



CITY COUNCIL AGENDA
April 4, 2016

- 6:00 p.m.** **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Boards and Commissions; consultation with legal counsel regarding the negotiation of terms and conditions of an agreement for co-located General District Courts.)
- 7:00 p.m.** **Regular Meeting**
Council Chambers
- CALL TO ORDER**
PLEDGE OF ALLEGIANCE
ROLL CALL
- AWARDS/RECOGNITIONS ANNOUNCEMENTS** Annual National Service Day; Local Government Education Week; GO Driver
CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC
- MATTERS BY THE PUBLIC** Public comment provided for up to 12 speakers publicized at noon the day of the meeting (limit 3 minutes per speaker) and for an unlimited number of speakers at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.
- 1. CONSENT AGENDA*** (Items removed from consent agenda will be considered at the end of the regular agenda.)
- a. Minutes for March 21
 - b. APPROPRIATION: From CATEC to the CATEC - IT Networking Academy Project – \$201,500 (2nd of 2 readings)
 - c. APPROPRIATION: Edward Byrne Memorial Justice Assistance Grant (JAG) – \$24,950 (2nd of 2 readings)
 - d. APPROPRIATION: Community Mental Health and Wellness Coalition Donation from Charlottesville Albemarle Community Foundation \$10,000 (2nd of 2 readings)
 - e. APPROPRIATION: Department of Criminal Justice Byrne Special Fund Grant – \$9,991 (1st of 2 readings)
 - f. APPROPRIATION: Housing Opportunities Made Equal (HOME) – \$40,000 Program Income (1st of 2 readings)
 - g. APPROPRIATION: University of Virginia Contribution to Reward and Transfer from Citywide Reserve – \$20,000 (1st of 2 readings)
 - h. ORDINANCE: Lighttower Fiber Networks II, LLC Telecommunications Franchise (1st of 2 readings)
- 2. PUBLIC HEARING / APPROPRIATION* / ORDINANCES*** FY 2017 Budget – **10 minutes**
- APPROPRIATION – City Council's Proposed FY 2017 Budget (1st of 2 readings)
 - ORDINANCE – Annual Tax Levy (1st of 2 readings)
 - ORDINANCE – Amendment to City Code – Transient Occupancy (Lodging) Tax Ordinance Change (1st of 2 readings)
- 3. PUBLIC HEARING / ORDINANCE*** YMCA Utility Right-of-Way Agreement (1st of 2 readings) – **10 minutes**
- 4. PUBLIC HEARING / ORDINANCE*** Underground Utility Right-of-Way Agreement Across City Yard (1st of 2 readings) – **10 minutes**
- 5. RESOLUTION*** Parking Management Implementation Plan (1st of 1 reading) – **30 minutes**
- 6. ORDINANCE*** New Permit to Authorize Operation of Valet Parking within Public Rights-of-Way (1st of 2 readings) – **20 minutes**
- 7. RESOLUTION*** Strategic Investment Area Implementation Action Plan Framework (1st of 1 reading) – **20 minutes**
- 8. REPORT ONLY** 2015 Water Resources Protection Program Advisory Committee Report (*no verbal presentation*)
- OTHER BUSINESS**
- 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:	March 21, 2016
Action Required:	Approve Appropriation of Funds
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 Funds from C.A.T.E.C. to the C.A.T.E.C. - I.T. Networking Academy Project - \$201,500

Background: The City of Charlottesville has received a check from the Charlottesville Albemarle Technical Education Center (C.A.T.E.C.) in the amount of \$201,500 to be used for construction costs associated with facility renovations to accommodate the upcoming C.A.T.E.C. I.T. Networking Academy.

Discussion: The City of Charlottesville Facilities Development Division is overseeing the C.A.T.E.C. – I.T. Networking Academy Project. The preliminary design phase is complete and construction documents are nearing completion. The project is anticipated to be bid in March/April, with construction occurring over the school’s summer break. Construction costs are currently estimated at \$201,500 – this does not include classroom and lab furniture, including all I.T. related equipment.

Initial funding for design services was from the City’s Government Lump Sum with C.A.T.E.C. contributing a total of \$20,000 to replenish those funds. (Appropriation Memos were previously submitted in December and March.) The City, however, requested funds for construction prior to bidding the project, with the understanding that any remaining funds will be returned to C.A.T.E.C. upon project completion. Appropriation of these funds is necessary to move forward with the bidding phase of this project.

The total project budget is currently estimated at \$311,500 and the C.A.T.E.C. Center Board approved project expenditures up to that amount on January 27th, 2016. (See attached document entitled *I.T. Academy Construction Project* for reference.)

Alignment with Council Vision Areas and Strategic Plan: This project supports City Council’s “Smart, Citizen-Focus 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 City’s strategic plan”.

Community Engagement: N/A

Budgetary Impact: The funds will be appropriated into the C.A.T.E.C. – I.T. Networking Academy Project Account in the Capital Improvement Program Fund (P-00881-09).

Recommendation: Staff recommends approval and appropriation of the funds.

Alternatives: N/A

Attachments: N/A

APPROPRIATION.

**Appropriation of Funds from C.A.T.E.C. to the C.A.T.E.C. – I.T. Networking Academy
Project Account: \$201,500.**

WHEREAS, C.A.T.E.C. has made a contribution to the C.A.T.E.C. – I.T. Networking Academy Project in the amount of \$201,500 originating from C.A.T.E.C.’s Fund Balance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$201,500 from C.A.T.E.C. is to be appropriated in the following manner:

Revenues - \$201,500

Fund: 426 Funded Program: CP-016 (P-00881-09) G/L Account: 432900

Expenditures - \$201,500

Fund: 426 Funded Program: CP-016 (P-00881-09) G/L Account: 599999



IT Academy Construction Project*

Sources

CATEC Center Board Project Funding	\$	311,500.00
Strategic Planning	\$	-
Total	\$	311,500.00

Uses

City of Charlottesville Managed -		
A/E	\$	20,000.00
Construction	\$	201,500.00
Subtotal	\$	221,500.00
Albemarle County IT Managed - FFE Installation	\$	90,000.00
Total	\$	311,500.00

*CATEC Center Board approved January 27, 2016 (item number: 16-07)

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	March 21, 2016
Action Required:	Appropriate Grant Funds
Presenter:	Lt. C. S. Sandridge, Charlottesville Police Department
Staff Contacts:	Lt. C. S. Sandridge, Charlottesville Police Department
Title:	2015 Edward Byrne Memorial Justice Assistance Grant (JAG) - \$24,950

Background:

The U.S. Department of Justice, Office of Justice Program's Bureau of Justice Assistance has awarded the City of Charlottesville a 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$24,950 with no local match required.

Discussion:

The U.S Department of Justice (D.O.J.) provides funding for the Edward Byrne Memorial Justice Assistance Grant to assist state and local law enforcement with a broad range of activities. The Charlottesville Police Department will utilize this funding to purchase storage shelves to maximize space utilization and increase evidence storage area and organization. Collection and storage of evidence is of critical importance to criminal investigations. The Police Department only has a finite amount of space and this storage solution will help to make better use of the space that is available.

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. It specifically supports Goal 2.1, to provide and effective and equitable public safety system. The funding will be used to purchase a storage unit that will help maximize organization and storage in order to provide improved and more efficient services to meet the Police Department's goals.

Community Engagement:

N/A

Budgetary Impact:

There will be no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

The alternative is to not approve this project and not purchase the equipment

Attachments:

N/A

APPROPRIATION

**2015 Edward Byrne Memorial Justice Assistance Grant (JAG)
Grant # 2015-DJ-BX-0859
\$24,950**

WHEREAS, the City of Charlottesville, through the Police Department, has received the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$24,950 to be used for approved law enforcement equipment.

WHEREAS, the grant award covers the period from period October 1, 2014 through September 30, 2016

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$24,950, received from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, is hereby appropriated in the following manner:

Revenue

\$ 24,950 Fund: 211 I/O: 1900257 G/L: 431110 Federal Grants

Expenditure

\$ 24,950 Fund: 211 IO: 1900257 G/L: 520990 Other Supplies

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$24,950 from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	3/21/16
Action Required:	Appropriation
Presenter:	Rebecca Kendall, Human Services
Staff Contacts:	Rebecca Kendall, Human Services Mike Murphy, Assistant City Manager
Title:	Community Mental Health and Wellness Coalition Donation from Charlottesville Albemarle Community Foundation \$10,000

Background:

At the beginning of this fiscal year, the City of Charlottesville assumed the role of fiscal agent for the Community Mental Health and Wellness Coalition after the former fiscal agent, Thrive, closed its doors. This donation of \$10,000 from the Charlottesville Albemarle Community Foundation's Mental Health Services Fund comes from a long-standing donor to the Coalition, and will support infrastructure and staffing for the Coalition.

Discussion:

The Community Mental Health and Wellness Coalition is comprised of over 20 different mental health and community organizations with a mission of *collaborating to promote behavioral health and wellness through planning, advocacy and access to effective service delivery for our region*. Formed in 2009, the Coalition focuses its work across four broad goals: no wrong door, service system capacity, data and advocacy, and healthy coalition.

According to the Substance Abuse Mental Health Services Association, each year one in five adults will experience some kind of mental health issue. Since the Virginia Tech shootings and the death of State Senator Creigh Deeds' son, the great need for better coordination and access to services across the behavioral health system has received increased attention. On a regional level, the Thomas Jefferson Health District has identified access to mental health services as one of four priority areas in its Community Health Improvement Plan, and has identified the Community Mental Health and Wellness Coalition as the lead Coalition for implementing recommended strategies for improving health outcomes. The Coalition is currently working with the Thomas Jefferson Health District to analyze new data sources and has learned that, according to the Centers for Medicare and Medicaid Services, a greater percent Medicare recipients in Charlottesville have chronic depression than do Medicare recipients across Virginia and the United States.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be **America's Healthiest City** and it aligns with the goals and objectives of the City's Strategic Plan:

Goal 2: Be a safe, equitable, thriving and beautiful community

- 2.2. Consider health in all policies and programs
- 2.4. Ensure families and individuals are safe and stable

Goal 2: Foster strong connections

- 5.2. Build collaborative partnerships

The Community Mental Health and Wellness Coalition brings together healthcare, local government, and non-profit partners from across the safety net to develop a collaborative approach to addressing community mental health. The Coalition's goals and activities will establish health promoting programs and activities and will ultimately improve behavioral health outcomes for local residents.

Community Engagement:

The Community Mental Health and Wellness Coalition engages organizational partners from various sectors across the community. The Coalition works closely with peer and consumer organizations and reflects the needs, interests, and voices of residents directly engaged in the behavioral health services.

Budgetary Impact:

This has no impact on the General Fund. The funds will be expensed and reimbursed to the Human Services Fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If the grant funds are not accepted and appropriated, the Community Mental Health and Wellness Coalition may not have sufficient revenues to operate.

Attachments:

N/A

APPROPRIATION
Community Mental Health and Wellness Coalition Donation
\$10,000

WHEREAS, the City of Charlottesville has received a donation of \$10,000 from the Charlottesville Albemarle Community Foundation, Mental Health Services Fund; and

WHEREAS, the award is for undesignated purposes to be utilized for the Mental Health and Wellness Coalition.

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

Revenue – \$10,000

\$10,000 Fund: 213 Cost Center: 3413011000 G/L Account: 451020

Expenditures - \$10,000

\$10,000 Fund: 213 Cost Center: 3413011000 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$10,000 from the Charlottesville Albemarle Community Foundation.

BE IT FURTHER RESOLVED, that future fees and contributions to the Mental Health and Wellness Coalition program will be hereby considered as a continuing appropriation and immediately available for the Mental Health and Wellness Coalition program to spend appropriately.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 4, 2016
Action Required:	Appropriate Grant Funds
Presenter:	Thomas von Hemert, Crisis Intervention Team Coordinator, Charlottesville Police Department
Staff Contacts:	Thomas von Hemert, Crisis Intervention Team Coordinator, Charlottesville Police Department Lt. C. S. Sandridge, Charlottesville Police Department
Title:	Department of Criminal Justice Byrne Special Fund Grant - \$9,991

Background:

The Department of Criminal Justice Services has awarded the City of Charlottesville Crisis Intervention Team Program a Byrne Special Fund Grant in the amount of \$9,492, with a \$499 local match required.

Discussion:

The Department of Criminal Justice Services has awarded a one-time Byrne Special Fund Grant. These funds are to be used to bring a national speaker (Dr. Kevin Gilmartin) to the area for training that will benefit C.I.T. members, Law Enforcement and other first responders. Dr. Gilmartin is a behavioral scientist specializing in law enforcement related issues. His instruction will provide information for officers to use in handling personal situations and C.I.T. work related situations surrounding events that may affect mental health and well-being.

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, and 2.3 to consider health in all policies and programs. It provides information for Officers to use to more effectively evaluate and handle mental health related situations.

Community Engagement:

N/A

Budgetary Impact:

There is no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund. The matching \$499 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
\$9,991**

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 \$9,492, received from the Department of Criminal Justice Services is hereby appropriated in the following manner:

Revenue

\$9,492	Fund: 209	IO: 1900261	G/L: 430120 State (Fed pass-thru)
\$ 499	Fund: 209	IO: 1900261	G/L: 498010 Transfer from Other

Expenditure

\$9,991	Fund: 209	IO: 1900261	G/L: 530010 Professional Service
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Transfer

\$ 499	Fund: 209	IO: 1900225	G/L: 561209 Transfer to State Grant
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$9,492 from the Department of Criminal Justice Services.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 4, 2016
Action Required:	Approval and Appropriation
Presenter:	Tierra Howard, Grants Coordinator, Neighborhood Development Services
Staff Contacts:	Tierra Howard, Grants Coordinator, Neighborhood Development Services
Title:	Housing Opportunities Made Equal (HOME) - \$40,000 Appropriation of Program Income

Background:

Neighborhood Development received \$40,000 from Charlottesville Redevelopment & Housing Authority to repay two \$20,000 loans on properties – 919 Montrose & 1405 Hampton - made in prior years. The loans were made through the City’s Housing Opportunities Made Equal (HOME) program, and the repayment has been posted back to the HOME program. These funds are in addition to the FY2016 HOME funds of \$59,652 appropriated on April 20, 2015.

Discussion:

By using the funds from the repaid loans for existing HOME programs, previously appropriated HUD entitlement and matching funds are freed to use on other programs to assist city residents. To meet HUD requirements, the program income funds must be formally committed by July 1, 2016. As a result, the C.D.B.G Task Force made a recommendation to fund Habitat for Humanity with the program income, along with previously reprogrammed HOME funds to go towards down payment assistance activities based upon Habitat’s proposal to assist 12 homebuyers within the commitment deadline. Down payment assistance is an eligible activity under HOME, meets a council priority, and is consistent with the Consolidated Plan. In order for these funds to be committed and expended with HUD deadlines, City Council needs to appropriate the program income funds.

Community Engagement:

A request for proposals was held for housing projects. As required by the Citizen Participation Plan applications received were reviewed by the C.D.B.G Task Force. A 15-day public comment period was also held. The C.D.B.G Task Force reviewed and provided support for the MACAA recommendation. As required by the Citizen Participation Plan, a 15-day public comment period was held.

Alignment with City Council’s Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council’s vision for **Quality Housing**

Opportunities for All. Expected outcomes include access to affordable housing. The project also will help realize the following Strategic Plan objective: *1.3. Increase affordable housing options.*

Budgetary Impact:

The addition of these funds frees HUD entitlement funds for use in other programs to assist city residents. If these funds are not appropriated, then HUD entitlement funds will be lost. There is no budget impact for the City of Charlottesville.

Recommendation:

The C.D.B.G Task Force recommends approval of the appropriation of the HOME program income.

Alternatives:

If the HOME program income is not appropriated, the City will not meet the HUD HOME/C.D.B.G project commitment/timeliness deadline and will lose entitlement funds.

APPROPRIATION
Housing Opportunities Made Equal
\$40,000

WHEREAS, The City of Charlottesville has received \$40,000 from Charlottesville Redevelopment and Housing Authority as repayment for loans made through the HOME program in prior years;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$40,000 is hereby appropriated in the following manner:

\$40,000 Revenues

\$ 1,631.00	Fund: 210	IO: 1900167	G/L: 451070 C.D.B.G/HOME Program Income
\$33,133.34	Fund: 210	IO: 1900184	G/L: 451070 C.D.B.G/HOME Program Income
\$ 5,235.66	Fund: 210	IO: 1900249	G/L: 451070 C.D.B.G/HOME Program Income

\$40,000 Expenditures

\$ 1,631.00	Fund: 210	IO: 1900167	G/L: 530670 Other Contractual Services
\$33,133.34	Fund: 210	IO: 1900184	G/L: 530670 Other Contractual Services
\$ 5,235.66	Fund: 210	IO: 1900249	G/L: 530670 Other Contractual Services

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



Agenda Date:	April 4, 2016
Action Required:	Appropriation and Transfer of Funds
Presenter:	Captain Gary Pleasants, Support Services Division, Police Department
Staff Contacts:	Gary Pleasants, Police Department Leslie Beauregard, Assistant City Manager
Title:	University of Virginia Contribution to the reward for the Hannah Graham Homicide Case and Transfer from Citywide Reserve - \$20,000

Background:

On September 12, 2014, University of Virginia student Hannah Elizabeth Graham went missing from the City of Charlottesville. City police were notified on September 14, 2014 and started a criminal investigation. During the course of the investigation, the City of Charlottesville Police Department, with the approval of the City Manager, offered a reward of \$10,000 for information leading to the cause of Hannah's disappearance. The University of Virginia then added \$10,000 to the reward fund. Jesse Leroy Matthew was arrested and charged with the abduction and murder of Hannah and has since been sentenced to four life terms in prison.

Discussion:

During the investigation, several individuals came forward with information that was deemed important or critical, to solving this case. The Charlottesville Police Department is now ready to issue the reward money that was offered. The University of Virginia is providing a check in the amount of \$10,000 for distribution as seen appropriate by Charlottesville Police officers. This money, along with the \$10,000 offered by the City of Charlottesville, to be transferred from the Citywide Reserve account, will be paid out to the appropriate individuals.

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. It specifically supports Goal 2.1, to provide an effective and equitable public safety system, wherein citizens are encouraged and supported in their participation with the Police Department.

Community Engagement:

Several reward posters were distributed to the community and numerous pleas for assistance were put out through the local and national media. Our citizens responded and provided over 6,000 tips.

Budgetary Impact:

There is no budgetary impact as \$10,000 will be received from the University of Virginia and \$10,000 will be paid from previously appropriated citywide reserve funds in the General Fund.

Recommendation:

Staff recommends the appropriation of these funds.

Alternatives:

N/A

Attachments:

N/A

APPROPRIATION AND TRANSFER OF FUNDS.

**University of Virginia Contribution to the Reward for the Hannah Graham Homicide Case
and Transfer from Citywide Reserve.
\$20,000.**

WHEREAS, the City of Charlottesville, through the Police Department, has received a contribution from the University of Virginia to be used for the rewards offered in the Hannah Graham Homicide Case;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville funding is hereby appropriated and a transfer made in the following manner:

Revenue

\$10,000 Fund: 105 Cost Center: 3101001000 G/L Account: 451020

Expenditures

\$10,000 Fund: 105 Cost Center: 3101001000 G/L Account: 599999

Transfer Out

\$10,000 Fund: 105 Cost Center: 1631001000 G/L Account: 599999

Transfer In

\$10,000 Fund: 105 Cost Center: 3101001000 G/L Account: 599999

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 4, 2016
Action Required:	Ordinance Approval (Consent Agenda – 1 st of 2 readings)
Presenter:	Lisa A. Robertson, Chief Deputy City Attorney
Staff Contacts:	Andrew Gore, Assistant City Attorney
Title:	Lighttower Fiber Networks II, LLC Telecommunications Franchise

Background: Lighttower Fiber Networks II, LLC, has requested a telecommunications franchise with the City to install and maintain fiber lines and equipment. The proposed route is shown on the attached map, with the franchise applicable to those areas that are within the public rights of way (Emmet Street North and Hydraulic Road). Public Utilities staff, NDS staff and the City Engineer have reviewed the general plan submitted by Lighttower, and have no objection to the franchise agreement. Lighttower has secured an easement for that portion of the route that crosses private property (Kroger store property on Emmet Street).

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. In accordance with the franchise terms, Intellifiber 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 franchise agreement.

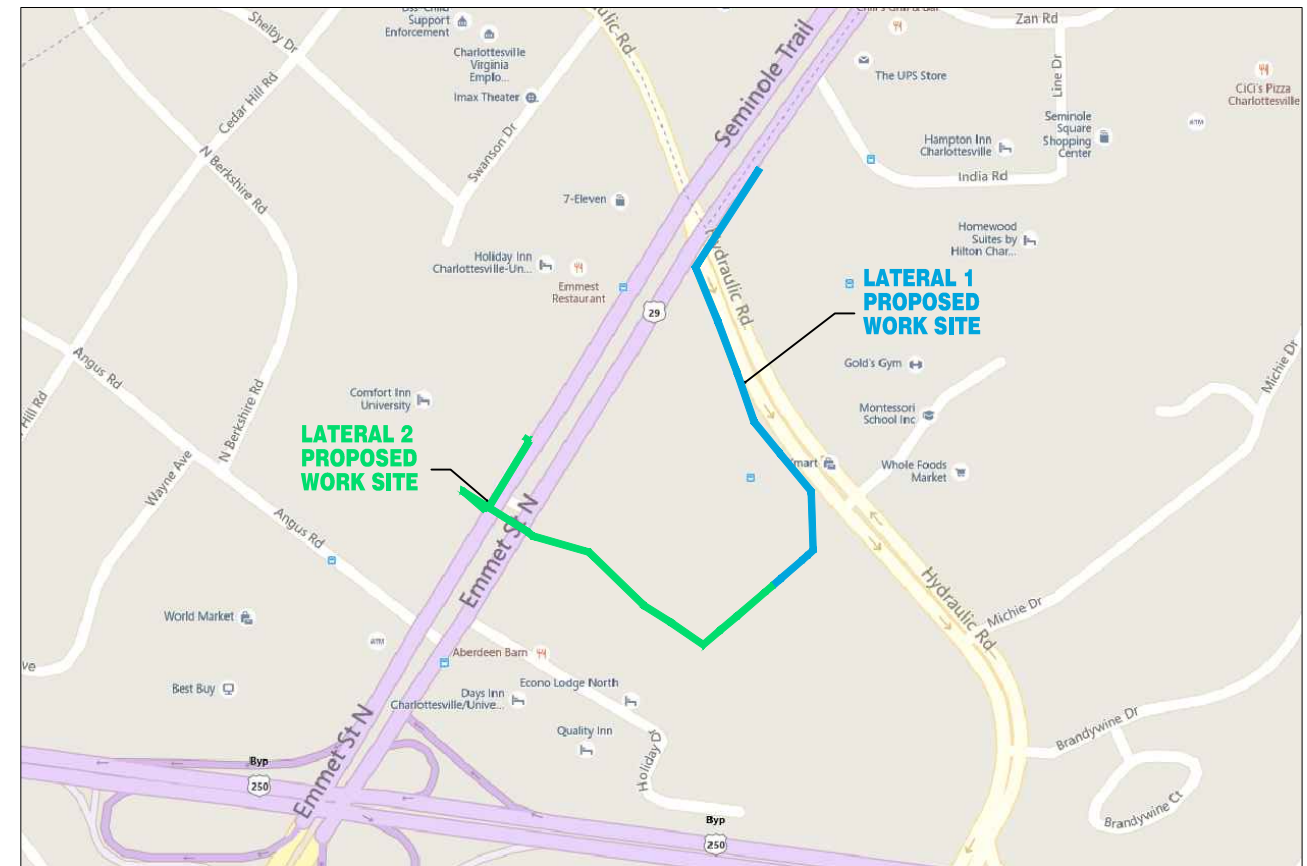
Alternatives: Council may decline to adopt the ordinance and decline to grant the franchise agreement with Lighttower Fiber Networks.

Attachments: Map
Proposed Lighttower Franchise Agreement Ordinance



*HYDRAULIC RD
PROPOSED FIBER ROUTE
CHARLOTTESVILLE, VA*

JANUARY 5, 2016



SITE MAP

CONTACTS

EXPRESS-TEK:

KLAUS SCHMIDT (540) 752-6691
ENGINEERING MANAGER

KEITH WARD (540) 752-6691
OSP ENGINEER

MATT NORRIS (540) 752-6691
PERMITTING

ISAAC HERRERA (540) 752-6691
PERMITTING

TRVIS STAPLES (540) 752-6691
DRAFTER

UTILITIES:

MISS UTILITY (VA)	24 HOUR NUMBER	(800) 552-7001
WILLIAMS PIPE LINE (TRANSCONTINENTAL)	WILLIAM POOLE	(703) 368 3255 X2223
EMERGENCY 24 HOUR NUMBER		(800) 257-7777
VIRGINIA POWER	GARY DORMAN	(540) 341-3159
EMERGENCY 24 HOUR NUMBER	TRANS. R/W ENCROACHMENT	(888) 667-3000
<u>NATURAL GAS</u>		
WASHINGTON GAS	DON JONES	(703) 750-5510
EMERGENCY 24 HOUR NUMBER	SUPERVISOR OF DAMAGE PREVENTION	(703) 750-1000
COLONIAL PIPE LINE	LARRY LOAR	(703) 504-5112
EMERGENCY 24 HOUR NUMBER		(800) 926-2728
COLUMBIA GAS	STEVE STIMSON	(540) 270-0694
EMERGENCY 24 HOUR NUMBER		(800) 835-7191

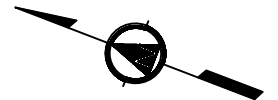
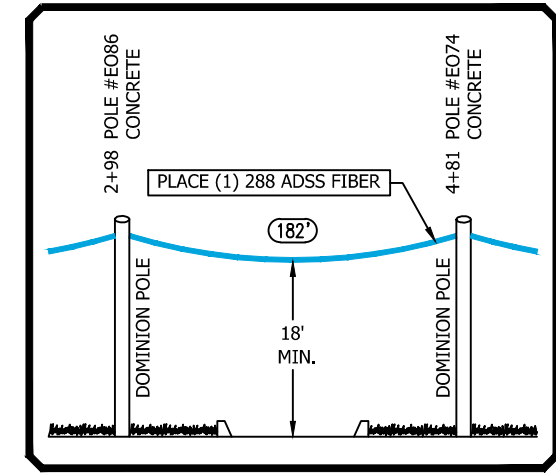
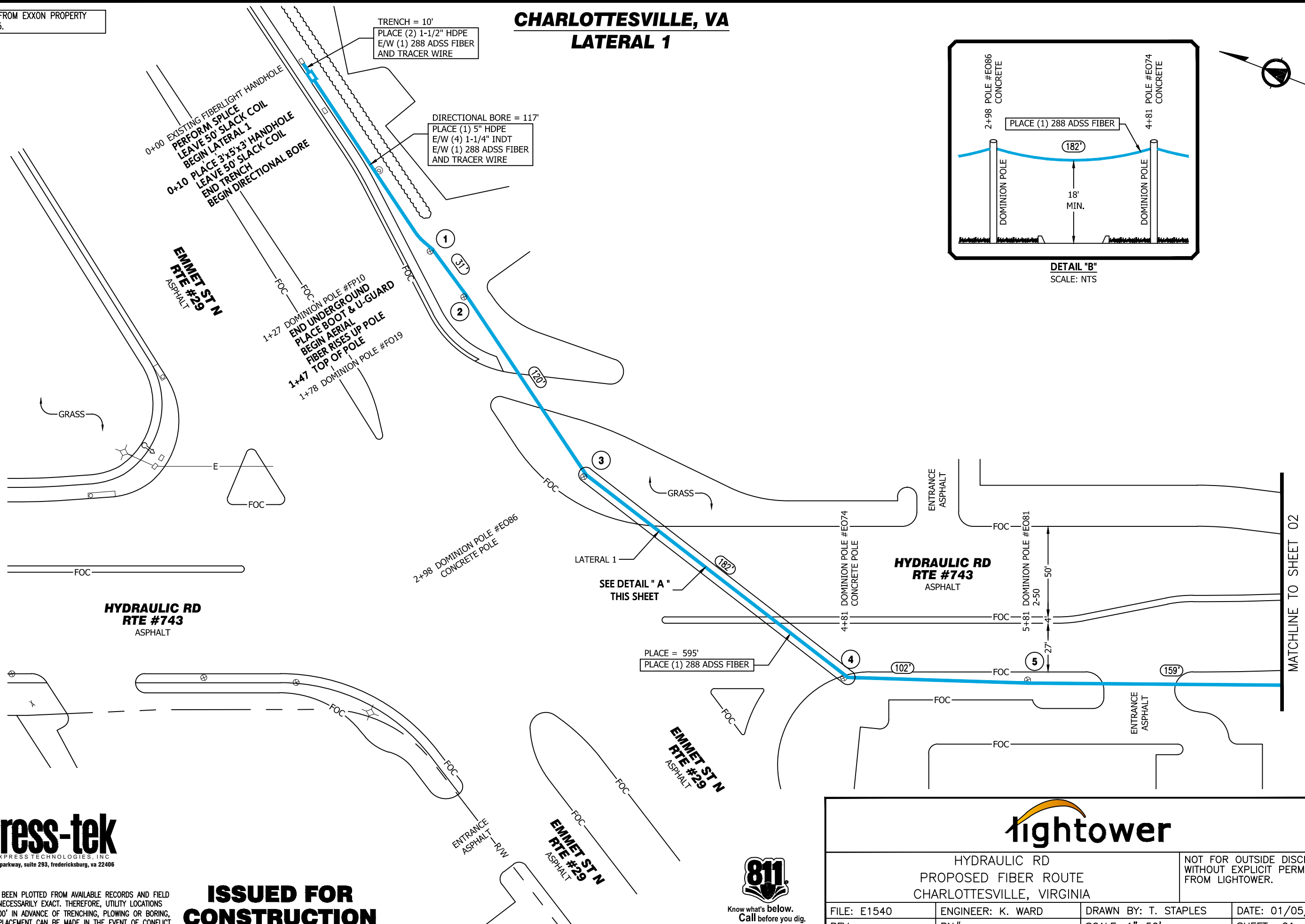
PERMITTING AGENCIES:

VDOT (ALBEMARLE) JOEL DENUNZIO (434) 293-0011

NOTE: THIS INFORMATION IS OR WILL BE BASED ON AREA OF WORK

RIGHT OF WAY DERIVED FROM EXXON PROPERTY
D.B. 333-293, PLAT 295.

CHARLOTTESVILLE, VA LATERAL 1



ISSUED FOR CONSTRUCTION

NOTE:
UNDERGROUND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE RECORDS AND FIELD OBSERVATIONS BUT ARE NOT NECESSARILY EXACT. THEREFORE, UTILITY LOCATIONS WILL BE VERIFIED AT LEAST 100' IN ADVANCE OF TRENCHING, PLOWING OR BORING, SO THAT CHANGES IN CABLE PLACEMENT CAN BE MADE IN THE EVENT OF CONFLICT.

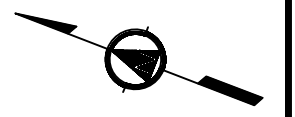
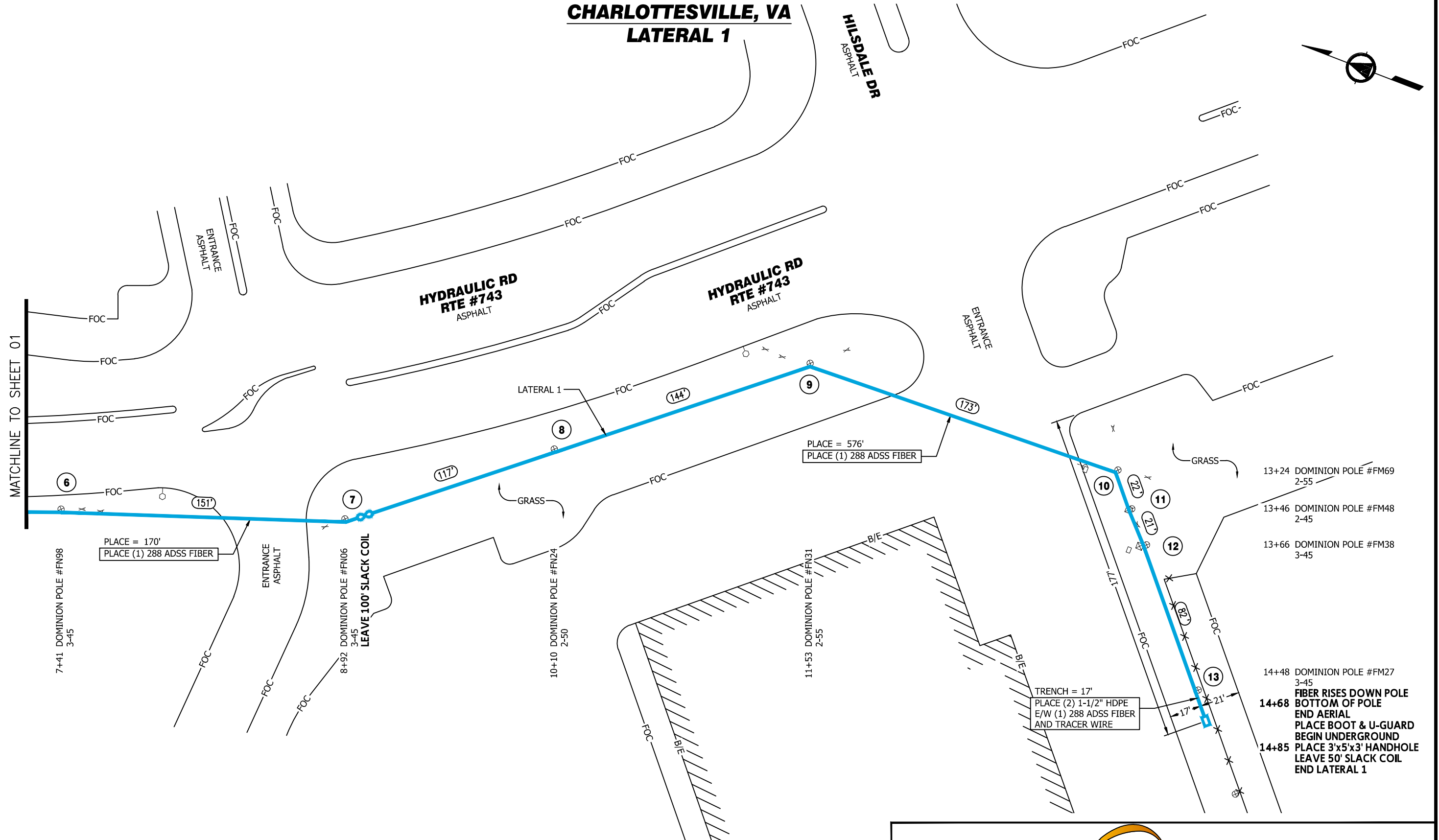


HYDRAULIC RD
PROPOSED FIBER ROUTE
CHARLOTTESVILLE, VIRGINIA

NOT FOR OUTSIDE DISCLOSURE
WITHOUT EXPLICIT PERMISSION
FROM LIGHTTOWER.

FILE: E1540	ENGINEER: K. WARD	DRAWN BY: T. STAPLES	DATE: 01/05/16
REV:	PN#:	SCALE: 1"=50'	SHEET: 01 OF 04

**CHARLOTTESVILLE, VA
LATERAL 1**



MATCHLINE TO SHEET 01

7+41 DOMINION POLE #FN98
3-45

PLACE = 170'
PLACE (1) 288 ADSS FIBER

8+92 DOMINION POLE #FN06
3-45
LEAVE 100' SLACK COIL

10+10 DOMINION POLE #FN24
2-50

11+53 DOMINION POLE #FN31
2-55

PLACE = 576'
PLACE (1) 288 ADSS FIBER

13+24 DOMINION POLE #FM69
2-55
13+46 DOMINION POLE #FM48
2-45
13+66 DOMINION POLE #FM38
3-45

14+48 DOMINION POLE #FM27
3-45
14+68 FIBER RISES DOWN POLE
BOTTOM OF POLE
END AERIAL
PLACE BOOT & U-GUARD
BEGIN UNDERGROUND
14+85 PLACE 3'x5'x3' HANDHOLE
LEAVE 50' SLACK COIL
END LATERAL 1

TRENCH = 17'
PLACE (2) 1-1/2" HDPE
E/W (1) 288 ADSS FIBER
AND TRACER WIRE



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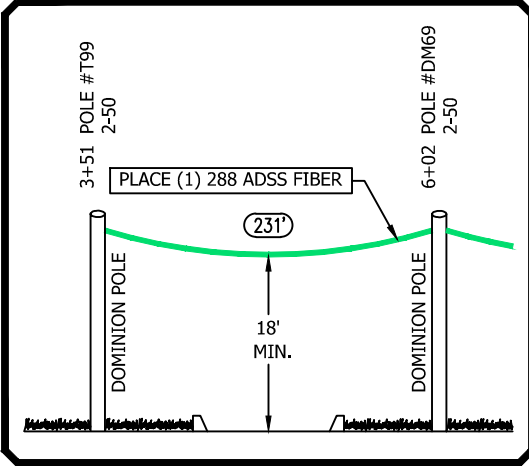
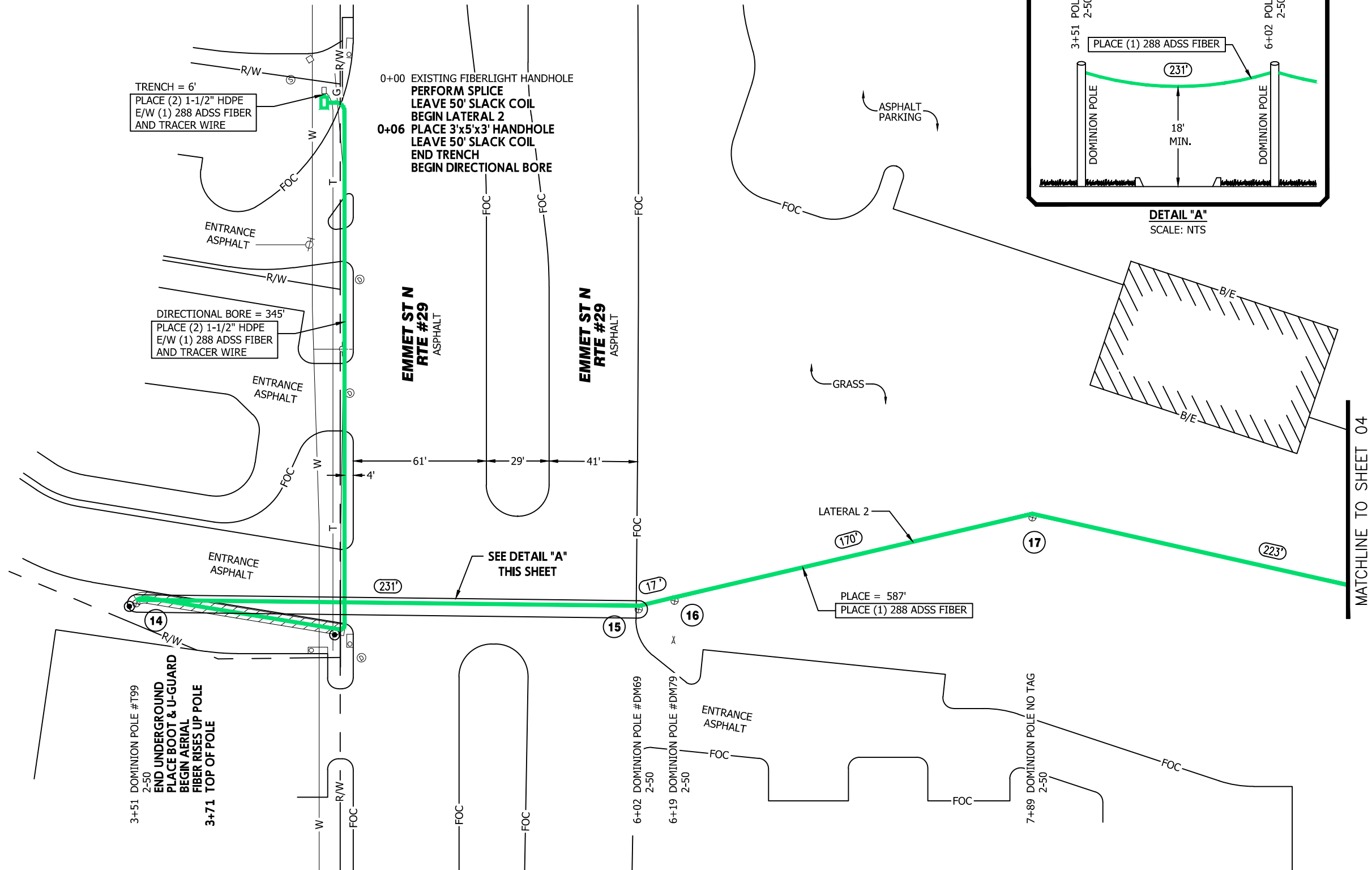
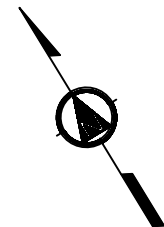
**ISSUED FOR
CONSTRUCTION**



FILE: E1540	ENGINEER: K. WARD	DRAWN BY: T. STAPLES	DATE: 01/05/16
REV:	PN#:	SCALE: 1"=50'	SHEET: 02 OF 04

RIGHT OF WAY DERIVED FROM SUBDIVISION PLAT SHOWING LOTS 2A-1 & 2B-1, A REDIVISION OF LOTS 2A & 2B, RECORDED IN D.B. 454 P.837.

CHARLOTTESVILLE, VA LATERAL 2



TRENCH = 6'
PLACE (2) 1-1/2" HDPE
E/W (1) 288 ADSS FIBER
AND TRACER WIRE

0+00 EXISTING FIBERLIGHT HANDHOLE
PERFORM SPLICE
LEAVE 50' SLACK COIL
BEGIN LATERAL 2
0+06 PLACE 3'x5'x3' HANDHOLE
LEAVE 50' SLACK COIL
END TRENCH
BEGIN DIRECTIONAL BORE

DIRECTIONAL BORE = 345'
PLACE (2) 1-1/2" HDPE
E/W (1) 288 ADSS FIBER
AND TRACER WIRE

PLACE = 587'
PLACE (1) 288 ADSS FIBER

3+51 DOMINION POLE #T99
2-50
END UNDERGROUND
PLACE BOOT & U-GUARD
BEGIN AERIAL
FIBER RISES UP POLE
3+71 TOP OF POLE

6+02 DOMINION POLE #DM69
2-50
6+19 DOMINION POLE #DM79
2-50

7+89 DOMINION POLE NO TAG
2-50

NOTE:
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**ISSUED FOR
CONSTRUCTION**

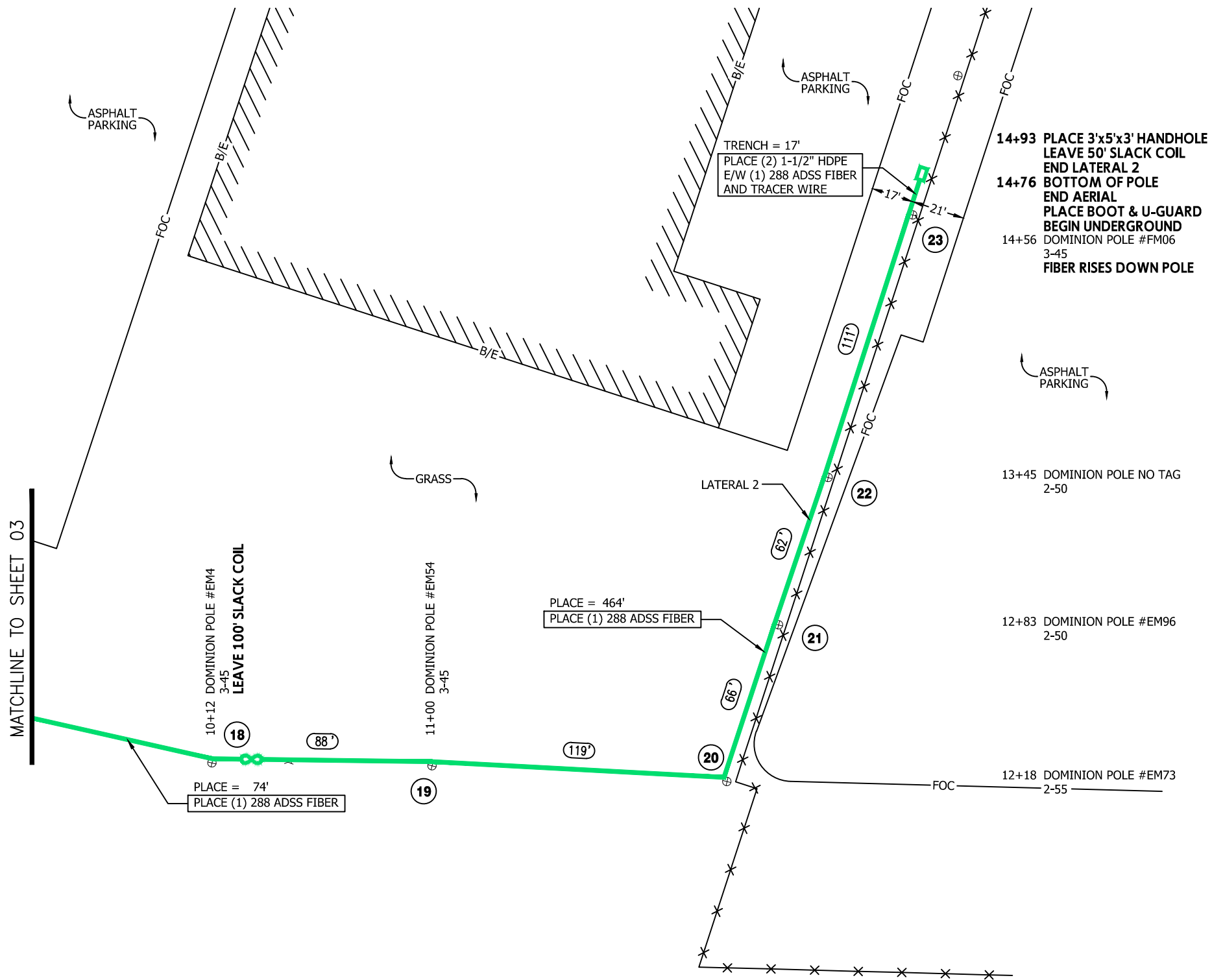
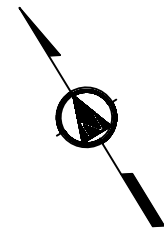


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PROPOSED FIBER ROUTE
CHARLOTTESVILLE, VIRGINIA

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REV:	PN#:	SCALE: 1"=50'	SHEET: 03 OF 04

**CHARLOTTESVILLE, VA
LATERAL 2**



14+93 PLACE 3'x5'x3' HANDHOLE
LEAVE 50' SLACK COIL
END LATERAL 2
14+76 BOTTOM OF POLE
END AERIAL
PLACE BOOT & U-GUARD
BEGIN UNDERGROUND
14+56 DOMINION POLE #FM06
3-45
FIBER RISES DOWN POLE

13+45 DOMINION POLE NO TAG
2-50

12+83 DOMINION POLE #EM96
2-50

12+18 DOMINION POLE #EM73
2-55

10+12 DOMINION POLE #EM4
3-45
LEAVE 100' SLACK COIL

11+00 DOMINION POLE #EM54
3-45

PLACE = 464'
PLACE (1) 288 ADSS FIBER

PLACE = 74'
PLACE (1) 288 ADSS FIBER

TRENCH = 17'
PLACE (2) 1-1/2" HDPE
E/W (1) 288 ADSS FIBER
AND TRACER WIRE

MATCHLINE TO SHEET 03

NOTE:
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**ISSUED FOR
CONSTRUCTION**



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FILE: E1540	ENGINEER: K. WARD	DRAWN BY: T. STAPLES	DATE: 01/05/16
REV:	PN#:	SCALE: 1"=50'	SHEET: 04 OF 04

**AN ORDINANCE
GRANTING A TELECOMMUNICATIONS FRANCHISE TO
LIGHTOWER FIBER NETWORKS II, LLC, 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 Lightower Fiber Networks II, LLC, (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 conduit, cabinets, posts, poles, cables, radios, antennas, 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 Lightower Fiber Networks II, LLC, 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 located as shown on the attached drawing/map, subject to final approval by the Director. Any additional installation of equipment, lines, cables or other Facilities shall be underground unless it shall be determined by the Director as set forth in Article III that it is not feasible to do so.

Section 202 Subsequent Installation

202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:

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

202.2 GENERAL PREFERENCE FOR UNDERGROUND FACILITIES: As a matter of policy, the City prefers that the installation of any Facility within the PROW occur underground. Notwithstanding this preference, the City recognizes that in some circumstances the

placement of Facilities underground may not be appropriate. Any additional installation of lines, cable, equipment or other Facilities shall be underground unless it shall be determined by the Director, pursuant to Article III, that it is not feasible to do so.

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

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

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

Section 203 Inspection by the City

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

Section 204 Authority of the City to Order Cessation of Excavation

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

Section 205 Location of Posts, Poles, Cables and Conduits

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

SECTION 206 OBSTRUCTION OF THE PROW

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

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

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

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

Article III

Section 301 Administration of the Public Rights of Way

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

Section 302 Submission of PROW Plan

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

Section 303 Good Cause Exception

303.1 WAIVER: The Director, at 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 person whose facilities occasioned 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 execution of this franchise.

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

Section 604 Negligence and Intentional Acts

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

Article VII

SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND

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

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND

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

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

SECTION 703 PURPOSE OF PERFORMANCE BOND

The Performance Bond shall serve as security for:

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

Section 704 Fees or Penalties for Violations of the Ordinance

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

704.2 APPEAL: The Company may, upon written request within thirty (30) days of the City's decision to assess a fee or penalty and for reasons of good cause, ask the City to reconsider its imposition of a fee or penalty pursuant to this Ordinance unless another period is provided for in applicable law. The City shall schedule its review of such request to be held within forty-five (45) days of receipt of such request from the

Company. The City's decision on the Company's appeal shall be in writing and supported by written findings establishing the reasonableness of the City's decision. During the pendency of the appeal before the City or any subsequent appeal thereafter, the Company shall place any such fee or penalty in an interest-bearing escrow account. Nothing herein shall limit the Company's right to challenge such assessment or the City's decision on appeal, in a court of competent jurisdiction.

Article VIII

SECTION 801 COMPENSATION/PROW USE FEE.

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

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

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

SECTION 802 RESERVED

SECTION 803 NO CREDITS OR DEDUCTIONS

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

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

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

date paid at a rate equal to the rate of interest then charged by the City for late payments of real estate taxes.

Article IX

Section 901 Reservation of All Rights and Powers

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

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

Section 902 Severability

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

Article X

Section 1001 Maintenance Obligation

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

Section 1002 Tree Trimming

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

Article XI

Section 1101 Initial Term of Telecommunications Franchise

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

Section 1102 Application for New Telecommunications Franchise

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

Section 1103 Operation of Facilities Owned by the Company While Renewal is Pending

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

Article XII

Section 1201 Notice

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

To the Company:

Lightower Fiber Networks
Attn: COO
80 Central Street
Boxborough, MA 01719

To the City:

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

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

Section 1202 Emergency Notification

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

To the Company:

Lightower NOC: 888-LT-FIBER (888-583-4237), Option #1. (Staffed by Lightower personnel 24x7x365).

To the City:

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

Judith Mueller, 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 update all of the above information with the City within fifteen (15) days following its knowledge of any change.

Article XIII

Section 1301 Termination of Telecommunications Franchise

The franchise granted by this Ordinance may be terminated:

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

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

Article XIV

Section 1401 Removal of Facilities from the Public Rights-of-Way

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

Section 1402 Abandonment of Facilities Owned by the Company in the Public Rights-of-Way

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

Article XV

SECTION 1501 Prior Written Consent for Assignment

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

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

Section 1502 Successors and Assigns

Notwithstanding Section 1501, the Company may assign, transfer, or sublet its rights, without the consent of the City, to any person or entity that controls, is controlled by or is under common

control with the Company, any company or entity with which or into which the Company may merge or consolidate, to any lender of the Company provided the City is advised of the action prior to enactment. Any successor(s) of the Company shall be entitled to all rights and privileges of this franchise granted by this Ordinance and shall be subject to all the provisions, obligations, stipulations and penalties herein prescribed.

Article XVI

Section 1601 Nonexclusive Franchise

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

Article XVII

Section 1701 All Waivers in Writing and Executed by the Parties

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

Section 1702 No Constructive Waiver Recognized

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

Article XVIII

Section 1801 No Discrimination

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

Article XIX

Section 1901 Force Majeure

Neither the Company nor the City shall be liable for any delay or failure in performance of any part of the franchise granted by this Ordinance from any cause beyond its control and without its fault or negligence including, without limitation, acts of nature, acts of civil or military authority,

government regulations embargoes, epidemics, terrorist acts, riots insurrections, fires, explosions, earthquakes, nuclear accidents, floods, work stoppages, equipment failure, power blackouts, volcanic action, other major environmental disturbances, or unusually severe weather conditions.

Article XX

Section 2001 Effective Date

This Ordinance shall be effective upon its passage.

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

Paige Rice, Clerk of Council

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

LIGHTOWER FIBER NETWORKS II, LLC

By _____

Its _____

Date _____

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 4, 2016
Action Required:	Approval and Appropriation (1 st Reading)
Staff Contacts:	Leslie Beauregard, Assistant City Manager
Presented By:	Maurice Jones, City Manager Leslie Beauregard, Assistant City Manager
Title:	Public Hearing on Budget/First Reading of Budget and Tax Ordinances – Tax Levy Ordinance, Transient Lodging Tax Ordinance Change and FY 2017 Budget Appropriation

Background: The FY 2017 Budget Appropriation reflects changes/amendments made to the FY 2017 City Manager’s Proposed Budget. This is also the first reading for the annual Tax Levy Ordinance and changes to the Transient Lodging Tax Ordinance.

Discussion: The following amendments have been made to the FY 2017 City Manager’s Proposed Budget. Since Council will not complete their budget until April 12th, the attached budget amendments reflect only changes Council has made to date. There are several decision points that Council is still considering that will be outlined in the presentation at the Council meeting. Once Council completes their budget, all amendments will be fully incorporated and Council will amend the budget on second reading on April 12th.

Community Engagement: Tonight’s meeting includes a public hearing on the budget and continues a series of public engagement opportunities around the budget. There is also a final Budget Worksession on April 7th from 5PM – 7PM that includes a public comment period at the end of the meeting.

Alignment with City Council’s Vision and Strategic Plan:

This budget aligns with Council’s Vision and Strategic Plan and is detailed in the budget document.

Budgetary Impact: This is the first of two readings that adopts the final budget for Fiscal Year 2017.

Recommendation: Approval and Appropriation (1st reading)

Alternatives: N/A

Attachments: Tax Levy Ordinance; Transient Lodging Tax Ordinance; Amendments to the FY 2017 City Manager's' Proposed Budget; FY 2017 Budget Appropriation

**AN ORDINANCE
TO ESTABLISH THE ANNUAL TAX LEVY
ON VARIOUS CLASSES OF PROPERTY FOR THE
PAYMENT OF INTEREST AND RETIREMENT OF THE CITY DEBT,
FOR THE SUPPORT OF THE CITY GOVERNMENT AND
CITY SCHOOLS, AND FOR OTHER PUBLIC PURPOSES.**

BE IT ORDAINED by the Council of the City of Charlottesville that for the year beginning on the first day of January, 2016 and ending the thirty-first day of December, 2016, and each year thereafter which this ordinance is in force, the taxes on property in the City of Charlottesville shall be as follow:

Section 1. Real Property and Mobile Homes

On tracts of land, lots or improvements thereon and on mobile homes the tax shall be \$.95 on every \$100 of the assessed value thereof, to pay the general operating expenses of the City and to pay the interest and retirement on the City debt.

Section 2. Personal Property

On all automobiles, trucks, motorcycles and other motor vehicles; boats and aircraft; and on all tangible personal property used or held in connection with any mining, manufacturing or other business, trade, occupation or profession, excluding furnishings, furniture and appliances in rental units, the tax shall be \$4.20 on every \$100 of the assessed value thereof, to pay the general operating expenses of the City and to pay the interest and retirement on the City debt.

Section 3. Public Service Corporation Property

(a) On that portion of the real estate and tangible personal property of public service corporations which has been equalized as provided in section 58.1-2604 of the Code of Virginia, as amended, the tax shall be \$.95 on every \$100 of the assessed value thereof determined by the State Corporation Commission.

(b) The foregoing subsections to the contrary notwithstanding, on automobiles and trucks belonging to such public service corporations the tax shall be \$4.20 on every \$100 of assessed value thereof.

(c) Such taxes are levied to pay the general operating expenses of the City and to pay the interest and retirement on the City debt.

Section 4. Machinery and Tools

On machinery and tools used in a manufacturing or mining business the tax shall be \$4.20 on every \$100 assessed value thereof, to pay the general operating expenses of the City and to pay the interest and retirement on the City debt.

Section 5. Energy Efficient Buildings

- (a) On energy efficient buildings the tax shall be \$.475 on every \$100 of the assessed value thereof, to pay the general operating expenses of the City and to pay the interest and retirement on the City debt.
- (b) This tax rate is subject to the limitations in Chapter 30, Article V, Division 4 of the Charlottesville City Code, 1990, as amended, and applies only to buildings and not the real estate or land on which they are located.

BE IT FURTHER ORDAINED that the ordinance imposing the tax levy adopted April 14, 2015 be and the same is hereby repealed.

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 30-253 OF CHAPTER 30 (TAXATION)
INCREASING THE TRANSIENT OCCUPANCY TAX
FROM 6% TO 7% FOR TRANSIENT LODGING.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

- (1) Section 30-253 of Article IX (Transient Occupancy Tax) of Chapter 30 (Taxation) is hereby amended and reordained, as follows:

Sec. 30-253. Levied.

There is hereby imposed and levied upon every transient obtaining or occupying lodging within the city, in addition to all other taxes and fees of every kind now imposed by law, a tax equivalent to ~~six (6)~~ seven (7) percent of the amount charged for such lodging.

- (2) This ordinance shall take effect on July 1, 2016.

City Council Amendments to the FY 2017 Proposed General Fund Budget

Manager's Recommended FY 17 Revenue Estimates	\$	161,871,784
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Amendments to FY 17 Revenue Estimates

Decrease Revenues

Local Taxes

Tax on Wills and Deeds	(80,000)
Virginia Communications Sales and Use Tax	(96,000)

Designated Revenue

Contractual Services: Pupil Transportation	(2,891)
Contractual Services: School Building Maintenance	(38,089)

Increase Revenues

Licenses and Permits

Business and Professional Licenses	161,785
Electrical and Mechanical Permits	50,000
Building and Plumbing Permits	50,000

Intergovernmental Revenue

State Compensation Board	5,518
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Charges for Services

Parks and Recreation Revenue (Monthly Access Passes)	12,509
Parks and Recreation - Restore Smith Aquatic and Fitness Center AM Hours	1,082
Parks and Recreation - Restore Washington Park Pool PM Hours	312
Waste Disposal Fees	50,000

FY 2016 Carryover

Council Strategic Initiatives for Jefferson School Foundation and Big Brothers/Big Sisters Young Lions Mentoring Program	40,000
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Total Revenue Amendments	\$	154,226
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Total Amended FY 17 General Fund Revenue Estimates	\$	162,026,010
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Amendments to FY 17 Expenditures

Decrease Expenditures

City Departments

Reduced Vehicle Fuel Cost

J&DR Court	(63)
City Sheriff	(2,764)
City Manager's Office	(125)
Public Works Facilities Development	(188)
Public Works Facilities Maintenance	(502)
Public Service Administration	(440)
Streets and Sidewalks	(15,379)
Public Works Stormwater	(4,398)
Refuse Collection	(1,885)
Large Item Pickup	(1,885)
Traffic Operations	(1,759)
City HVAC/Electrical Operations	(252)
Police	(34,681)
Parks and Recreation	(6,370)
Neighborhood Development Services	(1,319)

Transfer to Charlottesville Area Transit Fund

Transfer to Charlottesville Area Transit (reduced fuel cost)	(92,820)
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Designated Expenditures

Contractual Services: Pupil Transportation (reduced fuel cost)	(2,891)
Contractual Services: School Building Maintenance (reduced fuel cost)	(38,089)

Outside and Nonprofit Agencies

Charlottesville-Albemarle Regional Jail	(12,345)
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Increase Expenditures

Unallocated Funds

Funds available to be allocated by Council at the April 7th budget worksession or appropriated to the Council Strategic Initiatives Fund as allocations are determined off budget cycle.	237,643
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Departmental

Parks and Recreation - Restore Smith Aquatic and Fitness Center AM Hours	10,987
Parks and Recreation - Restore Washington Park Pool PM Hours	7,951

Nonprofit and Outside Agencies

Virginia Cooperative Extension Service	473
Blue Ridge Juvenile Detention Center	563
Legal Aid Justice Center	50,973
Jefferson School Foundation	30,000
Big Brothers/Big Sister Young Lions Mentoring Program	10,000
<i>Restoration of 5% cut in funding for agencies receiving "Solid" program scores</i>	
Charlottesville Abundant Life Ministries	1,432
Jefferson Area CHIP	1,192
Legal Aid Justice Center	983
MACAA	4,828
Offender Aid & Restoration	731
Piedmont CASA	491
Piedmont Housing Alliance	4,610
PHAR	1,250
Shelter for Help in Emergency	3,306
Thomas Jefferson Area Coalition for the Homeless	3,740
Virginia Film Festival	760
First Night Virginia	119
Ash Lawn-Highland Summer Festival	162
Charlottesville Festival of Cultures	187

Total Expenditure Amendments **\$ 154,226**

Total Amended FY 17 General Fund Expenditures **\$ 162,026,010**

City Council Amendments to the FY 2017 Proposed Capital Improvement Program Budget

Manager's Recommended FY 17 Revenue Estimates	\$	20,405,486
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Amendments to FY 17 Revenue Estimates

Decrease Revenues

Revenue from Albemarle County		(134,000)
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Increase Revenues

CY 2017 Bond Issue		134,000
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Total Revenue Amendments	\$	-
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Total Amended FY 17 Capital Fund Revenue Estimates	\$	20,405,486
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Manager's Recommended FY 17 Expenditures	\$	20,405,486
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Amendments to FY 17 Expenditures

Increase Expenditures

Charlottesville Affordable Housing Fund		130,280
Urban Tree Preservation and Planting		25,000
Charlottesville High School Track (design work/County approvals)		100,000
Charlottesville High School Field House (design work)		100,000
Unallocated capital budget funds		169,720

Decrease Expenditures

Parkland Acquisition		(25,000)
Parks Plan Implementation - (Skatepark reduced by \$250,000; McIntire Park Master Plan and Meadowcreek Valley Master Plan Implementation reduced by \$250,000)		(500,000)

Total Expenditure Amendments	\$	-
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Total Amended FY 17 Capital Fund Expenditures	\$	20,405,486
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**City Council Amendments to the
FY 2017 Proposed Transit Fund Budget**

Manager's Recommended FY 17 Revenue Estimates	\$	7,716,428
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Amendments to FY 17 Revenue Estimates

Decrease Revenues

Revenue - Albemarle County		(7,180)
Transfer from General Fund		(92,820)

Increase Revenues

Revenue - Albemarle County		73,815
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Total Revenue Amendments	\$	<u>(26,185)</u>
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Total Amended FY 17 Transit Fund Revenue Estimates	\$	7,690,243
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Manager's Recommended FY 17 Expenditures	\$	7,716,428
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Amendments to FY 17 Expenditures

Decrease Expenditures

Vehicle Fuel Savings		(100,000)
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Increase Expenditures

Salaries and Benefits		73,230
Maintenance Expenses		585

Total Expenditure Amendments	\$	<u>(26,185)</u>
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Total Amended FY 17 Transit Fund Expenditures	\$	7,690,243
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**City Council Amendments to the
FY 2017 Proposed Social Services Fund Budget**

Manager's Recommended FY 17 Revenue Estimates	\$	14,039,815
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Amendments to FY 17 Revenue Estimates

Decrease Revenues

State Assistance		(809)
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Total Revenue Amendments	\$	(809)
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Total Amended FY 17 Social Services Fund Revenue Estimates	\$	14,039,006
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Manager's Recommended FY 17 Expenditures	\$	14,039,815
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Amendments to FY 17 Expenditures

Increase Expenditures

Vehicle Fuel Savings		(809)
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Total Expenditure Amendments	\$	(809)
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Total Amended FY 17 Social Services Fund Expenditures	\$	14,039,006
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**City Council Amendments to the
FY 2017 Proposed Human Services Fund Budget**

Manager's Recommended FY 17 Revenue Estimates	\$	5,910,599
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Amendments to FY 17 Revenue Estimates

Decrease Revenues

Welfare Revenue		(2,137)
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Total Revenue Amendments	\$	(2,137)
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Total Amended FY 17 Human Services Fund Revenue Estimates	\$	5,908,462
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Manager's Recommended FY 17 Expenditures	\$	5,910,599
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Amendments to FY 17 Expenditures

Increase Expenditures

Vehicle Fuel Savings		(2,137)
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Total Expenditure Amendments	\$	(2,137)
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Total Amended FY 17 Human Services Fund Expenditures	\$	5,908,462
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**City Council Amendments to the
FY 2017 Proposed Golf Fund Budget**

Manager's Recommended FY 17 Expenditures	\$	880,507
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Amendments to FY 17 Expenditures

Increase Expenditures

Vehicle Fuel Savings		(252)
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Total Expenditure Amendments	\$	(252)
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Total Amended FY 17 Golf Fund Expenditures	\$	880,255
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**City Council Amendments to the
FY 2017 Proposed Water Fund Budget**

Manager's Recommended FY 17 Revenue Estimates	\$	10,623,993
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Amendments to FY 17 Revenue Estimates

Decrease Revenues

Water Sale Revenue		(5,058)
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Total Revenue Amendments	\$	(5,058)
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Total Amended FY 17 Water Fund Revenue Estimates	\$	10,618,935
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Manager's Recommended FY 17 Expenditures	\$	10,345,198
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Amendments to FY 17 Expenditures

Increase Expenditures

Vehicle Fuel Savings		(5,026)
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Total Expenditure Amendments	\$	(5,026)
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Total Amended FY 17 Water Fund Expenditures	\$	10,340,172
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**City Council Amendments to the
FY 2017 Proposed Wastewater Fund Budget**

Manager's Recommended FY 17 Revenue Estimates	\$	13,529,269
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Amendments to FY 17 Revenue Estimates

Decrease Revenues

Sewer Sale Revenue		(3,802)
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Total Revenue Amendments	\$	(3,802)
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Total Amended FY 17 Wastewater Fund Revenue Estimates	\$	13,525,467
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Manager's Recommended FY 17 Expenditures	\$	13,250,474
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Amendments to FY 17 Expenditures

Increase Expenditures

Vehicle Fuel Savings		(3,770)
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Total Expenditure Amendments	\$	(3,770)
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Total Amended FY 17 Wastewater Fund Expenditures	\$	13,246,704
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**City Council Amendments to the
FY 2017 Proposed Gas Fund Budget**

Manager's Recommended FY 17 Revenue Estimates	\$	25,816,961
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Amendments to FY 17 Revenue Estimates

Decrease Revenues

Gas Sales Revenue		(12,106)
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Total Revenue Amendments	\$	(12,106)
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Total Amended FY 17 Gas Fund Revenue Estimates	\$	25,804,855
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Manager's Recommended FY 17 Expenditures	\$	26,374,551
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Amendments to FY 17 Expenditures

Increase Expenditures

Vehicle Fuel Savings		(12,170)
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Total Expenditure Amendments	\$	(12,170)
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Total Amended FY 17 Gas Fund Expenditures	\$	26,362,381
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**City Council Amendments to the
FY 2017 Proposed Fleet Fund Budget**

Manager's Recommended FY 17 Expenditures	\$ 997,057
Amendments to FY 17 Expenditures	
<i>Increase Expenditures</i>	
Vehicle Fuel Savings	(1,885)
Total Expenditure Amendments	\$ (1,885)
Total Amended FY 17 Fleet Fund Expenditures	\$ 995,172

RESOLUTION ADOPTING THE BUDGET FOR THE
CITY OF CHARLOTTESVILLE FOR THE FISCAL YEAR
BEGINNING JULY 1, 2016, AND ENDING JUNE 30, 2017
AND PROVIDING FOR THE ANNUAL APPROPRIATION OF FUNDS
FOR SUCH FISCAL YEAR.

I. ADOPTION OF BUDGET

WHEREAS, pursuant to Section 19 of the City Charter and Section 15.2-2503 of the Code of Virginia, the City Manager has caused to be prepared and presented to City Council a proposed budget for the fiscal year beginning July 1, 2016, and ending June 30, 2017; and

WHEREAS, a synopsis of such proposed budget has been published in the Daily Progress, a newspaper of general circulation in the City, and notice duly given in such newspaper and public hearings held thereon on March 21, 2016 and April 4, 2016, and the estimates of revenues and expenditures therein debated and adjusted by City Council in open public meetings, all as required by the City Charter and Section 15.2-2506 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that such document, the statements of fiscal policy set forth therein, and the estimates of revenues and expenditures therein proposed by the City Manager and debated and adjusted by the City Council, are hereby adopted as the annual budget of the City of Charlottesville, for informative and fiscal planning purposes only, for the fiscal year beginning July 1, 2016, and ending June 30, 2017; and that a true and correct copy of the same, as adopted, shall be kept on file in the records of the Clerk of the Council.

II. GENERAL FUND APPROPRIATIONS

BE IT RESOLVED by the Council of the City of Charlottesville that:

A. The sums hereinafter set forth are estimated as General Fund revenues for the fiscal year beginning July 1, 2016.

Local Taxes

Real Estate Taxes	\$57,492,709
Personal Property Tax	7,668,698
Public Service Corporation Tax	1,300,000
Penalty/Interest on Delinquent Taxes	350,000
Utility Services Consumer Tax (Gas, Water, Electric)	4,630,386
Virginia Communications Sales and Use Tax	3,104,000
Tax on Bank Stock	925,000
Tax on Wills and Deeds	520,000
Sales and Use Tax	11,500,000

Rolling Stock Tax	21,000
Transient Occupancy (Lodging) Tax	3,966,667
Meals Tax	9,040,000
Short-Term Rental Tax	32,000
Cigarette Tax	800,000
Recordation Tax Receipts	200,000
Vehicle Daily Rental Tax	100,000
Total Local Taxes	\$101,650,460

Licenses and Permits

Business and Professional Licenses	\$7,065,523
Vehicle Licenses	900,000
Dog Licenses	15,000
Electrical and Mechanical Permits	250,000
Building and Plumbing Permits	400,000
Other Permits	450,000
Total Licenses and Permits	\$9,080,523

Intergovernmental Revenue

Revenue from State Agencies

PPTRA Revenue (State Personal Property Tax)	\$3,498,256
State Highway Assistance	3,905,957
Reimbursement/Constitutional Offices	1,605,518
State Aid for Police Protection	2,093,768
Trailer Title	1,200
Other State Assistance: Misc. Rev	50,000

Revenue from Other Intergovernmental Sources

Jefferson Area Drug Enforcement (JADE)	96,000
School Resource Officers (City Schools)	271,651
Regional Library Administrative Fee	102,500
Fire Department Ops (Albemarle County)	186,000
Fire Department Ops (UVA)	290,872
Fire Department Ops (CARS)	130,000
Juvenile & Domestic Relations Court (Albemarle County)	58,245
Juvenile & Domestic Relations Court Building Maint. (Albemarle County)	66,250
Magistrate's Office (Albemarle County)	4,050
Payments In Lieu of Taxes (Housing Authority)	30,000
Service Charge (UVA)	33,000
Property Maintenance (UVA)	50,000
Total Intergovernmental Revenue	\$12,473,267

Charges for Services

Property Transfer Fees	\$1,000
Zoning Appeals Fees	500
Court Revenue (Circuit/General District Courts)	450,000
Circuit Court - Online Land Records Subscription Revenue	50,000

Parking Meter Receipts	20,000
Parking Garage Revenue	1,350,000
Internal City Services	1,354,967
Utility Cut Permits	199,000
Recreation Income	1,955,692
Reimbursable Overtime/Public Safety	265,000
Parking Permit Fees	55,000
Payment in Lieu of Taxes: Utilities	5,335,972
Indirect Cost Recovery	125,000
Waste Disposal Fees	900,000
Other Charges for Services	125,000
Total Charges for Services	\$12,187,131

Fines

Parking Fines	\$450,000
Total Fines	\$450,000

Miscellaneous Revenue

Interest Earned	\$365,000
Rent	200,000
Hedgerow Properties - Parking Revenue	85,000
Parking Garage Maintenance	50,000
Refund of Prior Years' Expenditures	30,000
Other Miscellaneous Revenue	213,000
Total Misc. Revenue	\$943,000

Carryover Funds (Previous Fiscal Year)

Council Strategic Initiatives Funds	\$40,000
Retirement Fund Contribution	300,000
Total Carryover Funds	\$340,000

Transfers from Other Funds

Human Services Fund	\$500,000
Total Transfers from Other Funds	\$500,000

City/County Revenue Sharing: Operating Budget	\$10,491,920
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Total Operating Revenue	\$148,116,301
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Designated Revenue

City/School Contracts: Pupil Transportation	\$2,694,065
City/School Contracts: School Building Maintenance	3,680,480
City/County Revenue Sharing: Transfer to Capital Improvement Fund	4,875,164
City/County Revenue Sharing: Transfer to Facilities Repair Fund	400,000
Transfer to Debt Service Fund: Meals Tax Revenue	2,260,000
Total Designated Revenue	\$13,909,709

Total General Fund Revenue	\$162,026,010
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B. The sums hereinafter set forth are hereby appropriated from the General Fund of the City for the annual operation of the City departments, other agencies and non-departmental accounts so set forth, beginning July 1, 2016.

Operating Expenditures**Management**

Mayor and City Council	\$304,032
Council Strategic Initiatives Funding (Unallocated)	237,643
Office of the City Manager/ Administration	1,065,308
Office of the City Manager/Communications	428,765
Office of the City Manager/ Economic Development	635,711
Office of the City Attorney	859,509
Office of General Registrar	636,417

Organizational Memberships/Workforce Development

Virginia Municipal League	15,852
Chamber of Commerce	1,575
Thomas Jefferson PDC	56,771
Piedmont Workforce Network	6,993
Virginia Institute of Government	2,500
Alliance for Innovation	2,550
Virginia First Cities	18,000
Central Virginia Partnership for Economic Development	23,891
Thomas Jefferson Soil and Water Conservation District	12,300
Rivanna Conservation Alliance (Streamwatch)	10,000
Central Virginia Small Business Development Center	12,000
National League of Cities	5,000
Center for Nonprofit Excellence	600
Community Investment Collaborative	25,500

Non Departmental Activities

Sister City Committee	15,000
City Strategic Plan/P3: Plan, Perform, Perfect	70,000
Virginia Juvenile Community Crime Control Act (Local Match)	108,415
Citizen Engagement Opportunities	15,000

Performance Agreement Payments to Waterhouse and CFA	400,000
Transfer to Debt Service Fund	7,468,000
Transfer to Fund Balance Target Adjustment Fund	494,611
Employee Compensation and Training	985,000

Internal and Financial Services

Finance Department - Administration/Purchasing/Assessor	2,538,648
Human Resources	1,058,979
Commissioner of Revenue	1,253,938
Treasurer	1,250,399

Community Events and Festivals

Virginia Film Festival	15,200
Virginia Festival of the Book	15,600
First Night Virginia	2,375
LOOK3 Festival of the Photograph	11,000
Charlottesville Festival of Cultures	3,750
Art in Place	27,500
City Supported Events (Other)	10,000

Contributions to Children, Youth, and Family Oriented Programs

Virginia Cooperative Extension Program	47,778
Thomas Jefferson Health District	531,825
Computers 4 Kids	18,327
MACAA	96,560
Sexual Assault Resources Agency (SARA)	22,440
Shelter for Help in Emergency (SHE)	112,534
Region Ten Community Services Board	1,001,865
Region Ten Community Services Board - Mohr Center	82,661
Jefferson Area Board for Aging (JABA)	319,192
United Way - Thomas Jefferson Area	202,479
ReadyKids	74,795
Free Clinic	114,940
Home Visiting Collaborative	66,350
Abundant Life Ministries	34,259
Boys and Girls Club	54,065
Jefferson Area CHIP	316,076
Foothills Child Advocacy Center	36,525
Big Brothers/Big Sisters	30,000
The BridgeLine	12,495
Thomas Jefferson Area Coalition for the Homeless	90,146
Women's Initiative	20,400
On Our Own	14,560
PHAR Internship Program	25,000
Emergency Assistance Program Support	84,516

Contributions to Education and the Arts

Jefferson Madison Regional Library	1,730,600
City Center for Contemporary Arts	35,361
Piedmont Virginia Community College	11,183
McGuffey Art Center	24,159
Arts Coordination and Planning	45,000
Virginia Discovery Museum	5,625
Literacy Volunteers	38,610
Ash Lawn Opera	3,242
Historic Preservation Task Force	5,000
The Paramount Theater/Arts Education Program	19,295
Jefferson School Foundation	30,000

Housing Programs

Rent Relief for Elderly, a sum sufficient estimated at	18,000
Rent Relief for Disabled, a sum sufficient estimated at	180,000
Tax Relief for Elderly, a sum sufficient estimated at	415,000
Tax Relief for Disabled, a sum sufficient estimated at	105,000
Homeowners Tax Relief Program	400,000
Stormwater Fee Assistance Program	15,000
Albemarle Housing Improvement Program (AHIP)	93,364
Piedmont Housing Alliance (PHA)	92,197

Transfer to Children's Services Act Fund	2,000,000
Transfer to Social Services Fund	3,502,777
Transfer to Human Services/Community Attention Fund	572,538
Neighborhood Development Services	3,505,736
Office of Human Rights/Human Rights Commission	191,918
Parks and Recreation	9,805,285
Transfer to Convention and Visitors' Bureau	791,577

Infrastructure and Transportation

Public Works: Administration, Facilities Development, Facilities Maintenance	2,908,551
Public Works: Hedgerow Properties	51,500
Public Works: Public Service	7,518,824
Ivy Landfill Remediation	300,000
Transfer to Charlottesville Area Transit Fund	2,268,830
JAUNT Paratransit Services	1,074,008

Contributions to Programs Supporting Public Safety and Justice

Piedmont Court Appointed Special Advocates	9,818
Legal Aid Justice Center	70,630
Regional Jail	4,902,473

Blue Ridge Juvenile Detention Center	1,264,577
Emergency Communications Center	1,540,917
Offenders Aid and Restoration	233,310
Society for the Prevention of Cruelty to Animals	248,119
Public Defender's Office	46,344
City Sheriff	1,085,206
Commonwealth's Attorney	1,146,248
Clerk of Circuit Court	731,688
Circuit Court Judge	76,760
General District Court	23,405
Juvenile and Domestic Relations Court/Court Services Unit	333,653
Magistrate	8,100
Fire Department	10,299,950
Police Department	15,492,199
Local Contribution to Public Schools	
Operational Support	49,330,604
Total Operating Expenditures	\$148,116,301
<u>Designated Expenditures</u>	
City/School Contracts: Pupil Transportation	\$2,694,065
City/School Contracts: School Building Maintenance	3,680,480
Transfer to Capital Projects Fund	4,875,164
Transfer to Facilities Repair Fund	400,000
Transfer to Debt Service Fund - Meals Tax Revenue	2,260,000
Total Designated Expenditures	\$13,909,709
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Total General Fund Expenditures	\$162,026,010

C. Of the sum of \$15,767,084 to be received in the General Fund from the County of Albemarle under the revenue sharing agreement of May 24, 1982, \$4,875,164 shall be transferred to the Capital Projects Fund and \$400,000 shall be transferred to the Facilities Repair Fund.

D. The amounts hereinabove appropriated for salary accruals, education, training and employee benefits, or portions thereof, may on authorization from the City Manager, or his designee, be transferred by the Director of Finance or the Assistant City Manager to any departmental account, and notwithstanding any other provision of this resolution to the contrary, be expended for salaries or employee benefits in such account in the manner as sums originally appropriated thereto.

E. The portions of the foregoing appropriations to individual departments or agencies intended for motor vehicles and related equipment shall be transferred to the Equipment Replacement Fund for expenditure as hereinafter provided.

F. The amount above appropriated for Debt Payment shall be transferred to the Debt Service Fund. In addition, one cent of the five-cent meals tax will be deposited into the Debt Service Fund.

G. The amount above appropriated as Council Strategic Initiatives shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

H. The amount above appropriated as Ivy Landfill Remediation shall not be deemed to expire at the end of the fiscal year, and any unspent funds are hereby transferred to the Landfill Reserve account in the ensuing fiscal year unless altered by further action of City Council. Further, any amount in the Landfill Reserve may be immediately appropriated for use to cover costs associated with landfill remediation budget in the current fiscal year.

I. The amount above appropriated as Hedgerow Properties shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

J. The proceeds of the sale of any real property to be used for parking shall be appropriated to the "Strategic Investments Account" account in the Capital Fund.

K. The amount received for \$4-For-Life revenue shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year and will be appropriated into the Fire Department budget with an annual allocation made to the Thomas Jefferson EMS, unless altered by further action of City Council.

L. The amount above appropriated as Historic Resources Task Force shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

M. The amount received as drug forfeitures and seizures revenue collected by the Police Department and Commonwealth Attorney's Office shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

N. The amount received as Courthouse Security Revenue is hereby appropriated in the ensuing fiscal year and appropriated into the Sheriff Office budget to be used for court security related expenses (personnel and equipment) per State Code. Further, any unspent funds in the Court House Security account shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless further altered by Council.

O. Funds from the Citywide Reserve account may be transferred to other funds at the discretion of the City Manager for the purpose of addressing unforeseen expenditures in those funds. Any amount remaining in the Citywide Reserve account shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

P. The amount above appropriated as Corporate Training Fund, within the Employee Compensation and Training funds, shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

Q. The amounts received unspent for donations and grants in the General Fund received for specific purposes shall not be deemed to expire at the end of the fiscal year hereby be appropriated in the ensuing fiscal year.

R. The amounts above appropriated as Sister City Commission shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

S. Sums appropriated for operation of the City Market which have not been encumbered or expended as of June 30, 2017 shall be transferred to the Capital Budget in an account designated for future relocation of the City Market.

T. Sums appropriated for the Stormwater Assistance Program shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

U. Sums appropriated in the General Fund which have not been encumbered or expended as of June 30, 2017, shall be deemed to revert to the unassigned balance of the General Fund, unless Council by resolution provides that any such sum shall be a continuing appropriation.

V. Sums appropriated in the General Fund which have not been encumbered or expended as of June 30, 2017 and are in excess of 17% of General Fund expenditures for the next fiscal year shall be deemed to revert to the Capital Fund contingency account for future one-time investments in the City's infrastructure as part of the year-end appropriation, unless further altered by Council with year-end adjustments.

III. SCHOOL OPERATIONS APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville:

The sums hereinafter set forth are hereby appropriated for the annual operation of the school operations, effective July 1, 2016; the City contribution to the School operations having hereinabove been appropriated from the General Fund.

School Budget (All Funds)	
Local Contribution	\$49,330,604
State Funds	20,111,495
Federal Funds	4,928,607
Misc. Funds	4,107,035
Total School Operations Budget	\$78,477,741

A net increase in the School Operations general fund balance at June 30, 2017 shall be deemed to be allocated as follows: 50% to revert to City General Fund, 50% retained by School Operations General Fund. Up to \$100,000 of the City's reversion shall be transferred to the Facilities Management for School Building Small Capital Projects.

IV. HEALTH BENEFITS FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville:

There is hereby appropriated from the Health Benefits Fund sums received by said Fund from individual departments and agencies for the payment of health and medical benefit program costs, and for insurance covering such costs, and in addition, for the accumulation of a reserve for future expenditures to pay for such health and medical benefit program costs. This appropriation shall be effective during the fiscal year ending June 30, 2017, but shall not be deemed to expire at the end of that year. Instead, it shall continue in effect unless altered by further action of City Council.

V. TRANSIT FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Transit Fund, for the operation of the transit bus system during the fiscal year beginning July 1, 2016 and ending June 30, 2017, the sum of \$7,315,972 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2016.

Except as is otherwise expressly provided herein, the balance of any General Fund contribution to such funds not expended or encumbered as of June 30, 2017 shall be deemed to revert to the unassigned balance of the General Fund, unless the Council by resolution provides that any such sum shall be deemed a continuing appropriation.

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Transit Fund, for the replacement of transit buses

during the fiscal year beginning July 1, 2016 and ending June 30, 2017, the sum of \$374,271 or the amount of revenue actually received for such purpose. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council. Such appropriation shall be effective July 1, 2016.

VI. RISK MANAGEMENT APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that all sums previously appropriated to the Risk Management Fund, and all sums received by such fund as payment from other City funds, are hereby appropriated for the uses prescribed for such fund, pursuant to the terms of, and subject to the limitations imposed by Article V of Chapter 11 of the Code of the City of Charlottesville, 1990, as amended.

VII. EQUIPMENT REPLACEMENT FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville:

There is hereby appropriated from the Equipment Replacement Fund other sums received by such fund as payment from the General Fund and vehicle sales, and proceeds from vehicle loss insurance settlements for the lease, financing or purchase of motor vehicles and related equipment and for accumulation of a reserve for future equipment purchases during the fiscal year beginning July 1, 2016 and ending June 30, 2017. Such appropriation shall be effective July 1, 2016; provided that such appropriations shall not be deemed to expire at the end of such fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council. Of the sums received by the Equipment Replacement Fund, a sum sufficient to service the debt on any pieces of general governmental equipment obtained under a master lease, credit line, or an installment purchase agreement shall be transferred to the Debt Service Fund.

VIII. FACILITIES REPAIR FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville:

The sum of \$400,000 transferred to the Facilities Repair Fund from the General Fund, and such sums as may be transferred to the Facilities Repair Fund from other funds during the fiscal year beginning July 1, 2016 are appropriated for carrying out the purposes of this fund during that fiscal year. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

The amount received as Health Department Building Account revenue is hereby appropriated in the ensuing fiscal year to a designated account in the Facilities Repair Fund to be used for general improvements, maintenance and small capital projects related to the Thomas Jefferson Health District building. Further, any unspent funds in the Health Department Building account shall not be deemed to expire at the end of the fiscal

year, but are hereby appropriated in the ensuing fiscal year unless further altered by Council.

IX. DEBT SERVICE FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville:

A. The Debt Service Fund shall serve as a permanent reserve for the payment of principal and interest of bonds, notes and other evidences of indebtedness and the cost of issuance thereof issued by the City pursuant to its charter and/or the Virginia Public Finance Act.

B. The sum of \$7,468,000 transferred to such fund by Part II of this resolution, as well as the designated Meals Tax transfer (estimated at \$2,260,000), or as much thereof as may be necessary, is hereby appropriated to pay such debt service expenses during the fiscal year beginning July 1, 2016 and ending June 30, 2017.

C. Appropriations in the Debt Service Fund shall be deemed continuing appropriations, and balances remaining in such fund at the end of each fiscal year shall be carried forward to pay principal and interest due on City obligations and costs associated with the issuance of those obligations in future years.

X. SPECIAL REVENUE FUND APPROPRIATIONS

BE IT RESOLVED by the Council of the City of Charlottesville, that the following appropriations are hereby approved for agency expenditures accounted for as separate funds on the books of the City, for their respective programs during the fiscal year beginning July 1, 2016 and ending June 30, 2017; the City contribution to each such fund having hereinabove been appropriated from the General Fund:

A. There is hereby appropriated from the Charlottesville/Albemarle Convention and Visitors Bureau Fund, for the operation of the Charlottesville/Albemarle Convention and Visitors Bureau during such fiscal year, the sum of \$1,569,955 or the amount of revenue actually received by such fund, whichever shall be the lesser amount.

B. There is hereby appropriated from the Human Services/Community Attention Fund, for the operation of the Community Attention Homes and related programs during such fiscal year, the sum of \$5,908,462, or the amount of revenue actually received by such fund, whichever shall be the lesser amount.

C. There is hereby appropriated from the Social Services Fund, for the operation of the Department of Social Services during such fiscal year, the sum of \$14,039,006, or the amount of revenue actually received by such fund, whichever shall be the lesser amount.

D. There is hereby appropriated from the Children's Services Act Fund, for the operation of the Children's Services Act entitlement program, the sum of \$8,234,256, or

the amount of revenue actually received by such fund, whichever shall be the greater amount.

Each such special revenue fund appropriation shall be deemed effective July 1, 2016. Except as is otherwise expressly provided herein, the balance of any General Fund contribution to such funds not expended or encumbered as of June 30, 2017 shall be deemed to revert to the unassigned balance of the General Fund, unless the Council by resolution provides that any such sum shall be deemed a continuing appropriation.

XI. INTERNAL SERVICES FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville that the following appropriations are hereby approved for internal services accounted for as separate funds on the books of the City, for their respective programs during the fiscal year beginning July 1, 2016 and ending June 30, 2017; the payments of individual departments and agencies to each such fund having hereinabove been appropriated in the General Fund and other applicable funds:

A. There is hereby appropriated from the Information Technology Fund, for the operation of the various functions within this fund during the fiscal year beginning July 1, 2016, or the amount of revenue actually credited to such fund from other City departments and agencies, whichever shall be the greater amount:

1. For the operation of the Department of Information Technology, the sum of \$2,639,897.

2. For the operation and infrastructure of City Link, the sum of \$1,200,000. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but is hereby appropriated in the ensuing fiscal year into the City Link Infrastructure cost center unless altered by further action of this Council.

3. For Technology Infrastructure Replacement, the sum of \$225,000. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

4. For GIS operations, the sum of \$64,155. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

B. There is hereby appropriated from the Warehouse Fund, for the operation of the Warehouse during such fiscal year, the sum of \$168,390, or the amount of revenue actually credited to such fund from other City departments and agencies, whichever shall be the greater amount.

C. There is hereby appropriated from the Fleet Maintenance Fund, for the operation of the Central Garage, Vehicle Wash and Fuel System during such fiscal year, the sum of \$995,172 or the amount of revenue actually credited to such fund from other City departments and agencies, whichever shall be the greater amount.

D. There is hereby appropriated from the Communications System Fund, for the operation of the citywide phone system and mailroom operations during such fiscal year, the sum of \$297,509, or the amount of revenue actually credited to such fund from other City departments and agencies, whichever shall be the greater amount.

XII. CAPITAL PROJECTS FUND APPROPRIATIONS

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that:

A. The following are hereby designated as revenue of the Capital Projects Fund:

1. The sum of \$4,875,164 in Albemarle County revenue sharing payments transferred from the General Fund pursuant to Section II-C of this resolution.

2. The proceeds of the sale of any real property, as prescribed by resolution of this Council adopted November 3, 1986.

3. The proceeds of the sale of any real property to be used for housing shall be appropriated to the "Charlottesville Affordable Housing Fund" account in the Capital Fund.

4. Funds received as donations and/or contributions for sidewalks shall hereby be appropriated into Sidewalks account (P-00335) to be used for the replacement, construction or repair of sidewalks. These funds shall not be deemed to expire at the end of the fiscal year and shall be hereby appropriated in the ensuing fiscal year unless altered by further action of City Council

B. The sums hereinafter set forth are hereby appropriated from the Capital Projects Fund of the City for the respective capital purchases or projects so set forth, effective for the fiscal year beginning July 1, 2016; provided that such appropriations shall not be deemed to expire at the end of such fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

C. The Capital Projects Fund Fiscal Year 2017-2021 will reflect the budget delineations set forth below for Fiscal Year 2016-2017.

The Capital Projects Fund grouped by area:

Revenue

Transfer from General Fund	\$4,875,164
Contribution from Albemarle County	22,500
Contribution from City Schools	200,000
PEG Fee Revenue	47,500
CY 2014 Bond Issue	15,260,322
TOTAL REVENUE	\$20,405,486

Expenditures

Education	\$1,920,491
Economic Development	150,000
Public Safety and Justice	5,147,747
Facilities Capital Projects	1,345,491
Transportation and Access	6,800,014
Parks and Recreation	2,874,921
Stormwater Initiatives	125,000
Technology Infrastructure	47,500
Charlottesville Affordable Housing Fund	1,699,602
Other Governmental Commitments	125,000
Unallocated Capital Funding	169,720
TOTAL EXPENDITURES	\$20,405,486

XIII. GAS FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Gas Fund, for the operation of the gas utility during the fiscal year beginning July 1, 2016 and ending June 30, 2017, the sum of \$26,362,381 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2016. However, the appropriations for the Vehicle Replacement Program, the Thermostat Program and Gas Assistance Program shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

XIV. WATER FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Water Fund, for the operation of the water utility during the fiscal year beginning July 1, 2016 and ending June 30, 2017, the sum of \$10,340,172, or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2016. However, the appropriations for the Vehicle Replacement Program, Water Conservation Program, Water Assistance Program, Rain Barrel Program and the Toilet Rebate Program shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

XV. WASTEWATER FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Wastewater Fund, for the operation of the wastewater utility during the fiscal year beginning July 1, 2016 and ending June 30, 2017, the sum of \$13,246,704 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2016. However, the appropriations for the Vehicle Replacement Program and the Wastewater Assistance Program shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

XVI. STORMWATER FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Stormwater Fund, for the operation of the stormwater utility during the fiscal year beginning July 1, 2016 and ending June 30, 2017, the sum of \$2,780,104 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2016.

XVII. UTILITIES FUNDS DEBT SERVICE APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Utilities Funds (Gas, Water, Wastewater and Stormwater) for the payment of principal and interest of bonds, notes and other evidences of indebtedness and the cost of issuance thereof issued by the City pursuant to its charter and/or the Virginia Public Finance Act., during the fiscal year beginning July 1, 2016 and ending June 30, 2017, the following sums in each fund or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2016. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

A. There is hereby appropriated from the Gas Debt Service Fund, the sum of \$400,000 as revenue (transfer from Gas Fund) and \$399,889 in principal and interest payments.

B. There is hereby appropriated from the Wastewater Debt Service Fund the sum of \$2,985,000 in revenue (transfer from the Wastewater Fund) and \$2,899,444 in principal and interest payments.

C. There is hereby appropriated from the Water Debt Service Fund the sum of \$1,775,000 in revenue (transfer from the Water Fund) and \$1,632,731 in principal and interest payments.

D. There is hereby appropriated from the Stormwater Debt Service Fund the sum of \$55,880 in revenue (transfer from the Stormwater Fund) and \$58,944 in principal and interest payments.

XVIII. PAY PLAN APPROVAL

BE IT RESOLVED by the Council of the City of Charlottesville that the Employee Classification and Pay Plan for the City of Charlottesville dated July 1, 2016 and effective on that same date, which assigns salary ranges to each class or position in the City service is hereby approved pursuant to Section 19-3 and 19-4 of the City Code, 1990, as amended and a copy of the same shall be kept on file with the records of the meeting at which this resolution is approved.

XIX. PAY ADJUSTMENT FOR RETIREES

BE IT RESOLVED by the Council of the City of Charlottesville, that the Retirement Plan Commission is authorized and directed to provide for the payment from the Retirement Fund of a post-retirement supplement of 1% of the current retirement pay of each presently retired employee effective July 1, 2016.

XX. GOLF FUND

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Golf Fund, for the operation of the golf courses during the fiscal year beginning July 1, 2016 the sum of \$880,255, or the amount of revenue actually received by such fund, whichever is the greater amount.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 4, 2016
Action Required:	Public Hearing/ Adopt Ordinance Granting an Electric Underground Utility Easement to Dominion Virginia Power, in McIntire Park
Presenter:	Lisa Robertson, Chief Deputy City Attorney
Staff Contacts:	Lisa Robertson
Title:	YMCA Utility Right-of-Way Agreement

Background:

Dominion Virginia Power (“Dominion”) has requested the City to grant an easement for an electric utility installation on City property. The easement is needed to provide adequate electric service for the new YMCA facility being constructed in McIntire Park. (Separately, Dominion will also need to obtain a similar easement from the City School Board).

Discussion:

In order for the YMCA to be served by “three phase” electricity, Dominion says that it must install a new line running from the YMCA building, across City property (underground) and across a stream (running underneath an existing pedestrian trail and pedestrian bridge), for a distance of about 500 feet. After the line crosses over onto School Board property, Dominion plans to run the line along the edge of the property line/ stream, for about 1,728 feet, over to an existing overhead line near Grove Road. According to Dominion staff, they do not plan to cut any trees down, or trim any tree limbs, in order to do this work. Attached are a GIS/Aerial Photo view of the School Board property and adjacent City land. Also attached are two drawings providing the general locations of (1) the 500-foot length of easement requested from the City, and (2) the easement area that will separately be requested by Dominion from the School Board. (The written easement documents will be similar, but only the proposed City easement is attached to this Memo).

Alignment with Council Vision Areas and Strategic Plan:

The proposed YMCA, and actions necessary to complete that project, align with Council’s Vision to be America’s Healthiest City.

Community Engagement:

The required public hearing allows for community engagement in this matter.

Budgetary Impact:

No budgetary impacts are anticipated at this time.

Recommendation:

Staff recommends approval.

Alternatives:

City Council's alternatives, after conducting a public hearing, are (1) grant the requested easement, by motion to approve the attached ordinance, or (2) by motion, deny the requested easement.

Attachments:

- (1) Proposed Ordinance
- (2) GIS View of Charlottesville High School Property adjacent to McIntire Park
- (3) Plat to Accompany [the City's] Right-of-Way Agreement (**Plat No. 80-16-0014**)
- (4) Plat of the Proposed Easement across School Property (FYI only—not for action)
- (5) Proposed Right-of-Way Agreement between Dominion and the City




**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF AN EASEMENT
TO DOMINION VIRGINIA POWER
TO PERMIT ELECTRIC UTILITY LINES
ACROSS CITY PROPERTY WITHIN MCINTIRE PARK**

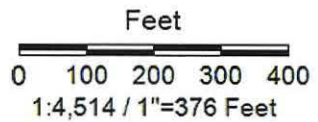
WHEREAS, the Virginia Electric and Power Company, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power, has requested this Council to grant an easement across property owned by the City of Charlottesville within McIntire Park (Tax Map Parcel Identification No. 450001000), as described within a Right of Way Agreement (DVPIDNo(s) 80-16-0014) and accompanying Plat, for the installation and maintenance of electric utility lines and equipment; and

WHEREAS, on April 4, 2016, this City Council conducted a public hearing on the requested easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute a Right-of-Way Agreement, in a form approved by the City Attorney, granting the above-described easement to Dominion Virginia Power.

Legend

-  City Limits
-  Bodies of Water
-  Streams & Rivers

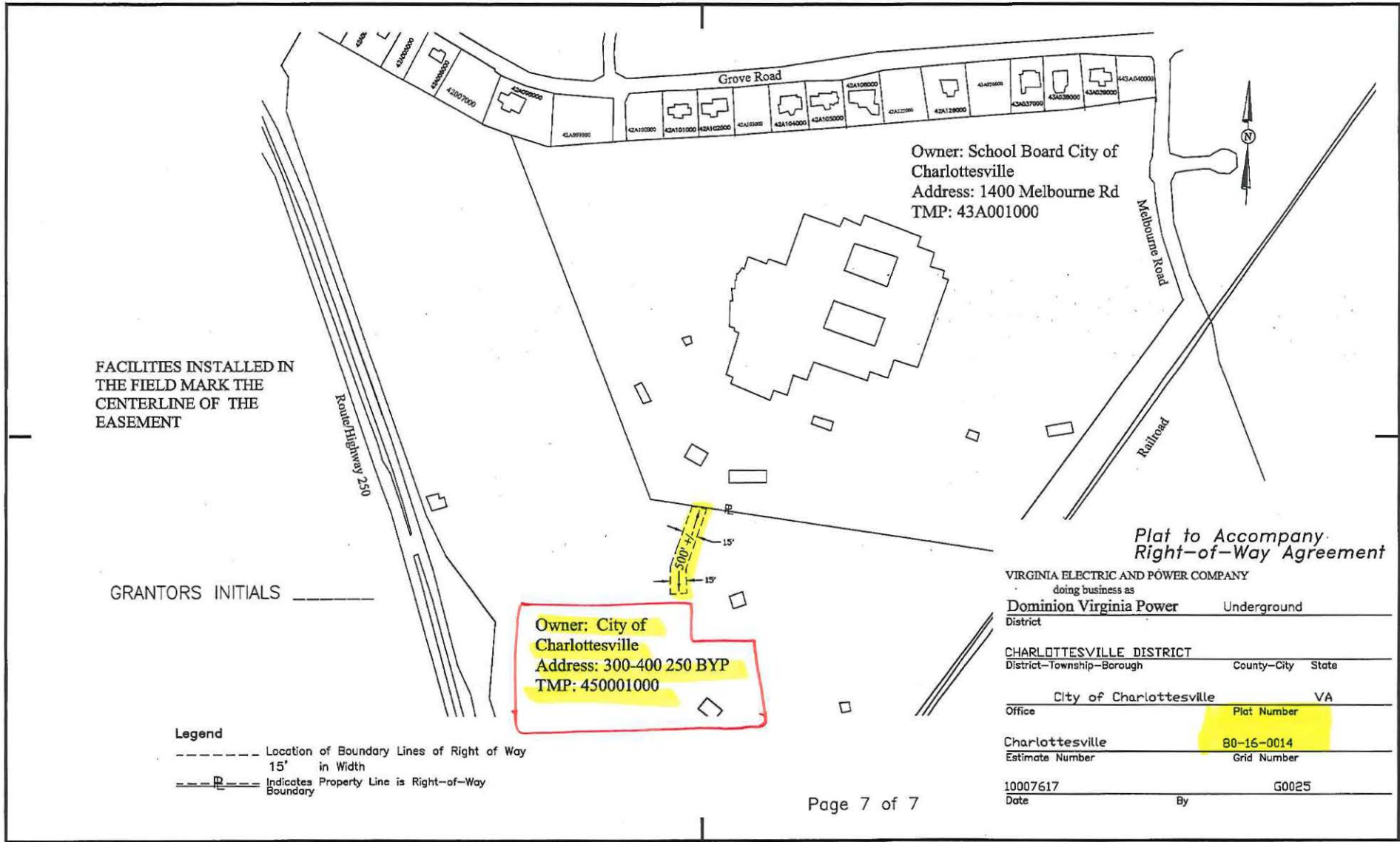


Title:

Date: 3/23/2016

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Charlottesville is not responsible for its accuracy or how current it may be.





FACILITIES INSTALLED IN THE FIELD MARK THE CENTERLINE OF THE EASEMENT

GRANTORS INITIALS _____

Legend
 - - - - - Location of Boundary Lines of Right of Way 15' in Width
 - - - - - Indicates Property Line is Right-of-Way Boundary

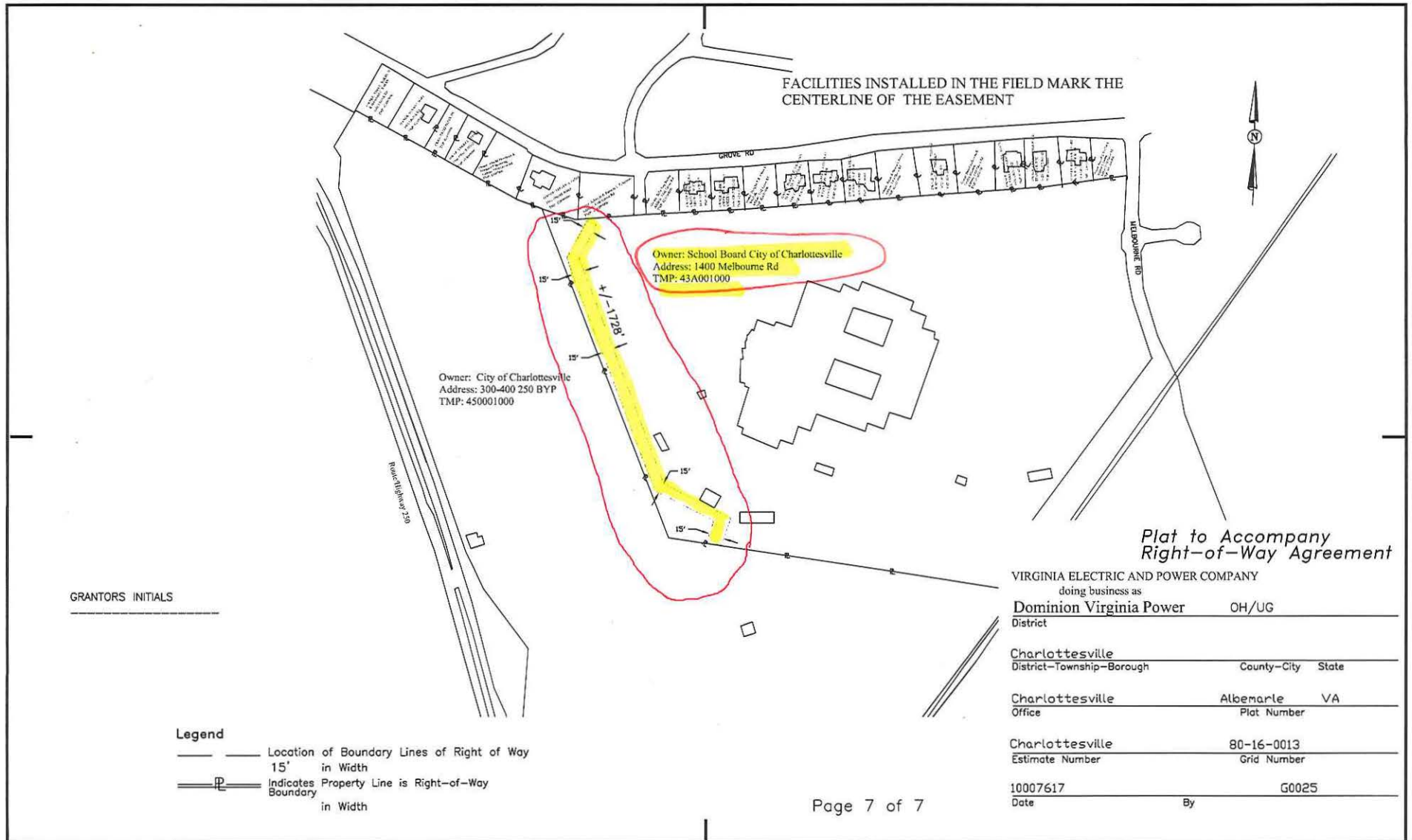
Owner: School Board City of Charlottesville
 Address: 1400 Melbourne Rd
 TMP: 43A001000

Owner: City of Charlottesville
 Address: 300-400 250 BYP
 TMP: 450001000

Plat to Accompany Right-of-Way Agreement

VIRGINIA ELECTRIC AND POWER COMPANY doing business as	
Dominion Virginia Power	Underground
District	
CHARLOTTESVILLE DISTRICT	
District-Township-Borough	County-City State
City of Charlottesville	VA
Office	Plat Number
Charlottesville	80-16-0014
Estimate Number	Grid Number
10007617	G0025
Date	By

FYI Only: Location of Proposed School Board Easement





Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this 17th day of March, 2016, by and between

CITY OF CHARLOTTESVILLE

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Virginia Power, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, GRANTOR grants and conveys unto GRANTEE, its successors and assigns, the ~~perpetual~~ right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as GRANTEE may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said non-exclusive easement shall extend ~~thirty (30) feet in width~~ across the lands of GRANTOR; and

1.2 to construct, operate and maintain a pole line including, without limitation, all wires, poles, attachments, ground connections, one or more lighting supports and lighting fixtures as GRANTEE may from time to time deem advisable, equipment, accessories and appurtenances desirable in connection therewith, including the right to increase or decrease the number of wires; the width of said non-exclusive easement shall extend ~~thirty (30) feet in width~~ across the lands of GRANTOR.

Initials: _____

This Document Prepared by Virginia Electric and Power Company and should be returned to: Dominion Virginia Power, 1719 Hydraulic Road Charlottesville VA 22901.

(Page 1 of 7 Pages)
DVPIDNo(s). 80-16-0014
Tax Map No. 450001000

Form No. 728493-1 (Sep 2015)
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Width of the easement shall be as shown on the Plat @ p. 7 of 7

Right of Way Agreement

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in The City of Charlottesville, Virginia, as more fully described on Plat(s) Numbered 80-16-0014, attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

Initials: _____

(Page 2 of 7 Pages)
DVPIDNo(s). 80-16-0014

Right of Way Agreement

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE'S** exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE'S** rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE'S** exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE'S** exercise of any of its rights granted hereunder, **GRANTEE** may, ~~in its reasonable discretion~~, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: _____

(Page 3 of 7 Pages)
DVPIDNo(s). 80-16-0014

Form No. 728493-3 (Sep 2016)
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Right of Way Agreement

11. GRANTOR covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that GRANTOR shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of GRANTOR warrants that GRANTOR is a corporation duly organized and existing under the laws of the state hereinabove mentioned and that he or she has been duly authorized to execute this easement on its behalf. ~~corporation.~~

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, GRANTOR has caused its ~~corporate~~ name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

Corporate Name: City of Charlottesville

By (Signature): _____

Name: Michael Signer

Its: Mayor

State of Virginia
City/County of City of Charlottesville

The foregoing instrument was acknowledged before me this _____ day of _____,

by _____,
(Name of officer or agent) (Title of officer or agent)

of City of Charlottesville, a(n) Virginia,
(Name of corporation) (State of Incorporation)

corporation, on behalf of the corporation.

Notary Public (Print Name)

Notary Public (Signature)

Virginia Notary Reg. No. _____ My Commission Expires: _____

(Page 4 of 7 Pages)

DVPIDNo(s). 80-16-0014



Right of Way Agreement

Exhibit A

THIS RIGHT OF WAY AGREEMENT dated _____, 2016, by and between the
CITY OF CHARLOTTESVILLE

a political subdivision of the Commonwealth of Virginia ("**GRANTOR**"), and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power ("**GRANTEE**") is hereby amended as follows:

1. This Right of Way Agreement shall be limited in duration and shall remain in force for a term of forty (40) years, except for any air rights together with easements for columns for support granted hereunder, in which case such air rights together with easements for columns for support shall exist for a term of sixty (60) years. At the end of any such term, this Right of Way Agreement shall automatically terminate unless **GRANTOR** agrees to renew this Right of Way Agreement for an additional term of years.
2. In the event that this Right of Way Agreement is terminated, or if the removal of **GRANTEE**'s facilities is otherwise desired by **GRANTOR**, then **GRANTOR** agrees that it will pay the cost of removing **GRANTEE**'s wires and facilities, and, if appropriate, the cost of replacing **GRANTEE**'s wires and facilities. Upon the termination of this Right of Way Agreement, **GRANTOR** agrees to provide **GRANTEE**, if needed by **GRANTEE**, a suitable substitute easement subject to the same terms provided for herein for **GRANTEE**'s wires and facilities. In the event that this Right of Way Agreement is revoked or terminated, all facilities constructed hereunder shall remain the property of **GRANTEE**.
3. **GRANTOR** covenants that in the event that **GRANTOR** sells or conveys the real property on which **GRANTEE**'s wires and facilities are located by this Right of Way Agreement, **GRANTOR** will provide **GRANTEE** with a suitable permanent easement for **GRANTEE**'s wires and facilities and, if necessary, pay the cost of relocating **GRANTEE**'s wires and facilities to such permanent easement.

GRANTOR:

The City of Charlottesville

a political subdivision of the Commonwealth of Virginia

By: _____

Michael Signer

Its: Mayor

DVPIDNo(s). 80-16-0014
(Page 5 of 7 Pages)



Right of Way Agreement

EXHIBIT A

This Exhibit A shall be attached to and made a part of the RIGHT OF WAY AGREEMENT executed by the undersigned **GRANTOR(s)** on the _____ day of _____, _____. The following terms and conditions are incorporated therein:

GRANTEE agrees to indemnify, protect, defend and hold GRANTOR, its employees and agents, harmless from and against all claims, actions, losses, damages, costs, expenses, and liabilities arising out of injury to or death of any person or loss of or damage to any property in or upon the easement or GRANTOR'S contiguous area, including the person or property of GRANTOR, its employees, agents, licensees, or others, to the extent such injury, death, loss or damage is caused by the acts or omissions of GRANTEE, its agents or employees. The foregoing indemnity shall not apply to any claims, actions, losses, damages, costs, expenses and liabilities arising from any act or omission of GRANTOR, its agents, employees, licensees or others.

(SEAL)

(SEAL)

(Page 6 of 7 Pages)

DNCPIDNo(s). 80-16-0014

DVPIDNo(s).

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 4, 2016
Action Required:	Public Hearing/ Adopt Ordinance To Grant a Utility Easement to Dominion Virginia Power (City Yard Site, 4 th Street, N.W.)
Presenter:	Lisa Robertson, Chief Deputy City Attorney
Staff Contacts:	Mike Mollica Lisa Robertson
Title:	Underground Utility Right-of-Way Agreement Across City Yard

Background:

Dominion Virginia Power has requested the City to grant a 30-foot easement and right-of-way, for (1) an underground electric utility installation across the City Yard (305 4th Street, NW), to facilitate an upgrade of the electric service provided to the King Lumber Building site, and (2) for an existing overhead utility line.

Discussion:

1. **Easement for Existing Utility Poles and Overhead Lines**—during the process of reviewing the request for underground lines, we have been unable to locate a recorded easement for the existing overhead lines. (We searched only as far back as the 1970s, so it's possible that one exists). (*The existing overhead line is represented by the solid red line that starts in Page Street and terminates at the triangle labeled "HJ88", across the railroad tracks.*) The existing overhead lines are located within the proposed 30-foot easement, but are not proposed to be undergrounded at this time.
2. **New Underground Easement**—as part of the requested 30-foot easement, Dominion includes provisions authorizing installation of a new utility pole and an underground utility line for upgraded service to serve the site of the King Lumber Building. (*The proposed new underground easement is represented by the solid dark blue line on the attached drawing.*) Underground conduit would be installed 30 inches below ground, by boring underneath the paved parking lot on the City Yard site, and the undergrounded lines would run through that conduit. The owner of the King Lumber Building site has been renovating the interior(s) of the existing buildings for tenants.

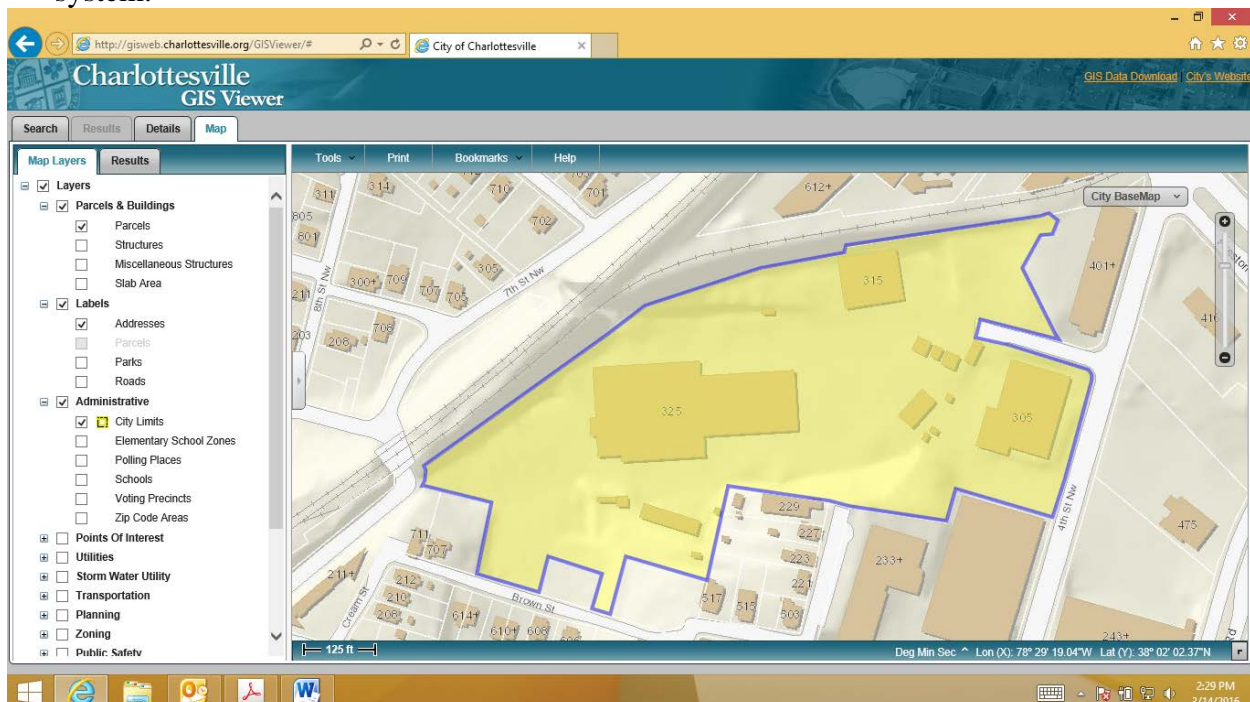
Pros: As the Owner of the site that will be burdened by the easement, it's difficult to identify any significant benefit to the City. (Granting the proposed easement would not enhance the availability or type of electric service available at the City Yard site). Some of the existing overhead lines could possibly be placed into the underground conduit in the future, at City expense.

Cons:

(a) **Cost of Future Relocation**—by granting the proposed easement, the City would commit itself to “suffering” the presence of the electric utility lines, both above-ground and underground, for the period of the easement (40-60 years), unless the City could find an alternative location and would agree to pay for any desired relocation.

(b) **Impact on Re-development Opportunities**--Public Works staff have expressed concern about the potential impact of the undergrounded facilities on the potential for future redevelopment of the City Yard site.

- Dominion’s standard ROW Agreement contains a provision that would allow the City to request a relocation of the facilities, but only if the City provides a new location (and an equivalent easement) and agrees to reimburse Dominion for all costs of the relocation. Aside from the potential expense, it is likely to be very difficult to identify a suitable alternative underground location on the City Yard site in the future.
- If the requested easement is granted, in effect, an area of approximately 3,966 square feet (SF) will be separated by the easement area from the rest of the City Yard Site. Whether or not this upper corner of the City Yard site could be built upon, or otherwise productively used/ developed, depends in part on its zoning district classification at the time of the proposed use, and whether the area would fall within a required building setback area (“required yard”).
 - The City Yard site is currently zoned “MI” (Manufacturing/ Industrial). It’s difficult to determine which boundary lines serve as front, side and rear lot lines. In the MI district, there is no required building setback from a side lot line, *except that*, if a side lot line adjoins a residential use (such as The Crossings) a building setback would be required in the amount of 1 foot for every 2 feet of height of the tallest building on the lot. A specific determination would need to be made based on zoning classification and other conditions at the time of a particular proposed development.
- Following below is a screen-shot of the entire City Yard Site, taken from the City’s GIS system:



Alignment with Council Vision Areas and Strategic Plan:

The requested easement, if granted, could be characterized as supporting City Council's "Economic Sustainability" vision, by facilitating mixed and infill development of the King Lumber Building site at a future date. At this time, staff is not aware of any specific plan for new (mixed or infill) development; the attached correspondence from King Lumber Partners, LLC, refers to the renovations it's been making of existing buildings, to make them available for use by tenants.

Community Engagement:

The required public hearing allows for community engagement in this matter.

Budgetary Impact:

No immediate fiscal impacts on the General Fund are evident at this time. Future budgetary impacts are possible, either (1) if the City needed to pay for the cost of relocating the utilities to a different location, or (2) if the site were less desirable/ valuable for redevelopment as a result of the burden of the easement and utility lines.

Recommendation:

Public Works staff's analysis is that public benefits are outweighed by the burden on the City Yard parcel.

Alternatives:

City Council's alternatives, after conducting a public hearing, are (1) grant the requested easement, by motion to approve the attached ordinance, or (2) by motion, deny the requested easement. *(If Council decides to deny the easement, there is a possible alternative route: extending an existing line from Harris Street, underneath Preston Avenue, over to the King Lumber Building site; however, reportedly this option is more expensive for King Lumber Partners, LLC).*

Attachments:

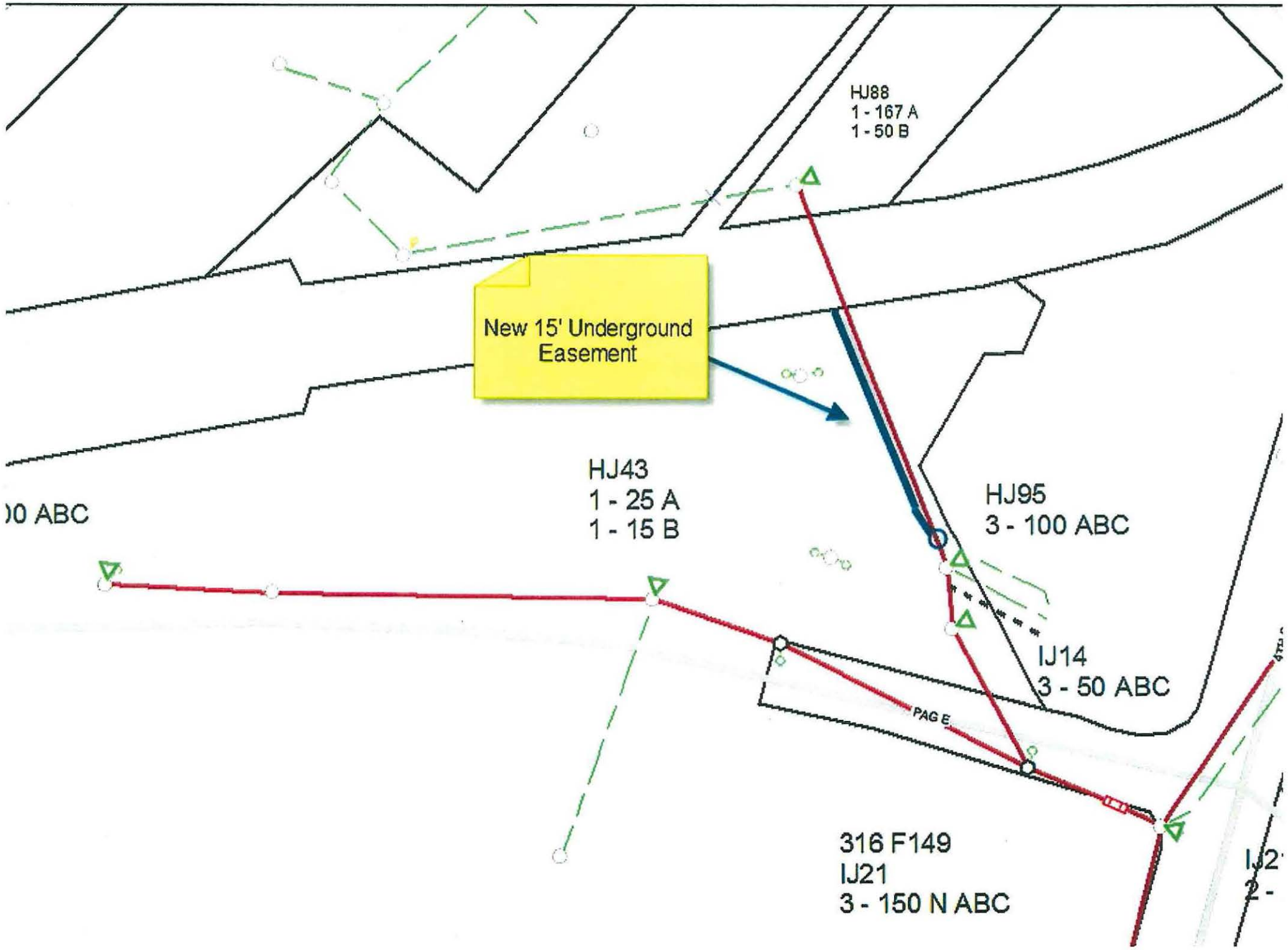
- Proposed Ordinance
- Drawing, labeled "New 15' Underground Easement"
- Staff email to L. Robertson, estimating the square footage of area(s) impacted by the Easement
- March 18, 2016 Letter to City Council from King Lumber Partners, LLC
- Proposed Right-of-Way Agreement, with accompanying easement plat

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF AN EASEMENT
TO DOMINION VIRGINIA POWER
TO PERMIT OVERHEAD AND UNDERGROUND ELECTRICAL LINES
ACROSS CITY PROPERTY ON FOURTH STREET (“CITY YARD”)**

WHEREAS, the Virginia Electric and Power Company, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power, has requested this Council to grant a 30-foot wide easement across property owned by the City of Charlottesville, Virginia at 305 Fourth Street, N.W., City Tax Map Parcel Identification No. 320020000 (the “City Yard”), as described within a Right-of-Way-Agreement, DVPIDNo(s) 81-16-0010, for the installation and maintenance of overhead and underground electric lines and equipment; and

WHEREAS, on April 4, 2016, this City Council conducted a public hearing on the requested easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute a Right-of-Way Agreement, in a form approved by the City Attorney, granting the above-described easement to Dominion Virginia Power.



HJ88
1 - 167 A
1 - 50 B

New 15' Underground
Easement

10 ABC

HJ43
1 - 25 A
1 - 15 B

HJ95
3 - 100 ABC

IJ14
3 - 50 ABC

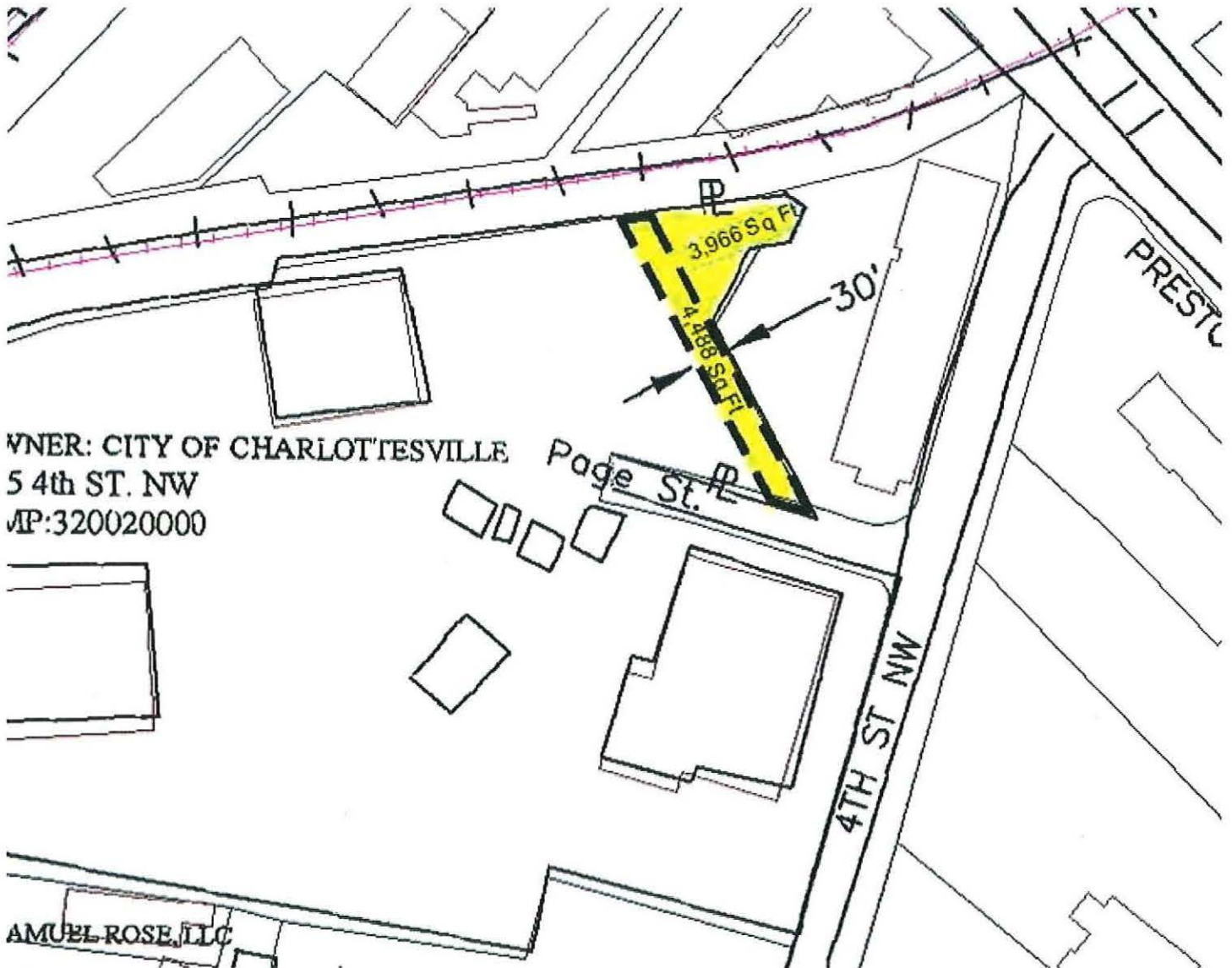
316 F149
IJ21
3 - 150 N ABC

IJ2
2 -

Robertson, Lisa

From: Herndon, Jim
Sent: Tuesday, March 15, 2016 9:09 AM
To: Robertson, Lisa
Subject: City Yard Easement

I calculate 4,488 Sq Ft within the easement and 3,966 Sq Ft in the yellow area outside the easement. Here is a screen shot showing the easement.



King Lumber Partners, LLC

1208 Preston Avenue, Charlottesville, VA 22903

March 18, 2016

City Council
City of Charlottesville
610 East Market Street
Charlottesville, VA 22902

Re: Electrical easement for the King Lumber Building renovation

Dear City Councilors:

One would think in the middle of the city it is easy to get electrical service, right?

Unfortunately, it's not.

We've been working with Dominion Power for 10 months trying to get adequate power to our site for the renovations that are underway. As you may know, we renovated the back warehouse which is now home to the Moxie Hair Salon, we are nearly complete with renovations to the historic 3-story brick warehouse, and the old yellow annex building will be a new micro-brewery opening this summer.

Our property is a wedge shape, hemmed in on two sides by railroad lines (the Norfolk Southern main line and the spur that crosses Preston near 4th Street). Between the railroad regulations, Dominion's technical limitations on existing overhead wires, and the lack of overhead wires along Preston, we have been unable to arrive at a practical solution that will deliver adequate power to our site.

The latest plan from Dominion is to run underground beneath the overhead wires in the city yard, underneath the railroad spur, underneath a portion of Reid's parking lot and then to our property. This solution costs in excess of \$60,000 and requires an easement from the city.

We would appreciate your help in solving this vexing problem and allowing us to properly provide power to complete our renovations at King Lumber.

I'm sure city staff will advise there is a downside to granting this easement: that future development in this small corner of the property would be precluded. I would point out the following:

434-409-3313

markg@ecorp-real-estate.com

1. There are already overhead lines above this easement that serve Reid's market so future development of this corner is already constrained by the cost of relocating those lines and relocating the associate easement with the railroad.
2. This is an oddly shaped and relatively small corner of a much larger property and it does not yield access to any public right of way. After taking setbacks into account, it is unlikely that there would be much pressure to build something in this corner. It is more likely to be used for parking, or ancillary uses such as landscaping, trash enclosures, or internal circulation.
3. Providing the underground easement will allow future removal of overhead wires in this area.
4. A developer considering a larger re-development of the city yards will find this limitation minor compared to larger environmental issues, and may actually prefer the possibility of going underground with the overhead wires service properties to the west.

In summation, the downside risk for this city is minimal, and in addition to assisting with an historic renovation of the King Lumber property, there may be future upsides to providing an underground path for utilities. We will greatly appreciate your assistance in finalizing a path for power to the King Lumber property.

Sincerely,



Mark W. Green
Manager

434-409-3313

markg@ecorp-real-estate.com



Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this _____ day of _____, 2016, by and between

the CITY OF CHARLETTESVILLE

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Virginia Power, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the ~~perpetual~~ right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said non-exclusive easement shall extend Thirty (30) feet in width across the lands of **GRANTOR**; and

1.2 to construct, operate and maintain a pole line including, without limitation, all wires, poles, attachments, ground connections, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time deem advisable, equipment, accessories and appurtenances desirable in connection therewith, including the right to increase or decrease the number of wires; the width of said non-exclusive easement shall extend Thirty (30) feet in width across the lands of **GRANTOR**.

Initials: _____

This Document Prepared by Virginia Electric and Power Company and should be returned to:
Dominion Virginia Power, 1719 Hydraulic Road Charlottesville VA 22901.

(Page 1 of 7 Pages)
DVPIDNo(s). 81-16-0010
Tax Map No. 320020000

Right of Way Agreement

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in the CITY OF CHARLETTESVILLE, Virginia, as more fully described on Plat(s) Numbered 81-16-0010, attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

Initials: _____

(Page 2 of 7 Pages)
DVPIDNo(s). 81-16-0010

Right of Way Agreement

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE'S** exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE'S** rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE'S** exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE'S** exercise of any of its rights granted hereunder, **GRANTEE** may, ~~in its reasonable discretion~~, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: _____

(Page 3 of 7 Pages)
DVPIDNo(s). 81-16-0010



Right of Way Agreement

11. GRANTOR covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that GRANTOR shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of GRANTOR warrants that GRANTOR is a corporation duly organized and existing under the laws of the state hereinabove mentioned and that he or she has been duly authorized to execute this easement on behalf of said corporation.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, GRANTOR has caused its corporate name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

Corporate Name: CITY OF CHARLOTTESVILLE

By (Signature):

Name: Michael SIGNER

Its: Mayor

State of Virginia

City/County of CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this day of ,

by (Name of officer or agent), (Title of officer or agent)

of CITY OF CHARLOTTESVILLE, a(n) Virginia (Name of corporation) (State of incorporation)

corporation, on behalf of the corporation.

Notary Public (Print Name)

Notary Public (Signature)

Virginia Notary Reg. No. My Commission Expires:

(Page 4 of 7 Pages)

DVPIDNo(s). 81-16-0010



Right of Way Agreement

Exhibit A

THIS RIGHT OF WAY AGREEMENT dated _____, 2016, by and between the
CITY OF CHARLOTTESVILLE

a political subdivision of the Commonwealth of Virginia ("**GRANTOR**"), and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power ("**GRANTEE**") is hereby amended as follows:

1. This Right of Way Agreement shall be limited in duration and shall remain in force for a term of forty (40) years, except for any air rights together with easements for columns for support granted hereunder, in which case such air rights together with easements for columns for support shall exist for a term of sixty (60) years. At the end of any such term, this Right of Way Agreement shall automatically terminate unless **GRANTOR** agrees to renew this Right of Way Agreement for an additional term of years.
2. In the event that this Right of Way Agreement is terminated, or if the removal of **GRANTEE**'s facilities is otherwise desired by **GRANTOR**, then **GRANTOR** agrees that it will pay the cost of removing **GRANTEE**'s wires and facilities, and, if appropriate, the cost of replacing **GRANTEE**'s wires and facilities. Upon the termination of this Right of Way Agreement, **GRANTOR** agrees to provide **GRANTEE**, if needed by **GRANTEE**, a suitable substitute easement subject to the same terms provided for herein for **GRANTEE**'s wires and facilities. In the event that this Right of Way Agreement is revoked or terminated, all facilities constructed hereunder shall remain the property of **GRANTEE**.
3. **GRANTOR** covenants that in the event that **GRANTOR** sells or conveys the real property on which **GRANTEE**'s wires and facilities are located by this Right of Way Agreement, **GRANTOR** will provide **GRANTEE** with a suitable permanent easement for **GRANTEE**'s wires and facilities and, if necessary, pay the cost of relocating **GRANTEE**'s wires and facilities to such permanent easement.

GRANTOR:

the CITY OF CHARLOTTESVILLE

a political subdivision of the Commonwealth of Virginia

By:

Michael SIGNER

Its: Mayor

DVPIDNo(s). 81-16-0010
(Page 5 of 7 Pages)



Right of Way Agreement

EXHIBIT A

This Exhibit A shall be attached to and made a part of the RIGHT OF WAY AGREEMENT executed by the undersigned **GRANTOR(s)** on the _____ day of _____, _____. The following terms and conditions are incorporated therein:

GRANTEE agrees to indemnify, protect, defend and hold GRANTOR, its employees and agents, harmless from and against all claims, actions, losses, damages, costs, expenses and liabilities arising out of injury to or death of any person or loss of or damage to any property in or upon the easement or GRANTOR'S contiguous area, including the person or property of GRANTOR, its employees, agents, licensees, or others, to the extent such injury, death, loss or damage is caused by the acts or omissions of GRANTEE, its agents or employees. The foregoing indemnity shall not apply to any claims, actions, losses, damages, costs, expenses and liabilities arising from any act or omission of GRANTOR, its agents, employees, licensees or others.

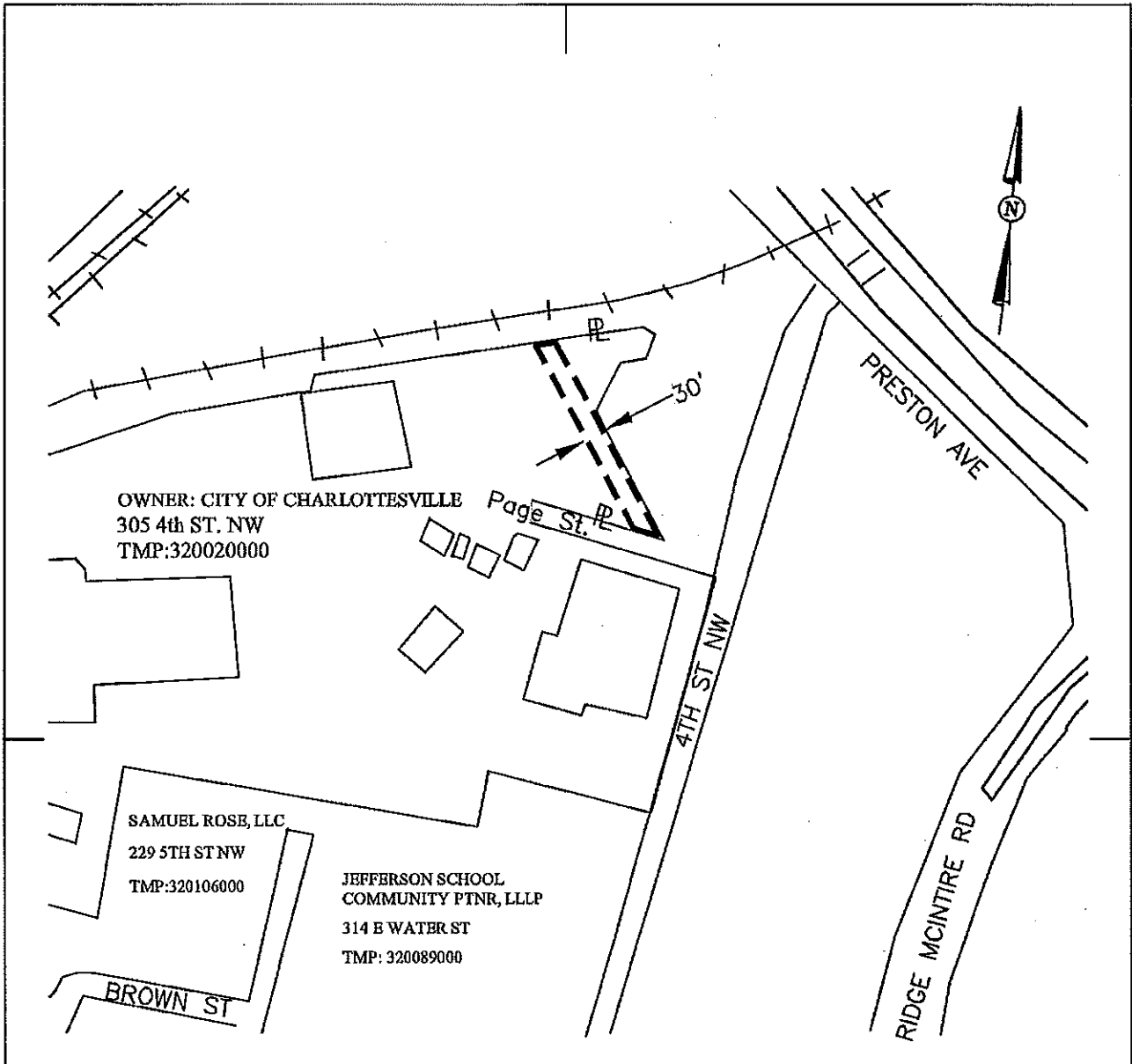
(SEAL)

(SEAL)

(Page 6 of 7 Pages)

DNCPIDNo(s). 81-16-0010

DVPIDNo(s).



Legend

- - - - - Location of Boundary Lines of Right-of-Way 30 ft. in Width.
- - - - - Indicates Property Line is Right-of-Way Boundary

Plat to Accompany Right-of-Way Agreement		
VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Virginia Power OH/UC		
District CHARLOTTESVILLE DISTRICT		
District-Township-Borough	County-City	State
City of Charlottesville		Va.
Office	Plat Number	
Blue Ridge	81160010	
Estimate Number	Grid Number	
7676007	G0025	
Date	By	

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



Agenda Date:	April 4, 2016
Action Required:	Approval of Resolution
Presenter:	Chris Engel, CECD, Director of Economic Development
Staff Contacts:	Chris Engel, CECD, Director of Economic Development
Title:	Parking Management Implementation Plan

Background: At its March 3, 2015 meeting the City Council directed staff to gather current data and conduct an analysis of parking trends so that a comprehensive parking management strategy could be developed. This study focused on the downtown and university adjacent areas in an effort to compliment a 2014 West Main Street analysis of parking, thus providing a current and comprehensive review of parking conditions and opportunities in the commercial core. The resulting report reviews existing parking supply and demand, analyzes key trends, addresses stakeholder issues, presents parking policy and demand management options and makes specific recommendations for actions in the short and long term.

The full report can be found [here](#) but the recommendations fall into three primary categories:

- 1) Optimize existing resources - by creating a parking function within city government to holistically and responsively manage parking to the benefit of businesses, visitors and residents; adopting on-street metering in high demand areas and improving enforcement.
- 2) Offer alternative commute and access options – by adding or enhancing incentives to encourage alternative modes of access.
- 3) Maintain and grow supply – by partnering with property owners, seeking shared parking agreements and participating in new development with the private sector.

On October 1, 2015 the council held a work session and heard a presentation from the lead consultant on the results of the study and the recommendations. The consensus of council at the time was 1) in support of moving forward with the overall recommendations of the comprehensive analysis and 2) in support of specifically preparing an implementation plan for a pilot on-street metering program.

Discussion: Since that time, the City’s consultant has developed an implementation plan which can also be found at the above link. The executive summary and map of the proposed pilot area are included with this memo.

Key recommended elements of the pilot on-street metering program include:

- 1) An area of 157 on-street parking spaces immediately surrounding the pedestrian mall as these are the spaces most proximate to retail destinations which are expected to benefit from improved turnover and space availability.
- 2) Preliminary pricing at \$2 per hour, payable in 15 minute/50-cent increments with a 30-minute free period as a customer convenience for very short term needs. Meter operation 8AM—8PM, Monday – Saturday.
- 3) A six-month trial period that includes a change in seasonal activity.
- 4) Use of “smart” single space or multi-space meters, or a combination of both, that can accommodate credit-card and mobile payment options.
- 5) Focused enforcement across the area to ensure compliance and availability as well as continuation of the “courtesy” ticket for first-time violations.

It is now common practice to request a no-cost pilot period partnership with parking meter vendors as a means of reducing start-up costs and risk exposure in requests for proposals (RFP) released for new meters or upgrades. This is especially true with transitions from no cost on-street to fee based on-street systems and this approach is recommended for Charlottesville as the best means of making final selections for meter vendor, meter models, features and equipment options.

Despite the use of the term “pilot” a firm commitment to move to a managed on-street metering system is needed before moving forward. The pilot should be viewed as an opportunity to test meter equipment, vendor support, back-office operations, signage and potential spillover impacts on non-metered areas. It is also important to note that while a no-cost pilot may be requested, the final terms and conditions of the resulting contract are subject to negotiation between the parties. Even with the substantial increase in metering technology there remains a significant amount of infrastructure associated with curbside metering that is often outside the control of the meter vendor. As such, some one-time cost share and/or in-kind contribution may be required and should be expected.

In addition to initiating the RFP process, staff believes it is imperative to organize the appropriate resources around the parking function. Specifically, this means establishing a Parking Enterprise Fund. An enterprise fund establishes a separate accounting and financial reporting mechanism for services for which a fee is charged. In addition, this will entail establishing a new full-time position. This position will require relevant experience implementing and managing parking programs - specifically on-street metering efforts – and will be charged with overseeing the implementation of the comprehensive parking plan. It is anticipated that one-time initial funding for this position can be drawn from the capital improvement plan (CIP) contingency or the fiscal year 2016 year-end appropriation depending on the timing. Once parking meters are established they will provide a consistent source of revenue to cover the cost associated with the position.

In an initial effort to address the supply of parking it is recommended that the city proceed with adopting, by local ordinance, the Virginia Public Private Education and Infrastructure Act (“PPEA”) guidelines so that private sector interest can be considered and evaluated for these and other infrastructure needs. Adoption of PPEA guidelines does not obligate the city to participate in public-private partnerships but it does provide a process to do so if the city determines there is a need for the project and that private involvement may provide the project to the public in a timely or cost-effective fashion.

The fundamental policy question for council centers on using pricing as a management tool and returning to a condition whereby payment is required for on-street parking. The parking studies from

2008 and 2015 have both recommended this transition and there is a growing body of research that supports pricing-based management strategies as an effective tool in healthy destination oriented downtowns.

Council support of the attached resolution will direct the city manager to assemble an internal action team of key staff to move forward on the items discussed above.

Community Engagement: Significant public engagement including stakeholder's surveys and a series of focus group meetings were conducted as part of the 2015 parking analysis.

Alignment with City Council's Vision and Strategic Plan: Approval of this agenda item aligns with Council's vision for Economic Sustainability and for a Connected Community.

Budgetary Impact: Despite the proposed no-cost pilot project there will be one-time start-up costs associated with personnel and infrastructure for this effort. Depending on the timing and the amount needed the likely sources of such funding would be an allocation from the CIP contingency or the FY 2016 year-end appropriation. Once the sources and uses of funds are identified an appropriation allocating the funding will be presented to council for consideration.

Recommendation: Staff recommends approval of the resolution.

Alternatives: Council may choose not to move forward with implementing the recommendations and the pilot on-street metering program.

RESOLUTION
Parking Management Implementation Plan

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the City Manager is hereby authorized to direct the necessary staff and resources to carry out the following tasks:

- 1) Assemble an internal action team of key staff to issue a Request for Proposal to implement a pilot on-street metering program as generally recommended by the City's consultant, Nelson Nygaard, in its report dated March 3, 2016.
- 2) Develop a plan and allocate the necessary one-time start-up resources necessary to implement the managed parking strategy as described in the Comprehensive Parking Analysis dated October 1, 2015.
- 3) Establish a Parking Enterprise Fund by the start of FY18 (July 1, 2017).
- 4) Draft and present for City Council consideration a Virginia Public Private Education and Infrastructure Act ("PPEA") ordinance.

BE IT FURTHER RESOLVED that the action team tasked with working on these efforts will begin its work as soon as practical and should be prepared to provide quarterly progress updates to the City Council, beginning on July 1, 2016.

EXECUTIVE SUMMARY

Following on the 2015 Downtown and University Corner Comprehensive Parking Study, the City of Charlottesville has fast-tracked a complementary set of pricing-based management strategies for implementation, via a priced-parking pilot. This document outlines the specifics of attempting to implement such a program along with recommendations specific to Charlottesville.

Proposed Pilot Area

The proposed pilot area is bounded by 2nd Street (West), Market Street (North), 6th Street (East), and either South Street or the railroad tracks (South) and includes 157 on-street parking spaces. Of these, 97 are currently regulated as 2-Hour spaces at most times of day. The selected pilot area surrounds the pedestrian mall as well as new development sites, and includes those spaces most proximate to retail destinations, which are expected to benefit from improved turnover and space-availability. The two major downtown parking structures are also located within the boundaries, facilitating strategic, coordinated management between on- and off-street parking options.

Basic Operational Parameters

Metered spaces should be priced at \$2 per hour, payable in 15-minute/50-cent increments. The meter-enforcement schedule should extend to 8PM to allow pricing to continue to maintain availability in service to evening-peak destinations. Further consideration should be given to on and off-street price points to better balance utilization as well as appropriate purpose use. A 30-minute free period is also recommended to serve as a customer-convenience policy for very short-term parking needs. This allows short-trip patrons to not pay the meter as they quickly come and go. Time limits may be retained on metered on-street spaces in order to reinforce the notion of premium short-term facilities. In the case of the Charlottesville pilot area, it is recommended to continue enforcing a two-hour time limit on the newly metered spaces.

Impact Mitigation

While monitoring the pilot area during the pilot program, it will also be important to monitor, evaluate, and understand the new parking situation in likely spillover areas. The blocks surrounding the pilot area contain a significant unpaid parking capacity. In addition to 400 private spaces, the nearby blocks contain 294 publicly accessible on-street spaces. Over two-thirds of these (199) are time limited to two hours.

It may be necessary to conduct parallel small-scale parking studies during the pilot period to acquire updated information that takes the new pricing structure and its impact on motorist behavior into account. In the short-term, the City may consider applying time limits to High and Garrett Streets in an attempt to change the balance of 2-hour vs. unrestricted spaces in the immediate impacted area. Occupancy and turnover should be re-evaluated in these areas during the pilot period.

It will be important during the pilot program that enforcement activity both active and even across both the pilot area and immediately proximate impacted areas. Proper enforcement should not only improve the availability of facilities, but also improve the quality of data collected during the pilot program for determining its efficacy.

Vendor Participation

It is now common practice for cities and municipal parking managers to request a no-cost pilot period partnership with meter vendors. This reduces the requestor's start-up costs and risk exposure in RFPs released for new meters and/or meter upgrades. This is recommended for Charlottesville as the best means of making final selections for meter vendor, meter models, features, and accessory equipment options. Using the RFP process to establish a vested partnership with a selected vendor, or set of "short listed" vendors, will provide essential support for pilot launch, and also ensure ongoing vendor support in performance monitoring, troubleshooting, customer-service, marketing and information throughout the pilot period.

Timeframe

The pilot period should run for several months, and cover a change in seasonal activity, beginning in a normative or "slow" month, but covering at least one month when activity is normative and at least one "busy" month, the latter occurring after a few months have passed, to allow drivers to build familiarity and for managers to work with the vendor/s to sort out the inevitable glitches before demand pressures peak. For Charlottesville's needs, which include the introduction of pricing among previously free parking spaces, a six-month period is recommended.

System Choice

The City should request proposals from vendors that focus on "smart" single-space meters, multispace "pay by space" kiosks, or a combination of both. Given that on-street parking in the proposed pilot area is already striped, a "pay and display" system is not recommended.

Minimum system features for the new parking meters include accommodation of credit-card payment and seamless coordination with a mobile payment option (pay by phone). Both of these options provide a transformational change in how drivers respond to parking options and their cost. The convenience each adds to the payment process facilitates compliance and reduces resistance to higher parking rates.

From a management perspective, minimum meter/system features should include the capacity to quickly, easily, and cost-effectively adjust rates in response to demand/availability, and to potentially charge escalating rates for longer stays, as well as full compatibility with hand-held enforcement units.

Organizational Options

The proposed pilot presents an opportunity to reframe parking rates as focused on performance, and to reframe parking as but one means of accommodating mobility and access to downtown businesses. The City should make the best use of this opportunity to establish a new position, to serve as the City's downtown parking and mobility manager.

Adopting pricing as the primary management tool for Charlottesville's public parking resources provides an opportunity to evaluate the organization of the City's current parking management authority and activities. The City should identify its proposed organizational structure for managing the parking system, including any necessary coordination between distinct City departments/agencies and any expected outsourcing to management firms, within the RFP. This should include elements that represent a change from the current structure. Within the scope, the City should request prospective vendors to identify means by which they will assist with staff

CHARLOTTESVILLE PILOT ON-STREET PARKING PRICING

City of Charlottesville

March 3, 2016

training, coordination strategies, and process-development to facilitate these structural adjustments, and prepare for a seamless transition to post-pilot ownership of the system.

Enforcement

Parking enforcement should be focused on helping the City achieve the performance measures outlined for the pilot and the overall parking program. Each fine has to be high enough to prevent the abuse of short-term spaces, without being overly punitive of innocent mistakes. This can be addressed by simply increasing the fine level for repeated violations, so that they quickly become too high to be ignored.

First-time violations should incur only a "courtesy" ticket (no fine), that includes detailed information on parking options, pricing, and regulations, as well as information on the escalating fine schedule for repeat violations. This emphasizes that parking enforcement is really about managing access to public resources. This also formally adds an information-providing role for enforcement officers, altering their relationship with the parking public.

Performance Measurement

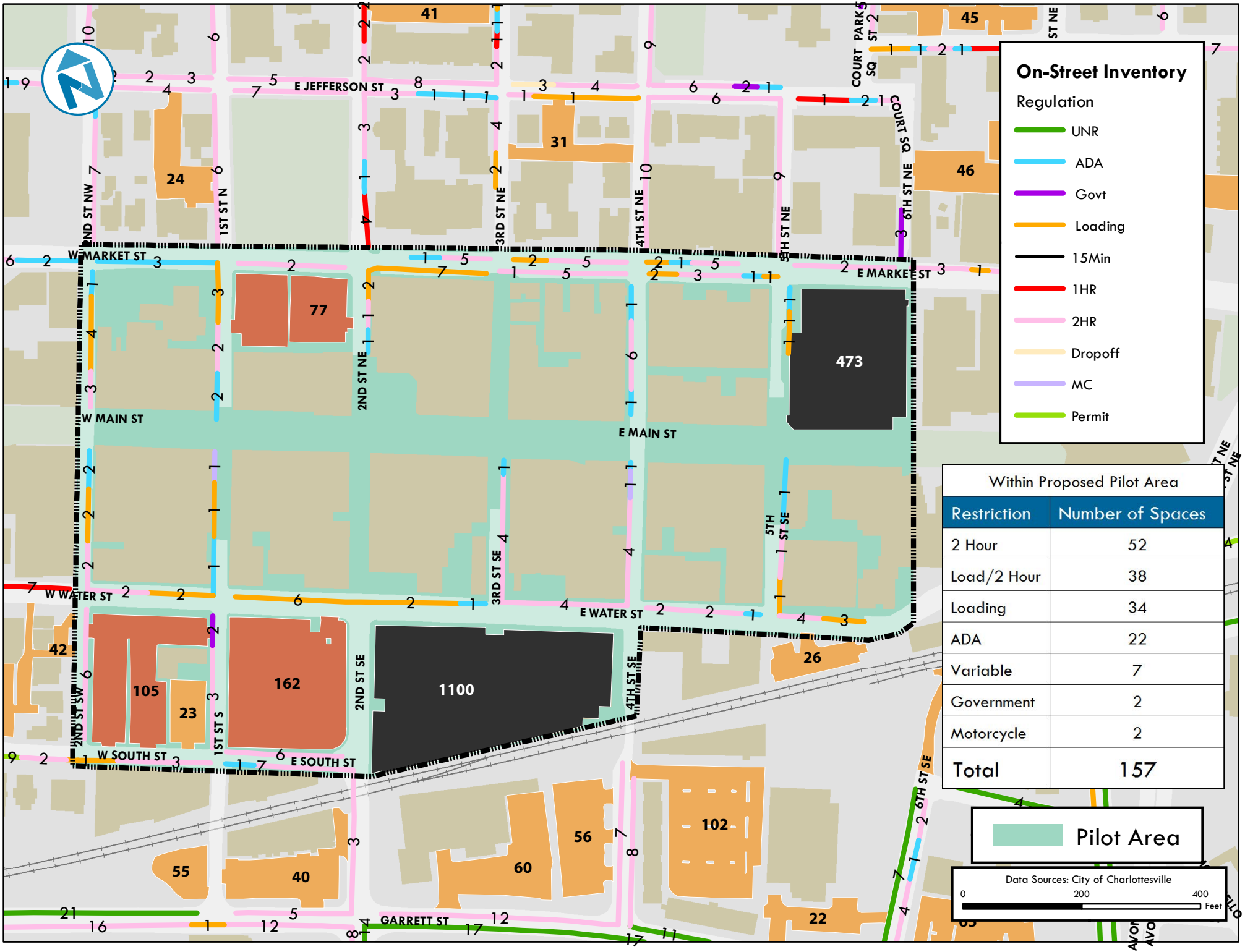
The value of the pilot is to assess the impact of metering parking in the downtown and to make course corrections before deploying the strategy citywide. To this end, it is important to define measures of success and the methodology for collecting and evaluating data. The cost effectiveness, accuracy, and reliability of proposed data-capture technologies/processes should be a central focus for the City. Of particular concern should be the capacity for the City's proposed parking-management staff and organizational structure to continue processes and analysis established during the pilot.

Additionally, the proposed pilot period will provide an opportunity for the City to evaluate, in real time and place, several aspects of the technologies being considered, before making a final investment. Related to this investment, the pilot will allow the City to assess their operational and maintenance costs, in action and in context, and to explore any cost-reduction opportunities with the vendor.

Data Collection

The RFP for the pilot program should state that prospective vendors must identify how they will assist the City in the evaluation of the performance of the technology involved, including all technologies related to the meters, accessory elements, and back-office support.

Any technology-based data collection process will be developed in coordination with the vendor selected for the pilot. Some manual data collection will also be necessary, if not within the pilot area then in the surrounding areas and off-street facilities. The City should also identify expectations in the RFP that the selected vendor will work with the City to develop/refine manual data-collection processes as necessary to evaluate pilot performance.



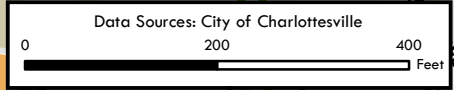
On-Street Inventory

Regulation

- UNR
- ADA
- Govt
- Loading
- 15Min
- 1HR
- 2HR
- Dropoff
- MC
- Permit

Within Proposed Pilot Area	
Restriction	Number of Spaces
2 Hour	52
Load/2 Hour	38
Loading	34
ADA	22
Variable	7
Government	2
Motorcycle	2
Total	157

Pilot Area



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



Agenda Date:	April 4, 2016
Action Required:	Adoption of Ordinance, Amending City Code Chapter 28
Presenter:	Chris Engel
Staff Contacts:	Chris Engel, Director of Economic Development Lisa Robertson, Chief Deputy City Attorney
Title:	New Permit to Authorize Operation of Valet Parking within Public Rights-of-Way

Background: Recently, a local limousine service interested in offering valet parking services downtown has inquired what City approval(s) would be necessary in order for the valet parking service to reserve space within the public right-of-way at certain times for drop-off, returns, and queuing of vehicles. At this time, the City has no ordinance specifically addressing this issue and Councilor Galvin has requested that staff provide a mechanism to offer this as an option.

Discussion: As Economic Development Director, I want to ensure that the City's parking needs can be met in a manner that provides as many options as possible to local businesses. In destination oriented downtowns, such as Charlottesville, valet parking services have been found to help ease congestion and parking concerns.

According to the City Attorney's office, state law prohibits any person or corporation from occupying or using city streets in a manner not permitted to the general public, without first having obtained permission from the city's governing body, *see* Va. Code §15.2-2018. A review of the regulatory structure used by municipalities indicates that a permit procedure, authorized by an ordinance adopted by the governing body, is a common way of approaching the issue. The City Attorney's Office has drafted the attached ordinance based on their review of other localities' ordinances.

I would draw your attention to the following key elements of the ordinance:

- a) The ordinance creates a process by which applicants can request the use of specific public rights-of-way, including on-street parking spaces, for the purpose of providing valet parking services. The ordinance sets out a series of requirements in section 28-244 that each applicant must address in their application including engaging the surrounding property owners and identifying the location for the stored vehicles. Applications are reviewed by city staff and approved permits are issued by the City Manager for a one-year period.
- b) The City's Risk Manager has confirmed that the following insurance requirements are

necessary to protect the City's interests as the owner of the premises (public right-of-way) on which the activities will be conducted:

(i) worker's compensation; (ii) Commercial General Liability - \$1,000,000 per occurrence, \$2,000,000 aggregate limit. Commercial General Liability is to include bodily injury and property damage, personal injury, and advertising injury. The City of Charlottesville and its officers, employees, and agents must be named as an additional insured and so endorsed on the policy; and (iii) Garage Liability Insurance - for bodily injury (including death) and property damage which provides limits of not less than one million dollars (\$1,000,000) combined single limit (CSL) per occurrence, \$2,000,000 aggregate. Garage Liability Insurance is to include Premises and Operations, Personal Injury liability, and Severability of Interest. The City of Charlottesville and its officers, employees, and agents must be named as an additional insured and so endorsed on the policy.

- c) The City Attorney's Office advises against including specific coverage limits into the ordinance, because the ordinance would likely become outdated over time. Instead, we propose to delegate responsibility to the Director of Finance (who will receive advice from the Risk Manager and the City's insurance provider) for establishing insurance limits on an annual basis, and keeping them updated.

Finally, I have spoken with the proprietor of the valet parking service, and I have shared this proposed ordinance with him. I can confirm that, if council adopts this ordinance, he has stated that he will be able to comply with all of the requirements referenced within the ordinance, as well as with the insurance requirements described below.

Alignment with Council Vision Areas and Strategic Plan: The effort supports City Council's "Economic Sustainability" and "Connected Community" vision statements.

Community Engagement: The applicant and several downtown businesses believe there is sufficient customer demand to support this type of service. If enacted the ordinance would require the applicant to engage the owners/occupants of each premises within the block where public right-of-way is intended to be used for valet parking services prior to receiving a permit.

Budgetary Impact: This ordinance has no impact on the General Fund. The fee associated with the application is intended to cover the staff time needed to adequately review each application.

Recommendation: Staff recommends approval of the ordinance.

Alternatives: If the ordinance is not approved then the opportunity to use the public right-of-way for this purpose will continue to not be an option in the City of Charlottesville.

Attachments: Proposed Ordinance

ORDINANCE

TO AMEND AND RE-ORDAIN THE CODE OF THE CITY OF CHARLOTTESVILLE, CHAPTER 28 (STREETS AND SIDEWALKS), TO ADD ARTICLE VII (VALET PARKING SERVICES)

Sec. 28-221. - Purpose.

City council finds that the use of public streets and rights-of-way for valet parking, while providing a public benefit to some by making parking more convenient, also has the potential to impede travel, interfere with the rights of others using the streets and public rights-of-way, affect the public safety, and create public nuisance conditions. Therefore, valet parking may be permitted within the city as a special privilege, not as a matter of right, subject to the regulations in this article.

Sec. 28-222. - Definitions.

For purposes of this article, the following words shall have the following meanings:

Public right-of-way means any area dedicated for public use as a public street, pedestrian way, or other thoroughfare, including but not limited to streets, roadways, parkways, alleys, sidewalks, and pedestrian ways. For purposes of this article the term excludes (i) areas of the Downtown Mall open to motor vehicle traffic, and (ii) all brick-paved areas of any side street adjacent to the Downtown Mall.

Valet parking means practices associated with, and the act of, driving another person's vehicle to and from a parking location, so that the driver and any passengers originally within the vehicle may unload (drop-off) and load (return) at or near their immediate destination.

Valet parking service means a person engaged in the provision of valet parking, including any employees, contractors, subcontractors, or agents employed or otherwise assisting in the provision of such valet parking.

Sec. 28-223. - Permit required.

A permit is required for any valet parking service that conducts any portion of its operation (including but not limited to: drop-off, queuing, receiving, moving, or return of vehicles) upon any public right-of-way. No permit is required for a valet parking service conducted entirely upon private property solely as a service for patrons of that location.

Sec. 28-224. - Process for permits and renewals.

- (a) New applications for a permit shall be submitted to the city manager for review, and shall include the following information:
 - (1) The name, address, and telephone number of the valet parking service; the name and contact information for a responsible individual who will be immediately available during all hours of the valet parking service's operation; the type of business entity that will be conducting the valet parking service (sole proprietorship; corporation; limited liability company, etc.) and the identity and signature of the individual submitting the application on behalf of the valet parking service (for a corporate entity, an individual

who is an officer or director of the corporation; for a limited liability company, an individual who is authorized to enter into binding agreements on behalf of the company; etc.);

- (2) A letter signed by the owner/proprietor of each premises to be served by the valet parking service, confirming its intention to engage the valet parking service;
- (3) A petition describing the hours and proposed area of operation of the proposed valet parking service, and containing the signature(s) of the owner(s) and occupant(s), if different than the owner(s), of each premises located on or within the same block(s) as the right-of-way area to be served by the valet parking service, on both sides of the public right-of-way proposed to be utilized. The petition shall be in a form provided by the city manager's office, providing signature lines on which such owner(s) and occupant(s) may sign to indicate either support or opposition to the petition. The following person(s) may sign on behalf of a multifamily dwelling: the owner of the premises; a property manager authorized to act as the owner's agent; or the authorized representative of a condominium unit owner's association;
- (4) A description of the location(s): (i) where vehicles would queue while awaiting drop-off and return, (ii) where the valet parking services will receive possession of vehicles from patrons ("drop off point"), and (iii) where the valet parking service would return vehicles to patrons ("return location"). The application shall include a map or aerial photograph illustrating the proposed dimensions of each location, and shall identify any on-street parking space(s) within the desired permit location;
- (5) Identification of the location(s) where vehicles will be parked or stored by the valet parking service ("parking location"). All such locations must meet applicable zoning ordinance requirements for parking lots and other parking facilities;
- (6) A contract or other signed statement from the operator of the parking location, setting forth:
 - a. The total number of parking spaces within the parking location,
 - b. The number of parking spaces within the parking location that will be available to the valet parking service, and
 - c. An estimate of the percent usage of the parking location, taking into account use by the valet parking service;
- (7) The location, dimensions and materials of proposed signs for the valet parking service and any proposed attendant stands;
- (8) Proof of insurance required by this article;
- (9) Payment of a nonrefundable permit application fee. The permit application fee is five hundred dollars (\$500.00) per right-of-way location proposed to be utilized by the valet parking service;
- (10) A copy of the applicant's city business license, and proof of payment of all applicable taxes.

- (b) Applications for renewal of a previously-approved permit shall be submitted to the city manager, and shall include the following information:
 - (1) A cover letter signed by the valet parking service, and indicating whether or not any matters represented within the previous year's permit application have changed;
 - (2) A contract or signed statement for the parking location, (in accordance with subsection (a)(6) above), containing updated information for the period of the proposed renewal;
 - (3) Proof of insurance required by this article;
 - (4) Payment of the permit application fee specified in (a)(9) above; and
 - (5) A copy of the applicant's city business license, and proof of payment of all applicable taxes.
- (c) Not more than one (1) permit will be issued per city block. The individual to whom the permit is granted shall not operate valet parking services at any other location within a public right-of-way unless a permit has been issued for the other location.

Sec. 28-225. - Term of permit.

Every valet parking permit, or renewal of a permit, shall be issued by the City Manager for a specific period of time, not to exceed one year (twelve months) from the date of issuance.

Sec. 28-226. - Operating requirements.

- (a) The valet parking service shall only accept vehicles at, and return vehicles to, the approved drop-off and return locations. Final dimensions of proposed drop-off and return locations shall be determined by the traffic engineer or the City Manager.
- (b) The valet parking service shall provide a level of staffing adequate to receive, park, and return vehicles in a manner that traffic within the public right of way is not impeded by its activities. Vehicle queuing is allowed only within an area approved by the city's traffic engineer for vehicle queuing.
- (d) Each valet parking service shall display at each drop-off and return location within City right-of-way an "A-Frame" sign or movable podium, which may only be displayed during the approved operating hours of the valet parking service and must be removed from public property at all other times. Each location may have only one (1) sign or podium. Each A-frame sign, or the sign on a podium, shall be of dimensions and materials compliant with applicable provisions of the City's zoning ordinance Each A-Frame sign shall contain plainly visible letters and numerals stating:
 - (1) "Valet parking",
 - (2) The name of the valet parking service,
 - (3) The hours of operation of the valet parking service, and
 - (4) The valet parking fees, if any.
- (e) Each individual employed by the valet parking service in the operation of any vehicle shall possess a valid Virginia driver's license.

- (f) If the use of an on-street public parking space is necessary for the valet parking service, that parking space is only reserved during the approved hours of operation for the valet parking service and at all other times the parking space shall be available for public parking. If a permit is granted, the operator of the valet parking service shall not use the parking space for any other purpose other than receiving vehicles from and returning vehicles to customers of the valet parking service. The operator of the valet parking service shall not lease the parking space or allow any person to park a vehicle in the space if such use is not related to the operation of the valet parking service. Any permit for valet parking services along with the use of a parking space associated with the permit shall be temporarily suspended in the event a public street, in the area of the permit authorizing valet parking services, is temporarily closed to vehicular traffic because of a special event, festival or emergency, or other similar occurrence; the temporary suspension of the permit shall be lifted upon termination of the occurrence.

Sec. 28-227. – Required insurance.

- (a) The valet parking service shall maintain the following insurance (“required insurance”): (i) worker’s compensation, in the statutory amounts required by the Commonwealth of Virginia; (ii) commercial general liability insurance, and garage liability insurance, in such form and with such limits of coverage as established annually by the city’s director of finance.
- (b) The valet parking service’s general commercial liability and garage liability insurance policies shall be endorsed to add the city as an additional insured party, and to require (30) days’ prior written notice to the City of any change or cancellation.
- (c) Prior to the issuance of a permit, and at all times while the permit is in effect, the applicant shall maintain on file with the city’s risk manager evidence of the required insurance.
- (e) If evidence of the required insurance is not provided, or if any required insurance is cancelled for any reason, the permit issued shall automatically be deemed revoked, without the requirement for prior notice from the city.

Sec. 28-228. - Indemnification.

The valet parking service to which a permit is issued shall indemnify, hold harmless, release and defend the city, its officers and employees, from any and all liability, loss, suits, claims, damages, costs, judgments, and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, or arise out of:

- (1) Any act or omission of its employees;
- (2) The operations of the valet parking service;
- (3) Any condition of property used in the operation;
- (4) Any negligence of the valet parking service, its officers, directors, employees, contractors and any individuals or entities engaged in the provision of valet parking services authorized by the permit.

Sec.28-229. - Grounds for revocation and denial.

- (a) The city manager may revoke or deny a permit for any of the following reasons:
 - (1) The valet parking service fails to cooperate with the city police department in the investigation of any crime involving the valet parking service.
 - (2) The valet parking service has made a material misrepresentation in its application.
 - (3) The valet parking service would or does substantially disrupt, impede or affect the safety of pedestrians or any vehicular traffic using the public right of way.
 - (4) The valet parking service at the specified location would be or is incompatible with other uses in the vicinity.
 - (5) The valet parking service, or the owner/ proprietor of any premises served by the valet parking service, fails to comply with any provision set forth within this article, or any condition of a permit, or has done so within the past five (5) years.
 - (6) The valet parking service, as operated or proposed to be operated, causes or would cause a loss of parking spaces during the hours of the valet parking service operations, in such number or for such period(s) of time as would adversely affect other premises located within the same block(s) as the premises served by the valet parking service.
- (b) The city manager shall notify an applicant or permittee in writing when a permit is denied or revoked. Except in circumstances when the public health, welfare, or safety requires more immediate action, revocation shall not be effective until forty-eight (48) hours after written notice is given to the permittee.
- (c) The city manager's revocation of a permit shall be in addition to, and not in lieu of, any penalty provided by Sec. 28-232.

Sec. 28-230. - Conditions imposed on permit.

- (a) The city manager may impose conditions upon a permit issued under this division, as reasonably necessary to protect the peace and tranquility of any residential area, to mitigate adverse traffic impacts, to protect other lawful uses of the public rights of way, or protect the health, welfare, safety or convenience of the public.
- (b) Any valet parking service operating under an approved permit, and the owner/ proprietor of any premises served by that valet parking service, shall comply with all conditions imposed upon the permit pursuant to subsection (a) of this section.
- (c) The following requirement shall be deemed a condition of every permit issued under this division, and each renewal thereof: the valet parking service operating under an approved permit shall be responsible for the cost of any public street signage required in connection with its use of the public right-of-way. The city traffic engineer shall establish the signage requirements for each permitted location.

Sec. 28-231. – Limited privilege conferred by a permit.

- (a) The approval of a permit under this article provides only for the nonpermanent and nonexclusive use of the public right-of-way. Valet parking services, and the owners/

proprietors/ occupants of premises benefiting from the valet parking services shall have no property interest in, or any entitlement to, the granting or continuation of any permit for the use of any public right-of-way.

- (b) Neither a valet parking service, nor the owner/proprietor of any premises benefitting from a valet parking service, shall, by virtue of any permit approved under this article, acquire any right or authority to have any vehicle(s) towed from any public right-of-way that is the subject of such permit.

Sec. 28-232. - Penalties.

Any person violating the provisions of this article or any condition of a permit issued pursuant to this article shall be guilty of a Class 4 misdemeanor.

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



Agenda Date:	April 4, 2016
Action Required:	Approval of Resolution
Presenter:	Alex Ikefuna, NDS Director
Staff Contacts:	Alex Ikefuna, NDS Director
Title:	Strategic Investment Area Implementation Action Plan Framework

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 Implementation Action Plan Framework was requested by the City Council at its regular meeting held on February 16, 2016. This framework follows the implementation recommendations for Immediate Actions, Catalyst Projects, and Priority Actions as outlined on page 1-9 to 1-13 of the SIA Plan.

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. As the implementation proceeds, there will be several opportunities for Community Engagement. This would include

community involvement in the planning process, outreach with Piedmont Housing Authority (PHA) and its residents, Charlottesville Redevelopment and Housing Authority (CRHA) and its residents, the Ridge Street Neighborhood Association, Belmont-Carlton Neighborhood Associations, Martha Jefferson Neighborhood Association, North Downtown Neighborhood Association, Bridge PAI, Urban Agriculture Collective Collaborative (UACC), nonprofit organizations, and private sector.

Budgetary Impact: This is an Action Plan Framework for implementation and has no budget implications.

Recommendation: A key factor in the success of the implementation of the SIA Plan will be available staff resource to oversee coordination. It is recommended that consideration be given to hiring a housing and Community Revitalization Specialist to coordinate implementation of the plan and revitalization activities.

Alternatives: Not applicable

Attachments:

SIA Implementation Action Plan Framework
SIA Map

SIA NEAR TERM IMPLEMENTATION AND ACTION PLAN FRAMEWORK

	IMPLEMENTATION PROJECTS	RESPONSIBLE PARTY	BUDGET	STATUS	NOTES	TIMELINE
	OVERARCHING GOALS		\$750,000			2/16 – 12/31/16
C O O R D I N A T E & M O N I T O R	<p>#1. The SIA Plan is a unified approach to making decisions. All public initiatives should be measured and tested”.</p> <p>#2. Concentrate public investment on specific focal points: the 2nd Street, Pollocks Branch, housing.</p> <p>#3. Commit to Pollock’s Branch.</p> <p>#4. Streamline review processes.</p> <p>#5. Commit to shared parking.</p> <p>#6. Integrate public art.</p> <p>#7. Foster stakeholder input.</p> <p>#8. Re-convene Quarterly meetings of the Implementation Team</p>	<p>Implementation Team</p> <p>City Council</p> <p>Bridge PAI</p>		Under consideration	<p>Utilize PLACE DESIGN Taskforce “Performance Metric” format to track implementation activities and outcomes.</p> <p>In July 2013, Cunningham Quill (CQ) recommended designating one Neighborhood Development Services and one Economic Development staff to focus on SIA initiatives. In keeping with CQ’s and staff Recommendation #1, consider a <u>housing and community revitalization specialist</u> position responsible for coordinating & monitoring the implementation of small area plans, such as the SIA.</p>	<p>Second Quarter 2016</p> <p>April - Consider a <u>housing and community revitalization specialist</u>, through repurposing existing positions and attrition. Successful implementation of this plan would largely depend on a dedicated full-time staff that would be responsible for coordination and project management.</p>
	IMMEDIATE ACTION	RESPONSIBLE PARTY	BUDGET	STATUS	NOTES	2/16 – 12/31/16
H O U S I N G	Remove metal fence at Friendship Court	PHA/National Housing Trust	None	Under Consideration	Pre-development planning underway	Draft study to be completed in Summer of 2016; PHA to provide progress report with payment requests
	Repair fences at the CRHA properties	CRHA	CRHA/ Capital Fund	Ongoing	Fence repairs are being made as needed at playgrounds (Westhaven, South First Street, Sixth St, Riverside, Michie Dr., Madison Ave).	CRHA will provide Quarterly Report to City Manager/NDS

	IMMEDIATE ACTION	RESPONSIBLE PARTY	BUDGET	STATUS	NOTES	2/16 – 12/31/16
H O U S I N G	Cosmetic improvements to public spaces: Paint, Lighting.	CRHA	CRHA	Ongoing	Being undertaken as funds allow.	March – See above
	Confirm proper function of all heating and air conditioning units. Confirm adequate ventilation inside all CRHA-owned units. Repair and maintain equipment as required.	CRHA	CRHA Capital Fund	Ongoing	Conduct inventory of maintenance needs, develop and implement routine maintenance schedule.	March – See above
C O M M U N I T Y E N G A G E	Apply for a CACF grant for Community Engagement (CE)	City	Grant	Pending	Priority-see target date. Establish a strategy for engaging and informing all SIA communities on a regular basis (Public Housing, Friendship Court, Belmont, MJH, Ridge St. neighborhoods, business and industry, property owners).	March-apply for grant April start- <u>Community Engagement Action Plan</u> to Council (with 9 month timeline, and deliverables)
	Re-engage Community Stakeholders in a discussion about zoning and redevelopment in the SIA.	NDS	Existing Resources	No action to date	Convene individual and joint meetings with key stakeholders and property owners: CRHA, PHA and Ix Property.	Summer 2016
	Community & Civic Services	TBD	\$80,000 for Zion cemetery	Play the City has engaged the community w/art	Protect local history such as the Daughters of Zion, Oakwood and Hebrew cemeteries, daycare, community art events and other recommendations.	March- Discuss Daughters of Zion budget request
R E G U L A T O R Y	SIA code review.	NDS	Existing Resources	Developed timeline	This phase will include staff evaluation of regulations in the SIA; Planning Commission (PC) input for moving forward, and City Council guidance (this may require a work session)	Staff evaluation: March – April, 2016 PC input and City Council work session - May to June 2016
	Draft regulations based on City Council guidance	NDS/City Attorney's Office	Existing Resources	No action	This will involve a discussion with property owners (PHA, CRHA, IX, etc.), Planning Commission work session in summer, and community meeting (s).	June – September 2016
	Approval of regulations by the Planning Commission (PC).	NDS	Existing Resources	No action	Conduct Planning Commission work session and joint Planning Commission-Council public	PC work session – Winter 2016 Joint

					hearing	public hearing – scheduled at direction of Planning Commission
REG	City Council review and adoption of the draft regulations.	NDS	Existing Resources	No action	See above	Will depend on schedule of review by Planning Commission
	Create an SIA Development Review Checklist to outline criteria for special expedited review of projects by staff.	NDS	Existing Resources	Developer Roundtable	Held Developer Roundtable. Strategy being evaluated	Updated development procedures will address and be evaluated as needed.
	CATALYTIC PROJECTS	RESPONSIBLE PARTY	BUDGET	STATUS	NOTES	2/16 – 12/31/16
INFRASTRUCTURE	Design/engineering for streetscape and intersections: 1) Second Street from Water Street to Monticello Avenue; 2) at the Lexington /9th/High St. Intersection; 3) at Monticello Ave. from 2nd to Ridge Street.	NDS/Public Works	\$340,000 (adjusted to Council priorities)	Submitted Grant Application for Lexington & High	HB2 grant application under review by VDOT. Ridge/Monticello intersection designated a top ten priority for Streets that Work (STW.) Coordinate STW with the Cherry/Ridge intersection improvements. The impacted Neighborhood Associations will be engaged during the planning and implementation process (MJNA, RSNA).	Submit infrastructure Action Plan to City Council – June 2016
	Finalize and approve the design for the new Belmont Bridge.	NDS/Steering Com. RSNA, MJNA, BCNA, NDNA	\$14.4 million	RFP design selection phase	Completed evaluation; final selection in progress. Award of design contract – June 2016	Design completion September 2017
	Increase pedestrian and retail activity creating a more inviting environment in the Warehouse District with streetscape improvements at Second and Garrett Streets, and Monticello Avenue.	Office of Economic Development (OED)/NDS	Unknown	Ongoing	Enhanced activity to follow streetscape improvements and application of STW recommendations; and the creation of new inventory by private sector.	Submit infrastructure Action Plan to City Council – June 2016
EN	Initiate process and discussions to facilitate new infill commercial street frontage facing Second St. at Friendship Court.	City/CRHA/NDS/Piedmont Housing Alliance (PHA)/NHT/Enterprise	Unknown	Under consideration	The City provided \$350,000 to PHA for pre-development planning. Councilor Galvin met with the PHA	A joint meeting of PHA, OED, NDS – March 25

D E V		Preservation Corporation			team on 2/9/24 to discuss design, jobs, infrastructure, and redevelopment. Will convene a meeting with PHA, OED, NDS.	

	CATALYTIC PROJECTS	RESPONSIBLE PARTY	BUDGET	STATUS	NOTES	2/16 – 12/31/16
E C O N	Establish a transportation demand management program for major employers in the study area.	City, OED	Unknown	No action	This was a recommendation of the Nelson Nygaard Downtown Parking Study.	June start- <u>Economic Action Plan</u> to Council
D E V	Provide transit access seven days a week for SIA area residents.	OED, Transit & Public Works	Unknown	No action	Investigate cost to expand.	Integrate into Action Plan to City Council above.
H O U S I N G	Hire a CRHA Executive Director (ED) to manage and redevelop existing public housing and expand affordable housing opportunities city-wide.	Charlottesville Redevelopment and Housing Authority (CRHA)	NA	Completed interview process	The new Executive Director will play a critical role in redevelopment activities and SIA implementation.	April 2016 – Hire new CRHA Executive Director
	Begin design for the Levy Site as a mixed-income, mixed-use building. Prioritize coordinating with CRHA regarding possible development opportunities for the Levy/Walker Garage Site.	City/ Charlottesville Redevelopment and Housing Authority (CRHA)	Unknown	Static; limited to administrative effort	The City Attorney’s Office is researching the implications of removing the HUD Declaration of Trust as well as obligations associated with the original source of funding (i.e., thought to be UDAG or CDBG). Contingent on hiring a CRHA. Coordinate with the WRT study, SIA plan, ARHA and PHA efforts.	Pending the hiring of a new Executive Director.
	PRIORITY ACTIONS	RESPONSIBLE PARTY	BUDGET	STATUS	NOTES	2/16 – 12/31/16
H O	Work with public housing occupants and PHAR to refine understandings of existing positive	City/ Charlottesville	Existing Resources	Static	Ongoing education of PHAR Gentrification and	May 2016 start-(after CACF

U S I N G	community housing features.	Redevelopment and Housing Authority (CRHA)			Communities Committee on future redevelopment activities will be a key part of Community Engagement strategy.	grant received or not)
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	PRIORITY ACTIONS	RESPONSIBLE PARTY	BUDGET	STATUS	NOTES	2/16 – 12/31/16
H O U S I N G	Explore prototype implementation vehicles such as Community Development Corporations (CDCs), land trusts, and a mixture of market rate and affordable units in order to ensure long-term financial viability for affordable housing.	City/CRHA NDS/ OED, Housing Advisory Committee (HAC)	Existing Resources	Static	Once a new Executive Director is hired, the City will work with CRHA to strengthen the capacity of the CDC to act as active redevelopment partner. RCLCO's Comprehensive Housing Study recommended <u>new ways to develop</u> affordable housing. Charge HAC with integrating the efforts and findings of area non-profit housing providers, CRHA and PHA with RCLCO's work.	Timeline to be developed when a new Executive Director is hired.
	Develop hybrids of housing types appropriate for the SIA providing residents with housing choice and affordability.	NDS/CRHA	Unknown	RCLCO's housing study accepted by Council on 2/1/16. In August, 2016 HAC will provide recommendations to Council based on the RCLCO study	RCLCO's Comprehensive Housing Study also recommended <u>expanding housing types</u> .	This is a topic which warrants discussion from a citywide perspective. Broader prioritization should be considered
	Building prototype public housing replacement units (townhome and apartment styles) on	City/CRHA	Existing Resources	Static	Cultivate information partnerships among private	Pending the hiring of a new Executive

	existing land or alternative parcels.				and nonprofit housing developers, City and HAC	Director
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	PRIORITY ACTIONS	RESPONSIBLE PARTY	BUDGET	STATUS	NOTES	2/16 – 12/31/16
E C O N O	Nurture development plans with IX property owners. Work with property owner to establish a major public space and encourage longer term larger scale mixed-use development.	City, Office of Economic Development (OED), NDS	Existing Resources	Ongoing		June start- <u>Economic Action Plan</u> to Council
M I C D E V	Work with CEDA and private sector to assemble land for a flex-space facility to house a variety of job opportunities. Create resident jobs via redevelopment and infrastructure improvements.	City, OED, NDS	Existing Resources	Discussions underway	Identify apprenticeships and jobs created over time via the new flex-space, and redevelopment and infrastructure opportunities. Develop strategies and partnerships for providing skilled trades apprenticeships to residents.	June start- <u>Economic Action Plan</u> to Council
E L O P	Target neighborhood service oriented tenants, including both businesses and residents (food service, hair salon, dry cleaners, day care provider, banks, etc.)	Office of Economic Development	Existing Resources	Ongoing	OED will continue to provide outreach and technical assistance to businesses.	June start- <u>Economic Action Plan</u> to Council
M E N T	OED will continue outreach with new potential employers to try and provide job applicants with job opportunity.	OED	Existing Resources	Ongoing	The City has a project liaison that facilitates local job recruitment and placement.	June start- <u>Economic Action Plan</u> to Council
I N F R A S T R	Develop Pollocks Greenway as a “Central Park” and storm water management facility.	City, NDS, Public Works, Parks & Rec	unknown	Initial Phase of Pollocks trail south of Elliot St. is Under Consideration. Kresge Foundation grant submitted.	NDS is partnering with Urban Agriculture Collective of Charlottesville (UACC), to secure a Kresge Foundation planning grant for \$75,000.	Submit infrastructure Action Plan to City Council – June 2016

	PRIORITY ACTIONS	RESPONSIBLE PARTY	BUDGET	STATUS	NOTES	2/16 – 12/31/16
I N F R A S T R U C T U R E	Plan for Garrett Street abutment.	NDS	Unknown	Advertised but no bid received.	Bid to be re-advertised	Re-advertise in April and award in May 2016
	Establish a program to construct new sidewalk network.	NDS	\$275,000	Ongoing	Prioritized by the Bike-Ped Plan. Coordinate with STW & identify locations relative to SIA goals.	May 2016
	Bike lanes designate an exclusive space for bicyclists through the use of pavement markings and signage.	NDS	Varies	Ongoing	Bike lanes/shared lane markings installed on Avon Street (from Hinton to Druid) Monticello Ave. bike lanes in design. Belmont Bridge/Avon St. bike lanes are in design.	May 2016

EXPLANATION OF ACRONYMS USED IN THIS ACTION PLAN

SIA: Strategic Investment Area

OED: City of Charlottesville Office of Economic Development

NDS: City of Charlottesville Neighborhood Development Services

CRHA: Charlottesville Redevelopment and Housing Authority

PHA: Piedmont Housing Alliance

RSNA: Ridge Street Neighborhood Association

MJNA: Martha Jefferson Neighborhood Association

NDNA: North Downtown Neighborhood Association

BCNA: Belmont-Carlton Neighborhood Association

Bike-Ped Plan: Bike and Pedestrian Master Plan

STW: Street That Work

VDOT: Virginia Department of Transportation

HB2: House Bill 2

CE: Community Engagement

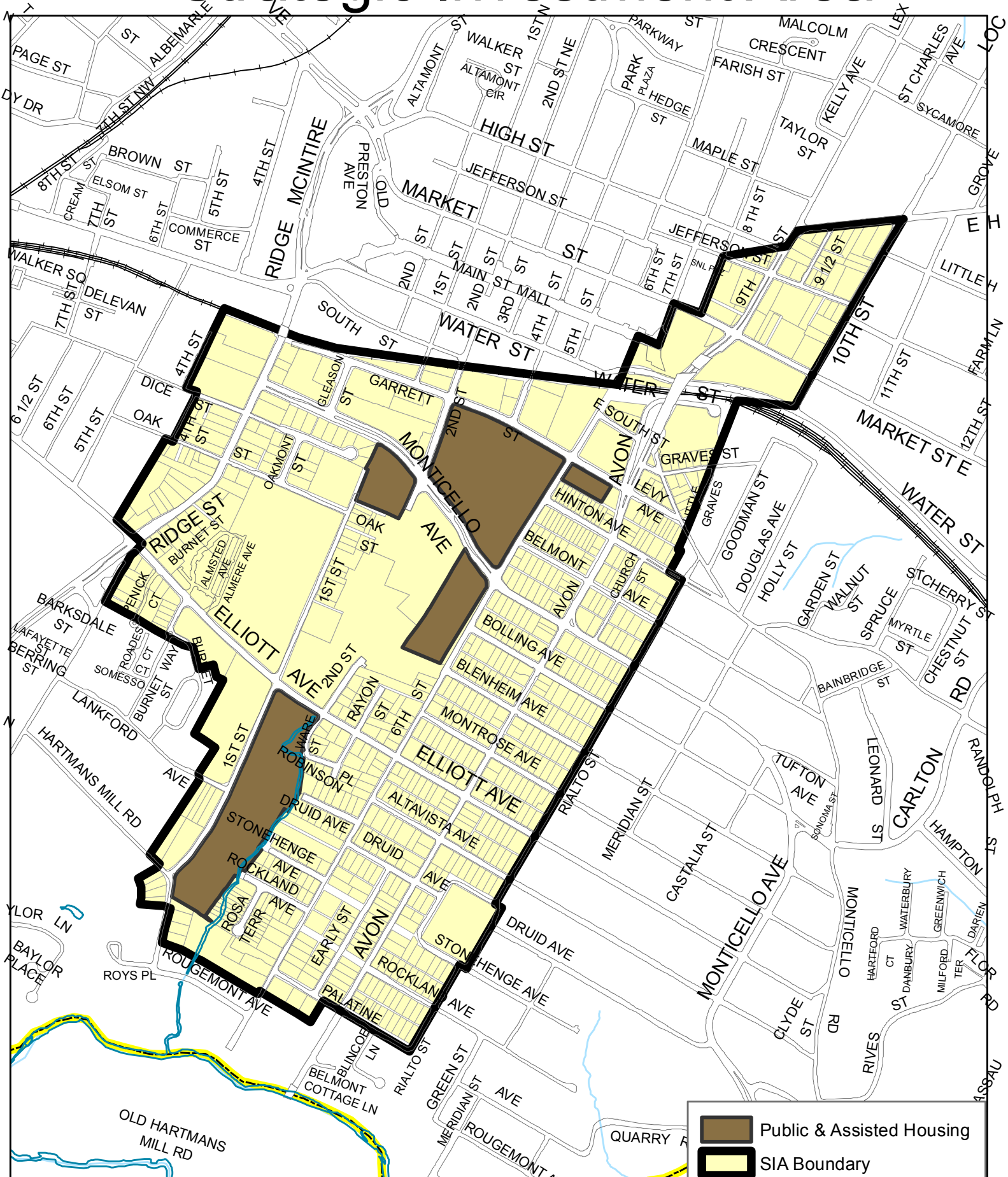
TBD: To Be Determined

HAC: Housing Advisory Committee



RFP: Request for Proposal

CACF: Charlottesville Area Community Foundation

Strategic Investment Area



NEIGHBORHOOD DEVELOPMENT SERVICES
 City of Charlottesville
 February 3, 2016

 Public & Assisted Housing
 SIA Boundary



1 inch = 800 feet

Charlottesville Water Resources Protection Program Advisory Committee (WRPP-AC) End-of-Year Report to City Council, CY2015

Introduction

The Water Resources Protection Program Advisory Committee (WRPP-AC) was established to advise City Council and City staff on issues regarding continued development and implementation of the Water Resources Protection Program (WRPP) and Stormwater Utility. Among other responsibilities, the WRPP-AC is charged with making an annual report to City Council.

This CY2015 report contains the following sections:

- **Section 1** provides an overview of the WRPP-AC's duties, current membership, and second-year activities in conjunction with the program staff.
- **Section 2** includes some brief observations on WRPP priorities and funding needs and explains the regulatory and other areas of uncertainty the program is navigating.
- **Section 3** monitors WRPP program implementation, describing and evaluating the Water Quality Incentive Program, Stormwater Utility Fee Credit Policy, infrastructure rehabilitation, and project implementation.
- **Section 4** concludes with suggested WRPP-AC activities for CY2016.

The City of Charlottesville's WRPP is designed to manage the City's water resources and to address increasingly stringent stormwater management regulations in an economically practicable and sustainable manner.

In February 2013, City Council established the stormwater utility fee to provide an adequate and stable source of funding for the WRPP. The stormwater utility fee is a "fee for service" based on the amount of impervious surface area on individual properties (impervious area is a basic representation of the amount of stormwater that drains from properties). Revenue from fees is deposited in a dedicated Stormwater Utility Fund that can only be used for services and activities to accomplish the goals of the WRPP:

- Meeting state and federal regulatory requirements contained in the City's stormwater permit;
- Repairing and replacing deteriorating stormwater pipes and structures;
- Identifying and implementing capital projects, including:
 - Rehabilitation, replacement, and repair of City owned stormwater pipe systems;
 - Stormwater retrofits to attain mandated pollution reductions;
 - Drainage improvement projects to address local flooding and drainage issues;
 - Stewardship projects to preserve, enhance, and restore the integrity of the City's water resources; and
- Developing a City-wide Water Resources Master Plan to identify, select, and

prioritize projects to accomplish the WRPP's goals and objectives.

Section 1. WRPP-AC Overview

WRPP-AC Duties

As established by City Council resolutions dated February 19, 2013 and December 16, 2013, the WRPP-AC is tasked with the following duties:

- A. Engage in matters pertaining to the Water Resources Protection Program;
- B. Conduct periodic assessments of program priorities and funding needs, including recommendations for potential adjustments in the stormwater utility fee rate by City Council once specific program objectives or milestones have been satisfied;
- C. Monitor the formulation and implementation of the Water Resources Protection Program including, but not limited to, the following elements:
 - i. Master planning;
 - ii. Infrastructure rehabilitation, repair, and maintenance;
 - iii. Progress with respect to pollutant reduction requirements established via the municipal separate storm sewer system (MS4) general permit;
 - iv. Capital drainage program;
- D. Report to City Council from time to time on the appropriateness and effectiveness of the credits and incentives program; and
- E. Make an annual report to City Council.

WRPP-AC Membership

In 2015, the WRPP-AC was composed of the following eight (8) committee members: David Hirschman (Chair), Meg Byerly Williams (Secretary), Brian Becker, Morgan Butler, Leslie Middleton, Alyson Sappington (TJSWCD), Trey Steigman, and Rebecca Quinn. Members of City staff who regularly attend and contribute to WRPP-AC meetings include Dan Sweet (Stormwater Utility Administrator), Lauren Hildebrand (Director of Utilities), Dan Frisbee (Water Resources Specialist), and Bart Pfautz (Stormwater Technician).

Summary of Year 2 WRPP-AC Activities

The WRPP-AC held four (4) meetings during CY2015: Meeting #5 - January 23, 2015; Meeting #6 - April 21, 2015; Meeting #7 - July 13, 2015; and Meeting #8 - October 12, 2015.

A primary WRPP-AC focus during CY2015 was on the planning process for the City to achieve municipal separate storm sewer system (MS4) General Permit compliance with the Special Condition for the Chesapeake Bay Total Maximum Daily Load (TMDL). Compliance requires phased reductions of the three pollutants of concern (POC) – total nitrogen (N), total phosphorous (P), and total suspended solids (TSS) – before the end of

FY2028. The phased approach requires MS4 permit holders to achieve at least 5% of their total POC reduction requirements during the current permit cycle, the next 35% of their total POC reduction requirements during the 2018-2023 permit cycle and the final 60% by the end of the 2023-2028 permit cycle. The City of Charlottesville completed its Chesapeake Bay TMDL Action Plan for the 5% POC reductions in June 2015, submitted the Action Plan to the Virginia Department of Environmental Quality (DEQ) with the MS4 Annual Report in October 2015, and responded to minor comments from DEQ in December 2015.

City staff also began development of the Water Resources Master Plan that will guide the Stormwater Utility Program's efforts in selecting and implementing water quality protection projects and drainage systems improvements. The City prepared a Request for Proposals (RFP) that it issued in February 2015. In July 2015, the City selected and contracted with AMEC Foster Wheeler, an international engineering and project management firm with offices in Virginia, to complete the Water Resources Master Plan.

Development of the Master Plan, which is anticipated to take roughly 12-18 months, will involve selecting and prioritizing both water quality and drainage improvement Capital Improvement Projects to most effectively meet federal and state regulatory requirements, as well as WRPP goals and objectives.

In addition, the WRPP-AC was briefed and provided input on several stormwater Best Management Practice (BMP) projects the City has implemented or is pursuing on City-owned property. These include a permeable pavement project at 909 East Market Street, a vegetated filter strip and permeable paver project at Charlottesville High School, and the rehabilitation of the Old Lynchburg Road bioretention facility. One notable project implemented in 2015 is the reconstruction of a bioretention area at Venable Elementary School that incorporates novel soil media studied by the University of Delaware (UD). The media includes a type of iron soil amendment shown to improve removal of nutrient pollutants. The practice is being monitored by UVA and UD researchers.

While preparing the Chesapeake Bay TMDL Action Plan that was submitted to DEQ in October, staff determined that with existing BMPs in place, repairs and rehabilitation of existing projects that are not currently functioning as designed, and the inclusion of a few new practices, the City would be substantially in compliance with the Chesapeake Bay TMDL.

During CY 2015 individual WRPP-AC members undertook a few public outreach efforts over the course of the year that related to stormwater and components of the utility fee program, including a presentation to a church as well as outreach to neighborhood groups on the CCAP's incentive program. Additionally, a subcommittee was formed to begin framing a social recognition awards program for BMP implementers.

Finally, CY2015 included two billing cycles for the Stormwater Utility Program (June 2015 and December 2015) and generated approximately \$1.9 million in utility fee revenue. As per the approved budget of the Stormwater Utility Program, funds generated

from the utility program fees have been capially invested in on-going drainage pipe rehabilitation projects, the master planning process, program operational costs, and banked-in capital reserves for future year design and construction of capital improvement projects.

Section 2. Periodic Assessment of WRPP Priorities and Funding Needs

Periodic Assessment of Program Priorities and Funding Needs

During a kick-off meeting for the Water Resources Master Plan (see **Section 1**), City and AMEC Foster Wheeler staff reviewed past and ongoing drainage concerns and previously identified water quality projects. As per the executed contract for the Master Plan, the work to be completed includes the development of two interconnected capital improvement programs (CIP):

CIP 1 – Chesapeake Bay TMDL Compliance Strategy: The subject of this CIP is to evaluate both previously-identified and new water quality projects that represent pollutant reductions eligible for compliance with the Chesapeake Bay TMDL.

CIP 2 – Drainage Improvement Plan: The subject of this CIP is to evaluate a population of previously-identified drainage issues dating back to the late 1970s. Projects will be divided into *major capital drainage* projects with an estimated cost of \$100,000 or more and *minor capital drainage* projects with an estimated cost of less than \$100,000 (and that do not meet eligibility for funding and implementation via the existing Neighborhood Drainage Program). It is an expressed goal of CIP 2 to find opportunities to integrate water quality improvements into repair or enhancement of drainage infrastructure.

The aforementioned master plan will articulate, rank, and prioritize individual projects in these two categories, and this is anticipated to be completed by the end of CY2016. This will provide key guidance for using the available utility capital funds in a strategic manner.

Another ongoing factor with regard to evaluating the program is the regulatory uncertainty with Virginia DEQ and Chesapeake Bay Program models, regulations, and permits. The City must meet specific pollutant reduction targets outlined in the MS4 permit. However, the numbers are subject to change in 2017 when the Bay Program updates the Chesapeake Bay Model that allocates pollutant loads and reductions to land uses across the Watershed. In addition, Virginia DEQ, responding to changes at the Bay Program, has modified its guidance to regulated MS4s on how to compute the specific reductions and the “credit” allocated to each type of practice. For instance in 2015, DEQ modified crediting for street sweeping, stream restoration, and several other practices – all key practices that MS4s use to compute their pollutant reductions. It is anticipated that additional guidance and crediting modifications will occur in the coming years.

The bottom line is that the regulatory climate remains extremely dynamic. While the City is currently on a sound trajectory for compliance with its 2023 and 2028 goals, these

goals may still shift, as may the methods of compliance. This uncertainty makes it difficult at present to fully evaluate the program, its funding, and the rate of implementation. The WRPP-AC, with assistance from staff, plans to keep abreast of the regulatory framework and to evaluate program priorities and funding on an ongoing basis.

An important community discussion lies ahead as the City's water resources program continues to take shape. In future years, it will be necessary to engage City residents and businesses in "level of service" and "willingness to pay" discussions that marry regulatory compliance with local goals and desires for clean water. This will necessarily include an evaluation of how funds have been spent, what benefits have been achieved, and a review of program goals and priorities.

Section 3. Program Implementation

The WRPP contains various program elements, as outline below:

- Water Quality Incentive Program: Program established by the City and the Thomas Jefferson Soil & Water Conservation District (TJSWCD), known as the Charlottesville Conservation Assistance Program (CCAP), to provide one-time incentive grants for construction of on-lot stormwater practices.
- Stormwater Utility Fee Credit: Fee credits (waivers) required by state law for property owners that own and maintain stormwater management facilities that provide permanent reductions in pollutants and/or stormwater runoff.
- Pipe Rehabilitation & Other WRPP Projects: Work to-date through capital projects to replace or line City-owned clay and metal pipes; implementation of new stormwater practices as part of other CIP projects, stand-alone stormwater retrofit projects, and redesign and reconstruction of existing stormwater practices.
- Public Education & Citizen Engagement: WRPP efforts to educate, inform, and engage citizens in the program.

Water Quality Incentive Program (CCAP)

The incentive component of the WRPP continues to attract the attention of small property owners in Charlottesville. The Charlottesville Conservation Assistance Program (CCAP) is a component of the Virginia Conservation Assistance Program (VCAP), administered locally by the Thomas Jefferson Soil and Water Conservation District (TJSWCD). CCAP funding is earmarked for Charlottesville residents only and is leveraged by VCAP funding as available. (VCAP has been funded entirely through grants, so funding availability varies significantly. The Virginia Department of Environmental Quality has now committed to providing a more sustainable stream of funding for VCAP for the next two years.)

Thus far in the program's history, CCAP has received 22 applications from Charlottesville property owners. The most popular practice has been conversion of turf grasses to native meadows or landscapes, for which CCAP has received applications for

the conversion of 13,616 square feet of turf grass. Eighteen of the 22 projects have been completed. CCAP provided \$22,945 for the completed practices, while \$34,482 in matching funds supported those practices. An additional \$7,481 in CCAP funds have been allocated for projects pending completion. CCAP has allocated a total of \$30,426 in CCAP funds since January 2014, leaving a balance of \$11,814 for future projects. CCAP has had several inquiries that may result in new applications.

CCAP projects and funding committed are summarized in **Table 1**. Several projects are highlighted in **Figure 1**.

Table 1. CCAP Projects & Funding for Completed and Pending Projects			
<u>Completed Practices</u>	Matching Funds¹	CCAP Funds	Residential (R) City Property (C) Not-for-Profit (NFP) School (S)
Turf Conversion to Native Plants - Meadow (TCN-m)	\$18.75	\$18.75	R
Turf Conversion to Native Plants - Meadow (TCN-m)	\$562.50		C
Turf Conversion to Native Plants - Landscape (TNC-l)	\$675.00		C
Turf Conversion to Native Plants - Landscape (TNC-l)	\$450.00		R
Turf Conversion to Native Plants - Landscape (TNC-l)	\$28.25	\$28.25	R
Turf Conversion to Native Plants - Landscape (TNC-l)	\$175.00		R
Turf Conversion to Native Plants - Meadow (TCN-m)	163.58	\$200.00	R
Turf Conversion to Native Plants - Meadow (TCN-m)	\$85.00		R
Bioretention Basins and Areas (BB and BA)	18,153.00	\$10,000.00	NFP
Rain Garden (RG)	\$1,887.50		R
Rain Garden (RG)	\$925.00	\$951.75	R
Impervious Surface Removal (ISR)	\$215.00	\$215.00	R
Rainwater Harvesting (RH)	\$1,650.00		R
Rainwater Harvesting (RH)	\$1,500.00	\$1,500.00	NFP
Rainwater Harvesting (RH)	\$965.00	\$965.00	R
Dry Swales (DS)	755.44	\$3,066.32	R
Dry Swales (DS)	4,434.76	\$5,000.00	R
Grass Channels (GC)	1,856.96	\$1,000.00	R
TOTAL	\$34,481.99	\$22,945.07	
<u>Approved for Payment Pending Project Completion</u>			
Green Roof (GR)		\$2,000.00	C
Impervious Surface Removal (ISR)		\$1,375.00	R
Turf Conversion to Native Plants - Landscape (TNC-l)		\$300.00	R
Turf Conversion to Native Plants - Meadow (TCN-m)		\$3,500.00	R
Conservation Landscaping (CL)		\$306.00	R
TOTAL		\$7,481.00	

¹ Matching funds were provided largely by the Virginia Conservation Assistance Program, though some were private residents' cost-share contributions.

Figure 1. CCAP Project Examples



Sojourners Church Bioretention – funded through grants from the Rivanna Conservation Society and CCAP. LEFT: church volunteers plant the 2 bioretention cells with native plants. RIGHT: the practice in August 2015. Bioretention treats about 11,000 square feet of impervious cover.



965-gallon Rainwater Harvesting System for residence



1500-gallon Rainwater Harvesting Systems for not-for-profit agency



Conservation Landscaping – Turf conversion to native plants for urban public housing site



Rain Garden for residence



Step Pool Stormwater Conveyance for residence

Increased outreach over the past year boosted the number of citizens interested in installing conservation practices under CCAP. During the past year, CCAP developed a poster that was installed on CAT buses and posted in other locations, and also utilized an advertisement in the *C'ville Weekly*. These outreach activities resulted in increased interest from the community. In the coming year, CCAP staff hopes to conduct a tour of completed practices that they anticipate will generate additional interest.

Looking forward, the trend seems to indicate that demand for CCAP funded practices will continue to expand as word spreads. Initial interest from citizens tends to be focused primarily on vegetative practices (converting managed turf to native plants or installing rain gardens). Recently however, applicants are showing more interest in technical, structural practices, such as bioretention and rainwater harvesting.

The continuing challenge has been limited staff resources to provide the technical assistance that citizens request from TJSWCD staff. With additional resources to support technical assistance and outreach, the potential for increasing implementation of residential scale best management practices in Charlottesville is significant.

Stormwater Utility Fee Credit Policy

As opposed to the one-time grant associated with the Incentive Program, the Utility Fee Credit is an ongoing partial reduction of the stormwater utility bill.

In CY2015, the Stormwater Utility received one new application and has approved only seven to-date since the program's inception. This is despite the City sending billing cycle letters to property owners eligible for the credit (namely, owners of existing practices for which utility credits are available). As such, the utility fee credit program continues the first-year trend of having little impact towards program goals or the overall budget.

By state law, all stormwater utilities adopted in Virginia must include a credit program. However, program staff and the WRPP-AC have observed that in Charlottesville, as well as other communities with a stormwater utility in the state, the utility fee is not at a rate that is high enough to provide a strong incentive for property owners to install stormwater BMPs on their properties. After all, these practices do have up-front costs, and the

savings per billing cycle from a credit may be low as a result of the fee itself being fairly modest. This can result in a long pay-back period. Also, the credit program application process is quite complex and usually requires the assistance of a stormwater professional to navigate.

The WRPP-AC believes that, at the current stormwater utility fee rate, the credit program might be better marketed as a stewardship opportunity. With little financial incentive to apply for the credit program, some property owners are more likely to consider implementing BMPs or improving their properties because it is the “right thing to do” for the City’s water resources and environment. This type of stewardship-oriented awards program may require a code amendment to the existing credit program, and the WRPP-AC will continue to explore this idea in 2016.

Pipe Rehabilitation and Other WRPP Projects

All thirteen miles of clay and metal stormwater pipes located in the City right-of-way are scheduled to be evaluated and rehabilitated, where necessary, over a ten-year period. All revenues spent on pipe rehabilitation in CY2015 were paid for with Stormwater Utility Revenues.

In addition, several small WRPP and Stormwater Utility-related projects are complete, underway, or being evaluated:

- Redesign of a non-functioning facility at Forest Hills Park;
- Redesign and reconstruction of a failing bioretention facility at Venable Elementary School;
- Construction of permeable asphalt pavement at the City’s Human Services Building;
- Design of a permeable pavement parking area and vegetated filter strip at Charlottesville High School; and
- Contracted maintenance for five existing City-owned stormwater management facilities.

Funding for these projects comes from Stormwater Utility funds and some remaining Environmental Sustainability Division stormwater funding allocated before the inception of the Stormwater Utility. Stormwater Utility funds likely will partially or fully finance construction of all projects listed above.

Section 4. Looking Forward to CY 2016

Potential WRPP-AC activities for CY2016 were discussed and prioritized at the first meeting in CY2016. The following are likely WRPP-AC topics for the year:

- Continue to monitor development of the Water Resources Master Plan and meet with the consultant to review program priorities and nexus with the CIP.

- Possibly review the utility fee credit program to determine if an incentive/stewardship approach may be more suitable.
- Work with staff to monitor regulatory changes at Virginia DEQ and with the Chesapeake Bay Program; keep abreast of how the City's program can best respond to changes while addressing local priorities.
- Assist staff with any public outreach efforts where a WRPP-AC presence would be beneficial.

The members of the WRPP-AC would like to express their gratitude to the City's stormwater staff for their diligent work to continue to develop the WRPP and Stormwater Utility programs. The staff has taken pains to inform the WRPP-AC and work with us to elevate our understanding of stormwater and the programs in place to address it. We look forward to continuing our work with staff to improve the program in the coming year.