



## CITY COUNCIL AGENDA August 16, 2021

### Members

Nikuyah 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 (Legal consultation; personnel)

Virtual/electronic meeting

### 6:30 p.m. Regular Meeting

Register at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). Virtual/electronic meeting in accordance with a local ordinance amended and re-enacted April 19, 2021, 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 (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto: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

- Recognition: Finance Award

### CONSENT AGENDA\*

1. Minutes: June 8, 2021 Election Results Certification, June 21 work session, closed meeting and regular meeting July 19 work session
2. Resolution: Amending the FY2020-2021 Community Development Block Grant and HOME Investment Partnerships Program Minor Action Plan Budget (1st of 2 readings)
  - a. Resolution: Amendment to Community Development Block Grant account \$85,843.66
  - b. Resolution: Amendment to HOME Investment Partnership Program \$21,384.80
3. Resolution: Approving a refund to a nonprofit entity for Business License Taxes paid 2017, 2018, 2019, 2020 and 2021 - \$63,009.25 (1 reading)
4. Ordinance: Amending and re-enacting the Code of the City of Charlottesville, 1990, as amended, in order to remove masculine and/or feminine language and to substitute gender-neutral pronouns (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](http://www.charlottesville.gov/zoom).

## **ACTION ITEMS**

5. Public Hearing/Ord.: Closing, vacating and discontinuing certain utility easements within the public rights of way for the following public streets located in Albemarle County, Virginia (1 reading, waiving second reading)
  - a. Ordinance\*: Varick Street and Marin Court within the Dunlora Park Subdivision
  - b. Ordinance\*: Archer Avenue and Stella Lane within the Brookhill Subdivision
  - c. Ordinance\*: Glenleigh Road within the Highland Park Subdivision
6. Ordinance\*: Approving a rezoning application at 1206 Carlton Avenue, per recommendation of the Planning Commission (2nd reading)
7. Resolution\*: Approving a Special Use Permit at 1206 Carlton Avenue, per recommendation of the Planning Commission (2nd reading)
8. Resolution\*: Requesting the City Manager to develop a Collective Bargaining Ordinance for the City of Charlottesville (1 reading)

## **GENERAL BUSINESS**

### **OTHER BUSINESS and QUESTIONS FOR CITY MANAGER FOLLOW-UP**

### **MATTERS BY THE PUBLIC**

\*Action Needed

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The Government Finance Officers Association of the United States and Canada (GFOA) has awarded the *“Certificate of Achievement for Excellence in Financial Reporting”* to City of Charlottesville for its comprehensive annual financial report for the fiscal year ended June 30, 2020. The report has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report.

The Certificate of Achievement is the highest form of recognition in the area of governmental and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The City has received this award for 41 consecutive years, illustrating our long standing commitment to strong financial management.

Chris Cullinan  
Director of Finance  
City of Charlottesville



Government Finance Officers Association

Certificate of  
Achievement  
for Excellence  
in Financial  
Reporting

Presented to

**City of Charlottesville  
Virginia**

For its Comprehensive Annual  
Financial Report  
For the Fiscal Year Ended

June 30, 2020

*Christopher P. Morill*

Executive Director/CEO

**CITY OF CHARLOTTESVILLE MINUTES**  
**June 8, 2021**  
**Election Results Certification**

The following is recorded in the record book for the City of Charlottesville, Virginia, pursuant to the Code of Virginia, Chapter 6 - The Election, Section 24.2-675. Abstracts of votes to be made by secretary and forwarded to State Board and to clerks:

“As soon as the electoral board determines the persons who have received the highest number of votes for any office, the secretary shall make out an abstract of the votes for each of the following: Governor; Lieutenant Governor; Attorney General; members of the Senate of Virginia; members of the House of Delegates; members of the United States Senate; members of the United States House of Representatives; electors of the President and Vice President of the United States; each county office; each city office; each district office; each town office; and such others as may be required for statewide referenda. The abstracts shall contain the names of all persons receiving any vote for each office and the total number of votes received by each person or for or against each question. However, if no person was elected by write-in votes and the total number of write-in votes for any office is less than (i) 10 percent of the total number of votes cast for that office and (ii) the total number of votes cast for the candidate receiving the most votes, the abstract shall contain only the total number of write-in votes and not the number of write-in votes for each person receiving write-in votes.

The abstracts shall be certified and signed by the electoral board, attested by the secretary, and retained by the electoral board as part of its records. A copy of each, certified under the official seal of the electoral board, shall immediately be mailed or delivered by hand to the State Board. The State Board shall require the electoral board of any county or city to correct any errors found on such abstracts prior to completing the requirements of § 24.2-679.

One certified copy of each abstract of votes shall be forwarded (i) to the clerk of the city council or board of supervisors and recorded in its record book, (ii) for town elections, to the clerk of the town council and recorded in its minute book, and (iii) for each local referendum, to the circuit court for the locality.”

ABSTRACT of VOTES Cast in CHARLOTTESVILLE CITY, VIRGINIA, at the 2021 June Democratic Primary Election held on June 08, 2021 for **GOVERNOR**, certified June 11, 2021:

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Terry R. McAuliffe	2564
Jennifer D. Carroll Foy	2031

Jennifer L. McClellan	1293
Lee J. Carter	205
Justin E. Fairfax	78
Total Number of Overvotes for Office	0

ABSTRACT of VOTES Cast in CHARLOTTESVILLE CITY, VIRGINIA, at the 2021 June Democratic Primary Election held on June 08, 2021 for **LIEUTANANT GOVERNOR**, certified June 11, 2021:

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
S. "Sam" Rasoul	2523
Hala S. Ayala	1300
Andria P. McClellan	524
Mark H. Levine	479
Sean A. Perryman	457
Elizabeth R. Guzman	217
Xavier JaMar Warren	217
Total Number of Overvotes for Office	3

ABSTRACT of VOTES Cast in CHARLOTTESVILLE CITY, VIRGINIA, at the 2021 June Democratic Primary Election held on June 08, 2021 for **ATTORNEY GENERAL**, certified June 11, 2021:

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Mark R. Herring	3000
Jerrauld C. "Jay" Jones	2786
Total Number of Overvotes for Office	0

ABSTRACT of VOTES Cast in CHARLOTTESVILLE CITY, VIRGINIA, at the 2021 June Democratic Primary Election held on June 08, 2021 for **MEMBER CITY COUNCIL**, certified June 11, 2021:

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Juandiego Wade	4944
Brian R. Pinkston	3625
Carl E. Brown	1811
Total Number of Overvotes for Office	0

ABSTRACT of VOTES Cast in CHARLOTTESVILLE CITY, VIRGINIA, at the 2021 June Democratic Primary Election held on June 08, 2021 for **COMMONWEALTH'S ATTORNEY**, certified June 11, 2021:

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Joseph D. Platania	3449
Ray S. Szwabowski III	2435
Total Number of Overvotes for Office	0

BY Order of the State of Virginia

BY Kyna Thomas, Clerk of Council

**CHARLOTTESVILLE CITY COUNCIL**  
**WORK SESSION**  
**June 21, 2021**  
**Virtual/electronic meeting via Zoom**

**4:00 PM WORK SESSION**

Pursuant to Virginia Code Section 2.2-3712, the Charlottesville City Council met in work session on Monday, June 21, 2021, to hear reports. The meeting was held electronically pursuant to a local ordinance amended and re-enacted on April 19, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency.

Mayor Walker called to order at 4:00 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne, and Lloyd Snook.

**REPORTS**

**1. City Monthly Financial Report**

Ryan Davidson, Senior Budget and Management Analyst, presented the monthly financial report for the City of Charlottesville for period ending May 31, 2021, showing an improved outlook on expected deficit projections since the previous report. A few of the more notable changes were increased revenues from the following taxes: Real Estate; Business, Professions & Occupational; Sales; Meals; and Lodging.

Mayor Walker asked that future reports include more information about expenditures. City Manager Boyles shared potential ways to handle American Rescue Plan funds for revenue recovery and support of local agencies.

**2. Recovery Roadmap Update - Economic Development**

Chris Engel, Director of Economic Development, provided a presentation on the Recovery Roadmap: A Plan for Business Recovery in Charlottesville to help helping businesses recover from the impacts of the Covid-19 pandemic. He advised that the plan was created with the help of public engagement. The four major areas addressed by the Plan were determined to be:

1. Financial Assistance

1.1 Execute two rounds of the Building Resilience Among Charlottesville Entrepreneurs (BRACE) grant, focused on business model pivots and resilience capacity, to assist existing City businesses with full recovery.



1.2 Provide technical assistance grants for services critical to business recovery (e.g., marketing/advertising, marketing collateral, social media, photography, videography, websites, strategic planning, etc.)

1.3 Execute two rounds of the GO Start-Up program to help new businesses successfully launch in the next 12 months.

1.4 Execute the Advancing Charlottesville Entrepreneurs (ACE) grant to encourage growth of small businesses in Charlottesville.

## 2. Training & Resource Access

2.1 Execute a targeted GO HIRE initiative that helps City employers reach pre-COVID-19 employment levels.

2.2 Offer a free Business Training Series with recovery topics on a quarterly basis.

2.3 Connect employers to qualified job candidates through services at the Downtown Job Center. (Example services: employer spotlights, bi-weekly communication to job seekers, targeted recruitment events, among others.)

2.4 Explore creating a specific hospitality-focused training program that prepares and connects employees with job opportunities in this sector.

2.5 Enhance communication and stakeholder management techniques for business outreach regarding training opportunities and resources available to them through means such as bi-monthly newsletter, quarterly meetings on relevant topics, and online forums.

## 3. Infrastructure Needs

3.1 Explore the creation of Designated Outdoor Refreshments Areas (DORAs) in concert with internal and external stakeholders as a tool to help revive business areas.

3.2 Advocate for a dedicated team of city resources to conduct a biannual “Clean Up Day” for the public right of way along key business corridors. The Office of Economic Development would work with Public Service and Parks & Recreation Departments to identify and create short term work plans to enhance the beautification and cleanliness of the City’s main corridor.

3.3 Update and refresh the commercial corridor maps to make it easier to find locations and provide customers with QR codes to provide additional assistance.

#### 4. Marketing and Advertising.

4.1 Create a marketing leverage grant program to extend the reach of already-planned marketing dollars and assist with messaging on reopening.

4.2 Create a Co-op program that allows access to reduced-cost advertising and production assistance.

4.3 Execute a Buy Local campaign to encourage understanding and awareness of supporting local businesses.

Regarding infrastructure, Jason Ness, Business Development Manager, provided additional information about legislation that would go into effect on July 1, 2021, to extend rights for Outdoor Refreshment Areas. Mr. Engel advised that both the City and County would be requesting equal funds to support the Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) and that all options would be scalable at Council's discretion.

Councilor Hill asked about staffing capacity and Mr. Engel advised that the 12 to 18-month Plan was program-driven and not staffing-dependent.

Mayor Walker brought up a concern voiced by citizens regarding the Outdoor Recreation Area rules on the Downtown Mall and equitable treatment of citizens as alcohol rules change.

Councilor Snook asked for an update on festivals and City Manager Boyles advised that applications were being accepted for events that would occur after the beginning of September, given the approval timeline.

Mayor Walker asked for more information about grant writing, about the CACVB budget, and about how the decision was weighed for supporting the CACVB versus direct aid to small businesses. Mr. Engel provided an explanation of Economic Development processes to help businesses, partnering with Small Business Development. He also explained the potential impact of the funding.

Councilor Payne commented about General Assembly plans to distribute a portion of American Rescue Plan (ARP) funds to tourism and possibly tourism boards. He asked if

State funds could cover the requested funds from the CACVB and about the measurable return on investment for the tourism board. He advised that he would be open to the DORA but still had questions about equity in enforcement. Mr. Engel advised that he was not familiar with the ARP funds for tourism but would look into it. He advised that a local study is conducted annually to provide data regarding local return on investment for tourism.

Councilor Snook voiced a concern about the need to get bathrooms on the Downtown Mall. Mr. Engel agreed that the community working together would need to find a solution.

Councilors gave feedback that they would be willing to consider a DORA Ordinance with more information about how it would work, working with Social Services and The Haven. Vice Mayor Magill added that the DORA should be considered for other city areas in addition to the Downtown Mall.

## **PUBLIC COMMENT**

Mayor Walker opened the floor for public comment.

- Brandon Collins, city resident employed with the Public Housing Association of Residents, asked a question about job and employment training. He encouraged GO programming in the construction trades.

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)(1), for discussion and consideration of prospective candidates for appointment by City Council to various boards and commissions of the city government.

Mayor Walker adjourned the work session at 5:09 p.m. and Council convened in closed session.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

## CHARLOTTESVILLE CITY COUNCIL MEETING

June 21, 2021

Virtual/electronic meeting via Zoom

### 5:30 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, June 21, 2021, in accordance with a local ordinance amended and re-enacted on April 19, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency.

Mayor Nikuyah Walker called the meeting to order at 5:09 p.m. and Clerk of Council Kyna Thomas called the roll, noting 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)(1), for discussion and consideration of prospective candidates for appointment by City Council to various boards and commissions of the city government.

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 6:31 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, June 21, 2021, in accordance with a local ordinance amended and re-enacted on April 19, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic.

Mayor Walker called the meeting to order at 6:32 p.m. and City Council observed a moment of silence.

Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor

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

**AGENDA APPROVAL**

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

**BOARD/COMMISSION APPOINTMENTS**

On motion by Councilor Hill, seconded by Councilor Snook, Council by a vote of 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) APPROVED the appointment of the following individuals to City boards and commissions:

- Charlottesville-Albemarle Airport Commission (Matthew Murray)
- Historic Resources Committee (Jessica Livingston)
- Housing Advisory Committee (Gary Palmer)
- Jefferson-Madison Regional Library Board (Meredith Cole)
- Minority Business Commission (Antwon Brinson, Karen Woody)
- Monticello Area Community Agency Board (Georgia Garrett)
- Piedmont Family YMCA Board of Directors (Anne Hemenway)
- Piedmont Virginia Community College Board (Leslie Favel)
- Retirement Commission (David Hughes)
- Sister Cities Commission (Nana Ghartey)
- Social Services Advisory Board (Rebekah Menning, Zuhayr Shaikh)
- Towing Advisory Board (Buzz Becker, Ashley Cullop)
- Tree Commission (Jacqueline Dugery)
- Youth Council (Nicole King)

**CONSENT AGENDA\***

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

1. MINUTES: April 19 work session, closed and regular meetings, May 3 closed and regular meetings, May 25 work session
2. RESOLUTION: Appropriating trail fund contribution from Milestone Partners for Meadow Creek Trail - \$12,043 (2nd reading)

**APPROPRIATION RESOLUTION**  
**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.

3. RESOLUTION: Appropriating Virginia Department of Motor Vehicles Highway Safety Grant funds\_ Alcohol and Impaired Driving - \$9,453 (2nd reading)

**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).

4. RESOLUTION: Appropriating funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) - \$23,056 (2nd reading)

**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
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**Expenditures – \$23,056.00**

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

5. ORDINANCE: Amending and reordaining Charlottesville City Code Chapter 15, Article II, Section 15- 39 (Motor Vehicles and Traffic) regarding Electric Power-assisted Bicycle License (2nd reading)

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

6. ORDINANCE: Amending and reordaining Charlottesville City Code Chapter 31 (Utilities) to establish new Utility Rates and Service Fees for City gas, water and sanitary sewer (2nd reading)

**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**

7. RESOLUTION: Appropriating funds for COVID Homelessness Emergency Response Program (CHERP) Grant Amendment - \$201,120 (carried)
8. RESOLUTION: Appropriating funds Charlottesville Student Victim Outreach Program Department of Criminal Justice Services Victim of Crimes Act Grant - \$343,371 (carried)
9. RESOLUTION: Appropriating funds for Department of Justice Office of Justice Programs Grant for Charlottesville Albemarle Family Treatment Court Program Expanded Services - \$827,973 (carried)
10. RESOLUTION: Appropriating funds for FY21 Virginia Department of Criminal Justice ServicesBody- worn Camera Grant - \$100,000 (carried)
11. RESOLUTION: Approving the donation of a 1948 American LaFrance fire engine to the Charlottesville Professional Firefighters Association

*This resolution was re-certified by Clerk of Council Kyna Thomas on July 14, 2021, upon verification of a clerical error regarding the year model of the firetruck. The truck was verified to be a 1947 model by the Department of Motor Vehicles and there exists no 1948 model for donation; thus, the resolution now reflects 1947 instead of 1948 as submitted in materials for Council consideration.*



**RESOLUTION**  
**APPROVING A DONATION OF 1947 AMERICAN LAFRANCE FIRE ENGINE TO**  
**THE CHARLOTTESVILLE PROFESSIONAL FIREFIGHTERS ASSOCIATION**

**WHEREAS**, the Charlottesville Professional Firefighters Association has requested the City to donate to it certain property, specifically a 1947 American LaFrance Fire truck (the “Fire Engine”); and

**WHEREAS**, the Fire Engine is currently in storage, and the City has no plans to re-use the Fire Engine for the provision of firefighting services, and staff estimates the value of the Fire Engine to be around (\$5000.00).

**WHEREAS**, this City Council has authority pursuant to Virginia Code Sec. 15.2-951 to dispose of personal property, and City Council also has authority pursuant to Virginia Code Sec. 15.2-953 to make donations of property to certain charitable institutions, associations or nonprofits; and

**WHEREAS**, it is the determination of this City Council, based on information assembled and provided by Chief Hezedean Smith, that the Charlottesville Professional Firefighters Association is a charitable association located within City limits and is therefore an entity to which the Council is expressly authorized to make donations of property pursuant to Virginia Code Sec. 15.2-953; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE** that the Fire Engine is hereby donated to the Charlottesville Professional Firefighters Association.

12. RESOLUTION: Climate Protection Program and Local Energy Alliance Program (LEAP) service agreement

- a. RESOLUTION: Reallocating previously appropriated funds in the Gas Fund, Environmental Sustainability Cost Center to the Local Energy Alliance Program for support to the Climate Protection Program - \$44,718

**RESOLUTION APPROPRIATING FUNDS FOR**  
**2021 Climate Protection Program Support Grant \$44,718**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$44,718 is hereby paid to LEAP from previously appropriated funds in the Gas Fund, Environmental Sustainability Cost Center as follows:

\$44,718      Fund: 631      Cost Center: 2711001000      G/L Account: 599999

- b. RESOLUTION: Establishing a Memorandum of Understanding between the City and the Local Energy Alliance Program (LEAP) for grant funds to support the Climate Protection Program and promote energy performance improvements

**RESOLUTION**

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

Memorandum of Understanding (MOU) between the City and the Local Energy Alliance Program (LEAP) for grant funds to support the Climate Protection Program and promote energy performance improvements.

- 13. RESOLUTION: Approving the Albemarle Housing Improvement Program Contingency Plan FY 2021- 2022 Minor Annual Action Plan Amendment

**RESOLUTION**

**Approval of Albemarle Housing Improvement Program Contingency Plan  
FY 2021-2022 Minor Annual Action Plan Amendment**

**BE IT RESOLVED**, that the Charlottesville City Council hereby approves the Albemarle for Housing Improvement Program Contingency Plan and the FY 2021 - 2022 Minor Action Plan Amendment of the 2018-2022 Consolidated Plan. This will assist the City and the subrecipient meet CDBG and HOME timeliness goals. All HOME funds are to be expended by the June 30, 2022 program deadline.

Mayor Walker opened the floor for comment on the Consent Agenda:

- Kate Fraleigh, city resident, spoke in opposition to Item #10.

Mayor Walker asked for additional information on Item #9 regarding funds for the Department of Justice Office of Justice Programs Grant for Charlottesville Albemarle Family Treatment Court Program Expanded Services. Social Services Director Sue Moffett provided an explanation.

Mayor Walker requested a separate vote on Item #13 and asked for additional information about the repairs and communication with the previous owner. Mr. Cory Demchak provided an explanation.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED the Consent Agenda, pulling Item #13 at the request of Mayor Walker: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED Item #13 Albemarle Housing Improvement Program Contingency Plan FY 2021-2022 Minor Annual Action Plan Amendment: 5-0 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

### **CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS**

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

1. Notices were published and mailed to nearby battlefields for expressions of interest in acquiring Confederate statues from the City. To date three statements of interest were received.
2. City staff continue to work with Midway Manor to get the elevator working again.
3. The City's Home to Hope is undergoing transition and Deputy City Manager Ashley Marshall has taken the lead on continuing the program.
4. The Department of Human Services is working with the American Rescue Plan (ARP) final regulations and with continuing state rental assistance programs of both CARES and the ARP to continue financial assistance to prevent rental evictions.
5. City Hall and city operations continue to increase hours of operations, with full operation expected to begin in early September, at which time all public meetings including board and commission meetings would be expected to meet in person
6. Hiring continues for city operations.

Mayor Walker asked if full operations would allow some city staff to continue to work remotely. Mr. Boyles advised that departments would determine feasibility of remote work based on workloads and operations, and this would go on indefinitely.

Vice Mayor Magill asked for consideration of staff members who could present to City Council remotely as technology allows.

There was further discussion about governance of in-person meetings.

## COMMUNITY MATTERS

Mayor Walker opened the floor for public comment.

1. Cali Gaston spoke in support of removing statues of Confederate generals Lee and Jackson from City parks.
2. Roy Van Doorn, speaking on behalf of the Virginia Restaurant Lodging and Travel Association - Charlottesville Chapter spoke about use of American Rescue Plan funds for the tourism and hospitality industry.
3. Tracey Hopper, city resident, spoke in support of the Police Civilian Review Board ordinance and expanded authority approved by the Virginia General Assembly.
4. Dr. Emily Yen, city resident, spoke in support of a collective bargaining ordinance as related to the Municipal Public Sector Bargaining Bill.
5. Nancy Carpenter, city resident, advised of the ending of the moratorium on evictions. She shared information relating eviction risk with Covid vaccine access.
6. Adrienne Dent spoke in support of removing statues of Confederate generals Lee and Jackson from City parks and asked that only institutions or organizations with a history of engaging in dismantling racist narratives be considered. She spoke in support of the Peace in the Streets response to a rise in gun violence and asked Council to consider more funding. She thanked numerous people for the Juneteenth event programming.
7. Kate Fraleigh, city resident, spoke about the police oversight board and the need for a board independent from the police department to review complaints. She spoke in support of a Police Civilian Review Board local ordinance being prepared for presentation to Council in the near future.
8. Don Gathers, city resident, spoke about the disposition of the statues of Confederate generals Lee and Jackson from City parks. He also spoke about the end of the eviction moratorium and collective bargaining.
9. Marcia Geyer shared information about a Jim Crow museum for the disposition of the statues of Confederate generals Lee and Jackson.

Councilor Payne requested that the City Manager provide information about funding to help fight the ending of the eviction moratorium. Mr. Boyles advised that a request would come before Council to use American Rescue Plan funds.

## ACTION ITEMS

### **14. PUBLIC HEARING/RESOLUTION: Approving a lease of City property to the Virginia Discovery Museum, Inc.**

David Brown, Director of Public Works, presented the proposal.

Mayor Walker opened the public hearing.

- Jessica Phillips, Vice Chair and legal counsel for the Board of the Virginia Discovery Museum advised that she was available to answer questions from Council or the public.

Mayor Walker closed the public hearing.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote the Approving a lease of City property to the Virginia Discovery Museum, Inc.: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

**RESOLUTION  
APPROVING A LEASE OF CITY PROPERTY TO THE  
VIRGINIA DISCOVERY MUSEUM, INC.**

**WHEREAS**, the Virginia Discovery Museum of Virginia, Inc. (“VDM”) (i) maintains its offices, and operates a museum, within certain premises at 524 East Main Street, Charlottesville, Virginia, and (ii) operates an outdoor children’s carousel, as the tenant under certain lease agreements with the City of Charlottesville, Virginia (City), and the term of such lease agreements will expire June 30, 2021; and

**WHEREAS**, the City and VDM desire to enter into a new five-year lease agreement for all of the space currently occupied by VDM, to take effect July 1, 2021, under the terms and conditions of a proposed Lease presented to and reviewed by this Council in conjunction with its consideration of this Resolution (“Proposed Lease”); and

**WHEREAS**, in accordance with Virginia Code Section 15.2-1800(B) City Council conducted a public hearing on the Proposed Lease and has determined that the Proposed Lease contains suitable terms upon which VDM’s tenancy may be approved; NOW, THEREFORE,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE** that the Proposed Lease with VDM is hereby approved, and the City Manager is hereby authorized: (i) to execute a final Lease with VDM, upon terms and conditions consistent with those set forth within the Proposed Lease and approved as to form by the City Attorney’s Office, and (ii) to act as the authorized agent of the City Council for the administration of the lease with VDM, for giving such approvals and notices, and for exercising such rights as may be authorized or reserved to the City within such Lease.

**15. PUBLIC HEARING/RESOLUTION: Appropriating FY 2021 Supplemental Federal Funding for Transit Capital and Operating Assistance - \$5,038,344 (carried)**

Garland Williams, Transit Director, presented the request.

Councilor Payne asked whether the buses would add capacity or replace existing fleet and Mr. Williams advised that four of the requested eleven buses would be new and the others would replace aging vehicles.

Mayor Walker asked whether additional staffing would be needed, and Mr. Williams advised that staffing was addressed during the budget process.

Vice Mayor Magill made comments about the timing for ordering buses and Mr. Williams advised that the buses would be ordered following Council approval of the resolution and would take 18-24 months to receive the vehicles.

Councilor Snook asked about the cost curves related to electric buses and how much infrastructure would be needed to accommodate CNG technology. Mr. Williams advised that a study would be conducted to evaluate whether the model would work and be reliable for Charlottesville.

Mayor Walker opened the public hearing. With no speakers coming forward, Mayor Walker closed the public hearing.

Councilors highlighted positive aspects of the proposal: automatic passenger counters, potential for continued fare-free rides, more efficiency, and added capacity.

Councilors agreed to move the item forward to the July 19 Consent Agenda for a second reading.

**16. RESOLUTION: Appropriating funds for Conscious Capitalist Foundation Peace in the Streets Program off-cycle budget request - \$50,000 (carried)**

Kaki Dimock, Director of Human Services, presented the request. She noted that using credible messengers, the Conscious Capitalist Foundation program model called Healthy, Wealthy, and Wise, a transformative mentoring curriculum was identified as a promising practice by the National Institute for Criminal Justice Reform. The credible messenger approach is associated with positive outcomes in engaging in services and programs; reductions in re-arrest and violations; increased compliance with court and school conditions; and improved collaboration between system stakeholders and the broader community.

Robert Gray and Derek Rush of Conscious Capitalist Foundation shared information about the correlation in populations being served on the preventive side and on the intervention/corrective side and answered a question from Councilor Hill about what would happen if not fully funded.

Martize Tolbert of the Fountain Fund and Conscious Capitalist Foundation spoke about the work

of Peace in the Streets. He spoke of the hotline already in place as well as other work in progress.

Nicholas Feggans of Peace in the Streets shared information about a Happy Saturdays initiative and partnering with other community agencies who traditionally have not been able to reach the target communities.

Mayor Walker mentioned holding the second reading prior to Council's July 19 meeting. Ryan Davidson asked for clarification from City Attorney Lisa Robertson regarding allocating funds from the Council Strategic Initiatives Fund to allow this item to be approved with one reading.

Council agreed to move the item to the June 24 City Council Special Meeting for a second reading and vote.

**17. RESOLUTION: Appropriating funds for Conscious Capitalist Foundation - \$50,000 (carried)**

Kaki Dimock, Director of Human Services, presented the request.

Council agreed to move the item to the June 24 City Council Special Meeting for a second reading and vote.

**GENERAL BUSINESS**

There were no items of general business.

**OTHER BUSINESS and QUESTIONS FOR CITY MANAGER FOLLOW-UP**

There were no other business items or questions for the City Manager.

**MATTERS BY THE PUBLIC**

Mayor Walker opened the floor for comments from the public.

- Wolfgang Keppley spoke about the exit of the ADA Coordinator and asked that the position and retention be prioritized.

The meeting adjourned at 8:44 p.m.

BY Order of City Council

BY Kyna Tomas, Clerk of Council

# CHARLOTTESVILLE CITY COUNCIL MEETING

July 19, 2021

Virtual/electronic meeting via Zoom

## 4:00 PM WORK SESSION

Pursuant to Virginia Code Section 2.2-3712, the Charlottesville City Council met in work session on Monday, July 19, 2021, to hear reports. The meeting was held electronically pursuant to a local ordinance amended and re-enacted on April 19, 2021, to ensure the continuity of government and prevent the spread of disease during the coronavirus State of Emergency.

Mayor Walker called to order at 4:01 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne, and Lloyd Snook.

## REPORTS

### 1. Report: Juvenile Justice Reform Process

Over a year ago, the 16th District Court Services Unit, together with its partners, including Charlottesville Police Department, Department of Human Services, Charlottesville Commonwealth Attorney's Office, Judge David Barredo, and the Virginia Department of Juvenile Justice, was awarded one of seven opportunities to participate in a juvenile probation transformation project with the Center for Juvenile Justice Reform at Georgetown University, supported by the Annie E. Casey Foundation.

Hunter Smith, Human Services Planner with the Department of Human Services, introduced other representatives from the multi-agency collaboration group:

- Opal West, Program Associate Juvenile Justice Strategy Group Center for Systems Innovation with The Annie E. Casey Foundation;
- Judge David Barredo with the 16th District Juvenile and Domestic Relations Court;
- Christa Galleo, Probation Supervisor with the 16th District Court Services Unit;
- Marc Moore, Intake Supervisor with the 16th District Court Services Unit;
- Martha Carroll, Director of the 16th District Court Services Unit;
- Jenna Easton, Program Manager with the Virginia Department of Juvenile Justice;
- Joey Lewis, Sergeant with the Charlottesville Police Department;
- Andrew Wilder with the Charlottesville Commonwealth's Attorney's office and

Mr. Smith then presented a report on progress made to date and the support needed from City Council moving forward.

Ms. West gave a high-level overview of probation transformation and technical assistance from



the Casey Foundation.

Ms. Carroll reviewed Charlottesville's current efforts and defined the purpose: to examine current policies and practices of the Probation/System and together propose solutions for better outcomes. She shared that the workgroup engaged in a five-part series of convenings led by the Casey Foundation with an average of 90 participants each session including system stakeholders, community partners and court practitioners such as judge, prosecution, and defense.

Ms. Galleo shared information about continuing efforts such as:

- Improving current practices through a race equity lens to determine how youth are doing and in what ways the system is accountable.
- Learning from those most affected by the system by including youth voice, family voice, and community voice.
- Improving and emphasizing family engagement – preserving and elevating the family, empowering families with what they need and want, and including them in decision making.
- Changing the system culture of the how, what, and why of operation.

Mr. Moore spoke about expected outcomes to include:

- Better outcomes for youth who truly need intervention
  - Isolate probation and make improvements where indicated
  - Reduce violations that result in confinement and placement
  - Give young people opportunities to grow and thrive
  - Prepare them for healthy adulthood by supporting them through maturation

Mr. Smith reviewed the need for support to continue the work and emphasized that the group was not requesting funding from Council at the time.

In response to questions from Councilors, group members provided clarification and additional explanation about family engagement efforts, reduction in bookings, and pre-booking diversion efforts. Mr. Moore advised that probation officers had less than twelve cases each at the moment and provided context that smaller caseloads for more serious offenses would allow officers to provide more comprehensive services.

Vice Mayor Magill expressed concern about addressing youth with mental health issues.

Mayor Walker asked about pre-arrest diversion plan and about the plan in Ohio. Mr. Smith advised that a plan was developed with a Memorandum of Understanding with the Police Department and had not yet been implemented. Ms. West shared information about the Ohio plan.

## **PUBLIC COMMENT**

Mayor Walker opened the floor for comments from the public.

- Katrina Turner, city resident, spoke about a family situation and the need to keep black fathers in their homes.

## **CLOSED MEETING MOTION**

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

- Section 2.2-3711(A)(1), for discussion and consideration of the performance of the Clerk of City Council; and
- Section 2.2-3711(A)(7), for consultation with legal counsel and briefings by staff pertaining to litigation pending in Charlottesville Circuit Court, Case no. CL21-116, because consultation or briefing in the open meeting would adversely affect the negotiating or litigating posture of the City.

The work session adjourned at 4:52 p.m. and Council convened in closed session.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 16, 2021
Action Required:	Resolutions
Presenter:	Erin Atak, Grants Coordinator
Staff Contacts:	Erin Atak, Grants Coordinator
<b>Title:</b>	<b>FY2020-2021 Community Development Block Grant and HOME Investment Partnerships Program Minor Action Plan Budget Amendment</b>

**Background:**

This agenda item includes project reprogramming recommendations, and minor action plan approval for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

On May 4, 2020 and January 19, 2021, the City Council approved award of \$14,997.71 in CDBG funds to Community Investment Collaborative (CIC) for Entrepreneur Workshop and Financial Management technical assistance program, and \$47,076.73 in HOME funds to Habitat for Humanity of Greater Charlottesville for Down Payment Assistance, with spending effective July 1, 2020. All funds were required to meet a 100% spend rate by June 30, 2021.

As of June 30, 2021, CIC completed 100% of the CDBG program agreement with an extra \$12.71 CDBG balance remaining in their account, and Habitat reported and invoiced at a 53.57% spent rate, leaving an unexpended balance of \$21,384.80 HOME funds.

On January 14, 2021, the City of Charlottesville was found to be noncompliant, for the second consecutive year, with the HUD timely expenditure requirements. HUD has noted that the City of Charlottesville's lack of timely performance as a deficiency. All contract extensions for the CDBG and HOME program have been suspended.

**Discussion:**

City staff has identified an immediate program for funding to solve the City's timeliness concerns. CIC has completed 100% of their 2020-2021 Entrepreneur Workshop and Financial Management technical assistance program and has a surplus of \$12.71 in their CDBG account. These funds can be reprogrammed back into the 2020-2021 Ridge Street Priority Neighborhood Taskforce Traffic Signage activity that is currently underway.

Additionally, The City has unexpended 2020 HOME funds totaling \$21,384.80 from the delayed Habitat Down Payment Assistance activity. After consulting with HUD on July 16, 2021, and per the HOME Cooperation Agreement between HUD, the City of Charlottesville, and the Thomas Jefferson Planning District Commission; all unexpended funds will be returned to the Consortium due to untimely performance. Funds will be used for shovel-ready housing related activities per the HOME grant requirements and will be committed based on a priority system as written within the regional agreement.

**Community Engagement:**

The CIC and Habitat approval was part of the Action Plan that was advertised for a thirty-day comment period (March 26<sup>th</sup> – April 26<sup>th</sup> 2020) before being sent to HUD for approval. The Action Plan was also sent to Charlottesville Neighborhood community members and Housing Directors Council for public comment. Comments received were incorporated into the Action Plan. HUD approved the Action Plan on August 14, 2020.

If council approves the request, then an approval will be submitted to HUD as a minor Action Plan Amendment for the 2020-2021 fiscal year. The full action plan can be viewed on the City Website through the following [link](#). Minor Action Plan Amendments do not require a public hearing.

**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:**

None

**Recommendation:**

Staff recommends approval of the resolution to amend the CDBG and HOME budget to remain in compliance with HUD grant requirements and the Cooperation Agreement for the TJPDC under the HOME Investment Partnership Program.

**Alternatives:**

No alternatives are proposed.

**Attachments:**

- Resolution to Amend CDBG Reprogramming
- Resolution to Amend HOME Reprogramming
- Resolution for FY 2020-2021 Minor Action Plan Amendment

**RESOLUTION**  
**AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT**  
**Reprogramming of Funds for FY 2020-2021**

**WHEREAS**, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) funds; and

**WHEREAS**, pursuant to section 3 of CDBG Sub-recipient Agreements, all funds not expended by the Subrecipient by June 30, 2021 shall be reprogrammed; therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the CDBG (218) fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby reappropriated to the respective accounts shown as follows:

<b>Fund</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
218	1900362	Community Investment Collaborative	\$12.71		
218	1900361	Ridge Street Priority Neighborhood Taskforce		\$12.71	\$85,843.66
		<b>TOTALS:</b>	<b>\$12.71</b>	<b>\$12.71</b>	<b>\$85,843.66</b>

Approved by Council  
August 16, 2021

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Kyna Thomas, CMC  
Clerk of Council

**RESOLUTION**  
**AMENDMENT TO HOME INVESTMENT PARTNERSHIPS PROGRAM**  
**Reprogramming of Funds for FY2020-2021**

**WHEREAS**, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the HOME Investment Partnership Program funds; and

**WHEREAS**, pursuant to section III sub-item B of HOME Sub-recipient Agreements all invoices for the project must be submitted for reimbursement by June 30, 2021; and

**WHEREAS**, pursuant to section 2 of the Cooperation Agreement for the TJPDC under the HOME Investment Partnership Program, funds not committed will be made available to Subrecipients under the Consortium Agreement; therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the HOME (210) fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby reappropriated to the respective accounts shown as follows:

<b>Fund</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
210	1900366	Habitat for Humanity of Greater Charlottesville	\$21,384.80		
		<b>TOTALS:</b>	<b>\$21,384.80</b>		

Approved by Council  
August 16, 2021

\_\_\_\_\_  
Kyna Thomas, CMC  
Clerk of Council

**RESOLUTION**  
**Approval of FY 2020-2021 Minor Annual Action Plan Amendment**

**BE IT RESOLVED**, that the Charlottesville City Council hereby approves the FY 2020 - 2021 Minor Action Plan Amendment of the 2018-2022 Consolidated Plan. The reprogrammed CDBG and HOME and budget will be reflected into the 2020-2021 Annual Action Plan.

Approved by Council  
August 16, 2021

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Kyna Thomas, CMC  
Clerk of Council

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



<b>Agenda Date:</b>	August 16, 2021
<b>Action Required:</b>	Approval of Refund of Business License Tax Payments
<b>Presenter:</b>	Todd Divers, Commissioner of the Revenue
<b>Staff Contacts:</b>	Jason Vandever, City Treasurer Todd Divers, Commissioner of the Revenue
<b>Title:</b>	<b>Refund of Business License Tax to NONPROFIT ENTITY</b>

**Background:**

Nonprofit Entity reported to the Commissioner of Revenue that its two locations in the City of Charlottesville are nonprofit organizations, and are, therefore, exempt from the business license tax requirements. Nonprofit Entity provided proof of its nonprofit status and has requested a refund of all business license taxes paid to the City in error.

Both locations in the City of Charlottesville are owned by the same nonprofit entity. Each location reported and paid the business license tax for the years they have been active in the City of Charlottesville. Location #1 has requested refunds for all open tax years, 2017 through 2021. Location #2 has requested refunds for 2019, 2020 and 2021. City is required to refund business license taxes paid in error with interest per Code of Virginia 58.1-3703.1 (A) (2) (e). Total refund amount is \$63,009.25.

In summary, Virginia Code 58.1-3703 (C) (18) (a) provides that no city, county, or town can levy a license tax on the gross receipts of nonprofit organizations who are described in IRS 501(C) (3). In addition, Code of Virginia 58.1-3703.1 (A) (2) (e) states: "Interest shall be paid on the refund of any BPOL tax from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under 58.1-3916." Nonprofit Entity has provided Commissioner of Revenue with proof that it is such an organization. Code of Charlottesville 30-6b requires City Council approval for refunds greater than \$2,500. Refund amount is \$63,009.25.

**Discussion:**

§58.1-3703(C)(18) (a) provides:

No county, city, or town shall impose a license fee or levy any license tax: (a) On or measured by receipts of a nonprofit organization described in Internal Revenue Code § 501(c)(3) or 501(c)(19) ...



City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$2,500 (City Code Sec. 30-6b). Payment of interest is also required in accordance with Section 14-12(g) of the Charlottesville City Code.

Per City Code Sec. 30-6(b), the Commissioner of the Revenue has provided to the City Attorney information necessary to enable her to consent to the determination of the Commissioner of the Revenue that the tax paid by the nonprofit entity was erroneous and should therefore be refunded. The refund has therefore been approved for presentment to Council by the City Attorney, Commissioner of the Revenue, and City Treasurer.

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

n/a

**Budgetary Impact:**

The refund will reduce current year Business License Tax revenue (GL 410150) by \$54,795.34 and Interest Revenue (GL 400120) by \$8,213.91.

**Recommendation:**

Approval of the tax refund.

**Alternatives:**

n/a

**Attachments:**

Interest Calculation  
Council Resolution

Refund Interest Calculation - Account X								
Payment	Paid Date	Today	Months	Rate	Payment Amount	Annualized Interest	Tax Refund	Interest Refund
2017 BL	3/1/2017	8/16/2021	53	8%	\$ 5,364.25	\$ 429.14	\$ 5,364.25	\$ 1,895.37
2018 BL	3/1/2018	8/16/2021	41	8%	\$ 6,918.94	\$ 553.52	\$ 6,918.94	\$ 1,891.18
2019 BL	3/1/2019	8/16/2021	29	8%	\$ 7,248.01	\$ 579.84	\$ 7,248.01	\$ 1,401.28
2020 BL	3/2/2020	8/16/2021	17	8%	\$ 7,376.03	\$ 590.08	\$ 7,376.03	\$ 835.95
2021 BL	3/1/2021	8/16/2021	5	8%	\$ 6,879.29	\$ 550.34	\$ 6,879.29	\$ 229.31
							\$ 33,786.52	\$ 6,253.09

Refund Interest Calculation - Account Y								
Payment	Paid Date	Today	Months	Rate	Payment Amount	Annualized Interest	Tax Refund	Interest Refund
2019 BL	3/1/2019	8/16/2021	29	8%	\$ 5,800.00	\$ 464.00	\$ 5,800.00	\$ 1,121.33
2020 BL	10/13/2020	8/16/2021	10	8%	\$ 9,976.00	\$ 798.08	\$ 9,976.00	\$ 665.07
2021 BL	3/1/2021	8/16/2021	5	8%	\$ 5,232.82	\$ 418.63	\$ 5,232.82	\$ 174.43
							\$ 21,008.82	\$ 1,960.83

**RESOLUTION**  
**AUTHORIZING REFUND TO TAXPAYING ENTITY OF BUSINESS**  
**LICENSE TAXES PAID FOR 2017, 2018, 2019, 2020, AND 2021**

**WHEREAS**, the Commissioner of the Revenue has determined that a local 501(c)(3) nonprofit entity was incorrectly assessed for and paid 2017, 2018, 2019, 2020, and 2021 Charlottesville business license tax on gross receipts that were exempt from local business license taxation ; and

**WHEREAS**, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$63,009.25; and

**WHEREAS**, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$63,009.25, payable to 501(c)(3) NONPROFIT ENTITY..

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 16, 2021
Action Required:	<b>Adoption of Ordinance (1<sup>st</sup> of 2 readings; no public hearing required)</b>
Presenter:	Lisa Robertson, City Attorney
City Manager Office Contact:	Ashley Marshall, Deputy City Manager
<b>Title:</b>	<b>Amend the City Code to make it gender neutral</b>

**Background:** City Council has expressed its desire that ordinances proposed for adoption within the City Code should be written using gender neutral pronouns. Attached is a proposed Ordinance to establish a set of “protocols” to be applied uniformly in order to accomplish gender neutral ordinances, not only within the current provisions of the published City Code but also in future ordinances.

**Discussion:** Should City Council adopt the attached proposed ordinance, protocols will be established to effect gender neutral provisions within all published City Code provisions, including not only all of the currently-published ordinances, but also within any ordinance to be included among the City’s codified ordinances in the future. The Municipal Code Corporation (MCC), as the City’s publisher, will review each ordinance and make edits in accordance with the protocols.

Please note that the ordinance calls for substituting “individual” in place of “man” or “woman”. It is also possible to substitute the word “person”; however, relative to statutory interpretation, the word “person” usually includes legal entities (such as corporations, LLCs, etc.) and may have inadvertent consequences. See Va. Code §1-230 and 1-231.

**Budgetary Impact:** None.

**Alternatives:** None, if gender neutrality is desired in all existing published City Code provisions.

**Alignment with Council Vision Areas and Strategic Plan:** Yes.

**City Manager Recommendation:** Adoption of the proposed ordinance

**Community Engagement:** N/A

**Attachment:**

- Proposed Ordinance

**ORDINANCE**  
**TO AMEND AND RE-ENACT THE CODE OF CHARLOTTESVILLE, 1990, AS**  
**AMENDED, IN ORDER TO REMOVE MASCULINE AND/OR FEMININE**  
**LANGUAGE AND TO SUBSTITUTE GENDER NEUTRAL PRONOUNS**

**WHEREAS** the Charlottesville City Code contains mostly masculine pronouns; and

**WHEREAS** current social awareness of transgender and gender nonconforming identities has brought to light the importance of non-binary gender inclusivity; and

**WHEREAS** amending the Charlottesville City Code to include gender-neutral pronouns by eliminating any gender preference language within the Code of Charlottesville will reflect gender equality and gender inclusivity; now, therefore,

**BE IT ORDAINED** by the Council for the City of Charlottesville:

1. **The recitals and findings contained in the preamble to this ordinance are adopted by reference and incorporated as if fully set forth in this section.**

2. **The Municipal Code Corporation is hereby authorized to degenderize and update pronouns throughout the Code of Charlottesville (1990), as amended, subject to approval by the City Attorney, which authority shall include review and editing of future proposed ordinances, and in doing so the Municipal Code Corporation shall be guided by the following protocols:**

Change the term "he" to "they"  
Change the term "she" to "they"  
Change the term "his" to "their"  
Change the term "hers" to "their"  
Change the term "her" to "them"  
Change the term "him" to "them"  
Change the term "himself" to "themselves"  
Change the term "herself" to "themselves"  
Change the term "man" or "woman" to "individual"  
Change the term "men" or "women" to "individuals"  
Change the term "chairman" to "chairperson"  
Change the term "policeman" to "police officer" (not found in current Code)  
Change the term "policewoman" to "police officer" (not found in current Code)  
Change the term "policemen" to "police officers" (not found in current Code)  
Change the term "policewomen" to "police officers" (not in current Code)  
Change the term "workman" to "worker" (not found in current Code)  
Change the term "workmen" to "workers" (not found in current Code)  
Change the term "fireman" to "firefighter" (not found in current Code)  
Change the term "firemen" to "firefighters" (not found in current Code)

3. **Throughout the Code of Charlottesville (1990), as amended, in effect as of the date on which this ordinance is adopted, the Code provisions highlighted following below shall be amended with gender neutral terminology in accordance with the above-referenced protocols,**

**and all of the following Code provisions are re-enacted to include said gender neutral terminology:**

Code Section	Text
1-2	Officers, boards, etc. Whenever reference is made to a particular officer, board, commission, department or other agency, such reference shall be construed as if followed by the words "of the City of Charlottesville, Virginia." A reference to a specific officer shall also be construed as if followed by the words "or his duly authorized deputy, assistant, representative or agent," subject, however, to the provisions of Code of Virginia, section 15.1-19.5.
1-11	<b>State Law reference</b> —Classification of misdemeanors and punishment therefor, Code of Virginia, §§ 18.2-9, 18.2-11; authority of city to provide penalties for violation of ordinances, § 15.1-901; authority of court trying case, upon conviction, to require bond conditioned that the person convicted will not violate the ordinance for the breach of which he was convicted for a period of not more than one year, § 15.1-902; injunctive relief for continuing violations of ordinances, § 15.1-905.
1-12(a), (b), (e)	<p>(a) Whenever any person is detained by or is in the custody of an arresting officer for any violation committed in such officer's presence which offense is a violation of any provision of this Code or other ordinance of the city punishable as a Class 1 or Class 2 misdemeanor or any other misdemeanor for which he may receive a jail sentence, except as otherwise provided in Code of Virginia, title 46.2, or section 18.2-266, or an arrest on a warrant charging an offense for which a summons may be issued, and when specifically authorized by the judicial officer issuing the warrant, the arresting officer shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving by such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody. However, if any such person shall fail or refuse to discontinue the unlawful act, the officer may proceed according to the provisions of Code of Virginia, section 19.2-82. Anything in this section to the contrary notwithstanding, if any person is believed by the arresting officer to be likely to disregard a summons issued under the provisions of this section, or if any person is reasonably believed by the arresting officer to be likely to cause harm to himself or to any other person, a magistrate or other issuing authority having jurisdiction shall proceed according to the provisions of Code of Virginia, section 19.2-82.</p> <p>(b) Whenever any person is detained by or is in the custody of an arresting officer for a violation of any provision of this Code or other ordinance of the city punishable as a Class 3 or Class 4 misdemeanor or any other misdemeanor for which he cannot receive a jail sentence, except as otherwise provided in Code of Virginia, title 46.2, or to the offense of public drunkenness as defined in section 17-12 of this Code, the arresting officer shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving of such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody. However, if any such person shall fail or refuse to</p>

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	<p>discontinue the unlawful act, the officer may proceed according to the provisions of Code of Virginia, section 19.2-82.</p> <p>(e) Any person who willfully violates <b>his</b> written promise to appear given in accordance with this section shall be guilty of a Class 1 misdemeanor, regardless of the disposition of, and in addition to, the charge upon which <b>he</b> was originally arrested.</p>
<b>Ch. 2 (Section Analysis)</b>	<p>Sec. 2-80. Committee meetings; <b>chairman</b> of committees; quorum.</p> <p>Sec. 2-239. Election and term of <b>chairman</b> and vice-<b>chairman</b>.</p> <p>Sec. 2-240. Compensation specified for <b>chairman</b> and members.</p>
<b>2-3(4)</b>	<p>(4) The city sheriff and all of <b>his</b> deputies and correctional officers employed at the Albemarle-Charlottesville Joint Security Complex.</p>
<b>2-5(4), (5)</b>	<p>(4) <b>Chairman</b> and members of the Charlottesville Economic Development Authority;</p> <p>(5) Director, <b>chairman</b> and members of the Charlottesville Redevelopment and Housing Authority; and</p>
<b>2-7(b), (c)</b>	<p>(b) The purchasing agent and the city manager, or <b>his</b> designee are authorized to sign all contracts covering sales or purchases of goods or nonprofessional services for less than fifty thousand dollars (\$50,000.00), as well as all contracts for construction services, up to one hundred thousand dollars (\$100,000.00). All other contracts shall be signed by the city manager or <b>his</b> designee.</p> <p>(c) No person, other than those persons enumerated in this section, shall have authority to sign any contract on behalf of the city unless <b>he</b> is specifically authorized to do so by the city council or the city manager. The city manager may promulgate regulations setting forth procedures by which city contracts shall be approved and executed.</p>
<b>2-10(c)</b>	<p>(c) Any person who knowingly violates this section shall be guilty of a Class 1 misdemeanor. A knowing violation under this section is one in which the person engages in conduct or performs an act when <b>he</b> knows that the conduct or act is prohibited by this section.</p>
<b>2-39(b), (c)</b>	<p>(b) At the same time, the city council shall elect one (1) of its members to be vice-mayor, who shall continue in office two (2) years. If a vacancy occurs in the office before the end of <b>his</b> term, such vacancy shall be filled as provided by section 8 of the Charter.</p> <p>(c) The mayor shall preside at the meetings of the city council and when, from any cause, <b>he</b> shall be absent, the vice-mayor shall preside. In the absence of both, a mayor pro tempore may be elected.</p>

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2-42(a)	(a) The mayor, or the vice-mayor if acting in <b>his</b> stead, or any three (3) members of the city council, may call a special meeting of the council at any time upon at least five (5) hours' written notice to each member, served personally or left at <b>his</b> usual place of business or residence. Special meetings may be held at any time without notice, provided all members of the council attend and unanimously consent to the transaction of all business transacted thereat.
2-46	No member of the city council shall be eligible, during <b>his</b> tenure of office or for one (1) year thereafter, to any office for which compensation is paid to be filled by the city council either by election or appointment.
2-48 (ref.)	Charter reference— <b>Chairman</b> of finance committee as member of sinking fund commission, § 26.
2-68	The mayor shall enforce the rules of the city council, preserve order and decorum, appoint all committees not otherwise provided for and discharge such other duties as appertain to <b>his</b> office.
2-69(a)	The mayor shall decide questions of order and may give <b>his</b> reasons for <b>his</b> decisions.
2-70	If, in speaking, any member shall violate the rules of the city council, the mayor shall call <b>him</b> to order. If there is no appeal, the decision of the chair shall be submitted to. If the decision is in favor of the member called to order, <b>he</b> may proceed; if otherwise, <b>he</b> shall not proceed except by leave of the city council.
2-79	Any member of the city council shall have the liberty to dissent from or protest against any ordinance, resolution or order of the city council and have the reason of <b>his</b> dissent entered upon the record.
2-80	<p>Sec. 2-80. Committee meetings; <b>chairman</b> of committees; quorum.</p> <p>The members of a committee of the city council shall meet on the call of the <b>chairman</b>, who shall be the first named person on the committee. In the absence of the <b>chairman</b>, the person named second on the committee shall be recognized as <b>chairman</b>. A majority shall constitute a quorum for the transaction of business.</p>
2-123	The clerk of the council shall, within forty-eight (48) hours after each session of the city council, furnish the officers or heads of departments of the city a copy of every ordinance or resolution specially pertaining to their respective departments; provided, that copies of all ordinances making appropriations or authorizing the payment of money shall be furnished to the director of finance within twenty-four (24) hours after their passage. The clerk of the council shall notify persons who have presented petitions or communications to the city council, of the final action of that body in regard thereto, within forty-eight (48) hours after such action. <b>He</b> shall also notify all persons elected to any office by the city council, of such election.



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2-147	The city manager may, subject to <b>his</b> retention of general supervision and control, delegate any powers and duties conferred upon the manager by this Code to any other officer or employee who is subject to the manager's supervision.
2-149(a), (d)	<p>(a) The city manager shall have charge of the appointment of competent, qualified officers and employees to the administrative departments of the city and shall have the power to dismiss, suspend and discipline, in accordance with duly adopted personnel regulations, all officers and employees in such departments, except as otherwise specifically provided by law. <b>He</b> shall also have the power to authorize a department head or officer responsible to <b>him</b> to appoint and remove subordinates serving under that department head or officer.</p> <p>(d) The city manager shall have the power to set aside any action taken by a department head or other officer subject to <b>his</b> control, except as otherwise specifically provided by law.</p>
2-150	The city manager may, in order to promote the efficient operation of the affairs of the city under <b>his</b> management and control, within the funds appropriated therefor, create new departments and consolidate or abolish existing departments.
2-151	The city manager may prescribe such rules and regulations as <b>he</b> deems necessary or expedient for the conduct of administrative departments or agencies subject to <b>his</b> authority. The city manager shall have the power to revoke, suspend or amend any rule or regulation of any such department or agency, promulgated by any officer or employee subject to <b>his</b> control.
2-152	The city manager shall designate <b>himself</b> or some other officer or employee to perform the duties of any office or position in the administrative service under <b>his</b> control which is vacant or which lacks administration due to the absence or disability of the incumbent.
2-155	The city manager may designate such committees as <b>he</b> shall find necessary for the proper consideration of matters affecting the city or its administrative service, which shall meet at <b>his</b> request and make such recommendations on matters referred to them as they shall find necessary for the best interest of the city.
2-156	The city manager shall be entitled, either by <b>himself</b> or by any officer or person designated by <b>him</b> , to investigate and examine or inquire into the affairs or operation of any department, division, office or agency of the city and, within funds appropriated by the council, may employ consultants and professional assistance to aid in such investigations, examinations or inquiries.
2-212	The salary of the city attorney shall be in full compensation for <b>his</b> services. The city attorney shall not engage in the private practice of law.
2-213(a), (b), (d)	(a) The city attorney shall have the management, charge and control of all law business of the city and shall be the legal adviser of the city council, any committee thereof, the city officers and the several departments of the city government and, when required, shall furnish written or verbal opinions upon any subject involving questions of law submitted to <b>him</b> by any of them.

<b>Code Section</b>	<b>Text</b>
	<p>(b) It shall be the duty of the city attorney to draft all bonds, deeds, obligations, contracts, leases, conveyances, agreements or other legal instruments of whatever nature which may be required of <b>him</b> by any ordinance or order of the city council or any committee thereof or which may be required by any person contracting with the city in its corporate capacity and which, by law, usage or agreement, the drafting of which is to be at the expense of the city. It shall also be <b>his</b> duty to commence and prosecute all actions and suits to be brought by the city before any tribunal in the city or state, or any federal tribunal, whether in law or in equity, and also to appear and defend and advocate the rights and interest of the city, or any of the officers thereof, in any suit or prosecution for any act in the discharge of their official duties, wherein any estate, right, privilege, ordinance or act of the city government may be brought in question, <b>he</b> shall appear for the prosecution when the case shall come into the circuit court and shall perform such other duties as are or may be required of <b>him</b> by any ordinance or resolution of the city council.</p> <p>(d) The city council may authorize the city attorney to retain such legal counsel as it deems necessary to assist <b>him</b> on legal matters for the city.</p>
<b>2-214</b>	<p>The city attorney shall promptly account for and pay over to the director of finance any and all funds belonging to the city, collected or received by <b>him</b>, and shall at the time of turning over such money to the director of finance, or immediately thereafter, furnish the director of finance with an itemized statement showing from whom and for what account the money was received.</p>
<b>2-215</b>	<p>It shall be the duty of the city attorney to attend all meetings of the city council unless excused by the mayor or the city manager. <b>He</b> shall attend all meetings of the committees of the city council when notified so to do by the clerk of the council or the city manager.</p>
<b>2-237(b)</b>	<p>(b) One (1) member of the planning commission may be a member of the city council, and one (1) member may be a member of the administrative branch of government of the city. The term of each of these two (2) members shall be coextensive with the term of office to which <b>he</b> has been elected or appointed, unless the city council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the commission first appointed shall serve respectively for terms of one (1) year, two (2) years, three (3) years, and four (4) years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four (4) years each. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance in office.</p>
<b>2-239</b>	<p>Sec. 2-239. Election and term of <b>chairman</b> and vice-<b>chairman</b>.</p> <p>The members of the planning commission shall elect from their number a <b>chairman</b> and vice-<b>chairman</b>, who shall serve as such for a term of one (1) year and shall be eligible for reelection.</p>

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2-240	<p>Sec. 2-240. Compensation specified for <b>chairman</b> and members.</p> <p>For their services, the <b>chairman</b> of the planning commission shall receive annual compensation of three thousand five hundred dollars (\$3,500.00) and the other members of the commission shall receive annual compensation of two thousand nine hundred dollars (\$2,900.00).</p>
2-241	<p>The director of planning and community development shall serve ex officio as the secretary of the planning commission but shall have no vote and shall receive no addition to <b>his</b> regular salary for such service.</p>
2-268(b)-(d)	<p>(b) All members will serve terms which expire on December first of the third year following their appointment. No members will be appointed to more than two (2) three-year terms. A person initially appointed to serve the unexpired term of another may thereafter serve no more than two (2) three-year terms of <b>his</b> own.</p> <p>(c) In the event a member appointed to the commission by the city or county is subsequently selected as the city/county joint appointee, and commencement of the term of the joint appointment does not coincide with the expiration of the appointee's then-current term, then <b>he</b> shall be deemed to have vacated the seat held on the commission immediately prior to the joint appointment. Selection as the joint appointee of the city and county shall not extend the amount of time or the number of terms such person is eligible to serve on the commission, except that the time served in the seat vacated shall be treated the same as time served by persons initially appointed to fill the unexpired term of another.</p> <p>(d) Any member serving on the commission on January 1, 2003 and who is at that time serving a second three-year term of <b>his</b> own, shall be eligible for one (1) additional three-year term.</p>
2-269	<p>As soon after their appointment as possible, the members of the airport commission shall convene and elect a chairperson and vice-chairperson from their group for a term of one (1) year. The airport's executive director or <b>his</b> designee (s) shall serve as staff to the airport commission and shall perform such duties as are appropriate, including the keeping of proper minutes of the meetings of the commission. Anyone designated by the airport's executive director to perform duties for the airport commission shall report to, and be subject to the supervision of, the airport's executive director in the performance of such duties.</p>
2-270	<p>Any person who has served as a member of the commission for the maximum amount of time authorized by this ordinance shall thereafter become re-eligible for appointment, following the passage of at least three (3) years from the expiration of <b>his</b> last term.</p>
2-437(c)	<p>(c) For all other complaints alleging an unlawful discriminatory practice as defined herein within the corporate limits of the city, the director or other designated professional staff will conduct, as authorized by this article, fact-finding, mediation, conciliation, and, if</p>

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	<p>necessary, full investigation of the complaint as <b>he</b> or <b>she</b> deems appropriate to ascertain the facts underlying the charge of discrimination, provided that the complaint may be dismissed by the director without investigation if it fails to adequately allege a violation of this article or is otherwise deficient on its face. If the complaint is not dismissed the director will serve a copy on each respondent named therein. Upon completion of the initial investigation, the director shall render a written determination of whether there is probable cause to believe a violation of this article has occurred, and the facts supporting such determination. The written determination shall promptly be served on the parties.</p>
<p><b>2-439.1(e), (f), (g)</b></p>	<p>(e) In cases to be heard by the commission the complainant and the responding parties shall be entitled:</p> <ol style="list-style-type: none"> <li>(1) To file written statements or arguments with the commission prior to the hearing;</li> <li>(2) To be represented by privately retained counsel of <b>his</b> or <b>her</b> choice;</li> <li>(3) To present <b>his</b> or <b>her</b> case or defense by oral or documentary evidence, to be given under oath or by affirmation;</li> <li>(4) To submit rebuttal evidence; and</li> <li>(5) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.</li> </ol> <p>(f) The director shall be responsible for assuring the development of the evidentiary record before the commission and may introduce evidence, examine or cross-examine witnesses, or make argument if <b>he</b> or <b>she</b> deems it advisable in order to fully apprise the commission of the facts or the applicable law. The commission shall keep a full record of the hearing, which record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the commission furnish such party a copy of the hearing record and shall reimburse the commission for the cost of producing the copy. In matters where any party is represented by counsel, the office of the city attorney shall provide an attorney as counsel to the commission who will also assist the director in preparing the case.</p>

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	(g) If, after the hearing, the commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this article, the commission shall state its findings and may issue recommendations, to be served promptly on the parties, which recommendations may include notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this article, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the commission to be so entitled by reason of the violation(s) of this article, or the placement or restoration of any person in or to such status in which the commission finds <b>he</b> or <b>she</b> would be but for respondent's violation(s) of this article.
<b>3-1(b)</b>	(b) If any owner or keeper of any billiard saloon or poolroom as set forth above allows any minor to violate the provisions of this section, <b>he</b> shall be deemed to be guilty of a violation of this section.
<b>3-2(a)</b>	(a) No person shall conduct any carnival or other like show or exhibition within the city without first making a deposit with the city treasurer of fifty dollars (\$50.00) for each day on which an exhibition is proposed to cover the cost of additional city services in connection with such carnival, which shall be paid out of such deposit and the difference, if any, refunded. The chief of police shall designate such members of the police department as <b>he</b> may deem necessary for the policing of such carnival or other exhibition.
<b>4-2</b>	Owner means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in <b>his</b> care; or (iv) acts as a custodian of an animal.
<b>4-4(a)</b>	(a) Pursuant to Virginia Code § 3.1-796.104, the position of animal control officer for the city is hereby created, and vested with the power to enforce Chapter 27.4 of Title 3.1 of the Code of Virginia, all ordinances enacted pursuant to that chapter, and all laws for the protection of domestic animals. The animal control officer and <b>his</b> deputies, if any, shall be appointed as prescribed in such section of the state law.
<b>4-8</b>	It shall be unlawful for any person to permit any chickens, ducks, geese, pigeons or other fowl belonging to <b>him</b> to go at large in the city; except, that homing pigeons may be released for return to their cote without violating this section.
<b>4-12(c)</b>	(c) Prior to the approval of the permit the city animal control officer shall inspect the animals and the proposed premises of the exhibition or circus to determine whether all animals have been given adequate feed, adequate water, adequate shelter, adequate space for the particular type of animal, adequate veterinary care when needed, and humane care and treatment. The animal control officer may request that a USDA accredited veterinarian, licensed by the Commonwealth of Virginia, accompany <b>him</b> during the inspection. Any costs associated with inspection by a veterinarian shall be paid by the exhibition or circus.
<b>4-15 (a)(1), (c), (e)</b>	(a)(1) Overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates or kills any animal, whether belonging to <b>himself</b> or another;

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	<p>...</p> <p>(c) Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any animal that is a companion animal whether belonging to <b>him</b> or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (iii) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clause (i); or (iv) causes any of the actions described in clauses (i) through (iii), or being the owner of such animal, permits such acts to be done by another; and has been within five (5) years convicted of a violation of this section, shall be guilty of a Class 6 felony if the current violation or any previous violation of this section resulted in the death of an animal or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection or subsection (a).</p> <p>(e) Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal whether belonging to <b>him</b> or another and (ii) as a direct result causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, shall be guilty of a Class 6 felony. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect <b>his</b> dog or cat. Such owner may be presumed to have taken necessary and appropriate action to protect <b>his</b> dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall not override sections 4-44 through 4-48 of this chapter.</p>
<b>4-21(a)</b>	<p>(a) When the owner of any animal or grown fowl which has died knows of such death, such owner shall forthwith have its body cremated or buried, and if <b>he</b> fails to do so, any judge of the general district court, after notice to the owner if <b>he</b> can be ascertained, shall cause such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover of the owner of every such animal so cremated or buried the actual cost of such cremation or burial, not to exceed seventy-five dollars (\$75.00), and of the owner of every such fowl so cremated or buried the actual cost of such cremation or burial, not to exceed five dollars (\$5.00), to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.</p>
<b>4-22(a)</b>	<p>(a) The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury or sanitarily dispose of such companion animal. If, after notice, any</p>

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	owner fails to do so, the animal warden or other officer shall bury or cremate the animal, and <b>he</b> may recover from the owner, on behalf of the city, <b>his</b> cost for this service.
4-40(b)	(b) Any person who violates this section by failing to have <b>his</b> or <b>her</b> dog on a leash in the areas so designated herein shall be guilty of a Class 4 misdemeanor; provided that, upon a third conviction within one (1) year of any offense under this section involving the same dog, the defendant shall be deemed guilty of a Class 3 misdemeanor.
4-41(a)	(a) It shall be unlawful for any person owning, keeping, or having in <b>his</b> care or custody any dog, to fail, refuse, or neglect to remove any feces of such dog immediately and to dispose of it in a sanitary manner whenever such dog has defecated upon the following described property located within the city:
4-44	<p>(a) If an animal control officer receives a complaint or has reason to believe that a canine or canine crossbreed is a dangerous dog, <b>he</b> shall undertake an investigation to determine whether the dog is dangerous. The animal protection officer shall confine the animal until a determination is made and any appeals have been exhausted. If the animal protection officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, <b>he</b> may permit the owner or custodian to confine the animal until such time as the investigation is complete and a decision is made and any appeals have been exhausted. The investigation shall include, but not be limited to, a review of the following: (i) the incident forming the basis of the complaint; (ii) any other violent acts by the animal; (iii) interviews with the complainant and anyone else, including the owner or custodian of the animal, having knowledge of the animal; and (iv) observations of the animal. Upon completion of the investigation, the animal protection officer shall make a written determination as to whether the animal is dangerous. If the animal protection officer determines that the animal is dangerous, the animal's owner shall comply with this ordinance. If the animal's owner disagrees with the animal protection officer's determination that the animal is dangerous, <b>he</b> may file an appeal to the general district court for a trial on the merits. The court, through its contempt powers, may compel the owner to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with this ordinance.</p> <p>(b) Any animal control officer who has reason to believe that a canine or canine crossbreed is a vicious dog shall apply to a city magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, <b>he</b> may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Virginia Code § 3.1-796.119.</p>
5-1	Except as otherwise specifically provided, a violation of any provision of this chapter, including any provision of the codes adopted in Article II, shall constitute a Class 1

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	<p>misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00). In addition, a person guilty of such violation shall make good all damages arising by reason of the violation and shall be subject to revocation of his license to do business in the city. For the purposes of this chapter, the word "person" shall include any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.</p>
<p><b>5-28(b), (c)</b></p>	<p>(b) The code official, building maintenance official, or their duly authorized representative may enter any building structure or other premises in the city to perform any duty imposed upon him by this chapter.</p> <p>(c) Upon notice from the code official that work on any building or structure is being done contrary to the provisions of the USBC, or in a manner that is otherwise dangerous or unsafe, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the building official.</p>
<p><b>5-148(b), (c), (e)</b></p>	<p>(b) Upon a finding of guilt under this section in any case tried before the court without a jury, in the event the violation constitutes a first offense which results in property damage or loss, the court, without entering a judgment of guilt, upon motion of the defendant, may defer further proceedings and place the defendant on probation pending completion of a plan of community service work. If the defendant fails or refuses to complete the community service as ordered by the court, the court may make final disposition of the case and proceed as otherwise provided. If the community service work is completed as the court prescribes, the court may discharge the defendant and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying the ordinance in subsequent proceedings. Notwithstanding any other provision of law, no person convicted of a violation of this section shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or is compelled to perform community service, or both, as is more particularly set forth in Virginia Code section 19.2-305.1.</p> <p>(c) Community service, to the extent feasible, shall include the repair, restoration or replacement of any damage or defacement to property within the locality, and may include: clean-up, beautification, landscaping or other appropriate community service within the locality. The director of public works, or his or her designee, is hereby charged with the supervision of the performance of any community service work required and with reporting to the court imposing any such requirement. At or before the time of sentencing, the court shall receive and consider any plan for making restitution or performing community service submitted by the defendant. The court shall also receive and consider the recommendations of the city's director of public works or his or her designee.</p>



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	<p>(e) The director of public works or <b>his</b> or <b>her</b> designee is authorized to undertake or contract for the removal or repair of the defacement of any public building, wall, fence or other structure, or of any private building, wall, fence or other structure where such damage or defacement is visible from any public right-of-way.</p> <p>(1) Prior to such removal the director of neighborhood development services or <b>his</b> or <b>her</b> designee shall seek the written permission of the property owner; if written permission is not practical under the circumstances, verbal authorization shall be sought.</p> <p>(2) If the property owner fails to provide requested permission within five (5) days of receipt of a request for permission, or denies any such request, then the director of neighborhood development services or <b>his</b> or <b>her</b> designee shall give the property owner of record and the person in control of the property, a written notice of the city's intention to proceed with removal or repair. Such written notice shall describe the condition(s) to be abated, the location of the property, a statement of the act(s) necessary to remove or repair the defacement, and the date on which the city will commence abatement if such defacement is not remedied, which date shall be no fewer than five (5) business days following the notice.</p>
5-148(a)(1)	(1) Director means the director of neighborhood development services and <b>his</b> designee(s).
5-149(a)(1)	(1) Director means the director of neighborhood development services and <b>his</b> designee(s).
5-152	<p>No person shall erect or maintain a fence, wall or other barrier wholly or partially enclosing any lot or premises within the city, where such fence, wall or barrier is made of or includes barbed ends, barbed wire or razor wire, or any similar materials, except that barbed ends of fences, barbed wire or razor wire, and similar materials, may be used on top of any wall or fence wholly or partially enclosing any lot or premises zoned for commercial or industrial use. Where allowed, such materials shall be installed at a height of six (6) feet or more above ground level. The owner of any property on which is located any such materials in violation of this section shall remove such fence within ten (10) days after being sent written notification to do so by the city manager or <b>his</b> designee. Each day that a violation continues after the expiration of such ten-day period shall constitute a separate offense.</p>
5-153(a)	<p>(a) Any person who has caused to be dug on <b>his</b> own land or the land of another any well or pit shall fill such well or pit with earth so that the same shall not be dangerous to human beings, animals or fowls before such well or such pit is abandoned. Any person owning land whereon any such well or pit is located shall in the same manner fill with earth any such well or pit which has been abandoned, provided such person has knowledge of the existence of such well or pit. In the case of mining operations, in lieu of filling the shaft or pit, the owner or operator thereof, on ceasing operations in such shaft or pit, shall securely fence the same and keep the same at all times thereafter securely fenced.</p>

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5-155(b)	(b) Whenever the director, or the official designated by <b>him</b> , has determined by reports, inspections or otherwise, that any condition in violation of this section exists, <b>he</b> shall notify the owner and the occupant to comply with the requirements of this section within such reasonable time as specified in the notice. Such notice shall be in writing and shall be delivered by hand or mailed to the last known address(es) of the owner and the occupant. If, after such notice, the owner and/or occupant fails to abate or obviate the condition(s) in violation of this section, the city may do so and charge and collect the cost thereof from the owner and/or occupant as provided by law for the collection of local taxes.
5-161(c)	(c) At least thirty (30) days prior to the assessment of any civil penalty, the director of neighborhood development services or <b>his</b> designee shall mail to the owner, at the address to which property tax notices are sent, notice of the failure to comply with the registration requirements of this section. Upon re-occupancy the owner shall promptly notify the department of neighborhood development services.
5-163(b), (d)(2)	<p>(b) All structures which fall within the definition of an unsafe building, wall or other structure, as defined in section (a)(3), above, are hereby declared to be public nuisances and unfit for human habitation. A property owner shall remove, repair or secure any unsafe structure located on <b>his</b> property, as follows:</p> <p>...</p> <p>(d)(2) To an individual under the age of eighteen (18) years ("infant"), or who is otherwise legally incompetent, then notice shall be provided by hand-delivering a copy thereof to such person's parent, guardian or committee. If such parent, guardian or committee cannot be found after a diligent search, the notice shall be sent by certified mail, return receipt requested, to the last known address of such parent, guardian or committee and a copy of the notice shall also be posted in a conspicuous place on the premises. If there be no guardian or committee, notice shall be given by delivering a copy thereof to any person found at the infant's or incompetent's usual place of abode who is a member of <b>his</b> or <b>her</b> family and who is sixteen (16) years of age or older. If such infant or incompetent resides at a residential or other treatment facility, adult care facility or nursing home, notice shall be given by delivering a copy to the officer or official who is in charge of such facility. If a family member or an officer or official cannot be located after reasonable efforts to do so, then a copy of the notice shall be posted at the front door of the infant's or incompetent's usual abode and a copy of the notice shall also be posted in a conspicuous place on the unsafe premises. Compliance with the procedure(s) set forth in this paragraph shall be deemed the equivalent of personal notice.</p>
5-171(4)	(4) Director means the director of neighborhood development services, or <b>his</b> designee.
5-172(2)	(2) The director shall, in writing, notify the last known owner of the property, by regular mail sent to the owner's last known address as it appears in the city's assessment records for the property. The notice shall advise the owner that <b>he</b> or <b>she</b> has thirty (30) days from the date of the notice to undertake corrective action to abate the bawdy place described in the affidavit and that, if requested to do so, the city will assist the owner in determining and

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	<p>coordinating the appropriate corrective action to abate the bawdy place described in the affidavit. A copy of the director's affidavit shall be attached to the notice required by this section. The director shall prepare an affidavit of mailing, certifying that the notice was mailed as required by this section. The affidavit of mailing shall be sufficient evidence of the required mailing.</p>
<p><b>5-173(b)(2)</b></p>	<p>(2) To an individual under the age of eighteen (18) years ("infant"), or who is otherwise legally incompetent, then notice shall be provided by hand-delivering a copy thereof to such person's parent, guardian or committee. If such parent, guardian or committee cannot be found after a diligent search, the notice shall be sent by certified mail to the last known address of such parent, guardian or committee and a copy of the notice shall also be posted in a conspicuous place on the premises. If there be no guardian or committee, notice shall be given by delivering a copy thereof to any person found at the infant's or incompetent's usual place of abode who is a member of <b>his</b> or <b>her</b> family and who is sixteen (16) years of age or older. If such infant or incompetent resides at a residential or other treatment facility, adult care facility or nursing home, notice shall be given by delivering a copy to the officer or official who is in charge of such facility. If a family member or an officer or official cannot be located after reasonable efforts to do so, then a copy of the notice shall be posted at the front door of the infant's or incompetent's usual abode and a copy of the notice shall also be posted in a conspicuous place on the unsafe premises. Compliance with the procedure(s) set forth in this paragraph shall be deemed the equivalent of personal notice. Copies of certified mail receipt(s) shall be sufficient evidence of mailing; an affidavit of the director shall be sufficient evidence of hand-delivery.</p>
<p><b>5-181(b), (e)</b></p>	<p>(b) Chief of police means the chief of police of the Charlottesville Police Department, and <b>his</b> designee(s).</p> <p>(e) Director means the director of neighborhood development services, and <b>his</b> designee(s).</p>
<p><b>5-183(b)(2)</b></p>	<p>(2) To an individual under the age of eighteen (18) years ("infant"), or who is otherwise legally incompetent, then notice shall be provided by hand-delivering a copy thereof to such person's parent, guardian or committee. If such parent, guardian or committee cannot be found after a diligent search, the notice shall be sent by certified mail to the last known address of such parent, guardian or committee and a copy of the notice shall also be posted in a conspicuous place on the premises. If there be no guardian or committee, notice shall be given by delivering a copy thereof to any person found at the infant's or incompetent's usual place of abode who is a member of <b>his</b> or <b>her</b> family and who is sixteen (16) years of age or older. If such infant or incompetent resides at a residential or other treatment facility, adult care facility or nursing home, notice shall be given by delivering a copy to the officer or official who is in charge of such facility. If a family member or an officer or official cannot be located after reasonable efforts to do so, then a copy of the notice shall be posted at the front door of the infant's or incompetent's usual abode and a copy of the notice shall also be posted in a conspicuous place on the unsafe premises. Compliance with the procedure(s) set forth in this paragraph shall be deemed the equivalent of personal notice. Copies of certified mail receipt(s) shall be sufficient evidence of mailing; an affidavit of the director shall be sufficient evidence of hand-delivery.</p>

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5-192(b)	(b) Director shall mean and refer to the director of neighborhood development services and his designee(s).
5-198(d)(2)	(2) To an individual under the age of eighteen (18) years ("infant"), or who is otherwise legally incompetent, then notice shall be provided by hand-delivering a copy thereof to such person's parent, guardian or committee. If such parent, guardian or committee cannot be found after a diligent search, the notice shall be sent by certified mail, return receipt requested, to the last known address of such parent, guardian or committee and a copy of the notice shall also be posted in a conspicuous place on the premises. If there be no guardian or committee, notice shall be given by delivering a copy thereof to any person found at the infant's or incompetent's usual place of abode who is a member of his or her family and who is sixteen (16) years of age or older. If such infant or incompetent resides at a residential or other treatment facility, adult care facility or nursing home, notice shall be given by delivering a copy to the officer or official who is in charge of such facility. If a family member or an officer or official cannot be located after reasonable efforts to do so, then a copy of the notice shall be posted at the front door of the infant's or incompetent's usual abode and a copy of the notice shall also be posted in a conspicuous place on the unsafe premises. Compliance with the procedure(s) set forth in this paragraph shall be deemed the equivalent of personal notice. Copies of certified mail receipt(s) shall be sufficient evidence of mailing; an affidavit of the director shall be sufficient evidence of hand-delivery.
5-207	This chapter shall be administered and enforced by the city manager, or his or her designee, who may cause to be performed such tasks and inspections as he or she may deem reasonably necessary.
5-208(a)	(a) No landowner shall make or commence any blasting, nor shall any landowner allow any blasting to be made or commenced on his or her land, without first notifying the office of the city manager and obtaining a permit therefor.
5-209(c)	(c) The act of obtaining information or any approval as required by this division shall not excuse any person making any excavation or demolition by blasting from doing so in a careful and prudent manner nor shall it excuse such person from liability for any damage resulting from his or her negligence.
6-5	Nothing in this chapter shall prohibit a person from requiring a cable communications system to agree to indemnify the owner of property or his agents or representatives from liability for damages caused by the installation, operation, maintenance or removal of cable communications facilities.
7-2	<p>The mayor shall have authority and it shall be his duty to convey in the name and on behalf of the city to any purchaser thereof any grave space in any cemetery of the city to which the city has a clear title, provided the following is properly executed:</p> <p>"WHEREAS, the city treasurer has received the full purchase price of the property hereby conveyed as is evidenced by his signature hereto.</p>

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	<p>...</p> <p>"As a part of the consideration for this deed, it is mutually agreed as follows:</p> <p>"(1) This deed may be recorded in the clerk's office of the circuit court by and at the expense of the owner, and the city shall not permit the interment of any person in said space without the consent of the owner of the legal title to said space, or <b>his</b> or <b>her</b> heirs or personal representative.</p>
<b>7-9(c)</b>	(c) The city treasurer shall be the custodian of the perpetual care fund and is authorized to invest the principal of the fund in such lawful investments as <b>he</b> deems appropriate.
<b>8-2</b>	The city market shall be operated for the accommodation of any person desiring to make retail sales of farm produce, foodstuffs, art work or handicrafts grown or produced by <b>him</b> , members of <b>his</b> family or farm laborers employed by <b>him</b> upon property owned or leased by the seller.
<b>8-5</b>	No person shall be allowed to sell any produce or articles in the city market unless <b>he</b> shall have first obtained a producers certificate pursuant to section 14-49(e) of this Code.
<b>10-5</b>	Land disturbance or land-disturbing activity means any <b>man</b> -made change to the land surface that (i) actually or potentially changes its runoff characteristics, including, without limitation, clearing, grading, or excavation, or (ii) that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, without limitation, clearing, grading, excavating, transporting and filling. The entire land area within a common plan of development or sale, as a whole, shall be considered to be a single land-disturbing activity.
<b>10-9(a)(2)</b> <b>a., b.</b>	<p>a. The administrator, or any duly authorized agent of the administrator, shall promptly review the materials submitted with an application. The administrator or <b>his</b> agent shall determine the completeness of the application within fifteen (15) calendar days of receipt, in accordance with the procedure referenced in 9VAC25-870-108(B).</p> <p>b. The administrator or <b>his</b> agent shall act on a plan within the time period(s) and in accordance with the procedures referenced within 9VAC25-870-108(B). However, when a proposed erosion and sediment control plan is determined to be inadequate, notice of disapproval, stating the specific reasons for disapproval, will be communicated to the applicant within forty-five (45) days.</p>
<b>10-43(d)(1)</b> <b>(table)</b>	Additional measures - failure to install additional measures as deemed necessary by the administrator or <b>his</b> inspector once work has commenced
<b>10-57(f)</b>	(f) Pursuant to Virginia Code § 62.1-44.15:40, the administrator may require every permit applicant or permittee, any operator, or any other person subject to permit requirements, to

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	furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this article.
<b>10-59(c)(3)</b>	(3) Any person who knowingly violates any provision of this article, and who knows at that time that he or she thereby places another person in imminent danger of death or serious bodily harm, shall, upon conviction, be guilty of a felony punishable by a term of imprisonment of not less than two (2) years or more than fifteen (15) years and a fine of not more than two hundred fifty dollars (\$250,000), either or both. A defendant that is not an individual shall, upon conviction of a violation under this provision, be sentenced to pay a fine not exceeding the greater of one million dollars (\$1,000,000.00) or an amount that is three (3) times the economic benefit realized by the defendant as a result of the offense. The maximum penalty shall be doubled with respect to both fine and imprisonment, for any subsequent conviction of the same person under this provision.
<b>10-102</b>	Impervious area means area covered by hard surfaces such as structures, paving, compacted gravel, concrete, or other man-made features that prevent, restrict, or impede the downward passage of stormwater into the underlying soil.
<b>11-62</b>	The city treasurer shall keep his office in such place as is provided by the council.
<b>11-64</b>	The city treasurer shall be custodian of all city funds. He shall receive all taxes and other revenues and money which it is his duty to collect from persons owing the same to the city. He also shall receive all funds collected by other officers of the city to be paid over to the treasurer.
<b>11-66</b>	All sums received by the treasurer for public school purposes shall be credited by the treasurer to the order of the school board of the city and paid out by him on warrants of such board.
<b>11-92(c)</b>	(c) The director of finance shall also supervise the city assessor and provide general oversight over the office of the assessor of real estate, and perform such other duties as are required of him by the council.
<b>11-97</b>	The director of finance shall examine all claims and demands for or against the city. No money shall be drawn from the treasury or paid to any person, unless the balance so due or payable is first audited, adjusted or determined by the director of finance. All accounts so audited and approved by the director of finance shall be paid by drawing his warrant on the treasurer, stating to whom payable, on what account and the particular appropriation from which the same is payable, and no money shall be drawn from the treasury except upon the warrant of the director of finance as aforesaid. In no other case shall any warrant be drawn by the director of finance for the payment of money, unless the same is authorized by some ordinance or resolution of the council, making a special appropriation to the person or department in whose behalf the same is drawn.
<b>11-128</b>	The city treasurer is authorized and directed to invest the balance of the risk management fund in securities or other investments approved by state law for the investment of public

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	funds which <b>he</b> deems sufficiently liquid to permit the ready use of such fund for the payment of losses. The proceeds of such investments shall be reinvested in such fund.
<p><b>12-16(b), (d), (e), (f)</b></p>	<p>(b) The fire chief is empowered to designate such subordinate officers and officials among the paid employees of the fire department as <b>he</b> may deem appropriate, including without limitation: designation of a local fire marshal and one (1) or more assistants, as deemed necessary by the fire chief, which assistants shall, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal.</p> <p>(d) The fire chief shall have authority to purchase (subject to applicable procurement laws and regulations) operate, <b>man</b> and maintain equipment for fighting fires, performing emergency medical services, and for otherwise responding to emergency incidents, and to prescribe the terms and conditions upon which such equipment will be utilized. The fire chief shall perform all actions and shall have all duties as may be necessary to properly care for and to keep such property and equipment in good condition and working order.</p> <p>(e) The fire chief shall keep and maintain records of all emergency incidents, their place and time of occurrence, and such other information as the fire chief shall deem necessary or proper or the city manager may require. The fire chief shall deliver to <b>his</b> successor in office all such records, and all other records pertaining to the operation and management of the city fire department that may be in <b>his</b> possession or control.</p> <p>(f) The fire chief shall have general supervision of all fire hydrants in the city, and <b>he</b> shall report in writing to the director of public works whenever <b>he</b> deems it necessary or expedient that any fire hydrants should be erected, repaired or removed.</p>
<p><b>12-17(a), (b)</b></p>	<p>(a) As set forth within section 12-16(a), above, the fire chief, or in <b>his</b> absence another authorized member of the fire department, shall have control of the scene of an emergency incident. While the city's fire department is in the process of answering an alarm or operating at an emergency incident and returning to the station, the fire chief or other officer in charge of such operations at that time shall have the authority to:</p> <p>...</p> <p>(b) The fire chief or other officer in charge of the area of an emergency incident shall display <b>his</b> firefighter's or emergency medical services personnel badge, or other proper means of identification. Any person refusing to obey the order(s) of the fire chief or other officer in charge, or <b>his</b> deputies, shall be guilty of a Class 4 misdemeanor. The fire chief or other officer in charge shall have the power to make arrests for violation of the provisions of this section. The authority described within this section may not be exercised to inhibit or</p>

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	obstruct members of law-enforcement agencies or rescue squads from performing their normal duties when operating at an emergency incident.
<p><b>12-19</b> <b>(a)(1),</b> <b>(a)(2)</b></p>	<p>(1) In addition to any other duties prescribed by law, the fire marshal and <b>his</b> assistants shall have the authority to arrest, to procure and serve warrants of arrest, and to issue summons in the manner authorized by general law for violation of fire prevention and fire safety laws and related ordinances. The authority granted in this section shall not be exercised by the fire marshal or any assistant until such person has satisfactorily completed a training course designed specifically for local fire marshals and their assistants and approved by the Virginia Fire Services Board.</p> <p>(2) The city's fire marshal and <b>his</b> assistants shall have the same police powers as a police officer or law enforcement officer, and these officers shall have responsibility for the investigation and prosecution of offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, and possession and manufacture of explosive devices, substances and fire bombs. However, the police powers granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a course for fire marshals with police powers, designated by the department of fire programs in cooperation with the department of criminal justice services, which course shall be approved by the Virginia Fire Services Board. In addition, fire marshals and their assistants with police powers shall continue to have and exercise those police powers only upon satisfactory participation in in-service and advanced courses and programs designated by the department of fire programs in cooperation with the department of criminal justice services, which courses shall be approved by the Virginia Fire Services Board.</p>
<p><b>12-31(d)-</b> <b>(f)</b></p>	<p>(d) The city's fire department shall have responsibility to serve as the local enforcing agency for the SFPC. In carrying out such responsibility the fire department shall act by and through an executive official ("fire official") designated by the city's fire chief. Unless otherwise specified by the city's fire chief, the city's fire marshal shall serve as the city's fire official. The fire official and any fire department employees appointed by the fire chief to assist <b>him</b>, shall have authority to exercise the powers authorized within the SFPC and relevant provisions of the Statewide Fire Prevention Code Act, §§ 27-94 et seq. of the Virginia Code, as amended. The fire official may delegate duties and powers to <b>his</b> assistants appointed by the fire chief, but the fire official shall remain responsible for ensuring that any such delegated duties and powers are carried out in accordance with applicable provisions of law.</p> <p>(e) The fire official and <b>his</b> assistants shall have or obtain the qualifications and certifications specified within the SFPC.</p> <p>(f) The fire official shall keep and maintain official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued.</p>



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	The fire official shall deliver to <b>his</b> successor in office all such records that may be in <b>his</b> possession or control.
<p><b>12-32</b> <b>(a)(5)b.,</b> <b>(a)(8)a., e.</b></p>	<p>(a)(5)b. Any officer or member of the armed forces, while acting within the scope of <b>his</b> authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces.</p> <p>...</p> <p>(a)(8)a. Open fires may be set in the performance of official duties by the fire chief or his designee when necessary: (i) for the abatement of a fire hazard which cannot be abated by other means; (ii) For training in firefighting or for research in control of fires under supervision of the fire chief or <b>his</b> designee; and (iii) In emergency or other extraordinary circumstances when open burning is determined by the fire chief to be in the public interest.</p> <p>...</p> <p>(a)(8)e. Where permitted, open burning shall be constantly monitored until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use. Notwithstanding the above-listed exceptions, there is hereby reserved to the city's fire chief the authority to prohibit any and all open burning when in <b>his</b> determination smoke may cause reduced visibility on any highway, the fire is endangering adjacent property, or when flames, emissions or odors from the fire may otherwise constitute a hazard or nuisance. The fire chief or <b>his</b> designee may order the extinguishing of any fire which creates any such hazard(s) or nuisance(s).</p>
<b>12-42(b)</b>	(b) Permits shall be issued in accordance with section 32.1-111.14 of the Virginia Code, as amended, by the city manager or <b>his</b> designee, upon such terms and conditions as may be needed to ensure the public health, safety and welfare.
<b>12-43(b)</b>	(b) In no event shall a person be denied transport for emergency medical services due to <b>his</b> or <b>her</b> inability to pay.
<b>13-26(b)</b>	(b) There shall be a <b>chairman</b> , a vice- <b>chairman</b> and a secretary of the library board and any other officer deemed necessary.
<b>13-29</b>	The librarian shall be responsible for the proper care of the regional library building and its contents. <b>He</b> shall perform such other duties as may be prescribed by the library board.
<b>13-31</b>	The director of finance shall, annually, or as often as <b>he</b> may deem necessary, audit the accounts and inventory the property of the regional library and shall require the person receiving and expending library funds to keep accounts of all receipts and purchases in such

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	manner as the director of finance may prescribe. A report of such annual audit and inventory shall be made to the council not later than September tenth in each year.
<b>13-34(a)</b>	(a) It shall be unlawful for any person to have in <b>his</b> possession any book or other property of the regional library which <b>he</b> shall fail to return within thirty (30) days after receiving notice in writing from the librarian; provided, that if such book is lost or destroyed, such person may, after being notified to return such book, pay to the librarian the value of the book, the value to be determined by the library board.
<b>14-2</b>	<p>Assessment shall mean a determination as to the proper rate of tax, the measure to which the tax rate is applied, and ultimately the amount of tax, including additional or omitted tax, that is due. An assessment shall include a written assessment made pursuant to notice by the assessing official or a self-assessment made by a taxpayer upon the filing of a return or otherwise not pursuant to notice. Assessments shall be deemed made by an assessing official when a written notice of assessment is delivered to the taxpayer by the assessing official or an employee of the assessing official, or mailed to the taxpayer at <b>his</b> last known address. Self-assessments shall be deemed made when a return is filed, or if no return is required, when the tax is paid. A return filed or tax paid before the last day prescribed by ordinance for the filing or payment thereof shall be deemed to be filed or paid on the last day specified for the filing of a return of the payment of tax, as the case may be.</p> <p>...</p> <p>Gross receipts shall mean...</p> <p>The following items are excluded from gross receipts: ...</p> <p>(11) Amounts collected by any provider of funeral services on behalf of, and paid to, another person providing goods or services in connection with a funeral, if the goods or services were contracted for by the provider of funeral services to <b>his</b> customer. A provider of funeral services claiming the exclusion shall identify on its license application each person to whom the excluded receipts have been paid and the amount of the excluded receipts paid by the provider of funeral services to such person. As used in this paragraph, the term "provider of funeral services" shall mean any person engaged in the funeral service profession, operating a funeral service establishment, or acting as a funeral director or embalmer.</p> <p>...</p>

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	<p>Retail merchant means any person making sales of goods, wares or merchandise for any purpose other than resale (but not including sales to institutional, commercial and industrial users, where the quantity, price or other circumstances of such sales indicate that such sales constitute sales at wholesale). Any person who shall manufacture and sell goods, wares or merchandise at retail at the place of manufacture is classified as a retail merchant for the purposes of this chapter, and shall be licensed as such. Any person engaged in a short-term rental business, as defined in City Code section 30-316, is classified as a retail merchant for the purposes of this chapter, and shall be licensed as such. Any person who shall cook, or otherwise furnish for compensation, diet, refreshments of any kind, for casual visitors at <b>his</b> house, for consumption therein, and who does not furnish lodging, and who is not the keeper of a hotel or lodging house, is classified as a retail merchant for the purposes of this chapter, and shall be licensed as such. Any person who shall sell soft drinks from a soda fountain is also classified as a retail merchant and shall be licensable as such, and for the purpose of measuring <b>his</b> license tax, <b>his</b> gross receipts shall be regarded as sales.</p>
<p><b>14-3(c), (e)</b></p>	<p>(c) No business license under this chapter shall be issued to any property bail bondsman unless and until (i) prior to July 1, 2005, the applicant shall produce a certificate from the judge of the circuit court of the county or city in which <b>he</b> conducts the business of a property bail bondsman, or in which <b>he</b> desires to conduct such business (a license granted to a property bail bondsman in any such county or city shall authorize such person to enter into such bond(s) in any other county or city), or (ii) effective on or after July 1, 2005, the applicant shall produce a valid bail bondsman license issued by the department of criminal justice services; provided, however, that any bail bondsman who, prior to July 1, 2004 obtained the certificate referenced in (i), above, and such certificate and right to act as a property bail bondsman remains in full force and effect, such certificate shall be sufficient evidence of the state approval prerequisite to issuance of a city business license. No property bail bondsman or <b>his</b> agent shall enter into any bond or bonds within the city until <b>he</b> has obtained a city business license, as required by subsection (a), above, or unless <b>he</b> holds a valid business license issued by another city or county in which <b>he</b> engages in the business of property bail bonding. The failure of any property bail bondsman to comply with the requirements of this subsection shall constitute a Class 1 misdemeanor, and in addition to any criminal penalty to which it may be entitled, the city may revoke any business license issued by it to such person.</p> <p>(e) If the commissioner has knowledge of a violation of this section, it shall be <b>his</b> duty to cause the person in violation to be summoned before <b>him</b> to obtain the required license, or to cause such person to be summoned before the general district court to be tried for the violation, or both. The duty herein imposed on the commissioner shall not relieve the police force of the city from the general duty of enforcing the provisions of this chapter or any other ordinance of the city.</p>
<p><b>14-6(a), (b), (e)</b></p>	<p>Jeopardize by delay means a finding, based on specific facts, that a taxpayer desires to (i) depart quickly from the locality; (ii) remove his property therefrom; (iii) conceal <b>himself</b> or <b>his</b> property; or (iv) do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.</p>

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	<p>...</p> <p>(b) Filing and contents of administrative appeal. Any person assessed with a local license tax as a result of an appealable event as defined in this section may file an administrative appeal of the assessment within one (1) year from the last day of the tax year for which such assessment is made, or within one (1) year from the date of the appealable event, whichever is later, with the commissioner of the revenue. The appeal must be filed in good faith and sufficiently identify the taxpayer, the tax periods covered by the challenged assessments, the amount in dispute, the remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The commissioner of revenue may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, an audit or further audit, or other evidence deemed necessary for a proper and equitable determination of the appeal. The assessment placed at issue in the appeal shall be deemed prima facie correct. The commissioner of revenue shall undertake a full review of the taxpayer's claims and issue a written determination to the taxpayer setting forth the facts and arguments in support of <b>his</b> decision.</p> <p>...</p> <p>(e) Procedure in event of nondecision. Any taxpayer whose administrative appeal to the commissioner of the revenue has been pending for more than one (1) year without the issuance of a final determination may, upon not less than thirty (30) days' written notice to the commissioner of the revenue, elect to treat the appeal as denied and appeal the assessment to the tax commissioner. The tax commissioner shall not consider an appeal filed pursuant to the provisions of this subsection if <b>he</b> finds that the absence of a final determination on the part of the commissioner of the revenue was caused by the willful failure or refusal of the taxpayer to provide information requested and reasonably needed by the commissioner of revenue to make <b>his</b> determination.</p>
<b>14-7(a)(1)</b>	(1) The gross receipts of a contractor shall be attributed to the definite place of business at which <b>his</b> services are performed, or if <b>his</b> services are not performed at any definite place of business, then the definite place of business from which <b>his</b> services are directed or controlled, unless the contractor is subject to the provisions of Virginia Code Section 58.1-3715, as amended;
<b>14-9(a), (d), (e)</b>	(a) The commissioner of the revenue shall designate some person in <b>his</b> office to act as license inspector of the city, and may designate such other persons in <b>his</b> office to act as deputy license inspectors as <b>he</b> may deem necessary and proper. The license inspector and all deputy license inspectors shall at all times be under the supervision and control of the commissioner of revenue.

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	<p>...</p> <p>(d) The license inspector is authorized and empowered to summons any person before <b>him</b>, in the office of the commissioner, and require the production of any or all of such persons' records, books and papers relevant to the matter under investigation. The license inspector is authorized and empowered to make other investigations and audits of the records, books and papers of such person, as the license inspector shall deem proper in order to accurately determine the proper return to be made by such person. If it shall appear that purchases, sales, amount of business or other matters pertinent to the assessment have been incorrectly reported or returned or underestimated, the license inspector and auditor shall make a report to the commissioner who, if <b>he</b> is satisfied that such person has made an incorrect report or return or an underestimate, shall assess such person with the proper city license tax and with such penalty as may be provided for in this chapter.</p> <p>(e) Any person who refuses to (i) furnish to the commissioner of revenue or <b>his</b> designated inspector access to books of account or other papers and records, (ii) furnish information to the commissioner of revenue or <b>his</b> designated inspector relating to the assessment of taxes, (iii) answer under oath questions touching any person's tax liability, or (iv) exhibit to the commissioner of revenue or <b>his</b> designated inspector any subject of taxation liable to assessment by the commissioner of revenue, shall be deemed guilty of a Class 3 misdemeanor. Each day's refusal to furnish such access or information shall constitute a separate offense. No person other than the taxpayer shall be convicted hereunder, unless such person has willfully failed to comply with a summons properly issued under Virginia Code § 58.1-3110.</p>
<p><b>14-11(a), (b), (d), (e), (g)</b></p>	<p>(a) Every person shall apply for a license for each business or profession when engaging in a business in the city if (i) the person has a definite place of business in the city; (ii) there is no definite place of business anywhere and the person resides in the city; (iii) there is no definite place of business in the city but the person operates amusement machines or is classified as an itinerant merchant, peddler, carnival, or circus, a contractor subject to Virginia Code § 58.1-3715, as amended, or a public service corporation; or (iv) when any person shall, by use of signs, circulars, cards or use of city newspapers or local radio or televisions stations, advertise any business, it shall be considered prima facie evidence of <b>his</b> liability under this chapter, and <b>he</b> shall be required to take out a license for such business.</p> <p>(b) Such application shall be written and delivered to the commissioner and shall state the residence of the applicant, the nature and proposed location of the business or profession. Such application shall be upon such form as may be prescribed by the commissioner of revenue. The commissioner shall keep such application on file in <b>his</b> office. Every underestimate or overestimate under this section shall be subject to correction by the commissioner, whose duty it shall be to review all estimated license taxes or issuance fees and assess any additional license taxes or fees as may be found to be due after the close of</p>

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	<p>the license year on the basis of true sales, purchases, gross receipts or commissions. Any taxpayer who has overestimated shall be entitled to a refund of the amount overestimated.</p> <p>...</p> <p>(d) Any person who is both a wholesale merchant and a retail merchant is hereby required to obtain both classes of licenses; provided, however, that any retail merchant who desires to do a wholesale business also may elect to do such wholesale business under <b>his</b> retailer's license, by paying license taxes under such articles as a retailer on both <b>his</b> retail business and his wholesale business: but this proviso shall not apply to any retail merchant the greater part of whose business at the licensed place during the next preceding year was wholesale, nor to a beginner the greater part of whose business is estimated will be wholesale for the period covered by the license.</p> <p>(e) Every person liable for a license issuance fee or license tax which, under this chapter, is based upon the amount of <b>his</b> actual or probable purchases, sales or commissions, or of the gross receipts from <b>his</b> business or profession, or graded in any other way shall, before <b>he</b> is granted such license, be required to make oath in writing before some notary public, not <b>himself</b> a state or city officer or directly or indirectly employed by such officer, or before the commissioner of revenue, upon forms furnished, showing the amount of <b>his</b> actual or probable purchases, sales or commissions, or of the gross receipts from <b>his</b> business or profession, or of the fair value of articles manufactured, processed or produced, or any other matter that may be pertinent to the assessment of the tax on such license. In the case of a corporation, such oath shall be made by the chief officer or agent resident in the city or in charge of the business, and in the case of an unincorporated firm, by any member thereof. The form of such oath shall be such that the application and oath shall be separately made and signed.</p> <p>...</p> <p>(g) If any person shall make any false statement in any application or affidavit required by this section, <b>he</b> shall be guilty of a violation of this chapter.</p>
<p><b>14-12(a), (d)</b></p>	<p>(a) Each person subject to a license issuance fee or license tax shall apply for a license prior to beginning business if <b>he</b> was not subject to licensure in the city on or before January 1 of the license year, or no later than March 1 of the license year if <b>he</b> had been issued a license for the preceding year. The application shall be on forms prescribed by the commissioner.</p> <p>(d) If the amount owed is not paid by the appropriate due date as set forth above, a penalty of ten (10) percent of the amount owed shall be imposed. In the case of an assessment of</p>

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	<p>additional tax made by the commissioner, if the application, and if applicable the return, were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of issuance fee or tax by the commissioner is not paid within thirty (30) days, the commissioner of revenue shall impose a ten (10) percent late payment penalty. If the failure to file and pay was not the fault of the taxpayer, the penalty shall not be imposed, or if imposed, shall be abated by the commissioner. In order to demonstrate lack of fault, the taxpayer must show that <b>he</b> acted responsibly and that the failure was due to events beyond <b>his</b> control. Only the late filing penalty shall be imposed by the commissioner if both the application and payment are late; however, both penalties may be assessed if the commissioner determines that the taxpayer has a history of noncompliance.</p>
<p><b>14-16(c), (d), (e)</b></p>	<p>(c) When a contractor's principal office is outside the city, and such contractor has no branch office within the city, and where such contractor has paid any local license tax required by the county, city or town in which <b>his</b> principal office and any branch office or offices may be located, no further license or license tax shall be required by the city; however, when the amount of business done by any such contractor in the city exceeds the sum of twenty-five thousand dollars (\$25,000.00) in any license year, such contractor shall be required to obtain a city business license and to pay the business license tax imposed by the city. The amount of business done in the city may be deducted by the contractor from the gross revenue reported to the locality in which the principal office or any branch office of the contractor is located.</p> <p>(1) A contractor whose principal office is outside the city and who accepts contracts to be performed in the city, the completion of which would extend over a period of more than one (1) license year, shall be treated in the same manner as a beginner, and shall be required to file an estimate of the amount of gross receipts <b>he</b> will receive from such contracts during each year in which the contractor does business in the city. These estimates shall be subject to correction and adjustment at the end of each year by the commissioner of revenue in the same manner as adjustments are made for beginners' licenses under section 14-13.</p> <p>...</p> <p>(d) Every contractor who proposes to do work in the city, for which a permit must be obtained from the building official of the city, shall, upon making application for such permit, furnish that official and the commissioner of revenue a list of all <b>his</b> subcontractors. In the event any or all of such subcontracts have not been awarded at that time, the contractor shall furnish such list in writing to such officials immediately upon the awarding of such subcontracts, and shall not allow the work under any subcontract to proceed until the subcontractor shall have obtained the necessary city licenses for the then current year.</p>

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	<p>(e) No business license shall be issued to any contractor who (i) has not obtained or is not maintaining workers' compensation coverage for his employees and (ii) at the time of application for the issuance or re-issuance of a business license is required to obtain or maintain such coverage pursuant to Chapter 8 (§ 65.2-800 et seq.) of Title 65.2 of the Code of Virginia (1950), as amended. At the time a contractor makes application for a business license he shall provide written certification that he is in compliance with the provisions of Chapter 8 of Title 65.2 and that he will remain in compliance with such provisions at all times during the effective period of any such business license. The contractor's signed certification will be forwarded to the Virginia Worker's Compensation Commission. Any person who knowingly presents or causes to be presented to the city a false certificate shall be guilty of a Class 3 misdemeanor.</p>
<p><b>14-17(d)</b></p>	<p>(d) Subclassification C: Peddlers - Generally. ...</p> <p>Every vehicle used in peddling shall have conspicuously displayed thereon the name of the peddler, together with the street and number, city and state of his residence.</p> <p>Any person selling or offering to sell as a peddler shall exhibit his license on demand of any citizen of this city; and upon his failure or refusal to do so, he shall be subject to the penalties for doing business without a license.</p> <p>...</p> <p>Upon receipt of such certificate and such other evidence under oath as may be sufficient to establish the fact that the applicant is entitled to the certificate, the Commissioner shall endorse on one (1) copy of such certificate the fact and date of its filing and shall deliver such copy to the applicant. The applicant shall thereafter, at all times while engaged in peddling within this city, have such copy in his possession, and upon request by an officer of the city charged with enforcing of this chapter, exhibit such certificate. The Commissioner and his employees may administer the oaths required by this subsection.</p> <p>Any peddler failing to exhibit such certificate in violation of this subsection, or making any false statement in the certificate or affidavit aforesaid, or by permitting the certificate to be used in the sale of any family supplies of a perishable nature not grown or produced by him shall be guilty of a Class 1 misdemeanor.</p> <p>No city license shall be required of persons offering items for sale in the officially established city market created pursuant to Chapter 8 of this Code; provided, that such persons shall first obtain from the city's department of parks and recreation a producer's certificate pursuant to the provisions of this section for sale at the city market and at no</p>



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	<p>other place. Such certificate may include farm produce, food stuffs, art work or handicrafts grown or produced by the seller, members of <b>his</b> family or farm laborers employed by the seller, and not purchased by the seller for resale. Such certificates shall be used by the producers themselves and shall in no case be transferable to any third parties. The Commissioner is authorized to delegate to the department of parks and recreation the authority to issue such certificates only for use at the city market.</p>
<p><b>14-20</b> <b>(c)(3),</b> <b>(c)(4),</b> <b>(c)(6)</b></p>	<p>(3) A distributor or vendor of seafood who catches seafood and sells only the seafood caught by <b>him</b>;</p> <p>(4) A farmer or producer of agricultural products who sells only the farm or agricultural products produced or grown by <b>him</b>;</p> <p>...</p> <p>(6) A manufacturer who is subject to Virginia tax on intangible personal property who peddles at wholesale only those goods, wares or merchandise manufactured by <b>him</b> at a plant, whose intangible personal property is taxed by the Commonwealth of Virginia.</p>
<p><b>Ch. 15</b> <b>(Section Analysis)</b></p>	<p>Sec. 15-248. Rider not to attach vehicle or <b>himself</b> to another vehicle.</p>
<p><b>15-4(b),</b> <b>(c)(1),</b> <b>(c)(4),</b> <b>(c)(6), (d),</b> <b>(e)(1)</b></p>	<p>(b) The traffic engineer, subject to direction and approval by the city manager, shall have power to regulate traffic by means of traffic officers or traffic lights or other signaling devices on any portion of the street where traffic is heavy or continuous, or where in <b>his</b> judgment conditions may require, and may regulate the use of the streets by processions or assemblages.</p> <p>(c) The traffic engineer shall also have the authority, subject to direction and approval by the city manager, to:</p> <p>(1) Erect and maintain upon the sidewalks and streets of the city such signs, signals and other devices for controlling traffic, and for regulation of parking, as <b>he</b> may deem necessary, including, without limitation signs designating spaces for loading zones, bus stops, taxicab stands and other places in which no parking will be permitted other than by the type of vehicle indicated on such sign. Nothing contained within this section 15-4 shall authorize the traffic engineer to establish any loading zone on the Downtown Pedestrian Mall, as that term is defined within City Code section 28-2.</p>

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	<p>...</p> <p>(4) Enact and enforce additional regulations, and to repeal, amend or modify any regulations, for controlling traffic on city streets, designating the time, place and manner in which vehicles may be allowed to park, stop or stand on city streets (including the installation and maintenance of parking meters and establishment of parking meter zones), and prescribing the rates and time limits for parking meters in various locations, all as <b>he</b> shall deem necessary and consistent with applicable provisions of the City Code.</p> <p>...</p> <p>(6) Decisions of the traffic engineer, and regulations enacted by <b>him</b>, shall be set forth in writing.</p> <p>...</p> <p>(d) Any proposal of the traffic engineer to regulate parking pursuant to this section, when such regulation would be or remain effective for thirty (30) days or more, shall be set forth in writing and advertised for a period of at least fourteen (14) days ("public comment period") prior to taking effect. Notice of the proposed regulation (i) shall be posted on the city's website, (ii) shall be provided in writing to affected city agencies, and (iii) shall be posted along any street(s), or portions thereof, that are the subject of the decision. The traffic engineer may provide such additional notice of a proposed regulation as <b>they</b> deem reasonable and necessary. Following the required public comment period, the traffic engineer may make any changes <b>he</b> deems appropriate and shall prepare a final, written decision, which shall take effect on the date on which such decision is signed by the traffic engineer.</p> <p>...</p> <p>(e)(1) With respect to any petition that proposes to establish or eliminate a parking regulation that is or would be effective for a period of longer than thirty (30) days, the city manager shall refer the petition to the traffic engineer for review. The traffic engineer shall prepare a proposed ruling upon the petition and <b>his</b> proposed ruling shall be subject to public comment following the procedures set forth in paragraph (d) of this section. Following the required public comment period, the traffic engineer may make any changes <b>he</b> deems appropriate and shall prepare a final written decision on the petition, which shall take effect on the date on which such decision is signed by the traffic engineer, which date</p>

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	shall be no later than six (6) weeks from the date the petition was received by the city manager.
<b>15-7(a)(2)</b>	(2) Authorize the designation and posting of streets as snow routes. It shall be unlawful for any person to obstruct or impede traffic on a street designated and posted as a snow route by reason of <b>his</b> failure to have the vehicle operated by <b>him</b> equipped with snow tires or chains.
<b>15-9(b)</b>	(b) The police department shall make accident reports available for inspection, and shall furnish copies of the motor vehicle accident report and photographs, only to the following persons: any person involved or injured in the accident or <b>his</b> attorney, or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident. The police department shall charge a fee for copies of the reports and photographs, in the amount of fifteen dollars (\$15.00), and shall not furnish such copies to the requesting person until such fee is paid.
<b>15-36(a)</b>	(a) Subject vehicles. For each and every calendar year, every person who owns or leases any motor vehicle, trailer or semitrailer that is normally garaged, stored or parked within the city for all or a portion of that year shall obtain a city license for such motor vehicle, trailer or semitrailer. If persons administering the provisions of this ordinance cannot determine where such motor vehicle is normally garaged, stored or parked, then such person shall be required to obtain a city license for the motor vehicle, trailer or semitrailer if <b>he</b> is a domiciliary of the City of Charlottesville.
<b>15-39(b)</b>	(b) Application for the required license shall be made by the owner to the city treasurer. The application shall contain information identifying the owner, <b>his</b> city address, and a serial number and description of the vehicle or device for which a license is sought (including the make and model). Upon receipt of a proper application, the treasurer shall issue the license and a license plate, sticker or decal to be attached to the vehicle or device for which the license is issued. The fee for the license required by this section shall be twenty-five dollars (\$25.00). When a license plate, sticker or decal is lost, stolen, mutilated or otherwise becomes illegible, a duplicate may be furnished by the city treasurer upon payment of two dollars (\$2.00) to the city treasurer. An owner shall be allowed to purchase only one (1) duplicate at two dollars (\$2.00) per license year; additional duplicates within the same license year must be purchased at the fee for a new license.
<b>15-101(b)(4)</b>	(4) At the time of designation pursuant to this ordinance, the city traffic engineer, or <b>her</b> designee, has determined that a speeding problem exists on the street or highway, as documented by data demonstrating that motorists regularly exceed the posted speed limit by at least ten (10) miles per hour.
<b>15-132(d)</b>	(d) For the purposes of this section, and for the purposes of section 15-133, the terms "disabled person" and "person with a disability" shall each have the same meaning as the term "person with a disability that limits or impairs <b>his</b> ability to walk" as set forth within Va. Code § 46.2-1240.
<b>15-149(a), (c)(2), (d)</b>	(a) A summons or parking ticket for violation of the city's parking regulations within this article may be issued by city police officers, other uniformed city employees authorized by the chief of police to enforce the provisions of this article, or by uniformed personnel serving under contract with the city. Any such summons or ticket shall be posted on the

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	<p>windshield of each vehicle found illegally parked on city streets or city operated parking lots. Such summons or parking ticket shall state that the recipient of the summons or ticket may elect to waive <b>his</b> or <b>her</b> right to appear and be tried for the offense indicated in the summons or ticket.</p> <p>...</p> <p>(2) The recipient of a parking violation notice shall indicate on the request for review whether a hearing in court is requested in the event administrative review does not resolve the violation. If a court hearing is requested, and administrative review does not result in a dismissal of the violation, then the recipient of the violation will be notified to appear in court on a specific date. If the recipient declined to request a court hearing, and the request for review was made within ninety-six (96) hours of the violation, then the recipient of the violation notice shall have an additional ninety-six (96) hours after the administrative denial of <b>his</b> request to remit the fine to the treasurer before the amount thereof is doubled.</p> <p>(d) In the event that the recipient of a parking violation notice fails either (i) to timely pay the fine as specified in paragraphs (b) or (c)(2), above, or (ii) to request a court hearing as part of <b>his</b> request for review, then the unpaid ticket will be kept on file in the city treasurer's office until paid. Any vehicle for which there are three (3) or more unsettled parking violations shall be subject to towing or immobilization as provided in City Code section 15-301 and section 15-302.</p>
<b>15-151(2)</b>	<p>(2) Vehicles displaying a permit issued by the city manager (or <b>his</b> designee) of the city engineer, to authorize certain construction-related activities, when being used for the purpose for which the permit has been issued. Such a permit may be issued to authorize the presence of vehicles that are essential to perform construction activities with respect to a building having frontage along the downtown pedestrian mall, or which are essential to the installation or removal of heavy equipment or fixtures to or from such a building; however, no such permit may be used to allow motor vehicles on the downtown pedestrian mall where such vehicles are merely used to transport or deliver persons or light tools to any such building.</p>
<b>15-176(b)</b>	<p>(b) No person shall permit a vehicle operated by <b>him</b> or under <b>his</b> control or registered in <b>his</b> name to be or remain parked in any metered parking space after the paid time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit payment in such meter.</p>
<b>15-202</b>	<p>Director of neighborhood development services means the head of the department of neighborhood development services or <b>his</b> designee.</p> <p>...</p>

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	<p>Guest means a person who for a short period of time visits the residents of an affected household and who solely by reason of that visit needs a temporary place to park (including, without limitation a person who is employed and actually at work within such household). The term guest does not mean or include a person who resides, in any capacity, within an affected household. A guest may not use or attempt to use a guest permit to park in a residential parking zone while <b>he</b> or <b>she</b> attends school, college classes or work in or near such zone.</p> <p>Permit means a decal, or "sticker" issued by the city treasurer or <b>her</b> designee(s) in accordance with this division, or, when used as part of the term "guest permit" a tag suitable for hanging from the center (interior) rear view mirror of a vehicle.</p>
<b>15-203 (b)(3)</b>	(3) Upon receipt of confirmation that an on-street parking survey shows that the on-street parking spaces meet both the seventy-five (75) percent and fifty (50) percent occupancy tests described above, then once per calendar year, between May 1 and June 30, the city manager shall certify this fact to the city council along with any recommendation <b>he</b> may have to whether council should implement restricted parking in the proposed restricted parking area, and a date shall be set between May 1 and June 30 for council consideration of the proposed restricted parking area.
<b>15-203.1 (b)(3)</b>	(3) Upon receipt of confirmation that an on-street parking survey shows that fewer than fifty (50) percent of the total number of on-street parking spaces on one or more blocks within a restricted parking area are occupied, and/or (ii) that the use of property adjacent to one or more blocks within a restricted parking area is less than fifty (50) percent residential, then, once per calendar year, between May 1 and June 30, the city manager shall certify this fact to the city council along with any recommendation <b>he</b> or the traffic engineer may have as to whether council should remove parking restrictions with respect to the restricted parking area or block(s) in question, and a date shall be set between May 1 and June 30 for council consideration of the matter.
<b>15-210 (d)(6)</b>	(6) A person who moves from a block or disposes of a vehicle without replacement within a restricted parking area must surrender <b>his</b> permit. Any person who surrenders a permit in the months of August through January of a permit year shall be entitled to a partial fifty (50) percent refund of the fee paid pursuant to this section for such permit. When a permit is not surrendered as required, no new permit(s) for the permit year in question shall be issued to a person having the same residence address, unless an applicant can show convincing proof that the residence address of the person to whom the non-surrendered permit was issued has changed to a location which is at least seventy-five (75) miles from the city limits.
<b>15-211 (b)(2)</b>	(2) Guest permits may be temporarily loaned by the member(s) of one affected household to another within the same restricted parking block, for the purpose of accommodating a large gathering of guests at a particular household. Otherwise, an applicant to whom a guest permit is issued may not loan, assign, sell or otherwise convey a guest permit to a person who is not a guest in <b>his</b> household.

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15-237	Any bicycle or moped owner residing in the city, who desires to do so, may register his vehicle with the fire department and present the same for inspection as to its safe operating condition, during such times and according to such procedures as may be established by the fire chief. Such inspection shall include any examination of the operational safety of the wheels, tires, frame, fork, seat, brakes, pedals, chain, handlebars, lights, reflectors and other working parts or safety features of the vehicle. Upon such inspection and approval the fire chief shall issue to the owner of the vehicle a registration device or seal and a registration card, at no cost to the owner. The registration device shall be attached to the frame of the vehicle. The registration card shall show the registration number, the vehicle identification number and the name and address of the owner. Such registration shall remain in effect during the period such vehicle is operated within the city. The fire chief shall establish appropriate procedures for the transfer of such registration upon sale or transfer of the vehicle.
15-242(b)	(b) Every person operating a moped on a city street shall wear a face shield, safety glasses or goggles of a type approved by the Superintendent of the Department of State Police, or have his moped equipped with safety glass or a windshield, at all times while operating such vehicle. A violation of this provision shall be punishable by a fine of not more than fifty dollars (\$50.00).
15-248	Sec. 15-248. Rider not to attach vehicle or himself to another vehicle.  No person riding upon any bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped may attach the same or himself to any other vehicle on the roadway.
15-273(a)	(a) When the chief of police takes into custody an abandoned motor vehicle he shall notify, within fifteen (15) days thereof, by certified mail, return receipt requested, the owner of record of the motor vehicle and all persons having security interests therein of record, that the vehicle has been taken into custody. The notice shall describe the year, make, model and serial [vehicle identification] number of the vehicle, set forth the location of the facility where the vehicle is being held, inform the owner and any persons having security interests of their right to reclaim the vehicle within fifteen (15) days after the date of the notice, upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody. The notice shall state that the failure of the owner or persons having security interests to exercise their right to reclaim the vehicle within the time provided shall constitute a waiver by the owner, and all persons having any security interests, of all right, title and interest in the vehicle, and a consent to the sale of the vehicle at a public auction. The consequences of failure to reclaim an abandoned motor vehicle shall be as set forth in the notice given pursuant to this section.
15-277(a), (b)	(a) No demolisher who purchases or otherwise acquires a motor vehicle for purposes of wrecking, dismantling or demolition shall be required to obtain a certificate of title for such vehicle in his own name. After the vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender to the state department of motor vehicles for cancellation the certificate of title or sales receipt therefor. The state department of motor vehicles shall issue such forms, rules and regulations governing the surrender of sales receipts and certificates of title as are appropriate.

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	<p>(b) A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by <b>him</b> in the course of <b>his</b> business. These records shall contain the name and address of the person from whom each such motor vehicle was purchased or received and the date when such purchases or receipts occurred.</p>
<b>15-300</b>	<p>If the owner of a motor vehicle, trailer or semitrailer impounded under this article fails or refuses to pay the costs referred to in section 15-299, or if the identity or whereabouts of the owner is unknown and unascertainable after a diligent search has been made, and after notice to <b>him</b> at <b>his</b> last known address and to the holder of any lien of record in the office of the state department of motor vehicles against the motor vehicle, trailer or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of article VII of this chapter.</p>
<b>15-301(c)</b>	<p>(c) The owner of a vehicle removed under this section may reclaim it upon payment of all costs incidental to its removal and storage and of locating the owner. Costs of removal and storage shall constitute a lien on the vehicle in favor of the towing and storage operator. Such charges shall be in addition to any fine which may be levied for parking in violation of this chapter. In the case of a vehicle towed due to having prior unsettled parking violations, all outstanding fines must also be paid before the vehicle may be reclaimed. If the owner fails or refuses to pay such costs and fines, or if <b>his</b> identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to <b>him</b> at <b>his</b> last known address and to the holder of any lien of record with the department of motor vehicles against the vehicle, the vehicle may be disposed of in accordance with sections 15-273 and 15-274 of the City Code.</p>
<b>15-302(c), (d)</b>	<p>(c) The owner of an immobilized vehicle, or other person acting on <b>his</b> behalf, shall be allowed at least twenty-four (24) hours from the time of immobilization to repossess or secure the release of the vehicle. After this twenty-four-hour period, if the owner has failed to repossess or secure the release of the vehicle, then police may remove the vehicle to a storage area for safekeeping. Such removal shall be by or under the direction of a police officer.</p> <p>(d) The owner of the vehicle, or other person acting on <b>his</b> behalf, shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking violation notices for which the vehicle was immobilized and by payment of all costs incidental to the immobilization, removal, and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should the owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search has been made, then after notice to the owner at <b>his</b> last known address, and to the holder of any lien of record with the department of motor vehicles, the vehicle may be disposed of in accordance with section 15-273 and section 15-274 of the City Code.</p>
<b>15-412(b)</b>	<p>(b) The advisory board shall meet at the call of the chairperson, or two (2) members of the advisory board after notice to all members, or upon request of the city council. The advisory board shall meet at least once per year. The staff of the advisory board shall be from the</p>

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	Charlottesville Police Department. The chief of police, or <b>his</b> or <b>her</b> designee, shall attend all meetings of the advisory board.
15-422	An operator shall maintain written and electronic records for each towed or immobilized vehicle for a period of three (3) years after such tow or immobilization, and they shall be produced at any time, upon reasonable notice, to the towing coordinator or <b>his</b> or <b>her</b> designee. Records to be retained shall include:
17-7(b)(4), (b)(6), (g)(1)a.1., (G)(1)b.1.-3.	<p>(b)(4) The minor is on the sidewalk directly abutting a place where <b>he</b> or <b>she</b> resides with a parent; or</p> <p>...</p> <p>(b)(6) The minor is on an errand at the direction of a parent, and the minor has in <b>his</b> or <b>her</b> possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or</p> <p>...</p> <p>(g)(1)a.1. If the minor has not previously been issued a warning for any such violation, then the officer shall issue a verbal warning to the minor, which shall be followed by a written warning mailed by the police department to the minor and <b>his</b> or <b>her</b> parent(s), or</p> <p>...</p> <p>(g)(1)b.1. Release the minor to <b>his</b> or <b>her</b> parent(s); or</p> <p>2. Place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours, so that <b>his</b> or <b>her</b> parent(s) may retrieve the minor; or</p> <p>3. If a minor refuses to give an officer <b>his</b> or <b>her</b> name and address, refuses to give the name and address of <b>his</b> or <b>her</b> parent(s), or if no parent can be located prior to the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a nonsecure crisis center or juvenile shelter and/or may be taken to</p>



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	a judge or intake officer of the juvenile court to be dealt with in the manner and pursuant to such procedures as required by law. (Ref. Va. Code § 16.1-260(H)(1); § 16.1-278.6; §§ 16.1-241(A)(1)).
17-10	A person is guilty of disorderly conduct and a Class 1 misdemeanor if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, <b>he</b> :
17-11(a)	(a) No person shall resist, abuse, obstruct or hinder any police officer or any other officer or employee of the city in the discharge of <b>his</b> duty, or any contractor or other person in the execution of any work for the city.
17-12	If any person profanely curses or swears or is drunk in public <b>he</b> shall be deemed guilty of a Class 4 misdemeanor.
17-18(a)	(a) In any prosecution or action under section 17-16 or 17-17, the making, drawing, uttering or delivery of a check, draft or order, payment of which is refused by the drawee because of lack of funds or credit shall be prima facie evidence of intent to defraud or of knowledge of insufficient funds in, or credit with, such bank, banking institution, trust company or other depository unless such maker or drawer, or someone for <b>him</b> , shall have paid the holder thereof the amount due thereon, together with interest, and protest fees, if any, within five (5) days after receiving written notice that such check, draft, or order has not been paid to the holder thereof. Notice mailed by certified or registered mail, evidenced by return receipt, to the last known address of the maker or drawer shall be deemed sufficient and equivalent to notice having been received by the maker or drawer.
17-25	If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by signs posted by such persons or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or if any person, whether <b>he</b> is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to Code of Virginia, section 16.1-253, 16.1-253.1, 16.1-279 or 16.1-279.1, or an ex parte order issued pursuant to section 20-103 of such Code and after having been served with such order, <b>he</b> shall be guilty of a Class 1 misdemeanor.
17-26	If any person shall solicit, urge, encourage, exhort, instigate or procure another or others to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, knowing such other person or persons to have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or knowing such other person or persons to have been forbidden to do so by a sign posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, or if any person shall, on such lands, buildings, premises or part, portion or area thereof, prevent or seek to prevent the owner, lessee, custodian, person in charge or any of <b>his</b> employees from rendering service to any person or persons not so forbidden, <b>he</b> shall be guilty of a Class 1 misdemeanor.

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18-7	<p>The director of the department of parks and recreation, or his or her designee, shall be the administrator of this article.</p> <p>Any person or entity that knowingly violates any provision of this article shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Civil penalties shall be imposed by the issuance of a civil summons returnable in the general district court by the administrator or his or her designee.</p>
18-27(a)	<p>(a) The director of the city department of parks and recreation, or his or her designee, shall be responsible for the maintenance and management of the Ragged Mountain Natural Area, for the enforcement of the provisions of this article, for posting appropriate signage at the natural area, and for adopting ancillary operating rules and regulations, if necessary, for the natural area that are not inconsistent with this article.</p>
18-36	<p>Sponsor means any person or persons who:</p> <p>(1) Conduct(s) an event;</p> <p>(2) Organizes an event, or who holds himself or herself out as being the organizer of an event; or</p> <p>(3) Who sign(s), or whose authorized representative(s) sign(s), an application for a permit that is required for an event.</p>
18-38(b), (c)(5)	<p>(b) This insurance requirement may be waived, in whole or in part, by the city manager or his or her designee because:</p> <p>...</p> <p>(c)(5) Whether the event involves transportation or installation of heavy equipment, or the installation of a stage or other temporary structures. Provided however, that, in deciding whether insurance will be required or waived for a demonstration the city manager or his or her designee shall not consider the number of anticipated onlookers or counter-demonstrators, the potential risk of property damage or bodily injury that may be caused by onlookers or counterdemonstrators, nor the possibility that the demonstration will be controversial in nature.</p>
Ch. 19 (Section Analysis)	<p>Sec. 19-33. Selection of chairman.</p>

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19-1(b)	(b) The director of human resources shall be appointed by and at the pleasure of the city manager. He shall be chosen on the basis of his general executive and administrative ability and experience, with due regard for his education, training and experience in human resources management. The director shall appoint the employees of the department, and shall have general management and control over them. He shall be responsible for the formulation and administration of the personnel policies of the city.
19-6	The director of human resources shall prepare and recommend to the city manager a grievance procedure and such other administrative regulations as may be considered necessary to carry out the provisions of this article and to provide systematic and equitable handling of the personnel affairs of the city. Before recommending any such regulations to the city manager the director of human resources shall cause copies of the same to be posted in a conspicuous place in city hall and in such other locations as are reasonably calculated to inform all city employees of the provisions of the proposed regulations. There shall be attached to such posted copies a notice setting forth the time and place at which the director of human resources shall conduct a public hearing at which any city employee may appear to be heard for or against such regulations. Such notice shall be posted not less than five (5) working days prior to such hearing. Following such hearing the director of human resources shall submit such amendments or revisions thereto as he shall deem necessary to the city manager for final approval or disapproval. Upon approval by the city manager such regulations shall be in force until amended or rescinded by the foregoing process.
19-8	As part of the employee pay plan adopted pursuant to this article, the city council, city manager or his designee may authorize payment of cash and non-cash monetary bonuses to city officers and employees, as part of an employee recognition or recruitment program, pursuant to promulgated regulations as approved by the city manager. Said regulations may be amended from time to time subject to city manager approval.
19-33	<p>Sec. 19-33. Selection of chairman.</p> <p>The personnel appeals board shall annually choose one of its members to act as chairman.</p>
19-36(c)	(c) Within two (2) working days of receipt of notice of such an appeal the board shall schedule a hearing to be held within ten (10) days thereafter or as soon as the schedules of the members reasonably permit. The hearing may be in public or in executive session at the option of the appellant and the appellant may be represented by legal counsel or by some other person of his own choosing. The city may be represented by counsel or by the head of the department in which the appellant employee is employed. As soon as practicable after such hearing the board shall report in writing its findings to the city manager. Those findings shall have the full force and effect granted to final grievance panel decisions by state law.
19-60	The council member shall be the president and the director of human resources the secretary of the commission. The secretary shall keep a correct journal of the proceedings of every meeting and shall preserve all books and papers of the commission in his office.
19-91	Accumulated contributions means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account,

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	<p>all amounts the member may contribute to purchase creditable service and all interest credited to the member's contribution account pursuant to section 19-92(g).</p> <p>...</p> <p>Creditable compensation means the full compensation payable annually to an employee working the full normal working time for <b>his</b> position exclusive of overtime. The creditable compensation of an employee paid on an hourly basis shall be computed at <b>his</b> regular hourly rate multiplied by the regular number of working hours per week multiplied by fifty-two (52). In cases where compensation includes maintenance and other perquisites, the city manager shall fix the value of the part of the compensation not paid in money.</p> <p>Notwithstanding the foregoing, creditable compensation taken into account for purposes of determining benefits under the plan shall be limited by the compensation limit pursuant to Section 401(a)(17) of the Internal Revenue Code of 1986, as amended. For purposes hereof, the compensation limit, for years beginning on or after January 1, 1986 but before December 31, 1992, is two hundred thousand dollars (\$200,000.00) as adjusted by the cost of living adjustment factor prescribed by the Secretary of the Treasury or <b>his</b> delegate under Section 415(d) of the Internal Revenue Code of 1986, as amended, the "adjustment factor"; and for years beginning on or after January 1, 1993, is one hundred fifty thousand dollars (\$150,000.00) (as adjusted by the adjustment factor in ten thousand dollars (\$10,000.00) increments on the basis of a base period of the calendar quarter beginning October 1, 1993). For purposes of applying the limitation applicable to each year, the limit for a plan year shall be the limitation in effect for the calendar year in which the plan year begins determined without increases in the limitation for subsequent years.</p> <p>Creditable service means, for any member who is in service at any time after July 1, 1982, <b>his</b> total service as an employee, whether or not continuous, exclusive of any separate period of service of less than nine (9) months in duration, but inclusive of official leave for military service, to the extent required by federal or state law. Creditable service shall be counted in terms of calendar years, with completed months of creditable service in excess of complete years being counted as a fractional part of a year.</p> <p>...</p> <p>Employee means any person who is employed by the city on a full-time, year-round basis, whether paid by the hour, week, month or otherwise. Such term shall not include any person, judicial, professional or otherwise, employed either on a part-time basis or on a seasonal basis; nor shall it include any official elected by the people or any person employed in the office of such official; except, that it shall include the commissioner of revenue, the city treasurer, the city sheriff, the clerk of the circuit court, the commonwealth's attorney and their full-time employees. Such term shall not include the employees of any office,</p>

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	<p>department or agency which participates in the Virginia Supplemental Retirement System, regardless of whether such office, department or agency is funded wholly or partly by the city; provided, that any clerk or employee of the district court employed in such capacity on June 30, 1973, who elected not to participate in the Virginia Supplemental Retirement System shall continue to be considered an employee, for purposes of this article only, and be eligible for benefits hereunder to the full extent of <b>his</b> salary. Such term shall include the employees of any multi-jurisdictional agency in which the city is a participating jurisdiction, when such employees are not covered under the Virginia Supplemental Retirement System, or in any other retirement plan, and when the city has contractually agreed to include such employees in the retirement plan provided by this article. Notwithstanding the foregoing definition, "employee" also includes any person who meets the foregoing definition, except that <b>he</b>:</p> <p>...</p> <p>Person who becomes a member after June 30, 2012 means a person who is not a member of a plan described in section 19-94(a) or (c) who is hired or rehired after June 30, 2012 as an employee as defined herein. In the case of an employee who is rehired after such date and whose credited service attributable to employment prior to July 1, 2012 is reinstated or is otherwise not disregarded, shall not be treated as a person who becomes a member after June 30, 2012 if such employee elects to be a member of a plan described in section 19-94(a) or (c) at the time of <b>his</b> rehire. Any benefit accumulated under the plan based on employment prior to July 1, 2012 shall remain frozen as though <b>his</b> employment after June 30, 2012 had not occurred. If such employee does not elect to be a member of a plan described in section 19-94(a) or (c) at the time of <b>his</b> rehire, <b>his</b> benefit under the plan shall be determined based on the provisions applicable to a person who becomes a member after June 30, 2012, except that no employee contribution shall be required or collected with respect to service performed prior to July 1, 2012.</p>
<b>19-92(a)</b>	<p>(a) Each member, including a police officer, firefighter, sheriff or sheriff's deputy, shall contribute a percentage of <b>his</b> creditable compensation each pay period as follows:</p> <p>(1) Each member, except a person who becomes a member after July 1, 2012 as defined in Section 19-91, shall contribute 1% of <b>his</b> creditable compensation each pay period beginning on or after July 1, 2017, until the first pay period beginning on or after July 1, 2018. For each pay period beginning on or after July 1, 2018, said member shall contribute 2% of <b>his</b> creditable compensation.</p> <p>(2) Each person who becomes a member after June 30, 2012 and who is hired or rehired before July 1, 2017 shall contribute 3% of <b>his</b> creditable compensation each pay period.</p>

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	<p>(3) Each person who becomes a member after June 30, 2012 and who is hired or rehired after June 30, 2017 shall contribute 5% of his creditable compensation each pay period.</p> <p>The city and any other employer adopting the plan shall deduct the applicable contribution payable by the member and every employee accepting or continuing employment shall be deemed to consent and agree to any deductions from his creditable compensation required by this section.</p> <p>Notwithstanding the foregoing, the employee contributions, although designated as employee contributions hereunder, will be paid by the city and any other employer adopting the plan and shall be treated as employer contributions pursuant to Section 414(h) of the Internal Revenue Code of 1986, as amended, and shall not be included as gross income of the employee until such time as they are distributed or made available to the employee. The city and any other employer adopting the plan shall "pick-up" the employee contributions by reducing the amount payable to each employee by the amount of his required employee contribution on a salary reduction basis.</p>
<b>19-93(c)</b>	<p>(c) When membership ceases, except in the case of retirement or of death under circumstances calling for the payment of benefits hereunder, an employee shall thereafter lose all right to any retirement allowance or benefits under this article arising from service prior to the date of such cessation of membership except for any vested deferred retirement benefits such employee might be entitled to receive, provided that if any such employee should subsequently again be in service, his previous period or periods of creditable service shall be reinstated. Any person that received a refund of his accumulated contributions pursuant to section 19-104.1, shall be treated as a new member upon subsequent reemployment. If no refund was made, all previous period or periods of creditable service shall be reinstated.</p>
<b>19-95(a), (b), (d)</b>	<p>(a) Any member who is in service at his normal retirement date may retire then or at any time thereafter, provided he has completed five (5) or more years of creditable service, upon written notification to the commission made by the member or by his appointing authority setting forth at what date the retirement is to become effective. Such effective date shall be after the member's last day of service and shall not be more than ninety (90) days prior to the filing of such notification.</p> <p>(b) No member who is a police officer, fire fighter or sheriff's deputy shall be permitted to continue in service after his normal retirement date, unless the member's appointing authority, upon a determination that organizational needs so require, grants the member an exemption from such mandatory retirement requirements. Any such member who continues in service under such an exemption from the appointing authority, may be retired by that authority at any time thereafter. Such retirement shall be initiated by the appointing authority by notification to the commission setting forth at what date the retirement is to become effective. Such effective date shall be after the member's last day of service and shall not be more than ninety (90) days prior to the filing of such notification.</p>

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	<p>...</p> <p>(d) The appointing authority of any member not listed in subsection (b) or (c) of this section, subsequent to the member's normal retirement date, upon a determination that age is a bona fide occupational qualification reasonably necessary to the normal operation of the city, and that such member has reached the age limit, or upon a determination that such member is incapable of performing <b>his</b> duties in a safe and efficient manner, may require the service retirement of such member upon written notification to the commission setting forth at what date the retirement is to become effective. Such effective date shall be after the member's last day of service and shall not be more than ninety (90) days prior to the filing of such notification. Notwithstanding the foregoing, if such member lacks five (5) years of creditable service, such member shall be discharged and shall be ineligible for a retirement allowance.</p>
<b>19-95.1(d)</b>	<p>(d) Retirement shall commence under this section on the first of the month following the month of application or the month when the member meets the eligibility requirements, whichever is later, unless the city manager approves a deferral. In no event shall retirement commence under the early retirement window after December 31, 1994. Notwithstanding the foregoing limitations, a retiree who is a constitutional officer and <b>his</b> or <b>her</b> chief deputy may serve to the end of that constitutional officer's elected term.</p>
<b>19-96</b>	<p>(a) Upon service retirement on or after July 1, 2000, a member with creditable service which commenced prior to July 1, 2000, shall receive an annual retirement allowance payable monthly to <b>him</b> for life commencing on the first day of the month coinciding with or next following <b>his</b> date of retirement, in an amount computed as the larger of (1) and (2) following:</p> <p>(1) The excess, if any, of 2% of such member's average final compensation multiplied by the number of years of <b>his</b> creditable service, over 2.5% of such member's annual primary social security benefit, multiplied by the number of years of <b>his</b> creditable service up to a maximum of twenty (20) years.</p> <p>(2) 1.60% of such member's average final compensation multiplied by the total number of years of <b>his</b> creditable service.</p> <p>(b) Upon service retirement after July 1, 2000, a member whose employment commenced after June 30, 2000, shall receive an annual retirement allowance payable monthly to <b>him</b> for life commencing on the first day of the month coinciding with or next following <b>his</b> date of retirement, in an amount computed as follows:</p>

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	<p>(1) 1.60% of such member's average final compensation multiplied by the total number of years of <b>his</b> creditable service.</p> <p>(c) In addition to the retirement allowance to which a member is entitled under the provisions of subsections (a) and (b) of this section, a retired member who at the date of <b>his</b> retirement was in service as a police officer, firefighter, sheriff or sheriff's deputy and who has completed twenty (20) years or more of creditable service shall receive an additional annual allowance, payable monthly, during the period after the member's date of retirement and until <b>his</b> attainment of full retirement age, as in effect on July 1, 2005, for purposes of qualifying for unreduced social security benefits, equal to 1% of average final compensation multiplied by the number of years of <b>his</b> creditable service. In no event shall a police officer, firefighter, sheriff or sheriff's deputy receive both the supplement under this section and social security benefits. Effective for service retirements after June 30, 2017, the additional annual allowance shall be limited to a period of time that does not exceed seventeen (17) years prior to social security eligibility and effective for service retirements after June 30, 2020, this additional annual allowance shall be limited to the estimated unreduced primary social security benefit determined under section 19-97.</p> <p>Notwithstanding the foregoing, a person who becomes a member after June 30, 2012, shall be entitled to this additional, supplemental annual allowance only if such person has completed at least twenty (20) years of creditable service in a position of a police officer, firefighter, sheriff or sheriff's deputy and such person shall not be entitled to a supplement for a period of time that exceeds seventeen (17) years prior to social security eligibility. This additional annual allowance shall be limited in the case of a person who becomes a member after June 30, 2012, to <b>his</b> estimated unreduced primary social security benefit determined under section 19-97.</p> <p>(d) The provisions of subsections (a) and (b) of this section to the contrary notwithstanding, if the retirement date of a member with less than thirty (30) years of creditable service precedes <b>his</b> normal retirement date, the retirement allowance amount as computed in accordance with subsections (a) and (b) of this section, as appropriate, shall be reduced by 0.5% for each complete month in the period between the member's retirement date and the earlier of <b>his</b> normal retirement date or the date on which the member would have completed thirty (30) years of creditable service had <b>he</b> remained an employee continuously until such date.</p> <p>(e) The provisions of subsections (a) and (b) of this section to the contrary notwithstanding, if the retirement date of a member who is a police officer, firefighter, or sheriff's deputy with less than twenty-five (25) years of creditable service precedes <b>his</b> normal retirement date, the retirement allowance amount as computed in accordance with subsections (a) and (b) of this section, as appropriate, shall be reduced by 0.5% for each complete month in the period between the member's retirement date and the earlier of <b>his</b> normal retirement date</p>



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	<p>or the date on which the member would have completed twenty-five (25) years of creditable service had <b>he</b> remained an employee continuously until such date.</p>
<p><b>19-97(4)a., (5)</b></p>	<p>(4) The primary social security benefit calculation shall be based on the member's actual social security wage credits as an employee and on the assumptions:</p> <p>a. That the member will have no social security wage credits after <b>his</b> date of retirement;</p> <p>...</p> <p>(5) In the case of a member retiring under the provisions of section 19-95(f), such calculation shall be based on the further assumption that such member's creditable compensation had continued to <b>his</b> date of retirement at the same rate which was in effect at the time the member terminated service.</p>
<p><b>19-98(b), (f)</b></p>	<p>(b) After a member has retired, and the amount of <b>his</b> retirement allowance has been determined under the provisions of this article, the amount of the member's retirement allowance shall be unaffected by any changes in the actual amount of the primary social security benefit to which the member is or becomes entitled under the federal Social Security Act.</p> <p>...</p> <p>(f) To the extent required by Section 401(a)(37) of the Internal Revenue Code for purposes of determining a member's entitlement to a retirement allowance or death benefits under the Plan, in the event a member ceases to be an employee in order to perform qualified military service within the meaning of section 414(u) of the Internal Revenue Code and dies on or after January 1, 2007 while performing qualified military service, the member's death shall be considered to have occurred while the member was an employee so that <b>his</b> beneficiaries are entitled to any additional benefits provided under the Plan (other than benefit accruals relating to the period of qualified military service), including without limitation any additional or enhanced vesting or death benefits, had the member resumed employment with the employer and then terminated employment on account of death.</p>
<p><b>19-100(a), (b)(1), (c)</b></p>	<p>(a) Any member in service who has five (5) or more years creditable service may retire, or may be retired by <b>his</b> appointing authority, at any time prior to the member's normal retirement date on account of total and permanent disability upon written notification to the commission made by the member or by the appointing authority setting forth at which date the retirement is to become effective; provided, that such effective date shall be after the member's last day of service but shall not be more than ninety (90) days prior to the filing of such notification; provided, further, that the commission shall have determined that the member is, and has been continuously since such effective date if prior to the filing of</p>

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	<p>such notification, totally and permanently disabled and thus incapacitated for the further performance of duty or the pursuit of any gainful occupation.</p> <p>...</p> <p>(b)(1) As a result of an examination of the candidate by the medical examiners and/or by means of other satisfactory evidence the commission finds that the candidate is mentally or physically incapacitated from ever performing any work or occupation for gain or profit for which <b>he</b> is or reasonably can be fitted by education, training or experience; or</p> <p>...</p> <p>(c) The provisions of subsection (a) of this section to the contrary notwithstanding, the prerequisites for disability retirement that the member have five (5) or more years of creditable service and that <b>his</b> disability retirement date precede <b>his</b> normal retirement date shall not be applicable to any member who satisfies the other requirements of subsection (a) of this section and:</p>
<p><b>19-101(a), (b), (d)</b></p>	<p>(a) Upon retirement for total and permanent disability as provided in section 19-100(a) on or after July 1, 2000, a member with creditable service which commenced prior to July 1, 2000, shall receive an annual retirement allowance payable monthly to <b>him</b> during continued total disability, commencing on the first day of the month coinciding with or next following <b>his</b> date of retirement, in an amount computed as the larger of paragraphs (1) and (2) following:</p> <p>(1) The excess, if any, of two (2) percent of such member's average final compensation multiplied by the number of years of <b>his</b> disability-credited service, as defined in subsection (c) of this section, over two and one-half (2.5) percent of such member's annual primary social security benefit, multiplied by the number of years of <b>his</b> disability-credited service up to a maximum of twenty (20) years;</p> <p>(2) One and sixty hundredths (1.60) percent of such member's average final compensation, multiplied by the total number of years of <b>his</b> disability-credited service.</p> <p>(b) Upon retirement for total and permanent disability as provided in section 19-100(a) on or after July 1, 2000, a member with creditable service which commenced after July 1, 2000, shall receive an annual retirement allowance payable monthly to <b>him</b> during continued total</p>

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	<p>disability, commencing on the first day of the month coinciding with or next following <b>his</b> date of retirement, in an amount computed as follows:</p> <p>...</p> <p>(d) Upon retirement for disability as provided in section 19-100(c), a member shall receive an annual retirement allowance payable monthly to <b>him</b> during continued total disability, commencing on the first day of the month coinciding with or next following <b>his</b> date of retirement, in an amount which, when added to one-half of the social security disability benefit to which the member may become entitled under the federal Social Security Act in effect at <b>his</b> disability retirement date, would equal two-thirds of <b>his</b> average final compensation, provided such allowance shall not be less than the amount <b>he</b> would have received under subsections (a) and (b) of this section had the length of service requirement of section 19-100(a) been waived and had the member retired for disability thereunder.</p>
<b>19-102(a)</b>	<p>(a) If the commission, as a result of a medical examination or otherwise, determines that a candidate for disability retirement is not totally and permanently disabled within the meaning of section 19-100(b), but that the candidate is partially disabled to the extent that <b>he</b> is incapacitated from performing the usual and customary duties of <b>his</b> position with the city and that <b>his</b> earnings capacity has been reduced by such partial disability, the candidate shall be awarded an annual partial disability benefit. Such benefit shall not be deemed to be a disability retirement allowance. The commission, based on the best reasonably available medical, financial and other relevant evidence, shall determine the extent, expressed as a percentage, to which the candidate's earning capacity has been reduced as a result of the partial disability which led to <b>his</b> candidacy for disability retirement. Such annual benefit shall be payable monthly to the candidate, commencing on the first day of the month coinciding with or next following <b>his</b> voluntary or involuntary separation from service or transfer to a less remunerative position in city service due to the partial disability, and continuing until the earliest of <b>his</b> death, retirement under the plan for service or disability or attainment of age sixty-five (65) subject to adjustment under section 19-103, so long as the beneficiary remains partially disabled. The amount of each such monthly payment shall be a percentage of the disability retirement allowance to which the beneficiary would have been entitled had <b>he</b> been determined by the commission to be totally and permanently disabled, such percentage to be equal to the percentage of <b>his</b> lost capacity in relation to <b>his</b> former capacity as determined by the commission.</p>
<b>19-103(a)-(c), (e)</b>	<p>(a) The commission may require any beneficiary of a disability retirement allowance under the plan or of a partial disability benefit to undergo a medical examination by the medical examiners once each year prior to the date on which the beneficiary attains <b>his</b> normal retirement date. Should such a beneficiary refuse to submit to any such medical examination, <b>his</b> retirement allowance or partial disability benefit shall be discontinued during the continuation of such refusal, and should such refusal continue for one (1) year, all of the beneficiary's rights to any further disability retirement allowance or partial disability benefit shall cease.</p>

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	<p>(b) Whenever, as a result of an examination of a beneficiary of a disability retirement allowance as provided for in subsection (a) of this section, the medical examiners certify to the commission that such beneficiary is no longer totally and permanently disabled, or if any such beneficiary should be again in service in <b>his</b> former position or any other position with the city at any time prior to <b>his</b> normal retirement date, the disability retirement allowance of such beneficiary shall cease and <b>he</b> shall again become a member of the plan. Any creditable service rendered by the member prior to the date of disability shall thereafter be counted as creditable service and, in addition, the period of disability retirement shall be counted as creditable service.</p> <p>(c) Whenever a disability retirement allowance is terminated under subsection (b) of this section but the commission determines that the beneficiary remains partially disabled to the extent that <b>he</b> is still incapable of performing the usual and customary duties of <b>his</b> former position with the city and that <b>his</b> earnings capacity has been reduced by such partial disability, such beneficiary shall be awarded a partial disability benefit in place of the terminated disability allowance. Such partial disability benefit shall be governed in every respect by section 19-102, as though it had been awarded initially in lieu of a disability retirement allowance and shall commence immediately upon termination of the retirement allowance.</p> <p>...</p> <p>(e) Notwithstanding anything to the contrary in sections 19-100, 19-101, 19-102 or this section of this Code, the commission's decision to grant, deny or terminate a disability retirement allowance, or to grant, deny, terminate, increase or decrease a partial disability benefit need never be based solely on reports of the medical examiners. The commission may also consider reports of vocational rehabilitation counselors, financial evidence, the testimony of lay and expert witnesses, whether the candidate or beneficiary is receiving disability benefits under the Virginia Workers' Compensation Act and any other relevant evidence. The commission may require the beneficiary to submit at annual intervals a report on <b>his</b> personal efforts toward rehabilitation, along with a written statement attesting to the fact that there has been no change in <b>his</b> condition which could result in any adjustment to or cessation of <b>his</b> disability retirement allowance or partial disability benefit, or describing any such change which the beneficiary believes has taken place. The commission may also require the beneficiary to submit a copy of <b>his</b> personal and/or business federal income tax return for the preceding year or a sworn statement listing all of <b>his</b> income from employment or working, including self-employment, during such year. Notwithstanding such annual reporting as may be required by the commission, it shall be the duty of any beneficiary of a disability retirement allowance or a partial disability benefit to notify the commission within thirty (30) days of any material change in <b>his</b> medical condition or of any gainful occupation or work in which <b>he</b> becomes engaged. Failure of the beneficiary to furnish the information required by the commission under this subsection in</p>

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	<p>a timely manner or failure of the beneficiary to cooperate with vocational rehabilitation counselors in order to derive maximum benefit from rehabilitation services offered at employer expense, shall constitute grounds for the commission to deny or order cessation of the disability retirement allowance or to deny or order a reduction or cessation of the partial disability benefit to such beneficiary.</p>
<p><b>19-104</b> <b>(a)-(c),</b> <b>(g)(ii)(A),</b> <b>(h)</b></p>	<p>(a) Each member shall have the right at any time, not after the later of the effective date of the member's retirement or the date of the written notification to the commission of the retirement of the member, to elect to have <b>his</b> retirement allowance, other than any portion of such allowance that is payable under the provisions of section 19-96(c), payable under one (1) of the options set forth in subsections (b) and (c) of this section, in lieu of the retirement allowance otherwise payable to <b>him</b> upon retirement. The amount of any such optional retirement allowance shall be the actuarial equivalent of the amount of such retirement allowance otherwise payable to the member. The member shall make such an election by written notice to the commission.</p> <p>(b) A member may elect to receive a decreased retirement allowance during <b>his</b> lifetime and have such retirement allowance, or a designated fraction thereof, continued after <b>his</b> death to one (1) other person, called a contingent beneficiary, during the lifetime of such contingent beneficiary; provided, however, that the actuarially computed present value of the payments expected to be made to the retired member must be at least one-half (½) of the actuarially computed present value of the combined total payments expected to be made to the retired member and the contingent beneficiary. In the case of a member who retires for disability under the provisions of section 19-100, the election of this option shall not become effective, and need not be made, until <b>he</b> attains the date that would have been <b>his</b> normal retirement date had <b>he</b> remained in service until then.</p> <p>(c) A member who retires for early service retirement under the provisions of section 19-95(e) may elect to receive an increased retirement allowance up to the date <b>his</b> primary social security benefit is expected to commence, and a decreased retirement allowance thereafter, thereby providing a more nearly level retirement allowance when such decreased retirement allowance is added to <b>his</b> anticipated primary benefits under the federal Social Security Act.</p> <p>...</p> <p>(g)(ii) The term "eligible rollover distribution" means any distribution other than:</p> <p>(A) A distribution which is one (1) of a series of substantially equal periodic payments (not less frequently than annually) made either for the life (or life expectancy) of the recipient or</p>

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	<p>the joint lives (or joint life expectancies) of the recipient and <b>his</b> beneficiary who is an individual or for a specified period of ten (10) or more years,</p> <p>...</p> <p>(h) Should the member die while receiving a retirement allowance under a form of payment with no contingent beneficiary, any excess accumulated contributions as of the effective date of the member's retirement, over the total retirement allowance previously received by <b>him</b> shall be paid to the member's estate.</p>
<b>19-104.1 (a), (b)</b>	<p>(a) Any member who has five (5) or more years of creditable service, who ceases to be a member other than by death or retirement may request and receive a refund of the balance in the member's contribution account reduced by the amount of any retirement allowance previously received by <b>him</b> under the provisions of this article.</p> <p>(b) Any person who becomes a member hired after June 30, 2012 who has less than five (5) years of creditable service who ceases to be an employee other than by death shall be paid the balance in the member's contribution account in a mandatory cash-out as soon as administratively practical following <b>his</b> ceasing to be employed by the city or any other employer adopting the plan.</p>
<b>19-105(b)</b>	<p>(b) Should a member die in service at any time before retirement and after either becoming eligible for early service retirement under section 19-95(e), or completing at least thirty (30) years of creditable service, the member's surviving spouse if any, shall receive a retirement allowance payable monthly for the life of such spouse. Such allowance shall be in the same amount and shall commence at the same date as the retirement allowance that would have been payable to the member, computed in accordance with section 19-96, subsections (a) and (b), whichever is applicable, had the member survived and retired on the first day of the month coinciding with or next following the date on which <b>his</b> death occurred after having elected an allowance paid under the full joint and last survivor option provided for in section 19-104(b), with <b>his</b> surviving spouse designated as contingent beneficiary. In the case of a member who had not become eligible for early service retirement at <b>his</b> date of death, it shall be assumed that the requirements of section 19-95(e) were such that <b>he</b> would have been eligible for early service retirement and that the retirement allowance payable in such event would be reduced by ½% for each complete month in the period between the member's date of death and a date five (5) years prior to <b>his</b> normal retirement date.</p>
<b>19-106(a)</b>	<p>(a) Upon retirement after July 1, 2000, an employee shall be eligible for life insurance in the amount of <b>his</b> or <b>her</b> basic life insurance provided by the city at <b>his</b> or <b>her</b> date of retirement. Effective the first of each month thereafter, the benefit amount of life insurance shall be reduced by 2% until it reaches one-half (½) of the amount at time of retirement. However, in the case of a person who becomes a member after June 30, 2012, such person shall be eligible for such life insurance only if the employee has at least ten (10) years of creditable service. Further, the benefit amount of such person's life insurance upon</p>

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	retirement shall be reduced effective the first of each month thereafter by 3% until it reaches one-half (½) the amount of their final salary as of the date of retirement.
19-109	Any beneficiary may, by a waiver signed by such beneficiary and filed with the commission and approved by it, decline to accept any part or all of the benefits to which <b>he</b> is entitled under this article. Such waiver may be revoked at any time by a written revocation filed with the commission, but no payment of the waived benefits shall be made covering the period during which such waiver was in effect. Any such waiver or revocation of waiver shall become effective on the first day of the month following the date of the meeting of the commission at which such waiver or revocation of waiver is approved.
19-110(a), (b)	<p>(a) Should any change or error in records result in any member or beneficiary receiving from the plan more or less than <b>he</b> would have been entitled to receive had the records been correct, then on discovery of such error the commission shall correct it, and as far as practicable, shall adjust the payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.</p> <p>(b) Except as otherwise provided herein and in section 19-103, the fact that a former member is employed after retirement will not affect the payment of the benefits to which <b>he</b> or <b>she</b> is entitled under the provisions of this article. However, should a former member be again employed by the city full-time or part-time at any time subsequent to retirement under Article IV of Chapter 19 of this Code so that <b>he</b> actually works in excess of one thousand (1,000) hours in any calendar year, <b>his</b> retirement allowance shall thereupon cease; <b>he</b> shall resume the status of a member of the plan, and <b>his</b> previous period of creditable service shall be reestablished. Any benefits which may become payable thereafter under any of the provisions of this article upon subsequent retirement or death shall be computed in accordance with the applicable provisions of this article as if the previous retirement had not occurred based on the total of <b>his</b> creditable service before and, if applicable, after <b>his</b> period of retirement.</p>
19-112 (3)b.	b. The ratio that the member's period of creditable service rendered as a city employee bears to <b>his</b> total period of creditable service with the city and the Charlottesville-Albemarle Regional Jail Board.
19-151(a)	(a) Any public safety employee in service may retire, or may be retired by <b>his</b> appointing authority, at any time prior to the employee's normal retirement date on account of a work related disability upon written notification to the commission made by the member or by the appointing authority setting forth at which date the retirement is to become effective. The effective date of retirement shall be after the employee's last day of performing <b>his</b> usual and customary duties on a full time basis but shall not be more than ninety (90) days prior to the filing of the notice of retirement. The commission may waive the ninety (90) requirement upon a showing of good cause.
19-152(a)	(a) Upon retirement for a work related disability, a public safety employee shall receive an annual retirement allowance during <b>his</b> lifetime and continued disability, until ending as provided in section 19-156(b). The amount of the disability retirement allowance shall be equal to the following:

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	<p>(1) Sixty-six and two-thirds (66 2/3) percent of the employee's final salary if the employee does not qualify for primary social security benefits under the provisions of the Social Security Act in effect on the date of <b>his</b> retirement;</p> <p>(2) Fifty (50) percent of the employee's final salary if the employee qualifies for primary Social Security benefits under the provisions of the Social Security Act in effect on the date of <b>his</b> retirement; or,</p> <p>(3) One and seventy one-hundredths (1.70) percent of <b>his</b> final salary multiplied by the smaller of (a) twice the amount of <b>his</b> creditable service or (b) the amount of creditable service <b>he</b> would have completed at age sixty (60) if <b>he</b> had remained in service to that age. If the employee has already attained age sixty (60), the amount of creditable service at <b>his</b> date of retirement shall be used. This subsection (3) shall only be used if it results in a greater allowance than either subsection (1) or (2), as applicable.</p>
<p><b>19-154(a), (b)</b></p>	<p>(a) Any disability retirement allowance payable pursuant to the provisions of this article shall be reduced by the amount of any payments under the provisions of the Virginia Workers' Compensation Act in effect on the date of retirement of the employee, and the excess of the allowance shall be paid to the employee. When the time for compensation payments under the Act has elapsed, the employee shall receive the full amount of the allowance payable during <b>his</b> lifetime and continued disability, until eligible to retire under age and service requirements.</p> <p>(b) If the employee's workers' compensation payments are adjusted or terminated for refusal to work or to comply with the requirements of Virginia Code § 65.2-603, the disability retirement allowance shall be computed as if the employee was receiving the compensation to which <b>he</b> would otherwise be entitled.</p>
<p><b>19-156(b), (c)</b></p>	<p>(b) The disability retirement allowance provided pursuant to this article shall end at such time as the employee reaches <b>his</b> normal retirement date as defined in section 19-91, or, at the option of the employee, at such time as the employee has completed five (5) or more years of creditable service and is at least fifty-five (55) years of age, or has completed twenty-five (25) years of creditable service and is at least fifty (50) years of age.</p> <p>(c) At such time as the disability retirement allowance ends pursuant to subsection (b), the employee shall be entitled to receive the same pension and benefits to which <b>he</b> would have been entitled had <b>he</b> not been injured, and remained a regular full time employee of the city; provided, however, that the employee will be entitled to the additional annual allowance under section 19-96 (c) only if <b>he</b> has completed twenty (20) years or more of creditable</p>



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	service, including creditable service accruing pursuant to subsection (a) for time not actually worked for the city.
20-3(a), (b)	<p>(a) The chief of police shall be the chief executive of the police department, but he shall always be subject to the orders and regulations of the city manager and the city council. He shall be under the control of the city manager and the city council for the purpose of enforcing peace and order and executing the laws of the state and ordinances of the city. It shall be the duty of the police force to respect and obey orders of the chief not in conflict with this chapter.</p> <p>(b) The chief shall be responsible for the good order of the city and for the general good conduct of the members and officers of the police force. He shall cause to be served all processes directed to him by a magistrate or the judge of the district court and all orders of the city manager.</p>
20-6	All equipment issued by the city to police officers shall be charged to them, and each member shall be held accountable for the safe return of whatever is furnished him.
20-8(a)	(a) Any person who is arrested or summoned to appear before the judge of the district court shall, upon request of any police officer, disclose his name and address. No person shall, in such case, give a false name or address.
20-9(a)	(a) No person shall fail or refuse to assist a police officer, when called upon so to do by such officer in the discharge of his duty.
20-33	False alarm means the activation of any alarm system, eliciting a response from the city police department when, in fact, a situation requiring such response (i.e., involving actual or threatened criminal activity constituting an immediate danger to life or property) does not exist, and such activation is through mechanical or electronic failure, malfunction, improper installation, and/or the negligence of the alarm user, his employees or agents. The term shall not include an alarm caused by unusually violent conditions of nature, electrical power disruptions or failure of equipment at the city's police emergency operations center
20-36(d)	(d) All fees owed by an alarm user pursuant to this section shall be made payable to the city treasurer, and shall be received by the chief of police or his designee within ten (10) days from the date notice of the imposition of such fee is given, in writing, to the alarm user. An alarm user who is delinquent in payment of any fee(s) after the ten-day grace period shall receive no police emergency response to signals generated by its alarm system until such debt has been satisfied.
20-37(a), (e)(2)	(a) An alarm user may be denied permission to install, use, operate or maintain any alarm system within the city, and may be required to disconnect and/or disable any such alarm system, upon a written determination by the chief of police or his designee that the installation, use, operation and/or maintenance of the alarm system would constitute an unreasonable burden on police resources. Any alarm system which generates ten (10) or more false alarms within any four-day period of time and/or which, within the preceding six (6) months has generated an average of five (5) or more false alarms per month, shall be deemed an unreasonable burden on police resources.

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	<p>...</p> <p>(e)(2) Upon receipt of such written appeal, the city manager or <b>his</b> designee may grant relief from such action, or may uphold the action. The decision of the city manager or <b>his</b> designee shall be final.</p>
<b>20-59(a)</b>	<p>(a) The purchasing agent shall sell property turned over to <b>him</b> pursuant to section 20-58 by receiving sealed bids therefor, by public auction, by fixed-price sale or by other public sale; provided that, with the approval of the city manager, the purchasing agent may transfer such property to any department or agency of the city to be used for any appropriate public purpose. All proceeds from the sale of such property shall be delivered to the director of finance to be credited to the general fund, subject to possible future claim as provided in this article.</p>
<b>21-26</b>	<p>Commissioner of revenue means the city's commissioner of revenue, and any of <b>his</b> employees designated or assigned any duties under this division.</p>
<b>21-29</b>	<p>Any person convicted of violating any of the provisions of this article shall be guilty of a Class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense under this article, <b>he</b> shall be guilty of a Class 1 misdemeanor.</p>
<b>21-30</b>	<p>Every dealer shall admit to <b>his</b> premises during regular business hours the chief of police or any law-enforcement official of the state or federal government, and shall permit such officer to examine all records required by this article, and to examine any article to which the dealer still has access, which is listed in a record and which is believed by the officer to be missing or stolen.</p>
<b>21-32(a), (b)</b>	<p>(a) If the business of a dealer conducting business at a fixed and permanent location is not operated without interruption, Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the chief of police of all closings and reopenings of the business at that location. The business of such dealer shall be conducted only from the fixed and permanent location specified in <b>his</b> application for a permit under division 2 of this article.</p> <p>(b) A person who conducts the business of a dealer at any location other than a fixed and permanent location shall conduct such activities only from the location specified in <b>his</b> application for a permit under division 2 of this article.</p>
<b>21-34(b)</b>	<p>(b) The information required by paragraphs (1) through (5) of subsection (a) of this section shall appear on each bill of sale, the form of which shall be provided by the chief of police. One (1) copy of the form is to be retained by the dealer, one (1) copy to be delivered during regular city work hours to the chief of police at <b>his</b> office within twenty-four (24) hours of the purchase or loan or mailed to the chief of police within such twenty-four-hour period and one (1) copy to be delivered to the seller of such precious metals or gems or to the borrower. If the purchase or loan occurs on a Saturday, Sunday or recognized holiday, then</p>

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	the delivery to the chief of police shall be made no later than 10:00 a.m. of the next regular city work day.
<b>21-36(b)</b>	(b) If a dealer performs the service of removing precious metals or gems, <b>he</b> shall retain the metals or gems removed and the article from which the removal was made for a period of ten (10) calendar days after receiving such article and precious metals or gems.
<b>21-37</b>	Each dealer shall keep and maintain for at least twenty-four (24) months an accurate and legible record of the name and address of each person to whom <b>he</b> sells any precious metal or gem in its original form after the waiting period required by section 21-36. This record shall also show the name and address of the seller from whom the dealer purchased such item.
<b>21-56</b>	No person shall engage in the activities of a dealer within the city, unless <b>he</b> has obtained a permit authorizing such activities, as required by this division. Possession of a permit issued in another locality shall not relieve a dealer of the obligation to obtain a permit under this division.
<b>21-59 (b)(1), (b)(2)</b>	<p>(1) The applicant must have all weighing devices used in <b>his</b> business inspected and approved by local or state weights and measures officials and must present written evidence of such approval to the chief of police; and</p> <p>(2) The applicant must establish to the satisfaction of the chief of police that <b>he</b> has not been convicted of a felony or crime of moral turpitude within seven (7) years prior to the date of application, and the applicant shall also verify that, within the twelve (12) months preceding the application, <b>he</b> has not had a permit revoked under this division or under any ordinance of another jurisdiction similar in substance to the provisions of this article; and</p>
<b>22-4(c)</b>	The purchasing manager's determination shall document the basis for <b>his</b> determination.
<b>22-6(1), (2)</b>	<p>(1) The using department shall provide the purchasing manager with a written determination that the apparent low bid exceeds available funds. Such determination shall be confirmed in writing by the director of finance or <b>his</b> designee. The using department shall also provide the purchasing manager with a suggested reduction in scope or other suggested bid modification(s) to obtain a contract price within available funds.</p> <p>(2) The purchasing manager or designee shall advise the lowest responsible bidder in writing that the proposed purchase exceeds available funds. <b>He</b> shall further suggest a reduction in scope or other bid modification(s) for the proposed purchase and invite the lowest responsible bidder to amend its bid based upon the proposed reduction in scope or other bid modification(s).</p>
<b>22-7(a)</b>	(a) The city's purchasing manager is authorized to require pre-qualification of prospective contractors prior to any solicitation of bids or proposals, whether for goods, services, insurance or construction, by requiring the prospective contractors to submit such information as the purchasing manager shall deem appropriate, including samples, financial reports and references. The specific submission requirements for a specific procurement

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	<p>transaction shall be established in writing ("pre-qualification notice") and sufficiently in advance of implementation to allow potential contractors a fair opportunity to complete the process. The purchasing manager may employ standard forms designed to elicit necessary information or may <b>he</b> design other forms applicable to the specific procurement transaction.</p>
<p><b>22-8(c), (d)(2), (e)</b></p>	<p>(c) Reports and investigations. The purchasing manager shall establish procedures for the prompt reporting, investigation and referral of matters appropriate for <b>his</b> consideration in contemplating the debarment of a contractor or subcontractor.</p> <p>...</p> <p>(d)(2) Opportunity of contractor to respond. The prospective contractor or <b>his</b> authorized representative may submit to the purchasing manager, in writing, and within thirty (30) days of the date of the notice described in subparagraph (1), any information or argument that the contractor deems relevant to the proposed debarment, including, without limitation, any specific information that raises a genuine dispute as to a fact that is material to the purchasing manager's findings or conclusions. Following timely receipt of information from the contractor, the purchasing manager shall review the proposed debarment and shall, within fifteen (15) days thereafter, render a final determination. During the fifteen-day review period, the prospective contractor shall provide the purchasing manager with such additional information as <b>he</b> may request in order to complete <b>his</b> review of the proposed debarment.</p> <p>...</p> <p>(e) Period of debarment. A debarment shall be and remain effective for a period commensurate with the seriousness of the cause, as determined by the purchasing manager in <b>his</b> discretion.</p>
<p><b>22-9(a)(2)</b></p>	<p>(2) Each bidder for the contract shall be required to certify that, upon award of the contract <b>he</b> will comply with the living wage requirement set forth in paragraph (a), above. Any contractor who knowingly makes a false statement in such certification, or who fails to comply with such living wage requirement during performance of the contract, shall be subject to loss of the contract and to debarment.</p>
<p><b>22-32 (a)(5), (a)(7), (a)(9)</b></p>	<p>(5) Establish programs, manuals and forms, as <b>he</b> deems necessary to facilitate and implement the provisions of this chapter and of any regulations approved by the city manager.</p> <p>...</p>

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	<p>(7) Establish programs to facilitate the participation of small businesses and businesses owned by <b>women</b> and minorities in procurement transactions, which programs may include cooperation with the Virginia Department of Minority Business Enterprise, the Virginia Department of Transportation, the United States Small Business Administration, and other public or private agencies, and oversee any process of compliance and certification of any federal Disadvantaged Business Enterprise (DBE) requirements applicable to the city as a result of the receipt of federal grant funding.</p> <p>...</p> <p>(9) Perform such other functions and duties as may be assigned to <b>him</b> by the city manager.</p>
<b>24-4</b>	<p>Shared work area means any enclosed area on the premises of a place of employment:</p> <p>(1) That is a private work area to which the general public does not have access,</p> <p>(2) In which two (2) or more employees are assigned to work for most of <b>their</b> workday,</p> <p>(3) Where such employees must share common work spaces, equipment or facilities, and</p> <p>(4) Where each such employee is aware of or readily available to observe the activities of others taking place in <b>his</b> work area.</p>
<b>25-1(a)</b>	<p>(a) There is hereby created a social services and community attention advisory board (herein after in this article the "advisory board") for the city which shall consist of nine (9) members appointed by the city council, one (1) of whom shall be a member of the city council. The term of the city council member shall be concurrent with <b>his</b> or <b>her</b> service on the council. Other appointments shall be for a term of four (4) years each except that appointments to fill vacancies shall be for the unexpired terms. No person shall serve more than two (2) consecutive terms. The director of social services shall be an ex officio member, without vote, of the advisory board.</p>
<b>25-28</b>	<p>Pursuant to the authority granted by Code of Virginia, section 63.1-43, the director of social services is hereby designated as the local board of social services for the city, and <b>he</b> shall exercise all powers, duties and responsibilities conferred upon such boards by law.</p>

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25-29	The director of social services shall remand such cases to the district home as <b>he</b> may deem proper; provided, that each such case shall first be approved by the city member of the district home board.
25-30	The director of social services shall be responsible and accountable to the city for the proper expenditure and account of all funds appropriated by the city and no indebtedness shall be incurred by <b>him</b> beyond the amount appropriated by the city council.
25-31	The director of social services shall cause to be made on or before the tenth day of each month, to the city manager, a written report of the activities of <b>his</b> department for the preceding month, on forms prescribed by the city manager. The director shall also furnish from time to time such additional reports and information as may be required by the city council or the city manager.
25-58(1), (2), (4)	<p>(1) The applicant has paid rent for <b>his/her</b> dwelling within the city during the grant year and was a resident of the city on December thirty-first of the grant year;</p> <p>(2) The applicant, or <b>his/her</b> spouse if they reside together, is sixty-five (65) years of age or older, or permanently and totally disabled, as of December thirty-first of the grant year;</p> <p>...</p> <p>(4) The gross combined income during the grant year from all sources of such applicant and all relatives of the applicant living in such dwelling does not exceed the sum of fifty thousand dollars (\$50,000.00); provided that the first seven thousand five hundred dollars (\$7,500.00) of any income, (a) received by the applicant, or the applicant's spouse if they reside together, and classified as permanent disability compensation, or (b) received by any applicant who is at least sixty-five (65) years of age, is permanently and totally disabled, and can show that <b>he</b> or <b>she</b> did receive permanent disability compensation for at least twenty-four (24) consecutive months immediately prior to <b>his</b> or <b>her</b> sixty-fifth birthday, shall be excluded from such total; and provided, that the first eight thousand five hundred dollars (\$8,500.00) of income of each relative other than spouse of such applicant who is living in such dwelling and does not qualify for rent relief shall be excluded from such total. If the applicant has been a resident of the city for less than the full grant year, the gross combined income for such year and the maximum allowable income shall be prorated for the period of actual residency.</p>
25-62	The commissioner of revenue, after audit and investigation of affidavits submitted under this article, shall certify a list of the persons qualifying for grants and the amounts thereof to the director of finance and the city treasurer who shall pay forthwith to each applicant the amount of the grant for which <b>he</b> or <b>she</b> is eligible as determined pursuant to this article.
26-1(a)	(a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal for the purpose of disposal, or other unsightly matter on public property, including a public street, right-of-way, property adjacent to such street or

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	right-of-way, or on private property without the written consent of the owner thereof or his agent.
<p><b>26-30 (b)(1), (c)(1)</b></p>	<p>(b) Customers located in the Uptown Trash Collection Area shall be subject to the following collection procedures:</p> <p>(1) Receptacles or bundles containing refuse and recyclables shall be placed along the edge of the sidewalk or roadway for collection on such days as may be scheduled by the director of public works and his/her designee.</p> <p>...</p> <p>(c) Customers located outside of the Uptown Trash Collection Area and Downtown Trash Collection Area shall be subject to the following collection procedures:</p> <p>(1) Receptacles or bundles containing refuse and recyclables shall be placed along the edge of the sidewalk or roadway for collection on such days as may be scheduled by the director of public works and his/her designee.</p>
<p><b>26-65(b)</b></p>	<p>(b) No person shall transport his or her refuse to a city park or to any other location on public or private property without the written consent of the owner and every person shall comply with the anti-littering provisions found elsewhere in this chapter (section 26-1).</p>
<p><b>28-5(a)</b></p>	<p>(a) The city traffic engineer or city manager may permit the temporary use of any city right-of-way (including any street, on-street parking space(s), or sidewalk) for other than public purposes, and may close the rights-of-way to public use and travel during such temporary use, for a specified period of time, when he determines that such temporary closing will not be unduly injurious to the safety and convenience of the general public, that such closing is necessary because the event will impede traffic and/or pedestrian travel, and that, where any rights-of-way to be closed are extensions of the state primary highway system, adequate provision can be made to detour through traffic. Such temporary use shall be authorized by a written permit conditioned upon the temporary user's compliance with the following conditions:</p>
<p><b>28-6</b></p>	<p>The director of public works shall have the right to stop travel on any street when the same is being repaved or improved, if he deems it necessary. No person shall remove, cut or interfere with barricades or lights placed for the purpose of stopping travel on streets or driving or riding on those portions of the streets so cut off or in any way encroaching upon or interfering with any portion of the streets of the city when they are being repaved or improved.</p>
<p><b>28-7(a)</b></p>	<p>(a) Whenever any citizen or property owner desires to lay a sidewalk for himself in a city street, he shall make application to the director of public works in writing, who shall grant</p>

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	such permission upon the condition that the applicant make such improvement at <b>his</b> own expense and do the work under the supervision of the director of public works.
<b>28-8</b>	Before any person installs a storm water pipe in a natural drainage area, where such pipe is connected to a pipe or culvert under a city street, <b>he</b> shall obtain from the city engineer a construction permit, which permit shall specify the size and kind of pipe to be installed. No such pipe, structure or fill shall be installed or placed so as to obstruct the flow to or from a pipe or culvert under a city street.
<b>28-9</b>	When, in repairing or grading or otherwise disturbing a street, any utility pipe, wire or conduit is left uncovered or exposed, it shall be the duty of the person in charge of such work to forthwith notify the director of public works or the utility owning such pipe, wire or conduit of such exposure. If the person who exposed such pipe, wire or conduit cannot determine the ownership of such pipe, wire or conduit, <b>he</b> shall notify the director of public works, who shall determine the ownership thereof and, if such pipe, wire or conduit is owned by a utility other than the city, shall promptly notify the owner thereof.
<b>28-20</b>	Whenever, in order to provide for an entrance to any property, it is necessary to cross a sidewalk or drainage ditch, it shall be the duty of the owner of the property, at <b>his</b> own expense, to provide an entrance approved by the director of public works.
<b>28-24(a)</b>	(a) It shall be unlawful for any person to sweep dirt or trash from the interior of the store or premises occupied by <b>him</b> upon the sidewalk. All such dirt or trash shall be taken up and put in proper receptacles for removal.
<b>28-26(b)</b>	(b) In the event that an owner and/or occupant of a building which abuts or fronts on, or is otherwise situated on, a paved sidewalk or walkway cannot comply with the provisions of section 28-25(a) due to inadequate space upon which to deposit snow that has accumulated on the property's paved sidewalk, walkway or driveway, <b>he</b> or <b>she</b> may deposit excess snow onto the public right-of-way abutting the house, paved sidewalk or walkway, provided that snow is not deposited in or on a travel lane, crosswalk, sidewalk, or designated handicapped parking space.
<b>28-85</b>	Whenever the owner or occupant of any building to which is attached any area, cellar, vault, fuel or coal hole opening in the sidewalk shall be notified by the director of public works that the covering thereof is insecure or dangerous, it shall be <b>his</b> duty at once to repair the same. Each day of default after the expiration of five (5) days shall constitute a separate offense. In case of failure to repair within five (5) days, the director of public works may cause such repairs to be made at the cost of the city, and the cost thereof, with any fine imposed by the court, shall be collected of the party in default in like manner as fines and assessments are collected. The owner and occupant of such building shall be responsible for damages to persons or property caused by such defective covers.
<b>28-112</b>	Vendor means any person, including an employee or agent of another, engaged in the selling, or offering for sale, of food, beverages, services, or merchandise on any public street, sidewalk, or on a parcel of land abutting a public street or sidewalk, whether from a stand or from <b>his</b> person.
<b>28-121(h)</b>	(h) A vendor shall comply immediately with the lawful request of any police officer, firefighter, rescue service person, emergency medical technician, or any city or public utility



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	employee to move <b>his</b> stand for emergency reasons, or to permit maintenance of pavement, utilities or other public improvements or facilities.
<b>28-162</b>	Each vending vehicle shall be equipped with a receptacle for the disposal of wrappers, papers, containers and other trash. The driver of each vending vehicle, before <b>he</b> leaves for <b>his</b> next regular stop, shall ensure that no wrappers, papers, containers or the like have been left on the sidewalk or street.
<b>28-188</b>	Within the designated area of a café, the operator holding a permit under this article shall have the right to limit access and occupancy to only bona fide paying customers of that operator's restaurant who are behaving in a lawful manner, and shall have the same right to deny admission or service as the operator exercises on <b>his</b> own premises. However, no person shall be denied access or service to the café area on the basis of race, religion, national origin, sex, sexual orientation, age or disability.
<b>28-214(g)</b>	(g) No tents or similar structures shall be erected or utilized over or within any outdoor café operating under a permit granted pursuant to this article; except that, not more than twice per year, the operator of an outdoor café, after receiving approval of the city's board of architectural review, may erect or utilize a tent over or within <b>his</b> outdoor café space. No such tent may be utilized or remain in place for longer than seventy-two (72) hours.
<b>28-216(c)</b>	(c) During the pendency of an appeal from a decision of the director of neighborhood development services to revoke a permit, an outdoor café may continue to operate, unless the director of neighborhood development services determines, in writing, that allowing such operations to continue would present an unreasonable risk to the health, safety or welfare of the public. Any such determination shall be provided to the café operator by hand-delivery at the café site to the agent or employee supervising café operations, and by certified mail to the mailing address provided by the operator in <b>his</b> application, and may require the café operator to immediately cease operation. Any such determination shall be reviewable by the city manager in connection with the operator's appeal.
<b>29-58(c)</b>	(c) If the agent fails to approve or disapprove the plat: (i) within sixty (60) days after it has been officially submitted for approval, (ii) within forty-five (45) days after it has been officially resubmitted after a previous disapproval, or (iii) within thirty-five (35) days after receipt of all required state agency approvals, as set forth in subparagraph (d), below, then the subdivider, after ten (10) days' written notice to the agent, may petition the city's circuit court for relief in accordance with Va. Code § 15.2-2259(C). If the agent disapproves a plat and the subdivider contends that the disapproval was not properly based on an ordinance or regulation applicable thereto, or was arbitrary or capricious, <b>he</b> may appeal to the city circuit court in accordance with Va. Code § 15.2-2259(D).
<b>29-79 (c)(1), (d)</b>	(c)(1) The agent shall inform the subdivider in writing of the reasons for the disapproval, with citation to the applicable section of this chapter or other law, and what corrections or modifications will permit acceptance of the plat. The agent shall notify the subdivider or <b>his</b> or <b>her</b> agent of the disapproval in writing by first class mail, delivery, or, if consented to by the subdivider in writing, by fax or email.

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	<p>...</p> <p>(d) When the agent determines that a preliminary plat is officially submitted, <b>he</b> shall:</p>
<p><b>29-110 (a)(6)</b></p>	<p>(6) Instrument creating property proposed for subdivision. The engineer or land surveyor who prepared the plat shall endorse upon the plat a certificate signed by <b>him</b> setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one (1) source of title, the outlines of the several tracts shall be indicated upon the plat. The plat shall also identify the deed book and page number of any previously recorded subdivision plat applicable to the subject property, or any portion thereof.</p>
<p><b>29-160(b)</b></p>	<p>(b) No monuments other than those required by paragraph (a) shall be required to be set before recordation of the final plat or the conveyance of land by reference to plat if the professional engineer or land surveyor includes in <b>his</b> certification on the plat that any additional monuments required by this chapter shall be set on or before a specified later date.</p>
<p><b>29-230(1)</b></p>	<p>(1) Each subdivider shall pay to the city <b>his</b> pro rata share of the cost of providing reasonable and necessary sewer, water and drainage improvements not located on the property, if such improvements are necessitated or required, at least in part, by the construction or improvement of the subdivision, provided that: (i) no payment shall be required until the city establishes a general sewer, water and drainage improvement program for an area having related and common sewer, water and drainage conditions and within which the property is located or the city council has committed itself by ordinance to the establishment of such a program; and (ii) the program complies with the requirements of Va. Code § 15.2-2243.</p>
<p><b>29-260(b)</b></p>	<p>(b) Upon completion of required site-related improvements, a developer shall submit to the agent a certificate of completion prepared by a professional engineer or a land surveyor, and the developer shall also submit <b>his</b> or <b>her</b> own certification to the agent that all of the construction costs for the improvements, including those for materials and labor, have been paid to the person(s) constructing the improvements.</p>
<p><b>30-3</b></p>	<p>The city assessor of real estate shall annually notify the owners or officers in control of properties subject to the service charge imposed by section 30-1 of <b>his</b> determination of the value of such property, in the same manner as is utilized to so notify the owners of taxable property, and any person aggrieved by such annual valuation or by the assessor's assessment of the service charge may apply to the assessor for hearing and correction of the same in accordance with the procedure set forth within section 30-73 of this chapter. If the assessor determines the valuation or assessment to be erroneous <b>he</b> shall correct it.</p>
<p><b>30-6(b)</b></p>	<p>(b) In the event that the assessing official determines that <b>he</b> has erroneously assessed an applicant with a local tax, <b>he</b> shall exonerate the applicant from the payment of so much as is erroneously charged, if not already paid into the city treasury. If the assessment has been paid, the city council shall, upon the certificate of the assessing official with the consent of the city attorney that such assessment was erroneous, direct the city treasurer to refund the excess to the taxpayer, with interest if authorized by law. However, the city treasurer is</p>

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	<p>hereby authorized to approve and issue, without the above-referenced certificate, any refund up to two thousand five hundred dollars (\$2,500.00) resulting from an erroneous assessment.</p>
<p><b>30-34(c)</b></p>	<p>(c) The situs for purposes of assessment of motor vehicles, travel trailers, boats and aircraft shall be the city, if they are normally garaged, parked or otherwise physically kept in the city as of January first, or other appropriate situs date as provided under section 30-38; however, (i) the situs for vehicles with a weight of ten thousand (10,000) pounds or less registered in Virginia but normally garaged, docked or parked in another state shall be the locality in Virginia where registered, and (ii) if the owner of a business files a return pursuant to § 58.1-3518 of the Virginia Code for any vehicle with a weight of ten thousand (10,000) pounds or less registered in Virginia and used in the business with the locality from which the use of such vehicle is directed or controlled and in which the owner's business has a definite place of business, as defined in § 58.1-3700.1, the situs for such vehicles shall be such locality, provided the owner has sufficient evidence that <b>he</b> has paid the personal property tax on the business vehicles to such locality.</p> <p>(1) In the event it cannot be determined where a motor vehicle, travel trailer, boat or aircraft is normally parked, garaged or kept, the situs for taxation shall be the domicile of the owner. Any person domiciled in another state, whose motor vehicle is principally garaged or parked in the City of Charlottesville during the tax year, shall not be subject to a personal property tax on such vehicle upon a showing of sufficient evidence that such person has paid a personal property tax on the vehicle in the state in which <b>he</b> is domiciled. In the event the owner of a motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that <b>he</b> has paid a personal property tax on the motor vehicle in <b>his</b> domicile.</p> <p>(2) Any person who shall pay a personal property tax on a motor vehicle to the City of Charlottesville and a similar tax on the same vehicle in the state of <b>his</b> domicile, or in the state where such motor vehicle is normally garaged, docked, or parked, may apply to the city for a refund of such tax payment. Upon a showing by the taxpayer of sufficient evidence that <b>he</b> has paid the tax for the same year in the state in which <b>he</b> is domiciled, the city will refund the amount of such payment.</p>
<p><b>30-35(c)</b></p>	<p>(c) If any person liable to file a return of any of the subjects of taxation mentioned in this chapter neglects or refuses to file such return for any year within the time prescribed, the commissioner of the revenue shall, from the best information <b>he</b> can obtain, enter the fair market value of such property and assess the same as if it had been reported to <b>him</b>.</p>
<p><b>30-37(a), (b)</b></p>	<p>(a) Based on the returns filed and such statutory assessments as may be necessary, the commissioner of revenue shall prepare property books, in the form prescribed by the state department of taxation, showing the assessed value of all taxable tangible personal property and machinery and tools and the taxes levied thereon. The commissioner of the revenue shall retain in <b>his</b> office the original personal property book.</p>

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	<p>(b) Within ninety (90) days from the date the rate of tax on personal property has been determined the commissioner of the revenue shall deliver one (1) certified copy of the personal property book to the treasurer of his county or city and, if requested by the department in writing, to the department of taxation. The department of taxation may, for good cause, extend the time of delivery for such books. Thereafter, the commissioner may prepare such supplements to the book as may be necessary and forward them to the treasurer and department of taxation, if requested by the department. The personal property books may be produced in the form of microfilm, microfiche, any other similar micro-photographic process, or by electronic means, and shall be distributed as designated in that form so long as such process complies with standards adopted pursuant to regulations issued under § 42.1-82 of the Virginia Code and is acceptable to and meets the requirements of the recipients designated by this section. The treasurer and the commissioner of the revenue need not preserve copies of the personal property book for a period of longer than six (6) years following the tax year to which such book relates.</p>
<b>30-39(c)</b>	<p>(c) The volunteer member must furnish to the commissioner of revenue, a certification of the chief or head of the volunteer organization, certifying that the volunteer is a member of the volunteer rescue squad or organization who regularly responds to calls or regularly performs other duties for the rescue squad or fire department, and identifying the specific motor vehicle owned or leased by the volunteer member. The certification shall be submitted by January 31 of each year to the commissioner of revenue; however, the commissioner of revenue shall be authorized, in his discretion, and for good cause shown (without fault on the part of the volunteer member) to accept a certification after the January 31 deadline.</p>
<b>30-66</b>	<p>The annual assessment by the assessor of real estate shall be completed by December thirty-first of the year in which such assessments are made. The assessor of real estate shall prepare a book in such form as he may adopt, showing such assessments in the manner provided by the applicable state laws, which shall constitute the land book. Taxes for each year shall be extended on the basis of the land book made in that year, subject to such changes as may have been lawfully made. Sufficient copies of such book shall be prepared to comply with the statutes relating to land books.</p>
<b>30-69</b>	<p>The circuit court, or the judge thereof in vacation, shall, annually, appoint for the city a board of equalization of real estate assessments, to be composed of three (3) members. Each member shall be a freeholder of the city and shall be selected by the court, or the judge thereof in vacation, from the citizens of the city. Each member shall remain a resident of the city during his term of office.</p>
<b>30-73(b)</b>	<p>(b) Any person aggrieved by an assessment made by the assessor of real estate shall have the right to a hearing before the city assessor, upon filing a written request with the assessor within thirty (30) days after mailing of the notice of such assessment or of a change in such assessment. Following this hearing the city assessor shall set forth his ruling in writing.</p>
<b>38-98(5)a., (5)c.</b>	<p>a. The first seven thousand five hundred dollars (\$7,500.00) of any income (i) received by any claimant and classified as permanent disability compensation or (ii) received by any claimant who is at least sixty-five (65) years of age, is permanently and totally disabled, and</p>

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	<p>can show that <b>he</b> or <b>she</b> did receive permanent disability compensation for at least twenty-four (24) consecutive months immediately prior to <b>his</b> or <b>her</b> sixty-fifth birthday, shall not be included in such total;</p> <p>...</p> <p>c. If a person who has previously qualified for an exemption under this article can prove by clear and convincing evidence that after qualifying <b>his</b> physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does move in for that purpose, then none of the income of the relative or of the relative's spouse transferred assets in excess of five thousand dollars (\$5,000.00) without adequate consideration within a three-year period prior to or after the relative moves into <b>his</b> residence; and</p>
<b>30-160(a)</b>	(a) The owner of residential real estate who seeks to obtain the exemption authorized by this division shall apply to qualify for the exemption at the same time <b>he</b> applies for a building permit to rehabilitate, renovate or replace a building or structure. The application for exemption shall be filed with the city assessor.
<b>30-168 (a)(5)</b>	(5) A list of uncollected balances of previously billed taxes amounting to less than twenty dollars (\$20.00) each as to which the treasurer has determined that the costs of collecting such balance would exceed the amount recoverable, provided that the treasurer shall not include on such list any balances with respect to which <b>he</b> or <b>she</b> has reason to believe that the taxpayer has purposely paid less than the amount due and owing.
<b>30-169(b)</b>	(b) The treasurer may, or shall at the direction of city council or a committee thereof, certify to the assessor a copy of the list of real estate on the assessor's land book improperly placed thereon or not ascertainable. The treasurer shall be given credit for the entire amount of the taxes included in the list and may destroy the tax tickets made out by <b>him</b> or <b>her</b> for such taxes. The treasurer shall be given credit for all taxes shown on the list mentioned in section 30-168(a)(4)—(6) and for obligations discharged in bankruptcy as described in 30-168(a).
<b>30-172</b>	<p>The city council may appoint or hire, with the approval of the treasurer and upon such terms as may be agreed upon, one (1) or more attorneys to collect any local taxes or other charges which have been delinquent for six (6) months or more. Any attorney so appointed or hired shall be entitled to exercise, for the purpose of collecting the taxes or other charges referred to <b>him</b> or <b>her</b>, the powers conferred by law upon the treasurer, shall promptly report and pay over to the treasurer all collections made and, at the conclusion of <b>his</b> term of appointment or employment, shall provide the treasurer with a list of those taxes or other charges referred to the attorney for collection that remain unpaid.</p> <p>Proceedings under this chapter for the sale of property for delinquent taxes shall be instituted and conducted in the name of the City of Charlottesville by such attorney as the city council or treasurer employs for such purpose. The treasurer is authorized to post the</p>

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	<p>necessary bonds for such attorneys to act as special commissioners for the sale of delinquent lands. The bond shall be delivered to the clerk of the circuit court of the City of Charlottesville and shall be recorded by the clerk in <b>his</b> or <b>her</b> special commissioner's bond book.</p>
<p><b>30-227 (b)(2)</b></p>	<p>(2) If a customer believes that an amount of tax, charge, or fee or an assignment of place of primary use or taxing jurisdiction included on a billing is erroneous, the customer shall notify <b>his</b> home service provider in writing. The customer shall include in this written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction, a description of the error asserted by the customer, and any other information that the home service provider reasonably requires to process the request.</p>
<p><b>30-228</b></p>	<p>Taxes collected pursuant to this article during each calendar month shall be reported by each seller to the commissioner of revenue. The seller shall remit the amount of tax shown by the report to have been collected to the city treasurer on or before the last day of the first calendar month thereafter, together with the name and address of any purchaser who has refused to pay <b>his</b> tax. The required reports shall be in the form prescribed by the commissioner of revenue.</p>
<p><b>30-252</b></p>	<p>Transient means any person who, for a period of not more than thirty (30) consecutive days, either at <b>his</b> own expense or at the expense of another, obtains lodging for which a charge is made at a hotel, as defined in this section.</p>
<p><b>30-257</b></p>	<p>It shall be the duty of every person liable for the collection and remittance of any tax imposed by this article to keep and preserve for a period of two (2) years such suitable records as may be necessary to determine the amount of charges for lodging, and tax thereon as <b>he</b> may have been responsible for collecting and paying to the city. The commissioner of revenue shall have the right to inspect all such records at any reasonable time.</p>
<p><b>30-258</b></p>	<p>Whenever any person required to collect and remit to the city any tax imposed by this article shall cease to operate or otherwise dispose of <b>his</b> business, such tax shall immediately become due and payable, and such person shall forthwith make a report and remittance thereof.</p>
<p><b>30-260(a)</b></p>	<p>(a) If any person, whose duty it is to do so, shall fail or refuse to collect the tax imposed under this article and make timely report and remittance thereof, the commissioner of revenue shall proceed in such manner as is practicable to obtain facts and information on which to base an estimate of the tax due. As soon as the commissioner has procured such facts and information as may be obtainable, upon which to base the assessment of any tax payable by any person who has failed to collect, report or remit such tax, the commissioner shall proceed to determine and assess against such person the tax, penalty and interest provided in this article, and shall notify such person by registered mail sent to <b>his</b> last known address, of the amount of such tax, penalty and interest, and the total amount thereof shall be payable within ten (10) days from the date such notice is sent.</p>
<p><b>30-284 (4)(4)</b></p>	<p>(4) Any food or food product purchased with food coupons issued by the United States Department of Agriculture under the federal Supplemental Nutrition Assistance Program</p>

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	(SNAP), or drafts issued through the Virginia Special Supplemental Food Program for <b>Women</b> , Infants and Children;
<b>30-290</b>	Whenever any person required to collect and remit to the city any tax imposed by this article shall cease to operate or otherwise dispose of <b>his</b> business, the tax shall immediately become due and payable, and the person shall immediately make a report and remittance thereof.
<b>30-292(a)</b>	(a) If any person whose duty it is to do so shall fail or refuse to collect the tax imposed under this article and make timely report and remittance thereof, the commissioner of revenue shall proceed in such manner as is practicable to obtain facts and information on which to base an estimate of the tax due. As soon as the commissioner has procured whatever facts and information may be obtainable, upon which to base the assessment of any tax payable by any person who has failed to collect, report or remit such tax, the commissioner shall proceed to determine and assess against such person the tax, penalty and interest provided in this article, and shall notify the person, by certified mail sent to <b>his</b> last known address, of the amount of such tax, penalty and interest. The total amount thereof shall be payable ten (10) days after the date such notice is sent.
<b>30-322</b>	If any person, whose duty it is so to do, shall fail or refuse to collect the tax imposed under this article and to make, within the time provided in this article, the returns and remittances required in this article, the commissioner of revenue shall proceed in such manner as <b>he</b> may deem best to obtain facts and information on which to base an estimate of the tax due. As soon as the commissioner procures such facts and information as <b>he</b> is able to obtain upon which to base the assessment of any tax payable by any person who has failed or refused to collect such tax and to make such return and remittance, <b>he</b> shall proceed to determine and assess against such person the tax, penalty and interest provided for by this article and shall notify such person, by certified mail, sent to <b>his</b> last known place of address, of the total amount of such tax, penalty and interest and the total amount thereof shall be payable within ten (10) days from the date of such notice. In the event such tax is not paid within ten (10) days from the date of the notice, the city treasurer shall proceed to collect same in accordance with article VI of this chapter and Code of Virginia, chapter 39 of title 58.1 (section 58.1-3900 et seq.).
<b>30-450</b>	Director means the director of finance for the City of Charlottesville, or <b>his</b> or <b>her</b> designee.  ...  Treasurer means the treasurer for the City of Charlottesville, or <b>his</b> or <b>her</b> designee.
<b>30-454(a)</b>	(a) Every dealer in cigarettes is hereby required and it shall be <b>his</b> duty to purchase such stamps at the office of the treasurer as shall be necessary to pay the tax levied and imposed by this article, and to affix or cause to be affixed, a stamp or stamps of the prescribed monetary value to each package of cigarettes prior to delivering or furnishing such cigarettes to any seller.

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<b>30-456(a)</b>	(a) When, upon examination and audit of any invoices, records, books, canceled checks or other memoranda touching on the purchase, sale, receipt, storage or possession of tobacco products taxed herein, any dealer or other person liable for the tax is unable to furnish evidence to the director of sufficient tax payments and stamp purchases to cover cigarettes which were sold, used, stored, received, purchased or possessed by <b>him</b> , the prima facie presumption shall arise that such cigarettes were received, sold, used, stored, purchased or possessed by <b>him</b> without the proper tax having been paid. The director shall, from the results of such examination and audit based upon such direct or indirect information available, assess the tax due and unpaid.
<b>30-457(g)</b>	(g) Any seized and confiscated cigarettes, vending machines or other property used in the furtherance of any illegal evasion of the tax may be disposed of by sale or other method deemed appropriate by the director thirty (30) days after notice to the person from whom the items were seized, and any other known holder of a property interest in the property. The notice shall state that the owner or holder of a property interest may challenge the proposed sale and forfeiture by written appeal to the Charlottesville City Manager at least five (5) days prior to the date of the proposed sale. The appellant shall have the right to personally appear before the city manager, or <b>his</b> or <b>her</b> designee, and to present any relevant evidence or witnesses, to question any witness for the city, and to assert any available affirmative defense. The city manager shall render a written decision on the appeal within ten (10) working days. If a timely appeal is filed, no sale and forfeiture shall occur unless and until the city manager renders a decision rejecting the appeal.
<b>30-458(a)</b>	(a) Should any person, after acquiring from the treasurer any stamps provided for in this article, cease to be engaged in a business necessitating the use of the stamps, or should the stamps be damaged to the extent that they are unusable, such person shall be entitled to a refund of the denominational or face amount of any such stamps, less any discount, upon presenting the stamps to the treasurer and furnishing the treasurer with an affidavit showing, to <b>his</b> satisfaction, that the stamps were acquired by such person but not used, and the reason for requesting the refund.
<b>30-461 (a)(1)</b>	(1) To perform any act or fail to perform any act for the purpose of evading the payment of any tax imposed by this article or of any part thereof, or for any dealer or seller, with intent to violate any provision of this article, to fail or refuse to perform any of the duties imposed upon <b>him</b> under the provisions of this article, or to fail or refuse to obey any lawful order which the director may issue under this article.
<b>30-475</b>	Disabled veteran means any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred (100) percent service-connected, permanent, and total disability, and who occupies the real property as <b>his</b> principal place of residence.
<b>30-477(4)</b>	(4) The surviving spouse of a veteran eligible for the exemption set forth in this article shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry, and the surviving spouse continues to occupy the real property as <b>his</b> or <b>her</b> principal place of residence.
<b>31-36</b>	It shall be the duty of the gas superintendent and such other persons as <b>he</b> may from time to time designate to attend at places where, from fire or other cause, there is danger of loss of



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	gas by burning or waste, and to shut off the gas, remove meters or do anything else proper for the safety of persons or property.
31-37	Gas apparatus and premises of consumers shall be examined free of charge on receiving notice of any suspected leaks. If the gas superintendent determines that a gas leak on customer premises is a safety hazard, <b>he</b> may terminate service immediately or may require that the leak be repaired at customer expense within a reasonable length of time; and if such repairs are not completed within the specified time period, <b>he</b> may terminate service until such repairs are completed. For purposes of this section, leaks occurring downstream from the meter shall be considered to be on customer premises.
31-61 (a)(1), (a)(2)	<p>(1) The customer has first executed an interruptible transportation service (TS) contract under which <b>he</b> may elect to be a TS customer only or to be both a TS customer and an interruptible sales service (IS) customer.</p> <p>(2) Should the customer elect to be a TS customer only, <b>he</b> will be agreeing that <b>he</b> has no backup IS service and therefore shall be limited to use of customer owned gas. Any gas used in excess of customer owned gas on a daily or monthly basis shall be billed at IS rates plus TS rates for TS only customers plus any penalties incurred by the city as a result of such unauthorized use.</p>
31-64(c)	<p>(c) The normal deposit requirement will be waived, if:</p> <p>(1) The applicant furnishes a letter from another gas, water or electric utility with whom <b>he</b> has had service within the past twenty-four (24) months certifying that <b>he</b> has maintained an acceptable credit record; or</p> <p>(2) The director of finance is able to establish by telephone call to another gas, water or electric utility with which the applicant has had service within the past twenty-four (24) months that the applicant had no terminations for nonpayment within the most recent twenty-four (24) months in which <b>he</b> had service; or</p> <p>(3) The applicant has had city water or gas service at the same or some other address within the past twenty-four (24) months and had no terminations for nonpayment within the most recent twenty-four (24) months in which <b>he</b> had service.</p>
31-67	Whenever the director of finance determines that gas service which was terminated for nonpayment or any other reason has been restored by someone other than authorized personnel of the city, <b>he</b> shall have the metering device for that service removed and shall assess a charge of fifty dollars (\$50.00) to such account, payable in advance, to return the meter to service. In addition, before restoring service to such account, the director of finance shall collect an additional deposit as required by section 31-64(d).

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<b>31-101(a)</b>	(a) Applications for sewer and water connections shall be made and the availability of sewer and water determined at the same time as the application for a building permit. The owner or agent shall immediately designate on the site the location where <b>he</b> desires these utilities to enter <b>his</b> property. The city will then proceed with the installation of service lines to the property line. It shall be the responsibility of the owner to keep a record of the location and elevation of these services at the property line. The building shall then be set to conform to these elevations. Where connection to a city sewer is made by the owner on private property, the installation shall be made in accordance with the provisions of this Code relative to sewers, bearing in mind that the owner shall set the elevation of the building to conform thereto.
<b>31-102(a), (b), (e)(4)</b>	<p>(a) Whenever any person owning or leasing property for which water service has been installed desires the initiation of water delivery, <b>he</b> shall make written application to the director of finance on forms prescribed by the director.</p> <p>(b) Whenever any person owning or leasing property along an existing city water main desires to provide a service connection from such main to such property, <b>he</b> shall make application to the director of finance on forms prescribed by the director. The charge for a water connection for a meter provided, installed and set by the city under this subsection shall be as follows:</p> <p>...</p> <p>(e)(4) The subdivider or developer installs at <b>his</b> expense any required mains and service lines in accordance with city standards.</p>
<b>31-105</b>	It shall be unlawful for any person, other than a regular licensed plumber or an authorized agent acting under authority granted by the city, or one (1) of the city's authorized personnel, while acting in <b>his</b> official capacity, to turn off or on or cause to be turned off or on the city water at the curb stopcock box or meter box or remove or replace a water meter or connect the city water with the house service after a meter has been removed or make any connection around a meter or otherwise change any portion of the city's water system.
<b>31-117</b>	No person shall take from the city water supply any water except as provided in this chapter, nor shall any person use any city water for a purpose for which <b>he</b> has neither paid nor contracted with the city.
<b>31-152(c)</b>	(c) The normal deposit requirement will be waived if:

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	<p>(1) The applicant furnishes a letter from another gas, water or electric utility with whom <b>he</b> has had service within the past twenty-four (24) months certifying that <b>he</b> has maintained an acceptable credit record; or</p> <p>(2) The director of finance is able to establish by telephone call to another gas, water or electric utility with which the applicant has had service within the past twenty-four (24) months that the applicant had no terminations for nonpayment within the most recent twenty-four (24) months in which <b>he</b> had service; or</p> <p>(3) The applicant has had city water or gas service at the same or some other address within the past twenty-four (24) months and had no terminations for nonpayment within the most recent twenty-four (24) months in which <b>he</b> had service.</p>
<b>31-156(b)</b>	<p>(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 <b>his</b> expense, a separate, city-approved water connection to record water which will not reach the city sewer system. The cost and other terms of 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.</p>
<b>31-257</b>	<p>The director of public works shall notify the owner, or authorized agent of the owner, of any building or premises in which there is found a violation of this article of such violation. Such notice shall be in writing and shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the defect corrected by the end of the specified time interval the director of public works may, if in <b>his</b> judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated or deny service to such premises.</p>
<b>31-262(a)</b>	<p>(a) The building official shall inspect the plumbing within every building in the city as frequently as in <b>his</b> judgment may be necessary to ensure that such plumbing has been installed and maintained in such a manner as to prevent the possibility of pollution of the water supply of the city through the plumbing.</p>
<b>31-263(a)</b>	<p>(a) The superintendent shall inspect all water lines, appliances and equipment owned and operated by the city within its boundaries and used to collect, store, transport, purify and treat water for drinking or domestic use, and lines used to distribute water to each building's plumbing system up to the point where it enters the building, as frequently as in <b>his</b> judgment may be necessary to ensure that system has been installed in such a manner as to prevent the possibility of pollution of the water supply of the city through the distribution system.</p>

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32-1(b)	(b) The chief of police or a police officer duly designated by <b>him</b> shall investigate all complaints of violations of this chapter and shall maintain records of all such complaints and investigations.
32-2(d)(1), (d)(2)	<p>(d) Any vehicle's registration under this chapter shall be subject to revocation, as follows:</p> <p>(1) If the chief of police receives information that a passenger motor vehicle for hire, including any taxicab, registered under the provisions of this chapter appears to pose a threat to the health, safety, welfare or comfort of the vehicle's driver(s), passengers or the general public, <b>he</b> shall give the owner of such vehicle not less than ten (10) days' written notice, by certified mail, to appear before <b>him</b> to show cause why the registration of the vehicle should not be revoked or suspended. The notice shall specify the nature of the information received by the police chief, a notice that the failure to respond may result in the suspension or revocation of the vehicle's registration, and shall inform the vehicle's owner that <b>he</b> or <b>she</b> may present information, by witnesses or otherwise, at a hearing. The required notice shall also specify a hearing date, not sooner than ten (10) days following the date of the notice. If, after providing the vehicle's owner with notice and an opportunity to be heard, the police chief determines that the vehicle poses a threat to the health, safety, welfare or comfort of its driver(s), passengers or the general public, the chief may revoke the registration, or if appropriate, may suspend the registration until the offending conditions have been corrected.</p> <p>(2) The owner of a vehicle for which a registration is revoked or suspended by the chief of police shall have the right to appeal to the city manager. The suspension or revocation shall remain effective during the pendency of the appeal. This right of appeal must be exercised by contacting the city manager, in writing and within ten (10) calendar days after the date on which the revocation or suspension is ordered, to request a review of the police chief's decision. If no such written notice of appeal is received in the city manager's office within the ten-day period, the appeal shall be denied. Upon timely receipt of a written request to review a decision of the police chief pursuant to this section, the city manager shall schedule a date on which the taxicab owner and the chief of police may appear before <b>him</b> to be heard on the appeal. Unless otherwise agreed by the parties, this hearing shall take place within fourteen (14) calendar days from the date on which the request for an appeal was received by the city manager, and the city manager shall render <b>his</b> decision on the appeal with fourteen (14) calendar days following the hearing.</p>
32-3(a), (d), (e)(1)	<p>(a) No person shall drive a motor vehicle for hire, including any taxicab, in the city until <b>he</b> has been registered by the chief of police, as follows:</p> <p>(1) On or before January 1st of each calendar year, or no later than March 1 of the calendar year if the driver was registered with the police during the preceding calendar year, a person who drives, or intends to drive a passenger motor vehicle for hire, including a taxicab, within the city shall apply to the chief of police for a registration.</p>

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	<p>(2) Each applicant shall demonstrate to the satisfaction of the chief of police <b>his</b> or <b>her</b> moral and business integrity, ability to safely and legally drive a passenger motor vehicle for hire, including a taxicab, and <b>his</b> knowledge of city traffic laws and ordinances and of the provisions of this chapter. The chief of police shall conduct an investigation with respect to each applicant's application and qualifications.</p> <p>a. Each applicant shall state on <b>his</b> application whether <b>he</b> is self-employed or employed by a taxicab or other type of operator. A self-employed applicant shall present a copy of a current business license authorizing <b>him</b> to do business in the city. An applicant employed by an operator shall present a signed statement attesting to such employment.</p> <p>...</p> <p>(d) No person shall permit any passenger motor vehicle for hire, including any taxicab, owned or controlled by <b>him</b> to be driven in the performance of any transportation service in the city by a person who has not been registered by the chief of police as required by this chapter.</p> <p>...</p> <p>(e) A driver's registration shall be subject to suspension and/or revocation, as follows:</p> <p>(1) If the chief of police receives information suggesting that a taxicab driver registered under this chapter may pose a threat to the health, safety, welfare or comfort of passengers or the general public, <b>he</b> shall give such driver not less than ten (10) days' notice, by certified mail, to appear at a hearing to show cause why the driver's registration should not be denied, suspended or revoked. The required notice shall specify the nature of the information received by the police chief, a notice that the failure to respond may result in the denial, suspension or revocation of the driver's registration, and shall inform the driver that <b>he</b> may present information at a hearing, by witnesses or otherwise. The required notice shall also specify a hearing date, not to be sooner than ten (10) days following the date of the notice.</p>
<b>32-7(c), (e), (f)</b>	<p>(c) Operator. Any person who, for compensation, sells or offers for sale transportation subject to this chapter, or who makes any contract, agreement or arrangement to provide, procure, furnish or arrange for such transportation, or who holds <b>himself</b> out by advertisement, solicitation or otherwise as one who sells, provides, procures, contracts or arranges for such transportation. The term shall include the person who owns a passenger</p>

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	<p>motor vehicle for hire, including a taxicab, and any agents and/or other representatives of such owner. The term shall not include any bona fide employee driver of an operator so far as concerns transportation furnished, or to be furnished, by the employee driver on behalf of such operator; however, the term shall include the driver of a taxicab if the driver is also the owner of the taxicab.</p> <p>...</p> <p>(e) Chief of police. Wherever used in this chapter, the phrase "chief of police" or "police chief" shall mean and refer to the chief of the Charlottesville Police Department, and/or a police officer designated by the chief to act on <b>his</b> behalf.</p> <p>(f) City manager. Wherever used in this chapter, the phrase "city manager" shall mean and refer to the city manager of the City of Charlottesville, and/or a member of the city manager's staff designated by the city manager to act on <b>his</b> behalf.</p>
<b>32-63</b>	<p>No driver of a taxicab shall have in <b>his</b> possession a lighted cigarette, cigar or pipe when any passenger being carried in <b>his</b> taxicab requests <b>him</b> to extinguish the same. No driver shall engage in chewing tobacco or using snuff when any passenger being carried in <b>his</b> taxicab requests that <b>he</b> not do so.</p>
<b>32-69</b>	<p>No taxicab driver shall transport a nonpaying passenger with a paying passenger, except bona fide officers or employees of the owner, driver trainees, or a police officer engaged in the performance of <b>his</b> duties and unable to obtain other adequate means of transportation.</p>
<b>32-70</b>	<p>A taxicab driver shall not deceive or attempt to deceive any passenger who may ride in the driver's taxicab, or who may desire to ride in the taxicab, as to <b>his</b> destination or the rate of fare to be charged. A taxicab driver shall not convey any passenger, or cause <b>him</b> to be conveyed, to a place other than directed by the passenger. In no event shall any taxicab driver take a longer route than is necessary to the passenger's destination than necessary, unless so requested by the passenger.</p>
<b>32-74</b>	<p>No person shall drive a taxicab in the city without being registered by the chief of police as required by section 32-3 of this chapter, and no person shall permit any motor vehicle owned or controlled by <b>him</b> to be used for or in connection with the provision of any taxicab service(s) by or through any person who has not been so registered.</p>
<b>32-92(b), (c)</b>	<p>(b) Any owner of a taxicab wishing to change <b>his</b> rate schedule shall file a proposed new schedule with the chief of police at least thirty (30) days before the new schedule may take effect. A notice shall be posted in that owner's vehicle or vehicles indicating that the proposed change has been filed and the proposed effective date. At the end of the thirty-day period the owner may implement the new rates, provided a certificate is obtained from the chief of police indicating that the meter has been changed to reflect accurately the new rates</p>

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	<p>and that the new rates have been displayed on the exterior or interior of the taxicab as required by section 32-93.</p> <p>(c) Each owner's filed rates, when effective, shall constitute the maximum charges which the owner or his employee may charge for taxicab service within the city. However, nothing shall prevent an owner or operator from charging less than the rate shown on the meter or offering discounts for elderly or handicapped persons, frequent riders or other classes of customers.</p>
33-2(a)	<p>(a) No person shall engage in the business of selling firearms, dirks or bowie knives without having first procured an annual permit from the city manager to engage in such business. Such permit shall be used by such person in applying for his business license under chapter 14 of this Code.</p>
33-5(a), (d)(1), (d)(5), (d)(7)	<p>(a) It shall be unlawful for any person to carry about his person, hidden from common observation:</p> <p>...</p> <p>(d) This section shall not apply to:</p> <p>(1) Any person while in his own place of abode or curtilage thereof.</p> <p>...</p> <p>(5) Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported.</p> <p>...</p> <p>(7) Any person actually engaged in lawful hunting, as authorized by the state board of game and inland fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions.</p>
33-6	<p>No person shall wilfully discharge or cause to be discharged any firearm within the city; provided, that this section shall not apply to any law enforcement officer in the performance</p>

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	<p>of his official duties, nor to any other person whose wilful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law; provided further, that this section shall not apply to any person shooting in licensed shooting galleries or shooting inside a building on a shooting range so constructed as to prevent the shot, projectile or other missile which has been fired from escaping or ricocheting.</p>
<p><b>33-9(e)(10)</b></p>	<p>(10) If a deer which has been shot with an arrow leaves the property on which the hunter has permission to hunt, the hunter shall obtain permission from any property owner over which he or she must travel to pursue or retrieve the deer.</p>
<p><b>Ch. 34 (Section Analysis)</b></p>	<p>Sec. 34-290. Chairman; vice-chairman; secretary.</p>
<p><b>34-28(a)(2)</b></p>	<p>(2) On appeal, the city council shall hear and make a final determination upon the petition within sixty (60) days of the date on which the appeal was filed with the clerk of council. The owner or his agent may appeal the decision of the planning commission to the city council within ten (10) days after the commission's final decision. The appeal shall be by written petition to the city council, and shall set forth the specific factual and legal reasons for the appeal.</p>
<p><b>34-41(d)(4)</b></p>	<p>(4) Maps. One or more maps showing the proposed project's neighborhood context, existing natural and man-made conditions, and existing topography. If the proposal is to amend an existing planned unit development district, and the proposed amendment would affect less area than the entire district, the applicant shall submit a map showing the entire existing PUD and identifying any area to be added to or deleted from the district, or identifying the area to which the amended PUD plan or any amended proffers, would apply. If the proposal is for a special use permit, and the area proposed to be subject to the special use permit is less than an entire lot (or less than an entire PUD, if applicable) a map shall be provided showing the area proposed to be subject to the special use permit.</p>
<p><b>34-82(a)(1)</b></p>	<p>(1) An owner of property determined to be in violation of this chapter or of any regulation adopted pursuant to this chapter found to exist on his property.</p>
<p><b>34-83(c), (d), (f)</b></p>	<p>(c) The zoning administrator may, if so specified in the violation notice and/or correction order, revoke any permit or certificate previously issued by him.</p> <p>(d) Any written notice of a zoning violation or a written order of the zoning administrator shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order to the board of zoning appeals as provided in section 34-137, and that the decision shall be final if not appealed within the applicable time period. The appeal shall be taken by filing with the zoning administrator, and with the board of zoning appeals, a notice of appeal specifying the grounds thereof.</p> <p>...</p>



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	<p>(f) Where a violation notice and/or correction order is issued and such violation has not ceased within such reasonable time as the zoning administrator has specified, <b>he</b> shall institute such action as may be necessary to terminate the violation. The zoning administrator may initiate injunction, mandamus, abatement, criminal or civil warrant, or any other appropriate action to prevent, enjoin, abate or remove such violation of any provision of this chapter.</p>
<p><b>34-106(e)</b></p>	<p>(e) The zoning administrator may delegate <b>his</b> authority to other city officials or employees duly appointed to serve as <b>his</b> assistant(s).</p>
<p><b>34-108</b></p>	<p>The zoning administrator is authorized to grant a variance to building setbacks of less than one (1) foot, provided that <b>he</b> finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the variance. Prior to the granting of a variance, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for variance, and an opportunity to respond to the request within twenty-one (21) days of the date of the notice. If any adjoining property owner objects to said request in writing within the time specified above, the request shall be transferred to the board of zoning appeals for decision.</p>
<p><b>34-110(a)</b></p>	<p>(a) The zoning administrator shall keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered and notices issued. <b>He</b> shall retain records of all action in connection with building work as required by state law.</p>
<p><b>34-111</b></p>	<p>(a) In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after sixty (60) days have elapsed from the date of the written order, requirement, decision or determination where the person affected by such action has materially changed <b>his</b> position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer, or through fraud. The sixty-day limitation shall not apply in any case where, with the concurrence of the city attorney, modification is required to correct clerical or other nondiscretionary errors.</p> <p>(b) The zoning administrator shall respond within ninety (90) days of a request for a decision or determination on zoning matters within the scope of <b>his</b> authority, unless the requester has agreed to a longer period.</p>

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	(c) The zoning administrator may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the chief of police in enforcing orders and of the city attorney in prosecuting violations and of other city officials.
<p><b>34-126(b), (c)</b></p>	<p>(b) A member whose term expires shall continue to serve until his successor is appointed and qualifies. Any member of the board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by the circuit court, after a hearing is held after at least fifteen (15) days notice.</p> <p>(c) Up to three (3) alternate members to the board of zoning appeals may be appointed by the circuit court. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member, when he knows he will be absent from a meeting, shall notify the chairman twenty-four (24) hours prior to such meeting. The chairman shall select an alternate to serve in the absent member's place and the records of the board shall so note.</p>
<p><b>34-128</b></p>	<p>The board of zoning appeals shall select one (1) of its members as chairman and one (1) as vice-chairman, who shall serve in such capacity for a term of one (1) year and until their successors have been selected. The board may elect as its secretary either one (1) of its members or a qualified individual who is not a member of the board, excluding the alternate members, who shall serve in such capacity for a term of one (1) year and until his successor has been selected. A secretary who is not a member of the board shall not be entitled to vote on matters before the board.</p>
<p><b>34-131(b)</b></p>	<p>(b) Meetings. Meetings of the board shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The board shall give notice of its meetings in accordance with applicable requirements of the Virginia Freedom of Information Act ("FOIA").</p>
<p><b>34-136(a)</b></p>	<p>(a) A variance may be granted where a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.</p>
<p><b>34-137(b)</b></p>	<p>(b) Such an appeal shall be taken within thirty (30) days, except as otherwise provided in section 34-111 after the decision appealed from by filing with the zoning administrator or other official, and with the board, a notice of appeal specifying the grounds thereof. Any written notice of a zoning violation or a written order of the zoning administrator dated on or after July 1, 1993 shall include a statement informing the recipient that he may have a</p>

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	right to appeal such notice or order within thirty (30) days in accordance with this section, and that the decision shall be final and unappealable if not appealed within thirty (30) days.
<b>34-139(d)</b>	(d) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with <b>his</b> findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly or may modify the decision brought up for review.
<b>34-158 (a)(2)</b>	(2) A written disclosure of the information required by section 34-8 of the City Code and, if the applicant is not the owner of the property, written evidence of <b>his</b> status as (i) the authorized agent of the property owner, or (ii) a contract purchaser of the property whose application is with the permission of the property owner;
<b>34-164(d)</b>	(d) Prior to the expiration of a special use permit, upon written request by the applicant to the director, the director, if <b>he</b> finds that the special use permit is still in compliance with all applicable ordinances and policies, may grant an extension of up to one (1) year. A request for an extension shall be submitted prior to expiration. Written notification of the decision on the extension request shall be provided by the director within fourteen (14) business days.
<b>34-166 (f)(4)</b>	(4) Additional information as deemed necessary by the director of neighborhood development services in order to facilitate a thorough review of the potential impacts of the proposed infill development that is the subject of the application. If any applicant fails to demonstrate within <b>his</b> application materials that a proposed infill development meets the minimum requirements specified in section 34-166(a)—(e), above, the application shall be rejected as incomplete.
<b>34-242(b)</b>	(b) The degree of flood protection sought by this division is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by <b>man-</b> made or natural causes, such as ice jams and bridge openings restricted by debris. The applicability of this division to certain lands does not warrant or imply that areas outside the floodplain, or land uses permitted within the floodplain, will be free from flooding or flood damage.
<b>34-260 (b)(4)</b>	(4) If the floodplain administrator determines that the work constitutes substantial improvement, or repair of substantial damage, <b>he</b> or <b>she</b> shall notify the applicant that compliance with the flood resistant construction requirements of this division and of the USBC is required.
<b>34-277 (a)(1)</b>	(1) The moving, removing, encapsulating or demolition, in whole or in part, of any contributing structure or protected property shall be allowed pursuant to an order of the city's building code official, without the permission of the BAR or city council on appeal, upon the determination of the building code official that the building or structure is in such a dangerous, hazardous or unsafe condition that it could reasonably be expected to cause death or serious injury before review under the provisions of this article. Upon such a

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	determination, the building code official shall deliver a copy of his order to the director of neighborhood development services and to the chairman of the BAR; and
34-282(b), (d)	<p>(b) Prior to submission of an application for a certificate of appropriateness, a property owner or his agent may request a conference with the full BAR, the chairman of the BAR or the director of neighborhood development services ("pre-application conference") to discuss and review a proposal for activities that require such certificate. The principal objective of the conference shall be to simplify and expedite the formal review process.</p> <p>...</p> <p>(d) After the pre-application review, if any, has been completed, and at least twenty-one (21) days prior to the meeting at which an application will be considered by the BAR, a property owner or his agent may apply for a certificate of appropriateness. The following information and exhibits shall be submitted along with each application:</p>
34-283(d)	(d) Upon approval of an application by the director of neighborhood development services, the director shall issue the approved certificate. If the application is denied, the director shall mail or hand-deliver written notice of this decision to the applicant, which notice shall set forth the specific reasons for the denial, with reference to specific ordinances, laws or regulations. The director shall inform the BAR of his administrative decisions at the next regular meeting following the date of such decisions.
34-284(a)	(a) The BAR shall afford each applicant, and any other interested party, an opportunity to be heard, prior to rendering its decision on any application. No published notice of a particular application is required; however, the director of neighborhood development services shall send written notice of the time, date, place and subject of a meeting to the applicant, or his agent, and to each property owner, or his agent, abutting or immediately across a street or road from the property that is the subject of the application, and to all properties having frontage along the same city street block. Notice sent by first class mail to the last known address of such owner or agent, as shown on the city's current real estate assessment books, postmarked not less than fourteen (14) days before the meeting, shall be deemed adequate. A representative of the department of neighborhood development services shall make affidavit that such mailing has been made and file the affidavit with the papers related to the application. Additionally, a sign shall be posted at the property which is the subject of the application, at least ten (10) days prior to the board's meeting, identifying the time, date, place and nature of the application which has been scheduled for a hearing.
34-286(a), (d)(4)	(a) An applicant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions he or she deems relevant to the application. The applicant, or his agent, and any aggrieved person, shall be given an opportunity to be heard on the appeal.

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	<p>...</p> <p>(d)(4) If all of the foregoing conditions are not met within the applicable sale period, then the city council's decision denying a permit shall stand, unless and until that decision is overturned by the circuit court. However, following expiration of the applicable sale period, a property owner may renew <b>his</b> request to the city council to approve the demolition of the historic landmark, building or structure.</p>
<p><b>34-290</b></p>	<p>Sec. 34-290. <b>Chairman</b>; vice-<b>chairman</b>; secretary.</p> <p>The BAR shall annually elect from its membership a <b>chairman</b> and vice-<b>chairman</b>, at the first meeting held on or after July first each calendar year. Similarly, the members shall elect a secretary, who may or may not be a member of the BAR.</p>
<p><b>34-308</b> <b>(a)(1),</b> <b>(a)(4)</b></p>	<p>(1) The meetings of the ERB shall be held at the call of its <b>chairman</b> or at such times as a quorum of the board may determine.</p> <p>...</p> <p>(4) The ERB shall choose annually its own <b>chairman</b> and vice-<b>chairman</b>, who shall act in the absence of the <b>chairman</b>.</p>
<p><b>34-309(b),</b> <b>(d)(5)</b></p>	<p>(b) All applications for the certificates required by subparagraphs (a)(1) or (a)(2) above, shall be reviewed and approved administratively by the director. If administrative approval is granted the applicant shall post a notice of such approval on the subject property. If the application is denied the director shall mail or hand-deliver notice of <b>his</b> decision to the applicant. In either case, the applicant or any other aggrieved party shall have ten (10) working days from the date of the director's decision to appeal the decision to the ERB; no certificate shall be issued prior to expiration of the ten-day period.</p> <p>...</p> <p>(d)(5) Additions or modifications to a building or structure, where no substantial change in design or materials is proposed, as determined by the director of neighborhood development services or <b>his</b> designee.</p>
<p><b>34-346(d)</b></p>	<p>(d) Upon approval of an application by the director of neighborhood development services, the director shall issue the approved certificate. If the application is denied, the director shall convey written notice of this decision to the applicant, which notice shall set forth the specific reasons for the denial, with reference to specific provisions of this article or</p>

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	applicable design guidelines. The director shall inform the BAR of <b>his</b> administrative decisions at the next regular meeting following the date of such decisions.
<b>34-347(a)</b>	(a) The BAR shall afford each applicant, and any other interested party, an opportunity to be heard, prior to rendering its decision on any application. The director of neighborhood development services shall send written notice of the time, date, place and subject of a meeting to the applicant, or <b>his</b> agent, and to each property owner, or <b>his</b> agent, abutting or immediately across a street or road from the property that is the subject of the application, and to all properties having frontage along the same city street block. Notice sent by first class mail to the last known address of such owner or agent, as shown on the city's current real estate assessment books, postmarked not less than fourteen (14) days before the meeting, shall be deemed adequate. Additionally, a sign shall be posted at the property which is the subject of the application, at least ten (10) days prior to the BAR's meeting, and identifying the time, date, place and nature of the application which has been scheduled for a hearing.
<b>34-348(a)</b>	(a) A decision of the BAR may be appealed to city council by the applicant, or any other aggrieved person, by filing a written notice of appeal within ten (10) days from the date of decision. An appellant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions <b>he</b> or <b>she</b> deems relevant to the application. The applicant, or <b>his</b> agent, and any aggrieved person, shall be given an opportunity to be heard on the appeal.
<b>34-515(a)</b>	(a) Prior to the formal submission of an application seeking approval of a proposed PUD, the developer or <b>his</b> representative shall hold a conference with the director of neighborhood development services concerning the proposal, and shall provide the director with unofficial preliminary studies of <b>his</b> development concept and a sketch plan that specifies:
<b>34-801 (b)(2)</b>	(2) The director may delegate in writing to an employee under <b>his</b> supervision any of the functions for which the director is responsible; thereafter, any action taken by such employee shall be deemed an action of the director <b>himself</b> . Wherever the term "director" is used within this division, the term shall mean and include any city employee or official to whom the director has delegated responsibility for a particular action.
<b>34-820 (b)(1)</b>	(1) The director shall circulate the plan for review and comment by the following city officials, employees and departments, together with notice of the date on which the plan has been scheduled for a preliminary site plan conference: the city engineer, the department of public works, the fire department, the building code official, the zoning administrator, and other city or state officials, employees, departments or agencies whose review and comments are deemed necessary by the director. All resulting requirements and recommendations shall be forwarded to the director by city staff prior to the date of the required preliminary site plan conference. For purposes of this article, the term "requirements" shall be deemed to mean regulatory provisions of this chapter, and any duly adopted rules and regulations of a reviewing department, and "recommendations" shall be deemed to include suggestions for design changes deemed to be in the public interest by a reviewing official in the area of <b>his</b> expertise.

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<p><b>34-821 (a), (b), (c)</b></p>	<p>(a) No preliminary site plan conference shall be scheduled by the director to take place sooner than twenty-one (21) days following the date on which the application for preliminary site plan approval was officially submitted. Preliminary site plan conferences shall routinely be held on the first and third Wednesdays of each month; however, additional conference dates may be set by the director with adequate notice to representatives of the relevant city departments, the planning commission and the applicant or his agent.</p> <p>(b) The preliminary site plan conference shall be open to the public. The director shall post notice of the date, time and place of such conference on the city website and publish same in some newspaper published or having general circulation in the City of Charlottesville, and cause written notice to be sent to the applicant or his agent; the owner, or agent for the owner, of each property located within five hundred (500) feet of the property subject to site plan review, and all City neighborhood association(s). Notice sent by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books, postmarked not less than five (5) days before the conference, shall be deemed adequate. A representative of the department of neighborhood development services shall make affidavit that such mailing has been made and file the affidavit with the papers related to the site plan application.</p> <p>(c) Upon conclusion of the preliminary site plan conference; if revisions to the plan are required or recommended, the developer shall be notified thereof by the director in writing. The director shall advise the developer of the date by which required revisions shall be submitted ("revision deadline"). Nothing contained herein shall obligate the developer to revise a plan to include recommendations forwarded to him by the director; however, in a case where a developer declines to include such recommendations the developer shall submit in writing to the director, on or before the revision date, a statement as to the reasons and justification for not incorporating the recommendations into the revised plan.</p>
<p><b>34-823 (d), (e)</b></p>	<p>(d) If the director or the commission disapproves a preliminary or final site plan, such action shall be subject to judicial review as provided within Code of Virginia § 15.2-2260. However, if the developer so chooses, he may first appeal a decision of the director to the planning commission, provided that such appeal is submitted in writing to the director within ten (10) days after the date of the director's disapproval. The commission may affirm, reverse or modify, in whole or in part, the decision of the director.</p> <p>(e) At any time during the review process, an applicant may request that further processing or formal action on his application for approval of a preliminary or final site plan be indefinitely deferred. Thereafter, the application shall be deemed to have been voluntarily withdrawn by the applicant if the applicant fails to initiate, in writing, a reinstatement of review so that final action on the plan can be taken within six (6) months after the date the deferral was requested. Upon written request received by the director before the date on which the application will be deemed to be withdrawn, the director may grant one (1) extension of the deferral for a period determined to be reasonable, taking into consideration</p>

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	the size or nature of the proposed development, the complexity of the review, and the laws in effect at the time the request for extension is made.
<b>34-824(b)</b>	(b) Neither the zoning administrator nor the city's building code official shall issue any required zoning permit, building permit, or certificate of occupancy until <b>he</b> or <b>she</b> has received a copy of the approved final site plan for the improvement(s) which are the subject of any such required permit or certificate.
<b>34-825(b), (c)</b>	<p>(b) Upon application filed prior to expiration of a final site plan, the planning commission or, in the case of a plan that was approved administratively, the director, may grant one (1) or more extensions of such approval for additional periods as the commission may determine reasonable, taking into consideration the size and phasing of the proposed site and the laws, ordinances and regulations in effect at the time of the request for an extension. If the planning commission or director denies a requested extension, and the requesting party contends that such denial (i) was not properly based on the applicable city ordinance(s), (ii) was not properly based on the foregoing considerations for granting an extension, or (iii) was arbitrary or capricious, <b>he</b> may appeal to the city's circuit court provided that such appeal is filed within sixty (60) days of the city's written denial.</p> <p>(c) For so long as the final approved site plan remains valid, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval shall adversely affect the right of the developer or <b>his</b> successor in interest to commence and complete an approved development in accordance with the lawful terms of the site plan, unless (i) the change or amendment is required to comply with state law, or (ii) there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.</p>
<b>34-867(5)</b>	(5) The landscape plan shall depict existing landscape features, including, without limitation: wooded areas (indicated by general type, e.g., evergreen or deciduous) and location of tree line; small groupings of trees; individual trees of eight (8) inch caliper or greater; ornamental trees of any size (indicated by common name), approximate caliper, and location; distinctive natural features, such as rock formations or water features; and <b>man</b> -made features of local or historic significance.
<b>34-931(e)</b>	(e) In cases where there is no existing curb, gutter and sidewalk along adjacent public streets onto which the service station shall have access, the developer shall at <b>his</b> own expense construct the necessary curb, gutter and sidewalk according to city specifications.
<b>34-981(b)</b>	(b) Parking areas shall be constructed with a slope of five (5) percent or less. The director of neighborhood development services may, however, permit slopes of up to ten (10) percent where necessary for reasons of topography, and where <b>he</b> determines that adequate drainage will be provided.
<b>34-1028 (a), (b)</b>	(a) The city manager or <b>his</b> designee may place or cause to be placed signs in the public right-of-way and in or upon any public property.



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	(b) The city manager or his designee may authorize the temporary placement of a banner over or within a public right-of-way, pursuant to the regulations duly enacted by the city manager.
34-1077(d)	(d) Existing vegetation on the site shall be preserved to the greatest practical extent. Existing vegetation, topography, walls and fences, etc., combined with shrubs or other features may be substituted for the required shrubs or trees, if the director of neighborhood development services or his designee finds that they achieve the same degree of screening as the required shrubs or trees.
34-1083 (b), (i)	<p>(b) Zoning verification. Upon receipt of an application seeking approval for a facility, or modification, listed in paragraph (a), above, the zoning administrator shall verify in writing that the proposed facility or modification meets applicable requirements of the zoning ordinance ("zoning verification"). If the zoning administrator determines that the facility or modification is not within the scope of [pagraphs] (a)(1)—(4), above, or does not meet applicable zoning requirements, the zoning administrator shall notify the applicant in writing of the basis of his determination, and the facility or modification shall not be permitted until all applicable requirements have been satisfied.</p> <p>...</p> <p>(i) Each application for a special use permit for a communications facility, or an amendment to such a special use permit, shall be accompanied by a fee as set forth within the most recent fee schedule adopted by city council, plus an additional amount specified by the director of neighborhood development services or his designee, as and for the cost of technical consultant(s) and experts deemed necessary by the city. Such fee shall include but shall not necessarily be limited to the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate the application.</p>
34-1104 (a)(2)	(2) The zoning administrator's signature on a certificate of occupancy shall constitute his certification that the use that is the subject of the certificate is lawful under the provisions of the city's zoning ordinance.
34-1120 (b)(6)b., c.	b. The director of neighborhood development services shall post on the city website notice of the date, time and place that a request for a modification or waiver of the requirements of these critical slopes provisions will be reviewed and cause written notice to be sent to the applicant or his agent and the owner or agent for the owner of each property located within five hundred (500) feet of the property subject to the waiver. Notice sent by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books, postmarked not less than five (5) days before the meeting, shall be deemed adequate. A representative of the department of neighborhood development services shall make affidavit that such mailing has been made and file the affidavit with the papers related to the site plan application.

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	<p>c. All modification or waiver requests shall be submitted to the department of neighborhood development services, to be reviewed by the planning commission. In considering a requested modification or waiver the planning commission shall consider the recommendation of the director of neighborhood development services or their designee. The director, in formulating his recommendation, shall consult with the city engineer, the city's environmental manager, and other appropriate officials. The director shall provide the planning commission with an evaluation of the proposed modification or waiver that considers the potential for soil erosion, sedimentation and water pollution in accordance with current provisions of the Commonwealth of Virginia Erosion and Sediment Control Handbook and the Virginia State Water Control Board best management practices, and, where applicable, the provisions of Chapter 10 of the City Code. The director may also consider other negative impacts of disturbance as defined in these critical slope provisions.</p>
<p><b>34-1150(d)</b></p>	<p>(d) The zoning administrator shall mail a copy of his determination to the property owner. The zoning administrator's determination shall be final after thirty (30) days unless an appeal is filed with the board of zoning appeals.</p>
<p><b>34-1172 (16)d., e.</b></p>	<p>d. By his or her application for a provisional use permit for a homestay, an applicant authorizes city inspectors to enter the subject property, upon reasonable advance written notice to the applicant, at least one (1) time during the calendar year for which the permit is valid, to verify that the homestay is being operated in accordance with the regulations set forth within this section.</p> <p>e. Each provisional use permit for a homestay will be valid from January 1 (or such other date during a calendar year on which such permit is issued) through December 31 of the calendar year in which the permit is issued. During this period of validity, the owner of the homestay must occupy the dwelling as his or her residence for more than one hundred eighty (180) days.</p>
<p><b>34-1175(1)</b></p>	<p>(1) No mobile food unit may be operated on private property without the mobile food unit owner or his designee having first been issued a provisional use permit pursuant to this section.</p>
<p><b>34-1194(a)</b></p>	<p>(a) Temporary family health care structures shall be a permitted accessory use in single family residential zoning districts on lots zoned for single-family detached dwellings if such structure (i) is used by a caregiver in providing care for a mentally or physically impaired person, and (ii) is on property owned or occupied by the caregiver as his residence. For purposes of this section, "caregiver" and "mentally or physically impaired person" shall have the same meaning as defined in Virginia Code § 15.2-2292.1.</p>
<p><b>34-1200</b></p>	<p>Adult assisted living means A residential facility in which aged, infirm or disabled adults reside, and for which the licensing authority is the Virginia Department of Social Services, or for which no state license is required. The term shall not include the home or residence of an individual who cares only for persons related to him by blood or marriage. The term shall also not include any facility licensed by the State Board of Health or the state Department of Mental Health, Mental Retardation and Substance Abuse Services, or any</p>

Code Section	Text
	<p>other facility excluded from the definition of "assisted living facility," set forth within Code of Virginia § 63.2-100.</p> <p>Adult day care means a facility that provides care and protection to four (4) or more aged, infirm or disabled adults who reside elsewhere, during only a part of the day (a period of less than twenty-four (24) hours). The term shall not include any facility, or portion thereof, that is licensed by the State Board of Health, the State Department of Mental Health, Mental Retardation and Substance Abuse Services; or the home or residence of an individual who cares only for persons related to <b>him</b> by blood or marriage.</p> <p>...</p> <p>Farm sales means the sale of agricultural or horticultural produce or merchandise produced on a farm, conducted by the farmer or members of <b>his</b> family. Sales of items not produced the person engaged in such sales activity shall be limited to companion items intended to be used with the agricultural or horticultural produce or merchandise (such as canning jars, pumpkin carving kits, gift baskets, wreath making supplies, floral arranging supplies, potting soil, pots, pruning shears, gardening gloves, etc., but not including farm machinery and equipment [except hand tools], building materials, furniture or other like items).</p> <p>...</p> <p>Flood control works for purposes of Article II, section 34-240, et seq. means any <b>man</b>-made construction, such as a dam, levee, groin, or jetty designed to alter the flood potential of the body of water on or adjacent to which it is built.</p> <p>...</p> <p>Homestay means a home occupation in which an individual who owns a dwelling and uses it as <b>his</b> or <b>her</b> permanent residence within a dwelling hires out, as lodging: (i) such dwelling, or any portion thereof, or (ii) a lawful accessory dwelling.</p>

Approved by Council

\_\_\_\_\_, 2021  
Kyna Thomas, CMC  
Clerk of Council

CITY OF CHARLOTTESVILLE  
CITY COUNCIL AGENDA



Agenda Date:	August 16 <sup>th</sup> , 2021
Action Required:	Public Hearing and Approval of Three Ordinances (One Reading)
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities Christian Chirico, Gas Utility Engineer
Title:	<b>Quitclaim Gas Easements to VDOT – Varick Street &amp; Marin Court (Dunlora Park Subdivision) Archer Avenue &amp; Stella Lane (Brookhill Subdivision) Glenleigh Road (Highland Park Subdivision)</b>

**Background:**

In 2017 the City acquired a natural gas line easement from Dunlora Investments, LLC. The easement is located within Varick Street and Marin Court in the Dunlora Park subdivision in Albemarle County. The Virginia Department of Transportation is now prepared to accept these roads into the state highway system. The attached ordinance proposes to vacate the existing natural gas easement in order for VDOT to formally accept these roads into the highway maintenance system.

In 2019 the City acquired a natural gas line easement from Brookhill Apartments, LLC. The easement is located within Archer Avenue and Stella Lane in the Brookhill subdivision in Albemarle County. The Virginia Department of Transportation is now prepared to accept these roads into the state highway system. The attached ordinance proposes to vacate the existing natural gas easement in order for VDOT to formally accept these roads into the highway maintenance system.

In 2019 the City acquired a natural gas line easement from Highland Park Investments, LLC. The easement is located within Glenleigh Road in the Highland Park Subdivision in Albemarle County. The Virginia Department of Transportation is now prepared to accept these roads into the state highway system. The attached ordinance proposes to vacate the existing natural gas easement in order for VDOT to formally accept these roads into the highway maintenance system.

**Discussion:**

Attached are three (3) proposed ordinances—one for each subdivision in which a gas line easement is proposed to be vacated. Each of the ordinances require the City’s gas lines to remain in their present location(s), and if any of the streets cease to be part of the state's highway system, the gas line easement in that street will revert back to the City. The natural gas lines and facilities continue to be owned and maintained by the City even after the easement is quitclaimed to the state.

Virginia Code §15.2-2100(A) requires City Council’s disposition of its interests in its gas works to be approved by an ordinance, upon a vote of three-fourths of all of the members elected to City Council (i.e., 4 of 5 councilors). Because these ordinances are enacted for a special purpose (disposition of the City’s interests in certain real estate), City Council may waive any requirement for the second reading.

**Alignment with Council Vision Areas and Strategic Plan:**

This contributes to Objective 3.2 of the Strategic Plan, to provide reliable and high quality infrastructure.

**Community Engagement:**

A public hearing is required pursuant to Va. Code §15.2-1800.

**Alternatives:**

If the ordinance is not approved, VDOT will not accept the roadways into its road maintenance system.

**Budgetary Impact:**

None.

**Recommendation:**

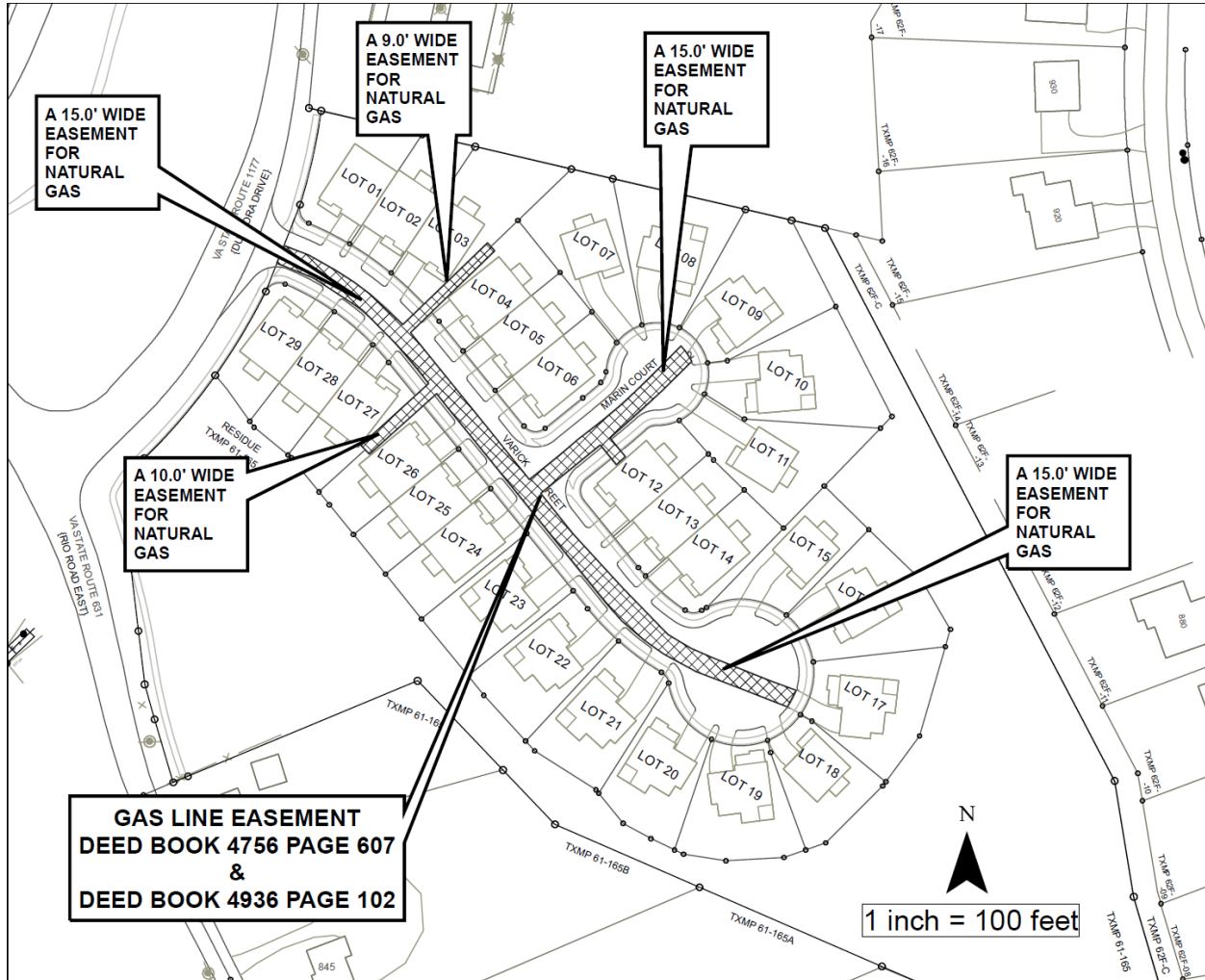
Approval of the attached ordinances

**Attachments:**

- Proposed Ordinances (3)

**ORDINANCE**  
**CLOSING, VACATING AND DISCONTINUING**  
**CERTAIN UTILITY EASEMENTS**  
**WITHIN THE PUBLIC RIGHTS OF WAY FOR VARICK STREET**  
**AND MARIN COURT, PUBLIC STREETS WITHIN THE DUNLORA PARK**  
**SUBDIVISION LOCATED IN ALBEMARLE COUNTY, VIRGINIA**

**WHEREAS**, the developers of the Dunlora Park Subdivision (“Developers”) previously granted natural gas line easements to the City, over and across land within the public rights of way for Varick Street and Marin Court, in the location(s) depicted as follows:



And,

**WHEREAS**, the public rights of way in which the City’s gas line easements are located have been or will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

**WHEREAS**, the Commonwealth of Virginia has requested the City to vacate the easements previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

**WHEREAS**, the City’s Director of Utilities has recommended that the Commonwealth’s request can be accommodated, so long as the City’s gas line will be allowed to remain;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the easements are hereby vacated, **PROVIDED, HOWEVER**, that the vacation of the foregoing easements is hereby made conditionally, subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for the City’s natural gas lines, and related facilities (collectively, “gas lines”) located within the rights of way that are the subject of this Ordinance; however, the gas lines shall remain within their current locations, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas lines for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Varick Street and Marin Court as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Varick Street and Marin Court cease to be used or maintained as public streets or highways of the Commonwealth, the easements, and the City’s rights, title and interests thereunder shall revert back to the City.
3. The City Attorney shall prepare a Deed of Quitclaim referencing the easements to be vacated by this ordinance, and for recordation within the land records, consistent with this ordinance. The City Attorney will cause the Deed of Vacation and this Ordinance to be recorded within the land records of the jurisdiction in which the easements vacated by this Ordinance were previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City’s exercise of rights or privileges to operate its gas lines within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City’s land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

**AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.**

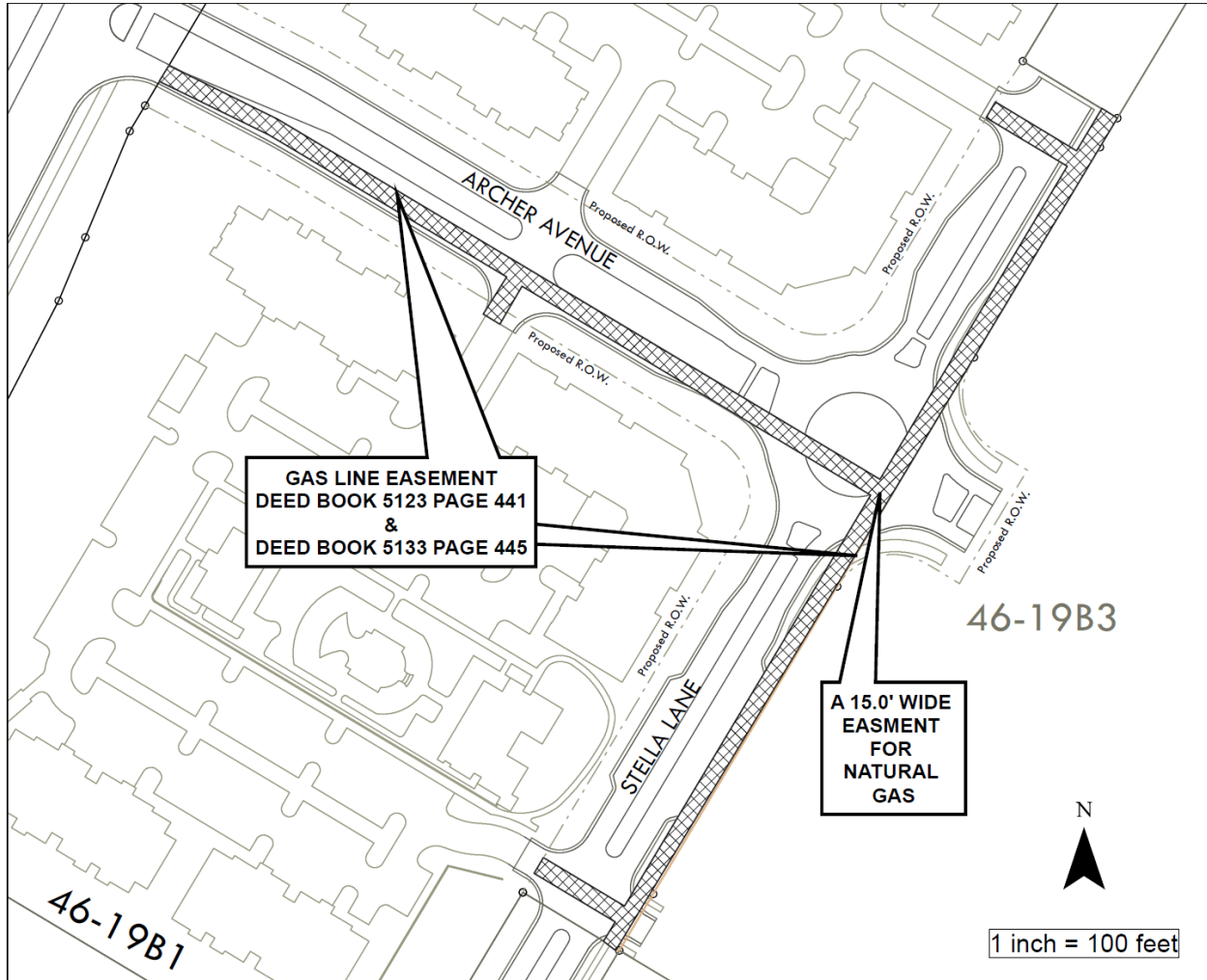
Approved by Council  
\_\_\_\_\_, 2021

\_\_\_\_\_  
Clerk of Council



**ORDINANCE  
CLOSING, VACATING AND DISCONTINUING  
CERTAIN UTILITY EASEMENTS  
WITHIN THE PUBLIC RIGHTS OF WAY FOR ARCHER AVENUE  
AND STELLA LANE, PUBLIC STREETS WITHIN THE BROOKHILL SUBDIVISION  
LOCATED IN ALBEMARLE COUNTY, VIRGINIA**

**WHEREAS**, the developers of the Brookhill Subdivision (“Developers”) previously granted natural gas line easements to the City, over and across land within the public rights of way for Archer Avenue and Stella Lane, in the location(s) depicted as follows:



And,

**WHEREAS**, the public rights of way in which the City’s gas line easements are located have been or will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

**WHEREAS**, the Commonwealth of Virginia has requested the City to vacate the easements previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

**WHEREAS**, the City’s Director of Utilities has recommended that the Commonwealth’s request can be accommodated, so long as the City’s gas line will be allowed to remain;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the easements are hereby vacated, **PROVIDED, HOWEVER**, that the vacation of the foregoing easements is hereby made conditionally, subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for the City’s natural gas lines, and related facilities (collectively, “gas lines”) located within the rights of way that are the subject of this Ordinance; however, the gas lines shall remain within their current locations, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas lines for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Archer Avenue and Stella Lane as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Archer Avenue or Stella Lane cease to be used or maintained as public streets or highways of the Commonwealth, the easements, and the City’s rights, title and interests thereunder shall revert back to the City.
3. The City Attorney shall prepare a Deed of Quitclaim referencing the easements to be vacated by this ordinance, and for recordation within the land records, consistent with this ordinance. The City Attorney will cause the Deed of Vacation and this Ordinance to be recorded within the land records of the jurisdiction in which the easements vacated by this Ordinance were previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City’s exercise of rights or privileges to operate its gas lines within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City’s land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

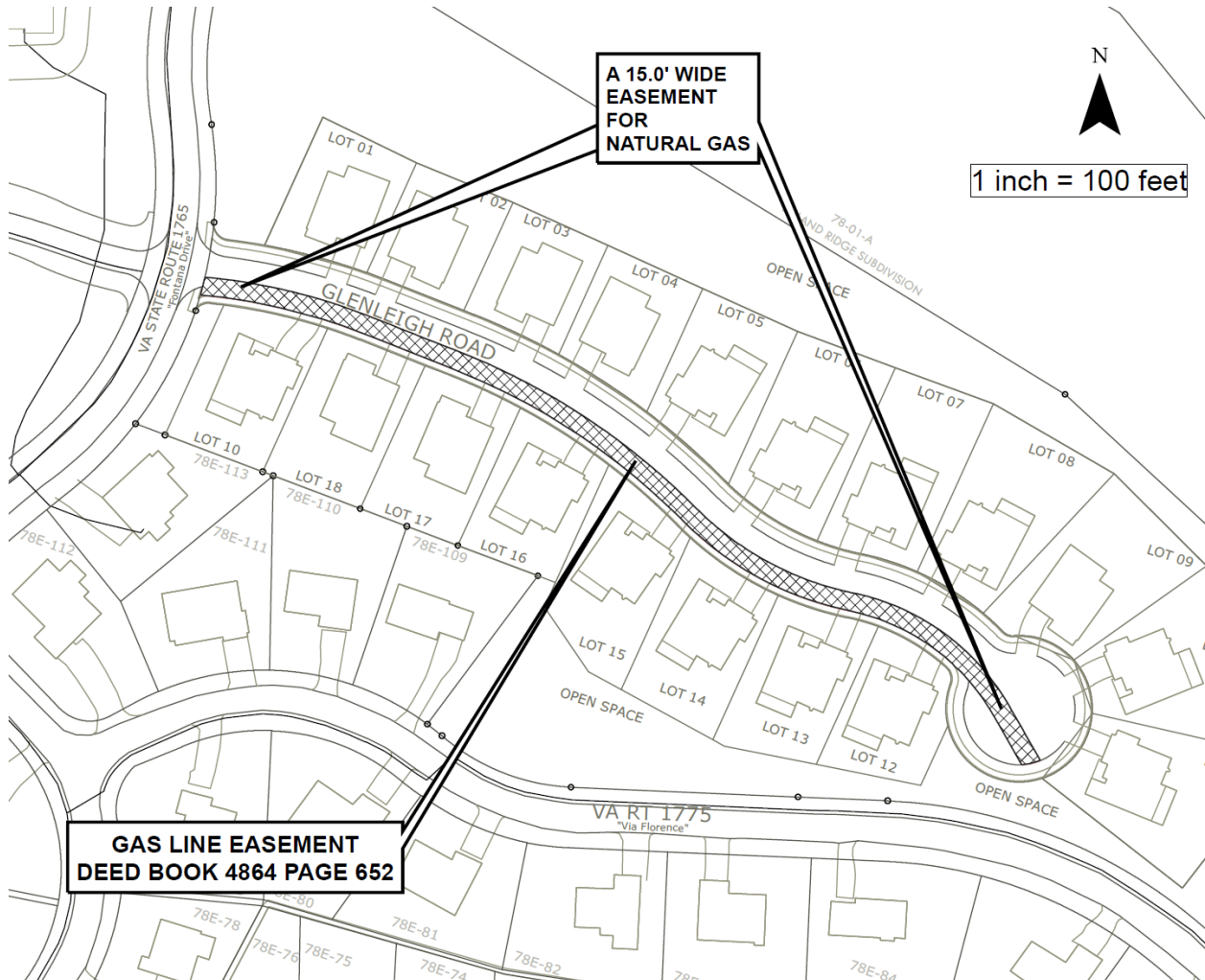
**AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.**

Approved by Council  
\_\_\_\_\_, 2021

\_\_\_\_\_  
Clerk of Council

**ORDINANCE  
CLOSING, VACATING AND DISCONTINUING  
CERTAIN UTILITY EASEMENTS  
WITHIN THE PUBLIC RIGHTS OF WAY FOR GLENLEIGH ROAD,  
PUBLIC STREET WITHIN THE HIGHLAND PARK SUBDIVISION LOCATED IN  
ALBEMARLE COUNTY, VIRGINIA**

**WHEREAS**, the developers of the Highland Park Subdivision (“Developers”) previously granted a gas line easement to the City, over and across land within the public rights of way for Glenleigh Road, in the location(s) depicted as follows:



And,

**WHEREAS**, the public rights of way in which the City’s gas line easement is located have been or will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

**WHEREAS**, the Commonwealth of Virginia has requested the City to vacate the easement previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

**WHEREAS**, the City's Director of Utilities has recommended that the Commonwealth's request can be accommodated, so long as the City's gas line will be allowed to remain;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the easement is hereby vacated, **PROVIDED, HOWEVER**, that the vacation of the foregoing easement is hereby made conditionally, subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for the City's natural gas line, and related facilities, located within the rights of way that are the subject of this Ordinance; however, the gas line shall remain within its current location, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas line for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Glenleigh Road as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Glenleigh Road cease to be used or maintained as public streets or highways of the Commonwealth, the easement, and the City's rights, title and interests thereunder shall revert back to the City.
3. The City Attorney shall prepare a Deed of Quitclaim referencing the easement to be vacated by this ordinance, and for recordation within the land records, consistent with this ordinance. The City Attorney will cause the Deed of Vacation and this Ordinance to be recorded within the land records of the jurisdiction in which the easement vacated by this Ordinance was previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City's exercise of rights or privileges to operate its gas line within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

**AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.**

Approved by Council  
\_\_\_\_\_, 2021

\_\_\_\_\_  
Clerk of Council

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



Agenda Date:	August 2, 2021
Action Requested:	Consideration of a Rezoning Application
Presenter:	Matt Alfele, City Planner
Staff Contacts:	Matt Alfele, City Planner
<b>Title:</b>	<b>ZM-21-00001 1206 Carlton Avenue</b>

**Background:**

Justin Shimp (Shimp Engineering, P.C.), representing the owner, Management Services Inc., has submitted a rezoning application to rezone 1206 Carlton Avenue (“Subject Property”) from the existing residential use (R-2) to multifamily residential use (R-3) with no proffers. The rezoning application requested (in conjunction with SUP application SP-21-00004) is to accommodate a proposed eight (8) unit apartment building on the subject property that would not be permitted under the current zoning. The subject property is currently vacant with road frontage on Carlton Avenue and alley access from the rear of the property to Bainbridge Street. The proposed apartment building would contain eight (8) dwellings with a mix of one and two-bedroom units with eight (8) parking spaces.

In addition to the rezoning application, Justin Shimp (Shimp Engineering, P.C.), representing the owner, Management Services Inc., has submitted a special use permit application (SUP) for a residential density of thirty-one (31) DUA (Dwelling Units per Acres). An increase in density through a SUP is not permitted unless the Subject Property is granted a rezoning to R-3 through ZM-21-00001. In addition to increased density, the applicant is requesting adjustments to side yard regulations per Sec. 34-162 from the required thirteen (13) feet to eight (8) feet to accommodate the location of the proposed building.

**Discussion:**

The Planning Commission discussed this matter at their July 13, 2021 meeting.

The discussion of the subject property centered both on the rezoning application and the SUP application. The Planning Commission expressed concerns that overflow parking would impact Carlton Avenue and Chestnut Street and wanted to know the rent range for the units. The applicant stated that the one and two bedroom units would be in the range of \$1,100 to \$1,500 a month.

During the discussion, Planning Commission talked through additional conditions such as larger street trees. The Commission stated this type of housing is “missing middle” and would support more housing opportunities in the neighborhood. The Commissioners were concerned with putting more units on Carlton Avenue, but did not feel it was the applicant’s responsibility to improve offsite infrastructure - that should be the City responsibility.

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

If City Council approves the rezoning request, the project could contribute to *Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

**Community Engagement:**

The Planning Commission held a joint Public Hearing with City Council on this matter at their meeting on July 13, 2021.

During the July 13<sup>th</sup> Public Hearing, ten members of the public spoke. Many of the speakers were concerned with overflow parking and that the density was too high. Safety for pedestrians on Carlton Avenue, disruption to the character of the neighborhood, and traffic were also major concerns for many of the speakers. Other speakers were in favor of the rezoning and SUP. They felt the scale was consistent with the neighborhood and the development would provide the type of housing the City needs.

Staff received only a few emails regarding this project and they were forwarded to Planning Commission and City Council. The main concern noted related to inadequate parking for this project.

**Budgetary Impact:**

This has no impact on the General Fund.

**Recommendations:**

The Planning Commission took the following action:

Mr. Solla-Yates moved to recommend approval of this application to rezone the Subject Property from R-2, to R-3, on the basis that the proposal would service the interests of the general public and good zoning practice.

Mr. Lahendro seconded the motion.

- Mr. Habbab: Yes
- Mr. Lahendro: Yes
- Mr. Mitchell: Yes
- Ms. Russell: Yes
- Mr. Solla-Yates: Yes
- Mr. Stolzenberg: Yes

The motion passed 6 - 0

**Alternatives:**

City Council has several alternatives:

- (1) by motion, approve the requested Rezoning as recommended by the Planning Commission;
- (2) by motion, take action to deny the attached ordinance granting the Rezoning;
- (3) by motion, request changes to the attached ordinance, and then approve the Rezoning; or
- (4) by motion, defer action on the Rezoning.

**Attachments:**

A. Ordinance

B. Link to the Staff Report and background information from the July 13, 2021 Planning Commission meeting:

<https://charlottesvilleva.civicclerk.com/web/Player.aspx?id=1179&key=-1&mod=-1&mk=-1&nov=0>

**AN ORDINANCE  
REZONING PROPERTY LOCATED AT 1206 CARLTON AVENUE  
FROM R-2 (RESIDENTIAL TWO-FAMILY) TO R-3 (RESIDENTIAL MULTI-  
FAMILY)**

**WHEREAS**, Management Services Inc. (“Applicant”) is the owner of that certain property located at 1206 Carlton Avenue, designated on City Tax Map 57 as Parcel 127 (“Property”), and the Applicant seeks a rezoning of such property from R-2 (Residential Two-Family) to R-3 (Residential Multi-Family) (the “Proposed Rezoning”); and

**WHEREAS**, a joint public hearing on the Proposed Rezoning was held before the Planning Commission and City Council on July 13, 2021, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, notice of the July 13, 2021 public hearing was advertised in accordance with Va. Code Sec. 15.2-2204; and

**WHEREAS**, on July 13, 2021, following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

**WHEREAS**, on August 2, 2021, this City Council considered: the matters addressed within the Application and Staff Report, comments received from the public (including those received at the public hearing), and the Planning Commission’s recommendation; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Rezoning; that both the existing zoning classification (R-2 Residential Two-Family) and the proposed zoning classification R-3 (Residential Multi-Family) are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning all of the land designated on City Tax Map 57 as Parcel 127, consisting of approximately 0 .26 acre, from R-2 (Residential Two-Family) to R-3 (Residential Multi-Family).

**BE IT FURTHER ORDAINED THAT** the City’s Zoning Administrator shall update the Zoning District Map to reflect the rezoning set forth within this ordinance.



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



Agenda Date:	August 2, 2021
Action Requested:	Consideration of a SUP Application
Presenter:	Matt Alfele, City Planner
Staff Contacts:	Matt Alfele, City Planner
Title:	<b>SP-21-00004 - 1206 Carlton Avenue</b>

**Background:**

Justin Shimp (applicant), on behalf of the owner, (Hulett Management Services) submitted a Special Use Permit application (SUP) for a residential density of thirty-one (31) DUA (Dwelling Units per Acres) at 1206 Carlton Avenue (Subject Property). The Subject Property is currently zoned R-2 and the applicant is pursuing a rezoning of the Subject Property to R-3 per petition ZM-21-00001. An increase in density through a SUP is not permitted unless the Subject Property is granted a rezoning to R-3. In addition to increased density, the applicant is requesting adjustments to side yard regulations per Sec. 34-162 from the required thirteen (13) feet to eight (8) feet. The SUP application is being requested (in conjunction with Rezoning application ZM-21-00001) to accommodate a proposed eight (8) unit apartment building on the Subject Property. The Subject Property is currently vacant with road frontage on Carlton Avenue and alley access from the rear of the property to Bainbridge Street. The proposed apartment building would contain eight (8) dwellings with a mix of one and two-bedroom units with eight (8) parking spaces.

**Discussion:**

The Planning Commission discussed this matter at their August 16, 2021 meeting.

The discussion of the subject property centered both on the rezoning application and the SUP application. The Planning Commission expressed concerns that overflow parking would impact Carlton Avenue and Chestnut Street and wanted to know the rent range for the units. The applicant stated that the one and two bedroom units would be in the range of \$1,100 to \$1,500 a month. During the discussion, Planning Commission talked through additional conditions such as larger street trees. The Commission stated this type of housing is “missing middle” and would support more housing opportunities in the neighborhood. The Commissioners were concerned with putting more units on Carlton Avenue, but did not feel it was the applicant’s responsibility to improve

offsite infrastructure - that should be the City responsibility.

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

If City Council approves the SUP request, the project could contribute to *Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

**Community Engagement:**

The Planning Commission held a joint Public Hearing with City Council on this matter at their meeting on August 16, 2021.

During the July 13<sup>th</sup> Public Hearing, ten members of the public spoke. Many of the speakers were concerned with overflow parking and that the density was too high. Safety for pedestrians on Carlton Avenue, disruption to the character of the neighborhood, and traffic were also major concerns for many of the speakers. Other speakers were in favor of the rezoning and SUP. They felt the scale was consistent with the neighborhood and the development would provide the type of housing the City needs.

Staff received only a few emails regarding this project and they were forwarded to Planning Commission and City Council. The main concern noted related to inadequate parking for this project.

**Budgetary Impact:**

This has no impact on the General Fund.

**Recommendations:**

The Planning Commission took the following action:

Mr. Solla-Yates moved to recommend approval of this application for a Special Use Permit in the R-2 (application ZM21-00001 under review to rezone from R-2 to R-3) zone at 1206 Carlton Avenue to permit residential development with additional density and adjustment to the southeast side yard requirement with the following conditions:

1. Up to 31 dwelling units per acre (DUA) are permitted on the subject property.
2. The design, height, and other characteristics of the development shall remain essentially the same, in all material aspects, as described within the application materials received dated March 12, 2021. Except as the design details of the development may subsequently be modified to comply with staff comments, or by any other provision(s) of these SUP Conditions, any change of the development that is inconsistent with the application shall require a modification of this SUP. Key elements of this design are:
  - a. One (1) apartment building containing eight (8) one and two-bedroom units.
  - b. Southeast side yard setback of eight (8’) feet.
  - c. One-way vehicular traffic pattern with control devices as approved by the City’s Traffic Engineer.
  - d. Vegetation used to screen parking to the northwest.

- e. Parking lot shall be located behind the building and not visible from Carlton Avenue.
- f. Pedestrian circulation pattern shall be independent from the vehicular traffic pattern.

Condition(s) from Planning Commission

- 3. Two large canopy trees will be provided along the frontage with Carlton Avenue.

Mr. Lahendro seconded the motion.

Mr. Habbab: Yes

Mr. Lahendro: Yes

Mr. Mitchell: Yes

Ms. Russell: Yes

Mr. Solla-Yates: Yes

Mr. Stolzenberg: Yes

The motion passed 6 - 0.

**Alternatives:**

City Council has several alternatives:

- (1) by motion, approve the attached resolution granting the SUP with conditions as recommended by the Planning Commission;
- (2) by motion, take action to deny SUP;
- (3) by motion, request changes to the attached Resolution and staff conditions, and then approve the SUP; or
- (4) by motion, defer action on the SUP.

**Attachments:**

A. Resolution

B. Link to the Staff Report and background information from the March 13, 2018 Planning Commission meeting:

<https://charlottesvilleva.civicclerk.com/web/Player.aspx?id=1179&key=-1&mod=-1&mk=-1&nov=0>

**RESOLUTION  
APPROVING A SPECIAL USE PERMIT  
TO AUTHORIZE INCREASED DENSITY AND REDUCED SETBACKS FOR  
CONSTRUCTION OF AN 8-UNIT MULTIFAMILY DWELLING AT  
1206 CARLTON AVENUE**

**WHEREAS**, landowner Management Services, Inc. has made application for a special use permit, to obtain additional residential density, and reduction of certain building setback requirements, for a specific project; and

**WHEREAS**, the Project will be developed within a development site having an area of approximately 0.26 acre, or 11,325 square feet, located at 1206 Carlton Avenue (“Subject Property”), which is further identified on City Tax Map 57 as Parcel 127 and which has a zoning district classification of “R-3” (Multifamily Residential); and

**WHEREAS**, the project that is the subject of this application is generally described within the following application materials dated January 18, 2021, submitted to the City on March 18, 2021, including: (i) application materials dated January 18, 2021, and related narrative; and (ii) a proposed preliminary site plan dated March 12, 2021, depicting a multifamily dwelling to be constructed within the Subject Property (collectively, “Application Materials”); and

**WHEREAS**, the Application Materials represent that the purpose of the Special Use Permit is to facilitate the development of a multifamily dwelling containing eight (8) one- and two- bedroom dwelling units (the “Project), and that the Project cannot be developed without an increase in the allowable residential density from 21 dwelling units up to 31 dwelling units per acre, as authorized by City Code 34-420, and a reduction in the side yard setback applicable to the Subject Property from a required 13 feet (minimum) to 8 feet (minimum), as authorized by City Code 34-162(a); and

**WHEREAS**, on July 13, 2021 the Planning Commission and the City Council conducted a joint public hearing on the proposed special use permit, following notice as required by Virginia Code 15.2-2204 and applicable provisions of the City’s zoning ordinance; and

**WHEREAS**, following the joint public hearing, the Planning Commission reviewed the Application Materials, and the City’s Staff Report pertaining thereto, and then the Planning Commission voted to recommend that City Council should approve the proposed special use permit for the Project; and

**WHEREAS**, upon consideration of the comments received during the joint public hearing, the Planning Commission’s recommendation, and the Staff Report, 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 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 Sec. 34-480, a special use permit is hereby approved for the purpose of allowing development of the Project at the Subject Property, subject to the following conditions:

1. The Project may be developed at a residential density of up to thirty-one (31) dwelling units per acre, within the area of the Subject Property.
2. Two large canopy trees will be provided along the frontage with Carlton Avenue.
3. The design, height, and other key characteristics of the development shall remain essentially the same, in all material aspects, as described within the Application Materials, including the following:
  - a. a single (1) residential building on the Subject Property, containing eight (8) one- and two-bedroom dwelling units;
  - b. southeast side yard setback of eight (8') feet;
  - c. vehicular traffic pattern shall be one-way traffic, with control devices as approved by the City's Traffic Engineer;
  - d. pedestrian circulation pattern shall be independent from the vehicular traffic pattern;
  - e. vegetative screening of the parking along the property line; and
  - f. the improved parking lot shall be located behind the building and shall not be visible from Carlton Avenue

Except as may be necessary to obtain approval of a final site plan in accordance with requirements of City ordinances or regulations, or with all of the conditions of these special use permit conditions: any change in the Project as it was represented within the Application Materials shall require a modification of this SUP.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 16, 2021
Action Required:	<ul style="list-style-type: none"><li>• <b>Motion Not to Adopt the Proposed Collective Bargaining Ordinance Received by City Council on March 6, 2021</b></li><li>• <b>Adoption of a Resolution Requesting the City Manager to Develop a Collective Bargaining Ordinance</b></li></ul>
Presenter:	Charles P. Boyles, II, City Manager
Title:	<b>Collective Bargaining</b>

**Background:**

Historically the Virginia General Assembly has prohibited localities, their elected officials and City officials, from recognizing a labor union or employee association as a bargaining agent for the locality's employees. *See* Va. Code §40.1-57.2 (copy attached). In April 2020 the legislature amended the statute to expressly grant authority to local governing bodies to make their own local decisions as to whether or not to implement collective bargaining. The amended statute took effect May 1, 2021.

The City of Alexandria and Loudoun County are the first Virginia localities in which collective bargaining is being implemented by their governing bodies. Both governing bodies studied the topic over a course of months, considered proposals and recommendations from labor unions, employees and their managers, and planned what internal or contractual resources were necessary to implement the particular model and procedures set up within their ordinances. (The Loudoun-Times Mirror reported in June 2021 that, within its current-year [FY22] budget, the Loudoun County Board of Supervisors authorized eight new full-time staff positions, and \$300,000 in recurring contractual costs, to support and administer a collective bargaining program.)

**Discussion:**

On March 6, 2021, prior to the effective date of the new law, Greg Wright of the Charlottesville Fire Department notified City Council that a majority of members within the City's Fire Department desire that City Council should adopt an ordinance to provide rules for City employees to engage in collective bargaining. A copy of the March 6, 2021 correspondence is attached.

To our knowledge, neither VML nor VACO, nor any agency of the Commonwealth, has developed a model ordinance for localities' reference. City Council and the City Manager's Office have a number of decisions to make, as to what procedures might best fit the City administration and the City's workforce, how many bargaining units to authorize, etc. For example: in the traditional

model of collective bargaining, unions represent employees on the basis of designated “bargaining units”, i.e., groups of employees that share a sufficient community of interest with one another to justify one entity bargaining on behalf of the entire group. In the traditional model, the City Council will, within its ordinance, determine how many bargaining units it would authorize, and within each unit, how its exclusive representative will be chosen (must a majority of all employees within a unit vote in an election? Or can a simple majority of eligible employees who choose to vote elect the bargaining representative?). Council may also choose to investigate non-traditional models of collective bargaining, and/or to specify what will be the mandatory or permissive topics of collective bargaining agreements—such as wages, work hours, schedules, paid time off, disciplinary policies, bonuses, work rules or other issues. The new Virginia statute prohibits City Council from restricting its own authority to establish an annual budget or to appropriate funds.

**City Manager Recommendation:**

I do not believe that City Council has sufficient information to make an informed decision about a particular collective bargaining ordinance at this point in time; therefore, it is my recommendation that City Council should **decline** to adopt the ordinance proposed by the City’s firefighters on March 6, 2021 (Motion #1, below).

That being said: it appears to me that a majority of City Councilors may **favor** establishment of collective bargaining, so I also recommend that City Council adopt the attached Resolution, to provide direction by which a collective bargaining ordinance for the City may be developed (Motion #2, below).

- **Recommended Motion #1:** *“I move NOT to approve the collective bargaining ordinance presented to City Council on March 6, 2021 by Greg Wright on behalf of a majority of members of the Charlottesville Fire Department.”*
- **Recommended Motion #2:** *“I move to adopt the Resolution Requesting the City Manager to Develop a Collective Bargaining Ordinance for the City”*

**Budgetary Impact:**

The overall fiscal impact of implementing a traditional collective bargaining program would include support costs for administering the collective bargaining environment, including both City staff and contracted services, as well as the cost of funding any specific labor union proposals accepted and/or bargaining agreements negotiated and approved by the City. As this is an issue not studied or addressed within the current (FY22) City Budget, I will research administration and support cost estimates, for consideration during the FY23 Budget development process.

**Alternatives:**

- City Council may vote to adopt the firefighters’ proposed collective bargaining ordinance, without study or consideration of budgetary impacts
- City Council may vote NOT to adopt the firefighters’ proposed collective bargaining ordinance, and take no other action.

**Alignment with Council Vision Areas and Strategic Plan:** Yes.

**Community Engagement:**

The state law does not require a public hearing or any particular public engagement. It is my belief that the work of preparing an ordinance for City Council's consideration should be guided by City Council, should engage the City's workforce, and should consider various collective bargaining ordinances utilized by other cities.

**Attachments:**

- Resolution Requesting the City Manager to Develop a Collective Bargaining Ordinance for the City of Charlottesville
- Va. Code §40.1-57.2
- March 6, 2021 Fire Department Transmittal and Proposed Ordinance



**RESOLUTION  
REQUESTING THE CITY MANAGER TO DEVELOP A COLLECTIVE BARGAINING  
ORDINANCE FOR THE CITY OF CHARLOTTESVILLE**

**WHEREAS** the Virginia General Assembly, within Virginia Code Sec. 40.1-57.2, expressly authorizes local governing bodies to enact ordinances authorizing City officials to recognize labor unions or employee associations as bargaining agents for certain public officers or employees; to collectively bargain with or enter into collective bargaining contracts with such unions or associations; and to provide for procedures for the certification and decertification of exclusive bargaining representatives; and

**WHEREAS** this City Council supports the development of a collective bargaining ordinance, but does not yet have sufficient information upon which to base any decision about specific provisions that it might desire to set forth within an ordinance; now, therefore,

**BE IT RESOVLED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:**

1. The City Manager shall commence work to assemble and deliver to City Council information and analysis regarding City Council’s options for collective bargaining models, sample ordinances, and the anticipated fiscal impacts of various options. The City firefighters’ March 6, 2021 proposed ordinance shall be among the sample ordinances that will be studied, analyzed and considered during this process.
  
2. The City Manager shall present to City Council on September 13, 2021 a timeline and list of deliverables and decision points to be made by Council, as necessary to facilitate preparation of a collective bargaining ordinance in tandem with the development and adoption of the City’s FY 2023 Budget.
  
3. To the extent that contractual services are necessary or desirable to support the work that this Council is asking the City Manager to perform, the City Manager is hereby authorized to procure those services.

Code of Virginia

Title 40.1. Labor and Employment

Chapter 4. Labor Unions, Strikes, Etc.

Article 2.1. Collective Bargaining for Governmental Employees

## § 40.1-57.2. Collective bargaining

A. No state, county, city, town, or like governmental officer, agent, or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service unless, in the case of a county, city, or town, such authority is provided for or permitted by a local ordinance or by a resolution. Any such ordinance or resolution shall provide for procedures for the certification and decertification of exclusive bargaining representatives, including reasonable public notice and opportunity for labor organizations to intervene in the process for designating an exclusive representative of a bargaining unit. As used in this section, "county, city, or town" includes any local school board, and "public officers or employees" includes employees of a local school board.

B. No ordinance or resolution adopted pursuant to subsection A shall include provisions that restrict the governing body's authority to establish the budget or appropriate funds.

C. For any governing body of a county, city, or town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body shall, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. Nothing in this subsection shall require any governing body to adopt an ordinance or resolution authorizing collective bargaining.

D. Notwithstanding the provisions of subsection A regarding a local ordinance or resolution granting or permitting collective bargaining, no officer elected pursuant to Article VII, Section 4 of the Constitution of Virginia or any employee of such officer is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents, with respect to any matter relating to them or their employment or service.

1993, cc. 868, 879; 2020, cc. [1209](#), [1276](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**Robertson, Lisa**

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**Subject:** FW: AMENDMENT TO CHAPTER 19 OF THE CHARLOTTESVILLE CITY CODE  
**Attachments:** AMENDMENT TO CHAPTER 19 OF THE CHARLOTTESVILLE CITY CODE.docx

**From:** Wright, Gregory <[wrightg@charlottesville.gov](mailto:wrightg@charlottesville.gov)>  
**Sent:** Saturday, March 6, 2021 11:35 AM  
**To:** Boyles, Chip <[boylesc@charlottesville.gov](mailto:boylesc@charlottesville.gov)>; Hill, Heather <[hhill@charlottesville.gov](mailto:hhill@charlottesville.gov)>; Magill, Sena <[smagill@charlottesville.gov](mailto:smagill@charlottesville.gov)>; Payne, Michael <[mpayne@charlottesville.gov](mailto:mpayne@charlottesville.gov)>; Robertson, Lisa <[robertsonl@charlottesville.gov](mailto:robertsonl@charlottesville.gov)>; Robinson, Maxicelia <[robinsonma@charlottesville.gov](mailto:robinsonma@charlottesville.gov)>; Snook, Lloyd <[lsnook@charlottesville.gov](mailto:lsnook@charlottesville.gov)>; Thomas, Kyna N <[thomaskn@charlottesville.gov](mailto:thomaskn@charlottesville.gov)>; Walker, Nikuyah <[nwalker@charlottesville.gov](mailto:nwalker@charlottesville.gov)>; Wheeler, Brian <[wheelerb@charlottesville.gov](mailto:wheelerb@charlottesville.gov)>  
**Subject:** AMENDMENT TO CHAPTER 19 OF THE CHARLOTTESVILLE CITY CODE

Greg Wright  
203 Ridge Street  
Charlottesville, VA 22901  
March 6th, 2021

Mayor Walker  
605 East Main Street  
Charlottesville, VA 22902

Dear Mayor Walker:

I am writing you today to inform you, and the members of the Executive Staff of the attached proposed Amendment to Chapter 19 of the Charlottesville City Code to provide rules for City Employees to engage in collective bargaining.

As I am sure you are aware starting May 1<sup>st</sup>, 2021 a new version of Va. Code 40.1-57.2 goes into effect; this new statute would permit collective bargaining by municipalities if they have adopted an ordinance. Obviously, this is a local option, and the decision lies with you, and your colleagues on Council.

I humbly ask that you, and all the members of Council support this Amendment. Empowering ALL City employees to participate in traditional collective bargaining is something that I hope you consider as important as we do.

Lastly, upon request I will gladly provide you, or City Legal Counsel, a simple authorization card from the majority of members within Charlottesville Fire Department.

Respectfully,

Greg Wright

1 **AMENDMENT TO CHAPTER 19 OF THE CHARLOTTESVILLE CITY CODE TO**  
2 **PROVIDE RULES FOR CITY EMPLOYEES TO ENGAGE IN COLLECTIVE**  
3 **BARGAINING**  
4

5 Article VII  
6

- 7 A. Effective May 1, 2021, VA Code 40.1-57.2 provides as follows: “No state, county, city,  
8 town, or like governmental officer, agent, or governing body is vested with or possesses  
9 any authority to recognize any labor union or other employee association as a bargaining  
10 agent of any public officers or employees, or to collectively bargain or enter into any  
11 collective bargaining contract with any such union or association or its agents with  
12 respect to any matter relating to them or their employment or service unless, in the case  
13 of a county, city, or town, such authority is provided for or permitted by a local ordinance  
14 or by a resolution. Any such ordinance or resolution shall provide for procedures for the  
15 certification and decertification of exclusive bargaining representatives, including  
16 reasonable public notice and opportunity for labor organizations to intervene in the  
17 process for designating an exclusive representative of a bargaining unit. As used in this  
18 section, ‘county, city, or town’ includes any local school board, and ‘public officers or  
19 employees’ includes employees of a local school board.”
- 20 B. This sub-chapter, along with any related revisions to other articles of Chapter 19, sets forth  
21 the City’s Rules for City employees’ engagement in collective bargaining with the City  
22 and its Departments.
- 23 C. Declaration of Policy: The Council declares that it is the policy of the City to promote  
24 harmonious, stable, and cooperative relations between the City and its employees as such  
25 conditions are well known to assist in maintaining a professional and productive workforce  
26 that serves the best interests of the City and its residents. These policies are best  
27 implemented by:
- 28 1. Recognizing the right of City employees to organize for the purpose of collective  
29 bargaining regarding the terms and conditions of their employment;
  - 30 2. Providing a means by which employees may select, should they choose to do so,  
31 representatives for purposes of collective bargaining;
  - 32 3. Negotiating and entering into written agreements with exclusive representatives on  
33 terms and conditions of employment consistent with the law and the City’s other legal  
34 obligations; and
  - 35 4. Establishing a method for dealing with disputes in the City’s labor-management  
36 relations.
- 37 D. The Council has determined that this Article will also serve the public interest in promoting  
38 labor stability and avoiding potentially disruptive labor disputes.
- 39 E. Article VII of Chapter 19 of the Charlottesville City Code is hereby established with this  
40 ordinance.
- 41 F. Definitions
- 42 1. “Appropriate Unit” means a group of employees for whom a labor organization may  
43 be certified as the exclusive representative. For purposes of exclusive representation  
44 the following seven units are appropriate:
    - 45 a. all sworn employees of the Police Department at and below the rank of  
46 Lieutenant;

- 47           b. all uniformed employees of the Fire Department at or below the rank of  
48           Battalion Chief and all emergency dispatchers in the Department of Emergency  
49           Communications;  
50           c. all non-supervisory employees in trades and maintenance occupations except  
51           employees described in subsection g;  
52           d. all non-supervisory employees whose functions are primarily clerical in nature  
53           except employees described in subsection g;  
54           e. all non-supervisory professional employees except employees described in  
55           subsection g or subsection h;  
56           f. All non-supervisory technical employees except employees described in  
57           subsection g or subsection h;  
58           g. All non-supervisory employees of the Department of Libraries; and  
59           h. All nonsupervisory professional and technical employees of the Department of  
60           Human Services providing direct care and services to members of the public.
- 61       2. “Certification” means official recognition by the City’s Employee Relations Council  
62       pursuant to this Article that a labor organization is, and shall remain, the exclusive  
63       representative for all of the employees in an appropriate bargaining unit for the purpose  
64       of collective bargaining, until it is replaced by another labor organization, decertified,  
65       or disclaims its representative status.
- 66       3. “Terms and Conditions of Employment” means personnel policies, practices, and  
67       matters, whether established by directive, regulation, or otherwise, affecting working  
68       conditions, including, but not limited to, compensation, the pay plan established in  
69       accordance with Chapter 19 of the City Code, hours, working conditions, retirement,  
70       pensions established in accordance with Chapter 19 of the City Code and other benefits.
- 71       4. “Confidential Employee” means any individual who, in the course of his or her  
72       employment:  
73           a. has access to confidential City personnel files or other confidential City  
74           information (including budgetary and fiscal data) subject to use by the City in  
75           the collective bargaining process or in the adjustment of grievances; or  
76           b. assists and acts in a confidential capacity to persons who formulate, determine  
77           and effectuate government policies in the area of labor management relations.
- 78       5. “ERC” means the Charlottesville City Employee Relations Council (or “ERC”) created  
79       by this Section.
- 80       6. “Employee” means any person employed by the City, excluding employees whose  
81       wages are provided for under the budget of the Charlottesville City School Board;  
82       employees employed by the Commonwealth of Virginia; supervisory, judicial and  
83       confidential employees of the City; elected and appointed officials; constitutional  
84       officers and employees appointed directly by them; persons possessing the status of  
85       independent contractors; and employees whose duties are temporary or seasonal in  
86       nature and have served the City for less than 90 days. For purposes of this Section,  
87       “employee” also means an individual employed by the City or whose employment by  
88       the City has ceased because of any unfair labor practice or termination that remains the  
89       subject of an active appeal or a grievance by the employees’ collective bargaining  
90       representative. The term “employee” does not include a supervisor or management  
91       official, a confidential employee as defined in this Article, or any person who  
92       participates in a strike in violation of this Article or applicable law.

- 93 7. "Employer" means the City and all of its Departments.  
 94 8. "Exclusive Representative" means any labor organization which is certified as the  
 95 exclusive representative of employees in an appropriate unit pursuant to this Article.  
 96 9. "Impasse" means that point in the negotiation of terms and conditions of employment  
 97 at which the parties are unable to reach agreement, notwithstanding their efforts to do  
 98 so by direct negotiations and by the use of mediation or other voluntary arrangements  
 99 for settlement.  
 100 10. "Impartial Agency" means the American Arbitration Association or the Federal  
 101 Mediation and Conciliation Service.  
 102 11. "Labor Organization" means an organization, composed in whole or in part of  
 103 employees, in which employees participate and pay dues, and which has as a purpose  
 104 the dealing with the City concerning the grievances and terms and conditions of  
 105 employment.  
 106 12. "Strike" means the concerted activities described in Virginia Code Section 40.1-55..  
 107 13. "Supervisor" means any individual having interest in the authority of the City:  
 108 a. To hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or  
 109 discipline other employees; or  
 110 b. To responsibly direct other employees; or  
 111 c. To adjust the grievances of other employees; or  
 112 d. To effectively recommend any action set forth in a., b. or c. of this subsection,  
 113 provided that the authority to act as set forth in a., b., c. or d. of this subsection  
 114 requires the exercise of independent judgment and is not merely routine or  
 115 clerical in nature.  
 116 The term "supervisor" does not include either Police Department employees below the  
 117 rank of Lieutenant or Fire Department employees at or below the rank of Battalion  
 118 Chief.  
 119 14. "Professional employee" means:  
 120 a. Any individual whose primary duty consists of the performance of work  
 121 requiring knowledge of an advanced type in a field of science of learning  
 122 customarily acquired by a prolonged course or specialized intellectual  
 123 instruction and study, as distinguished from a general academic education and  
 124 from an apprenticeship and who customarily and regularly exercises discretion  
 125 and independent judgment in the performance of such function; or  
 126 b. Any employee who has completed or is engaged in a course of specialized  
 127 intellectual instruction and study described above and who is performing related  
 128 work in conjunction with a professional employee as described in Paragraph  
 129 14.a of this subsection.  
 130 15. "Technical employee" means:  
 131 a. Any individual whose primary duty consists of the performance of work  
 132 requiring the routine exercise of a specialized knowledge or skill acquired  
 133 through distinctive training, as distinguished from a prolonged course of  
 134 specialized intellectual instruction and study; or  
 135 b. Any employee who has completed or is engaged in the distinctive training  
 136 described above, or who is receiving on-the-job training in a specialized  
 137 knowledge or skill, and who is performing related work in conjunction with a

professional employee as described in Paragraph 14 or technical employees as described in Paragraph 15.a of this subsection.

G. Employee Rights

1. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively as provided in this Chapter through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities.
2. Notwithstanding any other provision in this Section, an individual employee may present a grievance at any time to the City without the intervention of a labor organization, provided that the Exclusive Representative (if there is one) is afforded an effective opportunity to be present and to offer its view at any meetings held to adjust the grievance and that any adjustment made shall not be inconsistent with the terms of any applicable collective bargaining agreement. Such employee or employees who utilize this avenue of presenting personal complaints to the employer shall not do so under the name, or by representation, of a labor organization.
3. In the absence of an exclusive representative, a labor organization shall be permitted to meet with employees on the premises of the City in non-secure areas during times when the employees involved are on break or in other non-duty status. If an exclusive representative has been recognized, such right shall be available only to the exclusive representative and any other labor organization that has submitted a petition and established a valid question concerning representation. This section shall not restrict an exclusive representative and the City from negotiating for greater access to employees by the exclusive representative.
4. An exclusive representative shall have the right to meet with newly hired employees, without charge to the pay or leave time of any of the employees involved, for a minimum of 30 minutes, within 30 calendar days from the date of hire, during new employee orientations, or if the employer does not conduct new employee orientations, at individual or group meetings.
5. Within 10 calendar days from the date of hire of an employee represented by an exclusive representative, the City shall provide the following contact information to the exclusive representative in an Excel file format or other format agreed to by the exclusive representative labor organization: name, job title, worksite location, home address, work telephone numbers, and any home and personal cellular telephone numbers on file with the public employer, date of hire, and work email address and any personal email address on file with the City. Within thirty days of certification as the exclusive representative and on the first Monday following January 15, May 15 and September 15 each year, the City shall provide exclusive representative labor organizations, in an Excel file or similar format agreed to by the exclusive representative labor organization, the following information for all negotiations unit employees: name, job title, worksite location, home address, work, home and personal cellular telephone numbers, date of hire, and work email address and personal email address on file with the City. The home addresses, phone numbers, email addresses, dates of birth, and the emails or other communications between exclusive representative labor organizations and their members shall not be considered public records subject to public disclosure except to the exclusive representative.

184 H. Employee Relations Council (“ERC”)

185 1. There is hereby created the Charlottesville City Employee Relations Council, which  
186 shall have authority to process issues related to questions concerning representation,  
187 allegations of unfair labor practices and negotiability disputes. The ERC will have three  
188 persons.

189 a. All members of the Employee Relations Council shall, at the time of  
190 appointment, be a neutral that is on the roster of an impartial agency.

191 b. For the period lasting until December 31, 2023, the ERC members will be  
192 appointed as follows:

193 i. Within 30 days of enactment of this Chapter, the City Manager will  
194 appoint one member to the ERC.

195 ii. Within 15 days following the City Manager’s appointment, labor  
196 organizations, including those who may later seek to become an  
197 exclusive representative of one or more bargaining units of employees,  
198 will have the right to select an individual to appoint to the ERC. The  
199 labor organizations shall attempt to reach an agreement on a nominee  
200 and, if no agreement is reached, the labor organizations shall select a  
201 nominee via a poll of the members of each local labor organization. The  
202 City Council will, at its next regular meeting, officially appoint the  
203 nominated individuals to the ERC. Labor organizations may only  
204 nominate individuals who have agreed to accept the proposed  
205 appointment.

206 iii. The third member of the ERC will be mutually selected and appointed  
207 by the first two appointees. That person will serve as the Chair of the  
208 ERC unless the three members of the ERC agree otherwise by majority  
209 vote.

210 iv. If, an ERC member vacates the position prior to the expiration of their  
211 term, the replacement will be appointed in the same manner (City  
212 Manager, labor organizations/City Council, other two ERC members)  
213 that appointed the vacating Member and the new member shall serve for  
214 the remainder of the term. Sixty days prior to the conclusion of their  
215 term, an ERC member may be reappointed or replaced by the appointing  
216 authority. A replacement ERC member shall assume a position on the  
217 ERC at the conclusion of the incumbent ERC member’s term.

218 2. Representation Process

219 a. Where, in accordance with procedural regulations as may be prescribed by the  
220 ERC, a petition has been filed:

221 i. By a labor organization, or in the case of decertification by an employee  
222 or group of employees, supported by evidence, including an  
223 alphabetized list of names, that at least 30% of employees in an  
224 appropriate unit:

225 1. Wish to be represented for collective bargaining by an exclusive  
226 representative; or

227 2. Assert that the certified labor organization is no longer the  
228 representative of the majority of employees in the unit,



229 the ERC shall investigate such petition, and if it has reasonable cause to believe  
230 that a question concerning representation exists, it shall, within 21 days, order  
231 the City to post a public notice that a petition has been filed and provide for an  
232 appropriate hearing upon due notice. If the ERC finds upon the record of such  
233 hearing that a question concerning representation exists, it shall direct an  
234 election by secret ballot and shall certify the results thereof. Any labor  
235 organization shall be allowed to intervene upon the filing of a petition with the  
236 ERC within 10 days of the public notice that a petition has been filed supported  
237 by evidence of at least 20% employees in said unit support exclusive  
238 representation by the intervening labor organization. The city shall provide the  
239 petitioner and any qualified intervenor with a list of the names, job titles,  
240 worksite locations, home addresses, work, home and personal cellular  
241 telephone numbers, and work email address and personal email address on file  
242 with within three days of a finding by the ERC that a question concerning  
243 representation exists. The ERC, after a hearing on any disputes among the  
244 parties, shall determine assignment of positions to the appropriate units  
245 described in this Article.

246 i. A petition will be dismissed if the petitioner seeks to be certified in a  
247 bargaining unit:

- 248 1. Within which in the preceding 12 month period of the  
249 certification of a labor organization as the exclusive  
250 representative of the appropriate for which the petition has been  
251 filed; or
- 252 2. During the term of any lawful collective bargaining agreement  
253 between the employer and a labor organization. Where a valid  
254 collective bargaining agreement is in existence, a petition for  
255 election may be filed not more than 270 days and not less than  
256 225 days before the expiration of the collective bargaining  
257 agreement.

258 b. Elections

259 i. Representation elections shall be conducted at the direction of the ERC,  
260 which may delegate parts of an election process to one or more of its  
261 members as Election Officer who may determine to use a qualified  
262 vendor to assist in conducting the election.

263 ii. Representation elections conducted pursuant to this Section shall be by  
264 secret ballot and shall be subject to the following:

- 265 a. At least 10 days notice of the time and place of the election shall be  
266 provided.
- 267 b. The ballots in all representation elections shall include a choice of  
268 “no representative” except that a runoff election shall include only  
269 the two choices receiving the highest and second highest number of  
270 ballots cast in the initial election.
- 271 c. A representative may not be certified unless it receives a majority of  
272 the valid ballots cast.
- 273 d. In an election in which none of the choices on the ballots receives a  
274 majority, a runoff election shall be conducted in which the ballot

275 shall provide for a selection between the two choices or parties  
276 receiving the highest and second highest number of ballots cast in  
277 said election.

278 iii. The ERC shall certify the results of said election within seven calendar  
279 days after the final tally of votes if no objection to the election is filed  
280 by any affected person alleging that there has been conduct which has  
281 affected the outcome of the election.

282 e. If such an objection is filed, and the ERC has reason to believe that  
283 such allegations are valid, it shall set a time for hearing on the matter  
284 after due notice, such hearing to be conducted within 14 days of the  
285 date of receipt of such charge. If the ERC determines that the  
286 outcome of the election was affected, even if by third party  
287 interference, it shall require corrective action and order a new  
288 election. If the ERC determines that the conduct alleged did not  
289 affect the outcome of the election, then it shall immediately certify  
290 the election results. The ERC may delegate the oversight of the  
291 hearing to one or more of its Members as Hearing Officer, but its  
292 decision must be by majority vote of the Members.

293 f. If the employer creates a new job classification, it shall seek to  
294 resolve the placement of the job in an appropriate unit with the  
295 exclusive representative labor organizations affected. In the event  
296 the parties cannot resolve the matter, it shall be referred to the ERC  
297 for resolution.

298 g. Decisions of the ERC regarding representation matters shall not be subject to  
299 court review.

300 I. Unfair Labor Practices and Negotiability Disputes

301 1. Unfair Labor Practices

302 a. Violations of the following provisions will be considered an Unfair Labor  
303 Practice (“ULP”). The ERC is charged with adjudicating allegations of such  
304 violations.

305 i. The City, its agents, its departments, or its representatives are prohibited  
306 from:

- 307 1. Interfering with, restraining, taking reprisals against or coercing  
308 employees in the exercise of the rights guaranteed by this  
309 Article;
- 310 2. Using public funds, or acting in their official capacity to assist,  
311 promote or deter exclusive representation or membership in a  
312 labor organization.
- 313 3. Dominating, interfering, or assisting in the formation, existence  
314 or administration of any labor organization, or contributing  
315 financial or other support to it, except that the City shall not be  
316 prohibited from permitting employees to negotiate, process  
317 grievances, or otherwise attend to matters related to the labor  
318 management relationship during working hours without charge  
319 to leave or pay or from providing an exclusive representative  
320 with access and use of routine facilities and services of the City;

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4. Discriminating in regard to hire, promotion, or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization;
  5. Discharging or otherwise discriminating against an employee because he has signed or filed an affidavit, petition, or complaint or given any information or testimony under this Article;
  6. Refusing to bargain collectively in good faith with the exclusive representative as required under this Article;
  7. Refusing to participate in good faith in the mediation or arbitration procedures set forth in this Article;
  8. Refusing or failing to comply with any provision of this Article or any of the procedural regulations established by the ERC;
  9. Locking out the members of any bargaining unit; or
  10. Enforcing any rule or regulation which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed.
- ii. Labor organizations, their agents, or representatives are prohibited from:
1. Interfering with, restraining, or coercing employees in the exercise of the rights guaranteed by this Article;
  2. Causing or attempting to cause the City to discriminate against an employee in the exercise by the employee of any right under this Article;
  3. Refusing to bargain collectively in good faith with the City if they have been designated in accordance with the provisions of this Article as the exclusive representative of employees in an appropriate unit;
  4. Refusing to participate in good faith in mediation or arbitration procedures set forth in this Article;
  5. Refusing or failing to comply with any provision of this Article or any of the procedural rules and regulations established by the ERC;
  6. Discriminating against an employee with regard to the terms or conditions of membership in the labor organization on the basis of labor organization membership, race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or handicapping condition;
  7. Calling, instituting, maintaining, participating in, or conducting a strike against the City.
- b. Procedure Concerning Alleged Unfair Labor Practices
- i. Any allegation that a person has engaged in an unfair labor practice shall be submitted to the ERC within 180 days of the alleged unlawful conduct, subject to such procedural rules and regulations as the Council may issue. If an exclusive representative's allegation of an unfair labor practice may also be properly be raised as a grievance under an

367 applicable collective bargaining agreement, the matter may be raised  
368 under either procedure, but not both. The exclusive representative shall  
369 be deemed to have exercised the option to raise the matter under either  
370 the unfair labor practice procedure or the negotiated procedure at such  
371 time as the exclusive representative timely initiates an action under the  
372 unfair labor practice procedure or timely files a grievance in writing,  
373 whichever event occurs first.

374 ii. The ERC's rules and regulations shall provide that compliance with the  
375 technical rules of evidence shall not be required. If upon the  
376 preponderance of the testimony taken, the ERC finds that any person  
377 named in the complaint has engaged in or is engaging in an unfair labor  
378 practice, then the ERC shall state its findings of facts and shall issue and  
379 cause to be served on such person an order requiring that he cease and  
380 desist from such unfair labor practices and take such affirmative action,  
381 including reinstatement with or without back pay, as will effectuate the  
382 policies of this Article. Such order may further require such person to  
383 make reports from time to time showing the extent to which he has  
384 complied with the order. The ERC's remedial powers shall not be  
385 limited to the effects of the immediate case and may be designed to  
386 prevent future unfair labor practices, notwithstanding the penal nature  
387 of such requirement.

388 iii. If the preponderance of evidence has not shown that the person named  
389 in the complaint has engaged in or is engaging in any such unfair labor  
390 practice, then the ERC shall state its findings of facts and shall issue an  
391 order dismissing the said complaint.

392 iv. The ERC shall have the authority to assign one of its members as the  
393 Hearing Officer in a particular case, however a majority vote of the  
394 entire ERC (including the Member assigned as Hearing Officer) shall  
395 be required to issue a final and binding decision.

396 a. Findings of the ERC shall be conclusive and binding upon the parties and shall  
397 be considered as an award of an arbitrator in accordance with the Virginia  
398 Uniform Arbitration Act, Virginia Code Section 8.01—581.01 et. seq. .

## 399 2. Negotiability Disputes

400 a. General: A negotiability dispute shall exist when a labor organization and the  
401 City disagree on whether this Section, a collective bargaining agreement, or  
402 other applicable law or regulations, requires or prohibits bargaining with  
403 respect to a specified matter. For the purposes of this Article, a negotiability  
404 dispute shall not refer:

405 i. To the situation where the City refuses to bargain over a subject that the  
406 parties agree is not a mandatory subject of bargaining;

407 ii. To a situation where the City refuses to bargain based on a belief that it  
408 has no obligation to bargain in a specific situation; or

409 iii. To a situation where the parties are unable to agree upon the terms of a  
410 Collective Bargaining Agreement, insofar as the issue in dispute is not  
411 "what is negotiable".

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- b. Interpretation of Existing Agreements. A dispute over the interpretation of a controlling agreement in existence shall be resolved under the grievance procedure of the controlling agreement. A dispute over what is subject to a grievance procedure and what is arbitrable under such procedure shall not be resolved as a negotiability dispute under the procedures set forth in this Article but shall be resolved by the arbitrator chosen to hear the grievance.
  - c. Procedure: The services of the ERC shall be invoked for negotiability disputes arising in the course of negotiations. The ERC shall seek to expedite review of all such disputes.
    - i. If, in the conduct of negotiations, the City asserts a proposal offered by an exclusive representative is outside the lawful duty to bargain, the exclusive representative shall request the City to reduce the allegation of non-negotiability to writing. The City shall provide such allegation in writing to the exclusive representative within seven days of receiving the request.
    - ii. Within 14 days of receiving the written allegation of non-negotiability, or within 21 days of the request for a written allegation of non-negotiability if the City fails to provide a written allegation of non-negotiability, the exclusive representative may petition the ERC for a determination of negotiability. The petition shall be accompanied by an explanation from the exclusive representative of the proposal and the basis for its belief that it is within the lawful scope of bargaining. The exclusive representative shall simultaneously serve the City with the petition.
    - iii. The City shall file a reply to the petition with the ERC and the exclusive representative within 14 days of receipt of the exclusive representative's petition.
    - iv. The ERC shall schedule a mediation session among the parties within 14 days or as soon as practical thereafter. No statement made or position taken during mediation under this Article may be used as evidence in any other proceeding. If mediation fails to resolve the dispute, the ERC shall request a reply brief from the exclusive representative and make a decision as to the negotiability based on the written record. The decision may be accompanied by an order directing the parties to take action appropriate to remedy the dispute including, but not limited to the issuance of a retroactive bargaining order or engagement in further mediation. To minimize the potential recurrence of similar disputes, the ERC shall publish periodically such decisions and shall distribute copies to the City and to all exclusive representatives.
  - d. The ERC may delegate to one or more of its members some tasks, such as scheduling hearings, overseeing pre-hearing matters, and conducting mediation or any hearings on the matter. The final decision of the ERC requires the concurrence of at least two Members.
- J. Rights Accompanying Exclusive Representation
- 1. The labor organization which has been certified by the ERC shall be the exclusive representative of all employees in the unit and as such shall have the right to act for and

458 negotiate agreements hereunder covering all employees in the unit and shall be  
459 responsible for representing the interest of all such employees without discrimination  
460 and without regard to membership in the labor organization.

461 2. The negotiated grievance procedure shall be the exclusive procedure applicable to an  
462 employee in the unit for a grievance regarding the employee's rights under the  
463 agreement provided, however, an employee may appeal a disciplinary or adverse action  
464 under any applicable procedure established by the City or by law in lieu of using the  
465 negotiated grievance procedure. An employee's election of remedy is irrevocable and  
466 is made at the time the employee timely files a written disciplinary appeal under the  
467 negotiated grievance procedure or the alternative procedure, whichever occurs first.

468 3. Where a labor organization has been recognized as the exclusive representative of the  
469 employees in a unit, it shall be the only labor organization eligible to receive from the  
470 City amounts deducted from the pay of employees as authorized by written assignment  
471 of the employees, for the payment of regular and periodic dues to the exclusive  
472 representative, unless two exclusive representatives of City employees agree that they  
473 can both receive deductions from the same employee. Any such authorization may be  
474 revoked in accordance with the terms of the authorization which shall provide a period  
475 of irrevocability of not more than one year. An authorization that satisfies the Uniform  
476 Electronic Transactions Act (Virginia Code § 59.1-479 et seq.), including, without  
477 limitation, electronic authorizations and voice authorizations, shall be valid for  
478 employees' authorizations for payroll deductions and authorization for representation  
479 for purposes of a petition filed by a labor organization for exclusive representation.

480 4. An exclusive representative of an appropriate unit shall be given the opportunity to be  
481 represented at:

482 a. any formal discussion between one or more representatives of the City and one  
483 or more employees in the unit or their representatives concerning any grievance  
484 or any personnel policy or practices or other general condition of employment;  
485 or

486 b. any examination of an employee in the unit by a representative of the City in  
487 connection with an investigation if:

488 i. the employee reasonably believes that the examination may result in  
489 disciplinary action against the employee; and

490 ii. the employee requests representation.

491 c. The City shall annually inform its employees of their rights under this  
492 subsection.

493 K. Official Time

494 1. Any employee representing an exclusive representative in the negotiation of an  
495 agreement under this Article shall be authorized official time for such purposes,  
496 including attendance at an impasse proceeding, during the time the employee otherwise  
497 would be in a duty status. The number of employees for whom official time is  
498 authorized under this subsection shall be at least equal to the number of individuals  
499 designated as representing the City for such purposes but may exceed the number of  
500 City representatives upon agreement of the parties.

501 2. Any employee representing an exclusive representative, or in connection with any  
502 other matter covered by this Article or by the collective bargaining agreement, any  
503 employee in an appropriate unit represented by an exclusive representative, shall be

504 granted official time in any amount the City and the exclusive representative involved  
505 agree to be reasonable, necessary, and in the public interest.

506 L. Negotiations & Agreements

- 507 1. The City and the exclusive representative shall meet at reasonable times, and shall  
508 negotiate in good faith with respect to terms and conditions of employment which are  
509 subject to negotiation under this Article and which are to be embodied in a written  
510 agreement, or any question arising thereunder, but such obligation shall not compel  
511 either the City or the exclusive representative to agree to a proposal or require the  
512 making of a concession. The City Manager, or his designated authorized  
513 representative(s) shall represent the City in collective bargaining.
- 514 2. Any agreement reached by the negotiators shall be reduced to writing and shall be  
515 executed by both parties. Such agreement shall be valid and enforced under its terms  
516 when entered into, in accordance with the provisions of this Article.
- 517 3. Agreements with exclusive representatives shall provide for final and binding  
518 arbitration of contractual disputes in accordance with Virginia Code Section 15.2-1404.  
519 Arbitration proceedings conducted pursuant to collective bargaining agreements and  
520 this Article shall be governed by the Uniform Arbitration Act, Virginia Code Section  
521 8.01—581.01 et. seq.
- 522 4. Upon the request of either party, negotiations shall commence not later than October  
523 1 for agreements that are to be effective on July 1 of the following year. Collective  
524 Bargaining Agreements shall have a minimum term of one year and maximum term  
525 of four years.
- 526 5. At the request of either party, the parties shall enter into mediation to resolve any  
527 dispute between the parties. The parties involved shall mutually agree upon a  
528 mediator or request a mediator from the Federal Mediation and Conciliation Service.  
529 No statement made or position taken during mediation under this section may be used  
530 as evidence in any other proceeding
- 531 6. At the request of either party, and not later than January 31 of the year the agreement  
532 may become effective, impasses not resolved through negotiation or mediation shall  
533 be submitted to final and binding arbitration. The parties shall jointly select an  
534 arbitrator or, if they are unable to agree on an arbitrator, they shall request a list of  
535 seven arbitrators from the Federal Mediation and Conciliation Service or American  
536 Arbitration Association. Each party in turn shall strike a name from the list until only  
537 one name remains. Negotiations may continue throughout the impasse procedures.
- 538 7. In making any decision under the impasse procedures authorized by this Article, the  
539 arbitrator shall select either the final offer of the employer, or the final offer of the  
540 union on each separate issue. The arbitrator shall give weight to the following factors:
- 541 a. The lawful authority of the City;
- 542 b. Stipulations of the parties;
- 543 c. The interests and welfare of the public;
- 544 d. The financial ability of the employer to meet the costs of any items to be included  
545 in the agreement;
- 546 e. Comparison of wages, hours, and terms and conditions of employment of the  
547 employees involved in the arbitration proceedings with the wages, hours, and  
548 terms and conditions of employment of other persons performing similar services  
549 in the public and private sectors, if applicable;

- 550 f. The average consumer prices for goods and services, commonly known as the  
551 cost of living;  
552 g. The overall compensation presently received by the employees involved in the  
553 arbitration;  
554 h. Changes in any of the foregoing circumstances during the pendency of the  
555 arbitration proceedings; and  
556 i. Such other factors that are normally or traditionally taken into consideration in the  
557 determination of wages, hours, and terms and conditions of employment through  
558 voluntary collective bargaining, mediation, arbitration, or otherwise between the  
559 parties, in public service or in private employment.  
560 8. The expenses of the arbitrator shall be borne equally by the parties.

561 M. Funding for implementation of agreements.

- 562 1. After a negotiated agreement has been reached, or a final and binding arbitration decision  
563 has been rendered in accordance with this Article, the City Manager shall submit a  
564 request for funds necessary to implement the agreement and for approval of any other  
565 matter requiring the approval of the City Council within five days after:  
566 a. the date on which the parties finalize the agreement; or  
567 b. the date on which the arbitration decision is issued,  
568 unless otherwise specified in this section or agreed by the parties.  
569 2. The City Council shall approve or reject the request for funds as a whole when it adopts  
570 the annual budget. If the annual budget for any term of the agreement has been adopted  
571 prior to the submission of a request for funds to implement the agreement by the City  
572 Manager, the Council shall consider the request for funding as a budget modification at  
573 the first meeting subsequent to the submission of the request for funds necessary to  
574 implement the agreement.  
575 3. If the City Council does not fund the agreement, either party may reopen negotiations.  
576 4. At the request of the exclusive representative, those provisions of the agreement not  
577 requiring action by the City Council shall be effective and operative in accordance with  
578 the terms of the agreement.  
579 5. Upon the expiration of an agreement, the terms of such agreement shall remain in effect  
580 until superseded by a new agreement.

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