



**CITY COUNCIL AGENDA**  
**Monday, September 19, 2016**

6:00 p.m.

**Closed session as provided by Section 2.2-3712 of the Virginia Code**

*Second Floor Conference Room (Consultation with Legal Counsel re: land use advice; Parks Land Acquisition)*

7:00 p.m.

**Regular Meeting - CALL TO ORDER**

*Council Chambers*

**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**

**AWARDS/RECOGNITIONS**  
**ANNOUNCEMENTS**

**APPOINTMENTS TO BOARDS & COMMISSIONS**  
**CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC**

**MATTERS BY THE PUBLIC**

Public comment provided for up to 12 speakers publicized at noon the day of the meeting (limit 3 minutes per speaker) and for an unlimited number of speakers 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.

**1. CONSENT AGENDA\***

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

a. Minutes for September 6

b. **APPROPRIATION:**

Local Contributions for Crisis Intervention Training – \$71,200 (2<sup>nd</sup> of 2 readings)

c. **APPROPRIATION:**

Grant Funding for West Main Street National Register Nomination – \$24,000 (2<sup>nd</sup> of 2 readings)

d. **APPROPRIATION:**

Virginia Homelessness Solutions Grant – \$477,151; Housing Opportunities for Persons with AIDS – \$186,940 (2<sup>nd</sup> of 2 readings)

e. **APPROPRIATION:**

Fiscal Year 2017 Fire Programs Aid to Locality Funding – \$141,082 (1<sup>st</sup> of 2 readings)

f. **APPROPRIATION:**

\$10,000 Returned from Charlottesville Affordable Housing Fund Award to Albemarle Housing Improvement Program and Habitat for Humanity (1<sup>st</sup> of 2 readings)

g. **RESOLUTION:**

Grant Agreement – Piedmont Housing / Orangedale Neighborhood (1<sup>st</sup> of 1 reading)

h. **ORDINANCE:**

Telecommunications Ordinance Amendments (2<sup>nd</sup> of 2 readings)

i. **ORDINANCE:**

Conditional Release of Road Widening, Drainage, and Public Access Easements to Accommodate Retail Development at 1200 Emmet St. (2<sup>nd</sup> of 2 readings)

j. **APPROPRIATION:**

Additional Funding for Social Services Programs - \$94,133.85 (1<sup>st</sup> of 2 readings)

**2. PUBLIC HEARING / REPORT\***

Deer Management Strategies – 20 mins

**3. PUBLIC HEARING / RESOLUTION\***

Virginia Discovery Museum Lease (1<sup>st</sup> of 1 reading) – 10 mins

**4. PUBLIC HEARING / RESOLUTION\***

Setting Priorities for Community Development Block Grant (CDBG) and HOME Investment Partnership Funds for Program Year 16/17 (1<sup>st</sup> of 1 reading) – 15 mins

**5. PUBLIC HEARING / RESOLUTION\***

Matters by the Public Procedures (1<sup>st</sup> of 1 reading) – 20 mins

**6. RESOLUTION\***

Amendment to Virginia Resources Authority (VRA) Financing Agreement (1<sup>st</sup> of 1 reading) – 10 mins

**7. RESOLUTION\***

Open Data Policy Proposal (1<sup>st</sup> of 1 reading) – 20 mins

**8. REPORT**

Blue Ribbon Commission on Race, Memorials and Public Spaces: Interim Report – 15 mins

**9. REPORT**

TJPDC Legislative Discussion – 10 mins

**OTHER BUSINESS**  
**MATTERS BY THE PUBLIC**

\*ACTION NEEDED

**APPROPRIATION**

**\$71,200**

**Local Agency Contribution for Crisis Intervention Training**

**WHEREAS**, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, receives from local agencies \$71,200 per fiscal year;

**WHEREAS**, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, receives from other local agencies, funding to support Crisis Intervention Training programs;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the lump sum of \$71,200, received from local Agencies is hereby appropriated in the following manner:

**Revenues: \$71,200**

\$71,200      Fund: 209      Cost Center: 3101003000      G/L Account: 434410

**Expenditures: \$71,200**

\$71,200      Fund: 209      Cost Center: 3101003000      G/L Account: 519999

**BE IT FURTHER RESOLVED**, by the Council of the City of Charlottesville, Virginia, that this appropriation is conditioned upon the receipt of funding by the participating agencies listed above, and will be hereby considered as a continuing appropriation and funds received for this purpose will be immediately available to spend for the C.I.T. program.

**APPROPRIATION**

**Virginia Department of Historic Resources (D.H.R.)  
2016-2017 Certified Local Government (C.L.G.) grant funding  
for West Main Street National Register nomination  
\$24,000**

**WHEREAS**, the City of Charlottesville, through the Department of Neighborhood Development Services, has received from the Virginia Department of Historic Resources (D.H.R.), funding to support a National Register nomination for West Main Street from Ridge-McIntire Road to Drewary Brown Bridge,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$9,000 for the fiscal year 2016-2017 received from the Virginia Department of Historic Resources (D.H.R.) is hereby appropriated in the following manner:

**Revenue**

\$ 9,000	Fund: 209	IO: 1900270	G/L: 430120 (State/Fed Pass Thru)
\$15,000	Fund 209	IO: 1900270	G/L: 498010 (Transfer from C.I.P.)

**Expenditure**

\$ 24,000	Fund: 209	IO: 1900270	G/L: 530670 (Other contractual services)
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**Transfer**

\$15,000	Fund: 426	WBS: P-00484	G/L: 461209 (Transfer to grants)
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$9,000 for the fiscal year 2016-2017 from the Virginia Department of Historic Resources (D.H.R.).

**APPROPRIATION.**  
**Virginia Homelessness Solutions Grant \$477,151.**  
**Housing Opportunities for Persons with AIDS \$186,940.**

**WHEREAS,** The City of Charlottesville, through the Department of Human Services, has received the Virginia Homelessness Solutions Grant from the Virginia Department of Housing and Community Development in the amount of 664,091;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$664,091 is hereby appropriated in the following manner:

**Revenues**

\$207,324	Fund: 209	IO: 1900268 (VHPS)	G/L: 430110 State Grants
\$269,827	Fund: 209	IO: 1900268 (VHSP)	G/L: 430120 Federal Pass-Thru State
\$190,612	Fund: 209	IO: 1900269 (HOPWA)	G/L: 430120 Federal Pass-Thru State

**Expenditures**

\$459,941	Fund: 209	IO: 1900268 (VHSP)	G/L: 530550 Contracted Services
\$190,612	Fund: 209	IO: 1900269 (HOPWA)	G/L: 530550 Contracted Services

**BE IT FURTHER RESOLVED,** that this appropriation is conditioned upon receipt of \$664,091 in funds from the Virginia Department of Housing and Community Development.

**RESOLUTION**  
**Amendment of Charlottesville Affordable Housing Fund Agreement with Piedmont Housing Alliance Down Payment Assistance Program for Orangedale and Prospect Neighborhood**

**WHEREAS**, the City of Charlottesville awarded for a pilot demonstration program to Piedmont Housing Alliance for the purpose of providing down payment assistance and home repairs to potential homebuyers within the Orangedale and Prospect Neighborhood; and

**WHEREAS**, after one year of outreach efforts Piedmont Housing Alliance has been unsuccessful in identifying viable program participants; and

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that Piedmont Housing Alliance be allowed to amend the project so as to:

1. expand the program to encompass the entire City,
2. impose a maximum sales price of \$200,000,
3. eliminate the minimum debt ratio and replace it with a maximum ratio of 33% for housing and 44% for all monthly debt, and
4. extend the time of performance until September 30, 2017.

**ORDINANCE  
AMENDING AND RE-ENACTING CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO UPDATE REGULATIONS SET FORTH WITHIN ARTICLE IX (GENERAL REGULATIONS), DIVISION 5 (TELECOMMUNICATIONS FACILITIES) TO COMPLY WITH REQUIREMENTS OF FEDERAL LAW AND TO MODIFY THE HEIGHT REQUIREMENTS APPLICABLE TO ATTACHED FACILITIES**

**WHEREAS**, by resolution City Council initiated this zoning text amendment; and

**WHEREAS**, a public hearing on the Proposed Zoning Text Amendment was held jointly by the Planning Commission and City Council on July 12, 2016, after notice to the public and to adjacent property owners as required by law, and following conclusion of the public hearing the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment as presented, with two additions; and

**WHEREAS**, after consideration of the Planning Commission’s recommendation, this Council is of the opinion that that the proposed zoning text amendment has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, general welfare and good zoning practice require the proposed zoning text amendment, and (ii) the proposed zoning text amendment is consistent with the Comprehensive Plan; now, therefore,

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

**1. Sec. 34-420 (Use matrix—Residential districts) of Article III (Residential Districts), Sec. 34-480 (Use matrix—Commercial districts) of Article IV (Commercial Districts), and Sec. 34-796 (Use matrix—Mixed use corridor districts) of Article VI (Mixed Use Districts), of Chapter 34 (Zoning), are hereby amended and re-enacted, to incorporate the following changes in the columns titled “Use Types”:**

<i>Use Types....</i>
<b>NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL</b>
Communications facilities <del>and towers:</del>
<del>Antennae or microcells mounted on existing towers established prior to 02/20/01</del>
<del>Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure</del>

Attached facilities not visible from any adjacent street or property
Attached facilities visible from an adjacent street or property
<u>Carrier on Wheels (COW)*</u> [*Note: Insert “P” in all Commercial district columns for this use]
<u>Towers</u> Alternative tower support structures
Monopole tower support structures
Guyed tower support structures
Lattice tower support structures
Self-supporting tower support structures

**2. Chapter 34 (Zoning), Article IX (General Regulations), Division 5 (Telecommunications Facilities), is hereby amended and re-enacted, as follows:**

**Sec. 34-1070. Purpose and intent.**

The purpose and intent of this division is to provide regulations that will serve the interests of the public necessity, convenience, general welfare and good zoning practice, by ensuring that residents, businesses and public safety operations within the City of Charlottesville have reliable and convenient access to communications networks, while also ensuring a convenient, attractive and harmonious community; protection against destruction of or encroachment upon historic areas; and encouragement of economic development. The provisions of this division are also intended to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable federal laws, including, without limitation, Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012. establish guidelines for the siting of communications towers and personal wireless service facilities. The goals of this division are to:

- ~~(1) Allow for a range of locations for communications towers and personal wireless service facilities, subject to clear buffering and safety standards.~~
- ~~(2) Encourage the joint use of new and existing support structures, and minimize the total number of communications towers and personal wireless service facilities throughout the community.~~
- ~~(3) Encourage users of communications towers and personal wireless service facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.~~
- ~~(4) Minimize adverse visual impacts of towers and antenna through careful design, siting, landscaping screening and innovative camouflaging techniques.~~
- ~~(5) Encourage users of communications towers and personal wireless service facilities to configure them in a way that minimizes adverse visual impact;~~
- ~~(6) Promote compatibility of communications towers and personal wireless service facilities with surrounding land uses, and protect the attractiveness, health, safety, general welfare and property values of the community.~~
- ~~(7) Avoid potential damage to adjacent properties from tower failure through responsible engineering practices and careful siting of tower structures.~~
- ~~(8) Minimize traffic impacts on surrounding residential areas.~~

- ~~(9) Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single use towers.~~

**Sec. 34-1071. Definitions.**

For definitions of special terms utilized within this division, refer to Article X (Definitions), section 34-1200.

**Sec. 34-1072. Nonconforming facilities Applicability.**

- (a) Communications facilities that were legally permitted on or before the date this ordinance was enacted, but which do not conform to current zoning regulations, shall be considered lawful, nonconforming uses. A communications facility or tower that was completely constructed on a site prior to February 20, 2001, in any zoning district, shall be considered a conforming use.
- (b) A collocation shall not be construed as an expansion, enlargement or increase in intensity of an existing nonconforming tower or base station, provided that the collocation does not involve any Substantial Change. A communications facility, in any zoning district, which has received city approval in the form of either a building permit, site plan approval or special use permit, but which has not yet been constructed or placed into operation on February 20, 2001, shall be considered an existing, conforming use if the building permit, site plan approval or special use permit remains valid, and has not expired.
- (c) City Council may, by special use permit, authorize a Substantial Change of a nonconforming tower or base station. Placement of an attached communications facility on a legally non-conforming structure shall not be considered an expansion of the non-conforming structure.
- ~~(d) The requirements of this division shall supersede conflicting requirements contained in other city zoning or site plan ordinances regarding the siting and permitting of communications facilities.~~

**Sec. 34-1073. Design control Facilities by districts.**

- (a) Within the city's historic and entrance corridor overlay districts attached communications facilities that are visible from any adjacent street or property are prohibited; provided, however, that by special use permit, City Council may authorize such facilities on a specific lot.
- (1) The following shall be permitted uses: antennae or microcells mounted on existing communications towers established prior to February 20, 2001; attached communications facilities utilizing utility poles or other electric transmission facilities as the attachment structure; and other attached communications facilities if such other attached communications facilities are not visible from any adjacent street or property.
- (2) The following shall be prohibited uses: attached communications facilities where such facilities are visible from any adjacent street or property, and communications facilities utilizing alternative tower, monopole tower, guyed tower, lattice tower and self-supporting tower support structures.
- (b) In the event of a conflict between the provisions of this section and the provisions of the use matrix for any applicable zoning district, the provisions of this section shall govern.
- ~~(b) Within other zoning districts of the city, the permitted communications facilities are identified within the use matrix for the applicable districts. Facilities other than those identified within the use matrix for a particular district shall be prohibited.~~

**Sec. 34-1074. Height; measurement of changes.**

- (a) Where attached communications facilities are permitted within a zoning district, ~~the attachment structure shall be at least forty (40) feet in height, and~~ the total height of the communications facility (including the attachment structure, antenna and any attachment device(s)) shall not be more than twenty (20) feet greater than the original height of the attachment structure, and:
- (1) no part of any antenna or attachment device shall be lower than (i) the level of the floor of the second story of the building that serves as the attachment structure, or (ii) fifteen (15) feet measured from grade level, whichever is greater; and
  - (2) in cases where an appurtenance (as defined in City Code Sec. 34-1200) is utilized as an attachment structure, no part of any antenna or attachment device may project above the top of the appurtenance.
- (b) The following ~~height~~-restrictions shall apply to freestanding communications facilities, wherever located:
- (1) Where a support structure is used by and for a single antenna communications facility, maximum height shall not exceed seventy (70) feet.
  - (2) Where a support structure is used by and for two (2) co-located antennas communications facilities, then maximum height shall not exceed one hundred (100) feet.
  - (3) Where a support structure is used by and for three (3) or more co-located antennas communications facilities, then maximum height shall not exceed one hundred fifty (150) feet.
  - (4) The height of a freestanding communications facility shall be determined by the number of antennas for which binding commitments can be demonstrated at the time of approval. No freestanding communications facility shall be permitted to be constructed when the number of antennas that may be installed on it is speculative at the time of any approval.
- (c) ~~By special use permit, City Council may modify Any communications facility that exceeds the height restrictions or dimensions allowed by right under paragraphs (a) or (b)(1)-(3), above, shall require a special use permit.~~
- (d) When an application involves or proposes a change in the height of any communications facility, the change in height will be measured from the original support structure, in cases where deployments are or will be separated horizontally (such as on the rooftop of a building); in other circumstances, changes in height will be measured from the dimensions of the tower or base station—inclusive of originally-approved appurtenances and any modifications that were approved prior to the passage of the federal Spectrum Act (P.L. 112-96, signed February 22, 2012).

**Sec. 34-1075. Setback requirements.**

- (a) All communications facilities shall comply with the minimum setback and yard requirements of the zoning district in which they are located.
- (b) Each tower and base station Support structures shall be set back from all property lines a distance equal to its engineered fall zone for freestanding communications facilities shall be located on a lot in such a manner that, in the event of collapse, the structure and supporting devices shall be contained within the confines of the property lines.
- (c) No above-ground portion of any freestanding communications facility shall project into a required setback more than the maximum projection permitted in the zoning districts in which the facility or antenna is located. Any communications facility that projects over a public right-of-way shall have a

minimum clearance of sixteen feet six inches, and is subject to city council's approval of a right-of-way use agreement for the facility itself, or for the structure to which it is attached.

- (d) Where ~~alternative tower~~, monopole tower, lattice tower or other self-supporting tower support structures are permitted, either by right or by special use permit:
  - (1) The communications facility shall be set back from any existing residence, residentially-zoned property, public street or other public property, a distance of at least the height of the PWSF or communications facility, but in no event less than one hundred (100) feet.
- (e) By special use permit, City Council may modify the requirements of paragraphs (a) or (b).

**Sec. 34-1076. Separation requirements.**

- ~~(a)~~ Freestanding communications facilities shall conform to the following separation requirements (i.e., minimum distance from the nearest established freestanding communications facility):

<u>Structure Facility Height</u>	Minimum Separation Requirement
<50 feet	300 feet
50—100 feet	500 feet
101—150 feet	750 feet

- ~~(b) Alternative tower structures, and attached communications facilities, shall be exempt from the provisions of section (a), above.~~
- ~~(c)~~ (b) When a freestanding communications facility is located on a lot site containing one (1) or more ~~other buildings principal uses or other uses~~, the minimum distance between the facility tower support structure and any principal other building or principal use located on the same lot site shall be the greater of twenty (20) percent of the height of the facility communications facility, or twenty-five (25) feet.

**Sec. 34-1077. Screening and landscaping.**

- (a) Landscaping shall be used at ground level to screen the view of towers and base stations freestanding communications facilities from adjacent public streets and public property, and from adjacent residentially-zoned property and ~~adjacent~~ residences. The minimum landscaping requirements shall be as follows:
  - (1) For towers and base stations facilities one hundred fifty (150) feet in height or less, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting shall be spaced not more than five (5) feet apart within ten (10) feet of the perimeter of the required setback area.
  - (2) For towers and base stations more than one hundred fifty (150) feet in height, in addition to the requirements set forth in subsection (a)(1), above, at least one (1) row of deciduous trees, with a minimum caliper of two and one-half (2½) inches at the time of planting, and spaced not more than forty (40) feet apart, shall be provided within twenty (20) feet of the perimeter of the required setback area.
  - (3) All security fencing shall be screened from view.
- (b) Landscaping materials shall consist of drought-resistant native species.

- (c) Landscaping materials shall be maintained by the owner and operator of the lot on which the support structure is constructed or installed, for the life of the support structure installation.
- (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.
- (e) The requirements of this section shall not apply to an existing building that serves as the support for an antenna, but they shall apply to any related equipment and shelters placed on the ground adjacent to such buildings.

**Sec. 34-1078. Lighting and security fencing.**

- (a) No communications facility shall be artificially lighted, except for:
  - (1) Security and safety lighting of equipment and shelters buildings, if such lighting is appropriately down-shielded to keep light within the boundaries of the site.
  - (2) Such lighting as may be required by the FAA, FCC or other applicable governmental authority, installed in such a manner as to minimize impacts on adjacent residences. Where the FAA or FCC requires lighting "dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA or FCC guidelines.
- (b) Security fencing shall be required around the perimeter of towers and base stations (but not for existing buildings that serve as the support for an antenna) ~~support structures and any accessory utility structures associated with freestanding communications facilities~~, in accordance with the following minimum requirements:
  - (1) Security fencing shall be maintained by the owner and operator(s) of the communications facility, for the life of the facility. Security fencing shall be constructed of decay-resistant materials, and shall be not less than six (6) feet in height.
  - (2) Security fencing shall be equipped with anti-climbing devices.
  - (3) When a For alternative tower structures where the support structure is secured so that the public cannot access any component of a wireless facility the antenna array, equipment shelter and other apparatus for a PWSF or other communications facility, security fencing shall not be required.

**Sec. 34-1079. Signs and advertising.**

- (a) No sign(s) shall be permitted on any communications facility, except as may be required for public safety purposes, or as required by the FAA or FCC.
- (b) No materials or markings containing any advertising or advertisement shall be permitted on any communications facility.

**Sec. 34-1080. Visibility and placement.**

- (a) Attached communications facilities that are permitted to be visible from adjacent streets or properties shall comply with the following standards requirements as to visibility and placement:
  - (1) ~~Where~~ Such facilities ~~are visible from adjacent properties, or from public rights of way, they shall be designed and located so as to blend in with the existing support structure. The facilities shall be attached to the support structure to the maximum extent feasible, through measures such as placement~~ in the least visible location that which is consistent with proper functioning

~~of the communications equipment, and~~ The colors of the facility and the attachment structure will be coordinated, and use of compatible or neutral colors shall be utilized.

- (2) Where such facilities are visible to adjacent residences, but have a visual impact that cannot reasonably be mitigated by placement and color solutions, the facilities shall be screened by planted materials or building appurtenances, to an extent that they are not readily apparent to the occupants of the adjacent residence ~~from view or concealed~~.
  - (3) Antennas and any supporting electrical and mechanical equipment shall be of a neutral color that is compatible with the color of the attachment structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
- (b) Attached communications facilities that are permitted only if not visible from adjacent streets or properties shall comply with the following standards:
- (1) Such facilities must be concealed by an architectural feature or lawful appurtenance of the support structure, provided that ground-level equipment may be concealed by landscape screening.
  - (2) The concealment referenced in (b)(1), above, shall be provided to such an extent that the communications facilities cannot be distinguished from the architectural feature, appurtenance, or landscape plantings used to conceal them.
  - (3) Within a design control district, any exterior construction, reconstruction, and alteration proposed for the purpose of providing concealment for any component of a communications facility requires a certificate of appropriateness.
- (c) In addition to the requirements of paragraphs (a) and (b), above:
- (1) ~~Portions of towers and base stations that extend~~ All support structures shall be of a galvanized finish, or painted gray, above a the surrounding treeline or built environment shall be painted gray or shall have a galvanized finish. Below the surrounding treeline such facilities support structures shall be painted gray or green. ~~Below ; or, below~~ the line of the surrounding built environment, such facilities structures shall be painted in a neutral color that will blends with the surrounding built environment.
  - (2) Alternative coloring or marking may be utilized if an applicant identifies. These requirements shall apply unless other coloring or marking is required by FAA or FCC regulations requiring such alternative coloring or marking.
- (e) (3) ~~Equipment shelters shall , to the extent practicable, use be fabricated, constructed and installed using materials, colors, textures, screening and landscaping that will blend with the natural setting and built environment. Equipment~~ The equipment shelters and/or cabinets used ancillary to a microcell shall be contained wholly within a building, or structure, or enclosure, unless otherwise concealed and/or camouflaged, as may be required, or located underground.
- (d) (4) ~~Collocated antennas Antennas and other broadcasting or receiving equipment collocated on a single support structure or attachment structure shall, to the greatest extent feasible, be of similar size, design, coloring and appearance.~~
- (5) For towers having a height in excess of one hundred fifty (150) feet, the number and placement of antennas or other receiving or transmitting devices collocated on a single support structure shall be limited so that, in the aggregate, the facility(ies) will not have an excessive adverse visual impact on adjacent properties, or on the view from any historic or entrance corridor overlay district.
- (de) As long as all siting, setback, separation and general requirements of this division are met, towers, where permitted, freestanding communications facilities may occupy a parcel meeting the minimum lot size requirements for the zoning district in which they are located.

- ~~(f) For freestanding communications facilities with a height in excess of one hundred fifty (150) feet, the number and placement of antennas or other receiving or transmitting devices collocated on a single support structure shall be limited so that, in the aggregate, the facility(ies) will not have an excessive adverse visual impact on adjacent properties, or on the view from any historic or entrance corridor overlay district.~~

**Sec. 34-1081. Construction and operational standards.**

- (a) ~~All towers and base stations shall comply with requirements of the applicable version of the Virginia Uniform Statewide Building Code (USBC). All support structures shall be constructed to comply with the Electronic Industries Association (EIA) current standards (EIA222-D, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by EIA, effective June 1, 1987, as from time to time amended or revised).~~
- (b) ~~All support structures shall be constructed to comply with the Virginia Uniform Statewide Building Code (USBC), effective September 1, 1973, as from time to time amended or revised, and with the provisions of any applicable city ordinance(s). Structures necessary for the housing or shelter of equipment used in direct support of a communications facility shall be allowed as accessories to the communications facility, but such structures may not be used for offices, vehicle storage or other storage. No equipment, machinery or vehicles other than that which is utilized in direct support of a communications facility shall be stored or parked at the site, except when necessary in connection with repairs to the facility.~~
- (c) ~~All communications facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal or state government having authority to regulate such facilities. An applicant seeking approval of a communications facility shall be required to certify such compliance. Every twelve (12) months from the date of issuance of a building permit, or, where required, from the date of final approval of a site plan, the owner or operator of an approved communications facility shall submit to the director of neighborhood development services or his designee documentation that the communications facility complies with all applicable federal and state standards and regulations.~~
- (d) ~~The owner and operator of a tower freestanding communications facility shall provide for and conduct an inspection of the tower support structure at least once every three (3) years. Such inspection shall be conducted by a structural engineer authorized licensed to practice within the Commonwealth of Virginia. A written report of the results of the inspection shall be provided to the City's Building Official director of neighborhood development services or his designee, verifying structural integrity and the name(s) and address(es) of any tenant(s) having equipment located on the structures.~~
- (e) ~~Machinery and equipment used ancillary to a communications facility shall be automated to the greatest extent possible. Communications facilities may be located on sites containing one (1) or more other principal uses, or such facilities may be the principal use of a lot. However, multiple uses of a single lot shall be prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas or dangerous chemicals.~~
- (f) ~~Areas sufficient for the temporary off street parking of at least two (2) vehicles shall be provided for freestanding communications facilities. The type and configuration of parking may be approved by the director of neighborhood development services or his designee.~~
- (fg) ~~A copy of any road maintenance agreement for any site accessed by private easement shall be provided as part of any application for a freestanding communications facility, or for a modification of an existing such facility. Where a freestanding communications facility site abuts or has access to~~

a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street.

- ~~(h) Freestanding communications facilities in excess of one hundred fifty (150) feet of height (including antenna arrays) shall be constructed to accommodate no less than three (3) telecommunications carriers or service providers.~~

**Sec. 34-1082. Collocation.**

- (a) Providers of communications services are encouraged to design, construct and site their facilities PWSF and other communications facilities, attached or freestanding, in a manner that will promote with a view towards sharing facilities and support structures with other utilities, collocation with other providers, and to accommodating the future collocation of other future facilities, wherever technically, practically and economically feasible. The city shall work with telecommunications providers to facilitate the siting of PWSF or other communications facilities on city owned and other publicly owned property, by identifying existing facilities, the appropriate contact persons, and the appropriate leasing procedures.
- (b) A person seeking approval of a site plan or special use permit for a new freestanding communications facility shall document that reasonable attempts have been made to find a collocation site acceptable to engineering standards, and that none was practically or economically feasible.
- ~~(c) Accessory structures necessary for the housing or shelter of equipment used in direct support of a communications facility shall be allowed, but such structures may not be used for offices, vehicle storage or other storage. No equipment, machinery or vehicles other than that which is utilized in direct support of a communications facility shall be stored or parked at the site, except when necessary in connection with repairs to the facility.~~
- ~~(d) Communications facilities may be located on sites containing one (1) or more other principal uses; however, such joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas or dangerous chemicals.~~
- (c) Proposed collocations shall be reviewed by the city in accordance with (i) requirements of federal law, and (ii) unless pre-empted by federal law, the applicable requirements of this division.

**Sec. 34-1083. Required approvals Permit processes.**

- (a) Building permit. The facilities listed below may be authorized by Zoning Verification pursuant to paragraph (b), below, and issuance of a building permit, if required by the USBC): Where a microcell or attached communications facility is a permitted use, and will not exceed the by right height restrictions or dimensions set forth within this division, only a building permit shall be required.
- (1) Eligible Facility requests;
- (2) A new attached communications facility permitted by right, if such new facility meets all applicable requirements of this division;
- (3) Ordinary maintenance of a communications facility in existence on the date of an application; or
- (4) Placement of a COW at any location within the City, (i) for a single, temporary period of not more than one hundred twenty (120) days, or (ii) for any period corresponding with the duration of an emergency or disaster declared by the Governor or City Council.

- (b) Zoning Verification. Upon receipt of an application seeking approval for a facility, or modification, listed in paragraph (a), above, ~~Prior to issuance of a building permit,~~ the zoning administrator shall verify in writing that the ~~certify 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 (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. ~~microcell or attached communications facility meets all applicable standards and requirements set forth within this division.~~
- (1) The zoning administrator may require documentation and information to the extent reasonably related to determining whether a request is within the scope of (a)(1)-(4) above and otherwise meets applicable zoning requirements.
  - (2) Within 60 days of the date on which an applicant submits an Eligible Facility request, the request shall be approved, unless the zoning administrator determines, with the concurrence of the city attorney, that the application does not involve an Eligible Facility. For the purposes of this paragraph “approved” refers to issuance of the required Zoning Verification and approval of any certificate of appropriateness that may be required for a concealment element. All aspects of the city’s review of an Eligible Facility request shall be conducted in accordance with, and shall be governed by, the mandates set forth within 47 C.F.R. § 1.40001 (April 8, 2015), as such regulations may subsequently be amended.
  - (3) The 60-day review period (“shot clock”) begins to run from the date on which the application is filed, and it may be suspended only by mutual agreement or in cases where the city determines the application is incomplete. To suspend the running of the shot clock for incompleteness, the city must give written notice to the applicant within 30 days after the date on which the application is filed. The notice must reference all missing documents and information. Thereafter, the shot clock will begin running again when the applicant makes a supplemental submission in response to the notice. Following a supplemental submission, the city will have 10 days to notify the applicant in writing, if the supplemental submission did not provide all of the information required in the original notice. If a second or subsequent notice of incompleteness is given, the shot clock will be suspended until the next resubmission. Second and subsequent notices of incompleteness may not specify missing documents or information that were not referenced in the original notice of incompleteness.
- (c) ~~Upon application for a building permit, review will be conducted by the department of neighborhood development services and the zoning administrator, with support from other city staff and/or city-retained consultants as may be designated or deemed necessary by the director of neighborhood development services or his designee. The city shall have the right to obtain retain independent technical consultants and experts that it deems as necessary to render the required determination, and the city may properly evaluate such applications, and to require an applicant to bear the reasonable cost of such services, charge a reasonable fee for such services to the applicant as part of the required application fee. Such reasonable costs fee shall include but shall not be limited to, the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate such applications.~~
- (d) Materials required for a Zoning Verification:
- (1) Application form and related information completed and signed by the applicant, accompanied by the application fee(s) set forth within the most recent fee schedule adopted by city council;
  - (2) Copy of a property lease or notarized power of attorney from the property owner (if the applicant is not the property owner) expressly authorizing the applicant to apply for and make binding

representations as the legal agent of the owner in relation to the proposed communications facility (alternatively, the property owner may co-sign the application form);

c. An Eligible Facility request shall also be accompanied by (i) a written opinion of an attorney licensed to practice within Virginia, certifying that the facility is an Eligible Facility, (ii) drawings prepared by an engineer authorized to practice within Virginia, setting forth all dimensions, elevations and other details establishing the factual basis for the attorney's opinion, and illustrating all proposed changes in dimension—including all existing and proposed concealment elements, (iii) the date(s) and type(s) of approvals previously granted by the city for the existing facilities, and (iv) for applications involving towers or base stations within a design control district, a comprehensive concealment plan, consisting of drawings prepared by an architect or engineer authorized to practice within Virginia, demonstrating how the concealment elements for all antennas and related equipment, in the aggregate, will satisfy the standards set forth within City Code 34-276, 34-310, or 34-342, as applicable.

(e) Zoning approval shall be required for any proposed communication facility other than those referenced within paragraph (a)(1)-(4), above. Each application seeking zoning approval of a proposed communication facility shall include the following:

(1) An application form and such related materials as may be required by the director of neighborhood development services for a proper review of the request, accompanied by the application fee set forth within the most recent fee schedule adopted by city council;

(2) Copy of a property lease or notarized power of attorney from the property owner (if the applicant is not the property owner) expressly authorizing the applicant to apply for and make binding representations as the legal agent of the owner in relation to the proposed communications facility (alternatively, the property owner may co-sign the application form);

(3) A proposed final site plan in accordance with sec. 34-1084; and

(4) An application for approval of a certificate of appropriateness, and related fees and supporting materials, when required by sec. 34-275, 34-309, or 34-340.

~~(b) *Site plan.* All freestanding communications facilities, all microcells or attached communications facilities exceeding the height or dimensions specified in section 34-686, and all modifications of existing such facilities, shall require an approved site plan. For the purpose of this requirement, location of additional antennas or microcells on a previously approved facility shall not be deemed a modification of an existing facility requiring a new site plan, so long as such additional antennas or microcells themselves meet any applicable requirements of this division.~~

~~(1) Upon application for site plan review, review will be conducted by the department of neighborhood development services, with support from other city staff and/or city retained consultants as may be designated or deemed necessary by the director of neighborhood development services or his designee.~~

~~(2) The city shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate such applications, and to charge a reasonable fee for such services to the applicant as part of the required application fee. Such fee shall include but shall not be limited to the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate such applications.~~

~~(c) *Site plan applications.* Each applicant requesting site plan review under this division shall submit the following information as part of the application:~~

~~(1) A site plan and elevations, drawn to scale, and other supporting drawings or photographic simulations, specifying the appearance, height, location and dimensions of the proposed facility, including: support structure; equipment shelters; accessory uses; coloring of materials; parking;~~

~~access; landscaped areas; fences; adjacent land uses; separation and setback calculations; and property boundaries. A cross section of the support structure shall be included.~~

- ~~(2) A landscape plan to scale, indicating the size, spacing and type of plantings, and indicating existing significant vegetation to be removed, and vegetation proposed for planting to replace any lost vegetation; and a natural resources screening, based upon direct observation and/or generally available data sources, of the proposed support structure site; and information as to how the applicant will implement practical measures to avoid, minimize and/or mitigate (in that order of preference) potential adverse impacts.~~
- ~~(3) A utilities inventory showing the location of all water, sewer, drainage, gas, and power lines at the site.~~
- ~~(4) Information concerning support structure specifications, and compliance with applicable EIA, ANSI and USBC standards, as applicable.~~
- ~~(5) Demonstration of the structural integrity of the proposed facility and its support structure; information as to the failure characteristics of the proposed facility and its support structure; demonstration that site conditions and setbacks are adequate to contain debris within the boundaries of the site in the event of structural collapse.~~
- ~~(6) A description of anticipated maintenance and operational needs, including frequency of necessary maintenance services, personnel needs, equipment needs, and traffic, noise or safety impacts of the maintenance and operation of the facility.~~
- ~~(7) Total anticipated capacity of the support structure as proposed, including a description of the number, type, technical capabilities and limitations, and the placement of antenna or other receiving or transmitting devices to be located on the support structure, and information sufficient to enable the city to evaluate the visual impact of the proposed facility on adjacent properties and views.~~
- ~~(8) Information as to the additional tower capacity anticipated, including the approximate number and types of antennas or other equipment the structure could ultimately accommodate, together with a description of any limitations on the ability of the facility to accommodate other facilities or uses (e.g., radio frequency interference, mass height, frequency or other characteristics). The applicant shall include a description of the technical options available to overcome any listed limitations, and reasons why such technical options were not chosen to be incorporated in the proposed facility.~~
- ~~(9) A certification that the applicant has made reasonable efforts to find a collocation site acceptable to engineering standards, and that none was practically or economically feasible.~~
- ~~(10) A statement from a qualified radio frequency engineer licensed to practice in the Commonwealth of Virginia, or from the FCC, certifying that, as proposed, a communications facility complies with FCC guidelines concerning radio frequency radiation and emissions.~~
- ~~(11) Written statements from the FAA, FCC and any state governmental authority having jurisdiction or regulatory authority over the proposed facility, verifying that the proposed facility complies with all applicable regulations administered by that agency or authority, or that the proposed facility is exempt from any such regulations.~~
- ~~(12) Any other information which may be requested by the city to facilitate evaluation and review of the application.~~

~~(d) Special use permits.~~

~~The following uses may be permitted with a special use permit:~~

- ~~(1) A microcell which exceeds the dimensions specified within section 34-683 (the definition of microcell), or which is mounted on a support structure exceeding the height restrictions set forth within section 34-1074.~~
- ~~(2) An attached communications facility that exceeds the height or dimensions specified in section 34-1074.~~
- ~~(3) A freestanding communications facility that exceeds the height specified in section 34-1074.~~
- ~~(e) Where a facility is permitted by special use permit approval, receipt of final site plan approval and a building permit shall also be required. Each application for a special use permit seeking approval of a special use permit for a communications facility under this division shall include the following information and materials, in addition to the information required as part of a site plan or building permit application:
  - (1) A proposed final site plan, in accordance with 34-1084;
  - ~~(2)~~Demonstration that the proposed site is appropriate for the location of the facility. Information relevant to this factor includes, without limitation: topographic features or advantages of the site; site location in relation to provision of adequate wireless communications transmission or other type of communications broadcast, transmission or receipt; physical site characteristics in relation to the construction of the facility, including potential impacts on adjacent land uses; technical capabilities and limitations of the facility to be established; adequacy of setbacks to protect adjacent residential or public properties, or public streets in the event of a support structure failure; the ability to buffer, through use of vegetative, topographic or other measures, the impact of the use on adjacent residential or public streets or properties; impact on adjacent buildings, structures or sites of historic significance.
  - ~~(3)~~ A list of all existing support structures and antenna sites within a two-mile radius from the proposed site (list to include street address, tax parcel number, existing uses and existing height), outlining opportunities for shared use as an alternative to the proposed use. The applicant shall demonstrate that the proposed support structure, antenna or microcell cannot be accommodated by other existing approved facilities due to one (1) or more of the following reasons:
    - a. Unwillingness of the owner of the existing facilities to entertain a wireless communication facility proposal, or unwillingness of such owner to provide space on economically reasonable terms;
    - b. The planned equipment would exceed the structural capacity of existing and approved support structures and facilities, considering existing and planned use for those facilities;
    - c. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
    - d. Existing or approved support structures of facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
    - e. Other reasons, described in specific factual detail, make it impracticable to place the equipment on existing and approved support structures or facilities;
    - f. The proposed co-location of an existing support structure or antenna site would be, by virtue of the requirements of this division, any city ordinance or the city's comprehensive plan, considered a prohibited use.~~
- ~~(4)~~ A statement certifying that, as proposed, the facility is consistent with provisions of Subchapter I of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321—4335. If

an environmental assessment is performed pursuant to 47 C.F.R. Chapter I, Part I, Subpart I, a copy shall be provided to the city.

- (54) Technical, engineering, and other pertinent factors which led to the selection of the particular design and proposed height of the facility.
- (65) An inventory of the applicant's existing ~~PWSFs or other~~ communications facilities located within the city and ~~or~~ within one (1) mile of the city's boundaries, including specific information about the location, height and design of each facility.
- (76) A detailed description of any ~~the~~ gap in service (described in technical terms and geographic area) that a proposed communications facility ~~PWSF~~ is designed to serve, together with documentation that the ~~proposed PWSF is the least intrusive alternative available (e.g., that the applicant has considered alternatives that would obviate any need for the proposed installation, including, without limitation: collocation at alternative less sensitive sites, alternative system designs, alternative tower designs, etc.).~~
- (87) Any other information requested by the city to enable it to fully evaluate and review the application and the potential impact of the proposed facility.
- (9f) The criteria to be applied by the city in reviewing an application for a special use permit are as follows:
  - a. Whether the proposed facility has been designed and configured in a way that minimizes the adverse visual impact of support structures, antenna arrays and other associated structures and equipment on adjacent properties, particularly any adjacent residentially-zoned properties or any conservation or historic districts or protected properties, or any entrance corridors;
  - b. Whether the proposed facility has been designed and configured to promote compatibility with surrounding land uses and to protect the health, safety, general welfare and property values of the community;
  - c. Whether the proposed facility has been designed and configured so that it will not have undue adverse impact on traffic or parking congestion in the surrounding neighborhood or the community;
  - d. Whether the applicant has made all reasonable efforts to identify and locate opportunities for shared use (co-location) of existing support structures and antenna sites within an appropriate radius from the proposed site, as an alternative to the proposed use;
  - e. Whether the proposed facility will meet all applicable federal, state and local laws and regulations, including building, fire and safety regulations; and
  - f. Whether the proposed facility meets the applicable requirements and standards set forth within this division and within article I, division 8 of this chapter.
- (g) The planning commission shall review and make recommendations to city council concerning approval or disapproval of the application for a special use permit ~~for a PWSF or other communications facility~~, based upon its ~~the~~ review of the application materials and site plan for the proposed facility and upon the criteria set forth in this division and chapter.
  - (1) ~~The planning commission may concurrently approve a site plan subject to city council's approval of a special use permit, and subject to the necessary amendments to the site plan as a result of the city council action; or, alternatively,~~
  - (2) ~~The planning commission may choose to consider the site plan after the approval of the special use permit by the city council.~~

- (h) ~~Except as set forth above, the procedure for filing and consideration of an application for a special use permit for a communications facility is the same as that required by Article I, division 8 of this chapter for a rezoning petition, except that each application for a special use permit under this division shall, in addition, contain a site plan and other supporting data sufficient to demonstrate compliance with the purposes and standards of this division and the other requirements set forth in this division.~~
- (i) Each application for a special use permit for a ~~PWSF or other~~ 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 in the amount of one hundred dollars (\$100.00), 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.
- (j) In granting any special use permit for a communications facility the city council may expand, modify, reduce or otherwise grant exceptions to the setback regulations, landscaping and screening requirements, height restrictions or visibility and placement restrictions set forth within this division, provided that the city council determines that such conditions are reasonable and will serve approval of the proposed facility meets the purpose and goals of this chapter. The resolution adopted by city council to grant any such special use permit shall include any exceptions or modifications as specific conditions of such permit.
- (k) Special use permits issued under the terms of this division shall be reviewed by the department of neighborhood development services no less than every five (5) years from the date of issuance for compliance with this division and any special terms or conditions of approval. Such permits are subject to suspension or revocation at any time if it is determined that the terms of the permit and any conditions contained therein, or any rules or regulations adopted by the state or federal government concerning the use of such facilities are being violated.
- (l) Special use permits for communications facilities ~~granted by the city council~~ shall be subject to the provisions of City Code Sec. 34-156 et seq., except as follows:
- (1) Application materials shall be reviewed, and zoning decisions rendered, in the following order: (i) the City's agent for approval of a site plan shall take action on the proposed final site plan, as submitted, and any approval shall be subject to the approval of a special use permit, (ii) the BAR or ERB, as applicable, shall make a decision on any required certificate of appropriateness. Approval of a COA shall be conditioned upon approval of a special use permit, and a denial of a COA shall be deemed appealed to city council for resolution in connection with its decision on the special use permit; and (iii) the planning commission and city council shall take final action on the proposed special use permit, subject to final approval of the site plan.
  - (2) All required zoning decisions referenced within paragraph (1), above, shall be completed by the City within 150 days of receipt of an application, or within 90 days if the application involves a collocation (other than an Eligible Facility request). The City's review and responses to the application shall be in accordance with requirements of federal and state law. Denial of a special use permit by city council shall be set forth in writing and must be supported by substantial evidence in the record of the proceedings.
- (m) Notwithstanding the provisions of Sec. 34-164, if a tower or base station is abandoned, and it remains abandoned for a period of at least twelve (12) consecutive months, then upon written notice to the owner, the city may require that the tower be removed, or that all communications equipment be removed from the base station, within six (6) months after the date of such notice. ~~expire eighteen (18) months from the date of permit approval, if construction of improvements necessary to the use~~

for which the permit was granted has not commenced to a degree that, in the opinion of the zoning administrator, clearly establishes the intent to utilize the granted special permit in a period of time deemed reasonable for the type and scope of improvements involved.

- (n) Procedures for the amendment of a special use permit shall be the same for the original special use permit application.
- (o) In the event of a conflict between any provisions of this article and the provisions of any applicable federal law, regulation, or binding regulatory interpretation or directive, the federal requirement(s) shall govern.

**Secs. 34-1084—34-1099. Reserved.**

**3. Chapter 34 (Zoning), Article X (Definitions) is hereby amended and re-enacted, as follows:**

**Sec. 34-1200. Definitions.**

The following words, terms and phrases, when used in this chapter, will have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Antenna ~~or antenna array~~ as used in Article IX, section 34-1070, et seq. means communications equipment mounted on a support structure for the purpose of transmitting, receiving, or transmitting and receiving electromagnetic radio signals used in the provision of all types of wireless communications services one (1) or more whips (omni directional antenna), panels (directional antenna), discs (parabolic antenna) or similar devices used for broadcast, transmission and/or reception of radio frequency signals. Reference to an antenna or antenna array does not include the support structure. The following shall be excluded for the purposes of this division, from the definition of antenna and antenna array: amateur radio antennas, satellite earth station antennas one (1) meter in diameter or less; receive only home television antennas; and satellite earth station antennas two (2) meters or less in diameter located in a commercial or industrial zoning district.

Attached communications facility and attached facility as used in Article IX, section 34-1070, et seq. and any zoning use matrix, shall mean a communications facility ~~an antenna or other communications equipment (broadcasting or receiving, including any PWSF or microcell)~~ that ~~uses~~ is attached to an existing building or structure, ("attachment structure") as its support structure. For the purposes of this definition, the term structure shall include, without limitation: utility poles, signs, and water towers; however, the term shall exclude ~~communications~~ towers. Where reference is made to an attached facility, unless otherwise specified the reference will be deemed to include any accompanying pole or device ("attachment device") which attaches the antenna ~~array or communications equipment~~ to the existing building or structure, any concealment element(s), as well as transmission cables and any equipment shelter which may be located either inside or outside the attachment structure.

Attachment structure as used in Article IX, section 34-1070, et seq. refers to the structure to which an attached communications facility is affixed.

Base station means a structure or equipment at a fixed location that enables FCC-licensed or authorized communications between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower.

Carrier On Wheels (COW) means a portable, self-contained wireless facility that can be moved to a location and set up to provide wireless communications services on a temporary or emergency basis.

Collocation, Co-location (collocation) for purposes of Article IX, section 34-1070, et seq. shall mean the mounting or installation of antennas on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes use of an attachment structure or support structure by (i) two (2) or more wireless license holders, radio stations or television stations, or combination thereof, (ii) one (1) wireless license holder, radio station or television for more than one (1) type of communications technology, or (iii) two (2) or more communications facilities owned or operated by government or other public and quasi-public users.

Communications facility for purposes of Article IX, section 34-1070, et seq. means any antenna, ~~antenna array or other communications equipment (including any PWSF)~~ used by any commercial, governmental, ~~or other~~ public or quasi-public user(s). Where reference is made to a communications facility, unless otherwise specified or indicated by context, such referenced ~~will be deemed to include any base station, tower or other support structure on which the antenna or other communications equipment is mounted, any concealment element(s), and any attachment device and other equipment referenced within 47 C.F.R. §4.0001(b)(1)(i)-(ii) transmission cables, and any associated equipment shelter.~~

Concealment element means an architectural feature or treatment (paint, for example), landscaping, screening or other means or method of rendering a communications facility invisible, or minimally visible, from adjacent streets and properties, as may be required by Article IX, sec. 34-1070 et seq.

Communications facility, freestanding for purposes of Article IX, section 34-1070, et seq. means any ~~communications facility other than an attached communications facility or a microcell located on an existing building, pole or other existing support structure.~~

Dish antennas means a satellite antenna, also known simply as a "dish," used for satellite communication and broadcast reception.

Eligible Facility means an eligible support structure proposed to be modified in a manner that does not result in a Substantial Change, and such modification involves: (i) collocation of transmission equipment, (ii) removal of transmission equipment; or (iii) replacement of transmission equipment. As used in Article IX, sec. 34-1070 et seq. of this chapter, the term "Eligible Facility request" means a request seeking a determination that the proposed modification of an existing tower or base station is an Eligible Facility.

Eligible support structure means any tower or base station that is existing at the time of an Eligible Facility request. For the purposes of this definition, a constructed tower or base station is "existing", if it has been reviewed and approved under the applicable zoning or siting process, or another state or local regulatory review process (provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition).

Freestanding communications facility means any tower.

Microcell for purposes of Article IX, section 34-1070, et seq. means a facility for wireless communications, consisting of an antenna that is either: (i) not more than four (4) feet in height and with an area of not more than five hundred eighty (580) square inches; or (ii) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length.

Personal wireless service facility (PWSF) means an unstaffed communications facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, transmission cables, an equipment shelter and a support structure to achieve necessary elevation.

Radio and television broadcasting station means an establishment engaged in transmitting oral and visual programs to the public and that consists of a studio, transmitter, and antennas.

Tower, alternative means for purposes of Article IX, section 34-1070, et seq. means a support structure that camouflages or conceals the presence of the antenna array, equipment shelter and other

apparatus for a PWSF or other communications facility, to an extent that the communications facility is either invisible or otherwise made an integrated part of the feature enclosing it. Examples of an alternative tower structure include, but are not limited to: clock towers, bell towers, church steeples, water towers, and light poles.

Substantial Change, for purposes of Article IX, section 34-1070 et seq., means a modification of an existing tower or base station, if (i) for a tower outside a public right-of-way: the modification increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet, whichever is greater; and, for a tower located within a public right-of-way, and for a base station: the increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater; (ii) for a tower outside a public right-of-way: the modification protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; and, for a tower located within a public right-of-way, and for a base station, it protrudes from the edge of the structure more than 6 feet; (iii) the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; (iv) the modification entails any excavation or deployment outside the current site of the tower or base station; (v) the modification would defeat the existing concealment elements of the tower or base station; or (vi) the modification does not comply with conditions associated with the prior approval of construction or modification of the tower or base station (provided that this limitation does not apply to any modification that is non-compliant only in a manner that does not exceed the thresholds identified in (i)-(iv) preceding above). As used in this definition, the term “site” means: for towers other than towers in a public right-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and for other eligible support structures: further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

~~Tower, communications~~ refers to ~~a support structure~~ a structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.

*Tower, guyed* means a monopole or lattice tower support structure that is secured and stabilized by diagonal cables (guy wires) anchored to the ground or other surface.

*Tower, lattice* means a support structure that is self-supporting with multiple legs and cross-bracing of structural steel.

~~Tower, monopole~~ means a support structure consisting of a single pole, constructed without any guy wires and ground anchors.

*Tower, self-supporting* means a support structure that is self-supporting with a single shaft of wood, steel or concrete and antennas or other communications facilities at the top. Structures commonly referred to as “monopoles” are included in this definition.

Transmission equipment means equipment that facilitates transmission for any FCC-licensed or authorized wireless communications service, including, but not limited to antennas, radio receivers, coaxial or fiber-optic cable, and regular and backup power supply.

Utility pole, for purposes of Article IX, section 34-1070 et seq. means a structure owned or operated by a public utility, municipality, electric membership corporation, or similar entity, that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, electricity, or to provide street lighting.

~~Wireless communications~~ means any FCC licensed or authorized communications, including personal wireless services, as defined in the Federal Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio

~~(ESMR), and paging, as well as unlicensed wireless services and common carrier wireless exchange access services, and similar services that currently exist or that may in the future be developed. The term does not mean the provision of direct to home satellite services, as defined in Section 303(v) of the Act.~~

**AN ORDINANCE  
AUTHORIZING THE RELEASE OF CERTAIN PUBLIC EASEMENTS,  
ACROSS PROPERTY AT THE CORNER OF EMMET STREET AND BARRACKS ROAD**

**WHEREAS**, CA Land Holdings, LLC is the Contract Purchaser of vacant land situated at the northeastern corner of the intersection of Barracks Road and Emmet Street, designated on City Tax Map 40 as Parcel 2.1 (the “Property”); and

**WHEREAS**, said Contract Purchaser has requested the vacation and release by the City of three (3) recorded easements that cross the Property, in order to accommodate construction of a retail project on the Property, said easements being described as follows: **(i)** Two “public sidewalk access easements”, each thirty-six (36) feet in length: one along Barracks Road and the other along Emmet Street, shown within a deed dated November 5, 2007, of record in the aforesaid Clerk’s Office in Deed Book 1172, Page 164, and **(ii)** that certain permanent easement in favor of the City, dated September 28, 1962 and recorded in Deed Book 243, page 250 in the Clerk’s Office of the Circuit Court of the City of Charlottesville (collectively, these three easements are hereinafter referred to as the “Subject Easements”); and

**WHEREAS**, the Contract Purchaser has represented that, in consideration of the release and vacation of the Subject Easements, it will dedicate right of way for public use, as set forth within a proposed Escrow Agreement presented to City Council this same date, and it will construct certain public improvements and provide site access, as part of its construction of a development project on the subject Property; and

**WHEREAS**, the Director of NDS has no objection to the release of the Subject Easements, based on: (i) the Contract Purchaser’s representations within its proposed final site plan, that the design of its intended project includes pedestrian access to the Property from the Barracks Road and Emmet Street public rights-of-way, and (ii) the Contract Purchaser’s agreements set forth within the provisions of the proposed Escrow Agreement;

**WHEREAS**, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing has been conducted by City Council, giving the public an opportunity to comment on the proposed vacation and release of the Subject Easements; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that: **(i)** the proposed vacation and release of the Subject Easements is hereby approved, conditioned upon compliance with the terms and conditions set forth within the Escrow Agreement, which Escrow Agreement is also hereby approved; and **(ii)** the City Manager is hereby authorized to sign the Escrow Agreement as the agent of City Council; and **(iii)** Director of Neighborhood Development Services is authorized to enter into a written development agreement (“Development Agreement”) with the Contract Purchaser, or its successor(s), specifying the timing of the dedication of right-of-way for Barracks Road and the completion of public street improvements, including pedestrian access to the Property from Barracks Road and Emmet Street, in relation to the establishment of the Contract Purchaser’s development project, and **(iv)** the City’s Mayor is hereby authorized to execute one or more deeds, in such form(s) as may be approved by the City Attorney, for the vacation and release of the Subject Easements as contemplated within this ordinance, provided, however, that such deed(s) shall be held by the City Attorney, and shall not be delivered to the Contract Purchaser, any Property Owner, or their successor(s) in interest, nor shall any such deed(s) be recorded in the City’s land records, except in accordance with the Escrow Agreement.

## **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 expired June 30, 2016; and

**WHEREAS**, the City and VDM desire to enter into a new lease agreement for all of the space currently occupied by VDM, to take effect July 1, 2016, 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”); now, therefore,

**BE IT RESOLVED** that City Council does hereby approve the Proposed Lease with VDM; and

**BE IT FURTHER RESOLVED** that 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.

**A RESOLUTION  
COUNCIL PRIORITIES  
FOR CDBG and HOME FUNDS  
FY 17-18**

**WHEREAS**, the City of Charlottesville is a U.S. Department of Housing and Urban Development (HUD)-designated Entitlement Community for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs and as such expects to receive fund allocation on July 1, 2017; and

**WHEREAS**, in accordance with the City of Charlottesville's Citizen Participation Plan for HUD funding, the CDBG Task Force composed of citizen and community representatives will need to review potential projects and make recommendations for funding in Spring 2017;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the priorities and spending allowances for FY 2017-2018 shall be as follows:

- Council's priorities for the CDBG and HOME program for FY 17-18 shall be workforce development, microenterprise assistance, access to quality childcare, homeowner rehabilitation and down payment assistance. Workforce development will have an emphasis on jobs that pay a sufficient wage as well as encourage targeting workforce development efforts to Piedmont Housing Alliance and Charlottesville Redevelopment and Housing Authority residents within the SIA.
- For FY 17-18, \$45,000 CDBG entitlement shall be set aside for Economic Development
- For FY 17-18, the Priority Neighborhood shall be 10<sup>th</sup> & Page and the allocation shall be \$200,000 of the total CDBG entitlement. If the CDBG entitlement received is less than the estimate amount of \$200,000, this amount will be decreased accordingly. The next Priority Neighborhood shall be Belmont and Ridge Street with funds being targeted in income eligible service areas.
- The CDBG Admin and Planning budget shall be set at 20% of the total CDBG entitlement.
- The Social Programs budget shall be set at 15% of the total CDBG entitlement.

**2016-2017 CDBG BUDGET ALLOCATIONS**  
**RECOMMENDED BY CDBG TASK FORCE and SAT: 1/13/16, 1/29/16, 2/9/16, 2/8/16, and 2/11/16**  
**RECOMMENDED BY PLANNING COMMISSION: 3/8/2016**  
**APPROVED BY CITY COUNCIL: 5/16/2016**  
**AMENDED BY CITY COUNCIL: 7/5/2016**

<b>I.</b>	<b>PRIORITY NEIGHBORHOOD</b>		
	A. 10 <sup>th</sup> and Page –		<b>\$243,128.44*</b>
<b>II.</b>	<b>ECONOMIC DEVELOPMENT PROJECTS</b>		
	A. Community Investment Collaborative Scholarships		\$ 12,500
	B. Seedplanters Women Entrepreneur Academy		\$ 10,000
	C. Office of Economic Development Small Business Development		\$ 12,000
		<b>ECONOMIC DEVELOPMENT TOTAL:</b>	<b>\$34,500</b>
<b>III.</b>	<b>PUBLIC SERVICE PROJECTS</b>		
	A. OAR – Reentry Services		\$ 14,856
	B. United Way – Child Care Subsidies		\$ 14,106
	C. Office Economic Development – GO Driver		\$ 12,021
	D. City of Promise – Enrolled to Launch Childcare Access Program		\$ 9,857
	E. Community Attention - Youth Internship Program		\$ 4,856
		<b>SOCIAL PROGRAMS TOTAL:</b>	<b>\$55,696 (15%</b>
EN)			
<b>IV.</b>	<b>ADMINISTRATION AND PLANNING:</b>		
	A. Admin and Planning		<b>\$74,261 (20%</b>
EN)			
		<b>GRAND TOTAL:</b>	<b>\$407,585.44</b>
		<b>ESTIMATED NEW ENTITLEMENT AMOUNT:</b>	<b>\$371,309</b>
		<b>ESTIMATED EN AVAILABLE AFTER PI APPLIED:</b>	<b>\$29,821.79</b>
		<b>REPROGRAMMING:</b>	<b>\$6,454.65</b>

\* Funding includes program income/reprogrammed funds

**2016-2017 HOME BUDGET ALLOCATIONS**

A.	AHIP – Homeowner Rehabs		\$73,150*
		<b>GRANDTOTAL:</b>	<b>\$73,150</b>
		<b>ENTITLEMENT AMOUNT:</b>	<b>\$58,520</b>
		<b>ESTIMATED EN AVAILABLE AFTER PI APPLIED:</b>	<b>\$0.00</b>
		<b>REPROGRAMMING:</b>	<b>\$0.00</b>
		<b>LOCAL MATCH:</b>	<b>\$14,630</b>

\* Only Entitlement funds (except Admin and Planning amount) require local match

**RESOLUTION**  
**Matters by the Public during City Council Meetings**

**WHEREAS**, the Charlottesville City Council, in consultation with peers, research of best practices across the state, and the appropriate City staff members, seeks to create an equitable and accessible process for citizen participation in Matters by the Public; and

**WHEREAS**, the City Council established the following process for Matters by the Public in February of 2016:

- (a) Members of the public may request one of twelve speaking slots for the first session of Matters by the Public by e-mail, telephone, or in person with the Clerk by 9:00 a.m. on the day of the meeting;
- (b) Through a random and transparent process, which shall be publicly described and provided to the public, the Clerk shall distribute and publicize the speaking slots by 12:00 noon on the day of the meeting;
- (c) A second session of Matters by the Public will also be held at the end of each regular meeting and is not limited by number of speakers.
- (d) For other public hearings, a sign-up sheet will be provided by the Clerk at the meeting; and

**WHEREAS**, the City Council committed to reviewing the Matters by the Public procedures after a six month trial period; and

**WHEREAS**, the City Council has reviewed the effectiveness of the procedures and found them to be a success;

**NOW THEREFORE BE IT RESOLVED** that the City Council agrees to formally adopt the Matters by the Public procedures with the following changes from this day forward:

- (a) Twelve speaking slots will be available for members of the public at the beginning of every City Council meeting;
- (b) Priority for 9 of these 12 slots will be given to those who pre-register for a slot by e-mail, telephone, or in person with the Clerk by 9:00 a.m. of the day of the meeting;
- (c) The remaining 3 slots, in addition to any unassigned slots, will be available on a first-come-first-served basis in Council Chambers beginning at 6:30pm on the day of the Council meeting;
- (d) If more than 12 slots are requested through the pre-registration process, 9 names will be selected through a random and transparent process, which shall be publicly described and provided to the public, and the Clerk shall distribute and publicize those assigned speaking slots by 12:00 noon on the day of the meeting;
- (e) A second session of Matters by the Public will be held at the end of each regular meeting and is not limited by number of speakers.
- (f) For other public hearings, a sign-up sheet will be provided by the Clerk at the meeting.

**COVERING CERTIFICATE FOR RESOLUTION.**

The undersigned Clerk of the Council (the "Council") of the City of Charlottesville, Virginia (the "City"), certifies as follows:

1. Attached hereto is a true, correct and complete copy of a resolution entitled "RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO FINANCING AGREEMENT BETWEEN THE CITY OF CHARLOTTESVILLE, VIRGINIA, AND THE VIRGINIA RESOURCES AUTHORITY, AS ADMINISTRATOR OF THE VIRGINIA WATER FACILITIES REVOLVING FUND, AND AMENDMENTS TO THE CITY'S GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, VIRGINIA RESOURCES AUTHORITY SERIES 2010 (VIRGINIA WATER FACILITIES REVOLVING FUND), FOR THE PURPOSE OF DECREASING THE COST OF FUNDS THEREON" (the "Resolution"). The Resolution was adopted at a regular meeting of the Council held on September 19, 2016, by a majority of all members of the Council by an affirmative roll-call vote.

2. The Council meeting at which the Resolution was adopted was held at the time and place established by the Council for its regular meetings.

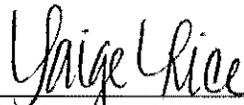
3. The minutes of such meeting reflect the attendance of the members and their votes on the Resolution as follows:

<b>Member.</b>	<b>Attendance (Present/Absent).</b>	<b>Vote (Aye/Nay/Abstain).</b>
Mike Signer, Mayor.	Present	Aye
Wes Bellamy, Vice Mayor.	Present	Aye
Bob Fenwick.	Present	Aye
Kathy Galvin.	Present	Aye
Kristin Szakos.	Present	Aye

4. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the City of Charlottesville, Virginia, this 19<sup>th</sup> day of September, 2016.

(SEAL).

  
\_\_\_\_\_  
Clerk of the Council of the City of Charlottesville,  
Virginia.

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO FINANCING AGREEMENT BETWEEN THE CITY OF CHARLOTTESVILLE, VIRGINIA, AND THE VIRGINIA RESOURCES AUTHORITY, AS ADMINISTRATOR OF THE VIRGINIA WATER FACILITIES REVOLVING FUND, AND AMENDMENTS TO THE CITY'S GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, VIRGINIA RESOURCES AUTHORITY SERIES 2010 (VIRGINIA WATER FACILITIES REVOLVING FUND), FOR THE PURPOSE OF DECREASING THE COST OF FUNDS THEREON.**

**WHEREAS**, on September 16, 2010, the City of Charlottesville, Virginia (the "City"), issued its General Obligation Public Improvement Bond, Virginia Resources Authority Series 2010 (Virginia Water Facilities Revolving Fund), in the principal amount of \$5,030,409 (the "2010 Bond"), to U.S. Bank National Association, as successor trustee (the "Trustee"), for the benefit of the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund ("VRA"), pursuant to the terms of a Financing Agreement dated as of September 1, 2010 (the "Financing Agreement"), between the City and VRA;

**WHEREAS**, the City, with the consent of VRA and the Virginia Department of Environmental Quality, proposes to amend the Financing Agreement to decrease the Cost of Funds on the 2010 Bond and to reduce the debt service payments thereunder;

**WHEREAS**, there have been presented to this meeting the following documents:

(a) a draft of an Amendment to Financing Agreement (the "Amendment Agreement") between the City and VRA, which, among other things, amends certain provisions of the Financing Agreement, including the debt service payments due under the 2010 Bond; and

(b) the form of an Allonge (the "Allonge"), which shall be attached to the 2010 Bond, that evidences the reduction in debt service payments of the 2010 Bond;

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

1. **Authorization of Amendment Agreement and Form of Allonge.** The Council of the City (the "Council") hereby finds that the reduction of the debt service payments due under the 2010 Bond will promote the health, safety, welfare, morals and prosperity of the residents served by the City and will promote the governmental purposes for which the City was formed. The Council hereby determines that it is in the best interests of the City to execute and deliver the Amendment Agreement and the Allonge.

2. **Approval of Amendment Agreement.** The form of the Amendment Agreement submitted to the Council at this meeting is hereby approved. The Mayor and City Manager, either of whom may act, are hereby authorized to execute the Amendment Agreement in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Mayor or City Manager, whose approval shall be evidenced conclusively by the execution and delivery thereof.

3. **Execution of Allonge.** The form of the Allonge submitted to the Council at this meeting is hereby approved. The Mayor is hereby authorized and directed to execute and deliver the Allonge in substantially such form to reflect the same amended terms as contained in the Amendment Agreement, together with such other completions, omissions, insertions and changes not inconsistent with this Resolution and the Amendment Agreement as may be approved by the Mayor, whose approval shall be evidenced conclusively by the execution and delivery thereof. The Clerk of the Council is hereby authorized to affix the seal of the City on the Allonge and attest thereto.

4. **Arbitrage Covenants.** The City reaffirms its covenant in the Financing Agreement (as amended by the Amendment Agreement) not to take or omit to take any action the taking or omission of which will cause the Series 2010B VRA Bonds (as defined in the Financing Agreement) to be "arbitrage bonds," within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations applicable to the Series 2010B VRA Bonds (the "Code"), or otherwise cause interest on the Series 2010B VRA Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law.

5. **Private Activity Bond Covenants.** The City reaffirms its covenant in the Financing Agreement (as amended by the Amendment Agreement) not to permit the proceeds of the 2010 Bond or the facilities financed therewith to be used in any manner that would result in (a) 5% or more of such proceeds or facilities being used in any trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or facilities being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any person other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if VRA and the City receive an opinion of nationally recognized bond counsel that compliance with any such covenants need not be complied with to prevent the interest on the Series 2010B VRA Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

6. **Other Actions.** All other actions of officers of the City in conformity with the purposes and intent of this Resolution and in furtherance of the execution and delivery of the Amendment Agreement and the Allonge are ratified, approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and other instruments that such officer may consider necessary or desirable in connection with the transactions authorized pursuant to this Resolution.

7. **Filing of Resolution.** The Clerk of the Council, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this Resolution in the Circuit Court of the City.

8. **Effective Date.** This Resolution shall become effective immediately.

Approved by Council  
September 19, 2016

  
Clerk of Council

**RESOLUTION**  
**In support of Open Data**

WHEREAS, open government is based upon the principles of transparency, efficiency, and collaboration; and

WHEREAS, the evolving technology landscape now offers additional opportunities to promote open government, such as mobile applications to provide City services and social media to engage the public; and

WHEREAS, Open Data, proactively disclosing City data, is the foundation of open government, is consistent with citizens' right to public information, and promotes engagement with the potential benefit of civic development to improve service delivery through expanded and innovative uses; and

WHEREAS, Open Data promotes open government by engendering collaboration and opportunities for citizen-developed functionality with the added potential to decrease costs and increase robustness of City services;

NOW THEREFORE BE IT RESOLVED that the Charlottesville City Council is committed to open government and the principles of transparency, efficiency, and collaboration and hereby directs the City Manager to develop and implement an Open Data policy with a comprehensive set of initiatives, guidelines and standards, including machine-readable data, to promote transparency, efficiency and collaboration. An initial policy recommendation will be presented in three months, and an update will be provided in six months.