



CITY COUNCIL AGENDA
August 19, 2013

6:00 p.m. – 7:00 p.m.

**Closed session as provided by Section 2.2-3712 of the Virginia Code
(Second Floor Conference Room)**

TYPE OF ITEM

SUBJECT

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

**AWARDS/RECOGNITIONS
ANNOUNCEMENTS**

Women’s Equality Day; Women’s 4 Miler Training Program

MATTERS BY THE PUBLIC

Public comment will be permitted for the first 12 speakers who sign up in advance of the meeting (limit of 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

1. CONSENT AGENDA*

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

a. Minutes for July 15

b. APPROPRIATION:

**Virginia Department of Criminal Justice Services for the City of Promise - \$97,500
(2nd of 2 readings)**

c. APPROPRIATION:

Grant for Construction of McIntire Park Railroad Trail Bridge - \$761,950 (1st of 2 readings)

d. APPROPRIATION:

Funds from CCS¹ to the Buford Science Labs Project – \$7,500 (1st of 2 readings)

e. APPROPRIATION:

Reimbursement from Paragon Solutions, Inc. for the Buford Science Labs Project – \$695
(1st of 2 readings)

f. APPROPRIATION:

Charlottesville/Albemarle Adult Drug Treatment Court Grant Award – \$182,500
(1st of 2 readings)

g. APPROPRIATION:

City of Charlottesville Phone System Upgrade – \$380,478 (1st of 2 readings)

h. APPROPRIATION:

Virginia Commission of the Arts Challenge Grant – \$5,000 (1st of 2 readings)

i. APPROPRIATION:

Check and Connect Student Engagement Continuation Grant – \$75,000 (1st of 2 readings)

j. APPROPRIATION:

2013 Local Emergency Management Performance Grant – \$7,500 (1st of 2 readings)

k. APPROPRIATION:

Proceeds of 1306 Nunley Street Property Sale by the Thomas Jefferson Community Land Trust – \$127,432.46 (1st of 2 readings)

l. RESOLUTION:

CHF² Assistance for Building Goodness Foundation – \$8,500 (1st of 1 reading)

m. RESOLUTION:

Washington Park Pool Bath House Renovation Funding Transfer – \$15,000 (1st of 1 reading)

n. RESOLUTION:

Authorizing Bond Issuance on Behalf of Region 10 CSB³, Inc. – Fluvanna (1st of 1 reading)

Authorizing Bond Issuance on Behalf of Region 10 CSB, Inc. – Louisa (1st of 1 reading)

o. ORDINANCE:

Franchise Agreement with Sprint (2nd of 2 readings)

p. ORDINANCE:

Permit Parking Zone Ordinance Update (2nd of 2 readings)

q. ORDINANCE:

Street Closing – Parker Place (Unaccepted) (2nd of 2 readings)

**2. PUBLIC HEARING /
ORDINANCE***

Dominion Power Easement for Undergrounding Lines at Greenleaf and McIntire Parks
(1st of 2 readings)

3. RESOLUTION*

Adoption of the 2013 Comprehensive Plan (1st of 1 reading)

4. RESOLUTION*

CAT⁴ Proposal & Advisory Board Recommendation

¹ CCS – Charlottesville City Schools

² CHF – Charlottesville Housing Fund

³ CSB – Community Services Board

⁴ CAT – Charlottesville Area Transit

5. REPORT PLACE⁵ Design Task Force Annual Update
6. RESOLUTION* Human Services Needs Assessment (1st of 1 reading)
7. APPROPRIATION* FY 2014 Stormwater Utility Budget Appropriation - \$1,138,734 (1st of 2 readings)
8. RESOLUTION* Allocation of Charlottesville Housing Funds to CRHA⁶ for Playground Improvements – \$300,000 (1st of 1 reading)
9. APPROPRIATION* ADU⁷ Plaza Contribution – \$487,490.59 (1st of 2 readings)

*ACTION NEEDED

⁵ PLACE – Place, Livability and Community Engagement

⁶ CRHA – Charlottesville Redevelopment and Housing Authority

⁷ ADU – Affordable Dwelling Units

APPROPRIATION
Virginia Department of Criminal Justice Services on Behalf of the Federal Office of
Juvenile Justice and Delinquency Prevention for the City of Promise
\$97,500

WHEREAS, The City of Charlottesville has received a Virginia Department of Criminal Justice Services on behalf of the federal Office of Juvenile Justice and Delinquency Prevention grant for the City of Promise in the amount of \$65,000; and

WHEREAS, the City's Department of Human Services agrees to provide a transfer of \$32,500 towards the required 50% grant match.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$97,500 is hereby appropriated in the following manner:

Revenues

\$65,000	Fund: 209	Cost Center: 3413005000	G/L Account: 430120
\$32,500	Fund: 209	Cost Center: 3413005000	G/L Account: 498010

Expenditures

\$77,500	Fund: 209	Cost Center: 3413005000	G/L Account: 519999
\$20,000	Fund: 209	Cost Center: 3413005000	G/L Account: 599999

Transfer

\$32,500	Fund: 213	Cost Center: 3413001000	G/L Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$65,000 from the Virginia Department of Criminal Justice Services on behalf of the federal Office of Juvenile Justice and Delinquency Prevention.

RESOLUTION
Charlottesville Housing Fund Assistance for Building Goodness Foundation
\$8,500

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$8,500 be allocated from the Charlottesville Housing Fund in the following manner:

Fund: 426

Project: CP-084

G/L Account: 599999

Building Goodness Foundation \$ 8,500

RESOLUTION

**Washington Park Pool Bath House Renovation – Transfer of Funding from the Facilities Lump Sum Account to the Washington Park Pool Line Item Account
\$15,000**

WHEREAS, funding from the Facilities Lump Sum account is being transferred to the Washington Park Pool Line Item account to fund change orders associated with the Washington Park Pool Bath House project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$15,000 from the Facilities Lump Sum account is hereby transferred in the following manner:

Transfer To - \$15,000.00

Fund: 426	Project: P-00588-01	G/L Account: 498010
Fund: 426	Project: P-00588-01	G/L Account: 599999

Transfer From - \$15,000.00

Fund: 425	Project: CP- 009	G/L Account: 561426
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**RESOLUTION
OF THE CITY COUNCIL OF THE
CITY OF CHARLOTTESVILLE, VIRGINIA**

WHEREAS, the Industrial Development Authority of the County of Fluvanna, Virginia (the “Authority”), has been requested by Region Ten Community Services Board, Inc. (the “Company”), a non-profit, Virginia nonstock corporation, to approve the issuance of a revenue bond in an amount not to exceed \$7,000,000 (the “Bonds”) to assist the Company in (1) refinancing that certain \$4,711,400 Region Ten Community Services Board, Inc. Taxable Note (Region Ten Project), Series 2006, which was issued by the Industrial Development Authority of the Town of Louisa, Virginia (“Louisa IDA”) (the “Series 2006 Note”), (2) financing the costs of construction and equipping of up to 12,000 square feet of additional space at, and further renovation and equipping of other portions of, the Company’s existing facility located at 800 Preston Avenue, Charlottesville, Virginia 22903, (3) financing all or a portion of the costs of issuance of the Bonds in permissible amounts, and (4) paying capitalized interest on the Bonds for a period not to exceed one year after the date of issuance of the Bonds. The Series 2006 Note was issued by the Louisa IDA on December 21, 2006 to finance and refinance a portion of the costs of acquisition, construction and equipping of the Company’s headquarters facility located at 500, 502, and 504 Old Lynchburg Road, Charlottesville (Albemarle County), Virginia 22901;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, a portion of the Project is to be located in the City of Charlottesville, Virginia (the “City”) and the City Council of the City of Charlottesville, Virginia (“Council”) constitutes the highest elected governmental unit of the City;

WHEREAS, in accordance with Section 147(f) of the Code, the public hearing held by the Authority was within 100 miles of the City;

WHEREAS, for purposes of Section 15.2-4906 of the Code of Virginia of 1950, as amended (the “Virginia Code”), the Authority is issuing the portion of the Bonds relating to the portion of the Project located in the City on behalf of the City;

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds and concur with the Authority’s inducement resolution regarding the issuance of the Bonds (the “Resolution”); and

WHEREAS, a copy of the Authority's Resolution, a certificate of the public hearing, a reasonably detailed summary of the comments expressed at the public hearing, and a Fiscal Impact Statement have been filed with the Council.

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

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (“Virginia Code”) to permit the Authority to assist in the financing of the Project.
2. The Council concurs with the resolution to be adopted by the Authority and approves the issuance of the Bonds by the Authority for the benefit of the Company as required by Section 15.2-4905 of the Virginia Code.
3. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Company.
4. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that the City will have no obligation to pay the Bonds or the interest thereon or other costs incident thereto.
5. This resolution shall take effect immediately upon its adoption.

Adopted by the City Council of the City of Charlottesville, Virginia this 19th day of August, 2013.



Clerk, City Council of the City of
Charlottesville, Virginia

[SEAL]

**RESOLUTION
OF THE CITY COUNCIL OF THE
CITY OF CHARLOTTESVILLE, VIRGINIA**

WHEREAS, the Industrial Development Authority of the Town of Louisa, Virginia (the “Authority”), has been requested by Region Ten Community Services Board, Inc. (the “Company”), a non-profit, Virginia nonstock corporation, to approve the issuance of a revenue bond in an amount not to exceed \$7,000,000 of its revenue bonds (the “Bonds”) to assist the Company in (A) refinancing the Authority’s \$7,601,200 Community Services Board Facilities Revenue Bond (Region Ten Project) Series 2006 (the “Series 2006 Bond”); and (B) paying all or a portion of the costs of issuance of the Bonds. The Series 2006 Bond was issued by the Authority on December 21, 2006, with the proceeds thereof being applied by the Company to: (1) refinance the Industrial Development Authority of Albemarle County, Virginia’s \$5,000,000 Variable Rate Community Services Facilities Revenue Bonds (Region Ten Community Services Board, Inc.), Series 1999, issued on August 31, 1999 to finance and refinance (a) several Company facilities located in the City of Charlottesville, Virginia at 800 Preston Avenue, 1907 Cedar Hill Road, 720 Highland Avenue, 719 Shamrock Road, 100 Burnett Street, 2000 Michie Drive, and 401 4th Street NW; and (b) Company Facilities located in the County of Albemarle, Virginia at 4312 Dickerson Road; (2) finance the acquisition, construction, renovation and equipping of the property known as Mountainwood, to house the Company’s administrative offices and community services, located on an approximately 9 acre tract of land on Old Lynchburg Road, in the County of Albemarle, Virginia; and (3) finance the acquisition, construction, renovation and equipping of the Nelson County Counseling Center located at Tanbark Plaza, Lovingson (Nelson County), Virginia (the projects described in clauses (1)-(3) above are collectively referred to herein as, the “Project”);

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, a portion of the Project is to be located in the City of Charlottesville, Virginia (the “City”) and the City Council of the City of Charlottesville, Virginia (“Council”) constitutes the highest elected governmental unit of the City;

WHEREAS, in accordance with Section 147(f) of the Code, the public hearing held by the Authority was within 100 miles of the City;

WHEREAS, for purposes of Section 15.2-4906 of the Code of Virginia of 1950, as amended (the “Virginia Code”), the Authority is issuing the portion of the Bonds relating to the portion of the Project located in the City on behalf of the City;

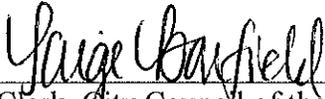
WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds and concur with the Authority’s inducement resolution regarding the issuance of the Bonds (the “Resolution”); and

WHEREAS, a copy of the Authority's Resolution, a certificate of the public hearing, a reasonably detailed summary of the comments expressed at the public hearing, and a Fiscal Impact Statement have been filed with the Council.

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

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The Council concurs with the Resolution adopted by the Authority and approves the issuance of the Bonds by the Authority for the benefit of the Company as and to the extent required by Section 15.2-4905 of the Virginia Code.
3. The approval of the issuance of the Bond does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Company.
4. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that the City will have no obligation to pay the Bonds or the interest thereon or other costs incident thereto.
5. This resolution shall take effect immediately upon its adoption.

Adopted by the City Council of the City of Charlottesville, Virginia this 19th day of August, 2013.



Clerk, City Council of the City of
Charlottesville, Virginia

[SEAL]

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

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

ARTICLE I

SECTION 101 PURPOSE AND SCOPE

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

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

SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY

This Ordinance granting a telecommunications franchise is created to manage and regulate the Company’s use of the City’s Public Rights-of-Way along city roads pursuant to the authority

granted to the City under Sections 15.2-2015, 56-460, and 56-462(A) of the Virginia Code and other applicable state and federal statutory, administrative and common law.

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

SECTION 103 DEFINITIONS

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

103.2 COMPANY means Sprint Communications Company of Virginia, Inc., including its successors and assigns.

103.3 DIRECTOR means the Director of Public Works for the City of Charlottesville.

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

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

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

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

ARTICLE II

SECTION 201 INITIAL INSTALLATION

The initial installation of equipment, lines, cables or other Facilities by the Company, pursuant to the previous franchise agreement, was underground in rights-of-way owned by Norfolk & Southern Railroad, except at four locations where said equipment, lines, cables or other Facilities were placed below City streets. Any additional installation of equipment, lines, cables or other Facilities shall also be underground unless it shall be determined by the Director as set forth in Article III that it is not feasible to do so.

SECTION 202 SUBSEQUENT INSTALLATION

202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:

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

202.2 GENERAL PREFERENCE FOR UNDERGROUND FACILITIES:

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

202.3 INSTALLATION OF OVERHEAD FACILITIES:

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

202.4 FUTURE ORDINANCES:

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

202.5 CONDITIONS FOR RELOCATING UNDERGROUND:

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

SECTION 203 INSPECTION BY THE CITY

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

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION

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

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS

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

SECTION 206 OBSTRUCTION OF THE PROW

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

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

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

206.3 PARKING, LOADING AND UNLOADING OF VEHICLES SHALL NOT OBSTRUCT THE PROW: Private vehicles of those doing work for the Company in the PROW must be parked in a manner that conforms to the City's applicable parking regulations. The loading or unloading of trucks must be done in a manner that will not obstruct normal traffic within the PROW, or jeopardize the safety of the public who use the PROW.

ARTICLE III

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY

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

SECTION 302 SUBMISSION OF PROW PLAN

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

SECTION 303 GOOD CAUSE EXCEPTION

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

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

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

SECTION 304 DECISION ON PROW PLAN BY THE DIRECTOR

304.1 DECISION: The Director, or his or her authorized representative, shall, within thirty (30) days, either approve the Company's plans for proposed action as described in Section 302 or inform the Company of the reasons for disapproval. The Company shall designate a responsible contact person with whom officials of the Department of Public Works can communicate on all matters relating to equipment installation and maintenance.

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

SECTION 305 MAPPING DATA

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

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

ARTICLE IV

SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS

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

ARTICLE V

SECTION 501 RELOCATION OF COMPANY FACILITIES WITHIN THE PUBLIC RIGHTS-OF WAY

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

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION

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

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

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

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

502.4 GUARANTEES: The Company guarantees its restoration work and shall maintain it for twenty-four (24) months following its completion. The previous statement notwithstanding, the Company will guarantee and maintain plantings and turf for twelve (12) months. During these maintenance periods, the Company shall, upon notification by the City, correct all restoration work to the extent necessary, using the method determined by the Director. Such work shall be completed after receipt of notice from the Director, within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure. Notwithstanding the foregoing, the Company's guarantees set forth hereunder concerning restoration and maintenance, shall not apply to the extent another company, franchisee, licensee, permittee, other entity or person, or the City disturbs or damages the same area, or a portion thereof, of the Public Rights-of-Way.

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

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

502.7 DAMAGE TO OTHER FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY: The Company shall be responsible for the cost of repairing any Facilities existing within the Public Rights-of-Way that it or the Facilities owned by the Company damage. If the Company damages the City's Facilities within the Public Rights-of-Way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, the Company shall correct the damage within a prompt period after receiving written notification from the City. If the Company does not correct the City's damaged Facilities pursuant to the foregoing, the City may make such repairs as necessary and charge all of the reasonable costs of such repairs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within such thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative, overhead mobilization, material, labor, and equipment related to such repair.

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

ARTICLE VI

SECTION 601 INDEMNIFICATION AND LIABILITY

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

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

601.2 DUTY TO INDEMNIFY, DEFEND AND HOLD HARMLESS: If a suit arising out of subsection (a), (b), (c) of Section 601.1, claiming such injury, death, or damage shall be brought or threatened against the City, either independently or jointly with the Company, the Company will defend, indemnify and hold the City harmless in any such suit, at the cost of the Company, provided that the City promptly provides written notice of the commencement or threatened commencement of the action or proceeding involving a claim in respect of which the City will seek indemnification hereunder. The Company shall be entitled to have sole control over the defense through counsel of its own choosing and over settlement of such claim provided that the Company must obtain the prior written approval of City of any settlement of such claims against the City, which approval shall not be unreasonably withheld or delayed more than thirty (30) days. If, in such a suit, a final judgment is obtained against the City, either independently or jointly with the Company, the Company will pay the judgment, including all reasonable costs, and will hold the City harmless therefrom.

SECTION 602 WAIVER BY THE CITY

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

- (a) elects to conduct its own defense against such claim;

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

SECTION 603 INSURANCE

603.1 The Company shall also maintain in force a comprehensive general liability policy in a form satisfactory to the City Attorney, which at minimum must provide:

- (a) verification that an insurance policy has been issued to the Company by an insurance company authorized to do business in the State of Virginia, or a form of self insurance acceptable to the City Attorney;
- (b) verification that the Company is insured against claims for personal injury, including death, as well as claims for property damage arising out of (i) the use and occupancy of the Public Rights-of-Way by the Company, its agents, employees and permittees, and (ii) placement and use of Facilities owned by the Company in the Public Rights-of-Way by the Company, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground Facilities and collapse of property;
- (c) verification that the City Attorney will be notified thirty (30) days in advance of cancellation of the policy or modification to the policy that will reduce coverage limits to less than those required herein;
- (d) verification that comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the City Attorney in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Ordinance; and
- (e) verification that the policy has a combined single limit coverage of not less than two million dollars (\$2,000,000).

The policy shall include the City as an additional insured party, and the Company shall provide the City Attorney with a certificate of such coverage before execution of this franchise.

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

SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS

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

ARTICLE VII

SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND

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

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND

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

- (a) material changes in the net worth of the Company;
- (b) changes in the identity of the Company that would require the prior written consent of the City;
- (c) material changes in the amount and location of Facilities owned by the Company;
- (d) the Company's recent record of compliance with the terms and conditions of this Ordinance; and
- (e) material changes in the amount and nature of construction or other activities to be performed by the Company pursuant to this Ordinance.

SECTION 703 PURPOSE OF PERFORMANCE BOND

The Performance Bond shall serve as security for:

- (a) the faithful performance by the Company of all terms, conditions and obligations of this Ordinance;

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

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE

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

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

ARTICLE VIII

SECTION 801 COMPENSATION/PROW USE FEE.

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

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

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

SECTION 802 RESERVED

SECTION 803 NO CREDITS OR DEDUCTIONS

The compensation and other payments to be made pursuant to Article VIII: (a) shall not be deemed to be in the nature of a tax, and (b) except as may be otherwise provided by Section 56-468.1 of the Code of Virginia, shall be in addition to any and all taxes or other fees or charges that the Company shall be required to pay to the City or to any state or federal agency or authority, all of which shall be separate and distinct obligations of the Company.

SECTION 804 REMITTANCE OF COMPENSATION/LATE PAYMENTS, INTEREST ON LATE PAYMENTS

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

ARTICLE IX

SECTION 901 RESERVATION OF ALL RIGHTS AND POWERS

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

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

SECTION 902 SEVERABILITY

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

ARTICLE X

SECTION 1001 MAINTENANCE OBLIGATION

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

SECTION 1002 TREE TRIMMING

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

ARTICLE XI

SECTION 1101 INITIAL TERM OF TELECOMMUNICATIONS FRANCHISE

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

SECTION 1102 APPLICATION FOR NEW TELECOMMUNICATIONS FRANCHISE

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

SECTION 1103 OPERATION OF FACILITIES OWNED BY THE COMPANY WHILE RENEWAL IS PENDING

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

ARTICLE XII

SECTION 1201 NOTICE

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

To the Company:

Sprint Communications Company, L.P.
Attn: Manager, Transactions & Project Services –
Mid-Atlantic Region
KSOPHT0101-Z2040
6391 Sprint Parkway
Overland Park, KS 66251-2040

To the City:

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

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

SECTION 1202 EMERGENCY NOTIFICATION

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

To the Company:

For Demand/Emergency Activity, contact Sprint's "Local Telecommunications Division, Network Operations Center" at 1-888-230-4404, Option 2.

To the City:

Gas Dispatchers
(804) 970-3800 (office)
Emergency (804)293-9164 (leaks)
(804) 970-3817 (facsimile)

Judith Mueller, Director of Public Works
(804) 970-3301 (office)
(804) 970-3817 (facsimile)
(804) 971-6645 (home)

SECTION 1203 REGISTRATION OF DATA

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

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

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

ARTICLE XIII

SECTION 1301 TERMINATION OF TELECOMMUNICATIONS FRANCHISE

The franchise granted by this Ordinance may be terminated:

- (a) by the Company, at its election and without cause, by written notice to the City at least sixty (60) days prior to the effective date of such termination; or

- (b) by either the Company or the City, after thirty (30) days written notice to the other party of the occurrence or existence of a default of the franchise granted by this Ordinance, if the defaulting party fails to cure or commence good faith efforts to cure, such default within sixty (60) days after delivery of such notice.

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

ARTICLE XIV

SECTION 1401 REMOVAL OF FACILITIES FROM THE PUBLIC RIGHTS-OF-WAY

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

SECTION 1402 ABANDONMENT OF FACILITIES OWNED BY THE COMPANY IN THE PUBLIC RIGHTS-OF-WAY

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

ARTICLE XV

SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT

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

In addition, the City agrees that nothing in this Ordinance shall be construed to require Company to obtain approval from the City in order to lease any Facilities owned by the Company or any portion thereof in, on, or above the PROW, or grant an indefeasible right of use ("IRU") in the Facilities owned by the Company, or any portion thereof, to any entity or person. The lease or

grant of an IRU in such Facilities owned by the Company, or any portion or combination thereof, shall not be construed as the assignment or transfer of any franchise rights granted under this Ordinance.

SECTION 1502 SUCCESSORS AND ASSIGNS

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

ARTICLE XVI

SECTION 1601 NONEXCLUSIVE FRANCHISE

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

ARTICLE XVII

SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES

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

SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED

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

ARTICLE XVIII

SECTION 1801 NO DISCRIMINATION

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

ARTICLE XIX

SECTION 1901 FORCE MAJEURE

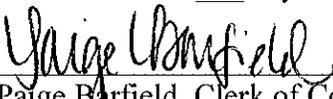
Neither the Company nor the City shall be liable for any delay or failure in performance of any part of the franchise granted by this Ordinance from any cause beyond its control and without its fault or negligence including, without limitation, acts of nature, acts of civil or military authority, government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

ARTICLE XX

SECTION 2001 EFFECTIVE DATE

This Ordinance shall be effective upon its passage.

Adopted by the Council of the City of Charlottesville on the 19 day of August, 2013.



Paige Barfield, Clerk of Council

ACCEPTED: This franchise is accepted, and we agree to be bound by its terms and conditions.

SPRINT COMMUNICATIONS COMPANY OF VIRGINIA, INC.

By _____

Its _____

Date _____

**AN ORDINANCE
AMENDING AND REORDAINING SECTIONS 15-209 AND 15-210 OF ARTICLE V
OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE
CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
REGULATING THE ADMINISTRATION OF RESIDENTIAL PARKING PERMITS**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Sections 15-209 and 15-210 of Article V of Chapter 15 of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained, as follows:

**CHAPTER 15. MOTOR VEHICLES AND TRAFFIC
Article V. Stopping, Standing And Parking
Division 3. Residential Permit Parking Zones and Restricted Parking Blocks**

Sec. 15-209. Application.

(a) Any person desiring a parking permit required by this division shall apply for such permit at the office of the city treasurer. Application shall be made as follows:

(1) ~~Multi-family dwellings located within Zone 1: application for parking permits shall be made by the property owner, or such owner's designated agent; and~~ If the owner or agent of a property within a restricted parking block assumes responsibility for distributing permits to the inhabitants of the property, only the owner or agent may apply for such permit as may be available.

(2) ~~Single-family, two-family and multifamily dwellings located within any other Zone: application for parking permits may be made by a property owner, or such owner's designated agent; If the owner or agent of a property within a restricted parking block does not assume responsibility for distributing permits, then the inhabitants of the property may apply for such permits as may be available.~~

(3) The owner or agent of a dwelling who makes application for any permit(s) shall provide the treasurer with the information and fees required by this division, for each permit issued for that dwelling. Once delivered to a property owner or agent, parking permits assigned with respect to a specific dwelling shall be delivered by the owner or agent to the inhabitants of such dwelling.

(b) . . .

(c) . . .

Sec. 15-210. Administration of permits.

(a) . . .

(b) . . .

(c) Except as otherwise provided, upon proof of vehicle ownership, proof of an applicant's residence on a block within a restricted parking area and payment of applicable fee(s), the treasurer shall issue permits authorizing the parking of a vehicle in a restricted parking area, as follows:

(1) ...

(2) ...

(3) Proof of vehicle ownership shall consist of one (1) of the following: ~~vehicle~~ registration for the vehicle in question, or ~~presentation of a City of Charlottesville property tax return for such vehicle, either of which must indicate that the vehicle is registered at an address within the restricted parking block for which a permit is sought.~~

(4) Proof of residency ~~may~~ shall be made as follows, provided all such proof shows an address within the restricted parking block for which a permit is sought:

(i) Any one (1) of the following: a Virginia driver's license or Virginia state identification card, or presentation of City of Charlottesville personal property tax return; and

~~(ii) Any two (2) of the following: vehicle or personal property insurance policy; lease or mortgage documents; Virginia voter registration; or a sworn statement averring residency at the address for which a permit is requested.~~

(ii) Proof of ownership of the property at the address within the restricted parking block for which a permit is sought or a signed agreement establishing occupancy thereof.

(5) For students of the University of Virginia or Piedmont Virginia Community College, the following documents are required if the requirements in subsections 3 and 4 of Section 15-210 cannot be met:

(i) Current driver's license; and

(ii) Current student identification card; and

(iii) Vehicle registration for the vehicle for which a permit is sought; and

(iv) Signed agreement establishing occupancy at the address within the restricted parking block for which a permit is sought.

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING
AN UNACCEPTED PORTION OF THE PARKER PLACE RIGHT OF WAY
LOCATED BETWEEN MASON LANE AND RUGBY AVENUE
ADJACENT TO CITY TAX MAP PARCELS 38-147 AND 38-148.**

WHEREAS, Jeff and Nicola Bialy, the owners of property designated as Parcel 147 on City Tax Map 38 (1111 Parker Place), initiated a petition seeking to close the western portion of an unaccepted cul-de-sac (hereinafter "Subject Right of Way") on the street known as Parker Place, located adjacent to petitioner's property; and

WHEREAS, the Parker Place right of way was platted in 1944 as a street off Rugby Avenue in the Rugby Woods Subdivision, ending in a cul-de-sac, but was re-platted in 1950 to extend Parker Place from Rugby Avenue to Mason Lane, eliminating the need for a cul-de-sac; and

WHEREAS, by resolution adopted April 21, 1969, City Council closed and vacated the eastern side of the cul-de-sac; and

WHEREAS, the Subject Right of Way was never formally accepted by the City as part of the City's public street system; and

WHEREAS, owners along the Subject Right of Way to be closed have been duly notified, and have signed a statement supporting the petitioner's request; and

WHEREAS, following notice to the public pursuant to Va. Code §15.2-2204, a public hearing by the City Council was held on July 15, 2013, and comments from the City staff, and the public were made and heard; and

WHEREAS, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on February 7, 2005, as well as matters specified within §15.2-2272 of the Code of Virginia, this Council finds and determines that the petitioner's request should be granted; now, therefore

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City hereby closes, vacates and discontinues the western portion of the Parker Place cul-de-sac, described as follows:

All of the Parker Place cul-de-sac right of way on the western side of Parker Place, being a semi-circle with a radius of approximately 40 feet from the western edge of Parker Place, and shown on a plat dated May 18, 1944 made by O.R. Randolph, of record in the Clerk's Office of the Circuit Court for the City of Charlottesville, in Deed Book 117, Page 170, and located adjacent to City Tax

Map 38, Parcels 147 and 148 (1111 Parker Place and 1107 Parker Place).

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

**RESOLUTION
APPROVING 2013 COMPREHENSIVE PLAN
FOR THE CITY OF CHARLOTTESVILLE**

WHEREAS, In 2007 City Council adopted a Comprehensive Plan for the City of Charlottesville;

WHEREAS, the Code of Virginia requires such plan be reviewed every five years, and the City Planning Commission (hereinafter "Planning Commission") with the assistance of the City's Department of Neighborhood Development Services, and as required by Code of Virginia §15.2-2230, has undertaken a review of the City's 2007 Comprehensive Plan, and has determined that it would be advisable to amend such plan;

WHEREAS, in preparation of an updated comprehensive plan for the City, the Planning Commission has made careful and comprehensive surveys and studies of existing conditions and trends of growth within the City, and of the probable future requirements of the City's territory and inhabitants, including surveys and studies such as those contemplated within Code of Virginia §15.2-2224;

WHEREAS, the 2013 Comprehensive Plan has been made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory within the City which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the city's inhabitants;

WHEREAS, the 2013 Comprehensive Plan is general in nature, in that it designates the general or approximate location, character, and extent of each feature shown on the plan, and indicates where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use, as the case may be, and the plan, with the accompanying maps, plats, charts and descriptive matter, shows the locality's long-range recommendation for implementation as part of the general development of the territory covered by the plan;

WHEREAS, the transportation element was submitted to VDOT for review and comment in accordance with Code of Virginia §15.2-2223(B)(4) and comments received were incorporated into the plan;

WHEREAS, on April 9, 2013, following notice given in accordance with §15.2-2204 of the Code of Virginia, a joint public hearing of the Planning Commission and City Council was held to consider the 2013 Comprehensive Plan;

WHEREAS, on April 9, 2013 the Planning Commission recommended approval of the 2013 Comprehensive Plan and directed that the Plan be transmitted to City Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, that the aforesaid 2013 Comprehensive Plan, as recommended by the City Planning Commission, and as amended by the inclusion of additional comments proposed by staff and City Council on April 9, 2013 as well as additional comments included by City Council as a result of an August 1, 2013 Work Session, and the August 19, 2013 Council Meeting, is hereby approved and adopted as the official Comprehensive Plan of the City pursuant to Code of Virginia §15.2-2226.

RESOLUTION

Allocation of Funds Appropriated in the FY 2014 Council Approved Budget for the Human Services Needs Assessment Implementation

\$15,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of up to \$15,000 is hereby paid from currently appropriated funds in the FY 2014 Council Adopted Budget set aside for the needs assessment implementation:

\$15,000 - Center for Nonprofit Excellence pilot evaluation plan tool

Fund: 105

Cost Center: 10110010000

RESOLUTION

**Transfer of Funding from the Charlottesville Redevelopment Fund Line Item account and the Charlottesville Housing Fund Lump Sum account for CRHA Playground Improvements
\$300,000**

WHEREAS, funding from the Charlottesville Redevelopment Line Item account and the Charlottesville Housing Fund Lump Sum account is being transferred to the Parks Playground Improvements Line Item account for playground upgrades at public housing sites:

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$300,000.00 from the Charlottesville Redevelopment Line Item account and the Charlottesville Housing Fund Lump Sum account is hereby transferred in the following manner:

Transfer From - \$300,000.00

\$200,000.00	Fund: 426	WBS: P-00695	G/L Account: 561426
\$100,000.00	Fund: 426	CP-0084	G/L Account: 561426

Transfer To - \$300,000.00

Fund: 425	WBS: P-00330	G/L Account: 498010
Fund: 425	WBS: P-00330	G/L Account: 599999