> FY11 - \$921,808 (\$460,904 locality match and \$460,904 VDOT match) <input type="checkbox"/> FY12 - \$1,000,000 (\$500,000 locality match and \$500,000 VDOT match) <input type="checkbox"/> FY13 - \$1,000,000 (\$500,000 locality match and \$500,000 VDOT match) <input type="checkbox"/> FY18 - \$9,000,000 (\$4,500,000 locality match and \$4,500,000 VDOT match) This Appendix A supersedes all previous versions signed by VDOT and the LOCALITY. 	

This attachment is certified and made an official attachment to this document by the parties to this agreement.

 _____ Authorized Locality Official	4/30/21 _____ Date	_____ Authorized VDOT Official	_____ Date
Charles P. Boyles II Typed or printed name of person signing	Revised: February 1, 2019	Gregory E. Banks Typed or printed name of person signing	

Appendix A
 Project Number: 0020-104-101 UPC: 75878 CFDA # 20 205 Locality: City of Charlottesville
 Date: 8/5/2020

Project Location ZIP+4: 22002-5303 Locality DUNS # 074745829
 Locality Address (incl ZIP+4):
 610 East Market Street
 Charlottesville VA 22002-5303

Project Narrative
 Work Description: #SGR - RTE 20 - Bridge Replacement - Belmont Bridge
 From: Garrett Street/Larry Ave (0.173 mi south of Water Street)
 To: East Market Street (0.095 mi. north of Water Street)
 Locality Project Manager Contact Info: Jeanelle Janiczek janiczek@charlottesville.org 434-070-3309
 Department Project Coordinator Contact Info: Michael Barnes michael.barnes@vdot.virginia.gov 434-270-2233

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$3,537,937	\$1,051,425	\$25,625,768	\$30,215,130
Estimated VDOT Project Expenses	\$51,000	\$18,000	\$523,915	\$692,915
Estimated Total Project Costs	\$3,588,937	\$1,069,425	\$26,149,683	\$31,807,045

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from dropdown)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max Reimbursement - Est VDOT Expenses)
Preliminary Engineering	\$3,159,240	Urban	25%	\$611,048	\$2,628,592	\$2,475,592
	\$430,697	Local Funds	100%	\$430,697	\$0	
	Total PE	\$3,588,937			\$1,062,345	
Right of Way & Utilities	\$818,184	Urban	20%	\$163,639	\$654,555	\$592,765
	\$203,231	MAP21 w/ Match	0%	\$0	\$203,231	
	Total RW	\$1,031,425			\$163,639	
Construction	\$2,507,713	MAP21 w/ Match	0%	\$0	\$2,507,713	\$13,933,135
	\$4,500,000	Bond	0%	\$0	\$4,500,000	
	\$439,433	CTB Formula State	0%	\$0	\$439,433	
	\$1,000,000	SGR	0%	\$0	\$1,000,000	
	\$12,321,600	Revenue Sharing	50%	\$6,160,800	\$6,160,800	
	\$56,537	Quarterly Payments remaining after match	100%	\$56,537	\$0	
	\$5,575,160	Local Funds	100%	\$5,575,160	\$0	
Total CN	\$26,429,681			\$11,822,631	\$14,607,050	
Total Estimated Cost	\$31,103,043			\$13,048,815	\$18,054,228	

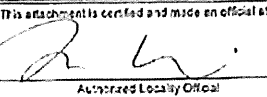

Total Maximum Reimbursement by VDOT to Locality (Less Local Share) **\$18,051,428**
 Estimated Total Reimbursement by VDOT to Locality (VDOT Expenses are reimbursable through UPC 77838) **\$18,051,428**

Project Financing											
Federal 60%	Quarterly Payments	MAP 21 STP	MAP 21 Soft Match	Revenue Sharing State	Revenue Sharing Local	State CTB Formula	Bond	SGR State	SGR Federal	Local Funds	Aggregate Allocations
\$3,181,147	\$881,824	\$2,210,755	\$554,169	\$6,160,904	\$6,160,904	\$439,433	\$4,500,000	\$999,913	\$87	\$6,005,887	\$31,100,043

Program and Project Specific Funding Requirements

- This Project shall be administered in accordance with VDOT's Locality Administrative Projects Manual and Revenue Sharing Program Guidelines
- The Project will be constructed and maintained in accordance with VDOT's Urban Manual and Urban Construction Intensive Administration Guide
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on May 29, 2018.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$18,051,428
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.
- This Project has Revenue Sharing Program allocations. Per §33.2-357 the Project must progress in order to prevent these funds from being de-allocated.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the Project be altered by the LOCALITY subsequent to Project completion with approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetary, as required by the DEPARTMENT.
- Revenue Sharing Program Funds, as indicated in the Project Financing section, were approved in the following fiscal years:
 - FY10 - \$400,000 (\$200,000 locality match and \$200,000 VDOT match)
 - FY11 - \$921,628 (\$460,904 locality match and \$460,904 VDOT match)
 - FY12 - \$1,000,000 (\$500,000 locality match and \$500,000 VDOT match)
 - FY13 - \$1,000,000 (\$500,000 locality match and \$500,000 VDOT match)
 - FY16 - \$3,000,000 (\$1,500,000 locality match and \$1,500,000 VDOT match)
- This standard agreement replaces the Programmatic Project Administration Agreement that this project was previously under and supersedes all previous versions signed by the Locality and VDOT.

This attachment is certified and made an official attachment to this document by the parties to this agreement

Authorized Locality Official: Dr. Tarron J. Richardson Date: 8/5/20
 Authorized VDOT Official: Gregory E. Banks Date: 8/13/2020

Typed or printed name of person signing: Dr. Tarron J. Richardson Revised: February 1, 2019 Typed or printed name of person signing: Gregory E. Banks

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



Agenda Date:	May 17, 2021
Action Required:	Approval of Homeowner Tax Relief Grant Program
Presenter:	Todd D. Divers, Commissioner of the Revenue
Staff Contacts:	Todd D. Divers, Commissioner of the Revenue
Title:	Homeowner Tax Relief Grant – 2021

Background:

Attached is an ordinance for Council’s consideration for the Homeowner Tax Relief grant program for low-and moderate-income homeowners for Calendar Year 2021. The program allows the owners of eligible homeowner-occupied properties grant amounts applied to real estate taxes due on the property for the second half of calendar year 2021.

Discussion:

Enabling language for the CHAP Program is found in Sec. 50.7 of the City’s Charter, which requires that in determining who are “low and moderate income persons” the City must apply the income guidelines issued by the VHDA for use in its single-family mortgage loan program. Those guidelines also contain limitations on the value of the home in question. Current VHDA guidelines stipulate a maximum income threshold of \$90,000 and a maximum home value of \$375,000. The grant and income parameters for the 2021 CHAP Program are as follows:

2021 CHAP				
Applicant Income	\$0 - \$25,000	\$25,001 - \$35,000	\$35,001 - \$45,000	\$45,001 - \$55,000
Grant Amount	Full Relief	\$1000	\$750	\$500

Any remaining grant amount in excess of what is owed on the taxpayer’s second half bill, but not to exceed the entire annual tax due, shall be remitted to the taxpayer.

Maximum value for a qualifying home is \$375,000.

Alignment with City Council’s Vision and Priority Areas:

This aligns with the City Council’s Vision “...to be flexible and progressive in anticipating and responding to the needs of our citizens.”

Budgetary Impact:

Cost of this program is funded with the annual budget appropriation for Fiscal Year 2022 once approved by Council.

Recommendation:

Approve proposed ordinance

AN ORDINANCE TO ESTABLISH A GRANT PROGRAM TO PROMOTE AND PRESERVE HOMEOWNERSHIP BY LOW- AND MODERATE-INCOME PERSONS WITHIN THE CITY OF CHARLOTTESVILLE

WHEREAS, effective July 1, 2006, §50.7 of the Charter of the City of Charlottesville authorizes City Council to make grants and loans of funds to low- or moderate-income persons to aid in the purchase of a dwelling within the City; and

WHEREAS, this City Council desires to offer a monetary grant for Fiscal Year 2021-2022, to aid low- and moderate-income citizens with one of the ongoing expenses associated with the purchase of a dwelling, i.e. real estate taxes; and

WHEREAS, public funding is available for the proposed grant;

NOW, THEREFORE, be it ordained by the Council of the City of Charlottesville, Virginia, effective July 1, 2021 and for calendar year 2021:

Grant—provided.

(a) There is hereby provided to any natural person, at such person's election, a grant in aid of payment of the taxes owed for the taxable year on real property in the city which is owned, in whole or in part, and is occupied by such person as their sole dwelling. The grant provided within this section shall be subject to the restrictions, limitations and conditions prescribed herein following.

(b) If, after audit and investigation, the Commissioner of Revenue determines that an applicant is eligible for a grant, the Commissioner of Revenue shall so certify to the City Treasurer, who shall implement the grant as a prepayment on the applicant's real estate tax bill due on December 6, 2021.

(c) The amount of each grant made pursuant to this ordinance shall be equal to the total 2021 real estate taxes owed by taxpayers with a household income less than or equal to \$25,000; \$1,000 for taxpayers with a household income of \$25,001-\$35,000; \$750 for taxpayers with a household income of \$35,001-\$45,000; and \$500 for taxpayers with a household income from \$45,001-\$55,000, to be applied against the amount of the real estate tax bill due on December 6, 2021. Any remaining grant amount in excess of what is owed on the taxpayer's second half bill, but not to exceed the entire annual tax due, shall be remitted to the taxpayer.

Definitions.

The following words and phrases shall, for the purposes of this division, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Applicant* means any natural person who applies for a grant authorized by this ordinance.

(2) *Dwelling* means a residential building, or portion such building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is a part of the real estate for which a grant is sought pursuant to this ordinance.

(3)*Grant* means a monetary grant in aid of payment of taxes owed for the taxable year, as provided by this ordinance.

(4)*Spouse* means the husband or wife of any applicant who resides in the applicant's dwelling.

(5)*Real estate* means a city tax map parcel containing a dwelling that is the subject of a grant application made pursuant to this ordinance.

(6)*Taxes owed for the current tax year* refers to the amount of real estate taxes levied on the dwelling for the taxable year.

(7)*Taxable year* means the calendar year beginning January 1, 2021.

(8)*Household income* means (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, or (ii) for applicants for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year: of the applicant, of the applicant's spouse, and of any other person who is an owner of and resides in the applicant's dwelling. The Commissioner of Revenue shall establish the household income of persons for whom no federal tax return is required through documentation satisfactory for audit purposes.

Eligibility and restrictions, generally.

A grant awarded pursuant to this ordinance shall be subject to the following restrictions and conditions:

(1)The household income of the applicant shall not exceed \$55,000.

(2)The assessed value of the real estate owned by the applicant shall not exceed \$375,000.

(3)The applicant shall own an interest in the real estate that is the subject of the application (either personally or by virtue of the applicant's status as a beneficiary or trustee of a trust of which the real estate is an asset) and the applicant shall not own an interest in any other real estate (either personally or by virtue of the applicant's status as a beneficiary or trustee of a trust of which the real estate is an asset).

(4)As of January 1 of the taxable year and on the date a grant application is submitted, the applicant must occupy the real estate for which the grant is sought as his or her sole residence and must intend to occupy the real estate throughout the remainder of the taxable year. An applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration.

(5)An applicant for a grant provided under this ordinance shall not participate in the real estate tax exemption or deferral program provided under Chapter 30, Article IV of the Charlottesville City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) for the taxable year, and no grant shall be applied to real estate taxes on property subject to such program.

(6)An applicant for a grant provided under this division who is delinquent on any portion of the real estate taxes due on a property to which the grant is to be applied, must be in good standing on a payment plan with the Treasurer's office with the aim of paying off said delinquency.

(7) Only one grant shall be made per household.

Procedure for application.

(a) Between July 1 and September 1 of the taxable year, an applicant for a grant under this ordinance shall file with the Commissioner of Revenue, in such manner as the Commissioner shall prescribe and on forms to be supplied by the city, the following information:

(1) the name of the applicant, the name of the applicant's spouse, and the name of any other person who is an owner of and resides in the dwelling.

(2) the address of the real estate for which the grant is sought;

(3) the household income;

(4) such additional information as the Commissioner of Revenue reasonably determines to be necessary to determine eligibility for a grant pursuant to this ordinance.

(b) Changes in household income, ownership of property or other eligibility factors occurring after September 1, but before the end of the taxable year, shall not affect a grant once certified by the Commissioner of the Revenue, in which case such certified grant shall be applied to the subject real estate.

(c) Any person who willfully makes any false statement in applying for a grant under this division shall be guilty of a Class 3 misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$500 for each offense.

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



Agenda Date:	June 7, 2021
Action Required:	Approval
Presenter:	Chip Boyles, City Manager
Staff Contacts:	Lisa Robertson, City Attorney Chris Engel, Director of Economic Development
Title:	Resolution Halting Action on E. Market St. Parking Structure

Background:

On May 25, 2021, the City Council had a work session to review and discuss plans related to the City/County inter-governmental memorandum of agreement (MOA) to develop a co-located Court Complex and associated parking near Court Square in downtown Charlottesville.

Discussion:

Following a presentation by staff and comments from the public, the consensus of council was to not proceed with development of a new parking garage to support the courts needs at this time. The accompanying resolution formally reflects this new direction and rescinds the December 2, 2019 council resolution initiating the project.

Attachments:

May 25, 2021 Work Session Materials

RESOLUTION
STATING CITY COUNCIL'S INTENT NOT TO CONSTRUCT A PARKING
STRUCTURE AT 7th AND EAST MARKET STREETS

WHEREAS, on December 17, 2018, Albemarle County and the City of Charlottesville signed a memorandum of agreement (“Agreement”) to develop a joint court complex located at 350 Park Street in downtown Charlottesville; and

WHEREAS, the Agreement contemplates special parking for the County courts, either within a new parking garage structure to be constructed on property owned jointly by the City and the County on land situated at 7th and Market Streets (“Parking Structure”), or via alternative arrangements specified within Section 2.G of the Agreement; and

WHEREAS, by resolution adopted in December 2019 City Council directed staff to proceed with development of the Parking Structure, however this City Council is of the opinion that alternative parking arrangements may now be in the best interests of the general public;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT the City Manager is directed to cancel all pending procurement transactions and to cease all other activities previously commenced to facilitate development of the Parking Structure.

City Council Work Session

May 25, 2021, 3pm

Item #1

**City/County Court Complex Memorandum of
Agreement Review and Project Update: Council
Direction Needed**

7th Street Deck Project

Background Material for Work Session, May 25, 2021

Background:

On December 17, 2018, the County of Albemarle and the City of Charlottesville executed an inter-governmental memorandum of agreement (MOA) to redevelop the Levy Opera House and site located at 350 Park Street to serve as a co-located Court Complex (Attachment 1). The comprehensive agreement memorializes the commitment of each party to the Court Complex and the associated parking required to support it. The agreement has a number of provisions and specifically requires the City to provide the County with 90 parking spaces for their exclusive use in a new downtown garage to be constructed nearby and in operation by November 30, 2023.

Since Spring 2019, a team of staff including representatives from Public Works (Facilities Development, Engineering, Facilities Maintenance, and Environmental), Neighborhood Development Services and the Office of Economic Development have been working in conjunction with the engineering firm of Kimley Horn to plan and develop the parking facility project.

On December 2, 2019, the City Council unanimously approved a resolution that directed the following actions: 1) directs the necessary funds for the purchase of the County's portion of the jointly owned parcel, 2) directs the City Manager to authorize all necessary documents related to the closing and 3) directs staff to commence the project as outlined by Kimley Horn in the conceptual design referenced herein as Option C and dated April 2019.

To date the following tasks have been completed:

- Feasibility study and proof of concept design
- Survey and geotechnical investigation
- Appraisal and purchase of the land
- Approval by Procurement for use of Design-Build as delivery method for this project
- Preliminary discussion with the Board of Architectural Review
- Development, issuance and receipt of a Request for Qualifications (RFQ) of prospective Design-Build entities with the assistance of professional services
- Review of received Statements of Qualification with the assistance of professional services resulting in a short list of qualified firms prepared to submit project proposals
- 95% of the development and preparation of Request for Proposals (RFP) and associated Owners Criteria with the assistance of professional services

Funds expended to date (not including city staff time) on the above referenced items total approximately \$1,500,000.

Discussion:

First, recently several councilors have raised questions about the project and have suggested its

scope be altered or delayed. The project is at a critical juncture in the process - the issuance of a Request for Proposals (RFP) from Design-Build firms. Due to the approved funding levels in the FY22 CIP and previous discussions, staff is requesting clarification from City Council on how to proceed. Any significant change to the project scope at this time will result in the City *not* achieving the completion date required in the MOA. In addition, a delay is likely to result in a loss of pre-qualified teams and the possibility of needing to restart the process from the beginning.

Secondly, in terms of funding and schedule, the full project budget is \$11,340,240 (this includes funding for land acquisition costs). The FY21 CIP allocated \$2M to the project. The approved FY22 CIP adds another \$1M with the remaining \$7M to be included in the FY23 CIP. The approved FY22 CIP does not facilitate the current project schedule for a design build project.

Staff cannot proceed with a contract for design-build (anticipated to be approximately \$8.5M) until the full amount of funding is allocated and available. In the above referenced funding sequence this would not occur until the start of FY23 (July 1, 2022). The originally anticipated funding sequence called for full funding by start of FY22; the current funding sequent will likely result in a delay in project delivery of at least a year. As the proof of concept plan and related work had been projected to meet the completion date of the MOA of November 30, 2023, proceeding based on the currently approved funding plan will result in the City *not* achieving the completion date required in the MOA.

The MOA provides the County with two options if a new City-owned parking structure is not completed by the November 30, 2023 completion date. Option 1: The City to provide 100 spaces in the Market Street Parking Garage for the County's exclusive at or below level 2. Option 2: Reconvey one-half interest in the East Market Street parcel and allow County exclusive control of the lot. As neither option adds any new capacity to the parking inventory; both present a challenge in accommodating expected post-COVID-19 parking demand and have operational consequences that impact business and visitors to downtown. Each option is discussed in detail below.

Option 1: The City to provide 100 spaces in the Market Street Parking Garage (MSPG) for the County's exclusive at or below level 2 of the facility. The MSPG was built in 1975 in anticipation of the creation of the downtown pedestrian mall and the associated loss of parking on Main Street. Since that time, the facility has served as the primary parking option for customers, employees and visitors to the mall area as well as municipal functions such as City Hall and the courts. As such, the facility is managed to balance these needs while also providing for maximum efficiency.

During normal pre-COVID operations, the MSPG regularly exceeded 90% occupancy at peak during weekday business hours. On particularly high demand days, the facility reaches capacity and is forced to limit access until spaces become available again. In 2019, the facility reached capacity on 91 occasions and access was limited for periods of time ranging from 30 minutes to 4 hours. In addition, for 15 years prior to the COVID-19 pandemic there was an active waiting list for monthly permits at the MSPG.

Given the historically high level of usage at the facility, it seems inconceivable that an additional 100 reserved spaces could be accommodated in the structure. In fact, they could not under the current model of operation. The only practical way to do so would be to

disallow transient parking Monday – Friday during business hours. To do so (without an equally accessible and attractive alternative option) is contrary to the original purpose of the facility and would cause significant disruption to the general public and the mall area businesses.

Option 2: the City to reconvey one-half interest in the East Market Street parcel and allow County exclusive control of the lot. The parcel at the corner of 7th and Market Street was purchased jointly by the City and the County in 2004 as part of a larger property purchase to facilitate a joint courts project. The parcel is currently a 63 space surface parking lot managed by the City. As part of the MOA and with City Council direction in December 2019, the City purchased the County interest and became full owner in April of 2020.

Under this scenario, the County would repurchase one-half of the lot at the current fair market value or the equal amount to what the City paid the County, whichever is less. The County would then have sole use of the lot. The City would continue to own half of the lot but have no ability to use it or generate revenue from it for the duration of the agreement.

The 63 monthly parkers currently using the lot would be displaced.

In summary, if the City does not construct the new parking facility as contemplated in the MOA, the County has the above options to choose from at their sole discretion. In addition, given the target completion date in the MOA of November 30, 2023, if the design-build process is delayed it greatly increases the chances of the facility not being ready and option 1 or 2 becoming the primary options to satisfy County court parking needs.

Alternative Options

The City may wish to attempt to renegotiate the MOA with the County to alter the terms of the agreement. This requires both parties to be willing to do so and at this point the County is proceeding per the schedule to design the Court building, and we have no reason to believe they are unsatisfied with the agreement as it stands.

Staff have identified two additional alternatives for consideration in this category:

East Parcel Facility – The feasibility study did assess using only the easternmost parcel to construct a smaller facility. The facility would be four levels with a small amount of commercial space and yield approximately 140-200 parking spaces. Estimated costs are in the \$6-8M range. The benefits of this approach include the addition of parking capacity and the preservation of the existing surface lot at 7th & Market for surface parking and/or future development. The disadvantages include fewer parking spaces and a higher cost per space given the smaller development footprint.

East Parcel Surface Lot – Develop a surface parking lot on the east parcel site. A preliminary analysis and layout has been completed by staff and suggests that the lot would yield approximately 38 spaces and cost about \$1M. The benefits of this approach include the addition of a small amount of parking capacity and the preservation of the existing surface lot at 7th & Market for surface parking and/or future development. The disadvantages include an inefficient use of the property as well as potential loss of

investment to develop the parking lot if use is short-term and a high cost per space for a surface lot.

Both alternatives may require amendment to the MOA agreeable to both parties.

Additional Considerations

It has been suggested that the need for additional new parking capacity is unwarranted and that the obligation to the County could be met with one of the alternative options discussed above provided it was coupled with better transportation demand management (TDM) efforts. The 2015 Parking Study conducted by transportation consultant, Nelson Nygaard, did suggest the City pursue TDM strategies in an effort to try and reduce demand and thus relieve pressure on existing parking facilities. Specifically, the creation of a Transportation Management Association was recommended. TMAs are usually non-profit organizations that focus on expanding knowledge of alternatives to commuting in single occupant vehicles. TMAs are common in large metro areas that experience commuter congestion and have multiple alternative transportation options available. To be successful in reducing single occupant vehicle trips, TMAs require consistent funding, dedicated partners and a considerable amount of time. According to American Community Survey data from 2019, local commuting patterns have changed little in recent years with 72% continuing to occur in single occupant vehicles.

In an effort to better maximize the value of the land, the project could be made larger and denser and could include other uses such as residential or office space. While this is certainly possible, it is largely dependent on available resources and it creates a significantly more complex project. It also has significant schedule impacts which cannot meet the deadline in the MOA. The permutations of this approach are considerable and as such are not explored in further detail here. Suffice it to say that staff and the consultant did evaluate this option and given the funding and timing constraints of the project chose to recommend the by-right garage with limited commercial on the ground level as referenced in the December 2, 2019 resolution.

Staff Recommendation

Staff continues to believe that the plan supported by City Council's December 2, 2019 resolution is a practical solution that meets the requirements of the MOA with the County and provides some additional parking capacity to meet continued high demand in the vicinity of City Hall. Should City Council agree and wish to proceed as quickly as possible a supplemental appropriation of funds (\$7M) would be needed. Alternatively, the project can be paused until such time as full funding is available and/or project objectives are clearly redefined.

Staff seeks clarification from City Council as to how to proceed.

Attachments:

1. Memorandum of Agreement with County for Court Expansion, December 18, 2018
2. Council Resolution Initiating Property Acquisition and Parking Structure Development, December 2, 2019

**MEMORANDUM OF AGREEMENT TO FACILITATE THE EXPANSION,
RENOVATION, AND EFFICIENT AND SAFE OPERATION OF THE ALBEMARLE
CIRCUIT COURT, THE ALBEMARLE GENERAL DISTRICT COURT, AND THE
CHARLOTTESVILLE GENERAL DISTRICT COURT**

THIS AGREEMENT is entered into this 17th day of December, 2018, by and between the **COUNTY OF ALBEMARLE, VIRGINIA** (the “County”) and the **CITY OF CHARLOTTEVILLE, VIRGINIA** (the “City”), both of whom are political subdivisions of the Commonwealth of Virginia. This agreement may be referred to as the “Agreement.” The County and the City may be referred to collectively as the “Parties.”

RECITALS

- R-1** Court Square is an approximately three-quarter acre parcel located in a part of the County that is now surrounded by the incorporated territory of the City near the City’s downtown that has served as the Albemarle County courthouse since the Eighteenth Century, and the building in Court Square in which the Albemarle County Circuit Court is located has continuously served as a County court since the early Nineteenth Century; and
- R-2** The County’s General District Court, as well as related County offices, are also located within Court Square; and
- R-3** The City’s Circuit and General Districts Courts are located near the County’s Courts and the City’s downtown, respectively; and
- R-4** As a result of the proximity of these County and City Courts to one another, as well as the location of the United States District Court in the City’s downtown, many law offices and other court-related businesses, organizations, and court-system related service providers are located in the City’s downtown area; and
- R-5** The County and the City agree that an economically strong City benefits the residents of the City, the County, and the region; and
- R-6** The County has studied the expansion, renovation, and efficient and safe operation of the Albemarle County Circuit Court and General District Courts (the “County Courts”) and related facilities since at least 1999, and more recently has studied and considered the relocation of the County Courts to the County Office Building at 401 McIntire Road, which is within the City, and to locations within the County other than Court Square; and
- R-7** This Agreement is premised on the City’s stated intention to construct a parking structure in downtown Charlottesville and the availability of those parking spaces for those persons working in and using the County Courts and their related offices, and the City’s stated intention to contribute funds for the full cost of a City General District Court court set and clerk’s office within the proposed General District Court Building, as those terms are described in this Agreement; and
- R-8** The availability of adequate and convenient parking for persons working in and using the County Courts and their related offices is essential for the current and future safe, convenient, and practical operation of the County Courts in Court Square and its immediate vicinity; and
- R-9** The County’s Board of Supervisors has determined, as stewards of the revenues received from the County’s taxpayers, that it is fiscally prudent to enter into this Agreement and affirm the County’s commitment for the County Courts to remain in Court Square and its immediate vicinity.

STATEMENT OF AGREEMENT

The County and the City agree to the following:

1. Sale of the County's One-Half Interest in the Jointly-Owned East Market Street Parcel.

The City and the County each own a one-half interest in the parcel located at 701 East Market Street, which is identified as City Parcel Identification Number 530159000 (the "East Market Street Parcel"). Subject to the requirement of Virginia Code § 15.2-1800(B) for the County's Board of Supervisors to first conduct a public hearing and the decision of the County's Board of Supervisors following the public hearing, the County agrees to sell its one-half interest in the East Market Street Parcel to the City pursuant to the following terms:

- A. Purpose.** The purpose for the County selling its one-half interest in the East Market Street Parcel is to facilitate the City's construction of a multi-level public parking structure on the parcel (the "Parking Structure"). The Parties understand that any necessary City financing and ongoing operation and maintenance of the Parking Structure is simplified if the County is not a co-owner of the East Market Street Parcel. In addition, as set forth in Section 2, the Parking Structure alleviates the County's need for ongoing ownership of the parcel.
- B. Value of the East Market Street Parcel; Independent Appraisal.** The fair market value of the East Market Street Parcel shall be determined by an independent appraisal. The Parties shall jointly select an appraiser to appraise the Parcel to determine its fair market value at the time of the appraisal. The Parties shall each contribute one-half of the cost of the independent appraisal. The City shall manage the appraisal process by ensuring that all applicable requirements are satisfied in procuring the services of an independent appraiser. Notwithstanding Section 5(I)(2), the Parties may agree to share the cost of the independent appraisal before all State legislation required to enable the County to lawfully pursue the General District Court Project described in Section 5 is signed by the Governor.
- C. Sales Price.** The County agrees to sell its one-half interest in the East Market Street Parcel for one-half the appraised value determined by the independent appraisal prepared pursuant to Section 1(B).
- D. Costs.** Each Party shall bear its own costs and expenses associated with the sale of the East Market Street Parcel, except for the cost of the independent appraisal.
- E. When the Sale Will Close.** The County's sale of its one-half interest in the East Market Street Parcel shall close within six months after completion of the independent appraisal conducted pursuant to Section 1(B), or within two months after all State legislation required to enable the County to lawfully pursue the General District Court Project described in Section 5 is signed by the Governor, whichever is latest.
- F. Sales Contract.** The Parties may enter into a separate purchase contract for the City's acquisition of the County's one-half interest in the East Market Street Parcel. The contract shall be consistent with the terms in Sections 1(A) through 1(E).
- G. Section 6 of the July 20, 2004 City-County Agreement is Inapplicable.** The procedures and requirements of Section 6 of the "City of Charlottesville/County of Albemarle Intergovernmental Agreement Regarding the Joint Purchase/Ownership of Real Estate," which pertain to the East Market Street Parcel and other properties when "either party wishes to dispose of its interest in the Property" do not apply to this conveyance.
- H. Consequences if the County's Board of Supervisors Fails to Approve Sale Following Public Hearing.** If, following the public hearing required by Virginia Code § 15.2-1800, the County's Board of Supervisors does not approve the sale of the East Street Market Parcel to the City as provided in this section, this Agreement is void.

2. Parking Structure on the East Market Street Parcel.

The City shall construct the Parking Structure on the East Market Street Parcel pursuant to the following terms:

- A. **Purpose.** The City intends to construct the Parking Structure to meet the parking needs of the City. The Parking Structure is also significantly important to the County because one of the bases for the County investing in the expansion and renovation of the County Courts as described in this Agreement is the availability of convenient vehicular parking for those persons working in and using the County Courts and their related offices.
- B. **Design of the Parking Structure.** The City shall have sole discretion in the design of the Parking Structure, subject to the following:
 1. **Providing Parking Structure Design Plans to the County.** During the City's design process for the Parking Structure and until the City's final approval of its design, the City shall provide the original and each revision of the Parking Structure design plans to the County for the County's review and comment. The purpose for the County's review and comment of the Parking Structure design plans is to ensure that the requirements of Section 2(C) are satisfied.
 2. **Changes to the Parking Structure Design After Its Approval.** The City shall not change the design of the Parking Structure after the final approval of its plans by change order or otherwise without the County's express written consent if the design change would change or affect in any way the requirements of Section 2(C) being satisfied. County approval shall not be unreasonably withheld.
- C. **Parking Spaces Allocated to the County.** The City shall provide parking spaces to the County within the Parking Structure as follows:
 1. **Number of County Parking Spaces.** The City shall provide 90 dedicated parking spaces for exclusive use and control by the County and persons working in and using the County Courts, or any other purpose (the "County Parking Spaces") as provided in this subsection.
 2. **Location of the Parking Spaces.** The 90 County Parking Spaces shall be located on the ground level within the Parking Structure to the fullest extent feasible, and exclusive of any parking spaces required to be located on the ground level to comply with the Americans with Disabilities Act. If the design of the Parking Structure does not allow all 90 County Parking Spaces to be located on the ground level, as many of the County Parking Spaces as possible shall be on the ground level and any remaining County Parking Spaces shall be located on the next level above or below the ground level subject to design considerations and applicable State or federal regulatory requirements. For the purposes of this Agreement, "ground level" means the level of the Parking Structure that is at or nearest to the level of the ground around the Parking Structure. Because of the different elevations of East Market Street and 7th Street, it is possible for more than one level of the Parking Structure to be ground level.
 3. **Access to Sidewalks Outside of the Parking Structure.** All 90 County Parking Spaces shall be located to provide convenient pedestrian access to sidewalks outside of the Parking Structure to allow persons working in and using the County Courts to safely walk to and from the County Courts.
 4. **Controlled Access.** The Parking Structure shall be designed to provide controlled access to the fullest extent feasible to the County Parking Spaces when the County has the exclusive right to use the County Parking Spaces for its purposes as provided in Section 2(C)(6). The techniques and systems to control access shall be agreed to between the City and the County while the Parking Structure is being designed. County approval shall not be unreasonably withheld.

5. **County Parking Space Circulation, and Dimensions.** The design of the Parking Structure shall provide safe and convenient ingress and egress from the City streets to the County Parking Spaces, access, and internal circulation shall meet the minimum requirements of City Code § 34-975, and the dimensions of each County Parking Space shall meet the minimum dimensions for a parking space for a standard vehicle (8.5 feet by 18 feet) or a compact vehicle (8 feet by 16 feet) as provided in City Code § 34-977. The ratio of County Parking Spaces for standard vehicles and compact vehicles shall be the same as it is for other parking areas within the Parking Structure.
 6. **When the County has Exclusive Right to Occupy the County Parking Spaces.** The County shall have exclusive control over access to and the right to determine the use of the County Parking Spaces as follows:
 - a. **During Regular Court Hours.** Each Monday through Friday, from 7:00 a.m. until 6:00 p.m., unless the day is a court holiday.
 - b. **During Special Court Sessions or Events.** The County shall also have exclusive control over access to and the use of the County Parking Spaces on any weekend day or evening after 6:00 p.m. when the County or any County Court knows that a judicial proceeding or other County Court event will be held on those days or during those times. The County shall provide the City advance notice of the judicial proceeding or other County Court event that will be held on a weekend day or in the evening after 6:00 p.m.
 7. **When the County does not have Exclusive Right to Occupy the County Parking Spaces.** At any time when the County does not have exclusive control of them as provided in Section 2(C)(6), the County Parking Spaces shall be under the control of the City and may be open to the public or otherwise used as the City determines to be appropriate.
 8. **Separate Lease.** Before the County begins using the County Parking Spaces, the County and the City will enter into a lease for the County Parking Spaces. The lease will be for a minimum term of 20 years, for a rent of not more than \$1.00 per year, and will permit the County to renew the lease for one time for a period not to exceed 20 years for a rent of not more than \$1.00 per year and will otherwise be consistent with the terms and conditions of this Agreement. The lease shall contain a section which provides the County with alternative off-street parking spaces if, at any time during the term of the lease, the County Parking Spaces become unavailable. The lease will make proximity as close as possible to the County Courts the City's first priority in providing alternative parking spaces.
- D. **When Construction Shall Begin.** The City shall begin construction of the Parking Structure no later than May 1, 2022.
- E. **When a Certificate of Occupancy Must be Issued and County Entitled Use.** The City shall issue a certificate of occupancy for the Parking Structure, or at least for the County Parking Spaces, by November 30, 2023, subject to the following:
1. **Coordination.** One of the primary objectives of this Agreement is to ensure that parking spaces are available to persons working in and using the County Courts and their related offices when the General District Court Project is completed. The Parties intend for the City's construction of the Parking Structure and for the General District Court Project to be completed as simultaneously as practicable. In furtherance of that intention:
 - a. **Meetings.** Representatives from the County and the City who will be managing the General District Court Project and the construction of the Parking Structure for their respective localities shall meet to discuss coordinating the timely completion of the two projects. The

meetings shall begin during the design phases for the respective projects and be held periodically as the representatives determine to be necessary.

- b. **Schedule for the General District Court Project.** The County shall provide to the City the County's schedule for completing the General District Court Project and provide any revisions to the schedule whenever it changes. The County will provide the original schedule to the City at least three years before the planned completion date of the General District Court Project.
 - c. **Schedule for the Parking Structure.** The City shall provide to the County the City's schedule for completing the Parking Structure and provide any revisions to the schedule whenever it changes. The City shall provide the original schedule to the County within 30 days after the County provides the City its original schedule for the General District Court Project.
2. **Temporary Alternative Parking if the Parking Structure is not Timely Completed.** If the General District Court Project receives a certificate of occupancy on or after November 30, 2023 and before the certificate of occupancy for the Parking Structure has been issued, the City shall provide 100 parking spaces for the exclusive use for those persons working in and using the County Courts and their related offices until the County is able to occupy the Parking Structure and use the County Parking Spaces. These 100 parking spaces shall be located in the City-owned parking structure located on Market Street commonly known as the "Market Street Garage."
- F. **Signs.** The City agrees to install and maintain signs in public areas, including along sidewalks, between the Parking Structure, Court Square, and the Project Property as described in Section 5(A) to inform pedestrians how to get to and from those properties.
1. **Sign Plan.** Before the City installs the signs, it shall develop and provide to the County a proposed sign plan, which the County shall review and be subject to approval by the County Executive. The County Executive shall not unreasonably withhold approval of the sign plan.
 2. **Costs.** The City shall pay all costs to make or purchase, install, and maintain the signs required by this section.
- G. **Failure of the City to Complete Construction of the Parking Structure.** If the City fails to complete construction of the Parking Structure so that it is unable to provide to the County the County Parking Spaces by November 30, 2023 or within one year after the General District Court Project is completed, whichever is later, at the option of the County:
1. **Provide Parking in the Market Street Garage.** The City shall provide 100 spaces in the Market Street Garage at or below Level 2 as those levels are identified on the date of this Agreement for the exclusive use by the County, subject to the terms and conditions of Sections 2(C)(4), 2(C)(5), 2(C)(6), 2(C)(7), and 2(F); or
 2. **Reconvey Interest in East Market Street Parcel, Allow the County to Use the Parcel for Parking, and Pay the County.** The City shall convey a one-half Interest in the East Market Street Parcel to the County, allow the County to use the East Market Street Parcel for parking, and pay the County, as follows:
 - a. **Reconveyance.** Subject to a City Council ordinance, the City shall convey to the County a one-half interest in the East Market Street Parcel for the amount it paid to the County pursuant to Section 1 or the then-current appraised value of the one-half interest, whichever is less, less one-half of the fair market rental value for the City's sole occupation of the East Market Street Parcel for the entire time the City was the sole owner of the parcel; and

- b. **Use.** In addition, the City shall enter into a memorandum of understanding providing the County exclusive control over access to and the use of the East Market Street Parcel for parking for persons working in and using the County Courts and their related offices.

3. **Managing the Parking Structure and Maintaining the County Parking Spaces.**

The management of the Parking Structure and the maintenance of the County Parking Spaces are as follows:

- A. **Managing the Parking Structure.** The City anticipates that the Parking Structure will be operated by a third-party vendor. Both the City and the County expect that the Parking Structure will be managed by the selected third-party vendor in a professional manner that will ensure that the Parking Structure, including the County Parking Spaces, are operated to ensure that the Parking Structure is physically sound, clean, and safe. To those ends:
 1. **County Participation in the Vendor Selection Process.** A County representative shall serve on all vendor selection committees that are tasked with evaluating the proposals received from vendors to operate the Parking Structure. If the City does not establish a vendor selection committee, a County representative shall be allowed to evaluate any proposals received from vendors and to provide comments and recommendations to the City official charged with selecting a vendor. The City official shall in good faith consider the County representatives comments and recommendations before selecting a vendor.
 2. **Vendor Performance Standards.** The City will seek input from the County on management performance standards for the selected vendor. The management standards will include clear expectations on customer complaints and follow-ups. The County shall be provided with a City representative's contact information for any customer complaints received by the County. Any County complaint shall be responded to within one business day of the City representative receiving the complaint.
 3. **City Contract with the Vendor.** The City's contract with the vendor selected to operate the Parking Structure shall include an express provision that the County is a valued tenant of the Parking Structure and that the County may have unique concerns, complaints, or questions regarding the operation of the Parking Structure. Any County issues will be addressed by the City directly to the Vendor with input by the County.
 4. **Evaluate Vendor Performance.** The County may evaluate the vendor's performance and provide that evaluation to the City.
- B. **The County's Portion of Management Costs.** The County shall pay a portion of the City's costs to the vendor under the contract to manage and maintain the Parking Structure, as follows:
 1. **Formula.** The County's portion of management and maintenance costs is the amount equal to the County's pro rata share of the City's annual management and maintenance costs pursuant to its contract with the third-party vendor, less 15 percent.
 2. **How Pro Rata Share Determined.** The County's pro rata share of management costs shall be based on the ratio of the 90 County Parking Spaces to the total number of parking spaces expressly designated or which could be designated, within the Parking Structure. For example, if the Parking Structure has 400 total parking spaces, or is designed and constructed to have sufficient area in which 400 parking spaces could be designated as such, the County's pro rata share is 22.5 percent (90/400). For the purposes of this Agreement, parking spaces "which could be designated" are any areas within the Parking Structure that the City has elected not to stripe as parking spaces or otherwise make them available for parking which could be designated for

parking, based on an average parking space size of 8.5 feet by 18 feet, less the minimum area required for safe travelways.

3. **Reduction.** The amount of the County's pro rata share is thereafter reduced by 15 percent in recognition that the County will not exclusively control the access and use of the County Parking Spaces at all times every day.
 4. **Example.** For example, if the County's pro rata share is 25 percent, and the City's total annual management cost of the Parking Structure is \$200,000, the County's pro rata share is \$50,000. That amount is then reduced by 15 percent (\$7,500) for an annual County payment of \$42,500.
- C. **When Payment by the County is Due.** The County shall pay the City its portion of the costs to manage and maintain the Parking Structure once each year, within 30 days after the County receives a written invoice from the City.
 - D. **Ongoing Assessment of Best Practices.** Upon the request of either party, City and County representatives will meet to identify and discuss City and County Courts parking needs that will inform decisions as to the best practices to address those needs.
4. **On-Street Parking.**

The City agrees to provide 15 on-street parking spaces for the County's designated use during the County Courts' operational hours, as follows:

- A. **Location.** The 15 on-street parking spaces are located on the sides of the streets abutting the block containing Court Square and the City park that is bounded by East High Street, Park Street, East Jefferson Street, and 4th Street NE (the "On-Street Parking Spaces" and the "Court Square Block").
- B. **Parking Spaces in Addition to Existing Dedicated Parking Spaces.** The On-Street Parking Spaces provided by the City pursuant to this section are in addition to the 16 on-street parking spaces on the same block that are already dedicated for County and Court personnel and for persons with disabilities. These 16 on-street parking spaces shall remain dedicated for County and Court personnel and for persons with disabilities during the term of this Agreement and the ratio of those parking spaces for their currently-dedicated uses shall not change without the prior written consent of the County.
- C. **When the County has Exclusive Right to Occupy the On-Street Parking Spaces.** The County shall have exclusive control over access to and the right to determine the use of the On-Street Parking Spaces on the days and during the times as provided in Section 2(C)(6).
- D. **When County May Begin Use.** The City will make the On-Street Parking Spaces available for County occupation pursuant to this Agreement when the Virginia General Assembly enacts, with the signature of the Governor, all of the amendments to the Code of Virginia listed in Section 5(I) of this Agreement and the County demonstrates, to the City's satisfaction, that all funds necessary for completion of the General District Courts Project are budgeted by the County.
- E. **Enforcement.** The County will develop an enforcement policy, strategy, or plan, or a combination thereof (collectively, the "Plan"), intended to ensure that all of the on-street parking spaces (both the previously dedicated 16 on-street parking spaces (not including the parking spaces already designated for persons with disabilities) and the 15 On-Street Parking Spaces are available for use by County Court personnel and persons using the County Courts on the days and during the times as provided in Section 2(C)(6). The County will provide the Plan to the City for its review and approval before the Plan is implemented.

- F. **Reversion.** Alternatively, at the County's sole option, the County may occupy up to 120 parking spaces in the Parking Structure pursuant to Sections 2 and 3 of this Agreement, and up to 15 of the On-Street Parking Spaces described in Section 4 of this Agreement shall revert back to the sole ownership, use, and control of the City, all of which shall be as agreed to between the City and the County before the County executes its option and the on-street parking spaces revert to the City.

5. **The General District Court Project.**

To facilitate the General District Court Project, the County and the City agree as follows:

- A. **General District Court Project described.** The "General District Court Project" is the County's relocation and expansion of its General District Court and other offices from Court Square to the property located at 350 Park Street, which is identified as City Parcel Identification Numbers 530109000 and 530108000, and which is jointly owned by the City and the County (the "Project Property"). The General District Court Project will include two County General District Court court sets, a shell for a third County General District Court set, and one City General District Court court set. The General District Court Project will also include spaces for Court Clerks and for storage, and will renovate the Levy Opera House building so that the County Commonwealth's Attorney's Office may be relocated there. For the purposes of this Agreement, a "court set" includes a courtroom, judge's chambers, and places for people conducting court business to meet. The General District Court Project is part of a larger project that will include renovating and modernizing the existing County Circuit Court buildings located in Court Square.
- B. **City Consent to Use the Property.** The City consents to the County using the Project Property and constructing and operating the General District Courts on the Project Property for as long as they are located there.
- C. **City Contribution for a City General District Court Court Set.** Within 60 days after receiving a written request from the County, the City shall contribute \$6,838,028 to design and construct the General District Court Project, by which the City will obtain a City General District Court court set and a clerk's office.
1. **Consequences if the City Fails to Appropriate and Transfer.** The County acknowledges that the City's financial contribution to the General District Court Project is subject to appropriation by the City Council. If the City Council does not appropriate the City's contribution and its contribution is not transferred to the County as provided in this Agreement, the City shall pay any costs incurred by the County to redesign the General District Court Project to accommodate only the three County General District Court court sets, any costs related to the delay in the start of construction of the Project, and the City's pro rata share, had it made its full contribution, of the costs for the General District Court Building's foundation, common areas, and circulation elements (access points, entries, lobbies, and hallways that allow people to move around the building).
 2. **Liquidated Damages.** The Parties agree that it would be difficult if not impossible to ascertain the amount of damages sustained by the County arising from the costs related to the delay in the start of construction of the Project caused by the City Council's failure to make the financial contribution to the County pursuant to this Agreement. It is therefore expressly agreed by the Parties that if the City fails to make the financial contribution to the County pursuant to this Agreement which results in Project delay, the City shall pay to the County as liquidated damages, and not as a penalty, the sum of \$200,000.

- D. Ownership and Maintenance of the Project Property and the General District Court Building.** The County and the City jointly own the Project Property and joint ownership shall continue. The County and the City shall also jointly own the General District Court Building. The County's ownership interest shall be based on the percentage of its financial contribution to the total General District Court Project cost and the City's ownership interest shall be based on the percentage of its financial contribution to the total General District Court Project cost.
1. **Management and Maintenance of the Project Property and the General District Court Building.** The Project Property and the General District Court Building (collectively, the "Project Property") shall be managed and maintained (collectively "managed") by the County or a vendor selected by the County, provided that the City and the City General District Court may, at its option, manage and maintain the City General District Court court set.
 2. **Costs.** The City's portion of management costs is 15.68 percent of the total amount of the County's annual management costs of the Project Property.
 3. **When Payment by the City is Due.** The City shall pay the County its share of the costs to manage the Project Property in December of each calendar year, within 30 days after the City receives a written invoice from the County.
- E. Future Capital Costs.** Any capital costs to be incurred after the City issues the certificate of occupancy for the General District Court Building are subject to the following:
1. **Capital Maintenance.** The County shall be responsible for capital maintenance of the Project Property and shall be the fiscal agent for all funding issues pertaining to capital maintenance of the Project Property.
 - a. **Costs.** The City's portion of capital maintenance costs is 15.68 percent of the total amount of any capital maintenance project.
 - b. **When Payment by the City is Due.** The City shall pay the County its share of the costs for capital maintenance within 30 days after the City receives a written invoice from the County.
 2. **Capital Improvements to the Interiors of the General District Court Court Sets.** Any capital upgrades, modifications, or other capital improvements of any General District Court court set shall be solely funded by the County for any County General District Court court set and by the City for the City General District Court court set, provided that any capital upgrades, modifications, or other capital improvements for all four General District Court sets being performed as part of a single project shall be subject to the responsibilities, fiscal agency, cost formula, and payment schedule as provided in Section 5(E)(1).
- F. Furnishing and Equipping.** Each Party shall be responsible for, and pay the full cost of, its respective General District Court court sets. The Parties shall equally share the cost of furnishing and equipping any common areas of the General District Court Building.
- G. Permitting Fees.** When completed, the General District Court Project will be composed of up to four General District Court court sets (one of which will be a shell for future completion by the County). One of the court sets will be a City General District Court court set. The County is responsible for paying any City-imposed permitting fees, provided that the County's obligation to pay permitting fees shall be reduced by the amount of any building inspection fees pursuant to Virginia Code § 15.2-1804, and further provided that the City shall pay 25 percent of all City permitting fees, including any fees imposed by a City utility. Payment by the City of its 25 percent share may be accomplished by reducing the total local fees to be paid for the General District Court Project to 75 percent of that total, less any reduction in building inspection fees pursuant to Virginia Code § 15.2-1804.

H. Charlottesville Circuit Court's Interim Occupation of the Levy House. The Parties entered into a memorandum of understanding on May 9, 2018 to allow the Charlottesville Circuit Court to occupy a portion of a floor of the building known as the Levy House until August 31, 2019 while the Charlottesville Circuit Court's permanent building is being renovated. If the Charlottesville Circuit Court's occupation of the Levy House extends beyond August 31, 2019, upon the written request by the County, the City shall immediately relocate the Charlottesville Circuit Court to another building. If the City does not relocate the Charlottesville Circuit Court by the deadline provided in the County's written request, the City shall pay to the County any costs incurred by the County resulting from the delay, including any increase in the cost for the General District Court Project if the Project must be re-bid.

I. Cooperation in Pursuing Amendments to State Law. The Parties acknowledge that the County's county seat is Court Square and that the County's General District Court Project would relocate the County's General District Courts from Court Square, which is located in the County, to the Project Property, which is located in the City. In addition, the General District Court Building that will be constructed on the Project Property will be jointly used by the County and the City if the City makes its financial contribution for the City General District Court court set pursuant to Section 5(C). Therefore:

1. **Cooperation.** The Parties agree to jointly cooperate from the date of this Agreement until June 30, 2020 in pursuing before the General Assembly any required amendments to State law, including the following:
 - a. **Amendment to Virginia Code § 15.2-1638.** Virginia Code § 15.2-1638 provides that the fee simple of the lands and of the buildings and improvements thereon used for courthouses "shall be in the county or city." Because Project Property is jointly owned by the County and the City, and because the new General District Court Building may be jointly owned, an amendment to Virginia Code § 15.2-1638 is required in order to accomplish the General District Court Project as proposed.
 - b. **Amendment to Virginia Code § 16.1-69.35.** Virginia Code § 16.1-69.35(5) currently leaves it to the discretion of the chief judge of the general district court to determine whether court shall be held in any place or places in addition to the county seat. Because the General District Court Project would relocate the County's General District Court from Court Square, the County's county seat, an amendment to Virginia Code § 16.1-69.35 is required in order to allow the General District Court Project to proceed.
2. **Consequences if Amendments Not Obtained.** If all State legislation required to enable the County to lawfully pursue the General District Court Project described in Section 5 is not effective by July 1, 2020, neither party shall have any obligation under this Agreement except as provided in Section 1(B).

6. Legislative Powers and Rights of Voters Not Affected by this Agreement.

The following legislative powers and voters' rights are not affected by this Agreement, subject to the consequences provided below:

- A. **Resolution by the County's Board of Supervisors.** The City acknowledges that the County's Board of Supervisors may not contract away the Board's legislative powers. Therefore, this Agreement shall not be construed to affect in any way the authority of the Board to adopt a resolution pursuant to Virginia Code § 15.2-1644(A) requesting the County's Circuit Court to order an election on the question of removing the County's county seat (referred to in Virginia Code § 15.2-1644(A) as the "courthouse") to one or more places specified in the resolution.

- B. **Petition by County Voters.** The City acknowledges that the County’s Board of Supervisors may not infringe upon the right of the County’s registered voters to petition the County’s Circuit Court pursuant to Virginia Code § 15.2-1644(A) requesting the Court to order an election on the question of removing the County’s county seat (referred to in Virginia Code § 15.2-1644(A) as the “courthouse”) to one or more places specified in the petition.
- C. **Consequences of a Successful Referendum.** If the referendum on the question requested by the County’s Board of Supervisors or petitioned for by the County’s registered voters pursuant to Virginia Code § 15.2-1644(A) is approved by the voters as provided by law, this Agreement continues in force and effect only until construction of the County court facilities are relocated pursuant to the referendum and the County court facilities are completed and occupied.

7. **Notices and any Other Communications.**

Any notice or other communication required by this Agreement shall be in writing and be mailed by first class mail or delivered by electronic means, including by email, to the chief administrative officer of the other Party.

- A. **Mailing Addresses.** The mailing addresses of the chief administrative officers are as follows:

County Executive	City Manager
County of Albemarle	City of Charlottesville
401 McIntire Road	605 East Main Street
Charlottesville, Virginia 22902	Charlottesville, Virginia 22902

- B. **Email Addresses.** Email communications shall be addressed using the chief administrative officer’s official email address issued by the Party.

8. **Miscellaneous.**

- A. **Amendments.** This Agreement may be amended in writing as mutually agreed by the County and the City.
- B. **Assignment.** Neither Party may assign or transfer any interest in this Agreement, whether by assignment or novation, without the prior written consent of the other Party.
- C. **Non-Severability.** The terms and conditions of this Agreement are integrated with one another. However, if any part of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, this Agreement is terminated only if it defeats the purposes of this Agreement for each Party as stated in the Recitals.
- D. **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.
- E. **Applicable Law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the Commonwealth of Virginia.
- F. **Approval Required.** This Agreement shall not become effective or binding upon the County and the City until it is approved by actions of the County’s Board of Supervisors and the City Council, and executed by an authorized official of each Party.

IN WITNESS WHEREOF, and as authorized by actions 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 officials:


COUNTY OF ALBEMARLE, VIRGINIA

By: 
Chair, Board of County Supervisors

Approved as to Form: 
County Attorney

CITY OF CHARLOTTESVILLE, VIRGINIA

By: 
Mayor, City Council

Approved as to Form: 
City Attorney

RESOLUTION

**Transfer CIP Contingency Account for Acquisition of Land at 701 East Market Street
\$1,280,000**

WHEREAS, on December 17, 2018, Albemarle County and the City of Charlottesville signed a memorandum of agreement to develop a joint court complex located at 350 Park Street in downtown Charlottesville; and

WHEREAS, the agreement is premised on the City's stated intention to construct a parking structure on property owned jointly by the City and the County and adjacent property owned solely by the City, both on East Market Street; and

WHEREAS, the agreement stipulates that the City will purchase the County's one-half interest of the jointly owned property following the completion of a professional appraisal; and

WHEREAS, the appraisal indicates the value of the County's one-half ownership to be \$1,280,000;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that funding for purposes of acquiring parcel #530159000 located at 701 East Market is hereby transferred in the following manner:

Transfer From:

\$1,280,000 Fund: 426 WBS: CP-080 G/L Account: 599999

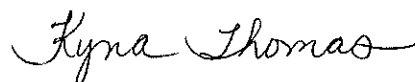
Transfer To

\$1,280,000 Fund: 426 WBS: P-01008 G/L Account: 599999

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute, on behalf of the City of Charlottesville, all necessary documents required in conjunction with the aforementioned purchase of property; and

BE IT FURTHER RESOLVED that City staff is directed to proceed immediately with development of a parking structure as presented at this meeting, consisting of approximately 300 spaces and 12,000 square feet of street front commercial space, such that the timelines prescribed in the memorandum of agreement can be met.

Approved by Council
December 2, 2019



Kyna Thomas, CMC
Clerk of Council

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



Agenda Date:	June 7, 2021
Action Required:	Yes
Presenter:	Chris Engel, CEcD, Director of Economic Development
Staff Contacts:	Chris Engel, CEcD, Director of Economic Development
Title:	Resolution - Pavilion Naming Rights

Background & Discussion: On December 15, 2003, the City entered into a lease with the Charlottesville Industrial Development Authority (CIDA) (The authority is now known as the Charlottesville Economic Development Authority) for the area on which what is known as the Charlottesville Pavilion is now built. On September 30, 2004, CIDA entered into a Sublease, Easement and Management agreement with Charlottesville Pavilion, LLC, for the same area. These two leases allowed the construction of the current amphitheater structure and established the parameters for management of the facility. Charlottesville Pavilion, LLC, serves as the Operator.

The agreements allow the City and CEDA the opportunity to consent to the name of the facility as referenced in the following excerpts.

Article 4, Section 4.1.4 of the Sublease addresses the issue of naming rights.

Naming Rights. Operator shall have the right to select the operating name used for the Amphitheater; provided however, that Operator must receive written approval in advance from CIDA and the City for any name selected by Operator. The name shall be a name that is in compliance with Laws, does not contain any lewd or pornographic terms or materials, and does not include the name of a tobacco product or company. The name used for the Amphitheater cannot include the name of any governmental entity other than CIDA or the City except that Operator may use the following terms: "Charlottesville", "Virginia" or "Central Virginia". Operator will notify CIDA in writing of a proposed name for the Amphitheater and CIDA and the City shall approve or object to such proposed name within thirty (30) days or such proposed name shall be deemed approved by CIDA and the City. At the written request of CIDA, the approval

period may be extended up to fifteen (15) days if necessary to provide sufficient time for City approval.

Article 4, Section 4.2 of the Sublease addresses the issue of Operator Proceeds

Operator Proceeds. Except as otherwise provided herein, all revenue, from any source, arising out of the Operator's use, management, marketing, advertising or broadcast of or from the Premises, any activities upon the Premises, or any performance held upon the Premises, shall be solely owned by Operator.

Since 2016, the facility has operated under the name of "Sprint Pavilion." Recently the Sprint agreement ended, and a request to change the name to "Ting Pavilion" has been received. As Section 4.2 indicates the approval of a name does not entitle the City or CEDA to any additional proceeds.

Alignment with City Council's Vision and Strategic Plan: This agenda item aligns with Council's vision for Economic Sustainability. It also addresses Goal 3 in the City's Strategic Plan: Have a strong and diversified economy.

Budgetary Impact: This item has no budgetary impacts.

Alternatives: City Council may adopt the Resolution or decline to do so.

Recommendation: Staff recommends that Council pass the attached resolution granting approval of the proposed name.

Attachments: Letter request and proposed resolution for Council approval.

RESOLUTION

WHEREAS, the City of Charlottesville entered into a Lease Agreement dated December 15, 2003 with the Charlottesville Economic Development Authority (CEDA), formerly known as the Charlottesville Industrial Development Authority, for the lease of property at the east end of the Downtown Mall; and

WHEREAS, by Sublease, Easement and Management Agreement dated September 30, 2004 (the “Sublease”), the CEDA sublet the property to Charlottesville Pavilion, LLC, which constructed and operates an amphitheater (currently known as the Charlottesville Pavilion, and hereinafter referred to as “Amphitheater”) on the leased property; and

WHEREAS, Section 4.1.4 of the Sublease specifically permits Charlottesville Pavilion LLC to select the name of the Amphitheater, provided they receive written approval in advance from CEDA and the City for any name selected; and

WHEREAS, Charlottesville Pavilion, LLC has requested written approval from CEDA and the City of Charlottesville to re-name the Amphitheater as “Ting Pavilion”; now, therefore,

BE IT RESOLVED that the Charlottesville City Council hereby consents to the request by Charlottesville Pavilion, LLC to adopt “Ting Pavilion” as the official name of the Amphitheater.

**Charlottesville Pavilion
PO Box 2318
Charlottesville, VA 22902
434-245-4920**

May 18, 2021

Mr. Chris Engel
CEDA
PO Box 911
Charlottesville, VA 22902

Dear Chris,

As we have discussed, when Sprint and T-Mobile merged the decision was made at the corporate level to retire the Sprint brand and to terminate our naming rights agreement. That left us in the position of looking for a new partner for the naming rights to the Pavilion while closed due to the pandemic. Luckily, we were able to restart some discussions with Ting and found in them a very willing, forward-looking partner who would love to add their name to our venue and join us in welcoming the public to our mix of concerts, festivals, and community events. Ting has made a commitment to our City and has a booming business, just the type of partner we were hoping to find. We would love to rename our venue the Ting Pavilion.

Pursuant to Article 4 Section 4.1.4 of our Sublease, Easement, and Management Agreement, this letter serves as the formal written notice of our intent to change the name of the venue to the Ting Pavilion effective upon the City approval. We ask that you do what you can to expedite this approval both by CEDA and then City Council. We would like to aim for the June 7 Council meeting for consideration.

Thank you for your assistance in this matter.

Kirby R. Hutto
General Manager

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: June 7, 2021

Action Required: Yes (Approval of Resolution – One Reading)

Staff Contacts: Katrina Callsen, Assistant City Attorney
Todd Brown, Director of Parks and Recreation

Title: **CenturyLink Communications LLC License Agreement**

Background: CenturyLink Communications, LLC (formerly Qwest Communications Corporation) has requested the renewal of license agreements for the underground fiber optic telecommunications line through both Darden Towe Park in Albemarle County and the Meadow Creek Golf Course in the City. The City and Albemarle County granted the original license agreements in January of 2006 and renewed them in 2011. The attached license agreements are substantially the same as the previous agreements.

Discussion: Two proposed licenses are attached, with one being from the City and County as joint owners of Darden Towe Park, and the second from the City as the sole owner of the golf course. The County Board of Supervisors will consider approval of the City/County/CenturyLink license agreement on June 2, 2021.

The licenses contain provisions regarding restoration of any disturbed areas, protection of trees and shrubbery, and insurance provisions. The licenses require CenturyLink to move the line to a new location at their own expense if for any reason the City (or the City and County in the case of Darden Towe Park) determines that the line should be relocated. Each license has a term of five years. City staff has reviewed the agreement and agreed the annual fee should remain \$6,940 per year for the golf course license, and \$1,680 per year for the Darden Towe Park license (area is located in the floodplain).

Alternatives: City Council has the discretion to deny either or both of the licenses, or to propose other reasonable terms as conditions in the license.

Budgetary Impact: Annual revenue in the form of the license fees.

Recommendation: Staff recommends approval of the attached Resolution that authorizes the execution of the two license agreements.

Attachments: Resolution
Proposed CenturyLink Licenses (2)

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that this Council hereby authorizes the City Manager, or his designee, to sign the following documents, in form approved by the City Attorney:

Underground Right-of-Way License Agreement between the City of Charlottesville and the County of Albemarle, as Licensors, and CenturyLink Communications, LLC, as Licensee, for the installation and maintenance of underground fiber optic cable at an agreed upon location in Darden Towe Park for a period of five years.

Underground Right-of-Way License Agreement between the City of Charlottesville, as Licensor, and CenturyLink Communications LLC, as Licensee, for the installation and maintenance of underground fiber optic cable at an agreed upon location in the Meadow Creek Golf Course for a period of five years.

UNDERGROUND RIGHT-OF-WAY LICENSE

Permission is hereby granted by the **CITY OF CHARLOTTESVILLE** and the **COUNTY OF ALBEMARLE**, political subdivisions of the Commonwealth of Virginia and the joint owners of the property that is subject to this License (hereinafter referred to as “Licensors”) to **CENTURYLINK COMMUNICATIONS, LLC**, a limited liability company authorized to transact business in Virginia (hereinafter referred to as “Licensee”) to make excavation into the real property owned by Licensors and as described herein, under the terms and conditions set forth in this License.

1. Term:

This License shall be valid for a period of five (5) years beginning January 1, 2021 and ending December 31, 2025, unless this License is terminated as provided herein.

2. Rights Not Exclusive:

Nothing contained in this License shall ever be held or construed to confer upon Licensee, its successors and / or assigns, exclusive rights or privileges of any nature whatsoever.

3. Conditions of Use:

a. Prior to beginning any work on the property subject to this License, Licensee shall submit detailed engineering drawings to the County of Albemarle for approval, and obtain from the County any permits or approvals that may be required by the County or any other governing authority for the installation of a total of 4,500 linear feet of fiber optic cable at the location more specifically described in section 4 herein. Licensee is further required, before beginning any excavation on the property described herein, to contact all applicable utility companies for location of buried cable, water or sewer services or mains, electric lines, gas lines, and the like. All construction allowed under this License shall be accomplished under the supervision and direction of the County Engineer, or such other person as the County of Albemarle may designate. Licensee shall not unnecessarily obstruct or impair traffic upon any street, road or other public way within Albemarle County and shall comply with all of the County’s rules and regulations designed to prevent damage to trees and shrubbery that may be caused by its installation hereunder.

b. Upon making an opening in any portion of the property subject to this License for the purpose of laying, constructing, repairing and/or maintaining Licensee’s System, Licensee shall, without unnecessary delay, replace and restore the same to its former condition as nearly as possible, and in full compliance with the provisions of the County of Albemarle’s policies, rules, regulations and / or ordinances. Licensee shall re-sod disturbed grassed areas and replace all excavated areas to their original or better condition in order to minimize the disruption of public property. Licensee shall, at its sole cost, repair paving cuts in a good workmanlike manner to specifications outlined by the County.

c. Licensee shall provide safe passageway for pedestrians and vehicles through, in and around the work site areas. Work shall be performed at night, if requested by the County, so as not to impede the regular use of Darden Towe Park. Licensee shall use directional boring in all areas where possible unless otherwise required or approved by the County of Albemarle. Licensee shall meet all local and State requirements for traffic control and notify the County at least 24 hours prior to the commencement of work or the accessing of conduit installed pursuant to this License, except in cases of emergency.

d. Licensee shall not cut or install any ditches or trenches within the root zone of any tree but rather shall bore under the same unless written permission to do otherwise is provided in advance by the County Engineer or his designee.

e. The work authorized by this License shall be the installation, repair, replacement and maintenance of two (2) two-inch (2") conduits containing fiber optic cable, as well as related other facilities and equipment (collectively, the "Facilities"). All such Facilities within Darden Towe Park shall be placed underground.

f. Licensee shall file with the County Engineer true and correct maps or plats of all existing and proposed installations and the types of equipment and facilities installed or constructed, properly identified and described as to the type of equipment and facility by appropriate symbols and marks and which shall include annotations of all public property, public ways, street, road and conduits where the work is to be undertaken. Maps shall be drawn in a scale and in such detail so as to allow proper review and interpretation by the County Engineer, and the same will be filed with the County not less than ten (10) working days before any excavation or installation of said cable or equipment or facilities commences.

g. If, at any time during the term of this Permit, Licensors shall determine, in their sole discretion, that the Facilities of Licensee installed pursuant to this License are in conflict with an intended use of Darden Towe Park by the City or County (and not, for example, to accommodate another private party or utility) and must be relocated, Licensee, upon reasonable notice from Licensors, shall remove, relay and relocate its Facilities at its own expense and within reasonable time schedules established by Licensors, to another location mutually agreeable to Licensors and Licensee. Should Licensee refuse or fail to remove its equipment or plant as provided for herein within 45 days after written notification, Licensors shall have the right to do such work or cause it to be done and the full cost thereof shall be chargeable to the Licensee, or in the alternative, to consider such failure by the Licensee to remove its equipment or plant as abandonment of all ownership rights in said property. Upon relocation, Licensee shall prepare at its own expense and provide to Licensors a revised survey plat that shows the new location of Licensee's wires, cables and equipment.

h. Licensee shall keep Licensors fully informed as to all matters in connection with or affecting the construction, reconstruction, removal, maintenance, operation and repair of Licensee's System installed hereunder. Licensee shall report to Licensors such other

information relating to the Licensee as Licensors may reasonably request in writing. Licensee shall respond to such inquiries on a timely basis.

i. Licensee shall install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of all applicable County codes, ordinances and regulations, and in such a manner that they will not interfere with any existing installations of the County or of a public utility serving the residents of the County of Albemarle or the City of Charlottesville.

4. Permit Specifications; Payment:

a. The right-of-way occupancy permitted under this License shall be approximately 4,500 linear feet of Licensee's System, to be installed in Darden Towe Park in the location shown on the attached survey plat prepared by Thomas B. Lincoln Land Surveyor, Inc., and dated January 6, 2006, revised February 10, 2006, a copy of which is attached to this License as Exhibit A.

b. The granting of this License is conditioned upon the payment by Licensee to Licensors of the annual sum of One Thousand, Six Hundred Eighty and 00/100 Dollars (\$1,680.00), which represents the fee for the placement and occupation of the facilities for approximately 4,500 linear feet of property in Albemarle County that is subject to this License. Annual payments shall be due and payable on or before January 10th of each year commencing for the year 2021 and shall be due and payable at a like date each year during the term of the Permit. In the event that Licensee's payments are not timely made, a ten percent (10%) surcharge shall be due and payable to Licensors. All payments by Licensee pursuant to this License shall be made to the County of Albemarle, as agent of the Licensors.

5. Safety Requirements:

a. Licensee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage or injury to the public or to constitute a nuisance. Licensee shall install such equipment and employ such personnel to maintain its facilities so as to assure efficient service, and shall have the equipment and personnel necessary to make repairs promptly.

b. Licensee shall install and maintain its System in accordance with the requirements of applicable building codes and regulations of the County of Albemarle and the statutes and regulations of appropriate Federal and State agencies, including but not limited to the Federal Communications Commission and the U.S. Army Corps of Engineers, which may now be in effect or enacted, and in such a manner that will not interfere with any installations of the County of Albemarle or the City of Charlottesville or of any public utility serving residents of the County of Albemarle or the City of Charlottesville.

c. Licensee's System, wherever situated, or located, shall at all times be kept and maintained in a safe operating condition and in good order and repair.

6. Liability and Indemnification:

a. By acceptance of this License, Licensee agrees that it shall indemnify, protect, defend and hold forever harmless the Licensors, their elected officials, officers, agents, representatives and employees, and their successors, legal representatives and assigns, from any and all claims of every kind and nature whatsoever, and from liabilities, losses, costs, judgments, penalties, damages, and expenses, including reasonable attorney's fees and expenses of litigation incurred in the defense of any such claim arising out of or relating to the installation, operation or maintenance by the Licensee of the Licensee's System or the Licensee's failure to perform any of the obligations of this License, including but not limited to claims for injury or death to any person or persons, or damages to any property, as may be incurred by or asserted against Licensors, or either of them, their elected officials, officers, agents, representatives and/or employees, directly or indirectly, by reason of the installation, operation or maintenance by the Licensee of the Licensee's System within the area subject to this License. Licensee shall pay, and by acceptance of this Permit, the Licensee specifically agrees that it will pay all damages and penalties which Licensors, or either of them, may legally be required to pay as a result of installation, operation or maintenance by the Licensee of the Licensee's System or the Licensee's failure to perform any of the obligations of this Permit. These damages or penalties shall include all damages arising from the installation, operation or maintenance of the System authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this Permit, and Licensors shall not be responsible in any manner for any damage to the System and which may be caused by Licensee or other persons regardless of the cause of damage. Notwithstanding the foregoing, Licensee shall not be required to indemnify, protect, defend or hold harmless Licensor(s) for claims arising out of or relating, in whole or in part, to the negligence or willful conduct of either or both Licensor(s).

b. Licensee shall maintain, and by its acceptance of this License, specifically agrees that it will provide throughout the term of the Permit, workers compensation insurance in such amounts of coverage as required by the Commonwealth of Virginia and liability insurance coverage with regard to all damages mentioned in subsection (a) above in the following minimum amounts, whichever is greater:

1. General Liability Insurance- \$1,000,000 per occurrence, \$2,000,000 aggregate limits. Commercial General Liability is to include bodily injury and property damage, personal injury, advertising injury, contractual liability, and products and completed operations coverage. The County of Albemarle and City of Charlottesville are to be included as additional insureds with respect to General Liability coverage.

2. Comprehensive Automobile Liability Insurance including owned, non-owned and hired vehicles. Minimum coverage of \$1,000,000 combined single limit for

each accident. The County of Albemarle and City of Charlottesville are to be included as additional insureds with respect to Auto Liability coverage.

c. Licensee agrees that all insurance contracts providing any of the above-required coverage will be issued by one or more insurance carriers duly authorized to do business in the Commonwealth of Virginia and will contain the following required provisions:

1. Both of the Licensors, their elected officials, officers, agents, employees and representatives shall be included as additional insureds (as the interests of each may appear) as to all applicable coverage:

2. The amount and conditions of said liability and comprehensive insurance may be increased upon sixty (60) days written notice by Licensors should the protection afforded by this insurance be deemed by Licensors to be insufficient for the risk created by this License. At no time, however, will any such increase in the amount of required liability and comprehensive insurance exceed that which is customarily required of other franchises or contractors of services for similar situations of risk.

3. Prior to the commencement of any work pursuant to this License and at least annually thereafter Licensee shall make available to Licensor evidence of such insurance coverage certifying that such coverage is in full force and effect. Evidence of Licensee's insurance is available at www.centurylink.com/moi.

7. Licensors' Rights in License:

a. Licensee shall construct, maintain and operate said System in the locations described in Exhibit A and will at all times comply with all reasonable requirements, regulations, laws and ordinances now in force, and which may hereafter be adopted by the County of Albemarle and be applicable to the construction, repair or maintenance of said system or use of the property subject to this License. Failure of the Licensee to comply with any of the terms of this License or failure to pay the License fees prescribed by this Agreement shall be cause for Licensors to revoke this License. Without limiting the generality of the foregoing, Licensors also reserve the right to terminate and cancel this License and all rights and privileges of the Licensee hereunder in the event that the Licensee: (1) violates any rule, order or determination of Albemarle County made pursuant to this License, except where such violation is without fault or through excusable neglect; (2) becomes insolvent, unable or unwilling to pay its legal debts, or is adjudged a bankrupt; (3) attempts to evade any of the provisions of this License; (4) practices any fraud or deceit upon the Licensors, or either of them or; (5) fails to begin construction of its System within one hundred eighty (180) days from the date this License is granted and to continue such construction without unreasonable delay or interruption until completed.

b. Licensors' right to revoke this License pursuant to section 7.a. may be exercised only after written notice of default and a thirty (30) day period for Licensee to cure such default except for any act of default involving the payment of money or failing to provide any insurance coverage required hereunder in which event said thirty (30) day period shall

be reduced to three (3) business days. The right is hereby reserved to the County of Albemarle to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations of general applications to all similarly situated Licensees as it shall find necessary in the exercise of its police power provided that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted.

8. Assignment:

The License granted pursuant to this Agreement shall not be assigned by the Licensee without the prior written consent of the Licensors, which consent may be granted or withheld in Licensors' sole discretion; provided, however, that Licensee may assign this License to a governmental entity without consent of the Licensors, and provided further that the sale or transfer of a controlling interest in Licensee shall not be considered an assignment within the meaning of this paragraph.

9. Notice:

For the purpose of giving notice as provided for in this Permit, the following addresses are provided:

For the Licensee:

CenturyLink Communications, LLC
1025 Eldorado Blvd
Broomfield, CO 80021
Attention: NIS ROW

For the Licensors:

Chip Boyles
City Manager
P. O. Box 911
Charlottesville, VA 22902

With a copy to:

Lisa A. Robertson
Acting City Attorney
P. O. Box 911
Charlottesville, VA 22902

And

Jeffrey B. Richardson
County Executive

401 McIntire Road
Charlottesville, VA 22902

With a copy to:
Greg Kamptner
County Attorney
401 McIntire Road
Charlottesville, VA 22902

Unless and until a different address is provided in writing by Licensee to Licensors, the placing of notices in the United States Mail addressed to the Licensee as set forth above by registered or certified mail, return receipt requested, shall constitute compliance with the provisions of this Section.

10. Miscellaneous:

If any section, subsection, sentence, clause, phrase or portion of this Permit is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent, and severable provision and such holding shall not affect the validity of the remaining portions hereof. This Permit shall be interpreted and construed in accordance with the laws of the Commonwealth of Virginia. All claims, disputes and other matters in question between the Licensee and Licensors, or either of them, arising out of or relating to this Permit, or the breach thereof, shall be decided in a state or federal court in the Commonwealth of Virginia that has subject matter jurisdiction over the claim or dispute. The Licensee, by accepting this Permit, specifically consents to venue in either state or federal court in Virginia and waives any right to contest venue in Virginia.

WHEREFORE, this Permit has been authorized by the City Council of the City of Charlottesville, Virginia in an open meeting on _____, 2021 and by the Board of Supervisors of Albemarle County, Virginia in an open meeting on _____, 2021, and each governing body has authorized the execution of this License by the City Manager and County Executive, respectively, as attested by the Clerk of each governing body, and the Licensee has accepted the terms and conditions of this License as evidenced by its corporate presents which have been executed by and through its authorized officers and the seal of the corporation affixed.

UNDERGROUND RIGHT-OF-WAY LICENSE

Meadow Creek Golf Course

Permission is hereby granted by the **CITY OF CHARLOTTESVILLE**, a political subdivision of the Commonwealth of Virginia and the owner of the property that is subject to this License (hereinafter referred to as "Licensor") to **CENTURYLINK COMMUNICATIONS, LLC**, a corporation authorized to transact business in Virginia (hereinafter referred to as "Licensee") to make excavation into the real property owned by Licensor and as described herein, under the terms and conditions set forth in this License.

1. Term:

This License shall be valid for a period of five (5) years beginning January 1, 2021 and ending December 31, 2025 unless this License is terminated as provided herein.

2. Rights Not Exclusive:

Nothing contained in this License shall ever be held or construed to confer upon Licensee, its successors and/or assigns, exclusive rights or privileges of any nature whatsoever.

3. Conditions of Use:

a. Prior to beginning any work on the property subject to this License, Licensee shall submit detailed engineering drawings to the City of Charlottesville for approval, and obtain from the City any permits or approvals that may be required by the City or any other governing authority for the installation of a total of 3,500 linear feet of fiber optic cable at the location more specifically described in section 4 herein. Licensee is further required, before beginning any excavation on the property described herein, to contact all applicable utility companies for location of buried cable, water or sewer services or mains, electric lines, gas lines, and the like. All construction allowed under this License shall be accomplished under the supervision and direction of the City Engineer, or such other person as the City of Charlottesville may designate. Licensee shall not unnecessarily obstruct or impair traffic upon any street, road or other public way within the City of Charlottesville and shall comply with all of the City's rules and regulations designed to prevent damage to trees and shrubbery that may be caused by its installation hereunder.

b. Upon making an opening in any portion of the property subject to this License for the purpose of laying, constructing, repairing and/or maintaining Licensee's System, Licensee shall, without unnecessary delay, replace and restore the same to its former condition as nearly as possible, and in full compliance with the provisions of the City of Charlottesville's policies, rules, regulations and/or ordinances. Licensee shall re-sod disturbed grassed areas and replace all excavated areas to their original or better condition in order to minimize the disruption of public property. Licensee shall, at its sole cost, repair paving cuts in a good workmanlike manner to specifications outlined by the City.

c. Licensee shall provide safe passageway for pedestrians and vehicles through, in and around the work site areas. Work shall be performed at night, if requested by the City, so as not to impede

the regular use of the Meadow Creek Golf Course. Licensee shall use directional boring in all areas where possible unless otherwise required or approved by the City of Charlottesville. Licensee shall meet all local and State requirements for traffic control and notify the City at least 24 hours prior to the commencement of work or the accessing of conduit installed pursuant to this License, except in cases of emergency.

d. Licensee shall not cut or install any ditches or trenches within the root zone of any tree but rather shall bore under the same unless written permission to do otherwise is provided in advance by the City Engineer or his designee.

e. The work authorized by this License shall be the installation, repair, replacement and maintenance of two (2) two-inch (2") conduits containing fiber optic cable, as well as related other facilities and equipment (collectively, the "Facilities"). All Facilities within the Meadow Creek Golf Course shall be placed underground.

f. Licensee shall file with the City Engineer true and correct maps or plats of all existing and proposed installations and the types of equipment and facilities installed or constructed, properly identified and described as to the type of equipment and facility by appropriate symbols and marks and which shall include annotations of all public property, public ways, street, road and conduits where the work is to be undertaken. Maps shall be drawn in a scale and in such detail so as to allow proper review and interpretation by the City Engineer, and the same will be filed with the City not less than ten (10) working days before any excavation or installation of said cable or equipment or facilities commences.

g. If, at any time during the term of this Permit, Licensor shall determine, in its sole discretion, that the Facilities Licensee installed pursuant to this License are in conflict with an intended use of Meadow Creek Golf Course by the City (and not, for example, to accommodate another private party or utility) and must be relocated, Licensee, upon reasonable notice from Licensor, shall remove, relay and relocate its Facilities at its own expense and within reasonable time schedules established by Licensor, to another location mutually agreeable to Licensor and Licensee. Should Licensee refuse or fail to remove its equipment or plant as provided for herein within 45 days after written notification, Licensor shall have the right to do such work or cause it to be done and the full cost thereof shall be chargeable to the Licensee, or in the alternative, to consider such failure by the Licensee to remove its equipment of plant as abandonment of all ownership rights in said property. Upon relocation, Licensee shall prepare at its own expense and provide to Licensor a revised survey plat that shows the new location of Licensee's wires, cables and equipment.

h. Licensee shall keep Licensor fully informed as to all matters in connection with or affecting the construction, reconstruction, removal, maintenance, operation and repair of Licensee's System installed hereunder. Licensee shall report to Licensor such other information relating to the Licensee as Licensor may reasonably request in writing. Licensee shall respond to such inquiries on a timely basis.

i. Licensee shall install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of all applicable City codes, ordinances and regulations, and in such a manner that they will not interfere with any existing installations of the City or of a public utility serving the residents of the County of Albemarle or the City of Charlottesville.

4. Permit Specifications; Payment:

a. The right-of-way occupancy permitted under this License shall be approximately 3,500 linear feet of Licensee's System, to be installed in the Meadow Creek Golf Course in the location shown on the attached survey plat prepared by Thomas B. Lincoln Land Surveyor, Inc., dated January 12, 2006, revised February 10, 2006, a copy of which is attached to this License as Exhibit A.

b. The granting of this License is conditioned upon the payment by Licensee to Licensor of the annual sum of Six Thousand, Nine Hundred Forty and 00/100 Dollars (\$6,940.00), which represents the fee for the use of approximately 3,500 linear feet of property in the City of Charlottesville that is subject to this License. Annual payments shall be due and payable on or before January 10th of each year commencing for the year 2021 and shall be due and payable at a like date each year during the term of the Permit. In the event that Licensee's payments are not timely made, a ten percent (10%) surcharge shall be due and payable to Licensor. All payments by Licensee pursuant to this License shall be made to the City of Charlottesville.

5. Safety Requirements:

a. Licensee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage or injury to the public or to constitute a nuisance. Licensee shall install such equipment and employ such personnel to maintain its facilities so as to assure efficient service, and shall have the equipment and personnel necessary to make repairs promptly.

b. Licensee shall install and maintain its System in accordance with the requirements of applicable building codes and regulations of the City of Charlottesville and the statutes and regulations of appropriate Federal and State agencies, including but not limited to the Federal Communications Commission and the U.S. Army Corps of Engineers, which may now be in effect or enacted, and in such a manner that will not interfere with any installations of the City of Charlottesville or of any public utility serving residents of the County of Albemarle or the City of Charlottesville.

c. Licensee's System, wherever situated, or located, shall at all times be kept and maintained in a safe operating condition and in good order and repair.

6. Liability and Indemnification:

a. By acceptance of this License, Licensee agrees that it shall indemnify, protect, defend and hold forever harmless the Licensor, its elected officials, officers, agents, representatives and employees, and their successors, legal representatives and assigns, from any and all claims of every kind and nature whatsoever, and from liabilities, losses, costs, judgments, penalties, damages, and expenses, including reasonable attorney's fees and expenses of litigation incurred in the defense of any such claim arising out of or relating to the installation, operation or maintenance by the Licensee of the Licensee's System or the Licensee's failure to perform any of the obligations of this License, including but not limited to claims for injury or death to any person or persons, or damages to any property, as may be incurred by or asserted against

Licensors, or its elected officials, officers, agents, representatives and/or employees, directly or indirectly, by reason of the installation, operation or maintenance by the Licensee of the Licensee's System within the area subject to this License. Licensee shall pay, and by acceptance of this Permit, the Licensee specifically agrees that it will pay all damages and penalties which Licensors may legally be required to pay as a result of installation, operation or maintenance by the Licensee of the Licensee's System or the Licensee's failure to perform any of the obligations of this Permit. These damages or penalties shall include all damages arising from the installation, operation or maintenance of the System authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this Permit, and Licensors shall not be responsible in any manner for any damage to the System and which may be caused by Licensee or other persons regardless of the cause of damage. Notwithstanding the foregoing, Licensee shall not be required to indemnify, protect, defend or hold harmless Licensors for claims arising out of or relating, in whole or in part, to the negligence or willful conduct of Licensors.

b. Licensee shall maintain, and by its acceptance of this License, specifically agrees that it will provide throughout the term of the Permit, workers compensation insurance in such amounts of coverage as required by the Commonwealth of Virginia and liability insurance coverage with regard to all damages mentioned in subsection (a) above in the following minimum amounts, whichever is greater:

1. General Liability Insurance - \$1,000,000 per occurrence; \$2,000,000 aggregate limits. Commercial General Liability is to include bodily injury and property damage, personal injury, advertising injury, contractual liability, and products and completed operations coverage. The City of Charlottesville is to be included as additional insured with respect to General Liability coverage.
2. Comprehensive Automobile Liability Insurance including owned, non-owned and hired vehicles. Minimum coverage of \$1,000,000 combined single limit for each accident. The City of Charlottesville is to be included as additional insured with respect to Auto Liability coverage.

c. Licensee agrees that all insurance contracts providing any of the above-required coverage will be issued by one or more insurance carriers duly authorized to do business in the Commonwealth of Virginia and will contain the following required provisions:

1. The Licensors, its elected officials, officers, agents, employees and representatives shall be included as additional insureds (as the interests of each may appear) as to all applicable coverage.
2. The amount and conditions of said liability and comprehensive insurance may be increased upon sixty (60) days written notice by Licensors should the protection afforded by this insurance be deemed by Licensors to be insufficient for the risk created by this License. At no time, however, will any such increase in the amount of required liability and comprehensive insurance exceed that which is customarily required of other franchises or contractors of services for similar situations of risk.
3. Prior to the commencement of any work pursuant to this License and at least annually

thereafter Licensee shall make available to Licensor evidence of such insurance coverage certifying that such coverage is in full force and effect. Evidence of Licensee's insurance is available at www.centurylink.com/moi.

7. Licensor's Rights in License:

a. Licensee shall construct, maintain and operate said System in the locations described in Exhibit A and will at all times comply with all reasonable requirements, regulations, laws and ordinances now in force, and which may hereafter be adopted by the City of Charlottesville and be applicable to the construction, repair or maintenance of said system or use of the property subject to this License. Failure of the Licensee to comply with any of the terms of this License or failure to pay the License fees prescribed by this Agreement shall be cause for Licensor to revoke this License. Without limiting the generality of the foregoing, Licensor also reserves the right to terminate and cancel this License and all rights and privileges of the Licensee hereunder in the event that the Licensee: (1) violates any rule, order or determination of the City of Charlottesville made pursuant to this License, except where such violation is without fault or through excusable neglect; (2) becomes insolvent, unable or unwilling to pay its legal debts, or is adjudged a bankrupt; (3) attempts to evade any of the provisions of this License; (4) practices any fraud or deceit upon the Licensor, or either of them or; (5) fails to begin construction of its System within one hundred eighty (180) days from the date this License is granted and to continue such construction without unreasonable delay or interruption until completed.

b. Licensor's right to revoke this License pursuant to section 7.a may be exercised only after written notice of default and a thirty (30) day period for Licensee to cure such default except for any act of default involving the payment of money or failing to provide any insurance coverage required hereunder in which event said thirty (30) day period shall be reduced to three (3) business days. The right is hereby reserved to the City of Charlottesville to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations of general applications to all similarly situated Licensees as it shall find necessary in the exercise of its police power provided that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted.

8. Assignment:

The License granted pursuant to this Agreement shall not be assigned by the Licensee without the prior written consent of the Licensor, which consent may be granted or withheld in Licensor's sole discretion; provided, however, that Licensee may assign this License to a governmental entity without consent of the Licensor, and provided further that the sale or transfer of a controlling interest in Licensee shall not be considered an assignment within the meaning of this paragraph.

9. Notice:

For the purpose of giving notice as provided for in this Permit, the following addresses are provided:

For the Licensee:

CenturyLink Communications, LLC
1025 Eldorado Blvd.
Broomfield, CO 80021
Attention: NIS ROW

For the Licensor:

Chip Boyles
City Manager
P. O. Box 911
Charlottesville, VA 22902

With a copy to:

Lisa A. Robertson
City Attorney
P. O. Box 911
Charlottesville, VA 22902

Unless and until a different address is provided in writing by Licensee to Licensor, the placing of notices in the United States Mail addressed to the Licensee as set forth above by registered or certified mail, return receipt requested, shall constitute compliance with the provisions of this Section.

10. Miscellaneous:

If any section, subsection, sentence, clause, phrase or portion of this Permit is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent, and severable provision and such holding shall not affect the validity of the remaining portions hereof. This Permit shall be interpreted and construed in accordance with the laws of the Commonwealth of Virginia. All claims, disputes and other matters in question between the Licensee and Licensor, or either of them, arising out of or relating to this Permit, or the breach thereof, shall be decided in a state or federal court in the Commonwealth of Virginia that has subject matter jurisdiction over the claim or dispute. The Licensee, by accepting this Permit, specifically consents to venue in either state or federal court in Virginia and waives any right to contest venue in Virginia.

WHEREFORE, this Permit has been authorized by the City Council of the City of Charlottesville, Virginia in an open meeting on June 7, 2021, and the governing body has authorized the execution of this License by the City Manager, as attested by the Clerk of the governing body, and the Licensee has accepted the terms and conditions of this License as evidenced by its corporate presents which have been executed by and through its authorized officers and the seal of the corporation affixed.

Exhibit A

Legal Description FOR 10' QWEST COMMUNICATIONS LICENSE AREA ON
TMP 48B-1.

Commencing at the Point of Beginning situated on the property line of Parcel A being located on the northern bank of the Rivanna River South 85°23'14" East 16.83 feet and thence North 55°11'02" East 118.86 feet from the common corner of Parcels A and B; thence along the centerline of a 10 foot license area North 33°11'11" West, a distance of 157.25 feet; thence North 51°26'06" East, a distance of 547.23 feet; thence North 46°12'47" East, a distance of 341.25 feet; thence North 23°09'26" East, a distance of 436.23 feet; thence North 01°48'00" East, a distance of 346.05 feet; thence North 00°45'41" East, a distance of 310.23 feet; thence North 02°15'39" East, a distance of 26.12 feet; thence North 13°39'12" West, a distance of 9.42 feet; thence North 13°46'39" West, a distance of 52.34 feet; thence North 13°46'43" West, a distance of 158.74 feet; thence North 13°47'04" West, a distance of 135.48 feet; thence North 13°46'11" West, a distance of 139.53 feet; thence North 13°50'26" West, a distance of 129.88 feet; thence North 18°23'16" West, a distance of 60.24 feet; thence North 24°18'47" West, a distance of 49.11 feet; thence North 29°42'54" West, a distance of 57.18 feet; thence North 36°37'58" West, a distance of 74.82 feet; thence North 39°56'22" West, a distance of 54.98 feet; thence North 42°54'27" West, a distance of 82.51 feet; thence North 48°52'04" West, a distance of 43.98 feet; thence North 55°52'10" West, a distance of 87.27 feet; thence North 62°57'30" West, a distance of 50.07 feet; thence North 66°28'55" West, a distance of 143.51 feet; thence North 66°35'21" West, a distance of 64.82 feet; thence North 64°49'39" West, a distance of 15.85 feet; thence North 62°45'19" West, a distance of 15.71 feet; thence North 61°17'17" West, a distance of 0.62 feet to the ending point on the eastern margin of State Route 768 (Pen Park Road) right-of-way being the End of State Maintenance and being South 29°30'24" West 53.05 feet from a monument found on the margin of State Route 768 right-of-way, containing 35,904.40 square feet, more or less.

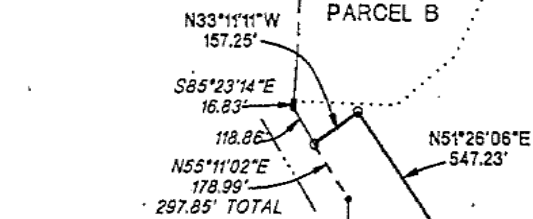
Legaldescription10ftqwestesmt105012801.doc

PLAT SHOWING A
 NEW 10' QWEST COMMUNICATIONS LICENSE AREA
 ACROSS TAX MAP 48B PARCEL 1
 PROPERTY BELONGING TO THE
 CITY OF CHARLOTTESVILLE
 CHARLOTTESVILLE, VIRGINIA
 SCALE: 1" = 400' JANUARY 6, 2006
 REVISED: JANUARY 12, 2006
 REVISED: FEBRUARY 10, 2006

VASP GRID NORTH
 SOUTH ZONE NAD '83



LEGEND:
 MF = MONUMENT FOUND



COURSE DATA ALONG CENTERLINE
 OF LICENSE AREA FROM POINT "A"
 TO POINT "B":

N02°15'39"E	26.12'
N13°39'12"W	9.42'
N13°46'39"W	52.34'
N13°46'43"W	158.74'
N13°47'04"W	135.48'
N13°46'11"W	139.53'
N13°50'26"W	129.88'
N18°23'16"W	60.24'
N24°18'47"W	49.11'
N29°42'54"W	57.18'
N36°37'58"W	74.82'
N39°56'22"W	54.98'
N42°54'27"W	82.51'
N48°52'04"W	43.98'
N55°52'10"W	87.27'
N62°57'30"W	50.07'
N66°28'55"W	143.51'
N66°35'21"W	64.82'
N64°49'39"W	15.85'
N62°45'19"W	15.71'
N61°17'17"W	0.62'

RIVANNA RIVER

I HEREBY CERTIFY THAT THIS LICENSE AREA
 PLAT, TO THE BEST OF MY PROFESSIONAL
 KNOWLEDGE AND BELIEF, IS CORRECT AND
 COMPLIES WITH THE MINIMUM PROCEDURES
 AND STANDARDS ESTABLISHED BY THE VIRGINIA
 STATE BOARD OF ARCHITECTS, PROFESSIONAL
 ENGINEERS, LAND SURVEYORS AND CERTIFIED
 LANDSCAPE ARCHITECTS. I ALSO CERTIFY THAT
 THE BOUNDARY SHOWN HEREON IS BASED ON
 A CURRENT FIELD SURVEY.

PEN PARK
 MEADOWCREEK GOLF COURSE

TMP 48B-1
 PARCEL A

CITY OF CHARLOTTESVILLE, VA
 D.B. 507 P. 432-435 PLAT
 D.B. 507 P. 427

NEW 10' QWEST
 COMMUNICATIONS
 LICENSE AREA
 35,904.40 S.F.

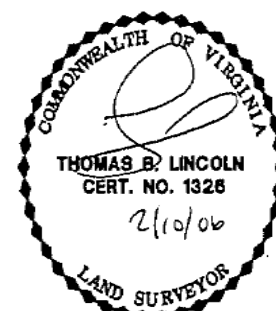
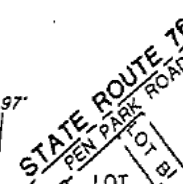
CENTERLINE OF LICENSE
 AREA LIES 7' SOUTH OF
 BACK OF CURB FROM
 POINT "A" TO
 POINT "B"

PARCEL A
 CITY OF CHARLOTTESVILLE, VA
 D.B. 507 P. 432-435 PLAT
 D.B. 507 P. 427

THOMAS B. LINCOLN LAND SURVEYOR INC.
 682 BERKMAR CIRCLE
 CHARLOTTESVILLE, VIRGINIA 22901
 434-974-1417

TMODEL SERVER1 DATA9\ 105\ 105012801TMP48B-1PRO 105-0128-01

END STATE
 MAINTENANCE
 POINT
 "B"



CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 7, 2021
Action Required:	Resolution
Presenter:	Erin Atak, Grants Coordinator
Staff Contacts:	Erin Atak, Grants Coordinator
Title:	FY 2021-2022 Community Development Block Grant Budget Amendment

Background:

This agenda item includes a corrected appropriation for the Community Development Block Grant (CDBG) funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

Discussion:

In Fall 2020, the City of Charlottesville advertised a Request for Proposals (RFP) based on the priorities set by Council on September 21, 2020. The priorities were for affordable housing (priority for persons who are 0-50 percent AMI, including but not limited to low income housing redevelopment), support for the homelessness and those at risk of homelessness, workforce development (including but not limited to efforts to bolster section 3 training opportunities and partnerships with the City's GO programs, support for programs that aid in self-sufficiency, including but not limited to quality childcare), microenterprise assistance, and mental health and substance abuse services.

In November 2020, the CDBG/HOME Task Force reviewed and recommended housing and public service projects for funding and the Strategic Action Team reviewed and recommended economic development projects for funding. Later, on May 3rd 2021, City Council reviewed and approved the CDBG and HOME budget for the 2021-2022 HUD Annual Action plan submittal.

On May 13, 2021, the City received a corrected notice from HUD regarding the CDBG program. HUD had discovered an error in the formula calculation for the CDBG programs stemming from issues at HUD field offices in the Office of Community Planning and Development. A correction to the entitlement award has been issued, resulting a minor increase in the City's CDBG allocation, an amount totaling \$6,265.00 for FY 2021.

In accordance with the CDBG/HOME Citizen Participation Plan, staff reviewed and made changes to the new CDBG award. It is important to note that no additional funds will be awarded to subrecipients who have received full funding requests for CDBG. Likewise, note that no additional funding will be awarded to subrecipients with open account balances in the FY2020-2021 CDBG

program in accordance with HUD’s Timeliness Code of Federal Regulations: 24 CFR 570.902(a). The revised CDBG budget was advertised for three days under the expedited public notice waiver between May 21st and May 25th, 2021. The full action plan can be viewed on the City Website through the following [link](#). Tonight’s budget revision will correct the 2021-2022 Annual Action Plan submission for HUD review.

Community Engagement:

A request for proposals was held for housing, economic development, public facilities, and public service programs. Applications received were reviewed by the CDBG Task Force or SAT. Priority Neighborhood recommendations will be made by members who serve on the Priority Neighborhood Task Force. On November 12, 2020, the proposed FY 20-21 CDBG and HOME budget came before the CDBG/HOME Taskforce for discussion. The Thomas Jefferson Planning District Commission held a virtual public hearing on May 6, 2021 for the CDBG and HOME budget/action plan and an additional virtual public hearing was held by Charlottesville City Council on May 3, 2021.

The Action Plan was advertised for a thirty-day comment period (March 30 – April 30, 2021) before being sent to HUD for approval. The Action Plan was sent to Charlottesville Neighborhood community members for comment. The Housing Directors Council had an opportunity to make comments on the Action Plan virtually during the thirty-day comment period. Comments received from Housing Directors were incorporated into the Action Plan.

The corrected CDBG budget was re-advertised from May 21, 2021 to May 25, 2021 under an expedited HUD public comment waiver.

Alignment with City Council’s Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council’s vision for Charlottesville to have **Economic Sustainability, A Center for Lifelong Learning, Quality Housing Opportunities for All, and A Connected Community**. It contributes to variety of Strategic Plan Goals and Objectives including: Goal 1: Inclusive, Self-sufficient Community; Goal 3: Beautiful Environment; Goal 4: Strong, Diversified Economy; and Goal 5: Responsive Organization.

Budgetary Impact:

No budgetary impact.

Recommendation:

Staff recommends approval of the FY2021-2022 CDBG budget.

Alternatives:

No alternatives are proposed.

Attachments:

Resolution: CDBG Budget Amendment FY2021-2022
HUD Correspondence – Correction Notice
HUD Correspondence – Citizen Participation Waiver

**RESOLUTION
THE CITY OF CHARLOTTESVILLE’S 2021-2022
AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2021-2022 fiscal year in the total amount of \$427,176 from HUD, dated February 25, 2021, and;

WHEREAS, City Council has received recommendations for the expenditure of funds from the CDBG/HOME Taskforce, the SAT; and has conducted a public hearing thereon as provided by law;

WHEREAS, the City of Charlottesville has been notified of the formula calculation error of the Community Development Block Grant (CDBG) program stemming from HUD field offices, dated May 13, 2021, with the corrected entitlement of \$433,471;

BE IT RESOLVED by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Funds for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

Fund	Account Code	Purpose	Proposed Revised Addition	Proposed Revised Appropriation
218		Ridge Street Priority Neighborhood	\$5,036.00	\$161,283.20
218		Administrative and Planning (20% Entitlement Award)	\$1,259.00	\$86,694.20

Approved by Council
June 7, 2021

Kyna Thomas, CMC
Clerk of Council

2021-2022 CDBG and HOME BUDGET ALLOCATIONS
RECOMMENDED BY CDBG/HOME TASK FORCE and SAT: 11/12/2020
RECOMMENDED BY PLANNING COMMISSION: 12/8/2020
APPROVED BY CITY COUNCIL: 1/19/2021
HUD CORRECTION: 5/13/2021
REVISED BUDGET:

A. PRIORITY NEIGHBORHOOD	
A. Ridge Street Priority Neighborhood	\$161,283.20*
B. ECONOMIC DEVELOPMENT PROJECTS	
A. Community Investment Collaborative – Financial Management Program	\$32,056.28
B. Local Energy Alliance Program – Workforce Development	\$29,238.00
ECONOMIC DEVELOPMENT TOTAL:	\$61,294.28
C. PUBLIC SERVICE PROJECTS	
A. Public Housing Association of Residents – Resident Involved Redevelopment	\$34,000.00
B. Literacy Volunteers – Workforce Development Tutoring	\$25,000.00
SOCIAL PROGRAMS TOTAL:	\$59,000.00 (15% EN)
D. HOUSING PROJECTS	
A. Local Energy Alliance Program – Assisted Home Performance	\$65,199.32
HOUSING PROGRAMS TOTAL:	\$65,199.32
E. ADMINISTRATION AND PLANNING:	
A. Admin and Planning	\$86,694.20 (20% EN)
	GRAND TOTAL: \$433,471
	ESTIMATED NEW ENTITLEMENT AMOUNT: \$433,471

* Funding includes reprogrammed funds

2021-2022 HOME BUDGET ALLOCATIONS

A. AHIP – Homeowner Rehab	\$37,352.00*
B. Habitat for Humanity – Down Payment Assistance	\$24,000.00*
C. LEAP – Assisted Home Performance	\$23,224.88*
	TOTAL: \$84,576.88
	ENTITLEMENT AMOUNT: \$84,576.88
	ESTIMATED EN AVAILABLE AFTER PI APPLIED: \$0.00
	LOCAL MATCH: \$21,144.22

* Includes estimated EN available after program income applied



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

May 13, 2021

The Honorable Nikuyah Walker
Mayor of Charlottesville
P.O. Box 911
City Hall
Charlottesville, VA 22902

Dear Mayor Walker:

I am pleased to inform you of your jurisdiction’s Fiscal Year (FY) 2021 allocations for the Office of Community Planning and Development’s (CPD) formula programs, which provide funding for housing, community and economic development activities, and assistance for low- and moderate-income persons and special needs populations across the country. Public Law 116-260 includes FY 2021 funding for these programs. Please note that this letter reflects a revised amount for the Community Development Block Grant and Section 108 borrowing authority. Your jurisdiction’s FY 2021 available amounts are as follows:

Community Development Block Grant (CDBG)	\$433,471
Recovery Housing Program (RHP)	\$0
HOME Investment Partnerships (HOME)	\$676,615
Housing Opportunities for Persons With AIDS (HOPWA)	\$0
Emergency Solutions Grant (ESG)	\$0

Individuals and families across the country are struggling in the face of four converging crises: the COVID-19 pandemic, the resulting economic crisis, climate change, and racial inequity. Through these bedrock programs, CPD seeks to develop strong communities by promoting integrated approaches that provide decent housing and suitable living environments while expanding economic opportunities for low- and moderate-income and special needs populations, including people living with HIV/AIDS. We urge grantees to strategically plan the disbursement of grant funds to provide relief for those affected by these converging crises and help move our country toward a robust recovery.

Based on your jurisdiction’s CDBG allocation for this year, you also have \$2,167,355 in available Section 108 borrowing authority. Since Section 108 loans are federally guaranteed, this program can leverage your jurisdiction’s existing CDBG funding to access low-interest, long-term financing to invest in Opportunity Zones or other target areas in your jurisdiction.

HUD continues to emphasize the importance of effective performance measurements in all its formula grant programs. Proper reporting in the Integrated Disbursement and Information System (IDIS) is critical to ensure grantees comply with program requirements and policies, provide demographic and income information about the persons that benefited from a community's

activities, and participate in HUD-directed grantee monitoring. Your ongoing attention to ensuring complete and accurate reporting of performance measurement data continues to be an invaluable resource with regard to the impact of these formula grant programs.

The Office of Community Planning and Development is looking forward to working with you to promote simple steps that will enhance the performance of these critical programs and successfully meet the challenges that our communities face. If you or any member of your staff have questions, please contact your local CPD Office Director.

Sincerely,



James Arthur Jemison II
Principal Deputy Assistant Secretary
for Community Planning and Development



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

MEMORANDUM FOR: All Community Planning and Development Field Office Directors, Deputy Directors and Program Managers

FROM: James Arthur Jemison, II, Principal Deputy Assistant Secretary, D

SUBJECT: Availability of a Waiver for Community Development Block Grant Program and Consolidated Plan Requirements to Facilitate the Incorporation of Increased Funding as a Result of an Allocation Error for FY 2021

PURPOSE:

This memorandum explains the availability of a waiver of certain regulatory requirements associated with the Community Development Block Grant (CDBG) program to address an error in the Fiscal Year (FY) 2021 allocation. The error affects all FY 2021 CDBG grants except for Insular Area grants, resulting in an increase in the amounts previously allocated and announced. CPD Field Office Directors, Deputy Directors, and Program Managers are instructed to inform CPD grantees operating within their jurisdictions of the content of this memorandum.

WAIVER AUTHORITY:

In accordance with 24 CFR 5.110, HUD may, upon a determination of good cause and subject to statutory limitations, waive regulatory provisions. Additional regulatory waiver authority is provided in 24 CFR 91.600. These provisions provide HUD the authority to make waiver determinations for the CDBG program. To eliminate further delays and expedite grantees' ability to incorporate the increase in funding caused by the FY 2021 allocation error that affects all CDBG grant recipients, except for Insular Area grantees, I hereby find good cause to provide the regulatory waivers below. Provisions that are not specifically waived remain fully effective.

WAIVER AVAILABILITY:

1. Citizen Participation Public Comment Period for Fiscal Year (FY) 2021 Consolidated Plan and Consolidated Plan Amendments

Requirement: 30-day Public Comment Period

Citations: 24 CFR 91.105(b)(4), (c)(2), and (k); 24 CFR 91.115(b)(4), (c)(2), and (i); and 24 CFR 91.401

Explanation: There was an error in the announced FY 2021 CDBG formula allocations, causing all CDBG grants, except Insular Area grants, to be less than what should have been allocated by formula. This error has been corrected, and updated CDBG FY

2021 allocations will be posted and transmitted to grantees. Grantees are required to follow their citizen participation plan to make an amendment to their action plan to reflect the increased grant allocation. The development of the consolidated plan is subject to the citizen participation process set forth in the grantee's citizen participation plan. A CPD grantee may also amend an approved consolidated plan in accordance with 24 CFR 91.505. Substantial amendments to the consolidated plan, such as the addition of new activities or a change in the use of grant funds from one eligible activity to another, are also subject to the citizen participation process in the grantee's citizen participation plan. The citizen participation plan must provide citizens with 30 days to comment on draft consolidated plans and substantial amendments.

Justification: Given the need to expedite actions to respond to the allocation error, HUD waives 24 CFR 91.105(b)(4), (c)(2), and (k) for local governments, 91.115(b)(4), (c)(2), and (i) for states, and 91.401 for consortia, and reduces the public comment period for grantees preparing FY 2021 Plans, amendments thereto, and amendments to prior year plans from 30 days to no less than three days. The provisions at 24 CFR 91.105(k) and 24 CFR 91.115(i), which require grantees to follow their citizen participation plans, are waived only to the extent that they allow grantees to change their public comment periods. Grantees must continue to follow their citizen participation plans otherwise. In reducing the comment period to three days, HUD is balancing the need to quickly assist communities while continuing to provide reasonable notice and opportunity for citizens to comment on the proposed uses of CDBG funds.

Applicability: This authority is in effect through August 16, 2021 and is limited to facilitating preparation of the grantee's FY 2021 Consolidated Plan or Annual Action Plan and FY 2021 Plan substantial amendments.

ADDITIONAL INFORMATION:

Due to the ongoing coronavirus pandemic, grantees and citizens may be concerned about significant public health risks that may result from in-person public hearings. The public hearing requirement is statutory and cannot be waived; however, CPD is interpreting public hearings to include virtual public hearings (alone, or in concert with an in-person hearing) if it allows questions in real time, with answers coming directly from the elected representatives to all "attendees." HUD understands the exigencies of a public health challenge and will work with grantees who make the effort to comply with citizen participation requirements and document their efforts.

If you, or any member of your staff, have any questions concerning this memorandum, you may contact the following persons regarding the waiver: James E. Höemann, Director, OBGA Entitlement Communities Division at (202) 708-1577; Robert C. Peterson, Director, OBGA State and Small Cities Division at (202) 708-1322.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 7, 2021
Action Required:	Appropriation
Presenter:	Chris Gensic, Dept. of Parks and Recreation
Staff Contacts:	Chris Gensic, Dept. of Parks and Recreation
Title:	Trail fund contribution from Milestone Partners for Meadow Creek Trail - \$12,043

Background:

The City sold a piece of land to a developer many years ago and as part of the sale contract, the developer was expected to provide land for a trail along Meadow Creek and contribute \$15,000 toward the construction of the trail in this area of the City. The developer is Milestone Partners, and the property is now called “Lochlyn Hills”. The City has established the trail easement across the property, and the developer has paid a contractor \$2,957 to construct the trail on the Lochlyn Hills property. The developer is now contributing the balance of \$12,043 to the City to complete the next phase of the trail heading upstream to Holmes Avenue.

Discussion:

Charlottesville Parks and Recreation is working to complete the trail plan according to the City Bicycle, Pedestrian Plan and Comprehensive Plan. Along Meadow Creek, the plan calls for retaining the Rivanna Trails Foundation (RTF) footpath on the south bank of the creek and constructing a stone dust path along the north bank between Holmes Avenue and Locust Avenue/Pen Park. The developer at Lochlyn Hills has constructed a trail bridge across Meadow Creek and in partnership with the City is constructing a 4-5 foot wide relatively flat natural surface trail along easements to the City on the Lochlyn Hills property and adjacent Locust Meadows Owner Association open space. This trail will be upgraded to a fully accessible stone dust path in a few years when funding is available to do so.

Alignment with City Council’s Vision and Strategic Plan:

The project supports City Council’s “America’s Healthy City” vision by providing outstanding recreational areas and walking trails, as well as the vision of being a “Connected Community”. It contributes to Goal 3 of the Strategic Plan, for a beautiful and sustainable natural and built environment, and specifically objective 3.3, to provide a variety of transportation and mobility options.

Community Engagement:

The Bicycle and Pedestrian Plan and Comprehensive Plan were both developed with multiple public meetings and opportunities for input, including public hearings, and was approved by City Council.

Budgetary Impact:

This appropriation reduces the amount of City capital funds necessary to construct this trail connection. The funding will be appropriated into the Meadow Creek portion of the Trail CIP fund.

Recommendation:

Staff recommends approval of the appropriation.

Alternatives:

This is a requirement of a contract.

Attachments:

Appropriation

APPROPRIATION
Trail Fund Contribution from Milestone Partners for the Meadow Creek Trail project
\$12,043

WHEREAS, the City of Charlottesville, through Parks and Recreation, is receiving \$12,043 from Milestone Partners per terms of a contract; and

WHEREAS, the City of Charlottesville, through Parks and Recreation, is working to construct the Meadow Creek Trail;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$12,043 is hereby appropriated in the following manner:

Expenditures: \$12,043

Fund: 426 WBS: PR-001 G/L Account: 599999

Revenues: \$12,043

Fund: 426 WBS: PR-001 G/L Account: 451020

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$12,043 from Milestone Partners.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 7, 2021
Action Required:	Appropriation of Funding
Presenter:	Holly Bittle, Budget Analyst, Charlottesville Police Department
Staff Contacts:	RaShall Brackney, Chief, Charlottesville Police Department Holly Bittle, Budget Analyst, Charlottesville Police Department
Title:	Virginia Department Motor Vehicles (DMV) Highway Safety Grant- Alcohol and Impaired Driving - \$9,453

Background:

The Commonwealth of Virginia Department of Motor Vehicles (DMV) has awarded the City of Charlottesville, through the Police Department, a Virginia Highway Safety Grant to reduce the number of fatalities, injuries and related economic losses resulting from traffic crashes on Virginia roadways.

Discussion:

This Virginia Highway Safety Grant award supports the statewide goal of decreasing alcohol impaired driving fatalities. The City of Charlottesville Police Department will utilize the awarded grant funds to provide the following:

- Additional patrols during the national Click It or Ticket Mobilization periods
- Additional patrols during the Checkpoint Strikeforce Mobilization periods
- Provide DMV approved traffic safety-related training for one police officer

Alignment with City Council's Vision and Strategic Plan:

The Virginia Highway Safety Grant award supports Goal 2 of the Strategic Plan, a healthy and safe city. With this funding, the Police Department will be able to increase the number of patrol hours it can devote preventing vehicle crashes.

Community Engagement:

N/A

Budgetary Impact:

No additional City funding is required. These funds will be appropriated into and expended in a grants fund. The required local match will be satisfied through funding previously appropriated as part of the highway safety related expenditures in the Police Department's General Fund budget.

Recommendation:

Staff recommends approval and appropriation of these grant funds.

Alternatives:

Should the City decline to approve the appropriation request, the department would be ineligible to participate in the grant program.

Attachments:

Appropriation Resolution

**RESOLUTION APPROPRIATING FUNDING FOR
Virginia Department Motor Vehicles (DMV) Highway Safety Grant- Alcohol and Impaired
Driving - \$9,453**

WHEREAS, the Police Department, through the City of Charlottesville, has received a Virginia Highway Safety Grant from the Commonwealth of Virginia Department Motor Vehicles in the amount of \$6,302 to be used for overtime and officer training, related to highway safety; and

WHEREAS, the Police Department will contribute vehicle maintenance and fuel, related to highway safety as an in-kind match in the amount of \$3,151.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$6,302, received from the Commonwealth of Virginia Department of Motor Vehicles (2021 Virginia Safety Grant) and the local match of \$3,151 is hereby appropriated in the following manner:

Revenues – \$9,453

\$6,302	Fund: 209	IO: 190414	G/L Account: 430120
\$3,151	Fund: 209	IO: 190414	G/L Account: 498010

Expenditures – \$9,453

\$4,804	Fund: 209	IO: 190414	G/L Account: 510060
\$ 398	Fund: 209	IO: 190414	G/L Account: 511010
\$1,100	Fund: 209	IO: 190414	G/L Account: 530140
\$3,151	Fund: 209	IO: 190414	G/L Account: 530271

Transfer – \$3,151

\$3,151	Fund: 105	Cost Center: 3101004000	G/L Account: 530271
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the reimbursement of \$6,302 from the Commonwealth of Virginia Department of Motor Vehicles (2021 Virginia Safety Grant).

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 7, 2021
Actions Required:	Appropriation of Funding
Presenter:	Holly Bittle, Budget Analyst, Charlottesville Police Department
Staff Contacts:	RaShall Brackney, Chief, Charlottesville Police Department* Holly Bittle, Budget Analyst, Charlottesville Police Department
Title:	Edward Byrne Memorial Justice Assistance Grant (JAG) - \$23,056

Background:

The purpose of the Office for Civil Rights (OCR), Office of Justice Programs (OJP), Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2020 Local Formula Solicitation is to further the DOJ’s mission by assisting state, local, and tribal law enforcement efforts to prevent or reduce crime and violence.

Discussion:

Following the Commonwealth of Virginia’s May 2020 Executive Order 64, a response to past and potential future civil unrest that poses a danger to public safety, the City of Charlottesville, through the Police Department, applied for the Edward Byrne Memorial Justice Assistance Grant (JAG) Grant to install additional security access points in unsecured areas of the Charlottesville Police Department. Notification of award approval was received on September 19, 2020 for reimbursement up to \$23,056.

This grant is part of a strategic effort to address visual and physical security weaknesses within the Police Department facility. Other efforts include grant funded projects to procure a mobile logistics trailer with a command center capabilities (Appropriation #A-20-082) as well as enhancing the technology and equipment within the Police Department Roll Call room in order to be able to convert this space into a command post if and when needed (Appropriation #A-20-029).

The Police Department has been working with a physical security specialist to identify visual and physical security weaknesses within its facility. The department anticipates needing to install up to a total five access points.

Alignment with City Council’s Vision and Strategic Plan:

This project supports Goal 2 of the Strategic Plan, to be a Healthy and Safe City.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund. No local match is required and the funds will be expensed and reimbursed to a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If grants funds are not appropriated, this project will require additional City funds to support these security improvements or the project will not be completed without using City funds.

Attachments:

- Resolution Appropriating Funding
- U.S. Department of Justice, Office of Justice Programs' Edward Byrne Justice Assistance Grant Program FY 2020 Local Solicitation's "Certifications and Assurances by the Chief Executive of the Applicant Government"

**RESOLUTION APPROPRIATING FUNDS FOR
Edward Byrne Memorial Justice Assistance Grant (JAG) Grant # 2020-DJ-BX-0922 -
\$23,056**

WHEREAS, the Office for Civil Rights, Office of Justice Programs, Department of Justice Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2020 Local Formula awarded a grant to the Police Department, through the City of Charlottesville, to install additional security access points in unsecured areas of the Police Department;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$23,056.00 be appropriated in the following manner:

Revenues – \$23,056.00

\$23,056.00 Fund: 211 Internal Order: 1900404 G/L Account: 431110

Expenditures – \$23,056.00

\$23,056.00 Fund: 211 Internal Order: 1900404 G/L Account: 525263

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the reimbursement of funds or goods as supplied from the Office for Civil Rights, Office of Justice Programs, Department of Justice Edward Byrne Memorial Justice Assistance Grant Program.

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Justice Assistance Grant Program FY 2020 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2020 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (*e.g.*, city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

Signature of Chief Executive of the Applicant Unit of
Local Government

Date of Certification

Printed Name of Chief Executive

Title of Chief Executive

Name of Applicant Unit of Local Government

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 7, 2021
Action Required:	Approval of Resolution (1 reading)
Presenter:	Heather Hill, City Councilor
Staff Contacts:	Charles P. Boyles, II
Title:	Donation of City Funds for Walker Playground Equipment

Background:

For some time, Ms. Christa Bennet, Director of a not-for-profit known as “A Playground for Walker” has been raising money for the purchase and installation of a playground for Walker Upper Elementary School. The land on which the equipment will be installed is owned by the City of Charlottesville, not the School Board: 1564 Dairy Road, Charlottesville, Va.

In March 2021 following a lengthy planning process, the City Manager gave permission for “A Playground for Walker” to proceed, *see* March 5, 2021 correspondence, attached. At this time, however, it has become apparent that the project cannot be completed within the funding that has been raised, and “A Playground for Walker” needs an additional \$56,000 to complete the project.

Discussion:

Ms. Bennett has notified one or more City Councilors that The Building Goodness Foundation will provide \$15,000 for the project, if the City of Charlottesville will match that with \$15,000 with City funds. Ms. Bennett is confident that they can raise the additional \$20,000+ funding necessary from additional private donations.

Normally, for work that will be performed on City property, the City would directly pay a contractor to perform the work, after selecting a contractor through a procurement process. In this situation, however, the City Manager cannot simply agree to pay the contractor directly because the contractor(s) were not procured by a competitive quote or bid process such as that required by Chapter 22 of the City Code. Therefore, if City Council desires to contribute funding to the project, it will need to do so by making a donation to “A Playground for Walker”.

Alignment with Council Vision Areas and Strategic Plan: Yes.

Community Engagement: N/A

Budgetary Impact: No new funding is being requested. Funding is available for this donation within an existing account that has already been appropriated by City Council for spending.

Legal Review: The Constitution of Virginia provides that the General Assembly may authorize cities to give funds to charitable institutions or associations. Virginia Code §15.2-953 is the state enabling legislation that implements this Constitutional authorization. That statute lists the various organizations to which donations may be made. In order for a donation to be permitted by state law, it must fall within the authorization of Va. Code §15.2-953. Va. Code §15.2-953 authorizes the City to make donations to any “charitable institution or association” located within City limits.¹ “A Playground for Walker” is not itself a 501(c)(3) tax exempt corporation, but Ms. Bennett has indicated that A Playground for Walker uses a fiscal agent (“Wildrock”, see <https://www.wildrock.org/>) and that the fiscal agent has been granted §501(c)(3) tax exempt status by the IRS. But there is no statutory requirement that an recipient have IRS 501(c)(3) status (although such status can serve as verification that that a particular organization is a charitable institution).

There is no statutory definition of “charitable institution or association”. In one Virginia case, the Supreme Court referenced a definition associated with tax law: i.e., an institution which is “organized and conducted to perform some service of public good or welfare....” *City of Richmond v. United Givers Fund*, 205 Va. 432, 436 (1964) (citing 84 C.J.S. Taxation §282 (1954)). By this broad definition, A Playground for Walker could itself be considered a charitable institution or organization.

Recommendation: Staff does not oppose this proposal.

Attachments:

- Proposed Resolution
- March 5, 2021 Correspondence

¹ Donations may also be made to out-of-state charitable institutions, if the institutions provide services to people within the City of Charlottesville.

RESOLUTION

Allocating City Funding for a donation of \$15,000 to the nonprofit, charitable institution or association called “A Playground for Walker”

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, pursuant to authority set forth within Va. Code §15.2-953, that a charitable donation in the amount of fifteen thousand dollars (\$15,000.00) is hereby approved to be made to the non-profit entity called “A Playground for Walker” organized under the laws of the Commonwealth of Virginia (Virginia State Corporation Identification No. 08507386), said donation of funds to be used exclusively for and in support of the installation of playground equipment on City-owned land located at 1564 Dairy Road, Charlottesville, Virginia.

BE IT FURTHER RESOLVED that the aforesaid amount shall be paid to A Playground for Walker from currently-appropriated funds within the City’s budget, as follows:

Donation:
\$15,000.00 Fund: 426 Internal Order: SC-003 GL Code: 540100



March 5, 2021

Via Email To:

A Playground for Walker
Attention: Christa Bennett
106 Troost Court
Charlottesville, VA 22903

Re: Walker Upper Elementary School Playground Equipment (“Project”)

Dear Ms. Bennett,

This letter agreement sets forth the terms on which A Playground for Walker has agreed to purchase and install playground equipment for installation on property owned by the City of Charlottesville at 1564 Dairy Road, Charlottesville, Virginia.

1. A Playground for Walker is responsible for all costs and expenses associated with the purchase and delivery of playground equipment to 1564 Dairy Road;
2. A Playground for Walker is responsible for all costs and expenses necessary for preparation of plans for installation of the playground equipment, for approval of the plans, and for any permits required for the installation;
3. A Playground for Walker is responsible for installation of the playground equipment at 1564 Dairy Road using a licensed Virginia contractor. Installation will be in accordance with plans approved by the City. All costs and expenses associated with installation of the playground equipment in accordance with the approved plans shall be the responsibility of A Playground for Walker.
4. A Playground for Walker will coordinate the project with the Director of the City’s Department Parks & Recreation (Todd Brown, Director - (434) 970-3021 and brownt@charlottesville.gov) and the Charlottesville School System (Dr. Adam Hastings Principal, Office (434)245-2412/Cell (434)981-6307 and hastinal@charlottesvilleschools.org). A Playground for Walker will notify each of these contact persons 7 calendar days prior to its contractor bringing any equipment or materials onto the site;
5. During installation, A Playground for Walker’s contractor shall be responsible for maintaining a safe construction area and restoration of any areas damaged during installation;
6. Upon completion of installation the City of Charlottesville shall be the owner of the playground equipment. A Playground for Walker will provide or transfer documentation as necessary to verify that the City owns all right, title and interest in the installed playground equipment, and A Playground for Walker will arrange for the transfer of manufacturer’s warranties to the City;



7. Following the completed installation of the playground equipment, A Playground for Walker shall not have responsibility for repair or maintenance of the playground equipment;
8. A Playground for Walker understands and acknowledges that the City of Charlottesville may, in the future, decide that there are other uses of the 1564 Dairy Road property that would be in the public interest, or the City could make any disposition of the property as it deems to be in the public interest. In that event the City may elect to relocate the playground equipment to another site.

Please confirm by your signature below that this correspondence accurately reflects the terms and conditions of the Project funded by A Playground for Walker.

The City wishes to express its gratitude to A Playground for Walker for this generous donation!

Sincerely,



David T. Brown, PE
Director, Department of Public Works
City of Charlottesville


Cc: Todd Brown, Director, City Parks & Recreation

Offer and Terms are hereby Confirmed:
By A Playground for Walker

Signature:  _____
Christa Bennett
Director

Date: March 8, 2021

Confirmed Offer and Terms are hereby Accepted:
By The City of Charlottesville

Signature:  _____
Charles P. Boyles, II, City Manager

Date: 03/09/2021

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 7, 2021
Action Required:	Approval of Ordinance Change
Presenter:	Jason Vandever, City Treasurer
Staff Contacts:	Jason Vandever, City Treasurer Amanda Poncy, Bicycle and Pedestrian Coordinator
Title:	Electric Power-Assisted Bicycle License Change

Background:

In 2005 City Council passed an ordinance requiring any city-resident owner of a moped, electric personal-assistive mobility device, or electric power-assisted bicycle to purchase an annual license from the City of Charlottesville to operate such device. The license price was set at \$25 a year. The relevant code section is Section 15-39.

Discussion:

While staff believes the annual license requirement for mopeds is still a valuable tool for enforcement, the license for electric personal-assistive mobility devices and electric power-assisted bicycles seems unnecessary and outdated. Additionally, there is no mechanism for enforcement, as the purchase of electric powered mobility devices and e-bikes is not reported to DMV or the City. Moped owners are required to title and register their vehicle at DMV, and the City license fee is paid in lieu of personal property tax.

Removing the licensing restriction for e-bikes and mobility devices would encourage the use of e-bikes and decrease the cost and burden of ownership for City residents. Removing this registration requirement would also remove any burden for law enforcement officers to try to enforce this regulation by having to stop e-bike riders on City streets to verify registration.

Staff is recommending an amendment to the City ordinance to remove the requirement for residents to license electric power-assisted bicycles and personal assistive mobility devices (these devices are defined as a self-balancing two-nontandem-wheeled device).

Alignment with City Council's Vision and Strategic Plan:

This proposal aligns with the following City Council Strategic Plan Goals:

- 3.3 Provide a variety of transportation and mobility options
- Goal 2: Healthy and Safe City

Community Engagement:

This issue was raised by several residents concerned about how the current ordinance was being enforced. After reviewing the ordinance, input was solicited from the City’s Traffic Engineering Division, Police Department, Bicycle and Pedestrian Coordinator, and the Bicycle & Pedestrian Advisory Committee.

Budgetary Impact:

None. No revenue is currently being collected for e-bike registrations.

Recommendation:

Approval of the ordinance change.

Alternatives:

Council could elect to decline approval of a change at this time.

Attachments:

Proposed ordinance change.

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 15-39
OF ARTICLE II OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 15-39 of Article II of Chapter 15 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

ARTICLE II – LOCAL VEHICLE LICENSE

Sec. 15-39. - License required for mopeds, mobility devices, etc.

- (a) On or after August 1, 2005, it shall be unlawful for the city-resident owner of any moped,~~electric personal-assistive mobility device, or electric power-assisted bicycle~~ to operate such vehicle or device, or permit its operation, unless the vehicle or device is currently licensed pursuant to the provisions of this section. For the purposes of this section the terms *moped*,~~*electric personal assistive mobility device*~~, ~~and *electric power-assisted bicycle*~~ shall mean and refer to the vehicles defined by ~~these~~ such terms within § 46.2-100 of the Virginia Code. Any such vehicles operated or parked on any city street and not displaying a current, valid license plate, sticker or decal issued by the city shall be reputably presumed to be operated in violation of this section. This licensing requirement shall not apply to any vehicles or devices owned by the city and operated by a public safety officer.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 7, 2021
Action Requested:	1st of 2 Readings of Ordinance
Presenter:	Chris Cullinan, Director of Finance Lauren Hildebrand, Director of Utilities
Staff Contacts:	Chris Cullinan, Director of Finance Lauren Hildebrand, Director of Utilities
Title:	Proposed Utility Rate Report for FY2022

Background:

The City of Charlottesville owns and operates public utilities for water, wastewater, natural gas, and stormwater. Utility services are essential on a daily basis to both individuals and to the entire community. Thoughtful, deliberate planning and sufficient financial resources ensure efficient and orderly maintenance and operation of these systems. This need for investment in our utility systems is not without cost, but our utility rates must also be balanced with the need for continued affordability for our customers.

Each of the City's utilities is accounted for separately as enterprise funds. Enterprise funds are operated on a self-supporting basis, meaning that each utility is required to cover the full costs of providing its service. The City's utilities are funded solely through their rates and related fees and charges and are not subsidized with general tax revenues. The utilities do not operate on a for-profit basis. As such, utility rates are calculated annually to bring each fund to a break-even point; however, variable factors such as weather, usage, and number of customers may result in an unexpected and unanticipated operating surplus or deficit during any given year. If so, the surpluses or deficits are accounted for and remain within their respective utility fund.

Due to the COVID pandemic, the City Council adopted budget for FY'21 was essentially flat by holding operating budgets at the same amounts that were approved for FY'20. Therefore there have been no changes in the utility rates since FY'20. The Department of Utilities was able to operate and maintain all essential utility services during the COVID pandemic by mitigating any operational expenses to stay within available revenues. Rivanna Water and Sewer Authority (RWSA), which provides the treatment services for the City, is one of the largest fixed cost elements for the water and wastewater budgets. For FY'21, RWSA held their rates steady and did not pass along any increase. Their budget increases were offset by available cash on-hand for FY'21. For FY'22, the rates for RWSA have increased and they are incorporated in the City's proposed utility rates.

Discussion:

Proposed Utility Rates and Monthly Service Charges for FY'22

The budgets for each of the utilities have been thoroughly examined for opportunities to minimize costs without sacrificing service.

Based on the revenue requirements needed to operate and maintain each utility and the above recommendations, the City is proposing the following rates in the water, wastewater, and gas utility:

- \$60.65/1,000 cubic feet (cf) of water (average annual composite rate of seasonal rates),
- \$81.34/1,000 cf of wastewater, and;
- \$81.84/8,000 cf of natural gas.

In addition, the proposed Monthly Service Charges for Water and Wastewater are as follows:

Water Meter Size (in inches)	Water	Wastewater
5/8	\$5.50	\$5.50
1	\$13.75	\$13.75
1 1/2	\$27.50	\$27.50
2	\$44.00	\$44.00
3	\$88.00	\$88.00
4	\$137.50	\$137.50
6	\$275.00	\$275.00
14	\$1,801.25	\$1,801.25

There is no change to the Monthly Service Charge for Gas.

For the stormwater utility, there are minimal changes to the budget and stormwater fees are proposed to remain unchanged for the coming year at \$1.20 per 500 square feet of impervious surface.

Impact on Average Customer

Utility customers continue to conserve water and natural gas, which is both good for the environment and for their utility bill. The average residential water customer is using 400 cubic feet (cf) per month. Similarly, the average residential gas customer is using 4,600 cf. Based on these usage figures and the proposed utility rates, the average residential customer is projected to spend the following per month:

<u>Service</u>	<u>Current</u> <u>(based on rates adopted</u> <u>7/1/19)</u>	<u>Proposed</u> <u>(Effective 7/1/21)</u>	<u>Change</u>	<u>Percent</u>
Water ¹	\$27.61	\$29.76	\$2.15	7.79%
Wastewater ¹	\$37.06	\$38.04	\$0.98	2.64%
Natural Gas ¹	\$50.85	\$50.60	-\$0.25	-0.49%
Stormwater ²	\$5.86	\$5.86	\$0	0%
TOTAL	\$121.38	\$124.26	\$2.88	2.37%

- (1) Rates include monthly service charge.
- (2) The budget impact shown reflects a residential monthly average fee and provides consistency with other utilities. Stormwater fees are rounded to the next whole billing unit and are billed to property owners biannually.

For City residential customers who receive water, wastewater, stormwater and natural gas (approximately 87% of City residents), their total utility bill is projected to rise by \$2.88 per month, or 2.37%. For residential customers who receive just water, wastewater and stormwater service, their utility bill will increase by \$3.13 per month, or 4.44%. The proposed rate report can be found at <https://www.charlottesville.gov/602/Utility-Billing>.

Alignment with City Council’s Vision and Strategic Plan:

City Utilities operations supports City Council’s “A Green City” vision. It contributes to the Strategic Plan’s Objectives:

- 3.2 - To provide reliable and high-quality infrastructure,
- 3.4 - Be responsible stewards of natural resources,
- 5.1 - Integrate effective business practices and strong fiscal policies.

Community Engagement:

The public hearing is being held at tonight’s Council meeting to establish the rates for City utility services (water, sanitary sewer, natural gas and stormwater). These rates would be effective as of July 1, 2021, if approved by Council on June 21, 2021. The notice for the public hearing was advertised in the newspaper during the weeks of May 24, 2021 and May 31, 2021.

Budgetary Impact:

The Utility Funds (water, wastewater, and natural gas) are self-sustaining enterprise funds that are supported by the revenues from customers’ usages. The stormwater fee is based on the impervious surface of the property.

Note: The approval of the utility rates has no impact on the General Fund.

Recommendation:

Staff recommends approval of the proposed rates.

Alternatives:

Maintaining existing rates for water and wastewater would result in a loss within the Water and Wastewater Enterprise Funds. Keeping FY2020 gas rates will also result in a loss within the gas utility. This, in turn, would deplete available fund balances for water, wastewater and natural gas, which would violate the City's long term financial policies by not meeting the working capital requirements. If the utilities are not self-sustaining, the funds would either require subsidies from other City funds to maintain levels-of-service or reduced reliability and performance of the utility systems.

Attachments:

Ordinance
At a Glance
Utilities Operations Overview

**AN ORDINANCE
 AMENDING AND REORDAINING CHAPTER 31 (UTILITIES) OF THE CODE
 OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
 TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES
 FOR CITY GAS, WATER AND SANITARY SEWER.**

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

1. Sections 31-56, 31-57, 31-60, 31-61, 31-62, 31-153, 31-156 and 31-158 of Chapter 31, of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:

CHAPTER 31. UTILITIES

ARTICLE II. GAS

DIVISION 2. TYPES OF SERVICE; SERVICE CHARGES

Sec. 31-56. Rates - Generally.

The firm service gas rates based on monthly meter readings shall be as follows:

Basic Monthly Service Charge	\$ 10.00	
First 3,000 cubic feet, per 1,000 cubic feet	\$9.0706	<u>\$8.9908</u>
Next 3,000 cubic feet, per 1,000 cubic feet	\$8.5264	<u>\$8.5198</u>
Next 144,000 cubic feet, per 1,000 cubic feet	\$7.6193	<u>\$8.0489</u>
All over 150,000 cubic feet, per 1,000 cubic feet	\$7.4379	<u>\$7.5779</u>

Sec. 31-57. Air conditioning.

(a) Gas service at the rate specified in this paragraph (“air conditioning rate”) shall be available to customers who request such service in writing and who have installed and use air conditioning equipment operated by natural gas as the principal source of energy. The air conditioning rate will be ~~\$7.4271~~ \$7.3421 per one thousand (1,000) cubic feet of gas used per month.

(b) The director of finance may, when it is impracticable to install a separate meter for air conditioning equipment, permit the use of one (1) meter for all gas delivered to the customer, in which instance the director of finance shall estimate the amount of gas for uses other than air conditioning and shall bill for such gas at the rates provided in applicable sections of this division.

...

Sec. 31-60. Interruptible sales service (IS).

(a) *Conditions.* . . .

(b) *Customer's agreement as to discontinuance of service.* . . .

(c) *Basic monthly service charge.* The basic monthly charge per meter for interruptible sales service (“IS gas”) shall be sixty dollars (\$60.00).

(d) *Rate.* For all gas consumed by interruptible customers the rate shall be ~~\$7.3874~~ \$7.2178 per one thousand (1,000) cubic feet for the first six hundred thousand (600,000) cubic feet, and ~~\$6.5720~~ \$6.6937 per one thousand (1,000) cubic feet for all volumes over six hundred thousand (600,000) cubic feet.

(e) *Annual Minimum Quantity.* Interruptible rate customers shall be obligated to take or pay for a minimum quantity of one million two hundred thousand (1,200,000) cubic feet of gas annually. Each year, as of June 30, the director of finance shall calculate the total consumption of each interruptible customer for the preceding twelve (12) monthly billing periods, and shall bill any customer that has consumed less than the minimum quantity for the deficient amount at the rate of ~~\$7.3874~~ \$7.2178 per one thousand (1,000) cubic feet. Any new customer shall be required to enter into a service agreement with the City prior to the start of service. If an interruptible customer terminates service the annual minimum requirement shall be prorated on the basis of one hundred thousand (100,000) cubic feet per month for each month the customer has received service since the last June 30 adjustment.

(f) *Contract required.* . . .

Section 31-61. Interruptible Transportation Service (TS).

(a) *Generally.* ...

(b) *Rates.* The rates for interruptible transportation service (“TS gas”) shall be as follows:

(1) ~~\$3.2293~~ \$2.6462 per decatherm for a customer receiving only TS gas, and

(2) ~~\$1.8842~~ \$1.5877 per decatherm, for customers who transport 35,000 or more decatherms per month (“large volume transportation customers”), regardless of whether such large volume transportation customer receives only TS gas, or also receives IS service.

(c) *Basic Monthly Service Charges.* ...

(d) *Special terms and conditions.* ...

- (e) *Extension of facilities. . . .*
- (f) *Billing month. . . .*
- (g) *Lost and unaccounted-for gas. . . .*
- (h) *Combined IS and TS customer using more than provided or scheduled by customer....*
- (i) *TS Customer providing more gas, or less gas, than customer's usage. ...*
- (j) *Other terms and conditions. . . .*

Section 31-62. Purchased gas adjustment.

In computing gas customer billings, the basic rate charges established under sections 31-56, 31-57, 31-60 and 31-61 shall be adjusted to reflect increases and decreases in the cost of gas supplied to the city. Such increases or decreases shall be computed as follows:

(1) For the purpose of computations herein, the costs and charges for determining the base unit costs of gas are:

- a. Pipeline tariffs;
- b. Contract quantities; and
- c. Costs of natural gas, in effect or proposed as of ~~March 1, 2019~~ April 1, 2021.

(2) Such base unit costs are \$4.2810 per one thousand (1,000) cubic feet for firm gas service and \$2.8498 per one thousand (1,000) cubic feet for interruptible gas service.

(3) In the event of any changes in pipeline tariffs, contract quantities or costs of scheduled natural gas, the unit costs shall be recomputed on the basis of such change in accordance with procedures approved by the city manager. The difference between the unit costs so computed and the base unit costs shall represent the purchased gas adjustment to be applied to all customer bills issued beginning the first billing month after each such change.

ARTICLE IV. WATER AND SEWER SERVICE CHARGES

...

Sec. 31-153. Water rates generally.

(a) Water rates shall be as follows:

(1) Monthly service charge.

Water Meter Size (inches)	Fee
5/8	\$5.00 \$5.50
3/4	\$5.00 \$5.50
1	\$12.50 \$13.75
1 1/2	\$25.00 \$27.50
2	\$40.00 \$44.00
3	\$80.00 \$88.00
4	\$125.00 \$137.50
6	\$250.00 \$275.00
14	\$1637.50 \$1801.25

	<u>May-September</u>	<u>October-April</u>
(2) Metered water consumption, per 1,000 cu. ft.	\$65.31 \$70.08	\$50.24 \$53.91

(b) This section shall not apply to special contracts for the consumption of water which have been authorized by the city council.

...

Sec. 31-156. Sewer service charges generally.

(a) Any person having a connection directly or indirectly, to the city sewer system shall pay therefor a monthly charge as follows:

(1) Monthly service charge

Water Meter Size (inches)	Fee
5/8	\$5.00 \$5.50
3/4	\$5.00 \$5.50
1	\$12.50 \$13.75
1 1/2	\$25.00 \$27.50
2	\$40.00 \$44.00
3	\$80.00 \$88.00
4	\$125.00 \$137.50
6	\$250.00 \$275.00
14	\$1637.50 \$1801.25

(2) An additional charge of ~~eighty dollars and fourteen cents (\$80.14)~~ eighty one dollars and thirty-four cents (\$81.34) per one thousand (1,000) cubic feet, of metered water consumption.

(b) Any water customer not discharging the entire volume of water used into the city's sanitary sewer system shall be allowed a reduction in the charges imposed under this section, provided such person installs, at his expense, a separate, City-approved water connection to record water which will not reach the City sewer system. The cost and other terms of City Code

section 31-102 shall apply. For customers with monthly water consumption in excess of thirty thousand (30,000) cubic feet, where the director of finance considers the installation of a separate meter to be impracticable, the director may establish a formula which will be calculated to require such person to pay the sewer charge only on that part of the water used by such person which ultimately reaches the city sewers.

2. The foregoing amendments shall become effective July 1, 2021.

At A Glance City of Charlottesville

FY2022



Utility Rate Report

The following material provides a brief summary of the rate and fee recommendations for water, wastewater, stormwater, and natural gas for FY2022. All rates will go into effect July 1, 2021. For a thorough explanation and details of the recommendations, please consult the Utility Rate Report FY2022.

The table below illustrates the monthly impact on an average City residential customer using 400 cubic feet (cf) of water and wastewater, owning a property with approximately 2,440 square feet of impervious surface, and using 4,600 cf of gas. This information is based on utility rates and charges adopted July 1, 2019 and proposed FY 2022 rates and charges. There was no rate increase for any utilities July 1, 2020. Specific changes to each utility's rate are discussed in this report.

	Current Based on rates adopted 7/1/19	Proposed Effective 7/1/21	Change	Percent
Water ¹	\$27.61	\$29.76	\$2.15	7.79%
Wastewater ¹	\$37.06	\$38.04	\$0.98	2.64%
Gas ¹	\$50.85	\$50.60	(\$0.25)	-0.49%
Stormwater ²	\$5.86	\$5.86	\$0	0%
Total	\$121.38	\$124.26	\$2.88	2.37%

(1) Rates include monthly service charge

(2) The budget impact shown reflects a residential monthly average fee and provides consistency with other utilities. Stormwater fees are rounded to the next whole billing unit and are billed to property owners biannually.

Water Rates

Where your Water Dollar goes ...



Usage Rate

Water rates are proposed to increase by \$4.13 per 1,000 cf based on the amount of water used which is a 7.30% increase



Impact on the Customer

The impact on a customer's bill will depend on how much water is consumed. The average single-family household uses 400 cf/month (2,992 gallons/month; approximately 100 gallons/day). To the extent an individual customer's usage differs from the average will determine the impact of the proposed rate on their bill. The table below shows the monthly impact on water customers at different amounts of usage.

	Water Used/Month (cf)	Current Composite Water Rate/1,000 cf	Current Water Usage Charge/month	Proposed Composite Water Rate/1,000 cf	Proposed Water Usage Charge/month	\$ Change	% Change
Minimal User (10 th Percentile)	140	\$56.52	\$7.91	\$60.65	\$8.49	\$0.58	7.31%
Small User (25 th Percentile)	250	\$56.52	\$14.13	\$60.65	\$15.16	\$1.03	7.29%
Median User (50 th Percentile)	400	\$56.52	\$22.61	\$60.65	\$24.26	\$1.65	7.30%
Large User (75 th Percentile)	610	\$56.52	\$34.48	\$60.65	\$37.00	\$2.52	7.31%
High Volume User (90 th Percentile)	880	\$56.52	\$49.74	\$60.65	\$53.37	\$3.63	7.30%

Wastewater Rates

Where your Wastewater Dollar goes ...



\$0.56

RWSA (PURCHASE OF WASTEWATER TREATMENT)



\$0.23

CITY OPERATIONS AND MAINTENANCE



\$0.19

CITY DEBT SERVICE (INFRASTRUCTURE)



\$0.02

CUSTOMER SERVICE & BILLING

FY' 22 Budget

\$16,059,081

Usage Rate

Wastewater usage rates are proposed to increase by \$1.20 per 1,000 cf based on the amount of water used which is a 1.50% increase.



Impact on the Customer

The impact on a customer's bill will depend on how much water is consumed. The average single-family household uses 400 cf/month (2,992 gallons/month; approximately 100 gallons/day). To the extent an individual customer's usage differs from the average will determine the impact of the proposed rate on their bill. The table below shows the monthly impact on wastewater customers at different amounts of usage.

	Water Used/Month (cf)	Current Wastewater Rate/1,000 cf	Current Wastewater Usage	Proposed Wastewater Rate/1,000 cf	Proposed Wastewater Usage	\$ Change	% Change
Minimal User (10 th Percentile)	140	\$80.14	\$11.22	\$81.34	\$11.39	\$0.17	1.50%
Small User (25 th Percentile)	250	\$80.14	\$20.04	\$81.34	\$20.34	\$0.30	1.50%
Median User (50 th Percentile)	400	\$80.14	\$32.06	\$81.34	\$32.54	\$0.48	1.5%
Large User (75 th Percentile)	610	\$80.14	\$48.89	\$81.34	\$49.62	\$0.73	1.49%
High Volume User (90 th Percentile)	880	\$80.14	\$70.52	\$81.34	\$71.58	\$1.06	1.50%

Water & Wastewater

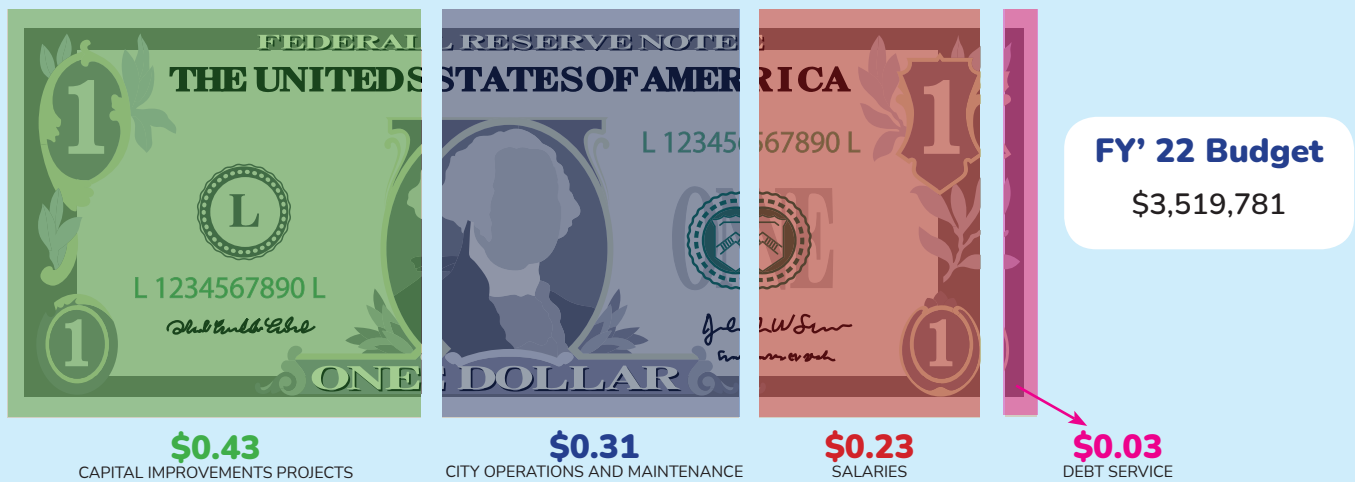
Monthly Service Charge

The monthly service charge for water and wastewater is proposed to change. The monthly service charge will increase to \$5.50 for water and \$5.50 for wastewater for a 5/8" meter. The proposed combined monthly service charges for water and sewer are as follows:

Water Meter Size (in inches)	Current	Proposed	\$ Change
5/8	\$ 10.00	\$ 11.00	\$1.00
1	\$ 25.00	\$ 27.50	\$2.50
1 1/2	\$ 50.00	\$ 55.00	\$5.00
2	\$ 80.00	\$ 88.00	\$8.00
3	\$ 160.00	\$176.00	\$16.00
4	\$ 250.00	\$ 275.00	\$25.00
6	\$ 500.00	\$ 550.00	\$50.00
14	\$ 3,267.00	\$ 3,602.50	\$335.50

Stormwater Rates

Where your Stormwater Dollar goes ...



Stormwater rates are proposed to remain constant for the coming year at \$1.20 per 500 square feet of impervious surface (or part thereof) per month. Stormwater fees are billed concurrently with real estate tax assessments and are due in June and December.

Modernize and maintain infrastructure integrity while pursuing environmental stewardship.

As part of the larger Water Resources Protection Program (WRPP), the City has adopted a stormwater utility fee to provide a dedicated and stable source of funding for stormwater management activities. Funds received are used to help the City comply with federal and state stormwater regulations, rehabilitate the City's aging stormwater infrastructure, address drainage and flooding problems, and pursue environmental stewardship.

Impact on the Customer

The stormwater utility fee is charged to property owners based on the amount of impervious area on their property (areas covered by hard surfaces, such as: buildings, concrete, gravel, etc.).

An example fee calculation is provided below:

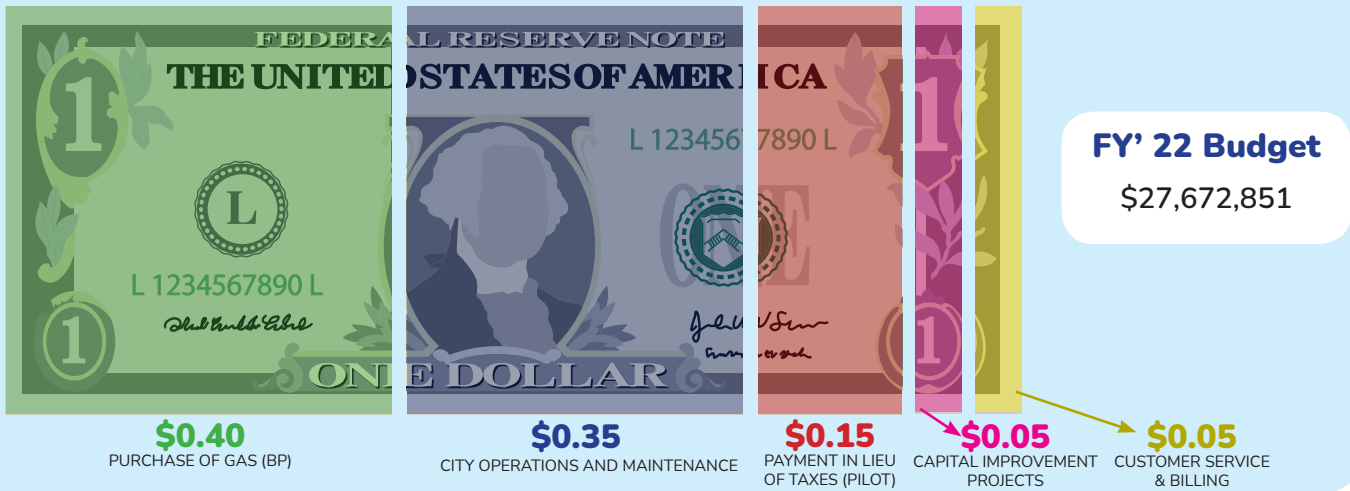


Example Fee Calculation

- Total impervious area (house and driveway): 2,100 SF
- Divide by 500 square feet: $2,100 / 500 = 4.2$ billing units
- Round to the next whole number: 4.2 rounds to 5 billing units
- Multiply the number of billing units by the rate (\$1.20 per billing unit per month) to determine annual fee: $5 \times \$1.20 \times 12 = \72 annual fee, billed \$36 due in June and December

Gas Rates

Where your Natural Gas Dollar goes ...



Usage Rate

Gas rates are proposed to slightly decrease for the minimal and average residential natural gas customer. However, large and high volume residential rates are proposed to increase by 3.4% and 4.85% respectively.



Impact on the Customer

The impact on a customer's bill will depend on the volume of gas that the customer uses. The average single family household uses 4,600 cubic feet of natural gas per month. The table below shows the monthly impact on gas customers at different amounts of usage.

	Gas Used (cf per month)	Current Monthly Gas Bill based on rates adopted 7/1/20	Proposed Monthly Gas Bill	\$ Change	% Change
Minimal User	4,000	\$45.74	\$45.49	(\$0.25)	-0.55%
Average User	4,600	\$50.85	\$50.60	(\$0.25)	-0.49%
Large User	20,000	\$169.46	\$175.23	\$5.77	3.40%
High Volume User	60,000	\$474.21	\$497.23	\$23.02	4.85%

The base rate is set on July 1st each year. This base rate is calculated using the cost of gas at that time. However, gas is purchased throughout the year and the cost per cubic foot of natural gas varies by month due to various factors (weather, economics, etc) which are hard to predict. The purchased gas adjustment (PGA) acts as a "true up" to account for the differences between the current market cost of gas and the base rate. This ensures that customers are not over or underpaying and that the City is not over or under collecting.

	Gas Used (cf per month)	Recent Monthly Gas Bill with April 2021 PGA	Proposed Monthly Gas Bill with April 2021 PGA	\$ Change	% Change
Minimal User	4,000	\$47.35	\$47.10	(\$0.25)	-0.53%
Average User	4,600	\$52.71	\$52.45	(\$0.26)	-0.49%
Large User	20,000	\$177.51	\$183.25	\$5.74	3.23%
High Volume User	60,000	\$498.37	\$521.26	\$22.89	4.59%

Utilities Operations Overview



FY22

The Charlottesville Department of Utilities provides the Charlottesville community with safe and reliable natural gas, drinking water, and wastewater services at a reasonable cost in an environmentally responsible manner.

Core Programs & Services

Department-Wide

- **Utility Location Oversight**
Protecting infrastructure & critical facilities, including utility locating: **15,968** tickets in 2020.
- **24/7 Utilities Call Center**
The Utilities Call Center handles approximately **25,000** calls per year.
- **Customer Service**
Last year, we processed **7,435** Move-ins and **7,220** Move-outs.
- **Development Site Plan Review**
Our engineers reviewed and followed the implementation of **158** site plans in 2020.
- **Emergency Operations**
Emergency response to water and gas leaks as well as sewer backups. Over **550** leaks checked per year.
- **GIS Mapping and Maintenance**
209,695 feet of utility lines entered or updated and **1,033** CCTV videos cataloged last year.
- **Meter Reading and Maintenance**
We performed **439,253** meter readings including **2,334** implausible meter readings and **1,204** ERT replacements in 2020.

Customer Satisfaction

Customer Ratings

Experience Interacting with Utilities Department Staff (% Satisfied)*

Politeness & courtesyness of staff



Staff knowledge and technical competence



Overall responsiveness to your requests, questions, or concerns



*Department of Utilities Customer Satisfaction Survey - SurveyMonkey – February, 2021



Water Distribution & Wastewater Collection



Water & Wastewater by numbers



14,800
CUSTOMERS
SERVED



4.54 million
GALLONS OF WATER
SOLD DAILY



184 miles
OF WATER
MAINS



172 miles
OF WASTEWATER
MAINS

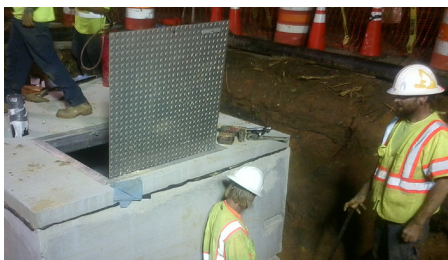


9,193*
WORK ORDERS
COMPLETED

* BASED ON 2020 CALENDAR YEAR

Water Quality Highlights

- The quality of our drinking water meets and exceeds all regulatory requirements and expectations for safety and reliability.
- Cross-contamination:
 - The situation in which water flows in a direction that is opposite from the intended flow is called backflow and presents a serious hazard to our water supply.
 - The City's Department of Utilities currently maintains inspection records for **850 backflow devices** in an effort to protect and provide the highest quality water to the City residents.



Water Loss Prevention Highlights

- Meter testing and replacement program:
 - **48 large water meters** have been replaced in 2020 and over **323** since the program's inception.
- Annual system-wide leak detection survey:
 - In 2020, **6 leaks** totalling **141,120 GPD** were detected and repaired.
- "Low Flow" ultrasonic meter installation:
 - Accurately measures low flow rates.

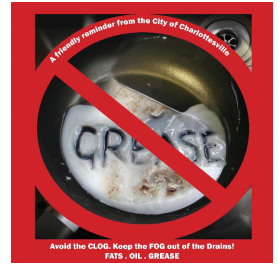
Water & Wastewater Asset Management Highlights

- Water main replacement program:
 - **5,915 linear feet** in 2020 and **92,213 linear feet** of water mains have been replaced since 2010 or **9.5%** of the entire water system.
- Water service line replacement:
 - **3,245 linear feet** in 2020 and **42,240 linear feet** of water services have been replaced since 2010 or **15%** of the City-owned water services.
- Wastewater main rehabilitation program:
 - **4,213 linear feet** of wastewater main were rehabilitated or replaced in 2020 and over **245,500 linear feet** of main have been rehabilitated or replaced since the program's inception in 2009 or **27%** of the wastewater system.
- Manhole rehabilitation or replacement:
 - **1,145 manholes** have been rehabilitated or replaced since the program's inception or **19%** of the City's wastewater manholes.



Fats, Oils, and Grease Program Highlights

- The City of Charlottesville prohibits the discharge of fats, oils, and grease (FOG) down the drain into the City's wastewater system.
- The City of Charlottesville maintains an active FOG program that routinely inspects and advises best management practices to over **300 city food service establishments** on an annual basis on how to properly dispose of FOG.
- We provide FOG Kits to residents to help properly dispose fats, oils, and grease from cooking.



Customer Satisfaction

In our recent Utilities Customer Satisfaction Survey, our customers show high levels of satisfaction with the dependability of our services.

Reliability of water service to your home

Reliability of your sanitary sewer service



Rate the value that you pay for your water service

Rate the value that you pay for your sewer service



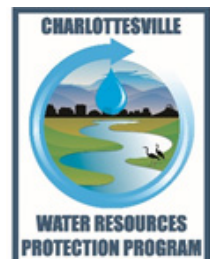
Also in this survey, the vast majority of our customers rated the value of their water and sewer service as fair and above (good and excellent).



Stormwater CIP

Stormwater Improvements Highlights

- Utilities has had an active Stormwater Conveyance System Rehabilitation Program since 2010.
- Stormwater rehabilitation program:
 - **5,235 linear feet** of stormwater main rehabilitated or replaced in 2020 and **65,000 linear feet** rehabilitated or replaced or **9.1%** of the system since the program's inception.
- Structure rehabilitation or replacement:
 - **433** structures rehabilitated or replaced since the program's inception or **5%** of the system's storm structures.





Gas System

Natural Gas by numbers



20,900
CUSTOMERS
SERVED



340 miles
GAS MAIN
LINES



298 miles
GAS SERVICE
LINES



36
REGULATOR
STATIONS



12,164*
WORK ORDERS
COMPLETED

* BASED ON 2020 CALENDAR YEAR

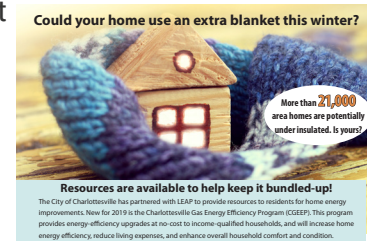
Greenhouse Gas Reduction Strategy

Adoption of a two-pronged strategy to help reduce greenhouse gas emissions (GHG) in our community due to natural gas usage:

- Energy-efficiency programs to reduce natural gas usage per household.
- Carbon offset program invests in environmental improvement projects that help counterbalance our greenhouse gas emissions.

Energy-efficiency programs:

- Popular energy-efficiency rebates includes **\$100 Programmable Thermostat**, **\$200 Tankless Water Heater** and **\$200 Attic Insulation Rebates**.
- Charlottesville Gas Energy Efficiency Program (CGEEP) program offering energy efficiency upgrades at no cost to income-qualified households.
 - Since its launch, **84** gas customers have benefited from the program. Of the total CGEEP recipients, **70%** were Charlottesville homeowners, and **75%** had at least one family member age 60 years or older living in the same household.
 - To date, the Charlottesville Department of Utilities has invested **\$112,636** in the CGEEP program.

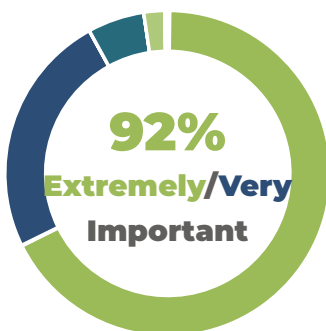


Carbon offset program:

- This program allows Utilities to invest in various carbon sequestration projects all around the world.
 - From reforestation projects in the Peruvian Amazon to capturing agricultural methane on large farms in the Midwest, this program allows Utilities to move toward carbon neutrality by 2050.

In our recent Utilities Customer Satisfaction Survey, our customers show high levels of satisfaction with access to gas service, value of natural gas and support of the implementation of carbon offset programs.

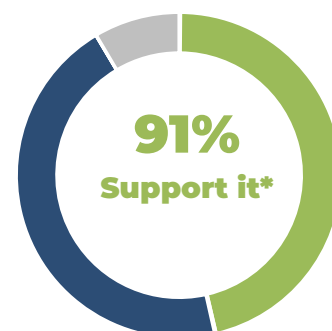
How important is it to have gas available to your home?



Rate the value that you pay for your gas service



Would you support the implementation of Carbon Offset programs for your gas service?




*46% of respondents support the implementation without reservation, and 45% would support carbon offset programs as long as they do not increase gas rates.



CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 7, 2021
Action Required:	Public Hearing; Adoption of Resolution
Presenter:	Charles P. (“Chip”) Boyles, II, City Manager
City Manager Office Contact:	Chip Boyles 
Title:	City Council’s Intent to Remove, Relocate, Contextualize or Cover the Statues/Sculptures of Confederate Generals Robert E. Lee and Stonewall Jackson, located in City public parks

Background:

In March 2016 Charlottesville City Council received a petition to remove the statue/ sculpture of Confederate General Robert E. Lee (“Lee Statue”) from its location in Market Street Park. Following receipt of the petition, City Council established an advisory body referred to as the Blue Ribbon Commission on Race, Memorials and Public Spaces (“BRC”). The mission specified by City Council for the BRC was to provide City Council with options for telling the full story of Charlottesville’s history of race relations and for changing the City’s narrative through its public spaces, specifically including ways in which the City’s public spaces could be utilized to address race (including, among other items, removing or adding context to existing Confederate statues of Confederate Generals Robert E. Lee (located in Market Street Park) and Thomas J. “Stonewall” Jackson.

The BRC’s Final Report was presented to City Council on December 19, 2016. The Final Report indicated that removal and relocation, or contextualization in place, were options recommended by the BRC. The City Council gave consideration to the Final Report and to many public comments received directly by councilors via email and community contacts.

February 6, 2017: by resolution City Council announced its intent to rename Lee Park (the site of the Lee Statue). This intention has been carried out; the park is now named Market Street Park.

February 6, 2017: by resolution City Council announced its intention to remove the statue of Robert E. Lee from the park then named Lee Park, and requested staff to bring Council a range of recommended options over a 60-day period.

February 6, 2017: by resolution City Council specified a number of actions it desired to implement, to implement the recommendations of the BRC Final Report, including (i) a Master redesign of the public spaces in the North Downtown and Court Square Districts,

(ii) removing or contextualizing the Lee and Jackson Statues within the City's public parks, (iii) renaming Jackson Park (which has been carried out; the park is now named Court Square Park), (iv) replacing the slave auction block, (v) identifying and acknowledging the site of the Freedman's Bureau, and (vi) other actions possible.

March 3, 2017: Various individuals and organizations filed a lawsuit ("Lawsuit") against the City, City Council, and individual City Councilors, to obtain temporary and permanent injunctive relief preventing all of the actions contemplated by Council's February 2017 resolutions. (On April 1, 2021 the Virginia Supreme Court decided the lawsuit in favor of the City).

August 12, 2017: UTR Rally.

August 21-22, 2017: by motion City Council voted to approve a motion directing the Lee and Jackson Statues to be covered with black fabric, in mourning for lives lost the weekend of August 12, 2017. (The covers remained in place until February 26, 2018 when they were removed by order of the Circuit Court).

September 5, 2017: by resolution City Council announced its intent to remove a statue/sculpture of Confederate General Thomas J. "Stonewall" Jackson from the park that is now known as Court Square Park, stating that such action should be taken as soon as possible, pending resolution of the Lawsuit.

November 6, 2017: by resolution City Council voted to revise its prior approach for a Master redesign of the public spaces in the North Downtown and Court Square Districts, including Market Street Park and Court Square Park. The 2017 City Council's revised approach called for a two phase Master Plan, one phase to occur prior to removal of the intended removal of the Lee and Jackson Statues and a second phase to occur post-removal.

July 1, 2020: effective July 1, 2020 the General Assembly removed all prohibitive language from the provisions of Va. Code §15.2-1812 (the version that was in effect 2017 – 2019). The legislature transformed the statute into one that is permissive in nature, and that sets out a 60-day process by which localities may make decisions about whether to remove, relocate, contextualize or cover monuments or memorials covered by the re-worked statute.¹

April 21, 2021: the Virginia Supreme Court entered its final mandate entering judgment in favor of the City.

May 3, 2021: by resolution City Council requested the Clerk to publish notice within a newspaper of Council's intent to remove, relocate, contextualize or cover the Lee and Jackson Statues and to set a date for a public hearing thereon. Each of these actions has been referred to within resolutions or motions approved by City Council in 2017 (copies attached). The May 3, 2021 resolution also requested the Board of Architectural Review to consider Council's stated intentions.

¹ The City noted to the Virginia Supreme Court that language indicative of a legislative intent to apply the statutory provisions prospectively remains present in the amended statute; however, the Supreme Court did not offer an advisory opinion on that issue. The Supreme Court stated in its ruling that references to Va. Code §15.2-1812 are to the 2010 version of that statute which was in effect in 2017 and throughout the litigation in Circuit Court.

May 18, 2021: the Board of Architectural Review reviewed Council’s announced intent to remove, relocate, contextualize or cover the Statues.

Discussion:

City Council is following a process set forth within Virginia Code Section 15.2-1812. That process contemplates that City Council will make a decision regarding specific disposition(s) of the Statues, or actions relating to the Statues, *at the end of the process*. At this time, there is no specific disposition to be discussed. However, any or all of the announced intentions (removal, relocation, contextualization, or covering) may singly, or in combination, be carried out by City Council at the conclusion of the statutory process.

1. Public hearing. City Council should conduct the public hearing, as noticed.
2. Vote upon completion of the public hearing. Anytime after completion of the public hearing, City Council may take a vote as to *whether* to remove, relocate, contextualize or cover the Statues. A Resolution for Council’s consideration is attached.
3. 30-day offering period. For a period of 30 days after City Council’s vote to remove, relocate, contextualize or cover the Statues, City Council will “offer [the Statues] for relocation and placement to any museum, historical society, government, or military battlefield”. The attached Resolution references the initiation of the 30-day offering period.
4. Conclusion. After the expiration of the 30-day offering period, City Council has sole authority to make decisions regarding removal, relocation, contextualization or covering of the Statues, on its own timetable and without additional public hearings or processes.

Budgetary Impact:

None at this time. At the end of the statutory process, specific disposition(s) or action(s) of City Council or the City Manager may involve the expenditure of public funds.

Alternatives:

- By motion to approve the attached Resolution, City Council may vote to remove, relocate, contextualize or cover the Statues
- By motion, City Council may vote to amend the attached Resolution, and then may vote to approve the amended Resolution.
- City Council may postpone its vote, or may vote not to remove, relocate, contextualize or cover the Statues.

Legal Review:

The City Attorney has reviewed this Agenda Memo and the attached Resolution.

It is requested that Councilors who may wish to propose amendments to the Resolution should contact the City Attorney and City Manager in advance of the meeting, to allow them an opportunity to consider the amendments in advance of the public meeting and to allow the City Attorney to offer legal advice on the proposed amendments.

Alignment with Council Vision Areas and Strategic Plan: Yes.

City Manager Recommendation: It is the City Manager's recommendation to approve this resolution and without further direction from City Council allowing the City Manager on or after July 8, 2021 to remove, relocate, cover either or both statues to while final disposition is being considered by the City Council.

Community Engagement:

Over a course of months in 2016, the BRC and several working subcommittees (for public engagement; case studies; historic site inventories; and historical context/background) conducted studies, engaged with the community through public meetings and forums, and deliberated.

According to the BRC's Interim Report to City Council (September 19, 2016) over 150 people attended the BRC's first community forum at the Jefferson School on July 27, 2016. The BRC gathered for 15 meetings (including 3 public forums), held at different locations throughout the City to make it easier for members of the public to attend and comment.

Attachments:

- (1) Resolution
- (2) 2017 City Council Resolutions (for background information)
- (3) BAR Comments

RESOLUTION

TO REMOVE, RELOCATE, CONTEXTUALIZE OR COVER A STATUE/ SCULPTURE OF ROBERT E. LEE LOCATED IN MARKET STREET PARK AND A STATUE/ SCULPTURE OF STONEWALL JACKSON LOCATED IN COURT SQUARE PARK

WHEREAS in 2017 the Charlottesville City Council (“City Council”) publicly expressed its desire and stated its intentions to remove, relocate, contextualize or cover statues/ sculptures of Confederate Generals Robert E. Lee and Thomas J. “Stonewall” Jackson located, respectively, in Market Street Park and Court Square Park within the City (together, the “Statues”), such desires and intentions having been expressed in various resolutions previously approved by City Council; and

WHEREAS City Council desires to update and restate its previously expressed intentions and plans regarding the Statues and the public parks in which they are located; and

WHEREAS on June 7, 2021 City Council conducted a public hearing and received public comment regarding Council’s intent to remove, relocate, contextualize or cover the Statues; and

WHEREAS City Council has considered the public comments received at the public hearing, the input of the City’s Board of Architectural Review, the analysis and recommendations of City Council’s Blue Ribbon Commission (December 2016 Final Report), and the various findings and matters set forth within resolutions adopted by City Council in 2017;

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

1. The statue/sculpture of Confederate General Robert E. Lee shall be removed from Market Street Park, and the statue/sculpture of Confederate General Thomas J. “Stonewall” Jackson shall be removed from Court Square Park. This authorization for removal of each statue/ sculpture (together, the “Statues”) includes all related components and appurtenances, such as pedestals, plaques, signs, or panels.

2. For a period of thirty (30) days (“Offer Period”) City Council hereby offers the Statues for relocation and placement to any museum, historical society, government or military battlefield that may express an interest in acquiring the Statues, or either of them, for such purpose. This Offer Period shall commence on the date this Resolution is approved and shall expire at midnight on July 8, 2021. Throughout the Offer Period City Council’s offer shall be published on the home page of the City’s website and on the City’s webpage for bids and proposals, along with a form to be utilized by entities to express interest in acquiring the Statues, or either of them. All expressions of interest by any museum, historical society, government or military battlefield shall be submitted directly to the City Manager, who is hereby authorized to discuss with any such interested entity(ies), on behalf of City Council, the terms upon which the entity(ies) propose to acquire the Statues, or either of them.

In the event City Council approves an agreement with a museum, historical society, government or military battlefield for acquisition, relocation and placement of the Statues, or

either of them, then the Statues, or either of them, may be relocated in accordance with the terms of the agreement.

3. If City Council has not, prior to July 8, 2021, approved an agreement with another entity for relocation and placement of the Statues, or either of them, then at any time on or after July 8, 2021:

- a. the City Manager may carry out a removal of the Statues, or either of them, for placement in storage;
- b. at the City Manager's option, removal of the Statues, or either of them, may be carried out in stages, including, without limitation, removal of any component or appurtenance (such as pedestals, plaques, signs, or panels) separately from the main statue(s)/sculpture(s);
- c. the City Manager may cover the Statues, or either of them, prior to removal;
- d. the City Manager may take any other action with respect to the Statues, or either of them, within the scope of his authority; and/or
- e. City Council may authorize a final disposition of the Statues, or either of them.

4. Prior to removal, the Statues, or either of them, may be contextualized in accordance with a plan approved by City Council after review and comment by the City Manager, the board of architectural review (pursuant to City Code §34-288(3)), and the City's Historic Resources Committee.

5. The City Manager may develop a capital improvements project for a master redesign and improvement of the public parks and other public spaces within the area referred to on the National Register of Historic Places as the Charlottesville and Albemarle County Courthouse Historic District (which project may include, but is not limited to, actions or recommendations set forth in previous resolutions of City Council). Notwithstanding any direction given by City Council within any previous resolution(s), no design services or improvements for such a project shall be procured or commenced until a project scope has been established and all projected costs for public engagement, design services and construction costs have been presented to City Council for consideration within the Capital Improvements Plan for FY2022-2023 or a subsequent fiscal year. Nothing within this requirement shall preclude the City Manager or the City's Director of Parks and Recreation from making non-capital improvements or changes within either Market Street Park or Court Square Park, where funding for the improvements or changes is available within the Parks and Recreation Department's operational budget for the fiscal year in which the improvements or changes are installed.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 7, 2021
Action Required:	For Information Only. Provided per City Council request.
Staff Contacts:	Jeff Werner, Historic Preservation & Design Planner
Title:	Board of Architectural Review response to City Council's intent to remove, relocate, contextualize, or cover the Lee and Jackson statues

Background:

On May 3, 2021 City Council adopted a resolution authorizing publication of notice of its intention to remove, relocate, contextualize, or cover statues of Confederate Generals Lee and Jackson currently located within city parks. With that, Council requested that the Board of Architectural Review (BAR) consider the stated intent and provide comment prior to Council's public hearing, which is scheduled for June 7, 2021.

Discussion:

At its May 18, 2021 meeting, at the request of City Council, the BAR reviewed and discussed Council's May 3, 2021 resolution. The BAR's discussion followed the presentation of the attached staff summary, which the BAR agreed should be the formal record of staff's presentation [vs the brief, oral summary offered during the meeting]. At the completion of the BAR's discussion, they approved the following statement to Council:

Statement from the Board of Architectural Review

With careful consideration of our Design Guidelines, with guidance from respected national preservation organizations, and in acknowledgement of the Blue Ribbon Commission's public process and work to better understand the history and harmful legacy of these statues, we wish to state our strong support for City Council's intention to remove the Lee and Jackson statues and to temporarily cover and contextualize the statues during a period of time before removal can occur. Furthermore, we look forward to working with a public process to understand how the parks may be redesigned in the future in accordance with the [ADC District Design] Guidelines.

Motion – Mr. Schwarz – (Second by Mr. Mohr). Staff was instructed to send this statement to Council prior to the Council public hearing regarding the Jackson and Lee statues, scheduled for June 7, 2021. Motion passed 7-0.

Community Engagement:

This item was publicly posted as an item on the BAR's May 18, 2021 meeting agenda. The BAR chair invited public comment during *matters from the public*, at the beginning of the meeting, and prior to the BAR's discussion, later in the meeting. No public comments were offered. In response to posting this item on the meeting agenda, no related public comments were submitted to staff or BAR members.

Budgetary Impact:

N/A

Recommendation:

Staff recommends the BAR's statement and staff report be considered by Council in their deliberation of the stated intent to remove, relocate, contextualize, or cover statues of Confederate Generals Lee and Jackson currently located within city parks.

Alternatives:

N/A

Attachments:

Re: BAR's May 18, 2021 discussion of City Council's May 3, 2021 resolution re: the Jackson and Lee Statues

- Summary of the May 18, 2021 discussion and statement to City Council
- BAR Staff Summary for the May 18, 2021 discussion (without attachments)

Summary: BAR May 18, 2021 Discussion Re: City Councils May 3, 2021 resolution

Per City Council Request: BAR consideration of Council's May 3, 2021 Resolution of Intent to Remove, Relocate, Contextualize, or Cover the Statues of Generals Lee and Jackson Currently Located Within City Parks.

- Staff summarized the written report regarding the statues of Confederate Generals Lee and Jackson located within city parks. (Note: BAR agreed the written report will be the formal record of staff's presentation.)
- From the report, staff expressed:
 - The BAR was asked by Council to consider the stated intent [from the May 3, 2021 resolution] and to provide comment prior to Council's public hearing, scheduled for June 7, 2021.
 - The BAR will respond to the request in its role [per City Code] as an advisory body to Council.
 - Council's intent is to remove the statues as soon as possible, consistent with the process prescribed by the Code of Virginia.
 - The statues are not designated as *contributing structures* in the North Downtown ADC District; therefore, the BAR [per City Code] has no purview over the removal or relocation of the statues.
 - A brief history of the statues, including the prior actions of Council relative to removing or relocating the statues.

Comments from the Public

No Comments from the Public

Comments from the Board

(Note: *Design Guidelines* refers to the City's Architectural Design Control District Design Guidelines, adopted September 17, 2012.)

- Mr. Gastinger commented on the role of the BAR as a volunteer board appointed by City Council.
- Mr. Gastinger referred to the Design Guidelines relative to the history and the erection of the statues.
- Mr. Gastinger referred to the following:
 - **Design Guidelines Chapter I (Introduction), Section E, Number 3** – Physical records of its time, place, and use. *Changes that create a false sense of historical development will not be undertaken.*
 - **National Historic Preservation Act** – Properties or structures like sculptures are primarily commemorative in nature, are designed or constructed after the occurrence of an important historic event or after the life of an important person, they serve less as evidence of that particular person's productive life, but as evidence of a later generation's assessment of the past. There has been a misconception by some that the [Lee and Jackson] statues are historic. They were created to shape [and re-shape] the historic narrative. This has been

- documented by the Blue Ribbon Commission [on Race, Memorials and Public Spaces]. These statues tell an incomplete history and they tell a false, painful, and damaging Lost Cause narratives; a portrayal that goes against the Design Guidelines (cited above).
- **Design Guidelines Chapter I (*Introduction*)** – Architectural Design Control (ADC) Districts. Detail and point out properties and elements that define the district. In the North Downtown ADC District description, there is no mention of [former] Lee Park or the statues as character defining features. The description of the sub-area of Jefferson Street and High Street West makes no mention of Market Street Park, Court Square Park, or of the statues as important or character defining features in the district. There is no guidance related to the role that these statues play or contribute in a positive way to the landscape character of the district.
 - **Design Guidelines Chapter II (*Site Design & Elements*)** – Does not address statues in public parks.
 - **Design Guidelines Chapter VI (*Public Design and Improvements*), Section J, Number 1** – Does suggest existing public art and statues should be maintained. However, public art is preferred that offers a place making role in celebrating and communicating the history and culture of the districts. The Blue Ribbon Commission [on Race, Memorials and Public Spaces] report already documents the damaging and misleading role of the statues in telling a Lost Cause narrative. It is meant to include some in the community and exclude others. That narrative is not compatible with contemporary values.
 - **National Trust for Historic Preservation** – issued multiple white papers describing support, from a preservationist perspective, for removing Confederate monuments. The National Trust supports removing statues from public spaces when they continue to serve the purposes for which they were built--to glorify, promote, and reinforce white supremacy.
 - The BAR discussed Mr. Gastinger’s comments, then approved a statement (below) for City Council.

Statement from the Board of Architectural Review

With careful consideration of our Design Guidelines, with guidance from respected national preservation organizations, and in acknowledgement of the Blue Ribbon Commission’s public process and work to better understand the history and harmful legacy of these statues, we wish to state our strong support for City Council’s intention to remove the Lee and Jackson statues and to temporarily cover and contextualize the statues during a period of time before removal can occur. Furthermore, we look forward to working with a public process to understand how the parks may be redesigned in the future in accordance with the [ADC District Design] Guidelines.

Motion – Mr. Schwarz – (Second by Mr. Mohr). Staff was instructed to send this statement to Council prior to the Council public hearing regarding the Jackson and Lee statues, scheduled for June 7, 2021. Motion passed 7-0.

-end-

**City of Charlottesville
Board of Architectural Review
Staff Summary for BAR Discussion
May 18, 2021**



City Council Intent to Remove, Relocate, Contextualize or Cover Two monumental sculptures (the “Statues”) and related pedestals, panels, plaques, signs, etc.

- Stonewall Jackson Statue: East High Street, TMP 530039100 (Court Square Park)
- Robert E. Lee Statue: East Market Street, TMP 330195000 (Market Street Park)

District: North Downtown ADC District

Status: Non-contributing

Owner: City of Charlottesville

Request

On May 3, 2021 City Council adopted a resolution (attached) *authorizing publication of notice of Council’s intention to remove, relocate, contextualize or cover statues of Confederate Generals Lee and Jackson currently located within city parks*. With that, Council requested that the Board of Architectural Review (“BAR”) consider the stated intent and provide comment prior to Council’s public hearing, which has been scheduled for June 7, 2021.

Background

In March 2016 Charlottesville City Council received a petition to remove the statue/ sculpture of Confederate General Robert E. Lee (“Lee Statue”) from its location in Market Street Park. Following receipt of the petition, City Council established an advisory body referred to as the Blue Ribbon Commission on Race, Memorials and Public Spaces (“BRC”). The mission specified by City Council for the BRC was to provide City Council with options for telling the full story of Charlottesville’s history of race relations and for changing the City’s narrative through its public spaces, specifically including ways in which the City’s public spaces could be utilized to address race (including, among other items, removing or adding context to existing Confederate statues of Confederate Generals Robert E. Lee (located in Market Street Park) and Thomas J. “Stonewall” Jackson (located in Court Square Park)).

The BRC’s Final Report was presented to City Council on December 19, 2016. The Final Report indicated that removal and relocation, or contextualization in place, were options recommended by the BRC. City Council considered the Final Report as well as many public comments received directly by councilors via email and community contacts. Thereafter, City Council voted on several occasions to implement various BRC recommendations; however, a civil lawsuit filed in March 2017 (the “Lawsuit”) and events of August 2017 intervened and hampered progress on several initiatives:

- **February 2017:** City Council adopted a resolution stating its intention to remove a statue depicting Confederate General Robert E. Lee from a City park, and provided the City Manager a 60-day period to formulate a range of alternatives. The Lawsuit (and related injunctions prohibiting City Council from taking further action) precluded this intention from being carried out.

- **August 2017:** City Council voted to approve a motion directing the Lee and Jackson Statues to be covered with black fabric, in mourning for lives lost the weekend of August 12, 2017. (The covers remained in place until February 26, 2018 when they were removed by order of the Circuit Court). Following the 2018 Court Order, the Lawsuit and related injunctions precluded City Council from covering the Statues
- **September 2017:** City Council announced its intent to remove a statue/sculpture of Confederate General Thomas J. “Stonewall” Jackson from the park that is now known as Court Square Park, stating that such action should be taken as soon as possible, pending resolution of the Lawsuit.
- **November 2017:** by resolution, City Council announced its intention to implement a two-phase process to establish a Master Plan for redesign of the public spaces in the North Downtown and Court Square Districts (including Market Street Park and Court Square Park), to involve numerous stakeholders, including representatives of the BAR. The Lawsuit and related injunctions made it difficult to proceed with this planning process in a cost-effective manner that would have allowed for discussion and development of a full range of options, so the process was put on hold.

On April 21, 2021, the City received the Virginia Supreme Court’s mandate (final decision) on April 21, 2021. The mandate releases the City from the prohibitions of the injunction(s) entered by the Charlottesville Circuit Court In 2020 the Virginia General Assembly amended the provisions of Va. Code Sec. 15.2-1812 (effective July 1, 2021) removing prohibitive language and allowing a process by which City Council may proceed to make final decisions regarding its intent to remove, relocate, contextualize and/or cover the Statues. City Council will hold a public hearing on June 7, 2021 and has asked the BAR to consider the matter prior to the public hearing. City Council’s priority is removal of the Statues as soon as possible, and City Council would desire to cover or contextualize the Statues during a period of time that may intervene before removal can be accomplished.

The Lee Statue has been in its current location for 97 years; the Jackson statue, for 100 years. In the mid-1990’s the City successfully undertook a process to have each Statue included on both the Virginia Landmarks Register (“VLR”) and the National Register of Historic Places (“NRHP”). The Nomination Forms for each Statue are available for BAR members and the general public to review on the website for the Virginia Department of Historic Resources (Lee: #104-0264; Jackson #104-0251). The Statues are located within a “Charlottesville and Albemarle County Courthouse District” (#104-0072), which district is itself listed on both the VLR and the NRHP. The VLR and NRHP listings represent state and federal recognition of properties, but they do not create any legal obligations or requirements for the City or other landowners.

Consistent with the provisions of Va. Code Sec. 15.2-1812, City Council plans to offer the Statues for at least a 30-day period to any museum, historical society, government or military battlefield; therefore, one potential disposition of the Statues would be a transfer of ownership to another entity for relocation. Removal of the Statues from the parks would likely result in their being de-listed from the VLR and NRHP; however, if the Statues were transferred to another entity, and if the entity desired to maintain the listing, federal Department of Interior standards

allow a process for review of the appropriateness of receiving site, relative to the purposes for which the Statues were listed.

Discussion

BAR Purview: City Council refers changes for City-owned property to the BAR for review and comment, through two channels: (1) changes proposed to be made to property that contains a “contributing structure” designated within the ADC Guidelines, or that is an “individually protected property” per City Code Sec. 34-273(b), go through the certificate-of-appropriateness process, pursuant to City Code Sec. 34-275 or Sec. 34-277; and (2) changes to other City-owned property are referred to the BAR for informal [advisory] review outside the COA process, as authorized by City Code Sec. 34-288(3). In the present circumstances: the Statues are not “buildings”, they are not designated on maps within the Guidelines as “contributing structures” within the local ADC District, and the parks are not individually protected properties per City Code Sec. 34-273(b); therefore, City Council’s request for review by the BAR falls within the informal [advisory] review category. In this capacity, the BAR may offer comment and recommendations.

The following is intended as a framework for the BAR’s discussion of City Council’s stated intent to remove, relocate, contextualize and/or cover the Statues. No specific disposition has been proposed or decided at the time this staff report was written. City Council is following a statutory process referenced in Va. Code Sec. 15.2-1812 which requires City Council to state its intent, hold a public hearing, and offer the Statues to other entities. Once those steps have been taken, City Council has the sole authority to determine the disposition of the Statues. Between now and Council’s ultimate action(s), City Council may wish to take short-term interim steps (such as covering or contextualization) before removal/ relocation is completed and before a redesign of the two parks is undertaken.

The Statues are not simple pieces of public art. They carry significant and different meanings to many different people. Since the events of August 11 and 12, 2017, they have even greater prominence in a national dialog on race, public space, right-wing extremism, public process, and equity. While a review of City Council’s intentions for disposition of the Statues involves complicated assessments outside the BAR’s usual focus on architectural matters involving landscaping and design, there are aspects of the Design Guidelines which can provide context for the BAR’s discussion.

The City’s Architectural Design Control District Design Guidelines:

The City’s ADC Design Guidelines (“Guidelines”) offer detailed guidance on window mullions, roof forms, landscape, and building mass (i.e., matters relating to “architectural compatibility” of a proposed action, *see* Va. Code Sec. 15.2-2306). Even within the Chapter on Public Design and Improvements, the focus of the Guidelines is on compatibility of a proposed action with “architectural features” and the “character” of the district. The Guidelines are ill-suited to evaluate the City Council’s intent relative to removal or relocation of the Statues, which involve actions that are the subject of a much larger, and important, cultural conversation than can be addressed as a design or architectural issue. Contextualization or covering of the Statues more closely resemble the types of actions typically reviewed by the BAR relative to specific proposals. As noted above, the Statues were previously covered for approximately six months in 2017-2018. It is staff’s understanding that covering the Statues is an option that Council may desire to implement on an interim basis prior to its preferred option of removing and/or

relocating the Statues; however, contextualization and/or screening are actions which could also potentially be addressed within a Master Plan for redesign of these spaces. City Council's resolutions, including those calling for a Master Plan/ Redesign of the parks, are consistent with the recommendations of the BRC, and contemplate BAR participation in a master planning process. (With the current review of the Guidelines, this discussion should be considered when updating Chapter VI, *Public Design & Improvements*.)

Flexibility

Within the Guidelines, Chapter I, *Introduction*, Section B gives some context, and urges flexibility. For example, "The guidelines are flexible enough to respect the historic past and to embrace the future."

Community Values:

Chapter VI, *Public Design & Improvements*, Section A suggests that improvements and amenities added to public property within historic districts should be "compatible with the general architectural features and character of an area or district." Chapter VI also states that "new public spaces and improvements should reflect contemporary design principles and values." As to community values, the BAR may look to the Final Report of the BRC (December 2016), which provided a significant and inclusive public process of research, conversation and discovery, which produced recommendations that provide guidance to the City regarding. That process and the subsequent recommendations offer the BAR guidance in considering issues of historical interpretation, meaning, and community values. (Summary of the BRC's recommendation is attached. The complete BRC Final Report is available on the City's website. See pages 91 through 118 of:

http://weblink.charlottesville.org/public/0/edoc/793914/ CouncilBook_20161219Dec19.pdf.)

False Sense of History:

Chapter I, *Introduction*, Section E describes the BAR's and the guideline's role in reading our landscapes and fabrics as "physical records of its time, place, and use. Changes that create a false sense of historical development ... will not be undertaken."

Statues occupy a particularly challenging place in the preservation movement and preservation law. In cities across the nation, removal of Confederate statues has been undertaken in recent years specifically to add historical context and communicate perspectives previously ignored. As noted by Professor Peter Byrne, Georgetown Law, in *Stone Monuments and Flexible Laws*: "The purposes of historic preservation include the conservation of the physical remains of the past that express the significance of past people, events, movements, and places in order to give contemporary people a sense of orientation to and meaning from their cultures and places"; but, citing the NRHP, "*properties primarily commemorative in nature normally are not eligible for listing. ... Such resources are created consciously to shape cultural memory and often reflect biases that promote a fictitious or propagandistic narrative about the subject.*"¹

Professor Byrne's comments directly relate to a statement in the Guidelines, Chapter VI, Section J: "Public art is preferred that offers a place-making role in celebrating and communicating the history and culture of the districts." The NRHP nominations for each Statue identify each Statue as public art, not as commemorative installations. The work of the BRC has educated many regarding the Lost Cause narrative that informed the selection of these particular installations to be placed in these particular locations within the City. In one of the City's briefs to the Virginia

Supreme Court, the City included the following excerpt from a 2009 decision of the United State Supreme Court in Pleasant Grove City, Utah v. Summum: “Governments have long used monuments to speak to the public. ... A monument, by definition, is a structure that is designed as a means of expression. When a government entity arranges for construction of a monument, it does so because it wishes to convey some thought or instill some feeling in those who see the structure. ... Public parks are often closely associated in the public mind with the governmental unit that owns the land. City parks. ... commonly play an important role in defining the identity that a city projects to its own residents and to the outside world. ... Government decision makers select the monuments that portray what they view as appropriate for the place in question, taking into account such factors as aesthetics, history and local culture.”

Many in the public may be unaware of the specific political, social and cultural forces that led to the installation of the Statues in the 1920’s. The research and communication of the BRC and many others in the Charlottesville community have greatly improved public awareness on these points.

As the nation’s oldest and most respected preservation organization, The National Trust for Historic Preservation (NTHP) has shaped preservation approaches and preservation law in the United States. In recent years, the NTHP has expressed support for removing Confederate Monuments, both from a preservationist perspective and as guidance to review boards and local governments. The following is an excerpt from the NTHP’s 2020 Statement on Confederate Monuments: “*We believe it is past time for us, as a nation, to acknowledge that these symbols do not reflect, and are in fact abhorrent to, our values and to our foundational obligation to continue building a more perfect union that embodies equality and justice for all. We believe that removal may be necessary to achieve the greater good of ensuring racial justice and equality. Although Confederate monuments are sometimes designated as historic, and while many were erected more than a century ago, the National Trust supports their removal from our public spaces when they continue to serve the purposes for which many were built—to glorify, promote, and reinforce white supremacy, overtly or implicitly.*”²

Public Necessity:

Through the experiences of our community in recent years, City Council developed its intent to remove the Statues out of a sense of public necessity. As documented in the work of the BRC prior to August 2017, and as experienced by the entire community in August 2017 to the present, City Council recognizes the significant harm and pain caused by the Statues to many residents. The issues related to removal, relocation, contextualization or covering the Statues are complex and relate directly to our ability and capacity, as a City and as City residents, to address a difficult and painful past. Residents of this community have been active in conversations about race and public spaces for many years. Leaders in our community, both elected and unelected, created a lengthy and considered process to facilitate these discussions, which yielded careful recommendations. Having the benefit of that public process and input, City Council has announced its intention to remove, relocate, contextualize and/or cover the Statues and the architectural focus of the Guidelines provides no basis on which to override that decision-making process.

Character of the City’s Local Architectural Design Control District:

The portions of the BAR Guidelines which relate to Council’s intentions, as presented at this time, are those which speak to landscape and neighborhood character.

Chapter I of the Guidelines describes each ADC district in detail through a text narrative, with plan diagrams that identify contributing and non-contributing structures, and through the descriptions of sub-areas within each district. In the description of the North Downtown ADC District, there is no mention of the previously named Lee Park or Jackson Park, nor of the statues themselves; no mention of them as *character defining features* of the district. The descriptions for the sub-areas of Jefferson Street/High Street West and Court Square make no mention of the parks or statues. There is no mention of how the two parks (Market Street Park and Court Square Park) or the Statues contribute to the landscape character of the district. In Chapter II, *Site Design and Elements*, there is no mention of the Statues or either park.

In Chapter VI, *Public Design and Improvement*, the statues are described as *focal points* of each park. In that same Chapter, Section J suggests that existing public art and statues should be maintained; however, in that same section there is also the recommendation that public art should offer “a place-making role in celebrating and communicating the history and culture of the districts”. The BRC’s Final Report documents in detail the misleading and damaging role of the statues in telling a specific Lost Cause narrative specifically intended to express inclusion of some in the community and the exclusion of others—a narrative incompatible with contemporary values. The Guidelines for this ADC District contain no mention of the Lost Cause narrative and its objectives. Consistent with City Council’s intentions new *focal points* for each park could be achieved by other means following removal, relocation, contextualization and/or covering of the Statues.

The Statues have been documented and photographed, as evident by the VLR and NRHP listings. Removal or covering of the Statues will not result in a loss of information about them, and would pave the way for City Council to update its public spaces in a manner that adds context and historically correct detail previously omitted from the nominations that established the state- and federally-listed Courthouse District.

Deference to City Council:

Consistent with the BAR’s responsibility to serve as an *advisory body* (per City Code Section 34-288(3)), City Council has requested the BAR’s input relative to the intended changes to these parks. To be clear, per Va. Code Sec. 15.2-1812, at the conclusion of the process currently being followed by City Council, City Council “shall have sole authority to determine the final disposition” of the Statues.

Also consistent with its role as an advisory body, the BAR should participate in any Master Plan process to redesign Market Street and Court Square Parks, and to provide input on any planned future improvements and installations in these locations.

Recommended Action

No BAR action is required; however, the BAR may instruct staff to provide Council a summary of this discussion.

Attachments (Omitted for memo Council)

~~City Council Resolutions~~

- ~~May 3, 2021: Authorizing publication of notice of Council's intention to remove, relocate, contextualize or cover statues of Confederate Generals Lee and Jackson currently located within city parks~~
- ~~February 6, 2017: Blue Ribbon Commission Public Spaces Recommendations~~
- ~~September 5, 2017: To transform the City of Charlottesville's core public spaces in keeping with the recommendations of the Blue Ribbon Commission on Race, Memorials and Public Spaces such that a more complete history of race is told and the City's commitment to truth, freedom and equity is affirmed~~
- ~~September 5, 2017: Remove and relocate the statue of Stonewall Jackson from Justice Park and expedite the removal of both the Jackson and Robert E. Lee statues pending final disposition~~
- ~~February 6, 2017: Remove statue of Robert E. Lee from Lee Park~~
- ~~February 6, 2017: Re-name Lee Park~~

~~Recommendations: Blue Ribbon Commission on Race, Memorials, and Public Spaces~~

- ~~Summary from Final Report to City Council December 19, 2016 (From pages 7-19)~~

¹ Byrne, J. Peter, Stone Monuments and Flexible Laws: Removing Confederate Monuments Through Historic Preservation Laws (June 22, 2020). <https://ssrn.com/abstract=3633473> or <http://dx.doi.org/10.2139/ssrn.3633473>

² National Trust for Historic Preservation Statement on Confederate Monuments, June 18, 2020 <https://savingplaces.org/press-center/media-resources/national-trust-statement-on-confederate-memorials#.YJFyPflKhPY>

**RESOLUTION
AUTHORIZING PUBLICATION OF NOTICE OF CITY COUNCIL'S INTENTION TO
REMOVE, RELOCATE, CONTEXTUALIZE OR COVER STATUES OF
CONFEDERATE GENERALS LEE AND JACKSON CURRENTLY LOCATED
WITHIN CITY PARKS, AND TO HOLD A PUBLIC HEARING THEREON**

WHEREAS, the Charlottesville City Council intends to remove, relocate, contextualize or cover the statues of Confederate General Robert E. Lee and Stonewall Jackson installed, respectively, within Market Street Park and Court Square Park (together, the "Statues"); now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

1. THAT the Clerk of Council shall cause notice of City Council's intent to remove, relocate, contextualize or cover the Statues to be published within a newspaper having general circulation within the City. Such notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than thirty (30) days after the date of publication of the notice, and

2. THAT the City's Board of Architectural Review is hereby requested to consider City Council's stated intent to remove, relocate, contextualize or cover the Statues prior to the public hearing date specified in the published newspaper notice.

RESOLUTION
BLUE RIBBON COMMISSION PUBLIC SPACES RECOMMENDATIONS

WHEREAS to transform the City of Charlottesville’s core public spaces in keeping with the recommendations of the Blue Ribbon Commission on Race, Memorials and Public Spaces (BRC) such that a more complete history of race is told and the City’s commitment to truth, freedom and equity is affirmed; and

WHEREAS the Charlottesville City Council made a clear commitment to reveal and tell the full story of race through our City’s public spaces when it established the BRC in August 2016; and

WHEREAS the BRC’s Final Report acknowledged that far too often our public spaces and histories have ignored, silenced or suppressed African American history, as well as the legacy of white supremacy and the unimaginable harms done under that cause; and

WHEREAS the public spaces of Charlottesville’s Historic North Downtown and Court Square Districts contain the Robert E. Lee statue in Lee Park*, the Stonewall Jackson statue in Jackson Park, the slave auction block and the Reconstruction era’s Freedman’s Bureau;

BE IT RESOLVED that the City Council of Charlottesville directs staff to:

- In consultation with community and stakeholder groups chosen at the discretion of the City Manager such as the Jefferson School African American Heritage Center, the PLACE Design Task Force, the Human Rights Commission and the Historic Resources Commission to write and issue (within 90 days of the adoption of this Resolution) a Request for Proposal (RFP) for professional design services to create a Master Plan for the Historic North Downtown and Court Square Districts that would;
 - Redesign and transform Jackson Park through the addition of a new memorial to Charlottesville’s enslaved population while retaining its ability to function as a community gathering space,
 - Redesign Lee Park, independent of the Lee statue while retaining its ability to function as a community gathering space,
 - Replace the current plaque at the slave auction block with one that is legible,
 - Identify and acknowledge the site of the Freedman’s Bureau.

BE IT FURTHER RESOLVED that all submissions through the RFP process shall:

- Provide at least two preliminary Master Plan options of the above inclusive of new site plans, elevations and sections, 3D visualizations, and specifications for signage, commemorative plaques, lighting and landscape elements as appropriate throughout this historic precinct so as to create a coherent narrative.
- Engage the community at large in a manner that ensures that those underrepresented communities are fulsomely included in the process, as well as the Board of Architectural Review (BAR) the Historic Resources Commission, the Human Rights Commission, the PLACE Design Task Force, Planning Commission and City Council.
- Provide preliminary cost estimates on all options.
- Establish a timeline to be completed within 12 months of contract signing.
- Allow for the development, design and implementation of a final Master Plan as adopted by City Council, with a projected estimated budget not to exceed \$1,000,000.00**

BE IT FURTHER RESOLVED, that the City Council of Charlottesville, Virginia, supports re-naming Jackson Park and hereby directs staff to bring Council a range of options on how and what to rename the park within 60 days of the adoption of this Resolution for its consideration.

Approved by Council
February 6, 2017

A handwritten signature in cursive script, appearing to read "Sam Bradford", written over a horizontal line.

Acting Clerk of Council

* The City Council voted to relocate the Robert E. Lee statue per a majority vote taken on February 6, 2017.

** Should the fabrication and installation of a new memorial for Charlottesville's enslaved population exceed the established budget, additional grants and private funds shall be raised to supplement the City's contribution.

RESOLUTION
(as AMENDED)

To transform the City of Charlottesville’s core public spaces in keeping with the recommendations of the Blue Ribbon Commission on Race, Memorials and Public Spaces (BRC) such that a more complete history of race is told and the City’s commitment to truth, freedom and equity is affirmed

WHEREAS the Charlottesville City Council made a clear commitment to reveal and tell the full story of race through our City’s public spaces when it established the BRC in August 2016; and

WHEREAS the BRC’s Final Report acknowledged that far too often our public spaces and histories have ignored, silenced or suppressed African American history, as well as the legacy of white supremacy and the unimaginable harms done under that cause; and

WHEREAS the public spaces of Charlottesville’s Historic North Downtown and Court Square Districts contain the Robert E. Lee statue* in Emancipation Park, the Stonewall Jackson statue in Justice Park, the slave auction block and the Reconstruction era’s Freedman’s Bureau;

BE IT RESOLVED that the City Council of Charlottesville directs staff to:

- In consultation with community and stakeholder groups chosen at the discretion of the City Manager such as the Jefferson School African American Heritage Center, the PLACE Design Task Force, the Human Rights Commission, the University of Virginia and the Historic Resources Commission to write and issue (within 90 days of the adoption of this Resolution) a Request for Proposal (RFP) for professional design services in conjunction with expertise in art and history to create a Master Plan for the Historic North Downtown and Court Square Districts that would;
 - o Remove the Robert E. Lee and “Stonewall” Jackson statues* from Emancipation and Justice Parks, pending court decisions and/or changes in the Virginia Code,
 - o Provide near- and long-term park redesigns for both Justice and Emancipation Parks with and without the statues (as resolving the fate of these statues may take time, but the need to begin changing the narrative surrounding these statues is immediate),
 - o Redesign Justice Park including the addition of a new memorial** to Charlottesville’s enslaved population while retaining its ability to function as a community gathering space,
 - o Redesign Emancipation Park, independent of the Lee statue including the addition of a new memorial** in keeping with the recommendations of the BRC and results of an extensive public engagement process while retaining its ability to function as a community gathering space,
 - o Replace the current plaque at the slave auction block with one that is legible,
 - o Identify and acknowledge the site of the Freedman’s Bureau.
 - o Incorporate the work of the Equal Justice Initiative with regards to the placement and installation of the historical marker commemorating the lynching of John Henry Adams in Albemarle County.

BE IT FURTHER RESOLVED that all submissions through the RFP process shall:

- Provide for each park at least two preliminary Master Plan options (one with and one without the statues) of the above inclusive of new site plans, elevations and sections, 3D visualizations, and specifications for signage, commemorative plaques, lighting and landscape elements as appropriate throughout this historic precinct so as to create a coherent narrative.
- Engage the community at large in a manner that ensures that those underrepresented

communities were fulsomely included in the process, as well as the Board of Architectural Review (BAR) the Historic Resources Commission, the Human Rights Commission, the PLACE Design Task Force, the University of Virginia, Planning Commission and City Council.

- Provide preliminary cost estimates on all options.
- Establish a timeline to be completed within 12 months of contract signing.
- Allow for the development, design and implementation of a final Master Plan as adopted by City Council, through a total project budget not to exceed \$1,000,000.00**
- Be given a three month extension for all submissions from the date of the adoption of these amendments.
- Be reviewed and rated by a community selection committee appointed by the City Manager, with representation inclusive but not limited to the above cited groups as well as external experts.
- Begin a process of working with the necessary parties to include the library as part of this plan.

BE IT FURTHER RESOLVED that the Board of Architectural Review (BAR) shall meet as soon as possible to vote on the removal of both statues as required by Charlottesville City ordinances, so that there is no procedural delay in removing the statues should the courts find in the City's favor.

BE IT FURTHER RESOLVED, that the City Council of Charlottesville, Virginia, supports re-naming Jackson Park and hereby directs staff to bring Council a range of options on how and what to rename the park within 60 days of the adoption of this Resolution for its consideration.

* NOTE: The Robert E. Lee statue will be relocated as per a 3:2 majority vote by City Council on February 6, 2017. The "Stonewall" Jackson statue will be relocated as per the date of the adoption of these amendments.

**NOTE: Should the fabrication and installation of a new memorial for Charlottesville's enslaved population (and other memorials) exceed the established budget, additional grants and private funds shall be raised to supplement the City's contribution. The actual design of a new memorial to Charlottesville's enslaved population (and an as yet to be determined memorial in Emancipation Park) shall be determined by an independent process (including but not limited to a design competition.)

Approved by Council
September 5, 2017



Clerk of Council

(Resolution offered by Councilor Galvin, February 6, 2017 with amendments submitted by Councilor Galvin, on August 21, 2017 and on September 5, 2017)

RESOLUTION

To remove and relocate the statue of Stonewall Jackson from Justice Park and expedite the removal of both the Jackson and Robert E. Lee statues pending final disposition

WHEREAS the monuments of Confederate generals Robert E. Lee and Stonewall Jackson that sit in Charlottesville's Emancipation and Justice Parks were erected not as war memorials after the Civil War, but as 20th Century testaments to a fictionalized, glorified narrative of the rightness of the Southern cause in that war, when the actual cause was an insurrection against the United States of America promoting the right of southern states to perpetuate the institution of slavery; and

WHEREAS the continued presence of these monuments conveys the visual message that Charlottesville supports the cause for which these generals fought; and

WHEREAS the Monuments of Confederate generals Robert E. Lee and Stonewall Jackson have become flashpoints for white supremacist violence throughout the summer of 2017, with white nationalist and Ku Klux Klan rallies at the Jackson monument and culminating in the armed invasion of Charlottesville during the "Unite the Right" rally "defending" the Lee monument; and

WHEREAS the continued presence of these monuments in Charlottesville's historic downtown district constitute a clear and continuing threat to public safety, both from continuing white supremacist defense of their presence and from anti-racist activists who may feel motivated to vandalize them; and

WHEREAS City Council voted on February 6, 2017, to remove the statue of Robert E. Lee from the park formerly known as Lee Park, and to change the name of the park;

NOW THEREFORE BE IT RESOLVED, that we, the City Council of Charlottesville, Virginia, order the removal of the statue of Stonewall Jackson from Justice Park as soon as possible, following the successful resolution of the current court case in favor of the City;

BE IT FURTHER RESOLVED, that upon the successful resolution of the current court case in favor of the City and until successful bids are accepted, both statues will be moved to a storage location pending final disposition, and successful bidders will be required to reimburse the cost of removal.

BE IT FURTHER RESOLVED, that if no responsive proposals are received, Council may consider donation of the statue to an appropriate venue; and

BE IT FURTHER RESOLVED, that the City of Charlottesville will issue a Request for Bids for disposition of the statue, and will advertise this RFB widely, including to organizations responsible for sites with historic or academic connection to Robert E. Lee, Stonewall Jackson or the Civil War, with the following criteria for award:

- The statue will not be displayed to express support for a particular ideology.

- The successful applicant will pay for or take responsibility for removal and transportation.
- The removal and transportation will be carried out in a manner that preserves the integrity of the sculpture.
- The display of the statue will preferably be in an educational, historic or artistic context.
- The purchaser will pay for any repair for any damage to the park incurred as a result of the removal.
- Some preference will be given to proposals that include a plan for maintenance of the statue's National Register of Historic Places listing

Approved by Council
September 5, 2017

A handwritten signature in cursive script that reads "Yaiqe Rice". The signature is written in black ink and is positioned above a horizontal line.

Clerk of Council

**RESOLUTION
TO REMOVE THE STATUE OF ROBERT E. LEE FROM LEE PARK**

BE IT RESOLVED that the City of Charlottesville shall remove the statue of Robert E. Lee from the park currently known as Lee Park; and

BE IT FURTHER RESOLVED, that Council hereby directs staff to bring Council a range of recommended options for moving forward with decisions on destination and design within 60 days for Council consideration.

Approved by Council
February 6, 2017

A handwritten signature in cursive script, appearing to read "Sara Bragg", is written over a horizontal line.

Acting Clerk of Council

**RESOLUTION
TO RE-NAME LEE PARK**

BE IT RESOLVED that the park currently known as Lee Park in the City of Charlottesville shall be renamed; and

BE IT FURTHER RESOLVED that City Council hereby directs staff to bring Council a range of recommended options, within 60 days for our consideration, for a new park name.

Approved by Council
February 6, 2017



Acting Clerk of Council