



CITY COUNCIL AGENDA
February 16, 2016

6:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Consultation with counsel for legal advice regarding the acquisition or conveyance of parking spaces in the Water Street Garage.)

7:00 p.m. **Regular Meeting**

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

Council Chambers

AWARDS/RECOGNITIONS ANNOUNCEMENTS Planning Commission Awards; The Big Read; Repair Café

MATTERS BY THE PUBLIC Public comment permitted for the first 12 speakers who sign up before the meeting (limit 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter. Speaker sign-up opens at 6:30 p.m.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

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

- a. Minutes for February 1
- b. APPROPRIATION: Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project – \$34,378.08 (2nd of 2 readings)
- c. APPROPRIATION: State Assistance and Citizen Donation for Spay and Neuter Program at S.P.C.A. - \$1,001.64 (2nd of 2 readings)
- d. APPROPRIATION: Department of Criminal Justice Services (D.C.J.S.) Byrne Special Fund Grant – \$9,990 (1st of 2 readings)
- e. APPROPRIATION: Donations to Fire Department for Training and Safety Initiatives – \$1,350 (1st of 2 readings)
- f. APPROPRIATION: Proffer Payment for DGIF-Directed Stream Project on Moores Creek – \$10,000 (1st of 2 readings)
- g. RESOLUTION: Donation to Support DGIF-Directed Stream Project on Moores Creek – \$10,000 (1st of 1 reading)
- h. RESOLUTION: Accept Water Street Extended into City Street System (1st of 1 reading)
- i. ORDINANCE: Ting Fiber, Inc. Telecommunications Franchise Renewal (1st of 2 readings)

2. REPORT* Council Meeting Procedures

- Council Meeting Procedures (1st of 1 reading)
- Matters by the Public Selection Procedure (1st of 1 reading)

3. PUBLIC HEARING / ORDINANCE* Easement to Cure Encroachment – Inn at Vinegar Hill Hotel (1st of 2 readings)

4. PUBLIC HEARING / ORDINANCE* Conveyance of City-owned Land at 820 Hillcrest Road and Birdwood Lane to Covenant School

- Authorizing Conveyance of City-owned Land on Hillcrest Road to Covenant School (1st of 2 readings)
- Closing, Vacating and Discontinuing Birdwood Lane Right of Way (1st of 2 readings)

5. REPORT Downtown Video Technology Update and Implementation of Body-Worn Cameras

6. REPORT Strategic Investment Area Implementation Update

OTHER BUSINESS
MATTERS BY THE PUBLIC
COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

Persons with disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434)970-3182.

GUIDELINES FOR PUBLIC COMMENT

**We welcome public comment;
it is an important part of our meeting.**

Time is reserved near the beginning and at the end of each regular City Council meeting for Matters by the Public.

Please follow these guidelines for public comment:

- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- Each speaker has **3 minutes** to speak. Please give your name and address before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them.
- Please **refrain from using obscenities**.
- If you cannot follow these guidelines, you will be escorted from City Council Chambers and not permitted to reenter.

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



Agenda Date:	February 1, 2016
Action Required:	Approve Appropriation of Reimbursement
Presenter:	Mike Mollica, Division Manager, Facilities Development
Staff Contacts:	Mike Mollica, Division Manager, Facilities Development Ryan Davidson, Senior Budget & Management Analyst, Budget and Performance Management
Title:	Appropriation of Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project – \$34,378.08

Background: The City of Charlottesville Facilities Development Division oversees capital projects for jointly owned buildings with Albemarle County. The City invoices the County on a monthly basis to recover the County’s share of project expenses associated with these joint projects. Under this agreement, the City received a reimbursement from the County in the amount of \$34,378.08 for October and November 2015 expenses related to the Preston-Morris Building Envelope Restoration project.

Discussion: Appropriation of these funds is necessary to replenish the City’s Courthouse Maintenance Lump Sum Account (P-00099) for project related expenses.

Alignment with Council Vision Areas and Strategic Plan: This request supports City Council’s “Smart, Citizen-Focused Government “vision. It contributes to Goal 4 of the Strategic Plan, to be a well-managed and successful organization, and objective 4.1, to align resources with the City’s strategic plan.

Community Engagement: N/A

Budgetary Impact: Funds have been expensed from the Courthouse Maintenance Lump Sum Account (P-00099) and the reimbursement is intended to replenish the project budget for the County’s portion of those expenses.

Recommendation: Staff recommends approval and appropriation of the reimbursement funds.

Alternatives: If reimbursement funds are not appropriated, the Preston-Morris Building Envelope project budget (P-0099-02-01) will reflect a deficient balance.

Attachments: N/A

APPROPRIATION.

Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project – \$34,378.08.

WHEREAS, Albemarle County was billed by the City of Charlottesville in the amount of \$34,378.08.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$34,378.08 from Albemarle County is to be appropriated in the following manner:

Revenues - \$34,378.08

Fund: 107 Funded Program: P-00099 (P-00099-02-01) G/L Account: 432030

Expenditures - \$34,378.08

Fund: 107 Funded Program: P-00099 (P-00099-02-01) G/L Account: 599999

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



Agenda Date:	February 1, 2016
Action Required:	Approval and appropriation
Presenter:	Leslie Beauregard, Assistant City Manager
Staff Contacts:	Leslie Beauregard, Assistant City Manager Maya Kumazawa, Budget and Management Analyst
Title:	State Assistance and Citizen Donation for Spay and Neuter Program at S.P.C.A. - \$1,001.64

Background:

The City has received State assistance in the amount of \$852.75 from the Department of Motor Vehicles for sales of license plates bought to support spay and neutering of pets. These funds are appropriated to the local agency that performs the local spay and neutering program, which in this case is the Charlottesville/Albemarle Society for the Prevention of Cruelty to Animals (S.P.C.A.).

In addition, a private donation was made to S.P.C.A.'s spay and neutering program in the amount of \$148.89.

Discussion:

The City currently has a contractual obligation to support the S.P.C.A. to provide services that the City does not. Supporting the organization with additional funds will increase the level of service that SPCA can provide and potentially supplement the level of funding that is needed from the City each year.

Alignment with City Council's Vision and Strategic Plan:

By keeping animals healthy and their populations under control, this contributes to Council's vision to be "America's Healthiest City." In addition, by supporting a local community partner, this contributed to Strategic Plan Goal 5 Foster Strong Connections and Objective 5.2 Build Collaborative Partnerships.

Community Engagement:

N/A

Budgetary Impact:

These funds will be appropriated into the General Fund and distributed to the S.P.C.A.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

Return funds to the state; return funds to the donor.

Attachments:

N/A

Appropriation

**State Assistance for Spay and Neuter Program at S.P.C.A.
\$852.75**

**Citizen Donation for Spay and Neuter Program at S.P.C.A.
\$148.89**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$1,001.64 is hereby appropriated to the Charlottesville / Albemarle S.P.C.A. in the following manner:

Revenues - \$1,001.64

Fund: 105 Cost Center: 9713006000 G/L Account: 430080

Expenditures - \$1,001.64

Fund: 105 Cost Center: 9713006000 G/L Account: 540100

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 16, 2016
Action Required:	Appropriate Grant Funds
Presenter:	Thomas von Hemert, Crisis Intervention Team Coordinator, Charlottesville Police Department
Staff Contacts:	Lieutenant. C. S. Sandridge, Charlottesville Police Department Sheriff James Brown, Charlottesville Sheriff's Office Maya Kumazawa, Budget & Management Analyst
Title:	Department of Criminal Justice Services (D.C.J.S.) Byrne Special Fund Grant- \$9,990

Background:

The Department of Criminal Justice Services has awarded the City of Charlottesville Crisis Intervention Team (C.I.T.) Program, a Byrne Special Fund Grant in the amount of \$9,490.00 with a \$500 local match required.

Discussion:

The Department of Criminal Justice Services has awarded a one-time Byrne Special Fund Grant to be used between January 1, 2016 and September 30, 2016. . These funds are to be used to bring a national speaker, Janine Driver, to the area for training that will benefit C.I.T. members, Law Enforcement, Rescue Squad, Fire Department, and other first responders. This training will provide verbal and non-verbal de-escalation techniques, communication and crisis negotiation skills, and reading body language techniques.

Alignment with Council Vision Areas and Strategic Plan:

This funding will support Goal 2 of the Strategic Plan, to be a safe, equitable, thriving, and beautiful community. This training aligns itself with the Objective 2.1, to provide an effective and equitable public safety system. The training will provide communication skills and other techniques. These are additional tools help to promote safe and favorable outcomes to difficult and often dangerous situations. In addition, the funding supports the Council Vision for a "Community of Mutual Respect."

Community Engagement:

N/A

Budgetary Impact:

The funds will be expensed and reimbursed to a Grants Fund. The matching \$500 funds will come from the C.I.T. operating budget.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

The alternative is to not approve this grant, consequently canceling the training.

Attachments:

N/A

APPROPRIATION

**Department of Criminal Justice Services, Byrne Special Fund Grant
Grant # 16-A3284BY11
\$9,990**

WHEREAS, the City of Charlottesville, through the Thomas Jefferson Area Crisis Intervention Team, has received from the Department of Criminal Justice Services, a Byrne Special Fund Grant, to be used for training.

WHEREAS, the grant award covers the period from period January 1, 2016 through September 30, 2016.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$9,990, received from the Department of Criminal Justice Services is hereby appropriated in the following manner:

Revenue

\$9,490	Fund: 209	Internal Order: 1900260	G/L: 430120 State/Fed Pass-Thru
\$ 500	Fund: 209	Internal Order: 1900260	G/L: 498010 Transfer from funds

Expenditure

\$9,990	Fund: 209	Internal Order: 1900260	G/L: 530010 Professional Services
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Transfer

\$500	Fund: 209	Internal Order: 1900225	G/L: 561209 Transfer to St Grant
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$9,490 from the Department of Criminal Justice Services.

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



Agenda Date:	February 16, 2016
Action Required:	Appropriation of Donations to Charlottesville Fire Department
Presenter:	Emily Pelliccia – Deputy Chief; Charlottesville Fire Department
Staff Contacts:	Emily Pelliccia – Deputy Chief; Charlottesville Fire Department
Title:	Donations for Training and Safety Initiatives - \$1,350

Background:

On occasion, the Charlottesville Fire Department receives unsolicited donations from companies and/or individuals. The department has received three such donations that total \$1,350. They are outlined below:

- 1) Peggy D. Berman (\$50)
- 2) Virginia Diodes, Inc. (\$1,000)
- 3) Charlottesville Area Community Foundation (\$300)

Discussion:

These funds will be utilized for training and safety initiatives for fire department personnel. In the coming months the Fire Department will be undertaking a major health and safety initiative to review our current practices for compliance with the National Fire Protection Agency's *Standard on Fire Department Occupational Safety and Health Program* (N.F.P.A. 1500). This review process will involve ensuring that our personnel have adequate physical fitness evaluation and training equipment. We have already identified certain pieces of equipment that are needed and these funds will be used to purchase that equipment.

Alignment with Council Vision Areas and Strategic Plan:

This request directly aligns with Goal 2 of the City's strategic plan to "be a safe, equitable, thriving community". Objective 2.1 is to "provide an effective and equitable public safety system" and as part of this the Fire Department has identified several specific measures aimed at protecting the lives

and health of Charlottesville Fire Fighters.

Community Engagement:

N/A

Budgetary Impact:

The funds will be appropriated into the Fire Department's operating budget in the General Fund.

Recommendation:

Staff recommends approval of this appropriation.

Alternatives:

The purpose of these donations is for the fire department to have benefit of these funds. The alternative to appropriating these funds is to return the funds to the individuals.

Attachments:

N/A

APPROPRIATION
Donations for Training and Safety Initiatives - \$1,350

- 1) Peggy D Berman (\$50)**
2) Virginia Diodes, Inc. (\$1,000)
3) Charlottesville Area Community Foundation (\$300)

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$1,350, to be received as donations from the above donors, be appropriated in the following manner:

Revenues

\$1,350 Fund: 105 Internal Order: 2000115 G/L Account: 451999

Expenditures - \$1,350

\$1,350 Fund: 105 Internal Order: 2000115 G/L Account: 599999

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CITY OF CHARLOTTESVILLE, VIRGINIA



Agenda Date:	Feb 16, 2016
Action Required:	Approval of Appropriation and Resolution
Presenter:	Kristel Riddervold, Environmental Sustainability Manager
Staff Contacts:	Kristel Riddervold, Environmental Sustainability Manager Lisa Robertson, Chief Deputy City Attorney
Title:	Proffer Appropriation and Donation to Stream Improvement Project - \$10,000

Background: The City of Charlottesville has received a payment of \$10,000 in accordance with a September 18, 2007 Proffer Statement for the Rialto Beach Planned Unit Development (PUD). The proffered development condition stated:

After final site plan approval, Owner/Applicant will pay up to \$10,000 towards Moore's Creek stream bank restoration within the Rialto Beach PUD, including the removal of the three bridge abutments within the existing right of way of Rialto Street, under the direction of the Virginia Department of Game and Inland Fisheries.

Discussion: Appropriation of these funds is consistent with the manner in which proffer payments are handled.

In September 2015, the Virginia Department of Game and Inland Fisheries issued a letter confirming the project need and basic plan, and informed us that they could bring additional funds to the project through a partnership approach. A local nonprofit watershed organization, the Rivanna Conservation Alliance (RCA), has been identified by the state as the eligible partner. Through a charitable contribution of the proffered funds to this local nonprofit, and based on an agreement provided to the City that the funds will be used by RCA solely for this project, the proffer money can be leveraged to achieve the desired outcome of stream improvements.

Alignment with City Council's Vision and Strategic Plan:

This request supports City Council's "Smart, Citizen-Focused Government" and "A Green City" visions. It contributes to the following goals/objectives in the City's Strategic Plan:

Goal 2: Be a safe, equitable, thriving and beautiful community
Objective 2.5. Provide natural and historic resources stewardship

Goal 4: Be a well-managed and successful organization
Objective 4.1: Align resources with the City's strategic plan.

Community Engagement: N/A

Budgetary Impact: The appropriation will enable these funds to be used to accomplish the project and will not negatively impact the Budget.

Recommendation: Staff recommends appropriation of the funds and approval of the accompanying Resolution.

Alternatives: If Council chooses not to proceed, the stream improvement cannot be pursued.

Attachments:

Appropriation

Resolution

APPROPRIATION

Proffer Payment for DGIF-Directed Stream Project on Moores Creek – \$10,000

WHEREAS, the current owner of the Rialto Beach PUD, Rialto Beach, LLC, has submitted a payment of \$10,000 in order to comply with the requirements of Proffer No. 2 of the proffered development conditions dated as of September 18, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$10,000 received from Rialto Beach, LLC is to be appropriated in the following manner:

Revenues - \$10,000

Fund: 631 Cost Center: 27110010000 G/L Account: 451999

Expenditures - \$10,000

Fund: 631 Cost Center: 27110010000 G/L Account: 530670

RESOLUTION

Donation to Support DGIF-Directed Stream Project on Moores Creek – \$10,000

WHEREAS, the City has received a payment in the sum of \$10,000, as a proffered development condition for the Rialto Beach Planned Unit Development, and

WHEREAS, the proffered development condition payment is to go towards a Moore's Creek stream bank restoration project, including the removal of the three bridge abutments within the existing right of way of Rialto Street, under the direction of the Virginia Department of Game and Inland Fisheries (DGIF) (the "Project"), and

WHEREAS, DGIF has confirmed its availability to undertake the Project, has established a proposed plan to accomplish the Project, and, is willing and able to contribute state funding for the Project if an eligible partner participates at the local level; and

WHEREAS, Rivanna Conservation Alliance (RCA) is a 501(c)(3) nonprofit watershed organization, a charitable institution whose mission includes providing services to citizens of the City of Charlottesville, and which has been created to provide the Charlottesville community with a set of tools and programs specifically designed to help clean and protect the Rivanna River and its tributaries, and RCA is prepared to work in partnership with DGIF to complete the Project, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that a charitable donation is hereby made to the Rivanna Conservation Alliance, in the amount of \$10,000 payable from cash proffer money received by the City and appropriated this same date to the Gas Fund, Environmental Sustainability Cost Center. The donation is made to support the Project described within this Resolution, and RCA will, upon request by the City, provide documentation reasonably necessary to confirm that the donation will be used to fund the Project; and

BE IT FURTHER RESOLVED that the City Manager is authorized to sign any applications, permits or other documents necessary to allow the Project to proceed.

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



Agenda Date:	February 16, 2016
Action Required:	Passage of Street Acceptance Resolution
Presenter:	Marty Silman, City Engineer Carrie Rainey, Neighborhood Planner
Staff Contacts:	Alex Ikefuna, Director of NDS
Title:	Acceptance of East Water Street from 10th St. NE to Carlton Road.

Background: Seth Greenberg, representative of Coal Tower Associates, LLC, the developer of City Walk has requested that the new portion of East Water Street, as shown on the attached map, be accepted for inclusion in the City Street system. The City Walk project was approved in 2009. At this time, all work required to be completed for road acceptance is done to the satisfaction of all reviewing City Departments.

Discussion: The City Walk development was approved with the requirement that East Water Street would be extended from 10th Street NE to Carlton Road with the intent to become a public street.

Budgetary Impact: The City Walk project has resulted in additional property taxes for the City. The City will incur costs to maintain this public street. These include plowing snow, trash collection to eventual resurfacing. While snow plowing could begin in the near future, other maintenance is projected to be several years off.

Recommendation: Staff recommends the road be accepted into the City system with the understanding that it will remain closed due to the work in the road that is related to another development project (Water Street Promenade). Staff has worked with that developer and the contractor of the Water Street

Promenade project to ensure that work is scheduled and performed in an expeditious manner so that the new portion of Water Street can be opened as soon as possible. It is expected that the full opening of Water Street will occur in the spring after the utility work in the road and the export/import operations for Phase I are complete. Keeping the road closed during the initial phase of the new development will prevent traffic and construction conflicts, will promote the public safety of potential users, and will expedite the initial phases of construction that would otherwise be prolonged if vehicular traffic was permitted. The contractor has committed to maintaining one way travel for emergency services at all times. While the sidewalk on the north side of Water Street will remain closed with the road, the multi-use trail on the southern side of Water Street may be opened to the public. The contractor is aware of this and will ensure that the appropriate measures are in place to protect the users of the new trail.

The alternative to the keeping Water Street closed would be to allow one way travel in the east bound direction. This would create potential conflicts with vehicular traffic and construction traffic as well as pose safety concerns with the high volume of construction traffic that will be required to export/import the large amount of material needed to start the development project.

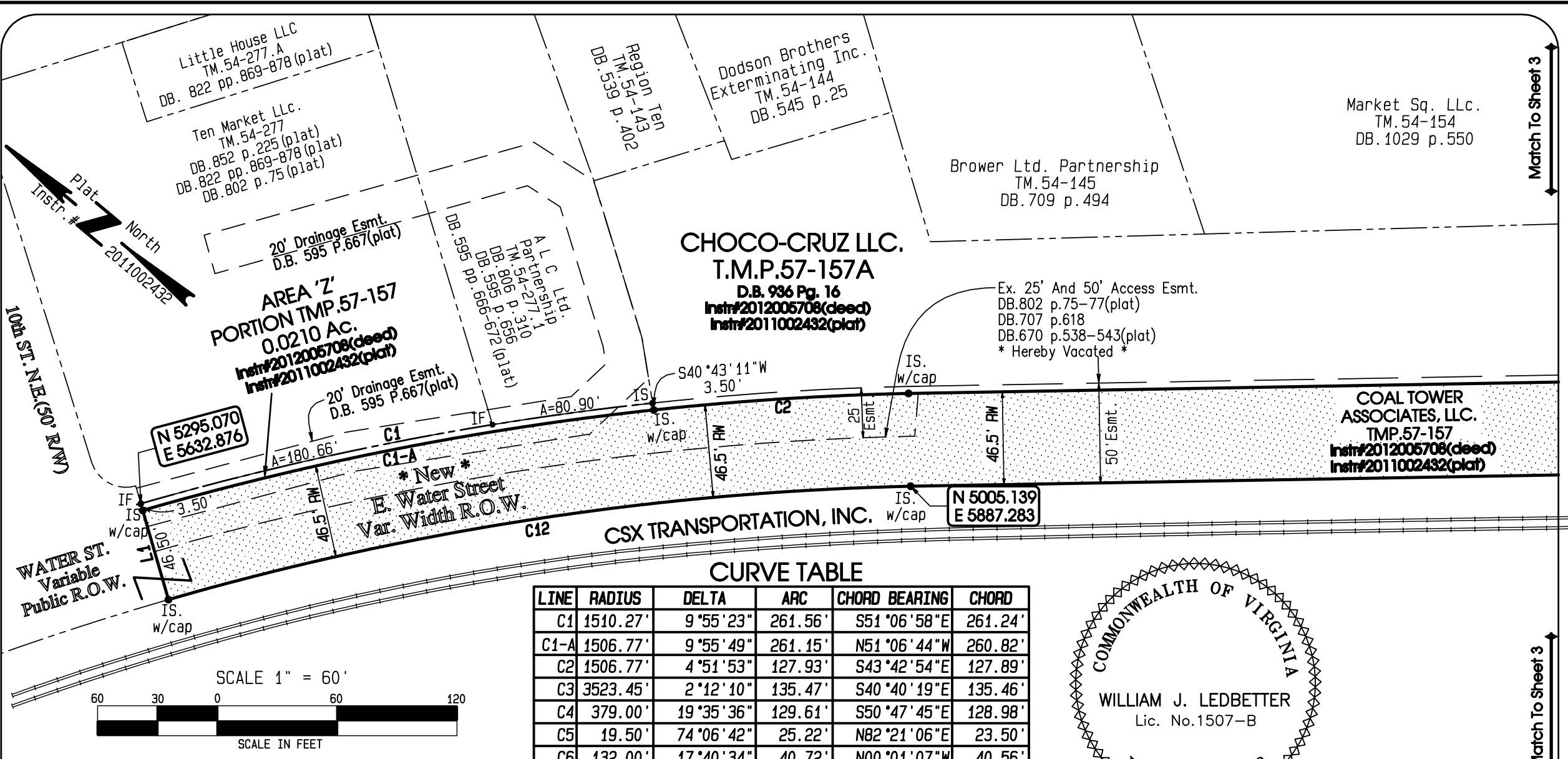
Attachments: Map of Road Section
 Resolution

RESOLUTION
ACCEPTING PORTION OF EAST WATER STREET
INTO THE CITY STREET SYSTEM FOR MAINTENANCE

WHEREAS, the new portion of East Water Street near CityWalk has been completed by Coal Tower Associates, LLC, and Coal Tower Associates, LLC has asked the City to accept the new portion of East Water Street into the City street system;

WHEREAS, City staff has inspected that portion of East Water Street and recommends acceptance into its street system for maintenance of East Water Street from the existing 10th Street NE to Carlton Road; now, therefore

BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia, on recommendation of the City Engineer, that the new portion of East Water Street from its intersection with 10th Street NE to its intersection with Carlton Road, as shown on the attached drawing, is hereby accepted into the City street system for maintenance. The subject roadway has been built to the specifications and standards required by the city approved plan.



CHOCO-CRUZ LLC.
T.M.P.57-157A
 D.B. 936 Pg. 16
 Instr#2012005708(deed)
 Instr#2011002432(plat)

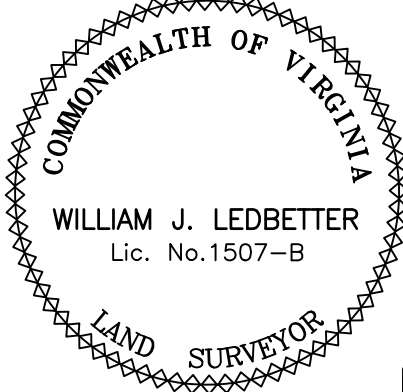
AREA 'Z'
PORTION TMP.57-157
0.0210 Ac.
 Instr#2012005708(deed)
 Instr#2011002432(plat)

CSX TRANSPORTATION, INC.

COAL TOWER ASSOCIATES, LLC.
 TMP.57-157
 Instr#2012005708(deed)
 Instr#2011002432(plat)

CURVE TABLE

LINE	RADIUS	DELTA	ARC	CHORD BEARING	CHORD
C1	1510.27'	9°55'23"	261.56'	S51°06'58"E	261.24'
C1-A	1506.77'	9°55'49"	261.15'	N51°06'44"W	260.82'
C2	1506.77'	4°51'53"	127.93'	S43°42'54"E	127.89'
C3	3523.45'	2°12'10"	135.47'	S40°40'19"E	135.46'
C4	379.00'	19°35'36"	129.61'	S50°47'45"E	128.98'
C5	19.50'	74°06'42"	25.22'	N82°21'06"E	23.50'
C6	132.00'	17°40'34"	40.72'	N00°01'07"W	40.56'
C7	20.00'	69°24'43"	24.23'	N25°53'12"W	22.77'
C8	426.50'	19°35'36"	145.85'	N50°47'45"W	145.14'
C9	62.00'	31°11'11"	33.75'	S23°01'54"E	33.33'
C10	3476.95'	6°24'44"	389.12'	N36°21'13"W	388.92'
C11	3476.95'	2°13'08"	134.65'	N40°40'09"W	134.64'
C12	1460.27'	14°47'43"	377.08'	N48°40'47"W	376.03'



Rev: Jan. 19, 2016
February 06, 2014

SCALE: 1" = 60'

Sheet 2 of 5

FILE: 4495

ROUDABUSH, GALE & ASSOCIATES, INC.
 ENGINEERS, SURVEYORS AND LAND PLANNERS
 A PROFESSIONAL CORPORATION
 SERVING VIRGINIA SINCE 1956
 914 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902
 PHONE 434-977-0205 - FAX 434-296-5220 - EMAIL INFO@ROUDABUSH.COM

Q: \RGA\TMPROJ\COAL TOWER\WATER_ST_RW_DEDICATE.pro

Match To Sheet 3

Match To Sheet 3

Market Sq. LLC.
TM.54-154
DB.1029 p.550

Market Sq. LLC.
TM.54-156.1
DB.1029 p.550

Market Sq. LLC.
TM.54-269
DB.1029 p.550

6.4533 Ac.
Rev. T.M.57-157
(AREAS 'X', 'Y' & 'Z')

COAL TOWER
ASSOCIATES, LLC.
TMP.57-157
Instr#2012005708(deed)
Instr#2011002432(plat)
8.4899 Ac.(Orig. Area)

CHOCO-CRUZ LLC.
T.M.P.57-157A
D.B. 936 Pg. 16
Instr#2012005708(deed)
Instr#2011002432(plat)

* DEQ RESTRICTED AREA *

Point	Northing	Easting	Elev.
'A'	4325.9317	6522.5157	425.52
'B'	4332.5459	6530.0158	426.42
'C'	4310.0456	6549.8585	426.16
'D'	4303.4313	6542.3584	426.02

Match To Sheet 2

Match To Sheet 4

S40°59'57"E

790.57'

790.65'

N40°59'57"W

46.5' RW

PORTION TMP.57-157
2.0033 Ac.
(Hereby dedicated as Public R-O-W)

COAL TOWER
ASSOCIATES, LLC.
TMP.57-157
Instr#2012005708(deed)
Instr#2011002432(plat)

* New *
E. Water Street
Var. Width R.O.W.

PORTION TMP.57-157
2.0033 Ac.
(Hereby dedicated
as Public R-O-W)

CSX TRANSPORTATION, INC.

IS.
w/cap

IS.
w/cap

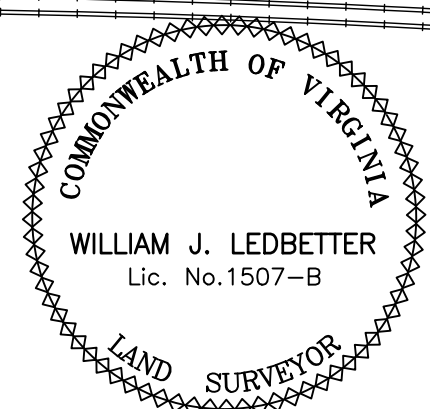
New Var. Width
Access & Maint. Esmt.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N33°55'21"E	50.00'
L2	N45°17'44"E	12.18'
L3	N53°00'00"E	14.53'
L4	N08°51'24"W	11.03'
L5	N40°59'57"W	29.01'
L6	N49°00'03"E	0.90'
L7	N41°11'25"W	203.39'
L8	S08°10'01"W	7.52'
L9	S07°26'18"E	64.75'
L10	S38°37'29"E	7.76'
L11	S01°00'32"W	63.58'
L12	S32°51'03"E	21.99'
L13	S56°34'46"W	15.23'

LINE TABLE
(continued)

LINE	BEARING	DISTANCE
L14	N59°17'49"W	7.40'
L15	S82°02'56"W	7.40'
L16	N21°43'14"W	40.99'
L17	N41°02'07"E	4.72'
L18	N21°43'14"W	49.83'
L19	N11°03'33"E	13.84'



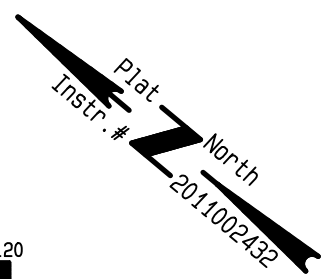
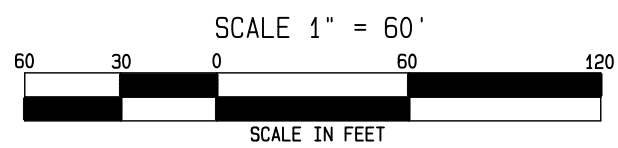
Rev: Jan. 19, 2016
February 06, 2014

SCALE: 1" = 60'

FILE: 4495

Sheet 3 of 5

Match To Sheet 2

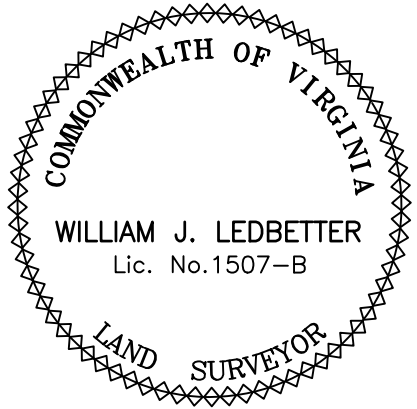


ROUDABUSH, GALE & ASSOCIATES, INC.
ENGINEERS, SURVEYORS AND LAND PLANNERS
A PROFESSIONAL CORPORATION
SERVING VIRGINIA SINCE 1956
914 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902
PHONE 434-977-0205 - FAX 434-296-5220 - EMAIL INFO@ROUDABUSH.COM

Match To Sheet 5

AREA 'X'
PORTION
TMP.57-157
5.6158 Ac.

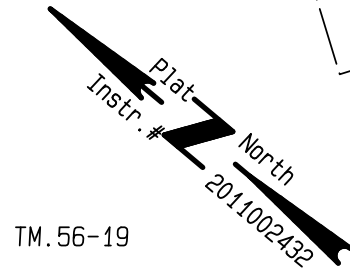
COAL TOWER
ASSOCIATES, LLC.
TMP.57-157
Instr#2012005708(deed)
Instr#2011002432(plat)
8.4899 Ac.(Orig. Area)



Match To Sheet 3

Sidewalk Esmt.
Instr#2015002400
N 4029.081
E 6952.675

Sidewalk Esmt.
Instr#2015002400



MEADE AVE.
(55' & VARIABLE R/W)

S41°11'25"E 231.90'

PORTION TMP.57-157
2.0033 Ac.
(Hereby dedicated
as Public R-O-W)
L7

New Var. Width
Access & Maint. Esmt.

CSX TRANSPORTATION, INC.

AREA 'Y'
PORTION
TMP.57-157
0.8165 Ac.

Ex. 50' Access Esmt..
DB.802 p.75-77(plat)
DB.707 p.618
DB.670 p.538-543(plat)
* Hereby Vacated *

Approx. Location of
SWM/BMP Facilities
Maintenance Agreement
Instr.#2010002646

CARLTON ROAD
Var. Public R.O.W.

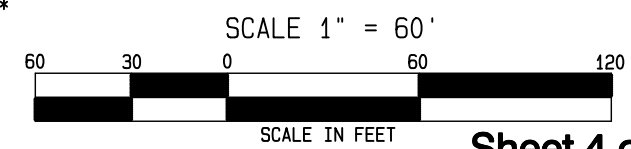
PORTION TMP.57-157
0.0116 Ac.(R.O.W.)
(Dedicated to
Carlton Rd. R-O-W)

N 3671.373
E 6932.397

ROUDABUSH, GALE & ASSOCIATES, INC.
ENGINEERS, SURVEYORS AND LAND PLANNERS

A PROFESSIONAL CORPORATION
SERVING VIRGINIA SINCE 1956

914 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902
PHONE 434-977-0205 - FAX 434-296-5220 - EMAIL INFO@ROUDABUSH.COM



Rev: Jan. 19, 2016
February 06, 2014
SCALE: 1" = 60'

Sheet 4 of 5

FILE: 4495

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 16, 2016
Action Required:	Ordinance Approval (Consent Agenda – 1 st of 2 readings)
Presenter:	S. Craig Brown, City Attorney
Staff Contacts:	Andrew Gore, Assistant City Attorney
Title:	Ting Fiber, Inc. Telecommunications Franchise Renewal

Background: Ting Fiber, Inc. (“Ting”), successor to Fiber Roads, LLC, has requested a renewal of its current franchise to maintain its existing fiber lines and equipment. The locations of these existing lines are reflected on the attached map. Ting is not seeking to install additional telecommunications lines at this time.

Discussion: The proposed franchise ordinance contains the same terms as the model telecommunications franchise ordinance developed by the City Attorney’s Office and used in other franchises granted by the City. The purpose of the franchise will not change. In accordance with the franchise terms, Ting is prepared to comply with the bonding and insurance requirements set forth in the agreement.

Budgetary Impact: The proposed franchise has no anticipated budget impact. However, the franchise agreement reserves the right to impose a public right-of-way use fee as allowed by Virginia law through the passage of an ordinance providing for such fee. Previously, Council has declined to adopt such a fee.

Recommendation: Approve the renewal of the franchise agreement.

Alternatives: Council may decline to adopt the ordinance and decline to renew the franchise agreement with Ting.

Attachment: Proposed Ting Franchise Agreement Ordinance

Approved by City Council on _____

**TING FIBER, INC.
TELECOMMUNICATIONS FRANCHISE**

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

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

ARTICLE I

SECTION 101 PURPOSE AND SCOPE

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

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

SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY

This Ordinance granting a telecommunications franchise is created to manage and regulate the Company’s use of the City’s Public Rights-of-Way along city roads pursuant to the authority granted to the City under Sections 15.2-2015, 56-460, and 56-462(A) of the Virginia Code and other applicable state and federal statutory, administrative and common law.

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

SECTION 103 DEFINITIONS

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

103.2 COMPANY means Ting Fiber, Inc., including its successors and assigns.

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

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

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

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

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

ARTICLE II

SECTION 201 INITIAL INSTALLATION

The initial installation of equipment, lines, cables or other Facilities by the Company shall be a mixture of overhead and underground in Public Rights-of-Way as depicted in Exhibit A, attached hereto, and as may have been or may hereafter be modified, and incorporated by reference.

SECTION 202 SUBSEQUENT INSTALLATION

202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:
Additional Facilities installed within the PROW may be placed overhead or underground pursuant to an approved request by the Company made pursuant to Article III, and in accordance with such generally applicable ordinances or regulations governing such

installations that have been adopted by the City from time to time.

202.2 GENERAL PREFERENCE FOR UNDERGROUND FACILITIES: As a matter of policy, the City prefers that the installation of any Facility within the PROW occur underground. Notwithstanding this preference, the City recognizes that in some circumstances the placement of Facilities underground may not be appropriate.

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

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

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

SECTION 203 INSPECTION BY THE CITY

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

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION

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

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS

In general, all posts, poles, wires, cables and conduits which the Company places within the Public Rights-of-Way pursuant to this Ordinance shall in no way permanently obstruct or

interfere with public travel or the ordinary use of, or the safety and convenience of persons traveling through, on, or over, the Public Rights-of-Way within the City of Charlottesville.

SECTION 206 OBSTRUCTION OF THE PROW

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

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

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

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

ARTICLE III

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY

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

SECTION 302 SUBMISSION OF PROW PLAN

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

SECTION 303 GOOD CAUSE EXCEPTION

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

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

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

SECTION 304 DECISION ON PROW PLAN BY THE DIRECTOR

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

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

SECTION 305 MAPPING DATA

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

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

ARTICLE IV

SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS

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

ARTICLE V

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

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

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION

502.1 RESTORATION STANDARD: Where the Company disturbs or damages the Public Rights-of-Way, the Director shall have the authority to determine the manner and extent of the

restoration of the Public Rights-of-Way, and may do so in written procedures of general application or on a case-by-case basis. In exercising this authority, the Director will consult with any state or federal standards for rights-of-way restoration and shall be further guided by the following considerations:

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

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

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

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

502.5 DUTY TO CORRECT DEFECTS: The Company shall correct defects in patching, or restoration performed by it or its agents. Upon notification from the City, the Company shall correct all restoration work to the extent necessary, using the method determined by

the Director. Such work shall be completed after receipt of the notice from the Director within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure.

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

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

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

ARTICLE VI

SECTION 601 INDEMNIFICATION AND LIABILITY

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

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

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

SECTION 602 WAIVER BY THE CITY

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

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

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

SECTION 603 INSURANCE

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

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

The policy shall include the City as an additional insured party, and the Company shall provide the City Attorney with a certificate of such coverage before beginning installation of any lines, cable or equipment.

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

SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS

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

ARTICLE VII

SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND

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

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND

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

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

SECTION 703 PURPOSE OF PERFORMANCE BOND

The Performance Bond shall serve as security for:

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

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

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE

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

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

ARTICLE VIII

SECTION 801 COMPENSATION/PROW USE FEE.

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

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

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

SECTION 802 RESERVED

SECTION 803 NO CREDITS OR DEDUCTIONS

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

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

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

ARTICLE IX

SECTION 901 RESERVATION OF ALL RIGHTS AND POWERS

The City reserves the right by ordinance or resolution to establish any reasonable regulations for the convenience, safety, health and protection of its inhabitants under its police powers, consistent with state and federal law. The rights herein granted are subject to the exercise of such police powers as the same now are or may hereafter be conferred upon the City. Without

limitation as to the generality of the foregoing the City reserves the full scope of its power to require by ordinance substitution of underground service for overhead service, or the transfer of overhead service from the front to the rear of property whenever reasonable in all areas in the City and with such contributions or at such rates as may be allowed by law.

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

SECTION 902 SEVERABILITY

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

ARTICLE X

SECTION 1001 MAINTENANCE OBLIGATION

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

SECTION 1002 TREE TRIMMING

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

ARTICLE XI

SECTION 1101 INITIAL TERM OF TELECOMMUNICATIONS FRANCHISE

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

SECTION 1102 APPLICATION FOR NEW TELECOMMUNICATIONS FRANCHISE

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

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

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

ARTICLE XII

SECTION 1201 NOTICE

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

To the Company:
Ting Fiber, Inc.
Attn: Adam Eisner
321 East Main St, Ste 200
Charlottesville, VA 22902

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

With a copy to:
Casey Lide
Baller Herbst Stokes & Lide, P.C.
2014 P St NW, Suite 200
Washington, D.C. 20036

With a copy to:
S. Craig Brown, City Attorney
City Attorney's Office
P.O. Box 911
Charlottesville, VA 22902

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

SECTION 1202 EMERGENCY NOTIFICATION

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

To the Company:

Adam Eisner
Director of Networks,
Ting Internet
(416) 535-0123 x1282
(office)
(416) 432-4353 (mobile)
adam@ting.com

To the City:

Gas Dispatchers
(434) 970-3800 (office)
Emergency (434)293-9164 (leaks)
(434) 970-3817 (facsimile)

Director of Public Works
(434) 970-3301 (office)
(434) 970-3817 (facsimile)

SECTION 1203 REGISTRATION OF DATA

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

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

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

ARTICLE XIII

SECTION 1301 TERMINATION OF TELECOMMUNICATIONS FRANCHISE

The franchise granted by this Ordinance may be terminated:

- (a) by the Company, at its election and without cause, by written notice to the City at least sixty (60) days prior to the effective date of such termination; or
- (b) by either the Company or the City, after thirty (30) days written notice to the other party of the occurrence or existence of a default of the franchise granted by this Ordinance, if the defaulting party fails to cure or commence good faith efforts to cure, such default within sixty (60) days after delivery of such notice.

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

ARTICLE XIV

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

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

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

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

ARTICLE XV

SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT

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

In addition, the City agrees that nothing in this Ordinance shall be construed to require Company to obtain approval from the City in order to lease any Facilities owned by the Company or any portion thereof in, on, or above the PROW, or grant an indefeasible right of use (“IRU”) in the Facilities owned by the Company, or any portion thereof, to any entity or person. The lease or grant of an IRU in such Facilities owned by the Company, or any portion or combination thereof, shall not be construed as the assignment or transfer of any franchise rights granted under this Ordinance.

SECTION 1502 SUCCESSORS AND ASSIGNS

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

ARTICLE XVI

SECTION 1601 NONEXCLUSIVE FRANCHISE

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

ARTICLE XVII

SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES

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

SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED

If either Party fails to enforce any right or remedy available under the franchise granted by this Ordinance, that failure shall not be construed as a waiver of any right or remedy with respect to any breach or failure by the other Party. Nothing herein shall be construed as a waiver of any

rights, privileges or obligations of the City or the Company, nor constitute a waiver of any remedies available at equity or at law.

ARTICLE XVIII

SECTION 1801 NO DISCRIMINATION

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

ARTICLE XIX

SECTION 1901 FORCE MAJEURE

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

ARTICLE XX

SECTION 2001 EFFECTIVE DATE

This Ordinance shall be effective upon its passage.

Adopted by the Council of the City of Charlottesville on the ____ day of _____, 20__.

Paige Rice, Clerk of Council

[Signature Page Follows]

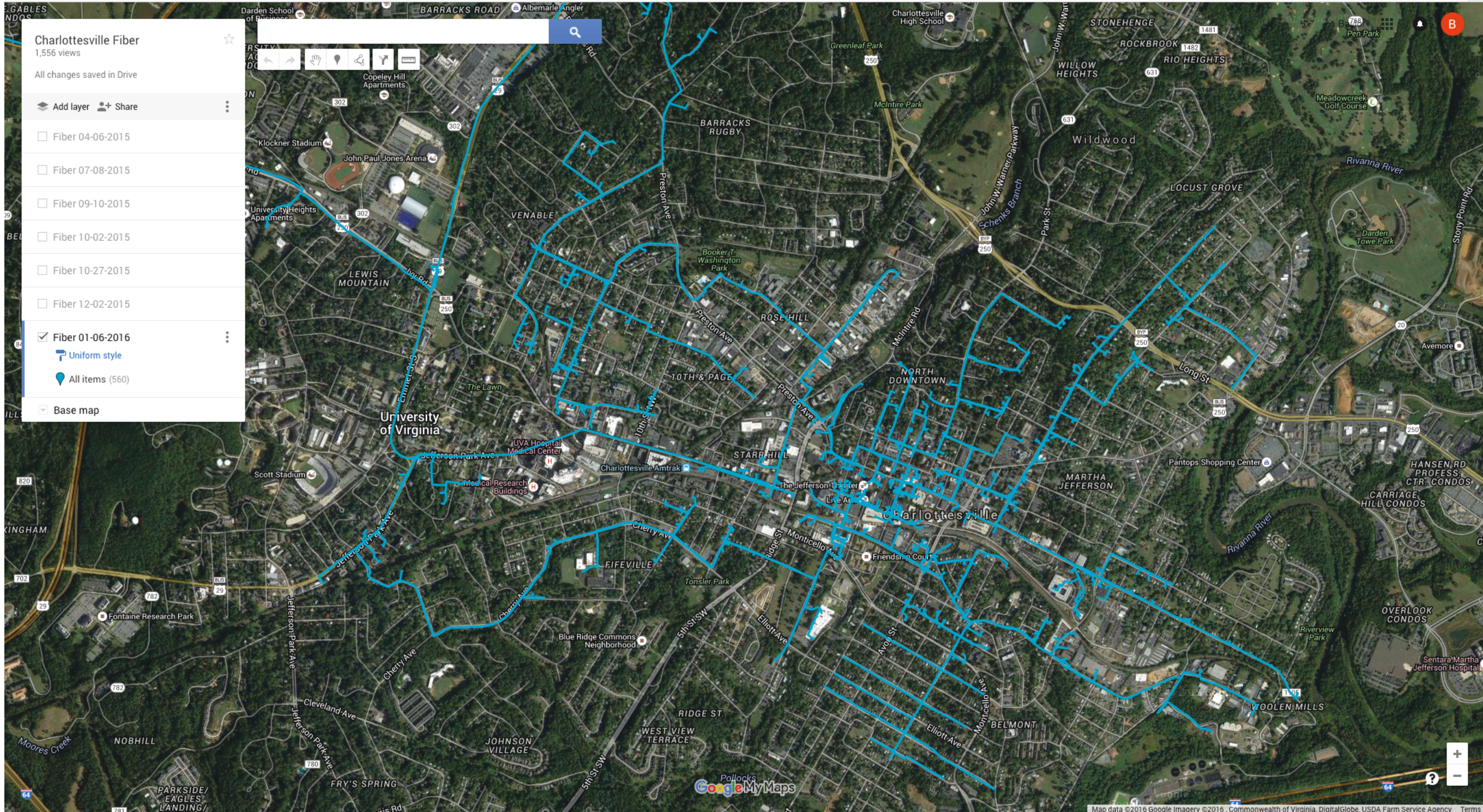
ACCEPTED: This Franchise is accepted, and we agree to be bound by its terms and conditions.

Ting Fiber, Inc.

Date: _____, 2016

By: _____

Its: _____



Charlottesville Fiber
1,556 views

All changes saved in Drive

Add layer **Share**

- Fiber 04-06-2015
- Fiber 07-08-2015
- Fiber 09-10-2015
- Fiber 10-02-2015
- Fiber 10-27-2015
- Fiber 12-02-2015
- Fiber 01-06-2016**
 - [Uniform style](#)
 - [All items \(560\)](#)

Base map

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



Agenda Date:	February 16, 2016
Action Required:	Approval of Resolutions
Presenter:	Mike Signer, Mayor
Staff Contacts:	Maurice Jones, City Manager Paige Rice, Clerk of Council
Title:	Council Meeting Procedures / Matters by the Public Selection Process

Background:

At their work session on February 6, 2016, City Councilors discussed potential revisions to Council meeting procedures to help ensure more efficient Council meetings while also expanding the opportunity to hear from a variety of citizens during public comment.

Discussion:

The measures under consideration include:

- Publicly post Council's governing procedures on the City's website in a prominent location;
- Closer adherence to Robert's Rules of Order in deliberations, including formal motions and discussion periods;
- Incorporate most work sessions into the second Council meeting each month;
- Allot a maximum of 20 minutes for presentation and discussion of most agenda items;
- Limit most Councilor comments to 3 minutes, the same limit as comments by members of the public;
- Establish new guidelines for Councilor inquiries to City staff, in order to improve operational efficiencies;
- Expand opportunities to speak during the first public comment period by allowing requests in advance by email and and/or telephone.

A random selection process for speaking slots for the first Matters by the Public section is proposed as follows:

- Each request that comes in over email, phone, or in person by 9:00 a.m. the day of the Council meeting is given a number.
- A random number generator located at the web site www.random.org generates 12 random numbers in the range of total sign-ups; for example, 30 people sign up, and 12 random numbers are generated between 1 and 30.
- The 12 selected numbers are given speaking slots.

- The remaining people who signed up to speak are placed on a wait-list in the order that they contacted the Clerk.
- Both the list of assigned speakers and the wait-list will be published on the City's website by 12:00 noon on the day of Council meetings.
- The second Matters by the Public section will remain in place, and any remaining speakers on the wait-list from the first section will be called first.
- It is proposed that this process be put into place for a pilot period of six months, after which it will be evaluated by Council.

Alignment with City Council's Vision and Strategic Plan:

This supports the City Council's vision areas to be a *Community of Mutual Respect* and to have a *Smart, Citizen-Focused Government*. It contributes to Goal 4 of the Strategic Plan, to *Be a Well-Managed and Successful Organization*, and objective 4.4, continue strategic management efforts. It also contributes to Goal 5, *Foster Strong Connections*, and objective 5.3 to promote community engagement.

Alternatives:

Council may choose to revise the procedures, or if Council does not adopt these revised procedures, Council meetings will continue to operate under existing guidelines.

Attachments:

City Council Meeting Procedures Draft & Resolution
Matters by the Public Pilot Resolution

RESOLUTION
City Council Meeting Procedures

BE IT HEREBY RESOLVED, that the attached City Council Meeting Procedures be adopted and put into place.

Signed this 16th day of February 2016.

Charlottesville City Council Meeting Procedures

Retreat Draft – February 6, 2016

These *Charlottesville City Council Meeting Procedures* are designed to help City Council conduct its affairs in a timely and efficient manner, while encouraging a robust and meaningful dialogue with members of the community.

A. Meetings

Regular meetings of the City Council are scheduled for 7:00 p.m. on the first and third Mondays of each month (or the following day if that Monday is a legal holiday).

Regular meetings shall be of two types. The first type, the “Business Meeting”, will be focused on information, education, and public engagement and shall include reports from public agencies, reports from members of Council, and votes on ordinances and other matters properly before Council. The second type, the “Working Meeting,” will be focused on work sessions and reports from the City Manager. Votes may be taken as necessary.

B. Agenda and Materials

1. The City Manager shall prepare the proposed agenda including a consent agenda and regular agenda items for the Mayor’s consideration nine business days before the meeting. The agenda of every regular Council meeting is approved by the Mayor. Any Council member desiring to add items to the proposed agenda must submit them to the City Manager and the Mayor ten business days before the meeting. Citizens who wish to suggest an item for consideration on the agenda should submit them to the [Clerk of Council](#). The City Manager, in consultation with the Mayor, shall provide background materials for the Council and the public.
2. Agenda and background materials for upcoming City Council meetings shall be made available for public review in the Clerk of Council’s Office and on the [City’s website](#) concurrent with Council’s receipt of the same, and no later than Wednesday before the meeting.
3. Any materials in addition to the background materials shall be distributed to the Council by the Clerk of Council no later than Friday before the meeting. Council may defer any item for which all relevant information has not been provided in a timely manner.

C. Mayor as Presiding Officer

1. The Mayor shall preside at all meetings of City Council, enforce the rules of the Council, and preserve order and decorum at Council meetings. The Vice Mayor shall preside in the Mayor’s absence.
2. The Mayor shall administer Robert’s Rules of Order. The City Attorney shall serve as the Parliamentarian for the purposes of Robert’s Rules of Order.

3. During a City Council meeting the Mayor shall have control of the Council Chambers and the connecting halls and corridors, and any other venue where a Council meeting is being held. In case of a disturbance or disorderly conduct that disrupts the meeting, the Mayor may take measures the Mayor deems appropriate, including but not limited to suspending the meeting until order is restored, ordering audio and visual equipment temporarily turned off, and ordering areas to be cleared by the Sergeant-at-Arms.
4. No person shall address City Council until leave to do so has been granted by the City Council or until invited to do so by the Mayor. (*City Code sec. 2-71.*)

D. Matters by the Public & Public Hearings

1. Time shall be reserved during each regular City Council meeting for “Matters by the Public”. Public comment shall also be allowed during specific agenda items if a public hearing has been scheduled and designated on the agenda. Individuals who wish to speak during Matters by the Public or during a scheduled public hearing should provide their name and address to the Clerk of Council in accordance with the process established by Council.
2. The City Manager shall prepare a response to Matters by the Public, as directed by the Mayor, to be delivered by the City Manager at the meeting immediately following the present meeting.
3. In the interest of focusing the City’s response to public comments on engagement, policy, and action items as determined by the City Manager, Members of Council in general shall defer to the City Manager’s response to public comments and shall not respond to public comments as a whole. However, at the discretion of the Mayor, Members of Council may be recognized to respond to individual public comments.
4. The purpose of Matters by the Public is to state a position, provide information to City Council, comment on the services, policies and affairs of the City, or present a matter that, in the speaker’s opinion, deserves the attention of City Council.
5. Speakers may speak for a maximum of three minutes and shall begin by identifying their name and address. Speakers may only speak once during each public comment session. Remarks must be addressed directly to Council and not to City staff, the audience, other speakers or the media. When speaking during a public hearing, speakers shall limit their remarks to those relevant to the pending agenda item.
6. If a speaker is not present when his or her name is called, he or she will not be allowed to speak. Speakers may not concede their allotted time; the person whose name is written on the speaker sheet must be the person who begins speaking, although they may be accompanied by others to the podium and may share their time with them.
7. Written materials presented at Matters by the Public must be given to the Clerk prior to speaking and will be distributed to the Council. For distribution of hard copies to Councilors, eight copies should be provided; however, electronic distribution is preferred and may be sent to Council@charlottesville.org. Power point presentations cannot be accommodated during Matters by the Public.
8. To provide an additional mechanism to communicate with Council on agenda items, a “[Matters by the Public online comment form](#)” is provided on the City website for

electronically submitting written testimony on agenda items. These comments are distributed to all Council members.

9. Repetitious testimony is discouraged. Groups are encouraged to organize to minimize such and to appear at the microphone to speak as a group. Individuals are encouraged to associate themselves with the remarks of previous speakers where applicable.
10. Improper comments and disorderly conduct are not permitted. Persons appearing before the Council will not be allowed to:
 - (a) Campaign for public office;
 - (b) Promote private business ventures;
 - (c) Use profanity or vulgar language or gestures;
 - (d) Threaten violence toward Council, City staff or members of the public;
 - (e) Engage in behavior that intimidates others;
 - (f) Interrupt other speakers or engage in behavior that disrupts the meeting
 - (g) Defamatory attacks on individuals or groups.
11. Any speaker who violates the rules will be called to order by the Mayor. If the remarks or conduct persists, the Mayor shall order the speaker to cease speaking and be seated. If the order is not heeded, the Mayor shall direct the Sergeant-at-Arms to escort the individual from the meeting room.
12. The Mayor may also order the expulsion of any person for a serious violation of these rules, disruptive behavior, or any words or action that incite violence or disorder, subject to appeal to City Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled.
13. Any person who has been so expelled may also be barred by the Mayor from attendance at future Council meetings for a specified and reasonable period of time, subject to appeal to Council or motion passed by Council.

E. Consent Agenda

1. The consent agenda may be used for eligible items and may include, but is not limited to, routine and noncontroversial appropriations, grant applications, contracts, resolutions, ordinances, second readings, and the minutes.
2. After the consent agenda is read by the Clerk of Council any item may be removed at the request of any two Council members. Any item removed from the consent agenda shall be added to the end of the regular agenda for discussion. Those items not removed from the consent agenda shall be acted upon by a single vote of Council.

F. Regular Agenda Items

1. General
 - a. Regular agenda items shall be heard in the order in which they appear on the agenda. With the consent of two other Councilors, the Mayor may postpone or take out of sequence agenda items from the order listed on the agenda.

- b. The total time allocated to any agenda item which does not include a scheduled public hearing shall not exceed twenty (20) minutes, unless the Mayor, in consultation with the City Manager, determines otherwise.
- c. Opening presentations for regular agenda items shall be limited to ten (10) minutes. Staff or an appropriate designee will present to Council, after which Councilors may ask clarifying questions of staff if necessary. If a public hearing is scheduled, it will take place before a motion is on the floor.

2. Motions and Debate

- a. As stated by Robert's Rules of Order, Council may only discuss an agenda item after a motion is made, unless provided otherwise by the Mayor. Any member of the Council making a motion shall address the Mayor and receive recognition before speaking. The person making the motion is entitled to first hold the floor for debate. Discussion and debate shall be limited to the merits of the immediately pending motion. No member may speak a second time on the same motion if any other member who has not already spoken on the motion desires the floor. The Chair must recognize any member who seeks the floor. The Mayor shall state when a motion has been made and seconded before any debate is in order. All questions shall be stated and put by the Mayor and the Mayor shall declare all votes. The Mayor may not close debate as long as any member who has not exhausted his or her right to debate desires the floor, unless a vote to call the question passes. In making a motion, a member shall be limited to 5 minutes. In comments and amendments, a member shall be limited to 3 minutes. In asking questions of speakers, Council members shall be limited to 3 minutes.
- b. In debate, speakers shall be collegial in their language, shall avoid all reference to personalities, and shall never allude to the motives of Council members. No member shall interrupt another without the consent of the member who has the floor, except when making a point of order.

3. Voting

- a. The Mayor shall call the question. If any member abstains from voting the reason for the abstention shall be included in the minutes of the meeting. The Mayor shall announce that the motion is adopted or failed.
- b. In the event that the Mayor determines that a proposal is perfectly clear to all present and requires no discussion, the Mayor may determine unanimous consent without a motion having been introduced.

G. Recess

- 1. During regular meetings, Council will take a brief recess every two hours.
- 2. The Council's goal at regular meetings is to adjourn no later than 11:00 p.m.

H. Closed Meetings

Closed meetings generally take place at 6:00 p.m. before the regular Council meeting; exceptions will be publicly noticed. The only items Council may consider in closed meetings are those permitted by the Virginia Freedom of Information Act and identified in the motion convening the closed meeting.

I. Other

1. In the interests of efficient management, if Council members seek answers from City staff, they should generally attempt to do so through the City Manager. In any event, when asking questions of staff, Council members should advise City Manager of same.
2. Members of the City Council, including the Mayor, shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Council members shall explicitly state they do not represent their body or the City, nor will they allow the inference that they do. No member of City Council may purport to speak on behalf of the City on matters that have not been voted on by Council or that do not represent official City policy unless authorized by the City Manager.
3. If a Councilor chooses to convene a public meeting that employs any City resources (including meeting spaces and staff attendance), and that might be attended by two or more other Councilors, he or she shall advise other Councilors at least one day in advance of the time and place of the meeting.
4. Council members shall respect and adhere to the council-manager structure of Charlottesville City government as outlined in the Charlottesville City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards and Commissions, and the public. Except as provided by the City Code, Council members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

J. Miscellaneous

1. Meetings of City Council shall be governed according to Robert's Rules of Order, except where provided otherwise by the Virginia Code or the Code of the City of Charlottesville, these City Council Meeting Procedures, or other procedures or guidelines adopted by City Council.
2. No rule of procedure adopted by the City Council can be suspended except by the consent of four Council members. Suspension of the rules may be made by a motion. (*City Code section 2-66.*)

3. Special meetings, work sessions and closed meetings may be held in addition to the schedule of regular meetings adopted at the first regular meeting in January. Special meeting notification requirements are governed by the Virginia Code.
 4. For special meetings, the purpose and nature will dictate whether public comment will be allowed. Public comment is frequently not allowed at certain special meetings, such as City Council work sessions, while other special meetings, such as the citizen's budget forum and Town Hall meetings, are held for the express purpose of hearing from members of the public. If public comment is allowed at a special meeting, the same public participation rules applicable to a regular City Council meeting will apply.
 5. Persons with disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434) 970-3182. Persons are encouraged to make requests in advance.
 6. All regular City Council meetings are broadcast live on Charlottesville's TV-10 and include closed captioning. Streaming video of the meetings is available for viewing [online](#) at the time of the meeting and as an archived video on the next business day following a meeting. Archived meetings can be downloaded in audio or video format from the [City website](#). [Charlottesville TV 10](#) runs repeats of the most recent meeting throughout the month on Mondays, Wednesdays, and Fridays at 7:00 p.m. and Tuesdays, Thursdays, and Saturday mornings at 9:00 a.m. until the next meeting is held. A DVD copy of the meeting may be requested the week after the meeting; a nominal fee may apply. Contact the Clerk of Council at clerk@charlottesville.org or (434) 970-3113 to inquire.
 7. City Council Meeting Procedures will be posted on the City's website.
 8. These rules are adopted by the Council pursuant to Section 12 of the Charter of the City of Charlottesville and supersede prior rules. These rules do not create substantive rights for third parties or participants in proceedings before City Council, and City Council reserves the right to suspend or amend the rules in the manner provided in the City Code. The failure of City Council to strictly comply with these rules of public participation shall not invalidate any action of City Council.
-

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;

BE IT RESOLVED that Council does hereby establish the following process for Matters by the Public:

- (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.

BE IT FURTHER RESOLVED that this shall go into effect beginning March 7, 2016, and shall run for a trial period of six months. Council shall evaluate the process and make a final determination after the conclusion of the trial period.

Signed this 16th day of February 2016.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 16, 2016
Action Required:	Approval of Ordinance (1 st reading)
Presenter:	S. Craig Brown, City Attorney
Staff Contacts:	Lisa A. Robertson, Chief Deputy City Attorney
Title:	Easement to Cure Encroachment – Inn at Vinegar Hill Hotel

Background: The Inn at Vinegar Hill, LLC is close to completion of construction of a hotel at the intersection of West Main Street and Ridge-McIntire Road. It was recently discovered that the building footprint on the Ridge-McIntire side encroaches into the City right-of-way (sidewalk area) approximately 3 inches for a distance of approximately 24 feet, as shown on the attached plat. The owner has asked the City to grant a permanent easement to resolve the encroachment issue, thereby allowing them to obtain a certificate of occupancy for the hotel when construction is complete.

Discussion: The City Engineer and the Neighborhood Development Services staff have reviewed the plat and have no objection to granting the proposed easement. The encroachment of the building does not affect the use of the sidewalk along the building, and does not have any other detrimental impact on the City's use of the right-of-way.

Alignment with Council Vision Areas and Strategic Plan: Approval of this item aligns with the City Council Vision for Economic Sustainability, and supports Goal 3 of the Strategic Plan by supporting a new local business.

Community Engagement: In accordance with Virginia Code Sec. 15.2-1800(B), a public hearing will be held to give the public an opportunity to comment on the proposed conveyance of the easement.

Budgetary Impact: There is no budgetary impact. The property owner is paying all expenses incurred in preparing the deed of easement and the plat.

Recommendation: Staff recommends approval of the ordinance to grant the easement.

Attachments:

Request letter from Owner
Ordinance
Deed of Easement with Plat attached

WILLIAMS MULLEN

Direct Dial: 434.951.5709
vlong@williamsmullen.com

February 9, 2016

The Honorable Mayor Mike Signer
The Honorable Charlottesville City Council Members
605 East Main Street
Charlottesville, VA 22902

Re: Marriott Residence Inn Hotel at 315 W. Main Street

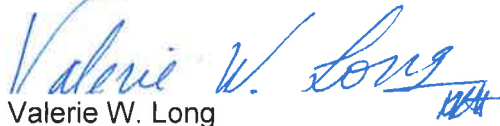
The Honorable Mayor Signer and Members of City Council:

On behalf of our client The Inn at Vinegar Hill, LLC, the owner and developer of the Marriott Residence Inn Hotel under construction at 315 W. Main Street (the "Owner"), we have worked with the City Attorney's office on a proposed Deed of Easement between the City and the Owner that would permit a minor encroachment of a three-inch portion of the building into the sidewalk along Ridge McIntire Road. Given the extremely small size of the encroachment, and that it does not have a material impact on the use of the sidewalk, we respectfully request the Council's consideration and approval of the proposed Easement.

As the final elements of the construction of the hotel are completed in the coming weeks, the Owner looks forward to providing additional lodging opportunities for visitors and guests to our City in the heart of downtown.

Thank you for your consideration of this request. Should you have any questions, or if there is any additional information that I can provide in connection with the request, please do not hesitate to contact me at 951-5709.

Sincerely,


Valerie W. Long

cc: Charles H. Wendell, The Inn at Vinegar Hill, LLC

30274751_1.docx



**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT
TO INN AT VINEGAR HILL, LLC ACROSS THE
PUBLIC RIGHT-OF-WAY ON RIDGE-McINTIRE ROAD**

WHEREAS, the Inn at Vinegar Hill, LLC has requested this Council to grant a permanent easement, as shown on the attached plat, across public right-of-way on Ridge-McIntire Road to cure an existing encroachment of the hotel building located at the intersection of West Main Street and Ridge-McIntire Road (Tax Map Parcel 320198000); and

WHEREAS, the Director of Neighborhood Development Services and the City Engineer have reviewed the plat showing the encroachment area, and determined there is no apparent detrimental effect of the encroachment into the City right-of-way, and recommend approval of the request to grant the easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held on February 16, 2016, to give the public an opportunity to comment on the possible conveyance of said easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of easement, in form approved by the City Attorney, granting the above-described easement to the Inn at Vinegar Hill, LLC.

*Prepared by: Valerie W. Long, Esq.
Williams Mullen, PC
321 East Main Street, Suite 400
Charlottesville, VA 22902*

*Return to:
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902
Tax Map Reference No. 320198000*

DEED OF EASEMENT

THIS DEED OF EASEMENT is made as of this _____ day of February, 2016, by the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, Grantor, and **THE INN AT VINEGAR HILL, LLC**, a Virginia limited liability company, Grantee.

WITNESSETH

WHEREAS, the Grantee is the owner of the following described tract or parcel of land lying and being situate in the City of Charlottesville, being more particularly described on Exhibit A, attached hereto and by this reference incorporated herein, and having a street address of 315 West Main Street (the "Hotel Property").

WHEREAS, the Grantor is the owner of certain public right-of-way adjacent to the Hotel Property, identified as Ridge McIntire Road; and

WHEREAS, the Grantee obtained the City's approval of a site plan authorizing development of the Hotel Property, and a building permit authorizing the construction of a building immediately adjacent to the right-of-way along Ridge McIntire Road (the "Building"), and the construction of the Building is nearly complete; and

WHEREAS, Grantee has determined that a portion of the Building, comprising a total of 2.81 square feet, encroaches 0.24' over the property line of the Hotel Property into the public right-of-way along Ridge McIntire Road, in the area shown as "Building Encroachment Easement" on the plat prepared by Lincoln Surveying entitled "Plat Showing Building Encroachment Easement, Tax Map 32, Parcel 198, Along Ridge McIntire Road, Charlottesville, Virginia," which plat is dated February 3, 2016, and is attached hereto and incorporated herein (the "Plat"); and

WHEREAS, the Grantor has agreed to convey a permanent easement to the Grantee to permit the minor encroachment of the Building into the public right-of-way as shown on the Plat in perpetuity, subject to the provisions of Virginia Code Sec. 15.2-2009;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, Grantor does hereby GRANT and CONVEY unto the Grantee a perpetual building encroachment easement for the area shown as “Building Encroachment Easement” on the Plat. The easement shall run with the land described herein as the Hotel Property, and shall be binding on Grantor, its successors and assigns.

This deed is exempt from state recordation taxes imposed by Virginia Code Section 58.1-802 pursuant to Virginia Code Section 58.1-811(C)(3).

By ordinance approved on _____, 2016, the Charlottesville City Council authorized the Mayor to execute on behalf of the City this deed conveying the above-described easement.

[SIGNATURE PAGE FOLLOWS]

WITNESS the following signatures and seals:

Grantor: **CITY OF CHARLOTTESVILLE, VIRGINIA**

By: _____
Michael Signer, Mayor

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid City and State, on this ____ day of _____, 2016, by Michael Signer, Mayor of the City of Charlottesville, Virginia.

Notary Public

Registration #: _____

My commission expires: _____

Grantee: **THE INN AT VINEGAR HILL, LLC**

By: _____
Charles H. Wendell, Manager

STATE OF _____
CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid City/County and State, on this _____ day of _____, 2016, by Charles H. Wendell, as Manager, on behalf of The Inn at Vinegar Hill, LLC.

Notary Public

Registration #: _____
My commission expires: _____

Approved as to Form:

Lisa A. Robertson, Chief Deputy City Attorney

EXHIBIT A

PROPERTY DESCRIPTION

ALL THAT PIECE OR PARCEL OF LAND CONTAINING 1.124 ACRES OF LAND LYING IN THE CITY OF CHARLOTTESVILLE, VIRGINIA AND MORE PARTICULARLY SHOWN ON PLAT ENTITLED "PLAT SHOWING BOUNDARY LINE ADJUSTMENT OF THE LANDS OF THE MOONEY WEST MAIN STREET, LLC TAX MAP PARCELS 32-199, 32-198, & 32-197 STARR HILL AREA OF CITY OF CHARLOTTESVILLE, VIRGINIA", PREPARED BY TIMMONS GROUP, DATED MAY 8, 2013, A COPY OF WHICH PLAT IS ATTACHED TO THAT CERTAIN DEED FROM THE MOONEY WEST MAIN STREET, LLC, TO THE INN AT VINEGAR HILL, LLC, RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, AS INSTRUMENT NUMBER 201304835, THE METES AND BOUNDS OF WHICH ARE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWEST CORNER OF RIDGE McINTIRE ROAD AND WEST MAIN STREET, SAID POINT BEING THE TRUE AND ACTUAL POINT OF BEGINNING;

THENCE, ALONG THE NORTHERN LINE OF WEST MAIN STREET, S 80°46'49" W, 50.87 FEET TO A POINT;

THENCE, CONTINUING ALONG SAID NORTHERN LINE, S 85°31'54" W, 132.60' FEET TO A POINT;

THENCE, CONTINUING ALONG SAID NORTHERN LINE, N 74°23'56" W, 48.62 FEET TO A POINT;

THENCE, LEAVING SAID NORTHERN LINE OF WEST MAIN STREET, N 17°01'40" E, 103.19 FEET TO A POINT;

THENCE, N 16°28'25" E, 60.00 FEET TO A POINT;

THENCE, N 71°54'01" W, 100.27 FEET TO A POINT ON THE EASTERN LINE OF 4TH STREET;

THENCE, ALONG SAID EASTERN LINE, N 16°15'34" E, 68.99 FEET TO A POINT;

THENCE, LEAVING SAID EASTERN LINE, S 73°43'21" E, 274.05 FEET TO A POINT

THENCE, S 01°41'34" W, 171.44 FEET TO A POINT TO THE TRUE AND ACTUAL POINT OF BEGINNING AND CONTAINING 48,975 SQ. FT. OR 1.124 ACRES OF LAND.

IT BEING THE SAME PROPERTY CONVEYED TO THE INN AT VINEGAR HILL, LLC, BY THE DEED AFORESAID.

**PLAT SHOWING BUILDING ENCROACHMENT EASEMENT
TAX MAP 32 PARCEL 198
ALONG RIDGE McINTIRE ROAD
CHARLOTTESVILLE, VIRGINIA
SCALE: 1" = 30' FEBRUARY 3, 2016**

TITLE REFERENCES:

TMP: 32-198
THE INN AT VINEGAR HILL, LLC
INST.# 2013004835
INST.# 2013004833
INST.# 2013004834
INST.# 2013004834
INST.# 2013004836 PEDESTRIAN EASEMENT
INST.# 2013004837 STORM WATER AGREEMENT
INST.# 2014000499 SHORING ENCROACHMENT
INST.# 2014003107 VEPCO
D.B. 315 P. 61
D.B. 292 P. 174

OWNER'S APPROVAL

CONVEYANCE OF THE EASEMENT SHOWN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER, PROPRIETORS AND TRUSTEES. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED _____ DATE _____

I HEREBY CERTIFY THAT THIS EASEMENT PLAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS. I ALSO CERTIFY THAT THE BOUNDARY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.

TMP 32-198 IS ZONED: DH (DOWNTOWN HOTEL)

TMP 32-198 IS IN THE CARVER VOTING PRECINCT.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

SOME EASEMENTS OTHER THAN THOSE SHOWN HEREON MAY EXIST.

NOTARY PUBLIC:

STATE OF _____
CITY/COUNTY OF _____
THE FOREGOING WAS ACKNOWLEDGED
BEFORE ME THIS ____ DAY OF _____
20__ BY _____

NOTARY PUBLIC

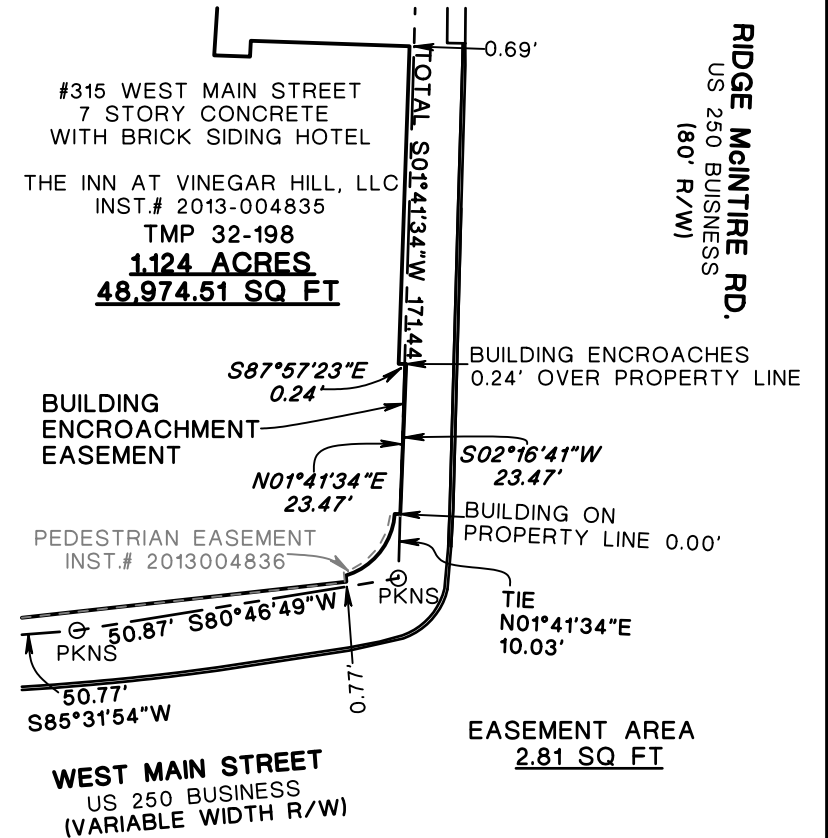
MY COMMISSION EXPIRES: _____

CITY APPROVALS:

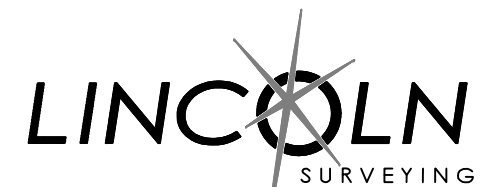
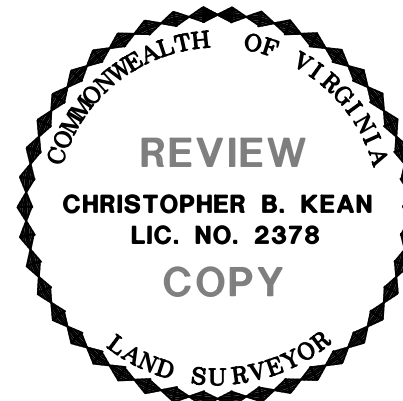
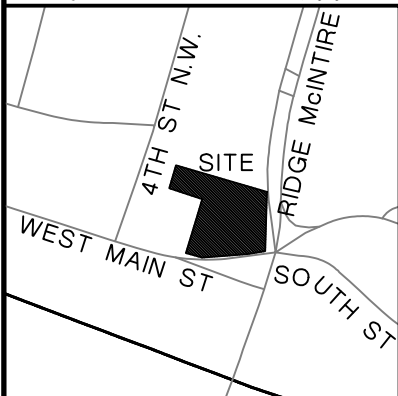
SECRETARY OF THE PLANNING COMMISSION _____ DATE _____

CHAIRMAN OF THE PLANNING COMMISSION _____ DATE _____

RECORD NORTH
INST.#2013004835



VICINITY MAP 1" = 500'



632 BERKMAR CIRCLE
CHARLOTTESVILLE, VIRGINIA 22901
OFFICE: 434-974-1417
FAX: 434-974-1776
www.lincolnsurveying.com

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CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA

Agenda Date:	February 16, 2016
Action Required:	Public Hearing and First Reading of Ordinance
Staff Contacts:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Presenter:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Title:	Conveyance of City-owned Residue Land (820 Hillcrest Road) and Birdwood Lane to Covenant School

Background: During project development of the McIntire Road Interchange, the City attempted to minimize the right of way impacts on both the surrounding public parkland and private property owners while balancing the needs and goals of the project.

Several property owners were approached for partial acquisitions and easements. One such property owner was Covenant School, from whom the City acquired 7,358 square feet of fee simple right of way, two permanent drainage easements containing 5,265 square feet, and three temporary construction easements of 6,096 square feet. The Covenant School had been previously identified as a historic property eligible for the National Register and was discussed throughout the Section 106 process, which sought to avoid, minimize and mitigate impacts to historic resources by a federal project.

Discussion: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 requires agencies to "...make every reasonable effort to acquire expeditiously real property by negotiation" – to reach a mutually agreed upon compensation of property and rights acquired from a private property owner and agency. During negotiations, Covenant School requested that:

(1) The residue (approximately 7,055 square feet) of 820 Hillcrest Road, acquired by the City for the project ("Residue Land"), be transferred to Covenant at the end of the project, in addition to the original just compensation offer of \$64,463.00. Using the appraisal for Covenant School, the square foot value is calculated to be \$3.50 per square foot so the estimated value equals \$24,692 for the Residue Land. The Residue Land is surrounded by Covenant School property on three sides and faces the Route 250 Bypass. The Residue Land cannot be accessed safely from the Route 250 Bypass.

(2) The City deed Birdwood Lane (an access road into the Covenant property) to Covenant. Birdwood Lane was created in 1935 by subdivision plat as a public street serving 4 residential lots and allowing access to the tract of land owned by the Albemarle County School Board (McIntire School). In the 1980's all of the properties surrounding Birdwood Lane were combined and/or subdivided and ultimately conveyed to Covenant School, Inc. Covenant School has asked the City to close public access to Birdwood Lane through a Deed of Vacation, which would give Covenant School ownership as the only adjoining property owner.

Community Engagement: Though no community engagement has been held specific to this request by Covenant School, there has been significant engagement throughout the project planning and construction – including Section 106 coordination. In accordance with Virginia Code Sec. 15.2-1800(B), a public hearing is required to give the public an opportunity to comment on the proposed conveyances.

Alignment with City Council’s Vision and Strategic Plan: Approval of this agenda item upholds the City’s commitment to create “a connected community” by improving upon our existing transportation infrastructure, and supports Goal 2.5 of the Strategic Plan (*Provide natural and historic resources stewardship*).

Budgetary Impact: Maintenance responsibilities and liability exposure would decrease. The subject lands to be conveyed currently are not taxable and won’t be taxable after conveyance since Covenant School is a non-profit organization.

Recommendation: The requested conveyance of land to Covenant School was integral to reaching an amicable agreement on the acquisition of right-of-way and easements for the McIntire Road Interchange project. Conveyance of the land will improve the visibility of Covenant School, and contribute to the presence of a historic resource within the community, consistent with Section 106 guidelines to mitigate impacts of a federal transportation project. Staff recommends approval of the ordinance to convey the Residue Land to Covenant, and approval of the ordinance authorizing the Mayor to sign a Deed of Vacation for Birdwood Lane.

Attachments:

- Compensation Agreement with Covenant School dated June 6, 2012
- Location Drawing
- Proposed Ordinance and Deed of Quitclaim (Residue Land)
- Proposed Ordinance and Deed of Vacation (Birdwood Lane)

COMPENSATION AGREEMENT

Route 250 By-Pass Interchange at McIntire Road Transportation Improvement Project City of Charlottesville, VA

Property Owner(s): The Covenant School, Inc.
Mailing Address: 1000 Birdwood Road, Charlottesville, Virginia 22903
Tax Map No.(s): 450007000
Project Parcel No(s): 005

Reference is made to the Deed dated June 6, 2012, between Grantor (Property Owner) and the City of Charlottesville, Virginia, a municipal corporation of the Commonwealth of Virginia, Grantee, (City), a copy of which is attached to this Compensation Agreement (Agreement), and made a part hereof.

It is understood and agreed by the Property Owner that payment in the amount of \$90,000.00 shall be paid by the City as full and complete compensation for the rights described in the Deed (Compensation). Compensation shall be paid within thirty (30) days from the date the Deed is recorded in the public records. Recording is contingent upon City, its agents or assigns, obtaining releases and other documents as necessary to insure that clear title to the rights under the Deed, satisfactory to the City, is conveyed. Property Owner agrees to cooperate in obtaining necessary release(s) from lien holders, however, all processing fees for said release(s) shall be paid for by the City.

Further, immediately upon execution of Agreement and Deed and acceptance of City by signature affixed below, Property Owner grants to the City, its agents or assigns, permission to enter the property described above for all purposes related to construction within the areas described in the Deed and as shown on the plat and plan sheets.

Additionally, upon acceptance by the City, the Property Owner will be provided a fully executed copy of this Agreement within a reasonable amount of time, but no later than delivery of Compensation. *If not accepted, the Property Owner will be notified in writing.*

The terms of this agreement shall extend to and be binding upon the parties, and the successors and assigns of the parties hereto.

1. The City will compensate The Covenant School, Inc. \$64,463, which is the original offer based on the appraisal prepared by Mr. David G. Lane, SRA, dated Feb. 15, 2012 and furnished you on April 18, 2012.
2. The City will deed the Garrison residue to the Covenant School, this is in addition to the consideration for the rights of ways The Covenant School, Inc. would be conveying for the highway project.
3. The City will clear the Garrison residue of all vegetation and debris (if any), grade it to blend with the surrounding School property on all three sides and re-seed the residue. The Covenant School will grant a temporary construction easement to the City giving adequate working space to properly accomplish the work.
4. In addition to the Garrison residue, the City will deed Birdwood Court to The Covenant. Since this road would no longer belong to the City, this will eliminate problems the school may encounter if it should want to make changes with respect to entrance to the school or possible parking configuration, etc. in the future.

5. In our meeting, one of the requests the School had was for the City to provide a safety barrier along the School's frontage on Rte. 250. Therefore the City will, as part of a negotiated agreement, construct a guard rail along the entire frontage of Rte. 250 in front of the school. The Covenant School will grant a temporary construction easement to the City giving adequate working space to properly accomplish the work.
6. The Covenant School will agree to grant a 10 foot ^{wide} temporary construction easement along the west side of Hillcrest Road to accommodate the proposed construction of a sidewalk along Hillcrest Road. This is not a part of the Rte. 250/McIntire road project but, hopefully, this separate sidewalk improvement will be constructed simultaneously with the highway project or within a close timeframe. The City will replace any fence damaged by the sidewalk work with new, in kind fence. The City also commits to only using the TCE when school is out on summer break.
7. City agrees to remove any trees within the limits of disturbance during construction whose roots are damaged during construction
8. In order to reach an agreement with The Covenant School, the City is offering additional \$25,537 compensation i. e. Original offer - \$64,463 + additional settlement compensation (\$25,537) = Total cash settlement - \$90,000.

WITNESS the following signature and seals of all Property Owner made pursuant to due authority:

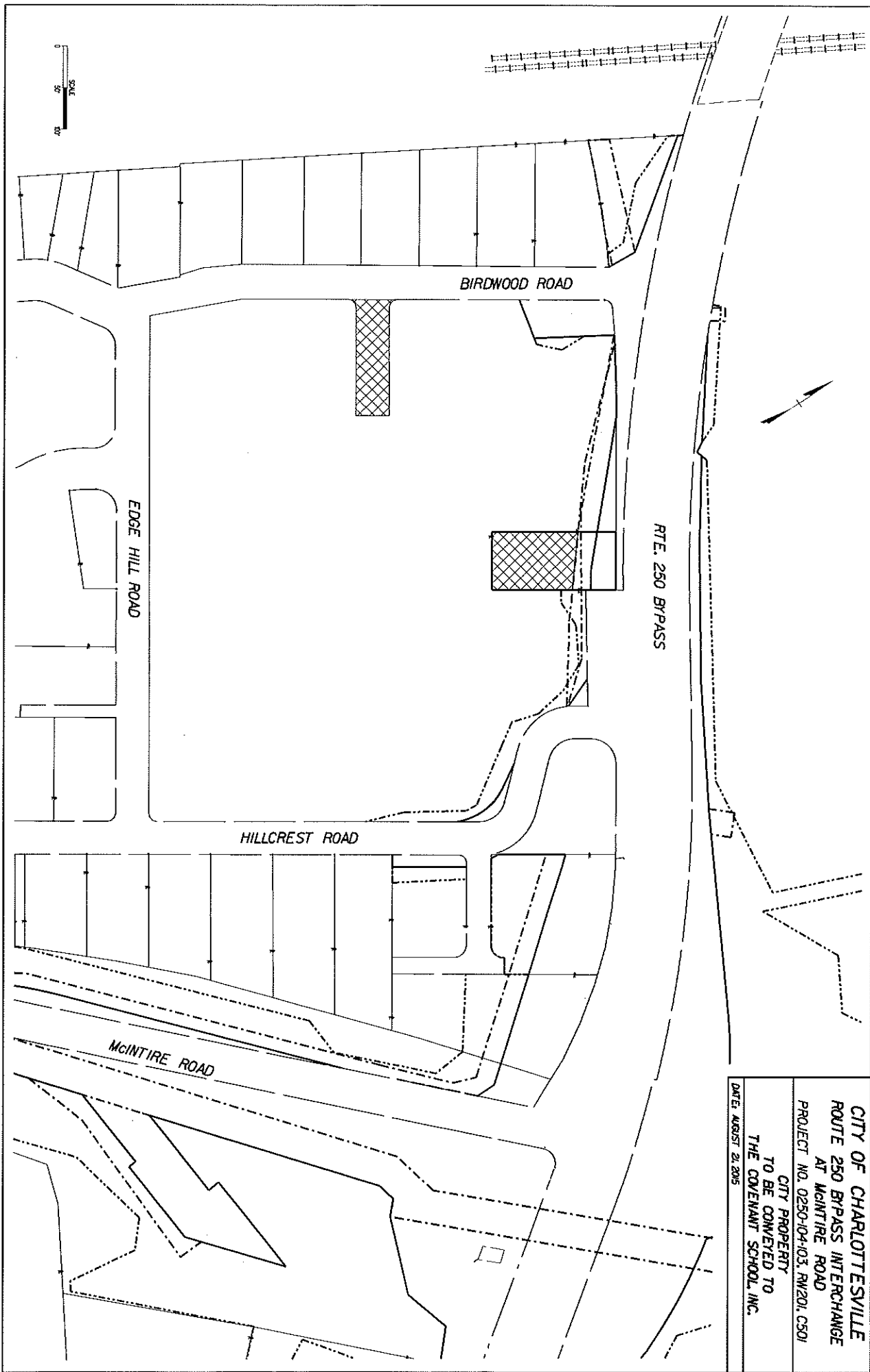
PROPERTY OWNER:

THE COVENANT SCHOOL, INC.

By: *Troy D. Anderson* (SEAL) Date: 6th / 6 / 2012
 Name Printed: Troy D. Anderson
 Title: Chair, Covenant School Board of Directors

City of Charlottesville, Virginia

By: *Jeanette Jones* (SEAL) Date: 6/1/12
 Name Printed: Jeanette Jones
 Title: ICL Program Manager



CITY OF CHARLOTTEVILLE
ROUTE 250 BYPASS INTERCHANGE
AT MCINTIRE ROAD
PROJECT NO. 0250-104-103, RW201, CS01
CITY PROPERTY
TO BE CONVERTED TO
THE COVENANT SCHOOL, INC.
DATE: AUGUST 21, 2005

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF
CITY-OWNED LAND ON HILLCREST ROAD
TO THE COVENANT SCHOOL, INC.**

WHEREAS, the City of Charlottesville is the owner of land currently designated as Parcel 6 on City Real Estate Tax Map 45, acquired by the City as part of right-of-way acquisition for the McIntire Road Interchange project (hereinafter the “Property”); and

WHEREAS, the Property faces the 250 Bypass and is otherwise surrounded by The Covenant School, Inc. (“Covenant”) property, and has a value of approximately \$24,692.00; and

WHEREAS, Covenant has requested the City to convey the Property so it can be combined with the parcel currently owned by Covenant (Tax Map Parcel 450007000) and operated as the Covenant School, an historic property; and

WHEREAS, Covenant School, Inc. conveyed land, utility easements, and construction easements to the City for fair market value as part of the right-of-way acquisition process for the McIntire Road Interchange project, and requested acquisition of the residue Property at that time; and

WHEREAS, in accordance with Virginia Code Section 15.2-1800(B), a public hearing was held on February 16, 2016 to give the public an opportunity to comment on the proposed conveyance of City land as requested by Covenant;

WHEREAS, Public Utilities has reviewed the request and has no objection to the conveyance, since all existing City utility lines across the Property are protected by easements of record; now, therefore,

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the Mayor is authorized to execute a Quitclaim Deed, in form approved by the City Attorney, to convey said Property to The Covenant School, Inc., designated as Parcel 6 on City Real Estate Tax Map 45. The City Attorney is hereby authorized to take additional actions, as may be necessary to effect the closing of said property conveyance.

Prepared by Lisa A. Robertson (VSB #32486)
Charlottesville City Attorney's Office, P.O. Box 911, Charlottesville, VA 22902
Tax Map and Parcel Number: 450006000 (820 Hillcrest Rd)

***This deed is exempt from state and local recordation taxes imposed by
Va. Code Sec. 58.1-802 pursuant to Va. Code Sec. 58.1-811(C)(4)***

THIS QUITCLAIM DEED, made and entered into this _____ day of _____, 2016, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia ("City"), **GRANTOR**, and **THE COVENANT SCHOOL, INC.**, a Virginia non-stock corporation, whose address is 1000 Birdwood Road, Charlottesville, Virginia 22903, **GRANTEE**.

WITNESSETH:

WHEREAS, the **GRANTOR** is the owner of real property located in the City of Charlottesville and designated as Parcel 6 on City Real Estate Tax Map 45, hereinafter referred to as the "Property"; and

WHEREAS, the Property is the remainder portion of land acquired by the City for construction of McIntire Road Interchange near the Route 250 Bypass, acquired from Garrison Real Estate, LLC by deed dated March 19, 2012, of record in the Charlottesville Circuit Court Clerk's Office as Instrument #2012001103;

NOW, THEREFORE, **GRANTOR** does hereby **REMISE, RELEASE** and forever **QUITCLAIM** unto the **GRANTEE**, its successors in title and assigns, any and all right, title and interest the City possesses in and to the following described real estate, to-wit:

All that certain parcel of land, containing _____ square feet, more or less, labeled as " _____ " on a plat prepared by _____ dated _____, 2016, attached hereto and made a part hereof.

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 _____, 2016.

WITNESS the following signatures and seals.

GRANTOR: **CITY OF CHARLOTTESVILLE, VIRGINIA**

By: _____
A. Michael Signer

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing Quitclaim Deed was acknowledged before me by A. Michael Signer, Mayor of the City of Charlottesville, Virginia, on this _____ day of _____, 2016.

Notary Public
Registration #: _____

GRANTEE:

THE COVENANT SCHOOL, INC.

By: _____

Title: _____

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____,
2016 by _____, on behalf of The Covenant School, Inc.,
GRANTEE.

Notary Public

My commission expires: _____

Registration #: _____

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING
BIRDWOOD LANE RIGHT OF WAY**

WHEREAS, The Covenant School, Inc. (hereinafter “Covenant”), owner of property at 1000 Birdwood Road, designated as Parcel 7 on City Real Estate Tax Map 45, has requested the City to close and vacate Birdwood Lane, approximately 40 feet wide and 130 feet long (hereinafter “Subject Right of Way”), located adjacent to the above-described Covenant property on its northern, eastern and southern sides; and

WHEREAS, the Subject Right of Way was platted in 1935 as part of the Colonial Heights Subdivision, but was never formally accepted by the City as part of the City’s public street system; and

WHEREAS, Covenant is the only property owner adjoining 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 February 16, 2016, 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 Covenant’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 above-described Birdwood Lane right-of-way, and the Mayor is hereby authorized to execute a Deed of Vacation on behalf of the City, in form approved by the City Attorney.

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.

Prepared by Lisa A. Robertson (VSB #32486)
Parcel ID: To be added to Tax Map Parcel 450007000
Assessed Value: \$0
Consideration: \$1.00

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

DEED OF VACATION

THIS DEED OF VACATION is dated this _____ day of _____,
2016, by the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation (“City”) and political subdivision of the Commonwealth of Virginia, hereinafter “**GRANTOR**”; and **THE COVENANT SCHOOL, INC.**, “**GRANTEE**”, a Virginia non-stock corporation, whose address is 1000 Birdwood Road, Charlottesville, VA 22901.

WITNESSETH:

WHEREAS, a right-of-way for a 40’ wide street named Birdwood Lane was created by, and shown on, the Colonial Heights subdivision plat dated December 1935, prepared by Hugh F. Simms, entitled "Map of Colonial Heights Situated in the City of Charlottesville Va, the Property of E.D. Hundley, Jr.", of record in the Charlottesville Circuit Court Clerk’s Office in Deed Book 88, Pages 38-41; and

WHEREAS, The Covenant School, Inc. has requested the vacation of Birdwood Lane as a public right-of-way, as it is the sole owner of all property with access on Birdwood Lane; and

WHEREAS, on _____, 2016 City Council adopted an ordinance closing, vacating and discontinuing Birdwood Lane because there is no public benefit in keeping Birdwood Lane as a public right-of-way; now, therefore,

FOR AND IN CONSIDERATION of the Sum of One Dollar (\$1.00), cash in hand paid, receipt and sufficiency of which are hereby acknowledged, GRANTOR does hereby CLOSE, VACATE, RELEASE, QUITCLAIM, AND DISCONTINUE AS A PUBLIC RIGHT OF WAY in the City of Charlottesville, and CONVEY unto the GRANTEE, the following described property (the "Property"):

ALL that certain right-of-way known as Birdwood Lane, forty feet (40') in width, which right of way borders on Birdwood Road to the west and continues a distance of 130 feet to its termination on the eastern portion of the property at 1000 Birdwood Road (Tax Map Parcel 450007000); being shown on various plats of record, including the plat dated October 10, 1986, last revised December 10, 1986, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 489, Pages 52-53; said right-of-way shall be COMBINED WITH AND ADDED TO City of Charlottesville Tax Map Parcel 450007000, currently owned by Grantee.

This conveyance is made expressly subject to all easements, conditions, restrictions, reservations, and other matters contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by limitation of time contained therein or have not otherwise become ineffective.

[SIGNATURES AND NOTARY BLOCKS ON FOLLOWING PAGES]

By ordinance adopted _____, 2016, the Mayor of the City of Charlottesville was authorized to sign this deed on behalf of the City of Charlottesville.

WITNESS the following signatures and seals:

CITY OF CHARLOTTESVILLE, VIRGINIA,
a municipal corporation

By: _____ (SEAL)
A. Michael Signer, Mayor

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE:

The foregoing Deed of Vacation was acknowledged before me this _____ day of _____, 2016, by A. Michael Signer, as Mayor of the City of Charlottesville, Virginia.

Notary Public

My Commission Expires: _____
Notary Registration No.: _____

APPROVED AS TO FORM:
Office of the City Attorney

By: _____

Title: _____

GRANTEE:

THE COVENANT SCHOOL, INC.

BY: _____

Title: _____

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE:

The foregoing Deed of Vacation was acknowledged before me this _____ day of _____, 2016, by _____, on behalf of The Covenant School, Inc., a Virginia non-stock corporation.

Notary Public

My Commission Expires: _____

Notary Registration No.: _____

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



Agenda Date:	February 16, 2016
Action Required:	Report
Presenters:	Chief Timothy J. Longo, Sr. and Detective Blaine Cosgro
Staff Contacts:	Lieutenant. C. S. Sandridge, Charlottesville Police Department
Title:	Downtown Video Technology Update and Implementation of Body Worn Cameras

Background:

Last spring City Council directed the Police Department to assess privately owned video technology that is currently in place along the Downtown Pedestrian mall, the West Main Street corridor, and the University Corner. Continued development has made difficult accessing the potential proliferation of such technology west of the downtown mall, and that which currently exists on the mall itself provides deficient overall coverage.

In addition to the use of video technology in public places, Council has also requested a brief update as to the status of the department's Body Worn Camera initiative. A brief history as to how the project came about may be helpful.

Nearly two years ago, the department began examining the process of transitioning from its obsolete "in- car" video system to a more functional body worn system. A competitive bid process was conducted with the assistance of the city's Purchasing Department and Taser International was awarded the contract this past fall. Since that time, the police department (in conjunction with the Commonwealth and City Attorneys) has been developing a comprehensive policy that will define the use of the system and the storage of the images captured.

Discussion:

Downtown Video Technology Update:

In January 2015, the City Council asked the Chief of Police to explore several options that would allow for both fixed mounting and mobile use of security cameras in the event such a system would be deployed to address an emerging crime pattern in a specific area.

In the spring of 2015, the Chief presented several options to council with respect to the type of equipment and how it could be best deployed. A majority of the council desired to learn more about existing privately owned systems that may already be in existence, how use of those systems could be leveraged, and the gaps that could be filled by a city owned system that would be administered by

the Police Department.

Chief Longo directed the department's resident video technology expert, Detective Blaine Cosgro, to survey the Downtown Pedestrian Mall, the West Main Corridor, and the University Corner. Detective Cosgro surveyed those areas and met with key property owners. He has determined that the ongoing and continued development along the West Main Corridor and the University Corner make it difficult to objectively determine what gaps may exist at the completion of projects that may well provide privately owned technology resources. Thus, he limited his focus on the Downtown Pedestrian Mall.

Currently, there are approximately 30 privately owned systems in place in the Downtown area, only about 7 of which cover the Mall, Market or Water Streets. This limited coverage is mostly concentrated in the area of the 200 and 300 blocks of East Main St. Moreover, most of the existing systems are interior. And while they face outward onto the mall, the view they provide is somewhat restricted in scope. In order to ensure optimal coverage, Detective Cosgro has recommended the acquisition of 36 units at a projected cost of \$75,000.

An example of the proposed system(s) can be found in the attached memo originally provided to council in the spring of 2015; specifically options one and two.

If council chooses to proceed further, the Chief and his staff will work with the Purchasing Department to construct a Request for Proposal and begin the competitive bid process.

Implementation of Body Worn Cameras

Collaboration between the Charlottesville Police Department and the City's Finance Department/Procurement and Risk Management Division resulted in an agreement which reduced the city's upfront cost from approximately \$450,000 to \$272,357.36. This is an approximate savings of about 40% off the initial purchase and 5 year service contract. This substantial savings in the cost of system itself will help support the recurring cost of video storage

The savings was accomplished by the following

1. Reducing the number of cameras and associated fees to reflect the needs of police personnel, and considering a different approach for stocking a few backup cameras.
2. Evaluating and selecting the appropriate user licenses for the various categories of users.
3. Sharing the risk for breaking the cameras. (Note: instead of agreeing to the initial proposal that assumed every officer would break their camera multiple times during the contract period and paying a premium for a full camera replacement program, the City will pay for replacement cameras on an as needed basis.)
4. Freed up funds that will likely be needed for additional cloud storage as the system grows and to replace cameras as needed. Consideration was given that all cameras will likely need to be replaced mid contract term.

Once the contract was executed, the process of ordering the equipment was initiated and the policy provisions began and have reached final draft. The equipment has been delivered and we are

presently working with the Information Technology Department to resolve some minor cabling related issues that will allow service access to the system in the department's roll call facility. Once those issues have been resolved, staff will schedule the training with Taser International. Meanwhile, the policy (which has been attached with these materials) is under final review in order that we make include the policy language in the training materials.

It is our desire to have the system implemented in the spring of 2016.

Alignment with Council Vision Areas and Strategic Plan:

These projects support Goal 2 of the Strategic Plan, to be a safe, equitable, thriving, and beautiful community. They align themselves with the Objective 2.1, to provide an effective and equitable public safety system.

The video technology proposal for the Downtown Mall, increases safety and uses technology to aid in the investigation of crime. Even the limited numbers of cameras that currently exist in the private sector have proven useful when events are captured. A more comprehensive system would be very beneficial to visitors and business owners.

The body worn camera project promotes professionalism, transparency, and accountability, for both citizens and law enforcement by providing a recorded account of events.

Community Engagement:

The draft Body Worn Camera policy will be vetted through both the Human Rights Commission and the Citizen's Advisory Panel.

Budgetary Impact:

Required funds for video technology implementation on the Downtown Pedestrian Mall is projected to be \$75,000-\$100,000 but will be based on the results of a competitive bid process.

Funding for the Body Worn Camera had been previously approved during the Capital Improvement Program budget process.

Recommendation:

Staff recommends that council approve the Police Department moving forward with an RFP for a video technology system that will complement existing privately owned systems along the Downtown Pedestrian Mall and those streets which lead on to the mall.

Alternatives:

The alternative is that council not approve or otherwise direct moving forward with an RFP for the Downtown Mall project.

The Body Worn Camera contract has already been signed by the city and for a period of five years.

Attachments:

Video Surveillance Video proposal from May of 2015

Police Department's draft Body Worn Camera Policy



Charlottesville Police Department Internal Memorandum

DATE: 1 May 2015

TO: Lt. Sandridge, Capt. Pleasants, and Chief Longo

FROM: Det. Cosgro

SUBJECT: Video Surveillance

Background

In January 2015, City Council authorized the Police Department to proceed with research to determine approximate costs and scope of implementing video surveillance on The Downtown Mall/West Main Street corridor. The cost estimates were obtained in consultation with vendors and industry professionals. Exact figures may be different due to purchasing processes.

Downtown Mall

The physical layout of the DTM presents numerous challenges to the implementation of a video surveillance system. Lighting, foliage, awnings, lack of a central conduit and other obstructions are the primary issues.

Option #1

A city-owned 36 camera system mounted on the existing city-owned lighting structures in *individual camera housings*. The system would consist of four cameras per intersection providing coverage to the east, west and both side streets. In addition to the camera housings, an additional housing for switches and wireless interfaces would also be needed. This system would transmit the data via existing wireless infrastructure to a server based with the service provider.

Pros:

- Optimal camera placement
- Coverage

- Ability to specify equipment
- City-owned

Cons:

- Aesthetics

Estimated Costs:

- Camera Hardware- **\$71,266.00**
- Camera Installation Labor- **\$6,000.00**
- Wireless Network Hardware- **\$18,469.15**
- Wireless Network Installation Labor- **\$6,000.00**
- Total- **\$101,735.15**
- Recurring Monthly Network/Server Hosting- **\$1,200.00**



Option #2

A city-owned 36 camera system mounted on the existing city-owned lighting structures. The system would consist of four cameras per intersection providing coverage to the east, west and both side streets. This system would utilize a *single enclosure containing four cameras*. In addition to the camera housings, a wireless access point would be needed. This

system would transmit the data via existing wireless infrastructure to a server based with the service provider.

Pros:

- Coverage
- Ability to specify equipment
- City-owned
- Aesthetics

Cons:

- Less-optimal camera placement

Estimated Costs:

- Camera Hardware- **\$46,213.00**
- Camera Hardware Installation- **\$3,000.00**
- Wireless Hardware- **\$18,469.15**
- Wireless Hardware Installation- **\$6,000.00**
- Total- **\$73,682.15**
- Recurring Monthly Network/Server Hosting- **\$1,200.00**



Option #3

City-owned camera systems mounted on private structures. This option would require legal agreements with property owners to host equipment. Each system would be customized based on the size/location of the building.

Pros:

- Cost-sharing
- Ability to specify some equipment
- Aesthetics

Cons:

- Less-optimal camera placement
- Less-optimal coverage
- Complexity

Estimated Costs:

- Hardware- **\$5,000.00**
- Installation- **\$500.00- \$2,000.00**
- Monthly Network/Server Hosting- **\$0.00**
- Total- **\$5,500.00- \$7,000.00 per building**

Option #4

Access privately owned cameras and camera systems via the internet. Many business and property owners have stated that they would like to grant the Police Department access to their cameras or camera systems. A group of eight property owners are in the process of implementing a camera system. Their intention is to allow the Police Department to access it.

Pros:

- Cost
- Private ownership
- Aesthetics

Cons:

- Less-optimal camera placement
- Less-optimal coverage
- Private ownership

Estimated Costs:

- Hardware- **\$0.00**
- Installation- **\$0.00**

- Monthly Network/Server Hosting- **\$0.00**
- Total- **\$0.00**

West Main St

Option #1

A city-owned 24 camera system mounted on existing city-owned lighting structures or utility poles in *individual camera housings*. The system would consist of four cameras per intersection providing coverage to the east, west and both side streets. This system would transmit the data via existing wired infrastructure to a server based with the service provider.

Pros:

- Optimal camera placement
- Coverage
- Ability to specify equipment
- City-owned

Cons:

- Aesthetics

Estimated Costs:

- Camera Hardware- **\$24,840.00**
- Camera Installation- **\$4,000.00**
- Service Provider Interface/Labor- **\$4,000.00**
- Total- **\$32,840.00**
- Recurring Monthly Network/Server Hosting- **\$1,200.00**

Option #2

A city-owned 24 camera system mounted on the existing city-owned lighting structures or utility poles. The system would consist of four cameras per intersection providing coverage to the east, west and both side streets. This system would utilize *a single enclosure containing four cameras*. This system would transmit the data via existing wired infrastructure to a server based with the service provider.

Pros:

- Coverage
- Ability to specify equipment
- City-owned
- Aesthetics

Cons:

- Less-optimal camera placement

Estimated Costs:

- Camera Hardware- **\$15,900.00**
- Camera Installation- **\$2,000.00**
- Service Provider Interface/Labor- **\$4,000.00**
- Total- **\$21,900.00**
- Recurring Monthly Network/Server Hosting- **\$1,200.00**

Option #3

City-owned camera systems mounted on private structures. This option would require legal agreements with property owners to host equipment. Each system would be customized based on the size/location of the building.

Pros:

- Cost-sharing
- Ability to specify some equipment
- Aesthetics

Cons:

- Less-optimal camera placement
- Less-optimal coverage
- Complexity

Estimated Costs:

- Hardware- **\$5,000.00**
- Installation- **\$500.00- \$2,000.00**
- Monthly Network/Server Hosting- **\$0.00**
- Total- **\$5,500.00- \$7,000.00 per building**

Option #4

Access privately owned cameras and camera systems via the internet. Many business and property owners have stated that they would like to grant the Police Department access to their cameras or camera systems. A group of eight property owners are in the process of implementing a camera system. Their intention is to allow the Police Department to access it.

Pros:

- Cost
- Private ownership
- Aesthetics

Cons:

- Less-optimal camera placement
- Less-optimal coverage
- Private ownership

Estimated Costs:

- Hardware- **\$0.00**
- Installation- **\$0.00**
- Monthly Network/Server Hosting- **\$0.00**
- Total- **\$0.00**

UVa/Corner

The Corner area presents some unique challenges, such as a lack of network infrastructure from our preferred ISP, sightline obstructions and overlapping jurisdictions. We are presently awaiting the completion of a joint Public Safety Sub-Station. Once operational, we will continue to work with our partners (UVa, Property and Business Owners) to develop plans for this vital area.

Temporary Deployment Camera Systems

Overt self-contained camera systems for temporary deployment as needed. These systems can be attached to buildings, utility poles, etc.

Estimated Costs:

- Hardware- **\$6,500.00**
- Communications when deployed- **\$100.00 per month**
- Possible installation costs depending on site



CHARLOTTESVILLE POLICE DEPARTMENT



Note: This directive is for internal use only and does not enlarge an officer's liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the Charlottesville Police Department and then only in a non-judicial administrative setting.

Type of Directive: GENERAL ORDER	Number: 1-16
BODY-WORN CAMERA	Date: December 28, 2015
VLEPSC Number: Non-Standard	Manual Number: 541.20
Replaces: N/A	Effective Date:
Authorization: Chief Timothy J. Longo, Sr.	Follow-up Date: Annually

I. POLICY

Law enforcement officers shall activate body-worn cameras (BWCs) when such use is appropriate to the proper performance of his or her official duties and where the recordings are consistent with this General Order and the law.

II. PURPOSE

This directive establishes procedures and requirements for the use and operation of BWC equipment and for the collection, safeguarding, and storage of BWC recordings. This policy does not govern the use of covert recording devices used in undercover operations.

The City of Charlottesville Police Department has adopted the use of the Body-Worn Camera (BWC) for the following purposes:

- A. Effective performance of law enforcement activities, including investigation and prosecution of crimes, by providing a record of law enforcement actions and by providing evidence for investigations and court proceedings;
- B. Transparency in our citizen complaint process, our stop and frisk reporting practices, our use of force, vehicle pursuit incidents, and the policies and procedures that guide the high risk critical tasks that we perform;
- C. Effective City of Charlottesville Law Enforcement personnel, including, without limitation, officer training and discipline, defense and resolution of civil claims and lawsuits, and administrative proceedings; Support of community policing strategies and objectives.

III. DEFINITIONS

BWC— Body-Worn Camera

Command Staff—officers holding the rank of “captain” or “lieutenant”

Gender—the word “he,” or any other word importing the masculine gender, shall be interpreted as extending to and as being inclusive of the female gender.

Law Enforcement Activity-- For the purpose of this General Order, the phrase means actions taken by a law enforcement officer, involving in-person engagement with any member(s) of the public, including, without limitation: consensual stops and encounters; investigative stops and searches; responses to calls-for-service; responses to emergency incidents; crowd control; traffic control and enforcement; response to a crime committed in an officer’s presence; pursuit of a suspect; arrests; crime scene investigation etc.

The following activities are EXCLUDED from the definition of Law Enforcement Activity, and from the coverage of this General Order: performance by an officer of duties of employment *other than* law enforcement activities (for example, report-writing at a desk within the Department; conversations between officers which take place within a Department office, restroom, or locker room; off-duty employment activities *other than* those involving a response to criminal activity; surveillance; etc.)

Officer – An employee of the City of Charlottesville Police Department who has authority to arrest or to issue summonses for misdemeanor offenses (including animal control officers).

Public disclosure—disclosure to any individual who is not a City employee, for purposes which are not restricted to those referenced in Section II, above.

IV. RESPONSIBILITY FOR ADMINISTRATION

- A. The BWC Program will be administered by a member of Command Staff assigned by the Chief of Police (“Program Administrator”).
 - 1. The Program Administrator shall have responsibility for management of BWC records in accordance with this General Order and applicable laws, either himself or through individuals designated by him/ her (each, a “designee”) to carry out specific tasks or responsibilities.
 - 2. The Program Administrator shall assure that audits are carried out periodically as required by this General Order.
- B. The Program Administrator will be responsible for:
 - 1. Training and assisting officers and shift supervisors in the proper use and operation of the BWC equipment.
 - 2. Ongoing inventory, maintenance and repair of the BWC equipment and related systems.
 - 3. Annual inspection of BWC equipment and related systems, and preparation of a report to the Chief of Police and retained in the Office of Professional Standards. of the results of the annual inspection directed to Office of Professional Standards for retention.

V. OPERATIONAL REQUIREMENTS AND PROCEDURES

A. TRAINING

1. Each officer assigned to the Field Operations Division, each supervisor, and other employees of the Department, as directed by the Chief of Police, shall be required to participate in training on the effective use and operation of the equipment.
2. An initial training period of six months (180 days) will be implemented, extending from the first date on which BWCs are actually deployed after the effective date of this General Order (“Initial Training Period”).
3. In addition to the Initial Training Period, the first six (6) months of a newly-hired officer’s probationary period of employment shall be considered a BWC Training Period.
4. During each of the Training Periods referenced above, the Department’s primary focus will be on assuring officers’ proficiency in the use of BWCs through education, instruction and counseling, rather than disciplinary action. However, during any Training Period the Chief of Police retains the right to impose disciplinary action, in circumstances indicating an officer’s willful disregard of the requirements for use and operation of a BWC, preservation and classification of BWC recordings, or any training, instruction or counseling received by such officer relating to BWCs.

B. REQUIRED USE

1. Each officer assigned to the patrol bureau shall be required to wear a BWC while on duty, and when engaged in uniformed off-duty employment. Each officer required to wear a BWC shall utilize the BWC in accordance with this General Order.
 - a) Other officers may be required by the Chief of Police, or a member of command staff, to wear a BWC, during performance of specific duties or assignments. Such officers shall adhere to the requirements of this General Order, except as otherwise directed in connection with specific duties or assignments in which they are engaged.
 - b) During the Initial Training Period referenced above in Paragraph (V)(A)(2), BWC shall not be worn or assigned to school resource officers (SROs) or to community service officers (School CSOs) assigned to duties on school property. After the Initial Training Period, the Chief of Police will evaluate the possible utilization of BWCs within the schools, in consultation with the School and City administrations. Nothing in this paragraph shall preclude officers who are not SROs or School SCOs from utilizing BWCs when responding to a call for service on school premises.
2. BWCs will be assigned to officers as part of their equipment when operationally feasible, or prior to commencement of specific duties or assignments in which the BWC will be required to be used.

3. Prior to the beginning of their tour of duty or specific assignment requiring wear, an officer shall promptly conduct an operational inspection, to determine whether the equipment is functioning properly. The officer shall promptly report to his or her supervisor any malfunction experienced during the initial operational inspection. After the initial inspection, upon discovery that the BWC is not functioning properly, an officer shall promptly report the malfunction to his or her supervisor.

a) The supervisor receiving a report of a malfunction shall immediately forward the report to the shift commander. The shift commander shall promptly notify the Program Administrator of any malfunction, so that the malfunction can be promptly addressed.

b) When a malfunction is reported and documented, and if another BWC unit is not available to be assigned to the officer, then the supervisor shall notify the bureau commander of the reported malfunction and that the officer will not be wearing a BWC until a properly functioning BWC can be obtained. This documentation shall be retained in the officer's personnel file for future reference.

4. Each officer issued a BWC shall wear the recorder as directed in Training, at all times while on duty. No officer shall use a BWC assigned to another officer.

a) Each officer to whom a BWC is issued shall engage the BWC during his performance of or involvement in any Law Enforcement Activity. **If an officer intentionally, or without good cause, fails to utilize the BWC the officer may be subject to disciplinary action.**

5. The following procedures shall apply to officers' use of BWCs:

a) Officers shall activate the BWC upon commencement of a Law Enforcement Activity. If an immediate threat to the officer's, or a citizen's, life or physical safety makes activating the BWC impossible or dangerous, officers shall activate the BWC as soon as it is safe to do so..

b) As soon as reasonably possible after activating the BWC (*as close to the commencement of the Law Enforcement Activity as is safe for both the officer and the member(s) of the public*) an officer shall inform individuals that they are being recorded.

If an officer fails to activate the BWC, fails to record an entire interaction, or interrupts a recording, the officer shall document why the recording was not made, was interrupted, or was terminated. When an officer becomes aware that, for any reason, law enforcement activity was not recorded by the BWC, the officer shall notify his or her supervisor immediately, or as soon as safely practical.

c) All officers, upon arriving at the scene of a Law Enforcement Activity, shall activate their BWCs upon their arrival.

d) The BWCs of each officer present at the scene of a Law Enforcement Activity shall remain engaged until the Law Enforcement Activity is concluded and the officer has left the scene.

e) In the event of an officer-involved use of force, no officer present at the scene shall disengage his or her BWC until directed to do so by a supervisor.

6. After engaging the BWC, an officer may not de-activate the BWC prior to conclusion of the Law Enforcement Activity, **EXCEPT** in the following circumstances:

a) During interaction with an apparent crime victim, at the victim's request;

b) During interaction with the apparent victim of a sex crime and child abuse cases, regardless of whether the victim has made a request;

c) While conducting a Lethality Assessment.

d) While receiving reports/ information submitted in confidence by an individual ("confidential informant"), or when necessary to take a statement or receive information from an individual who will provide information about a crime or criminal activity only under a promise of anonymity;

e) During deliberative process conversations with other officers, when such conversations do not involve any member(s) of the public—including, but not limited to: conversations about charging decisions; comparison of witness accounts; conversations about tactical procedures, or plans; etc.

f) During periods of time in which a suspect or apparent victim is fully or partially nude, or is receiving medical treatment for life-threatening injuries;

g) During an officer's presence at a medical facility, or a federal, state or local courthouse, where such facility has a policy prohibiting the use of recording devices;

h) During the officer's presence at a site at which members of the public have a reasonable expectation of privacy (such as an individual's residence or a hospital room/ waiting room), when the site is NOT a crime scene;

i) *Notwithstanding the exceptions authorized above, an Officer may leave the BWC on, or reactivate it, if there is a justification for recording an event that outweighs privacy or confidentiality issues. Examples of justification include, but are not limited to, situations in which*

(i) interactions between or among individuals present at the scene are contentious,

(ii) the security or safety of a location cannot be secured or, after being secured, deteriorates,

(iii) the victim/witness/subject becomes hostile, combative or otherwise acts in a way which makes the officer uncomfortable, or

(iv) additional Law Enforcement Activity becomes necessary.

7. Prior to dis-engaging the BWC for any reason authorized within Paragraph 6(a) – (h), above, an officer shall record a statement of the specific reason for doing so when operationally feasible. When the dis-engagement is at the request of an individual other than the officer, the individual's request shall be recorded.

8. Each officer shall transfer his or her BWC recordings to the designated storage site, and shall classify each recording, immediately upon conclusion of the Law Enforcement Activity.

a) A supervisor may authorize a delay or extension for good cause, subject to any conditions or requirements the supervisor deems advisable for the preservation of the matters recorded during such shift. The reason for the delay or extension shall be documented in writing by the supervisor, along with any conditions or requirements and shall be retained in the Office of Professional Standards. In such cases, it shall be the supervisor's responsibility to ensure that the BWC is not re-used in a manner that would delete or over-write the recordings, prior to the required download.

b) Officers shall note in incident, arrest, or other similar reports whether or not a corresponding BWC recording was made. However, BWC recordings shall not be a replacement for written reports and officers remain obligated to prepare detailed, accurate written reports. Depending on specific record-keeping requirements, a BWC recording may or may not be retained for the same period as the report(s) in which it is referenced.

c) An officer may use his or her login only to review BWC records of law enforcement activity in which he or she was involved, and that were made on a BWC unit assigned to such officer and utilized under his or her log-in. No officer shall allow any other officer to utilize his or her log-in.

d) *Internal viewing:* Recordings from a BWC may be viewed, reviewed and displayed only by or to:

(1) the officer who was wearing the BWC when the recording was made, other officers involved in the Law Enforcement Activity recorded, and the (assigned supervisor or other supervisors needing access for specific investigatory reason;

(2) detectives conducting criminal investigations specifically assigned to them;

- (3) members of an officer's chain of command, up to and including the Chief of Police;
- (4) the Commonwealth's Attorney, the City Attorney, or attorneys acting on behalf of those offices;
- (5) the City Manager; or
- (6) the Office of Professional Standards Supervisor; or
- (7) other individual(s), as required by law or as authorized by the Chief of Police.

e) Consistent with legal requirements applicable in specific circumstances, the Chief of Police reserves the right, for himself and for his command staff, to limit or restrict any officer from accessing or viewing any BWC recording(s), when necessary for any law enforcement purpose, or for or in connection with any criminal, civil or administrative investigation.

9. Supervisory responsibilities; It is the responsibility of the supervisor of an officer required to wear a BWC to ensure that officers use the BWCs in accordance with this General Order.

C. RESTRICTIONS

1. Officers are prohibited from editing, altering, duplicating, copying, disseminating, or destroying any BWC recording, except as specifically authorized by this General Order.
2. The use of BWC equipment by officers for purposes or in any manner other than authorized by this General Order is strictly prohibited, including, without limitation, the use of BWC equipment for personal or any other non-law-enforcement activities.
3. Officers shall use only those BWCs issued by the Department. Officers are prohibited from wearing personally-owned BWC equipment while performing a law enforcement activity. Provided, however, that during an officer's participation in a Law Enforcement Activity in circumstances where a BWC is not available to an officer, the officer may utilize devices that are available (smart phones; tablets; cameras; etc.) in a manner consistent with the requirements of this General Order. Department-issued devices shall be used, rather than personally-owned devices, when available.
4. Failure to comply with any requirements or provisions of this General Order may result in disciplinary action.

D. AUDITING

1. The Program Administrator will regularly review system-generated reports, to determine whether BWC video is being timely classified by officers and to fulfill other duties relating to administration of the BWC system.

2. BWC video will be audited periodically, by supervisors designated by the Program Administrator (“supervisory audits”). Audits may also be conducted by or under the direction of the Chief of Police or a member of Command Staff. The protocol for supervisory audits shall be established by the Program Administrator; generally, the protocol will provide for (i) random selection of BWC video footage, and (ii) documentation of recordings reviewed and of the auditors’ findings and conclusions. The findings shall be provided to the Commander for review, and shall then be forwarded to the Chief of Police with their recommendations for corrective action or policy revision.

3. Audits will focus on the following areas:

- a) Quality of customer service;
- b) Compliance with this General Order;
- c) Technical proficiency of officers in using the BWC (use of body microphone; lighting issues, particularly during nighttime recordings; etc.);
- d) Issues that may present a hindrance to any criminal prosecution or a risk of civil or criminal liability of an officer or the City of Charlottesville;
- e) Effectiveness of the BWC program in serving the purposes described in Section II.

E. RECORD-KEEPING; RETENTION REQUIREMENTS

1. BWC recordings are “public records” as that term is defined within the Virginia Public Records Act and the Virginia Freedom of Information Act. The recordings are property of the City of Charlottesville and its Police Department.

2. No BWC recording shall be erased, deleted, destroyed, edited, or altered, except in accordance with the provisions of this General Order.

a) BWC recording of a law enforcement activity will be maintained for a **minimum** of 30 days after the date on which the recording is made.

b) A BWC recording will be retained for a minimum of two (2) years, if the recording:

- (1) Documents an officer’s use of force;
- (2) Documents events leading up to and including an arrest for a felony-level offense, or that constitute a felony-level offense;
- (3) Documents other arrests, events or encounters that may have evidentiary value relative to any criminal investigation, criminal prosecution, civil matter or administrative investigation (for example, and without limitation: documentation of alleged crimes that have been investigated but remain unresolved);
- (4) Documents an encounter about which a complaint has been made by a member of the public, or about which an officer or supervisor reasonably anticipates a complaint may be made;

(5) Documents investigative stops/ investigative detentions, with or without searches.

3. Classification of BWC Recordings

- a) Every officer shall classify the BWC recording of a Law Enforcement Activity, upon the conclusion of his participation in the activity, as set forth in Section V.B.8, above.
- b) An officer's commander, or the Program Administrator/ designee, may change an officer's classification of a recording.
- c) Upon becoming aware from any source that a BWC recording fits within one of the categories set forth in (E)(2)(b), above, the Program Administrator/ designee shall classify the recording so that it will be preserved for the two-year minimum time period.

4. Editing, alterations

- a) No original recording shall be edited or altered.
- b) A duplicate copy of a BWC recording may be edited or altered in accordance with paragraph (4), below, for the following purposes:
 - (1) For use in in-house Department training;
 - (2) Prior to public or other disclosure of a BWC recording, in order to protect any records, files or information that is exempt from mandatory public disclosure, including, without limitation, any information that would jeopardize the safety or privacy of any individual.
 - (3) For other purposes or reasons approved by the Chief of Police.
- c) When editing or alteration of a duplicate copy is authorized, it may only be performed by the Program Administrator. When editing or alteration is authorized, the Technical Unit may utilize the services of an independent contractor to perform the editing or alteration.

5. Duplication.

- a) **Duplication for Law Enforcement or Administrative Purposes.** Upon request, a duplicate copy of a BWC recording may be provided to:
 - The Chief of Police or any member of the Chief's Command Staff
 - The Office of Professional Standards Supervisor
 - A sergeant who is reviewing or investigating: citizen complaints, vehicle pursuits, or use of force by an officer.
 - The City's Commonwealth Attorney, or his or her deputy or assistant, for use in a criminal investigation or prosecution

- The City Attorney, his or her deputy or assistant, or his or her designee, for use in connection with review and handling of an administrative or civil matter
- The City Manager, or his or her deputy or assistant, or his or her designee, for use in an administrative or operational matter
- A citizen, in response to a FOIA request, subject to the requester's payment of the actual costs incurred by the City to respond to the request.

- b) **Duplication for an Individual Subject.** Upon request, and subject to requirements or exemptions authorized by law, a duplicate of a BWC recording may be provided to an officer or citizen, if the BWC recording contains "personal information", as defined in Va. Code 2.2-3801, about the requesting officer or citizen. All such requests must be reviewed by the City Attorney's Office and, in appropriate cases, by the Commonwealth's Attorney's Office. BWC recordings relating to criminal activity shall not be provided to any subject of the recording, unless authorized by the Police Chief, Command Staff, or the Commonwealth's Attorney.

The City and Police Department may require redaction of "personal information" of individuals other than the requester, or of any personal or medical information that is not subject to mandatory disclosure requirements. The Requester shall be required to pay all of the actual costs incurred by the City to respond to the request.

- c) **Duplication Process.** Requests for duplication (copies) of a BWC recording will be subject to the following:
1. Any request for duplication from within the Police Department shall be made via email directed to the Program Administrator. If the request is made by an individual below the rank of Lieutenant, the request shall also be copied to the requester's commander. The request shall include a statement of the purpose for which the duplicate will be used.
 2. A request for duplication from a City official outside the Police Department shall be made to the Chief of Police, a member of Command Staff, or the Program Administrator. Following review of the request, it may be referred to the Program Administrator. The request shall include a statement of the purpose for which the duplicate will be used.
 3. A request for duplication from another law enforcement agency shall be made in writing, on the letterhead of the requesting agency, and shall be directed to the Chief of Police or a member of Command Staff. Following review of the request, it may be referred to the Program Administrator.

4. A FOIA request may be made¹, and shall be processed by Program Administrator, in accordance with the provisions of: General Order 523.20 (Handling Requests for Information (FOIA)); General Order 523.25 (Media Relations); and the provisions of this General Order.
5. The Program Administrator shall deliver the requested duplicate copy to the Requestor, after the request has been reviewed and the duplication has been authorized in accordance with this General Order.

When dissemination of the duplicate copy is to another public body, another law enforcement agency, or to another department within the City, the Program Administrator transmittal shall include a notice that use of the recording is limited to the purposes described in Section II of this General Order.

6. The Program Administrator shall keep a log documenting instances on which a duplicate of a BWC recording is made. The log shall record the name of the Requesting party, the date and time on which the duplicate was made, and a brief description of the content of the recording.

F. USE OF RECORDINGS

1. BWC recordings may be used by the City of Charlottesville and its Police Department, for any purposes within the contemplation of Section II of this General Order.
2. When required or permitted by law, the Police Chief may authorize the disclosure of a BWC recording to others, subject to measures (written agreements) designed to prevent the use or dissemination of personal information for purposes other than contemplated by Section II. Such agreements will specify requirements for security and usage, including limitations on access thereto, and the person receiving such information will be required to provide reasonable assurances that

¹Any duplication or inspection by the general public shall be subject to the following:

a) Pursuant to Va. Code 16.1-301(A) BWC records concerning a juvenile shall not be open to public inspection nor their contents disclosed to the public, unless a juvenile 14 years of age or older is charged with a violent juvenile felony as specified in subsections B and C of § 16.1-269.1.

b) Crime victims have a statutory right to nondisclosure of certain information, pursuant to Va. Code 19.2-11.2. BWC records, or portions thereof, containing information subject to this nondisclosure requirements will not be open to public inspection, nor their contents disclosed to the public, other than as expressly provided in Sec. 19.2-11.2.

c) BWC records, or portions thereof, containing other information that is legally protected as confidential, or otherwise prohibited from being publicly disclosed, shall not be open to public inspection, or their contents disclosed to the public.

those requirements and limitations will be observed

3. Neither the City of Charlottesville nor the Police Department can control the use of BWC recordings which are subject to public disclosure pursuant to mandates of FOIA or other applicable laws.

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



Agenda Date:	February 16, 2016
Action Required:	SIA Implementation Report to the City Council
Presenter:	Alex Ikefuna, NDS Director
Staff Contacts:	Alex Ikefuna, NDS Director
Title:	Status of Strategic Investment Area Implementation

Background:

In 2013, the City Council adopted the Strategic Investment Area Plan that was prepared by Cunningham, Quill Architects, Oculus. The planning process that resulted in this plan was very elaborate and included extensive public outreach and participation of representatives from appropriate city departments, the University of Virginia, private sector, nonprofit organizations, Charlottesville Redevelopment and Housing Authority and community residents. The plan outlined goals, recommendations and implementation strategies designed to revitalize the SIA.

Discussion:

The attached report is designed to provide the City Council a progress report on the implementation of the SIA Plan (see the attached report).

Alignment with City Council's Vision and Strategic Plan:

All the five core goals of the SIA plan aligns with the City Council Vision Statement: economic sustainability, quality housing opportunities for all, C'Ville Arts and Culture, green City and healthy, connected community of mutual respect. The plan is also consistent with the City's Strategic Plan Goals: Goal 1: Enhance the self-sufficiency of our residents; Goal 2: Be a safe, equitable, thriving and beautiful community; Goal 3: Have a strong diversified economy; and Goal 5: Foster Strong Connections.

Community Engagement:

There were several community engagements during the planning process; however, there has not been any community outreach conducted as part of preparing this report.

Budgetary Impact: This is a progress report and has no budget implications.

Recommendation: The absence of NDS Director for some time and the transition period affected the progression of the implementation of the SIA plan. With a new director on board, it is hoped that the implementation would be better coordinated. This vacuum affected the proper coordination, convening of the Implementation Team and tracking of implementation activities.

Granted the aforementioned, the following measures are recommended to guide continued future implementation of the SIA plan:

1. Convene quarterly meetings of the Implementation Team to discuss potential projects for implementation, funding mechanism, projects' status and challenges. A key factor in the future success of the implementation effort will be coordination.
2. Develop structured way of tracking and reporting implementation activities.
3. Require partners that are implementing projects that are partially or fully funded by the City to submit, as part of their annual reports, beneficiary information to include socio-economic data.
4. Engage the community in the implementation process.
5. Support the effort to strengthen and enhance the capacity of the Charlottesville Redevelopment and Housing Authority (CRHA) to act as a major partner in the implementation of the Strategic Investment Area plan.

Alternatives: Not applicable

Attachments:

SIA Implementation Report

SIA Map

SIA Implementation Report to the City Council

Overview: As I look on the accomplishments since the SIA plan was adopted in 2013, several key words come to mind: partnerships, facilitator, implementer and leadership. Through strengthening and securing crucial partnerships, building consensus, and developing resources and tools to facilitate and implement the SIA visions for revitalization and improvement, the City is incrementally leading the charge for revitalization in the SIA community. In 2013, the City Council approved the SIA plan. Although the implementation was interrupted due to the transition in NDS leadership, there was a measure of progress and accomplishments. Below are some of the significant accomplishments since the plan was adopted.

Infrastructure Improvement

East High and Lexington Streetscape Improvements – NDS submitted a request for funding to Virginia Department of Transportation (VDOT) to implement this project. The requested amount was \$5,638,000. The project would entail a multimodal improvement and connection for the exiting Downtown Pedestrian Mall to the recently redeveloping area where the old Martha Jefferson Hospital once resided for decades. The project alignment will connect with the 7th Street/Market Street intersection along Market Street to 9th Street, continuing north to High Street and terminating at the Locust Avenue intersection. Proposed improvements include widening sidewalks, landscaping, intersection improvements for ADA and pedestrian access, bike lanes, storm water quality features, improved wayfinding signage, signal upgrades and better access to mass transit facilities.

Garrett Street Stairs Improvement: The existing pedestrian stairs connecting the western end of Garrett Street with Ridge Street was identified in the Strategic Investment Area (SIA) Plan adopted by the City in 2013 as a connection in need of improvement. The stair's design and orientation, the proximity of the railroad, and the presence of overgrown vegetation creates an uncomfortable condition for both pedestrians using the stairs and adjacent land owners. Council directed staff to pursue re-orienting the stairs and providing a new, low-maintenance design for the open area surrounding the stairs to discourage loitering and maximize visibility while creating a pleasing environment. The design presented has been modified to overcome utility conflicts and limited funding availability for continued maintenance of any proposed vegetation. This project has been approved by the City Council for implementation. The bid to solicit contractors to construct the project was published in late fall of 2015 but no bid was received. The project will be re-advertised.

Belmont Bridge: The City is working with VDOT to replace this fifty-five year old bridge that is aging and needs replacement. Built in 1961, the bridge has been rated as being in poor condition. The bridge is a critical link between the neighborhoods and downtown. When completed, it would provide a more safe, effective and responsive movement of people and support of economic development. In the interim, the Request for Proposal (RFP) process has

closed and ten proposals were received. Staff is reviewing the packets in readiness for selection committee evaluation.

Economic Development and Business Investments: The most significant economic development project is the construction of the Kuttner building on the corner of Garret and 2nd. This is commonly referred to as the Treehouse and is a multi-story mixed use building. The project is estimated at over \$3 million. Occupancy has not occurred yet.

William Taylor Plaza: This project has BAR approval and is under site plan review. It is a new mixed-use Planned Unit Development on the corner of Ridge Street and Cherry Avenue. The proposed project will be built on a total of 2.9 acres. Phase One includes a proposed Marriott hotel with 114 rooms, a 533 Sq.ft of small retail space, parking, and the arboretum area. No residential units are proposed in Phase One. Phase Two may be residential or mixed use.

IX Park: This facility is becoming a neighborhood attraction, featuring family-oriented events like arts, free live concerts and entertainments. It is a community asset that helps to improve the quality of life of the residents.

Green Infrastructure and Walkable Community

Pollocks Branch Walkable Watershed: This project is a result of partnership between the City of Charlottesville, the James River Association, Skeo Solutions, the Center for Watershed Protection, and The Bridge PAI, and focuses on Walkable Watershed process for the lower portion of the Pollocks Branch watershed. It is about connecting the neighborhood to the Pollocks Branch, providing pedestrian and bicycle access, ensuring that stormwater runoff is clean before entering the Moores Creek; and community education of the residents on how to celebrate Pollocks Branch, become good stewards of the natural resource, as well as promote the watershed. This collaboration has resulted in the selection of a public property (Capstone Project) located at the end of 1st Street South, adjacent to the Daughters of Zion Cemetery and Crescent Halls and will include replacing an existing concrete stormwater drainage ditch with a vegetated bioretention swale. (<http://www.walkablewatershed.com/charlottesville/>).

Project partner, The Bridge Progressive Arts Initiative worked with community members to paint a temporary version of a mural designed by local youth and professional artist to celebrate local waterways. The Bridge Progressive Arts Initiative is also leading Water Wise, a project-based education program that allows underserved youth to research the importance of the local watersheds and respond through the creation of street murals (www.walkablewatershed.com).

Housing

Burnet Commons Phase 3 - "The Park: A major housing initiative underway is the reclamation of, and adaptive reuse of former 3.5 acre city-owned landfill for mixed-income

housing. The property is located on Elliott Avenue. Now known as Burnet Commons Phase 3 – “The Park”, this 3.5 acre site is currently being redeveloped and would create 46 homes, 20 of which are affordable units being developed by Habitat for Humanity of Greater Charlottesville. The other 26 will be market rate units and will be developed by Southern Development. At present, six affordable units have been completed and sold to low income families, with eleven more slated to be finished by the end of May 2016. The city’s 3.5 acres in public investment have helped to leverage more than \$4.9 million in private sector investment to provide affordable housing. This reclamation and adaptive reuse of an old landfill is a visible symbol of a successful land use decision.

Piedmont Housing Alliance: While the Charlottesville Redevelopment and Housing Authority (CRHA) redevelopment continues to be on hold, the City has been successful in working with Piedmont Housing Alliance (PHA) to start the process of visioning and creating a master plan for the redevelopment of Friendship Court. In November of 2015, the Piedmont Housing Alliance (PHA) requested and received \$350,000 in grant assistance from the Charlottesville Affordable Housing Fund (CAHF) for predevelopment expenses related to resident engagement, planning and preliminary site design for the redevelopment of Friendship Court, a 150 multi-family rental property currently owned by the National Housing Trust/Enterprise Preservation Corporation (NHT/E) as the managing partner, and PHA as the minority partner. In order to consider options for acquisition and redevelopment of this 11.75 acre property in advance of the October 2018 deadline, PHA would use CAHF funds for a market study and has engaged a notable planning team consisting of Stantec’s Urban Places Group. The proposed plan would utilize the HUD Choice Neighborhood’s planning model which emphasizes integrating social service, health, safety, education, workforce readiness, and similar dimensions of social and economic transformation into the bricks-and-mortar planning, including looking beyond the project site to the outlying surroundings. This effort would include extensive resident and community engagement that would help shape a highly visual master plan document, inclusive of supporting documentation reflective of public comment and involvement throughout this process. This project is a catalytic project that could help to increase the city’s housing inventory.

Housing Rehabilitation and Preservation

Housing Rehab/AHIP: Between 2013 and 2015, AHIP spent \$162,530.02 to rehabilitate 19 residential units. This project is very critical for housing stock preservation and neighborhood stabilization.

Historic Preservation: The City’s Historic Resources Committee (HRC) has prepared historic markers for both Oakwood and Daughters of Zion (DOZ) Cemeteries. Oakwood marker ceremony was held on November 22, 2015. The DOZ marker will be celebrated on Memorial Day in May of 2016. The HRC is also working with stakeholders to create a long term plan to rehabilitate and improve the cemetery.

North Belmont Historic Survey: Historic survey is underway in North Belmont to encourage preservation. A cost share grant has been received from the State to conduct a historic survey of approximately 295 properties never before surveyed. In addition the consultant will prepare a Preliminary Information Form as the first step toward having all or part of the area designated as a National Register Historic District, which would allow state and federal tax credits for rehabilitations (a voluntary strategy to protect historic properties). The project will be completed by June 2016. Cost is \$33,000 (50/50 between the City and State).

Neighborhood Safety

Area Crime: According to information provided by the Charlottesville Police Department, crime in the SIA is going down. In 2013, the number of Part 1 Crime incidents was 104 and 80 in 2015; down 23%.

Community Engagement

Kresge Foundation Grant and UACC: NDS is partnering with Urban Agriculture Collective of Charlottesville (UACC), Michael Bodaken of NHT/Enterprise Preservation Corporation, Matthew Slaats of the Bridge, Inc., UVA, and Friendship Court residents' representative to apply for Kresge Foundation's Fresh, Local & Equitable planning grant designed for underserved populations. This partnership is routed in the believe that the City wants and needs an organization like UACC to help the low income residents of the Ridge Street community have a real voice in the redevelopment of the SIA. The City believes that this grant would help to improve UACC's capacity building to act as active partner in redevelopment activities in the SIA. The planning grant is for \$75,000 on behalf of the UACC. If approved and funded, the study could lay a ground work for \$100,000 implementation fund from Kresge Foundation.

Community Foundation Grant: We are currently discussing grant possibility with the Community Foundation to do community engagement in the SIA. The grant application will be submitted in March of 2016.

2016 Work Program

Activity

Estimated Milestones

Support the Friendship Court Project

Underway

Support efforts designed to strengthen CRHA

Underway

Convene the Implementation Team

April 2016

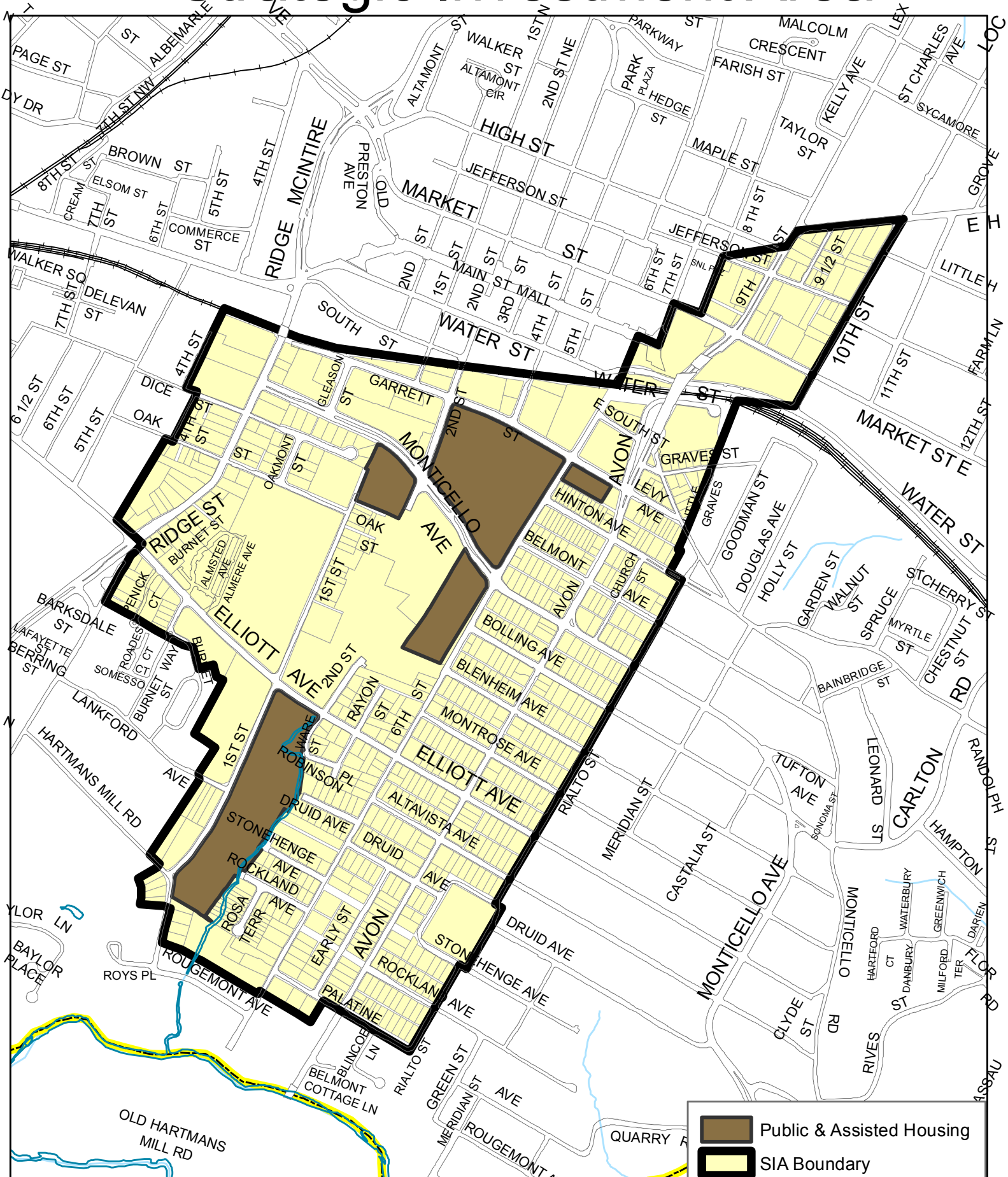
Rebid the Garrett Stair Improvement Project/
Complete construction

August 2016

Improve the East High at Lexington Avenue

Tentative/Pending

Strategic Investment Area



Public & Assisted Housing
 SIA Boundary



1 inch = 800 feet

NEIGHBORHOOD DEVELOPMENT SERVICES
 City of Charlottesville
 February 3, 2016