



CITY COUNCIL AGENDA
Tuesday, February 20, 2018

5:30 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
NDS Conference Room (Boards & Commissions)

6:30 p.m. **Regular Meeting - CALL TO ORDER**
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

PROCLAMATIONS African American History Month; Charlottesville *OneBook* Program;
Social Services Benefit Programs Staff Appreciation Month

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

COMMUNITY MATTERS Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 8 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

1. CONSENT AGENDA*: (Items removed from consent agenda will be considered at the end of the regular agenda.)
(Galvin/ Hill) 4-0 (Bellamy absent)

a. Minutes for January 16, 2018 and February 5, 2018

b. APPROPRIATION: Funds to the Charlottesville Affordable Housing Fund for fulfillment of the Cedars Court Apartment ADU Cash in Lieu payment – \$42,407.32 (2nd of 2 readings)

c. APPROPRIATION: Changing the Narrative Black Male Achievement Bama Works Fund Grant – \$10,000 (2nd of 2 readings)

d. APPROPRIATION: Additional Funding for VIEW Program – \$16,900 (1st of 2 readings)

e. ORDINANCE: Amend Ordinance to Change Start Time of Regular Council Meetings (1st of 2 readings)

2. PUBLIC HEARING / REPORT*: Emancipation and Justice Parks Renaming

3. PUBLIC HEARING / ORDINANCE*: Work Session: Proposed Amendments to City Code Chapter 18 – Permits for Special Events and Demonstrations (2nd of 2 readings) – **PASSED 4-1 (Walker no)**

4. PUBLIC HEARING / ORDINANCE*: Conveyance of Portion of Ridge Street Right-of-Way for William Taylor Plaza Project (1st of 2 readings) – **carried**

5. ORDINANCE*: Closing and Vacating Brandon Avenue and a Portion of Monroe Lane/15th Street (1st of 2 readings) – **carried**

6. REPORT: Update on Public Transportation in the Charlottesville/Albemarle Region –

7. REPORT*: Charlottesville Redevelopment and Housing Authority Funds Update –

OTHER BUSINESS

MATTERS BY THE PUBLIC

APPROPRIATION
Charlottesville Affordable Housing Fund (CAHF)
Cedars Court Apartments ADU Payment
\$42,407.32

WHEREAS, the City of Charlottesville has received payment from Management Services Corporation (on behalf of Cedars Court Apartments, LLC) as payment in lieu of affordable units as required by the City Code Section 34-12; and

WHEREAS, the Affordable Dwelling Unit payment must be paid into the Charlottesville Affordable Housing Fund pursuant to Section 34-12(d)(2);

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$42,407.32 be received as payment from Management Services Corporation, to be appropriated as follows:

Revenues:

\$42,407.32	Fund: 426	Project: CP-084	G/L Code: 451020
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Expenditures:

\$42,407.32	Fund: 426	Project: CP-084	G/L Code: 599999
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APPROPRIATION
Changing the Narrative Black Male Achievement Bama Works Fund Grant
\$10,000

WHEREAS, the Human Services Department of the City of Charlottesville has been awarded \$10,000 from the Bama Works Fund; and

WHEREAS, the grant award covers the period from January 1, 2018 through December 31, 2018.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$10,000 is hereby appropriated in the following manner:

Revenue – \$10,000

\$10,000 Fund: Cost Center: 3413015000 G/L Account: 451020

Expenditures - \$10,000

\$10,000 Fund: Cost Center: 3413015000 G/L Account: 599999

**AN ORDINANCE
AMENDING AND REORDAINING CHAPTER 18 (PARKS AND RECREATION)
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, BY
ADDING A NEW ARTICLE III ENTITLED “PERMITS FOR
SPECIAL EVENTS AND DEMONSTRATIONS”**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Chapter 18 (Parks and Recreation) of the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reordained by adding a new Article III entitled “Permits for Special Events and Demonstrations”, which Article shall read as follows:

ARTICLE III. PERMITS FOR SPECIAL EVENTS AND DEMONSTRATIONS

Sec. 18-21. Purpose.

The purposes of this Article are to:

(a) To establish procedures and standards governing the use of public property by non-City organizations and individuals for the purpose of conducting events, and to ensure the preservation of public convenience in the use of city streets and outdoor areas, the preservation of public order and safety, and the defraying of administrative expenses associated with certain types of uses; and,

(b) To protect the right of persons and groups to organize and participate in peaceful assemblies to express their political, social, religious, or other views on City streets, sidewalks, other public ways, parks, and other public lands, subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interest of persons not participating in such assemblies in not having their ability to use City streets, sidewalks, and other public ways to travel to their intended destinations, City parks for recreational purposes, and other City lands for their intended purposes unreasonably impaired.

(c) The application of the provisions of this Article, and any rules and regulations adopted pursuant to these provisions, shall be without regard to the content of the beliefs expressed or anticipated to be expressed during any permitted event.

Sec. 18-22. Definitions.

“Community event” shall mean the events listed in Sec. 28-29(c) of the City Code, and such other events designated by City Council as “community events” from time to time.

“Demonstration” shall refer to an event involving non-commercial expression protected by the First Amendment of the United States Constitution (such as picketing, political marches, speechmaking, vigils, walks, etc.) conducted on public property, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual activity by persons which does not have an intent or propensity to attract a crowd or onlookers. The term “demonstration” shall exclude (i) any events conducted by Tenant of the Economic Development Authority of the City of Charlottesville (“CEDA”) under the Pavilion Lease dated September 20, 2004 (i.e., all “*Operator Events*” as that term is defined within that Pavilion Lease), and (ii) any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument.

“Event” may refer either to a demonstration or a special event, or to demonstrations and special events, collectively.

“Open burning and open fire” have the same meaning as set forth in Charlottesville City Code § 12-2.

“Open flame” means fire whose flame is supported by a wick, oil or other slow-burning means to sustain itself. “Open flame” includes, but is not limited to, flame producing devices such as candles, torches, and juggling or other fire artist equipment; provided, however, that “open burning and open fire” and “open flame” shall not include handheld candles when used for ceremonial purposes, provided that they are not held or used in an intimidating, threatening, dangerous or harmful manner.

“Prohibited items” shall mean (i) all items prohibited by law from being held, carried, displayed, worn or otherwise used in public, (ii) items banned from public or park lands, (iii) any BB guns, pellet guns, air rifles or pistols, paintball guns, pellet guns, nun chucks, tasers, stun guns, heavy gauge metal chains, lengths of lumber or wood, poles, bricks, rocks, metal beverage or food cans or containers, glass bottles, axes, axe handles, hatchets, ice picks, acidic or caustic materials, hazardous, flammable, or combustible liquids, dogs (except service dogs), skateboards, swords, knives, daggers, razor blades or other sharp items, metal pipes, pepper or bear spray, mace, aerosol sprays, catapults, wrist rockets, bats, sticks, clubs, drones, explosives, fireworks, open fire or open flames, or other item considered an “implement of riot”, (iv) any items capable of inflicting bodily harm when these items are held or used in an intimidating, threatening, dangerous or harmful manner, and (v) law enforcement or military-like uniforms or uniform-like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that when held, carried, displayed or worn tend to suggest or imply that the wearer is a current member of law enforcement, the military, a private militia, or other public safety organization, such as a fire department or emergency medical services agency.

“Special event” shall refer to sports events, pageants, celebrations, historical reenactments, carnivals, music festivals and other entertainments, exhibitions, dramatic

presentations, fairs, festivals, races (i.e., runs/walks), block parties, parades and other, similar activities, conducted on public property, which (i) are not demonstrations, and (ii) are engaged in by 50 or more persons. The term “special event” shall be construed to include a community event or private organization celebration held in or on city-owned property and is attended by more than 50 people. The term “special event” shall *exclude* (i) any events conducted by CEDA’s Tenant under the Pavilion lease dated September 20, 2004 (i.e., all “Operator Events” as that term is defined within the Pavilion lease), and (ii) any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument; and (iii) gatherings of ten or more people in a park for general recreational or sports activities.

“Sponsor” shall mean the person (as defined above) or persons who sign, or whose authorized representative(s) sign, an application for an event permit and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with these regulations. Where a purported sponsor is not a legal entity, the sponsor shall be the individual(s) signing the permit application.

Sec. 18-23. Permit required.

(a) The City Manager is authorized to adopt standard operating procedures that establish a permit application process to be administered through the City Department of Parks and Recreation. The procedures shall also provide for the grant or denial of permit applications within specified times; establish the grounds for revocation of an approved permit; provide for the application of reasonable time, place and manner regulations for permitted events; establish reasonable fees, charges, rentals and insurance and indemnification requirements; and restrict the possession or use of prohibited items, as defined herein, during the event.

(b) Any person intending to hold or sponsor an event on any City-owned or leased property must first obtain a permit through the City Department of Parks and Recreation, unless (i) the event is exempt from permitting requirements under the standard operating procedures promulgated by the Charlottesville City Manager, or (ii) such person is holding or sponsoring such event pursuant to a valid permit issued by the City Manager pursuant to another Chapter of this Code.

(c) By accepting a permit issued by the City pursuant to this Article, the Sponsor represents that (1) all information included or presented as part of the permit application was, to the best of the Sponsor’s information and belief, complete and correct; (2) that all terms and conditions of such permit have been or will be complied with; and (3) that a copy of the permit will be made available for inspection by any City representative during the event.

Sec. 18-24. Insurance requirements.

(a) To further the goal of public safety and to protect the City of Charlottesville and its officers, officials and employees from claims for damage to property or bodily injury occurring during the event, the sponsor of an event shall be required to furnish a general liability and property damage insurance contract insuring the Sponsor's liability for personal injury and death and damages to property resulting from its use of public property. The required general liability and property damage insurance, unless waived in whole or in part, shall be provided in an amount not less than \$1,000,000, and the insurance policy shall name the City (including its officers, officials, employees and agents), as additional insured parties to the insurance contract.

(b) This insurance requirement may be waived, in whole or in part, by the City Manager or his or her designee because: (1) the cost of the insurance will result in a documented financial hardship to the sponsor, or (2) for an event that does not (i) pose a high level of liability risk to the City or a material risk to public safety, and (ii) does not involve any inherently dangerous activity. A written request to waive or modify any insurance requirement must be made by the sponsor at the time a permit application is submitted. An approval or denial of the request will be made in writing to the event sponsor.

(c) The decision on whether the insurance requirement will be waived in whole or in part will be based on the following factors: (1) whether the event and planned activities present a risk of personal injury or property damage; (2) whether the event involves a large number of participants relative to the size of the event venue; (3) whether the event involves the preparation and sale of food; (4) the duration of the event; and (5) whether the event involves transportation or installation of heavy equipment, or the installation of a stage or other temporary structures. Provided however, that, in deciding whether insurance will be required or waived for a demonstration the City Manager or his or her designee shall not consider the number of anticipated onlookers or counter-demonstrators, the potential risk of property damage or bodily injury that may be caused by onlookers or counterdemonstrators, nor the possibility that the demonstration will be controversial in nature.

Sec. 18-25. Violations and penalties.

The following conduct is declared to be unlawful and shall be, upon conviction, punishable as a Class IV misdemeanor, unless a greater penalty is authorized and imposed in any other Chapter of this City Code or by the laws of the Commonwealth of Virginia:

(a) Sponsoring, holding or conducting an event for which a permit is required, without first obtaining a permit;

(b) Sponsoring, holding or conducting a permitted event on days or at times not authorized by the permit;

(c) Intentionally providing false, misleading or incomplete information in a permit application;

(d) Failing to comply with any terms or conditions placed on a permit;

(e) The failure to comply during an event with any lawful directive of a law enforcement officer, or with any lawfully posted public sign, direction or instruction;

(f) Climbing, during an event, upon any tree, or any wall, fence, shelter, fountain, statue, or any other structure not specifically intended for climbing purposes;

(g) Rendering any part of an event venue dangerous, unsafe or unsuitable for use by others;

(h) Closing any street or public right-of-way during an event, or using any street or right-of-way in a manner that obstructs vehicular or pedestrian passage during an event, without first obtaining a street closing permit;

(i) Holding, carrying, displaying or using any prohibited item as defined herein within the area where a permitted event is taking place, without the prior written consent of the City Manager or his or her designee;

(j) Throwing or propelling objects of a potentially dangerous nature during an event, including but not limited to rocks, bottles, sticks, staffs, glass objects or cans;

(k) Engaging in a course of conduct or committing any act that endangers the public welfare or safety of others during an event;

(l) Damaging landscaping, plantings, improvements, equipment or structures located on City property where an event is being held.

In addition to the criminal sanctions authorized herein, any person engaging in the unlawful conduct proscribed by this section, or who violates any ordinance in this Article, may also be held civilly liable for any damages or loss, and may be banned from the future use of City-owned property for a specified period of time.