



**CITY COUNCIL AGENDA**  
**Monday, August 6, 2018**

**5:30 p.m.** **Closed session as provided by Section 2.2-3712 of the Virginia Code**  
*Second Floor Conference Room*

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

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

**CITY MANAGER RESPONSE TO COMMUNITY MATTERS**

**AUGUST 12 PLANNING UPDATE**

**COMMUNITY MATTERS** Public comment is provided at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available. **The number of speakers is unlimited at the August 6 meeting.**

**1. CONSENT AGENDA\*:** (Items removed from consent agenda will be considered at the end of the regular agenda.)

**Bellamy/Galvin 5-0**

- a. ~~Minutes for July 16~~ **Pulled until minutes are posted on website.**
- b. **APPROPRIATION:** Mountainside Funding Request for Memory Care Unit – \$50,000 (2<sup>nd</sup> of 2 readings)
- c. **APPROPRIATION:** 2018-2019 Safe Routes to School Non-Infrastructure Grant -- \$77,000 (2<sup>nd</sup> of 2 readings)
- d. **APPROPRIATION:** Virginia Department of Social Services (V.D.S.S.) Employment for Temporary Aid to Needy Families (T.A.N.F.) Participants Grant (1st Renewal) – \$66,667 (2<sup>nd</sup> of 2 readings)
- e. **APPROPRIATION:** Additional Funding for Medicaid Expansion -- \$168,658 (1<sup>st</sup> of 2 readings)
- f. **APPROPRIATION:** Additional Funding for Department of Social Services VIEW Program – \$12,512 (1<sup>st</sup> of 2 readings)
- g. **APPROPRIATION:** Strategic Energy Initiatives – \$367,698.50 (1<sup>st</sup> of 2 readings)
- h. **RESOLUTION:** Approving Policy to Conduct Electronic Meetings under the Virginia Freedom of Information Act (1<sup>st</sup> of 1 reading) **Deferred until August 20, 2018**
- i. **RESOLUTION:** Amending City Council Regular Meeting Schedule for 2018 (1<sup>st</sup> of 1 reading)
- j. **ORDINANCE:** Release of a Stormwater Management Agreement across 550 Water Street (2<sup>nd</sup> of 2 readings)
- k. **ORDINANCE:** Closing a Portion of the Coleman Street Right of Way (2<sup>nd</sup> of 2 readings)
- l. **ORDINANCE:** Regulation of Small Cell Wireless Facilities in Public Rights of Way (2<sup>nd</sup> of 2 readings)

**2. PUBLIC HEARING:** City Manager Search Process

**3. RESOLUTION\*:** Ratifying Employment Contract of M. Murphy for Interim City Manager (1<sup>st</sup> of 1 reading)  
**Galvin/ Hill 3-2 (Walker, Bellamy- no)**

**4. REPORT:** Emmet Streetscape Shared Use Path Location

**OTHER BUSINESS MATTERS BY THE PUBLIC** **RESOLUTION:** Consenting to a Declaration of Local Emergency within the City of Charlottesville **Hill/Galvin 4-1 (Walker- no)**

\*ACTION NEEDED

**RESOLUTION**  
**Charlottesville Affordable Housing Fund Assistance for the**  
**Mountainside Memory Care Unit**  
**\$50,000**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$50,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund to the Jefferson Area Board of Aging for the construction of the Mountainside Memory Care unit in the following manner:

Fund: 426

Project: CP-084

G/L Account: 599999

Jefferson Area Board of Aging      \$50,000

**APPROPRIATION**

Safe Routes to School Program (SRTS) Non-Infrastructure Grants  
**\$77,477**

**WHEREAS**, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for **education, encouragement, evaluation and enforcement** programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$77,000;

**WHEREAS**, the SRTS program is a 100% reimbursement program requiring the City to meet all federal guidelines to qualify;

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

**Revenues**

\$77,000	Fund: 209	Cost Center: 3901008000	G/L Account: 430120
\$477	Fund: 209	Cost Center: 3901008000	G/L Account: 451020

**Expenses**

\$52,477	Fund: 209	Cost Center: 3901008000	G/L Account: 519999
\$25,000	Fund: 209	Cost Center: 3901008000	G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$77,000 from the Virginia Department of Transportation.

**APPROPRIATION**

**Virginia Department of Social Services (VDSS) Employment for Temporary Aid to Needy Families (TANF) Participants Grant (1<sup>st</sup> Renewal)  
\$66,667**

**WHEREAS**, the City of Charlottesville has received funds from the Virginia Department of Social Services in the amount of \$50,000 requiring a \$16,667 in local in-kind match provided by the Office of Economic Development through the Workforce Investment Fund; and

**WHEREAS**, the funds will be used to support workforce development training programs provided by the Office of Economic Development; and

**WHEREAS**, the grant award covers the period from June 30, 2018 and July 1, 2019;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$66,667 is hereby appropriated in the following manner:

**Revenue**

\$50,000	Fund: 209	IO: 1900309	G/L: 430120 State/Fed pass thru
\$16,667	Fund: 209	IO: 1900309	G/L: 498010 Transfers from Other Funds

**Expenditures**

\$66,667	Fund: 209	IO: 1900309	G/L: 599999 Lump Sum
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**Transfer From**

\$16,667	Fund: 425	WBS: P-00385	G/L: 561209 Transfer to State Grants
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**Transfer To**

\$16,667	Fund: 209	IO: 1900309	G/L: 498010 Transfers from Other Funds
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$50,000 from the Virginia Department of Social Services and the matching in-kind funds from the Office of Economic Development through the Workforce Investment Fund.



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

May 16, 2018

Christopher V. Cullinan, Director of Finance  
City of Charlottesville  
Office of Economic Development  
610 E. Market Street  
Charlottesville, VA 22902

RE: 1st Renewal of Contract No. BEN-17-056-01

Dear Mr. Cullinan:

The Commonwealth of Virginia, Department of Social Services, in accordance with Section I, Award Information, of the modified original contract at (C), Period of Performance, wishes to exercise its option to renew the above referenced contract for twelve (12) months. The period of renewal will be from July 1, 2018 through June 30, 2019. The amount of the renewal shall be \$50,000.00.

It is understood and agreed that the Scope of Services and all terms and conditions of the original contract shall remain the same during this contract renewal period. Please signify acceptance of this letter of renewal by signing in the space provided below on all three originals and returning them along with a new budget to this office within seven (7) business days after receipt.

Sincerely,

Faye Palmer  
Grant Administrator

**City of Charlottesville**  
**Office of Economic Development**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Virginia Dept. of Social Services**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**RESOLUTION**  
**Amending City Council Regular Meeting Schedule for 2018**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the following dates are approved for regularly scheduled Council meetings for 2018, as amended:

<i>Tuesday, January 2, 2018</i>	July 2, 2018
<i>Tuesday, January 16, 2018</i>	July 16, 2018
February 5, 2018	August 6, 2018 <b>no meeting</b> (summer break)
<i>Tuesday, February 20, 2018</i>	August 20, 2018
March 5, 2018	<i>Tuesday, September 4, 2018</i> <b>no meeting</b> (break)
March 19, 2018	September 17, 2018
April 2, 2018	October 1, 2018
April 16, 2018	October 15, 2018
May 7, 2018	November 5, 2018
May 21, 2018	November 19, 2018
June 4, 2018	December 3, 2018
June 18, 2018	December 17, 2018

*Italics* indicate an adjusted date due to a holiday.

**BE IT FURTHER RESOLVED** that these dates will be published on the City's calendar at [www.charlottesville.org](http://www.charlottesville.org) and posted at the Clerk of Council's office; and

**BE IT FURTHER RESOLVED** that should Council have a compelling reason to amend the schedule during the year, they may do so with a majority vote; should such a change occur, it will be publicized with a City press release, updated on the City's calendar, and posted at the Clerk of Council's office.

**AN ORDINANCE  
RELEASING THE 2009 STORMWATER MANAGEMENT/BMP FACILITIES  
AGREEMENT ACROSS PROPERTY AT 550 WATER STREET**

**WHEREAS**, 550 Water Street, LLC owns the property at 550 Water Street (City Real Estate Tax Map Parcel 530162300), hereinafter the “Property”, and has asked the City to release the Stormwater Management/BMP Facilities Agreement (“SWM Agreement”) dated October 27, 2009, of record in the Charlottesville Circuit Court Clerk’s Office as Instrument 2009-5576; and

**WHEREAS**, the 2009 SWM Agreement was signed and recorded as part of a site plan for the Property approved in 2009, and since then the Property has been conveyed to the current owner and a new site plan of development was approved in 2016; and

**WHEREAS**, the stormwater detention facilities were relocated to a new location on the Property, and a Stormwater Management/BMP Facilities Agreement dated July 11, 2016 was signed and recorded by the current owner; and

**WHEREAS**, the City Engineering staff have no objection to the release of the 2009 SWM Agreement; now, therefore

**BE IT ORDAINED** that the Mayor is hereby authorized to sign a Deed of Release, in form approved by the City Attorney, to release the Stormwater Management/BMP Facilities Agreement dated October 27, 2009, of record in the aforesaid Clerk’s Office as Instrument 2009-5576.

**Tax Map No.** 530162300

**PREPARED BY:** *St. John, Bowling, Lawrence & Quagliana, LLP*  
*416 Park Street*  
*Charlottesville, Virginia 22902*

*This deed of release is exempt from taxes imposed by Va. Code Sec. 58.1-802  
pursuant to Va. Code §58.1-811(C)(4)*

This **DEED OF RELEASE**, made this   6   day of   August  , 2018, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (“Grantor”), and **550 WATER STREET, LLC**, a Virginia limited liability company (“Grantee”), whose address is 195 Riverbend Drive, Suite 1, Charlottesville, VA 22911.

**WITNESSETH:**

WHEREAS, by Agreement dated October 27, 2009, recorded in the Clerk’s Office of the Circuit Court of the City of Charlottesville as Instrument No. 2009-5576, Sansovich Development, LLC, agreed to certain construction and maintenance responsibilities for storm water management detention facilities across the property at 550 Water Street. and said Agreement is no longer needed because the Grantee has relocated the storm water management facility on the property affected to a different location;

NOW THEREFORE, for and in consideration of the premises, and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby **RELEASE** and **ABANDON** the Storm Water Management/BMP Facilities Agreement dated October 27, 2009, from the Grantee to the Grantor, recorded in the aforesaid Clerk’s Office as Instrument No. 2009-5576.



**IN WITNESS WHEREOF**, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an ordinance approved by City Council on \_\_\_\_\_, 2018.

**WITNESS** the following signature and seal:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: \_\_\_\_\_(SEAL)  
Nikuyah Walker, Mayor

COMMONWEALTH OF VIRGINIA  
CITY OF CHARLOTTESVILLE, to wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018, by Nikuyah Walker, Mayor, on behalf of the City of Charlottesville, Virginia.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
I.D. No. \_\_\_\_\_

**AN ORDINANCE  
CLOSING, VACATING AND DISCONTINUING AN  
UNACCEPTED PORTION OF COLEMAN STREET**

**WHEREAS**, Habitat for Humanity, owner of property off Coleman Street, designated as Parcels 112, 112.1 and 112.2 on City Real Estate tax Map 49, initiated a petition seeking to close a portion of the 50' wide Coleman Street right-of-way adjoining its property (approximately 125 feet in length from its origin at the intersection of Coleman Street and Coleman Court), hereinafter "Subject Right of Way"; and,

**WHEREAS**, the Subject Right of Way was initially platted in 1941 as part of the Locust Grove Extension Subdivision, and was never accepted by the City as part of the City's public street system; and

**WHEREAS**, there are sanitary sewer and storm drain facilities located in the Subject Right of Way; and

**WHEREAS**, following notice to the public pursuant to Virginia Code §15.2-2272, a public hearing by the City Council was held on July 16, 2018, and comments from City staff and the public were made and heard; and,

**WHEREAS**, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on February 7, 2005, this Council finds and determines that the petitioner's request should be granted.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the City hereby closes, vacates and discontinues the Subject Right of Way, subject to the conditions listed below, described as follows:

That portion of Coleman Street, 50' wide and 125 feet in length, adjoining 2018 City Tax Map Parcels 490112000, 490112100, 490112200, 4900125000 and 490124000, shown on the attached Plat made by Brian S. Ray, dated April 26, 2018.

**BE IT FURTHER ORDAINED** that approval of this Ordinance is conditioned upon confirmation by the City Utilities Department that the 20' wide sanitary sewer easement and the 20' wide drainage easement shown on the attached Plat are recommended for acceptance by the City for maintenance, and such easements shall be put to record in the Charlottesville Circuit Court as a deed, in form approved by the City Attorney; and

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

**AN ORDINANCE  
AMENDING AND RE-ORDAINING CHAPTER 28 (STREETS AND SIDEWALKS) OF  
THE CODE OF THE CITY OF CHARLOTTESVILLE, VIRGINIA (1990) AS  
AMENDED, TO ESTABLISH PROCEDURES FOR APPROVAL OF SMALL CELL  
FACILITIES IN THE PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF  
CHARLOTTESVILLE AND TO ESTABLISH STANDARDS FOR SUCH FACILITIES**

**WHEREAS**, the City of Charlottesville (“City”) desires to encourage wireless infrastructure investment by providing a fair and predictable process for the deployment of small wireless facilities, while enabling the City to promote the management of the rights-of-way in the overall interests of the public health, safety and welfare; and

**WHEREAS**, the City recognizes that small wireless facilities are critical to delivering wireless access to advanced technology, broadband and 9-1-1 services to homes, businesses, and schools within the City; and

**WHEREAS**, the City recognizes that small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, often may be deployed most effectively in the public rights-of-way; and,

**WHEREAS**, within the Virginia Acts of Assembly, Article 835 (2017), the state legislature mandated that localities must accommodate certain types of wireless communications infrastructure within its public rights-of-way, and the City intends to comply with this state mandate, and with requirements of other state and federal laws pertaining to wireless communications facilities, to the extent such laws preempt local municipal control;

**NOW, THEREFORE, BE IT ORDAINED** by the Charlottesville City Council that Title 28 (Streets and Sidewalks) of the Code of the City of Charlottesville shall be amended and re-ordained, by adding the following Article VIII (Wireless Communications Facilities in Public Rights of Way), as follows:

**CHAPTER 28. STREETS AND SIDEWALKS**

**ARTICLE VIII. WIRELESS COMMUNICATIONS FACILITIES IN  
PUBLIC RIGHTS OF WAY**

**Sec. 28-235. Purpose and Scope.**

(a) Purpose. The purpose of this Article is to establish policies and procedures for the placement of certain small cell facilities in public rights-of-way within the City’s jurisdiction,

which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City rights-of-way and the City as a whole.

(b) Intent. In enacting this Article, the City is establishing uniform standards to address issues presented by small cell facilities located within the public rights-of-way, including without limitation, to:

- (1) limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain city corridors, and other public ways and places;
- (2) limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) limit interference with the facilities and operations of public utilities and other facilities lawfully located in rights-of-way or public property;
- (4) minimize impact on the City's historic districts; and
- (5) respect the character of the neighborhoods in which facilities are installed; and
- (6) facilitate the deployment of small cell facilities to meet the increasing telecommunications needs of its citizens.

(c) Zoning. Applications to collocate small cell facilities on structures located outside public rights-of-way shall be treated as required by Virginia Code § 15.2-2316.4 and City Code § 34-1070 et seq.

(d) Conflicts with Other Chapters. To the extent any provision of this Article may be in conflict with other provisions of the City Code, the provisions of this Article shall take precedence over any such conflicting provisions.

(e) Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, a wireless services provider shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

### **Sec. 28-236. Definitions**

(a) Terms defined within Virginia Code § 15.2-2316.3 and § 56-484.26 shall have the meanings set forth therein.

(b) "Applicable Safety Codes" means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons to the extent not inconsistent with this Article. The term shall include, without

limitation, (i) the Virginia Uniform Statewide Building Code (USBC), (ii) the Virginia Statewide Fire Prevention Code (VSFPC), (iii) any international building or fire codes incorporated into the USBC or VSFPC, and (iv) the most recent editions of the National Electrical Code and National Electrical Safety Codes, regardless of whether a building permit is required by the City's Building Official for or in connection with the installation of a wireless facility.

- (c) "Applicant" means any wireless services provider who is authorized by this article to submit an application, or a duly authorized agent for such wireless services provider.
- (d) "Application" means a request submitted by an applicant pursuant to this Article.
- (e) "Day" means calendar day.
- (f) "Emergency" is a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause wireless facilities in the right-of-way to be unusable and result in loss of the services provided.
- (g) "FCC" means the Federal Communications Commission of the United States.
- (h) "Fee" means a one-time charge.
- (i) "Law" means federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.
- (j) "Permit" means a written authorization required by the City or other state or federal authority to perform an action or initiate, continue, or complete a project.
- (k) "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.
- (l) "Project" means (i) the installation or construction by a wireless services provider or wireless infrastructure provider of a new structure or (ii) the collocation on any existing structure of a wireless facility that is not a small cell facility. "Project" does not include the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure to which the provisions of Va. Code § 15.2-2316.4 apply.
- (m) "Rate" means a recurring charge.
- (n) "ROW" means "rights-of-way" or "right-of-way", as indicated by context, which terms each refer to the entire width between the boundary lines of a way or place open to the use of the public for purposes of pedestrian, bicycle or vehicular travel, including, without limitation, areas on, below, and/or above a City-owned roadway, highway, street, sidewalk, alley, or

similar property (but not including a federal interstate highway or any state-maintained roads), within the jurisdictional limits of the City of Charlottesville.

**Section 28-237. Permitted Use; Application and Fees.**

(a) Permit Required. No person shall place a small cell facility, or a support structure for such facility, within the ROW, without first filing an application and obtaining a permit therefor, except as otherwise provided in this Article. No special exception, special use permit, or variance required by provisions of the City’s zoning ordinance shall be required for (i) any small cell facility installed by a wireless services provider or wireless infrastructure provider on an existing structure within the ROW, provided that the wireless services provider or wireless infrastructure provider has permission from the owner of the structure to collocate equipment on the structure; or (ii) the installation or construction of an administrative review-eligible project.

(b) Application. Each application for a permit filed pursuant to this Article shall be on a form, paper or electronic format provided by the City. The applicant may designate any portions of its application materials that contain proprietary or confidential information as “proprietary” or “confidential” by clearly labeling such content where it appears on a particular page of the application materials. The City makes no representations or warranties as to whether any such marking(s) will allow any portion(s) of an application marked by an applicant to be exempt from public inspection under the Virginia Freedom of Information Act.

(c) Application Requirements. An application shall be made by a wireless services provider or its duly authorized agent and shall contain the following:

(1) The wireless services provider’s name, address, telephone number, and e-mail address;

(2) If a duly-authorized agent for a wireless services provider is making the application, then the agent’s name, address, telephone number, and e-mail address shall be provided, as well as the wireless services provider’s, and the application shall include evidence of the agent’s written authorization to act as the agent of the wireless services provider, and make binding representations and commitments on behalf of such provider, for and in connection with the application;

(3) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting together with the applicant with respect to the preparation of materials submitted with the application.

(4) A general description of the scope of work necessary for the construction or installation and the purposes and intent of the small cell facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.

(5) A site plan, with sufficient detail to show the proposed location of all items the applicant seeks to construct or install in the ROW, including any manholes, poles, or other structures, and the size, type, and depth of any conduit, enclosure, or cabinets.

(6) For facilities proposed to be located on an existing structure, evidence that the applicant has permission from the owner of the structure to co-locate equipment on each such structure.

(7) An attestation that the construction of the proposed small cell facility(ies) will commence within two years of final approval and be diligently pursued to completion, unless the City and the applicant agree to extend this period. No extension(s) shall be granted to allow, cumulatively, more than 12 additional months beyond the permit issuance date.

(8) An attestation that, to the best of the applicant's knowledge, the information contained in the application is true.

(d) When Application Not Required. An application shall not be required for: (i) routine maintenance of any wireless facility within the ROW; (ii) the replacement of an existing small cell facility within the ROW with another small cell facility that is substantially similar or smaller in size, weight, and height; (iii) the installation, placement, maintenance, operation, or replacement of micro-wireless facilities that are strung on cables between existing utility poles in the ROW, in compliance with applicable Safety Codes; or (iv) replacement of wireless facilities or wireless support structures within the ROW, within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller. Notwithstanding the foregoing, the City may require a single use permit for an activity referenced within clause (i), (iii), or (iv) preceding above in this paragraph, if such activity will: involve working within a vehicular travel lane or require closure of a vehicular travel lane; disturb the pavement, shoulder, roadway or ditch line of any street; include placement on limited access ROW; require any specific precautions to ensure the safety of the traveling public or the protection of public infrastructure or the operation thereof, and either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, terms of the existing permit for that facility or the structure upon which it is attached.

(e) Application Fees. All applications for permits shall be accompanied by the following fees:

- (1) \$250.00, for processing a permit seeking authorization to attach or collocate small cell facilities on existing or proposed new structures within a ROW; and, in addition,
- (2) \$100.00 each, for up to five small cell facilities addressed in an application, plus \$50.00 for each additional small cell facility addressed in the application (on a

single application an applicant may include not more than 35 individual facilities for review).

- (3) The maximum fee that may be charged in accordance with the provisions of Virginia Code §15.2-2316.4:1 for an administrative-eligible project is \$500.00.

**Sec. 28-238. Action on Permit Applications.**

(a) Review of Applications.

(1) Within ten days of receiving an application and a valid email address for the applicant, the City will determine and notify the applicant by electronic mail whether or not the application is complete. If an application is incomplete, the City will specifically identify any missing information in the electronic mail to the applicant; otherwise, the application shall be deemed complete. The processing deadline in subsection (2) is tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline also may be tolled by agreement of the applicant and the City.

(2) An application shall be processed on a nondiscriminatory basis. The City shall approve or disapprove a requested permit for collocation of a small cell facility on an existing structure, and it shall be deemed approved if the City fails to approve or deny the application within 60 days of receipt of the complete application, in accordance with the requirements of Virginia Code § 56-484.29.

(3) Any disapproval of an application for a small cell facility shall be in writing and accompanied by an explanation for the disapproval. For any disapproval of an administrative review-eligible project or any standard process project, the City shall provide the applicant with a written statement of the reasons for such disapproval and, if the City is aware of any modifications to the project as described in the application that, if made, would permit the City to approve the proposed project, the City shall identify them in the written statement.

(4) The City shall approve or disapprove an application for a new structure within the lesser of 150 days of receipt of the completed application or the period required by federal law for such approval or disapproval.

(5) The City shall approve or disapprove the application for the collocation of any wireless facility that is not a small cell facility within the lesser of 90 days of receipt of a completed application or the period required by federal law for such approval or disapproval, unless the application constitutes an eligible facilities request as defined in 47 U.S.C. § 1455(a), in which approval shall be pursuant to Sec. 34-1083(b).



(6) The City may deny a proposed collocation of a small cell facility on an existing structure only for the following reasons:

- a. Material potential interference with other pre-existing communications facilities, or with future communications facilities that have already been issued a permit for a specific location, or that have been reserved for future public safety communications facilities;
- b. Substantial adverse effect on public safety or any critical public service needs;
- c. Conflict with a local ordinance adopted pursuant to Virginia Code § 15.2-2306 or pursuant to the City's charter, on an historic property that is not eligible for the review process established under 54 U.S.C. §306108.

(7) If an applicant submits an application seeking approval of a single permit for the collocation of multiple small cell facilities on existing structures, then the denial of one or more such facilities shall not delay processing of any other facilities that are part of that same application.

(8) For an application seeking a permit to authorize construction or installation of a new support structure within any ROW for a small cell facility, or for relocation of any existing utility pole or other existing wireless support structure within a ROW, for the purpose of accommodating the attachment of a small cell facility, the application shall (in addition to the materials required by Section 3(C) above) include a written agreement with the City, in a form approved by the Office of the City Attorney and approved by City Council in accordance with any applicable requirements of Article VII, Section 9 of the Constitution of Virginia.

No such agreement shall exceed an initial term of ten (10) years or allow more than three options for renewals for terms of five years; each agreement shall include terms allowing for early termination by the City for cause, and for early termination by mutual agreement of the parties; and each agreement shall allow the City to require a permittee to relocate wireless support structures in accordance with the provisions of Virginia Code § 56-484.30.

(9) For an application seeking a permit to authorize the attachment of a small cell facility to a government-owned structure, the application shall (in addition to the materials required by Section 3(C) above) include a written agreement with the City, in a form approved by the Office of the City Attorney, containing rates, terms, and conditions compliant with the provisions of Virginia Code § 56-484.31, and approved by City Council in accordance with applicable legal requirements.

(b) Permit Scope and Effect.

Approval of a permit authorizes the applicant to:

- (1) Undertake the installation, modification or collocation; and
- (2) Subject to applicable relocation requirements and the applicant's right to terminate at any time: operate and maintain the small cell facilities on the existing support structure(s) identified within the application so long as they are in compliance with the criteria set forth in section 5 and do not create or result in any conditions for which the permit could have originally been denied, as set forth within subsection 4(A)(3), above.

(c) Authority Granted; No Property Right or Other Interest Created.

A permit from the City authorizes an applicant to undertake only certain activities, and to install only certain encroachments within a ROW, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the ROW.

**Sec 28-239. Small Wireless Facilities in the Right Of Way; Maximum Height; Other Requirements.**

(a) **Technical Requirements.** Small cell facilities and utility poles to which such facilities are attached shall comply with the following requirements:

(1) Height of new small cell facilities. New small cell facilities in the ROW may not extend (i) more than ten feet above an existing utility pole in place as of the effective date of this Article; (ii) for a replacement utility pole installed in the ROW, the top of the facility shall not exceed the greater of: (a) seventeen (17) feet in height above the pole being replaced, or (b) 60 feet above ground level; or (iii) for small cell facilities on a new utility pole, above the height permitted for a new utility pole under this Article.

(2) Height of new or modified utility poles installed to support small cell facilities. Each new structure designed to support small cell facilities installed in the ROW shall meet the maximum height limitations of an administrative review-eligible facility (i.e. not exceed fifty (50) feet above ground level, provided that the structure with attached wireless facilities is (i) not more than ten (10) feet above the tallest existing utility pole located within 500 feet of the new structure within the same ROW or within the existing line of utility poles; and (ii) not located within the boundaries of a local, state, or federal historic district); or, if a proposed new pole designed to support small cell facilities does not meet the height limitations of an administrative review-eligible facility, then it would require review and approval pursuant to Sec. 34-1083(e).

- (3) Maximum Size. The small cell facility must conform to the size and height limitations specified within the definition of a small cell facility as set forth within Va. Code § 56-484.26.
- (4) Utility Pole Modifications. Utility pole modifications proposed for the purpose of accommodating a small cell facility collocation shall be fabricated from material having a degree of strength capable of supporting the small cell facility and shall be capable of withstanding wind forces and ice loads in accordance with applicable Safety Codes. A deviation from any applicable Safety Code shall be by written modification that is securely bound by an engineer in accordance with applicable engineering standards.
- (5) Color. Small cell facilities shall blend in with the surrounding environment or otherwise concealed to the extent practicable. Small cell facilities shall be of the same color for the antenna and related equipment. The color shall be one consistent with or that blends into the wireless support structure on which such facilities are installed, unless a different color is needed for public safety or service reliability reasons, or unless a different color is required within an architectural design control district, consistent with the provisions of City Code § 34-1080(a)(3).
- (6) Wiring and Cabling. Wires and cables connecting the antenna and appurtenances serving the small cell facility shall be installed in accordance with applicable Safety Codes, National Electrical Code and National Electrical Safety Code. In no event shall wiring and cabling serving the small cell facility interfere with any wiring or cabling installed by a cable television or video service operator, gas or electric utility, water or sewer utility, or telephone utility.
- (7) Guy Wires Restricted. Guy wires and similar support structures may not be used as part of the installation of any small cell facility, unless the small cell facility is proposed to be attached to an existing utility pole that incorporated guy wires prior to the date of the small cell facility application.
- (8) Grounding. The small cell facility, including any ground-mounted equipment, shall be grounded in accordance with the requirements of the most recent edition of the National Electrical Code regarding grounding of small cell facilities.
- (9) Signage. No small cell facility may bear any signs or advertising devices other than certifications, warnings, or other information as required by federal or state law and/or regulation or by the City Code of Ordinances. Other than warning or notification signs required by federal law or regulations, or identification and location markings, a small cell facility shall not have signs installed thereon.
- (10) Access. Wireless service providers and their employees, agents, and contractors shall have the right of access to utility poles, wireless support structures and small cell facilities in the ROW at all times, following written notice to the City Engineer, for purposes consistent with this Article.

(b) Other Requirements. A wireless services provider that seeks to collocate small cell facilities or install or modify a utility pole supporting small cell facilities shall be subject to the following requirements:

(1) Small cell facilities shall be located such that they do not interfere with public health or safety facility, such as, but not limited to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility. New utility poles and small cell facilities shall not be installed directly over any water, sewer, gas, electric or reuse main or service line.

(2) New utility poles installed to support small cell facilities shall be made of the same or similar material as existing poles in the immediate area.

(3) Small cell facilities and utility poles or wireless support structures on which they are collocated shall not be lighted or marked by artificial means, except when small cell facilities are collocated on a light pole or where illumination is specifically required by the Federal Aviation Administration or other federal, state, or local regulations.

(4) A wireless services provider shall repair, at its sole cost and expense, any damages including but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer or water systems and water and sewer lines that are directly caused by any activities performed in connection with the installation and/or maintenance of a wireless facility in the ROW. The wireless services provider shall restore such areas, structures and systems to substantially the same condition in which they existed prior to the installation or maintenance that necessitated the repairs.

(c) Undergrounding Provisions. Wireless service providers shall comply with laws, ordinances, regulations and other requirements that prohibit installation of structures above ground within the ROW in areas designated solely for underground or buried cable and utility facilities where the City has required all cable and utility facilities other than City poles and attachments to be placed underground by a date certain that is at least three months prior to the submission of the application. If a permit applicant claims that compliance with such undergrounding provisions would constitute an “effective prohibition” under federal law, then the application shall contain the written opinion of an attorney licensed to practice within the Commonwealth of Virginia to that effect, and such written opinion shall set forth all of the factual bases for the attorney’s conclusions.

**Sec. 28-240. Removal, Relocation or Modification of Small Cell Facility in the Right Of Way.**

(a) Notice. Within ninety days following written notice from the City, a wireless services provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small cell facilities or utility pole for which it has a permit, whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the ROW.

(b) Emergency Removal or Relocation of Facilities. The City retains the right to cut or move any small cell facilities or utility poles located within the ROW, as the City may determine to be necessary, appropriate or useful in response to any public health or public safety emergency. If circumstances permit, the City shall notify the wireless services provider and provide it an opportunity to move its small cell facilities or utility poles prior to cutting or removing them and shall notify the wireless services provider after cutting or removing a small cell facility or utility pole.

(c) Abandonment of Facilities. A wireless services provider shall remove an abandoned small cell facility within 180 days of abandonment of such facility. Should the wireless services provider fail to timely remove the abandoned small cell facility or utility pole, the City may remove the small cell facility and may recover the actual cost of such removal from the wireless services provider, plus an administrative fee in the amount of ten percent (10%) of such actual cost. A small cell facility or utility pole shall be deemed abandoned at the earlier of the date that: (i) the wireless provider notifies the City in writing that it intends to abandon the small cell facility, or (ii) the City provides the wireless provider with written notice that it believes a facility has been abandoned, and the wireless provider has not notified in the City in writing within 90 days of receipt of such written notice from the City that the small cell facility is in service or that the wireless provider is working diligently to put the small cell facility into service.

(d) No wireless services provider shall allow any employee or contractor to perform any construction, installation, or removal of a small cell facility, or any structure supporting such facility, unless that employee or contractor holds a valid Virginia contractor's license or certificate.

#### **Sec. 28-241. Liability of wireless service providers.**

(a) Liability. Each wireless services provider who owns or operates any small cell facility within a ROW assumes all risk of liability for personal injuries and damages to persons or property that are directly caused by such facility, including all work associated with the construction, installation, relocation, operation or removal of such facility, whether completed by the wireless services provider or the provider's agent or contractor. Each wireless services provider shall procure and maintain insurance, as specified in the license agreement between the City and the wireless services provider.

(b) Indemnification. Each wireless services provider who receives a permit approved under this Article shall defend, indemnify, and hold harmless the City, its boards, commissions, officials, officers, agents, contractors, volunteers, and employees from and against any and all loss, damages, liability, claims, suits, costs and expenses, including court costs and reasonable attorney's fees, resulting from the alleged acts or omissions of permittee and the permittee's officers, agents, contractors or employees in connection with the permitted activities. This indemnity provision shall be applicable regardless of the merit or outcome of such claim or suit.

**Sec. 28-242. Attachment to City Structures.**

(a) Exclusivity. The City will not enter into arrangements with any person for the right to collocate on City-owned which would be unfair, unreasonable or discriminatory.

(b) Rates. The rate for collocation of small cell facilities on a City-owned structure shall be \$20 per City structure per year.

(c) Make-Ready Work

(1) The City may, by resolution, establish rates, terms and conditions for agreements by which it may authorize the installation of small cell facilities to City-owned structures. Any such rates, terms and conditions shall comply with the standards set forth within Virginia Code § 56-484.31.

(2) For utility poles owned by the City, estimates for make-ready work necessary to enable the utility pole to support an agreed upon collocation shall be provided in accordance with Virginia Code § 56-484.31.

**Secs. 28-243—28.250. Reserved.**

**RESOLUTION  
APPROVING THE INTERIM CITY MANAGER'S  
EMPLOYMENT AGREEMENT**

**WHEREAS**, the City of Charlottesville requires an Interim City Manager to manage the affairs of the City during the search for a permanent City Manager; and

**WHEREAS**, City Council has entered into the attached employment contract with Mike Murphy to assume the responsibilities of the City Manager; and

**WHEREAS**, the City Council of the City of Charlottesville seeks to formally ratify this agreement and make it part of the public record, excluding only sections lawfully exempt from public disclosure pursuant to Va. Code §2.2-3705.1(1) which address the employee's personal and individual benefits; now, therefore

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the attached Interim City Manager's Employment Agreement between the City of Charlottesville and Interim City Manager, Mike Murphy, dated July 31, 2018, is hereby ratified and adopted.

# CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

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THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of July, 2018, by and between the City of Charlottesville, Virginia, a municipal corporation ("City") acting by and through its City Council, and Mike Murphy ("Employee").

WHEREAS it is the desire of the City and Employee to set forth their mutual understanding as to the terms of their employment relationship;

## SECTION 2. TERM

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(A) *Interim Appointment*-By approval of this Agreement, Council appoints Employee as City Manager for a temporary ("Interim") period of time. Employee's term of employment shall begin on August 1, 2018, which date shall also be the effective date of this Agreement ("Commencement Date"). The term of the appointment shall be for a period of up to one year ending no later than August 1, 2018. During the interim appointment the City may terminate this agreement, with or without cause, in accordance with the provision of Section 2(B) herein. This appointment shall be referred to as the "Interim City Manager".

(B) *Separation from Interim Appointment* --Employee's employment as Interim City Manager shall be for the period of time, not to exceed one year, required to allow a full time permanent City Manager to commence employment with the City of Charlottesville. The term of employment shall not exceed a one year term in accordance with the provisions of Va. Code Ann. § 15.2-1503 without the adoption and approval of a new Interim Appointment Agreement. Employee may be separated from his employment as the Interim City Manager for any reason, or for no reason (without cause) under the following terms:

1. Either the City or the Employee may terminate this Agreement and Employee's appointment to the position of Interim City Manager at any time, after giving forty-five (45) calendar days' advance written notice to the other. If this Agreement is terminated by the City, the Employee will be paid at the compensation level in Section 4 only for work and services performed through the date of separation from employment in the position of Interim City Manager.

If the City elects to terminate the Employee's appointment as Interim City Manager, then the Employee shall be entitled to return to his previous position of Assistant City Manager with all the benefits provided to Employee as Assistant City Manager and subject to and reporting to then-current Interim or permanent City Manager.

Should the Employee terminate this Agreement, then the provisions of Section 5 shall not vest to the benefit of the Employee.

2. In the event of a termination of this Agreement, and/or in the event of a subsequent termination of the Employee's employment with the City as an



# CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

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Assistant City Manager (or other employment position or status), Employee shall be entitled to the following:

- i. severance pay equal to six (6) months' salary, payable as a lump sum payment to be due on or after the service date specified in Section 5 paragraph 4 at the rate of pay in effect on the effective date of the termination;
- ii. performance of the requirements of Section 5 herein relating to the termination of employment.

## SECTION 3. DUTIES OF THE EMPLOYEE

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- (A) City is employing the Employee to perform services as the Interim City Manager.
- (B) Employee shall have the powers, duties and authority referenced for the City Manager, within the Charter of the City of Charlottesville, the Charlottesville City Code (Chapter 2, Article III), any applicable provisions of state law, as set forth within the Virginia Code, and in accordance with the current job description for the City Manager.
- (C) Employee shall be responsible for proper administration and management of the budget for the City of Charlottesville.
- (D) The Employee acknowledges that the proper performance of the duties as Interim City Manager will require the Employee to generally observe normal business hours and will also often require the performance of necessary services outside of normal business hours. The Employee agrees to devote such additional time as is necessary for the full and proper performance of the Employee's duties and that the compensation provided in this Agreement includes compensation for the performance of all such services.
- (E) The Employee will devote full time and effort to the performance of the duties as Interim City Manager, and shall remain in the exclusive employ of the City during the term(s) of this Agreement.
- (F) Employee will perform such additional duties, as may be required by the City, acting by and through its City Council. All duties assigned by the City Council shall be appropriate to and consistent with the Employee's role and responsibilities as Interim City Manager.
- (G) Employee shall be subject to and shall comply with the rules and standards of conduct specified within the City's Personnel Regulations which are not inconsistent with this Agreement, including, but not limited to, City policies regarding sexual harassment, non-discrimination, and fraud.

# CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

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- (H) Employee shall read and familiarize himself with the Virginia State and Local Government Conflict of Interests Act, set forth within Virginia Code Title 2.2, Chapter 31, Sec. 2.2-3100 et seq.

## SECTION 4. COMPENSATION AND ALLOWANCES

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- (A) The City agrees to pay the Employee an annual salary for the one year interim appointment in the amount of \$ 152,475.12 ("Salary"). payable by direct-deposit to the Employee in bi-weekly installments for 26 pay periods per year, payable at the same time other employees' paychecks are issued and due exclusively for the duration of the interim appointment.
- (B) Pursuant to this Agreement, both the City and Employee agree that the City's Personnel Policies Change in Duties Provision under Chapter 15 is not applicable to this contractual, interim appointment. The City and Employee agree that this interim appointment is a separate and distinct appointment requiring a reclassification of the Employee to the position of City Manager for the term of this agreement.
- (C) On July 1, 2019, Employee's Salary as Interim City Manager shall increase by the same percentage as any across-the-board cost of living or other pay increases approved by City Council within its operating budget for all regular full-time City Employees, if this Agreement is in effect on that date. The City will deduct or withhold any taxes, FICA, or other deductions which the Employee is legally required to pay.
- (D) The Employee is an at-will employee, subject to the terms of this Agreement, and is classified as being exempt from the overtime pay requirements of the Fair Labor Standards Act. Employee shall not be entitled to compensatory time and/or any overtime pay, regardless of the number of hours worked in any work period.
- (E) The City, at its sole expense, will provide the Employee with equipment customary and necessary for the performance of Employee's duties, including, without limitation: a computer and mobile phone, as required for the Employee to perform Employee's duties. The Employee shall reimburse the City for any charges incurred by the City as a result of non-work use of computers, mobile phones, internet services or other City equipment.
- (F) The City will support the professional development of the Employee. The City shall provide a reasonable budget for, and will pay reasonable amounts of the Employee's reasonable costs for tuition or registration, travel, per diem and incidental expenses, in accordance with applicable City policies, for: (i) activities that will further develop his knowledge, skills and abilities as a law enforcement administrator, including annual professional training conferences each year; and (ii) professional dues and subscriptions for the Employee, reasonably required by law or necessary for full

# CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

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participation in relevant national, regional, state, and local professional associations and organizations.

## SECTION 5. BENEFITS

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- (A) The Employee shall continue to be eligible to participate in the City's standard employee benefits, which offer the Employee a choice among various insurance and retirement plan benefits. The Employee shall receive paid holidays the same as other City employees, as well as vacation, sick, and administrative leave, all as provided within the City's Personnel Policy as applicable to department heads. All benefits offered by the City to its employees, including department heads, are subject to modification at any time.
- (B) The City agrees that it shall not at any time during the term of this Contract reduce the salary, compensation or benefits of the Employee, except to the extent that such reduction is evenly applied across-the board for all employees of the City.
- (C) The following provisions within this paragraph are exempt from the Virginia Freedom of Information Act, pursuant to Va. Code §2.2-3705.1(1) and shall not be publicly disclosed:

# CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

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## SECTION 6. MISCELLANEOUS PROVISIONS

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- (A) This Agreement sets forth terms and conditions of employment consistent with or in addition to those set forth within the City's Personnel Regulations applicable to all employees. There are no terms or conditions applicable to Employee's employment which are not set forth either in this Agreement or within the Personnel Regulations. In the event of a conflict between a provision of this Agreement and any provision of the Personnel Regulations, the provisions of this Agreement shall govern the relationship between the parties.
- (B) This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. All litigation arising out of this Agreement shall be commenced and prosecuted in the federal, state or local court(s) having jurisdiction within the City of Charlottesville, Virginia.
- (C) In the event that any term, provision or condition of this Agreement, or the application thereof to any person or circumstances, shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining terms or conditions shall not be affected thereby.

# CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

- (D) Changes to any terms and conditions under this Contract shall only be made by and between the City Manager and the Employee, pursuant to a properly executed written amendment to this Contract. The City shall not be bound by any unwritten promises or representations made by the City or the Employee.
- (E) Any notice given by a party pursuant to this Agreement shall be in writing and either hand-delivered or mailed by United States mail, first class and postage prepaid, to the City Council or Employee. Notice shall be deemed given as of the date of delivery or as of the date of deposit of such written notice in the United States Postal Service.
- (F) This Agreement sets forth the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein, and this Employment Agreement shall supersede all previous communications, representations, or agreements either verbal or written between the parties.

IN WITNESS WHEREOF, the parties do hereby set forth their signatures:

**Mayor, City of Charlottesville**

Signature: \_\_\_\_\_

Date: 7/31/18, 2018

Approved as to Form:

\_\_\_\_\_  
Charlottesville City Attorney's Office

**EMPLOYEE**

Signature: \_\_\_\_\_

Print Name of Employee: Michael Murphy

Date: 7/31/18

**RESOLUTION  
CONSENTING TO THE DECLARATION OF A LOCAL EMERGENCY  
WITHIN THE CITY OF CHARLOTTESVILLE**

WHEREAS, pursuant to ongoing monitoring and planning for the weekend of August 10-12, 2018, state and city public safety agencies are planning to manage a credible threat that individuals will be coming to Charlottesville on the upcoming weekend of the anniversary of August 12, 2017, with the intention of causing a man-made public disturbance (“Civil Unrest”); and

WHEREAS, such Civil Unrest may result in substantial injury or harm to citizens and/or substantial damage to or loss of property and may require substantial governmental action beyond normal operations; and

WHEREAS, this Civil Unrest threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened by such gatherings; and

WHEREAS, the Civil Unrest is anticipated over a period beginning on Friday, August 10, 2018 and anticipated to continue through Monday, August 13, 2018; and

WHEREAS, the anticipated Civil Unrest is an occurrence within the definition of the term “emergency” defined in Virginia Code sec. **44-146.16** (“Local Emergency”); and

WHEREAS, the City’s Director of Emergency Management, the City Manager, (“Director”) proposes to declare a Local Emergency, upon concurrence by state officials that such declaration is necessary for the purposes of activating the city’s local emergency operations plan, and the Director seeks the consent of this City Council to declare said Local Emergency, as required in accordance with the provisions of Virginia Code sec. 44-146.19(A), in conjunction with a state declaration, as necessary; and,

WHEREAS, during the existence of said Local Emergency the powers, functions, and duties of the Director of Emergency Management and public officials and employees of the City of Charlottesville are those prescribed by Virginia Code sec. **44-146.21(C)** and any other applicable state laws, as well as those set forth within the ordinances, resolutions, and approved emergency operations plan(s) for the City of Charlottesville, all in order to mitigate the effects of said emergency;

NOW, THEREFORE, BE IT DECLARED that this Council does hereby consent to the Declaration of Local Emergency by the Director, activating the City’s local Emergency Operations Plan and authorizing the furnishing of aid and assistance thereunder.

Approved by City Council: August 10, 2018

Signature : Yanigel Rice

Clerk of the City Council  
City of Charlottesville  
Commonwealth of Virginia

**RESOLUTION  
ENDING THE LOCAL STATE OF EMERGENCY  
DECLARED ON AUGUST 8, 2018  
WITHIN THE CITY OF CHARLOTTESVILLE**

**WHEREAS**, on August 8, 2018 the City’s Director of Emergency Management, with the consent of this City Council, declared a local state of emergency to exist within the City of Charlottesville, as a result of potentially violent conditions anticipated in connection with the anniversary of the 2017 “Unite the Right” rally in Charlottesville, which resulted in large scale civil disorder and rioting in Downtown Charlottesville; and

**WHEREAS**, this Council hereby finds that the threat of violence anticipated for August 10-12, 2018 has dissipated and all necessary emergency actions have been taken in accordance with the Charlottesville-UVA-Albemarle Regional Emergency Operations Plan;

**NOW THEREFORE, BE IT RESOLVED** that the local state of emergency declared by the City’s Director of Emergency Management on August 8, 2018 is hereby ended.