



CITY COUNCIL AGENDA
August 15, 2016

6:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Acquisition of property for a public purpose; consultation with legal counsel regarding pending litigation, and regarding the negotiation of the terms and conditions of an agreement for the co-location of general district courts.)

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

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS ANNOUNCEMENTS Khan Family; Women's Equality Day; CAYIP recognition

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

MATTERS BY THE PUBLIC Public comment provided for up to 12 speakers publicized at noon the day of the meeting (limit 3 minutes per speaker) and for an unlimited number of speakers at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

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

- a. Minutes for July 18
- b. APPROPRIATION: VDOT FY17 Primary Extension Paving Funds – \$289,641 (2nd of 2 readings)
- c. APPROPRIATION: Greenstone on 5th Corporation Sponsorship Agreement for Enhanced Police Coverage – \$82,184 (2nd of 2 readings)
- d. APPROPRIATION: Piedmont Workforce Network Incumbent Worker Training Grant – \$3,610 (2nd of 2 readings)
- e. APPROPRIATION: Piedmont Workforce Network Incumbent Worker Training Grant – \$4,730 (2nd of 2 readings)
- f. APPROPRIATION: Charlottesville/Albemarle Adult Drug Treatment Court Grant Award – \$205,000 (1st of 2 readings)
- g. APPROPRIATION: Victim Witness Assistance Program Grant \$250,902 (1st of 2 readings)
- h. APPROPRIATION: Appropriation of Proceeds from the Sale of 1312 Nunley Street by the Thomas Jefferson Community Land Trust – \$126,731.08 (1st of 2 readings)
- i. APPROPRIATION: Mobile Computer and Records System Equipment – \$173,272 (1st of 2 readings)
- j. APPROPRIATION: Safe Routes to School Grant Application – \$56,000 (1st of 2 readings)
- k. RESOLUTION: Charlottesville Affordable Housing Fund Allocation for Albemarle Housing Improvement Program Emergency Repair Program – \$50,000 (1st of 1 reading)
- l. RESOLUTION: Surplus City S.U.V. Donation to Charlottesville-Albemarle Rescue Squad (1st of 1 reading)
- m. ORDINANCE: CDBG/HOME Code Revision (2nd of 2 readings)
- n. ORDINANCE: Polling Place Change – Buford Election Precinct (2nd of 2 readings)
- o. ORDINANCE: Water Street District Corridor Rezoning (2nd of 2 readings)
- p. ORDINANCE: Zoning Text Amendment: Telecommunications Facilities (1st of 2 readings)

2. PUBLIC HEARING / ORDINANCE* Dominion Utility Right-of-Way Agreements to Serve the YMCA (1st of 2 readings) – **15 mins**

3. RESOLUTION* Habitat for Humanity – \$480,000 for Housing Fund (1st of 1 reading) – **15 mins**

4. REPORT Office of Human Rights Update – **20 mins**

5. REPORT ONLY YMCA Construction Progress Report (no verbal presentation)

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

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:	July 18, 2016
Action Required:	Appropriation of State Funds Adoption of Resolution Authorizing Execution of Agreement
Presenters:	Lance Stewart, Public Works
Staff Contacts:	Lance Stewart, Public Works
Title:	VDOT Primary Extension Paving Project Funds - \$282,421

Background:

Based on a legislative change that was effective July 1, 2014, Virginia Code section 33.1-23.1 (B) authorizes the set-aside of up to \$125,000,000 for the reconstruction of interstate, primary, and primary extension routes. Funding for the reconstruction of primary extensions – routes which are both locally maintained and have a primary route number (e.g. Route 250) – is made available using a competitive application process. Awards are made based on a combination of road condition and traffic volume. Assessment of road condition is performed by the Virginia Department of Transportation (VDOT).

The City of Charlottesville has qualified to receive funds to perform two paving projects, requiring a local financial contribution and adoption of a Resolution authorizing the execution of a formal agreement and Appropriation of funds estimated for reimbursement.

Discussion:

The scope of the awarded projects includes all work necessary to bring the roadway and curb ramps into compliance with the Americans with Disabilities Act.

Northbound Emmet Street from the US250 Ramp to Hydraulic Road; estimated cost = \$98,260 – estimated reimbursement 100% less VDOT Oversight fees = \$96,333; total estimated local cost share = \$1,927; scope includes the upgrade of 2 curb ramps

West Market Street from Preston Avenue to 9th Street NE; estimated cost = \$269,965; estimated reimbursement 71% less VDOT Oversight fees = \$186,088; total estimated local cost share = \$83,877; scope includes the upgrade or installation of 15 curb ramps

This program is a promising relief for CIP funding sources dedicated to street paving projects which are stretched very thin. Per the recently completed Street Survey, 24% of City streets are eligible for paving, at an estimated cost of more than \$8.5 million dollars. The high traffic volume of Charlottesville's streets compared to others in the VDOT Culpepper District will continue to make paving projects in Charlottesville very competitive for the duration of this program.

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:

No new local funding will be required. Local contribution will be funded through previously appropriated street paving CIP funds. Appropriation of state funds for these projects will result in an estimated net avoided cost of \$282,421.

Recommendation:

Staff recommends approval of the Resolution and Appropriation.

Alternatives:

Pay the full cost of these projects.

Attachments:

VDOT Standard Project Administration Agreement

**RESOLUTION
AUTHORIZING EXECUTION OF A STANDARD PROJECT ADMINISTRATION
AGREEMENT FOR STATE-AID HIGHWAY MAINTENANCE PROJECTS**

WHEREAS, the Virginia Department of Transportation and the City of Charlottesville desire to execute a standard Project Administration Agreement for two state-aided projects, referenced as Virginia Department of Transportation Project Number U000-104-331 (UPC 109647) and Project Number U000-104-332 (UPC 109646);

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that said Council hereby commits to fund its local share of construction, as applicable, for the Projects administered under agreement with the Virginia Department of Transportation, in accordance with the project financial document(s); and

BE IT FURTHER RESOLVED, by said Council that the City Manager is hereby authorized to execute the Project Administration Agreement for the above-referenced projects on behalf of and as the agent of the Charlottesville City Council.

This resolution shall be effective upon passage and shall not be published.

READ AND ADOPTED: _____

TESTE: _____
Paige Rice, City Clerk

Approved as to Form:

Chief Deputy City Attorney

Passed July 18, 2016

APPROPRIATION
Primary Extension Paving Funds - \$282,421.00

WHEREAS, the Virginia Department of Transportation and the City of Charlottesville desire to execute a standard Project Administration Agreement for two state-aided projects, referenced as Virginia Department of Transportation Project Number U000-104-331 (UPC 109647) and Project Number U000-104-332 (UPC 109646);

WHEREAS, said agreement requires that the City of Charlottesville complete the aforementioned projects before requesting reimbursement for the non-local share of projects costs;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$282,421.00 is appropriated in the following manner:

Revenue - \$282,421.00

Fund: 426 Internal Order: SS-009 G/L Account: 430110

Expenditures - \$282,421.00

Fund: 426 Internal Order: SS-009 G/L Account: 599999

STANDARD PROJECT ADMINISTRATION AGREEMENT
State-aid Projects

Project Number	UPC	Local Government
U000-104-331,	109647	City of Charlottesville
U000-104-332,	109646	City of Charlottesville

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20__, by and between the City of Charlottesville, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance the Project(s) and the funding currently allocated or proposed for the project(s) does not include Federal-aid Highway funds; and

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state and local laws and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
 - b. Receive prior written authorization from the DEPARTMENT to proceed with the project.
 - c. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
 - d. Provide certification by a LOCALITY official of compliance with applicable laws and regulations on the **State Certification Form for State Funded Projects** or in another manner as prescribed by the DEPARTMENT.
 - e. Maintain accurate and complete records of each Project's development of all expenditures and make such information available for inspection or auditing by the

DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for not less than three (3) years following acceptance of the final voucher on each Project.

- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and also include an up-to-date project summary and schedule tracking payment requests and adjustments.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if due to action or inaction solely by the LOCALITY the project becomes ineligible for state reimbursement, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of state law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of state-aid reimbursements
- j. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
- k. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.

2. The DEPARTMENT shall:

- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
- b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
- c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.

- d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with applicable laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
 4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
 5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its cost exceeds the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
 6. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
 7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
 8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing,

receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

9. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination and unless otherwise agreed to, the DEPARTMENT shall retain ownership of plans, specifications, and right of way for which state funds have been provided, unless all state funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THE LOCALITY and the DEPARTMENT further agree that should Federal-aid Highway funds be added to the project, this agreement is no longer applicable and shall be terminated. The LOCALITY and the DEPARTMENT mutually agree that they shall then enter into a Standard Project Administration Agreement for Federal-aid Projects.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

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IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

CITY OF CHARLOTTESVILLE, VIRGINIA:

Typed or printed name of signatory

Title Date

Signature of Witness Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Chief of Policy Date
Commonwealth of Virginia
Department of Transportation

Signature of Witness Date

Attachment
Appendix A UPC 109647
Appendix A UPC 109646

Appendix A

Project Number: U000-104-332, UPC: 109646 CFDA # N/A Locality: City of Charlottesville

Project Location ZIP+4: 22902-5252	Locality DUNS# 074745829	Locality Address (incl ZIP+4): 610 East Market Street P. O. Box 911 Charlottesville, Va. 22902-5303
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Project Narrative

Scope:	250 BUS. W. MARKET STREET MILLING, PAVING, AND CROSSWALKS (S.G.R.)
From:	PRESTON AVENUE
To:	9TH. STREET NE
Locality Project Manager Contact Info:	Lance Stewart (434)970-3665 STEWARTL@charlottesville.org
Department Project Coordinator Contact Info:	Robert Strevell (540)829-7546 Robert.Strevell@VDOT.Virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$0	\$0	\$264,672	\$264,672
Estimated VDOT Project Expenses	\$0	\$0	\$5,293	\$5,293
Estimated Total Project Costs	\$0	\$0	\$269,965	\$269,965

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$0	State Funds	0%	\$0	\$0	\$0
				\$0	\$0	
				\$0	\$0	
Total PE	\$0			\$0	\$0	
Right of Way & Utilities						\$0
Total RW						
Construction	\$191,381	State Funds	0%	\$0	\$191,381	\$186,088
	\$78,584	Local Funds	100%	\$78,584	\$0	
				\$0	\$0	
				\$0	\$0	
Total CN	\$269,965			\$78,584	\$191,381	
Total Estimated Cost	\$269,965			\$78,584	\$191,381	\$186,088

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$191,381
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$186,088

Project Financing

State of Good Repair State Funds	Local Funds				Aggregate Allocations
\$191,381	\$78,584				\$269,965

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Urban Manual
- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- This project shall meet all applicable ADA requirements
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- Funds for this project are not available until July 1, 2016
- This project must be advertised within six months of award funding or be subject to deallocation
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of \$191,381 (if applicable)
- Total project allocations: \$269,965

Authorized Locality Official and date

Authorized VDOT Official
Recommendation and Date

Typed or printed name of person signing

Typed or printed name of person signing

Appendix A

Project Number: U000-104-331, UPC: 109647 CFDA # N/A Locality: City of Charlottesville

Project Location ZIP+4: 22901-2811	Locality DUNS# 074745829	Locality Address (incl ZIP+4): 610 East Market Street P. O. Box 911 Charlottesville, Va. 22902-5303
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Project Narrative

Scope:	RTE. 29 NB EMMET ST. MILLING, PAVNG, AND CROSSWALKS (S.G.R.)
From:	ROUTE 250 BYPASS
To:	HYDRAULIC ROAD
Locality Project Manager Contact info:	Lance Stewart (434)970-3665 STEWARTL@charlottesville.org
Department Project Coordinator Contact Info:	Robert Strevell (540)829-7546 Robert.Strevell@VDOT.Virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$0	\$0	\$96,333	\$96,333
Estimated VDOT Project Expenses	\$0	\$0	\$1,927	\$1,927
Estimated Total Project Costs	\$0	\$0	\$98,260	\$98,260

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type <i>(Choose from drop down box)</i>	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$0	State Funds	0%	\$0	\$0	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total PE	\$0			\$0	\$0	\$0
Right of Way & Utilities						
Total RW						\$0
Construction	\$98,260	State Funds	0%	\$0	\$98,260	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total CN	\$98,260			\$0	\$98,260	\$96,333
Total Estimated Cost	\$98,260			\$0	\$98,260	\$96,333

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$98,260
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$96,333

Project Financing

State of Good Repair State Funds					Aggregate Allocations
\$98,260					\$98,260

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Urban Manual
- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- This project shall meet all applicable ADA requirements
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- Funds for this project are not available until July 1, 2016
- This project must be advertised within six months of award funding or be subject to deallocation
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of \$98,260 (if applicable)
- Total project allocations: \$98,260**

Authorized Locality Official and date

Authorized VDOT Official
Recommendation and Date

Typed or printed name of person signing

Typed or printed name of person signing

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 18, 2016
Action Required:	Approve appropriation for sponsorship agreement
Presenter:	Lieutenant D.W. Shifflett, Jr, Police Department
Staff Contacts:	Lieutenant D.W. Shifflett, Jr, Police Department
Title:	Greenstone on 5th Corporation Sponsorship Agreement for Enhanced Police Coverage - \$82,184

Background:

Greenstone on 5th Corporation would like to enter into a Sponsorship Agreement whereby a donation will be made to the Charlottesville Police Department for \$82,184 to support enhanced police coverage within and adjacent to Greenstone on 5th Apartments. This donation will be received in four equal quarterly installments to be received during FY17. The installments will be received at the beginning of the months: July, October, January, and April.

Discussion:

Enhanced coverage involves police officers being assigned to public patrol duties in the sponsored coverage area in addition to those officers who could be assigned within normal budgetary constraints. Acceptance of the donation under this arrangement will not require officers to be pulled away from other areas of coverage within the City. Even in these circumstances the Chief will have full authority to deploy the officers elsewhere to meet operational necessities.

Alignment with Council Vision Areas and Strategic Plan:

This agreement supports **Goal 2** of the Strategic Plan: **Be a safe, equitable, thriving and beautiful community**. It provides for extra Police presence in the agreed upon area, increasing visibility and response times. It also supports **Goal 5: Foster Strong Connections**, by allowing additional time in this neighborhood for Officers and the Community to interact.

Community Engagement:

N/A

Budgetary Impact:

This Sponsorship agreement is a donation that will cover all costs associated with the added security, with no cost to the City. The funds will be appropriated to the General Fund.

Recommendation:

Staff recommends approval and appropriation funds.

Alternatives:

The alternative is not to approve this appropriation, which would result in the inability to provide enhanced coverage to the sponsored coverage area.

Attachments:

Appropriation

APPROPRIATION
Greenstone on 5th Sponsorship Agreement for Enhanced Police Coverage
\$82,184

WHEREAS, the City of Charlottesville has entered into an agreement with Greenstone on 5th Corporation to fund enhanced police coverage for the area of Greenstone on 5th Apartments, including salary, equipment, technology and related administrative expenses associated with provisions of such enhanced coverage.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$82,184, to be received as a donation from Greenstone on 5th Corporation.

Revenues - \$82,184

\$82,184	Fund: 105	Internal Order: 2000113	G/L Account: 451999
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Expenditures - \$82,184

\$75,197	Fund: 105	Internal Order: 2000113	G/L Account: 510060
\$ 6,987	Fund: 105	Internal Order: 2000113	G/L Account: 599999

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



Agenda Date:	July 18, 2016
Action Required:	Appropriation of Grant Funds
Presenter:	Hollie Lee, Chief of Workforce Development Strategies
Staff Contacts:	Hollie Lee, Chief of Workforce Development Strategies Sherri Eubanks, Assistant Operations Manager – Pupil Transportation
Title:	Piedmont Workforce Network Incumbent Worker Training Grant - \$3,610

Background:

The City of Charlottesville, through the Office of Economic Development (OED) and in partnership with Pupil Transportation Services has received a grant for \$3,610 from Piedmont Workforce Network (PWN) in order to provide CPR/First Aid Certification and Recertification to 38 incumbent Bus Drivers and School Bus Aides. The grant requires a 50% match of local/employer dollars, which can be satisfied with an in-kind wage contribution. The in-kind wage contribution match will be made from Pupil Transportation Service’s operating budget. The estimated cost of this contribution is \$3,461.04 (estimated wages for training 38 people for six hours each at an average wage of \$15.18 per hour). Pupil Transportation is required to pay the training provider, Piedmont Virginia Community College (PVCC), for the entire cost of training (\$3,610) upon completion of training and then request reimbursement from PWN.

Discussion:

In July 2013, the City’s Strategic Action Team on Workforce Development (SAT) issued a report to City Council entitled, *Growing Opportunity: A Path to Self-Sufficiency*. Since this time, numerous initiatives have been undertaken to help low-income residents achieve self-sufficiency by increasing assets (training and education) and reducing barriers (childcare, transportation, housing, etc.) related to employment. In recent months, the City’s workforce development efforts have expanded to include a focus on local employers and ensuring that their incumbent/existing employees have the knowledge, skills, and abilities that they need to be successful on the job and strengthen business operations.

As part of the employment requirements to be a Bus Driver or School Bus Aide for Pupil Transportation Services, every employee must have CPR/First Aid certification. This certification expires and needs to be renewed every two years by completing a six-hour training session complete with skills tests. As a result, the OED worked with Pupil Transportation Services staff to submit an application to PWN for an incumbent worker training matching grant to help subsidize the cost of training. This application has been approved by PWN and an award letter has been given to the City.

The training, provided through Piedmont Virginia Community College, consisted of five, six-hour sessions comprised of six to nine incumbent workers (38 employees in total). These sessions took place from April 4, 2016 to April 8, 2016, and an American Heart Association (AHA) instructor conducted the classroom and skills tests. All participants received an AHA certified CPR card, which is good for two years.

Alignment with Council Vision Areas and Strategic Plan:

This effort supports City Council's "Economic Sustainability" vision and aligns directly with the SAT's *Growing Opportunity* report that was approved by City Council in 2013.

It also contributes to the following goals and objectives in the City's Strategic Plan:

Goal 4: Be a well-managed and successful organization

- Objective 4.2: Maintain strong fiscal policies
- Objective 4.3: Recruit and cultivate quality employees

Goal 3: Have a strong diversified economy

- Objective 3.1: Develop a quality workforce

Goal 1: Enhance the self-sufficiency of our residents

- Objective 1.1: Promote education and training

It aligns with Chapter 3 on Economic Sustainability in the Comprehensive Plan, and more specifically Goal 6, which focuses on workforce development and being an effective partner in creating a well-prepared and successful workforce.

Community Engagement:

Like practically all of the City's workforce development initiatives, this effort requires partnerships with numerous community partners, specifically Piedmont Workforce Network, which is providing the matching grant and Piedmont Virginia Community College, which is providing the CPR/First Aid certification training. Additionally, the end result of this incumbent worker training will be of great benefit to the community, as drivers will be able to offer emergency services to students.

Budgetary Impact:

The contribution towards wages of \$3,461.04 will come from already appropriated funds in the Pupil Transportation Services budget.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If grant funds are not appropriated, more City dollars will have to be used to pay for the CPR/First Aid certification training.

Attachments:

- Incumbent Worker Training Funds Application
- Incumbent Worker Training Funds Award Letter from PWN

APPROPRIATION

**Piedmont Workforce Network Incumbent Worker Training Matching Grant
\$3,610**

WHEREAS, the City of Charlottesville has received federal pass-through funds from the Workforce Development Act administered by Piedmont Workforce in the amount of \$3,610 requiring an in-kind local 50% match provided by Pupil Transportation Services through operating funds; and

WHEREAS, the funds will be used to support workforce development training programs; and

WHEREAS, the grant award covers the period from April 4, 2016 through April 8, 2016;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$3,610 is hereby appropriated in the following manner:

Revenue – \$

\$3,610 Fund: 105 G/L: 432080 Revenue/Other Local Government

Expenditures - \$

\$3,610 Fund: 105 G/L: 530010 Professional Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$3,610 from Piedmont Workforce Network and the matching in-kind funds from Pupil Transportation Services operating budget.



PIEDMONT
Workforce Network



Piedmont Workforce Network
Incumbent Worker Training Funds Application

Section 1: Company Information

Please check the target industry that your organization falls under:	<input type="checkbox"/> Health Services <input type="checkbox"/> Information Technology <input type="checkbox"/> Business & Financial Services <input type="checkbox"/> Agribusiness <input type="checkbox"/> Bioscience & Medical Devices <input type="checkbox"/> Defense & Security <input type="checkbox"/> Manufacturing/Distribution <input checked="" type="checkbox"/> Other: Government
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Parent or Corporate Name of Applying Company (As Listed on IRS W9 Form):	City of Charlottesville				
Physical Address:	610 E. Market Street				
City:	Charlottesville	State:	VA	Zip:	22902
P.O. Box Address:	P.O. Box 911				
City:	Charlottesville	State:	VA	Zip:	22902
Company Name, if Different:	Pupil Transportation Services				
Physical Address:	1505 Avon Street Ext.				
City:	Charlottesville	State:	VA	Zip:	22902
P.O. Box Address:					
City:		State:		Zip:	

Company Contact:	Sherri Eubanks	Title:	Assistant Operations Manager
Phone:	434-970-3532	Email:	eubanks@charlottesville.org

Federal I.D. No.:	54-6001202	Date Business Began in Area:	1975
Number of Full-Time Workers:	43	Number of Part-Time Workers:	5
Tax Status of Business:	<input type="checkbox"/> For-Profit <input type="checkbox"/> Not-For-Profit (Designation) <input checked="" type="checkbox"/> Other: Government		
Legal Structure of Business:	<input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Government		
Is your company current on all Federal, State of Virginia, County, City and Local Tax Obligations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is your company receiving and/or applying for other public training funds?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, explain:			
Does your company have an equal opportunity/non-discrimination policy in place?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is your company subject to a collective bargaining agreement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<i>If yes, and if union represented employees will be participating in the training activities of this program, it is required that consent be obtained from the representing union to collect the eligibility data from the employees PRIOR to funding approval.</i>			
Is your company willing to provide project outcome information to the Piedmont Workforce Network?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
This company is: (check all applicable)	<input type="checkbox"/> Native-American Owned <input type="checkbox"/> Asian-American Owned <input type="checkbox"/> African-American Owned <input type="checkbox"/> Woman Owned <input type="checkbox"/> Hispanic-American Owned <input type="checkbox"/> Other Minority Owned _____		
Please provide a brief description of your business, product(s), and/or service(s):			
<p>Pupil Transportation Services with Charlottesville City Schools provides bus transportation for all students who live in the City. Pupil Transportation offers separate runs for three-year-olds, elementary students, students in grades 5 through 8, and high schoolers. Pupil Transportation also provides separate services for identified students with special needs. Finally, to encourage City students to participate in extra-curricular activities at all our schools, Pupil Transportation provides an after-school "activities" bus that returns students home after clubs or sports practices.</p>			

Section 2: Training Provider Information
(attach additional sheets, if necessary)

Training Provider(s) will be:	<input checked="" type="checkbox"/> Public Training Institution <input type="checkbox"/> Private Training Institution <input type="checkbox"/> Company Instructor
Training will be Delivered:	<input type="checkbox"/> On-site at the Business <input checked="" type="checkbox"/> At the Training Institution <input type="checkbox"/> At a Remote Location
Training Provider:	Piedmont Virginia Community College Workforce Services

Contact Name:	Kathy Reid	Phone:	434-961-5330		
Physical Address:	501 College Drive				
City:	Charlottesville	State:	VA	Zip:	22902

Section 4: Needs Identification

Indicate which challenge(s) would be addressed by the proposed training.
(Check all that apply; at least one must be identified for funding consideration)

	Declining Sales
	Supply Chain Issues
	Adverse industry market trends
	Changes in management behavior or ownership
	Phasing out certain function, introducing new functions/lines that require worker retraining
X	Required skill changes that would otherwise require downsizing, layoffs, etc. if not addressed
	New technology and/or equipment implementation
X	Creation of new employment opportunities that require advance skills and knowledge
	Other:

Section 5: Training Project Information

Please describe your organization's challenges that would be addressed by the proposed training. Pupil Transportation Services staff (drivers and aides) are required to have their CPR/First Aid certifications in order to handle cases of emergency on City school buses. The proposed training will allow participants to receive either certification or recertification of CPR/First Aid, thus allowing Pupil Transportation to stay in compliance with Department of Education certification requirements.

What credential, if applicable, will the individuals receive from the proposed training?

All individuals will receive an American Health Association certified CPR card (good for two years).

What are the job titles and average salaries for the individuals that would receive the proposed training?

Transit Operators, Transit Operators (Relief), and School Bus Aides, with an average salary of \$15.18 per hour.

How will this training make the participant and your organization more competitive in this economy?

The training will allow participants to continue qualified employment with the City of Charlottesville Pupil Transportation Department. CPR and First Aid skills are important in the case of an emergency and are required by the Department of Education of all Pupil Transportation staff. Training will take place from Monday, April 4, 2016 to Friday, April 8, 2016. Each session of training will be 6 hours long (9am-3pm) with up to 9 participants. Participants will earn CPR/First Aid certification or recertification upon completion of the class. Certification and recertification require the same course and same number of hours.

What is the potential for wage increases at the completion of the training and/or within one year of training end date?

This is uncertain at this time. Increases in wages at Pupil Transportation are typically based on the City Schools' budget, full-time versus relief employment status, and length of service. If staff does not receive the certification however, they will no longer be eligible for employment with Pupil Transportation.

How will this training allow the participating individuals to retain their employment?

Employees must have CPR/First Aid certification and recertification every two years to continue their employment with Pupil Transportation Services.

Section 6: Training Program Budget

This section must be completed to show use of proposed training funds and employer match contributions. Please provide specified training information and itemize completely.

A. Budget Category	B. Requested Funds	C. Employer Contribution	Sub-Total (B+C)
Non-Company Instructor Fees or Tuition Costs			
PVCC CPR/First Aid Certification Training (\$95/6 hrs - 38 employees)	\$3,610	\$475 (cost of training for 5 relief drivers who do not qualify as incumbent workers)	\$3,610.00
Training Related Rentals (facilities, equipment, tools, etc.)			
			\$0.00
Materials/Supplies/Textbooks			
			\$0.00
Other Costs (Describe)			
			\$0.00
Travel/Food/Lodging For Instructor(s) Only			
			\$0.00
Trainee Wages (Including Benefits)			
38 Transit Operators & Supervisors @ Average Wage of \$15.18/hour for 6 hours of training	Incumbent Worker Training Funds Cannot be Used (Can be counted as in-kind match for employer contribution)	\$3,461.04	\$3,461.04

Section 7: Incumbent Worker Training Funds Requested

Training Funds Requested:	\$3,610
Number of Employees to be Trained:	38
Proposed Training Start Date:	Monday, April 4 th
Anticipated Training End Date: <i>(Maximum of 12 months from proposed start date)</i>	Friday, April 8 th

Signature and Certification

By my signature, I verify the information in this application is accurate to the best of my knowledge and I have the authority to submit this application on behalf of the named employer. I also certify that I have read the Piedmont Workforce Network's Incumbent Worker Training Policy and agree to all of the terms and conditions outlined in that policy.

Signature: _____

Date: 4-01-16

Name: _____

Sherri Eubanks

Phone/email: _____

eubanks@charlottesville.org

Piedmont Workforce Network is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY: 711. Funded by the U.S. Department of Labor.



PIEDMONT
Workforce Network

2211 Hydraulic Road, Suite #104
Charlottesville, VA 22901
Phone: (434) 979-5610 Fax: (434) 979-4123 VA Relay Users: 711

April 4, 2016

Ms. Sherry Eubanks
Assistant Operations Manager
Pupil Transportation Services
City of Charlottesville
1505 Avon Street Ext.
Charlottesville, VA 22902

Dear Sherry,

We are pleased to inform you that your application for Incumbent Worker Training Funds has been approved to train individuals in customer service. The Piedmont Workforce Network understands that City of Charlottesville's Pupil Transportation Services will be able to address required skill changes for their employees that would otherwise require downsizing, layoffs, etc. and will be able to create new employment opportunities that require advanced skills and knowledge.

The following details outline the amount approved, the number of workers to be trained, and the outcomes to be achieved. By signing below, the company agrees to these approvals and measures.

Customer Service Training	
Training Funds Approved:	\$3,610
Employees to be Trained:	38
Training Start Date:	4/4/2016
Training End Date:	4/8/2016
Training Provider:	PVCC

Performance Measures:

- At least 80% of the participants funded under the Incumbent Worker Training program will successfully complete the training programs.
- 100% of the participants funded under the Incumbent Worker Training program will be retained by the employer at the completion of training.

Documents Required:

- Certificates of completion for each participant, or letter on letterhead stating participants completed training
- Curriculum or description of program from training provider
- A copy of the I-9 document collected by the employer for each individual completing training
- A signed copy of the receipt of the Grievance and Complaint Procedures and EEO Notice

If you have any questions, please contact Morgan Romeo at mromeo@centralvirginia.org or by phone at 434-979-5610.

Signature: Helen Cauthers
Title: Executive Director
Organization: Piedmont Workforce Network
Date: 4/4/16

Signature: Maurice Jones
Title: City Manager
Organization: City of Charlottesville
Date: 4/4/16

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



Agenda Date:	July 18, 2016
Action Required:	Appropriation of Grant Funds
Presenter:	Hollie Lee, Chief of Workforce Development Strategies
Staff Contacts:	Hollie Lee, Chief of Workforce Development Strategies Juwhan Lee, Assistant Transit Manager - Operations
Title:	Piedmont Workforce Network Incumbent Worker Training Grant - \$4,730

Background:

The City of Charlottesville, through the Office of Economic Development (OED) and in partnership with Charlottesville Area Transit (CAT) has received a grant for \$4,730 from Piedmont Workforce Network (PWN) in order to provide workforce development training, specifically customer service training, to 82 incumbent Transit Operators. The grant requires a 50% match of local/employer dollars, which can be satisfied with an in-kind wage contribution. It is proposed that the in-kind wage contribution match will be made from CAT's operating budget. The estimated cost of this contribution is \$3,312.80 (estimated wages for training 82 Transit Operators and Supervisors for two and half hours each at an average wage of \$16.16 per hour). CAT is required to pay the training provider, Piedmont Virginia Community College (PVCC), for the entire cost of training (\$4,730) upon completion of training and then request reimbursement from PWN.

Discussion:

In July 2013, the City's Strategic Action Team on Workforce Development (SAT) issued a report to City Council entitled, *Growing Opportunity: A Path to Self-Sufficiency*. Since this time, numerous initiatives have been undertaken to help low-income residents achieve self-sufficiency by increasing assets (training and education) and reducing barriers (childcare, transportation, housing, etc.) related to employment. In recent months, the City's workforce development efforts have expanded to include a focus on local employers and ensuring that their incumbent/existing employees have the knowledge, skills, and abilities that they need to be successful on the job and strengthen business operations.

As a local employer and primary partner in the GO Driver pre-employment training program that trains City residents to become bus drivers, CAT recently expressed an interest to the OED in having in-service training for its Transit Operators focusing on customer service. CAT strives to offer excellent customer service to all of its riders, but in recent months, the number of customer complaints has increased, thus prompting a need for driver retraining. As a result, the OED worked with CAT staff to submit an application to PWN for an incumbent worker training matching grant to

help subsidize the cost of training. This application has been approved by PWN and an award letter has been given to the City.

The OED also worked with CAT to engage PVCC and develop a customer service training curriculum based on the same curriculum that is currently being used in GO Driver, as CAT drivers who have gone through this training tend to offer better customer service to riders and receive fewer customer complaints. The first phase of the training took place from late February 2016 to mid-March. The second phase of training (for which these grant funds will be used) consisted of eleven, two and half hour customer service workshops. These workshops were held from March 19, 2016 and June 30, 2016. Each workshop was comprised of approximately 15 to 17 incumbent bus drivers (about 85 drivers in total), with different individuals in each session. Content included topics such as: Focus on Customer Service Success, Benefits of Excellent Service, Professionalism under Pressure, and Dealing with Difficult Customers.

Alignment with Council Vision Areas and Strategic Plan:

This effort supports City Council's "Economic Sustainability" vision and aligns directly with the SAT's *Growing Opportunity* report that was approved by City Council in 2013.

It also contributes to the following goals and objectives in the City's Strategic Plan:

Goal 4: Be a well-managed and successful organization

- Objective 4.2: Maintain strong fiscal policies
- Objective 4.3: Recruit and cultivate quality employees

Goal 3: Have a strong diversified economy

- Objective 3.1: Develop a quality workforce

Goal 1: Enhance the self-sufficiency of our residents

- Objective 1.1: Promote education and training

It aligns with Chapter 3 on Economic Sustainability in the Comprehensive Plan, and more specifically Goal 6, which focuses on workforce development and being an effective partner in creating a well-prepared and successful workforce.

Community Engagement:

Like practically all of the City's workforce development initiatives, this effort requires partnerships with numerous community partners, specifically Piedmont Workforce Network, which is providing the matching grant and Piedmont Virginia Community College, which is providing the customer service training. Additionally, the end result of this incumbent worker training will be of great benefit to the community, which will have an improved rider experience.

Budgetary Impact:

The contribution towards wages of \$3,312.80 will come from already appropriated funds in the CAT's operating budget.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If grant funds are not appropriated, more City dollars will have to be used to pay for the customer service training.

Attachments:

- Incumbent Worker Training Funds Application
- Incumbent Worker Training Funds Award Letter from PWN

APPROPRIATION

**Piedmont Workforce Network Incumbent Worker Training Matching Grant
\$4,730**

WHEREAS, the City of Charlottesville has received federal pass-through funds from the Workforce Development Act administered by Piedmont Workforce in the amount of \$4,730 requiring an in-kind local 50% match provided by Charlottesville Area Transit through operating funds; and

WHEREAS, the funds will be used to support workforce development training programs; and

WHEREAS, the grant award covers the period from March 19, 2016 through June 30, 2016;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$4,730 is hereby appropriated in the following manner:

Revenue – \$

\$4,730 Fund: 245 IO: 2200007 G/L: 430120 State/Fed pass thru

Expenditures - \$

\$4,730 Fund: 245 IO: 2200007 G/L: 530010 Professional Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$4,730 from Piedmont Workforce Network and the matching in-kind funds from CAT operating budget.



Piedmont Workforce Network
Incumbent Worker Training Funds Application

Section 1: Company Information

Please check the target industry that your organization falls under:	<input type="checkbox"/> Health Services <input type="checkbox"/> Information Technology <input type="checkbox"/> Business & Financial Services <input type="checkbox"/> Agribusiness <input type="checkbox"/> Bioscience & Medical Devices <input type="checkbox"/> Defense & Security <input type="checkbox"/> Manufacturing/Distribution <input checked="" type="checkbox"/> Other: Government
--	--

Parent or Corporate Name of Applying Company (As Listed on IRS W9 Form):	City of Charlottesville				
Physical Address:	610 E. Market Street				
City:	Charlottesville	State:	VA	Zip:	22902
P.O. Box Address:	P.O. Box 911				
City:	Charlottesville	State:	VA	Zip:	22902
Company Name, if Different:	Charlottesville Area Transit				
Physical Address:	1545 Avon Street Ext.				
City:	Charlottesville	State:	VA	Zip:	22902
P.O. Box Address:					
City:		State:		Zip:	

Company Contact:	Juwhan Lee	Title:	Assistant Transit Manager - Operations
Phone:	434-970-3892	Email:	leej@charlottesville.org

Federal I.D. No.:	54-6001202	Date Business Began in Area:	1975
Number of Full-Time Workers:	61	Number of Part-Time Workers:	41
Tax Status of Business:	<input type="checkbox"/> For-Profit <input type="checkbox"/> Not-For-Profit (Designation) <input checked="" type="checkbox"/> Other: Government		
Legal Structure of Business:	<input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Government		
Is your company current on all Federal, State of Virginia, County, City and Local Tax Obligations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is your company receiving and/or applying for other public training funds?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, explain:			
Does your company have an equal opportunity/non-discrimination policy in place?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is your company subject to a collective bargaining agreement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<i>If yes, and if union represented employees will be participating in the training activities of this program, it is required that consent be obtained from the representing union to collect the eligibility data from the employees PRIOR to funding approval.</i>			
Is your company willing to provide project outcome information to the Piedmont Workforce Network?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
This company is: (check all applicable)	<input type="checkbox"/> Native-American Owned <input type="checkbox"/> Asian-American Owned <input type="checkbox"/> African-American Owned <input type="checkbox"/> Woman Owned <input type="checkbox"/> Hispanic-American Owned <input type="checkbox"/> Other Minority Owned		
Please provide a brief description of your business, product(s), and/or service(s):			
<p>Charlottesville Area Transit (CAT) is the primary provider of general public fixed-route transit services in the Charlottesville, VA region. CAT currently provides 12 daytime local fixed bus routes and four evening local fixed bus routes, all of which are open to the public. Service is provided seven days per week, with most services operating on weekdays and Saturdays beginning around 6:30 AM and ending between around 6:00 PM and 11:30 PM. CAT also operates limited Sunday service on its two highest ridership routes, Route 7 and the Free Trolley, which connect some of the area's strongest commercial and employment destinations between downtown, the University of Virginia (UVA), and along Route 29. CAT's fixed-route services are complemented by those of University Transit Services (UTS), which provides primarily fixed-route services in the vicinity of UVA, and JAUNT, Inc., which provides demand-responsive service within the Charlottesville region, including CAT's ADA complementary paratransit services, as well as several fixed routes.</p>			

Section 2: Training Provider Information

(attach additional sheets, if necessary)

Training Provider(s) will be:	<input checked="" type="checkbox"/> Public Training Institution <input type="checkbox"/> Private Training Institution <input type="checkbox"/> Company Instructor
Training will be Delivered:	<input checked="" type="checkbox"/> On-site at the Business <input type="checkbox"/> At the Training Institution <input type="checkbox"/> At a Remote Location
Training Provider:	Piedmont Virginia Community College Workforce Services

Contact Name:	Kathy Reid	Phone:	434-961-5330		
Physical Address:	501 College Drive				
City:	Charlottesville	State:	VA	Zip:	22902

Section 4: Needs Identification

Indicate which challenge(s) would be addressed by the proposed training.
(Check all that apply; at least one must be identified for funding consideration)

	Declining Sales
	Supply Chain Issues
	Adverse industry market trends
	Changes in management behavior or ownership
X	Phasing out certain function, introducing new functions/lines that require worker retraining
X	Required skill changes that would otherwise require downsizing, layoffs, etc. if not addressed
	New technology and/or equipment implementation
	Creation of new employment opportunities that require advance skills and knowledge
	Other:

Section 5: Training Project Information

Please describe your organization's challenges that would be addressed by the proposed training.

CAT strives to offer excellent customer service to all of its riders. In recent months however, the number of customer complaints has increased, thus prompting a need for driver retraining. CAT purchased a customer service training curriculum that it would like to continue rolling out in the coming months. The proposed customer service training through PVCC for permanent and relief transit operators (i.e., bus drivers) will help set the foundation for this curriculum.

What credential, if applicable, will the individuals receive from the proposed training?

All individuals will receive a certificate in customer service from Piedmont Virginia Community College.

What are the job titles and average salaries for the individuals that would receive the proposed training?
Eighty-two (82) Transit Operators and Supervisors with an average wage of \$16.16 per hour.

How will this training make the participant and your organization more competitive in this economy?

Content will include topics such as: Focus on Customer Service Success, Benefits of Excellent Service, Professionalism under Pressure, and Dealing with Difficult Customers. The format for the class will be interactive, with real life scenarios based on actual customer complaints (provided by CAT management) and role playing. These topics will help hone participants' customer service skills and improve Charlottesville's transit service, thus increasing ridership and revenue to the organization. This is based on curriculum that is currently being used in the City's Growing Opportunity (GO) workforce development training programs. On average, CAT drivers who have gone through this training (GO Driver) tend to offer better customer service to riders, receiving fewer customer complaints.

There will be 11 training sessions between March 17, 2016 and June 30, 2016. Scheduled dates include:

- Saturday, March 19th – 10:00am – 12:30pm
- Sunday, March 20th – 10:00am – 12:30pm and 1:00pm to 3:30pm
- Thursday, March 24th – 10:00am – 12:30pm
- Tuesday, March 29th – 11:00am – 1:30pm

Additionally, there will be two sessions held in April, May, and June. The dates for these trainings are yet to be determined.

Outcomes of the training that will be tracked by CAT include:

- # of transit operators completing training and receiving a customer service certification from PVCC
- Decrease in customer complaints by 5%
- Launch of CAT customer service curriculum upon completion of customer service training

What is the potential for wage increases at the completion of the training and/or within one year of training end date?

This is uncertain at this time. Increases in wage at CAT are typically based on full-time versus relief employment, as well as length of service.

How will this training allow the participating individuals to retain their employment?

The proposed training will consist of eleven, two and a half hour customer service workshops to be held between March 19, 2016 and June 30, 2016. Each workshop will be comprised of approximately 15 incumbent bus drivers and supervisors (about 82 employees in total), with different individuals in each session. Content will include topics such as: Focus on Customer Service Success, Benefits of Excellent Service, Professionalism under Pressure, and Dealing with Difficult Customers. As a result of training, staff will be better able to serve CAT's rider and offer a better riding experience. In light of this, there will be fewer complaints and therefore fewer employee terminations that result from such complaints.

Section 6: Training Program Budget

This section must be completed to show use of proposed training funds and employer match contributions. Please provide specified training information and itemize completely.

A. Budget Category	B. Requested Funds	C. Employer Contribution	Sub-Total (B+C)
Non-Company Instructor Fees or Tuition Costs			
PVCC Customer Service Training (\$430/2.5 hr training session – 11 sessions total)	\$4,730	\$0	\$4,730
Training Related Rentals (facilities, equipment, tools, etc.)			
Onsite at CAT			\$0.00
Materials/Supplies/Textbooks			
Included in PVCC Training Costs			\$0.00
Other Costs (Describe)			
None			\$0.00
Travel/Food/Lodging For Instructor(s) Only			
None			\$0.00
Trainee Wages (Including Benefits)			
82 Transit Operators & Supervisors @ Average Wage of \$16.16/hour for 2.5 hours of training	Incumbent Worker Training Funds Cannot be Used (Can be counted as in-kind match for employer contribution)	\$3,312.80	\$3,312.80

Section 7: Incumbent Worker Training Funds Requested

Training Funds Requested:	\$4,730
Number of Employees to be Trained:	82
Proposed Training Start Date:	March 19, 2016
Anticipated Training End Date: <i>(Maximum of 12 months from proposed start date)</i>	June 30, 2016

Signature and Certification

By my signature, I verify the information in this application is accurate to the best of my knowledge and I have the authority to submit this application on behalf of the named employer. I also certify that I have read the Piedmont Workforce Network's Incumbent Worker Training Policy and agree to all of the terms and conditions outlined in that policy.

Signature:



Date:

3/18/2016

Name:

Juwhan Lee

Phone/email: leej@charlottesville.org

Piedmont Workforce Network is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY: 711. Funded by the U.S. Department of Labor.



PIEDMONT
Workforce Network

2211 Hydraulic Road, Suite #104
Charlottesville, VA 22901
Phone: (434) 979-5610 Fax: (434) 979-4123 VA Relay Users: 711

March 18, 2016

Mr. Juwhan Lee
Assistant Transit Manager – Operations
Charlottesville Area Transit
City of Charlottesville
1545 Avon Street Ext.
Charlottesville, VA 22902

Dear Juwhan,

We are pleased to inform you that your application for Incumbent Worker Training Funds has been approved to train individuals in customer service. Without this training, the Piedmont Workforce Network understands that the employees may not have the skills to retain employment at Charlottesville Area Transit and could be at risk of lay-off in the future. It will also increase production levels within the company while sustaining wages for employees.

The following details outline the amount approved, the number of workers to be trained, and the outcomes to be achieved. By signing below, the company agrees to these approvals and measures.

Customer Service Training	
Training Funds Approved:	\$4,730
Employees to be Trained:	82
Training Start Date:	3/19/2016
Training End Date:	6/30/2016
Training Provider:	PVCC

Performance Measures:

- At least 80% of the participants funded under the Incumbent Worker Training program will successfully complete the training programs.
- 100% of the participants funded under the Incumbent Worker Training program will be retained by the employer at the completion of training.

Documents Required:

- Certificates of completion for each participant, or letter on letterhead stating participants completed training
- Curriculum or description of program from training provider
- A copy of the I-9 document collected by the employer for each individual completing training
- A signed copy of the receipt of the Grievance and Complaint Procedures and EEO Notice

If you have any questions, please contact Morgan Romeo at mromeo@centralvirginia.org or by phone at 434-979-5610.

Signature: Helen Cauthers
Title: Executive Director
Organization: Piedmont Workforce Network
Date: 3/18/16

Signature: Morris Jure
Title: City Manager
Organization: City of Charlottesville
Date: 3/18/16

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



Agenda Date:	August 15, 2016
Action Required:	Approve and appropriate grant funds
Presenter:	Susan Morrow, Offenders Aid and Restoration
Staff Contact:	Susan Morrow, Offenders Aid and Restoration Leslie Beauregard, Assistant City Manager
Title:	Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$205,000

Background:

The City of Charlottesville, on behalf of the Charlottesville/Albemarle Adult Drug Treatment Court, has received the Byrne Grant from the Supreme Court of Virginia in the amount of \$205,000 for operations of the drug court program, which is operated by Offender Aid and Restoration (O.A.R.). The City of Charlottesville serves as fiscal agent for the Drug Court Byrne Grant.

Discussion:

In its nineteenth year of operation, the Charlottesville/Albemarle Adult Drug Treatment Court is a supervised 12 month drug treatment program that serves as an alternative to jail time for offenders. Drug Court is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving non-violent adult felony offenders who are addicted to drugs. The program uses the power of the court to assist non-violent drug offenders to achieve recovery through a combined system of intensive supervision, drug testing, substance abuse treatment, and regular court appearances.

The total program budget is **\$326,316** and includes three funding sources:
Supreme Court of VA - \$205,000
City of Charlottesville: \$68,179, which has already been appropriated
Albemarle County: \$53,137, which has already been appropriated

Alignment with City Council Vision and Strategic Plan:

This program supports the Council's Goal C2: Be a safe, equitable, thriving and beautiful community and Objective C2.1: Provide an effective and equitable public safety system. The drug court is a valuable, less expensive alternative to incarceration for certain substance dependent criminal offenders which utilizes a blend of court-ordered supervision, drug testing, drug and mental health treatment services, court appearances, and behavioral sanctions and incentives to reduce recidivism and drug use among participants beyond what is observed after incarceration alone.

Community Engagement:

The Drug Treatment Court is a direct service provider and is engaged daily with non-violent criminal offenders with drug driven crimes who are at a high level of risk for reoffending due to active addictions and long standing patterns of criminal behavior. By collaborating with the Court system, Region Ten Community Services Board, and the Sheriff's department, the Drug Treatment Court provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Drug Treatment Court through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the Circuit Court. If they successfully complete the program which takes a minimum of 12 months, participants may have their pending charges reduced or dismissed. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Drug Treatment Court participants return the community's investment in them by maintaining legal employment, providing for and taking care of their children and families including paying off back child support, behaving as good role models in the community, and supporting the recovery community in Charlottesville.

Budgetary Impact:

The City's match for this grant, \$68,179, was appropriated as part of the F.Y. 2017 Council Approved Budget and is part of the City's contribution to Offender Aid and Restoration.

Recommendation: Staff recommends approval and appropriation.

Attachments: N/A

APPROPRIATION.
Charlottesville/Albemarle Adult Drug Treatment Court Grant Award
\$205,000

WHEREAS, the Supreme Court of Virginia awarded the Byrne Grant in the amount of \$205,000 for the Charlottesville/Albemarle Drug Court Treatment Court in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$121,316; and

WHEREAS, the grant award covers the period July 1, 2016 through June 30, 2017.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$205,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$205,000 Fund: 209 Internal Order: 1900267 G/L Account: 430120

Expenditures

\$205,000 Fund: 209 Internal Order: 1900267 G/L Account: 530550

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$205,000 from the Supreme Court of Virginia.

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



Agenda Date:	August 15, 2016
Action Required:	Approval and Appropriation
Presenter:	Maggie Cullinan, Coordinator Victim and Witness Assistance Program
Staff Contacts:	Maggie Cullinan, Coordinator Victim and Witness Assistance Program Ryan Davidson, Senior Budget and Management Analyst
Title:	Victim Witness Assistance Program Grant \$250,902

Background:

The City of Charlottesville, through the Commonwealth's Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$164,176 in Federal Funds and \$54,726 in State General Funds, and \$32,000 supplement from the Commonwealth Attorney's operating budget for a total award of \$250,902.

Discussion:

The victim's rights movement began in the 1970s as a result of victims being re-victimized by the criminal justice process. Victims had difficulty navigating the complexities of the criminal justice system and no voice or recourse when their cases were continued or pled out without their knowledge or consent. Prosecutors did not have the time or skills to respond to victims who were traumatized, but knew that in order to proceed with their case, many victims would need more services than the prosecutor's office could provide. In response to this need, the federal Victims of Crime Act was passed in 1984 and funds became available through the Virginia Department of Criminal Justice to respond to the needs of victims. The Charlottesville Victim/Witness Assistance Program was established in 1989 and has been meeting the needs of Charlottesville crime victims ever since. The Program is one of more than 60 such programs in the state that provides crisis intervention and advocacy, information and support during and after criminal justice proceedings, access to compensation and restitution, referrals to local community agencies and ensures victims are afforded their rights as outlined in Virginia's Crime Victim and Witness Rights Act. The Program also provides training on victim issues to law enforcement and allied agencies. It regularly serves more than 800 victims and 20 witnesses each year.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City, a Community of Mutual Respect and a Smart, Citizen-Focused Government. According to the Bureau of Justice Statistics, the total economic loss to crime victims was \$1.19 billion for violent offenses and \$16.2 billion for property crime in 2008. Statistics vary on the amount of intangible losses victims accumulate, such as the effects of the crime on their sense of security, mental health and relationships. The Charlottesville Victim Witness Assistance Program contributes to the health of the community by connecting crime victims with medical and mental health providers through the Criminal Injury Compensation Fund. The Program helps create a **Community of Mutual Respect** by responding to the needs of crime victims and helps achieve a

Smart, Citizen-Focused Government by ensuring their rights are recognized throughout the local criminal justice system, including police, prosecution, judges and probation.

Community Engagement:

The Victim Witness Assistance Program is engaged daily with victims of crime who access services through referrals from police, court services, social services and other allied agencies. Program staff contacts crime victims within 48 hours of their reported victimization. Program staff serves on several coordinating councils, such as the Multi-Disciplinary Team on Child Abuse, the Domestic Violence Coordinating Council, the Sexual Assault Response Team, the Monticello Area Domestic Violence Fatality Review Team and the Charlottesville/Albemarle Evidence Based Decision Making Policy Team. The program regularly provides outreach in the forms of government services day, training and speaking engagements at U.V.A., P.V.C.C. and other allied agencies as requested.

Budgetary Impact:

The Victim Witness Assistance Program Grant is renewed annually; the amount of this year's award is \$218,902. The salary supplement of \$32,000 was budgeted in the Commonwealth's Attorney's budget as part of the F.Y. 2017 Adopted Budget and will be transferred into the grants fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If grant funds are not appropriated, Charlottesville crime victims will have no access to compensation, advocacy or services afforded to them under Virginia's Crime Victim and Witness Rights Act.

Attachments:

Appropriation Memorandum

APPROPRIATION.

Charlottesville Victim Witness Assistance Program Grant

\$250,902.

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney's Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$218,902; and

WHEREAS, the City is providing a supplement in the amount of \$32,000, the source of which is the Commonwealth Attorney's operating budget;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$250,902 is hereby appropriated in the following manner:

Revenues

\$ 54,726	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$164,176	Fund: 209	Cost Center: 1414001000	G/L Account: 430120
\$ 32,000	Fund: 209	Cost Center: 1414001000	G/L Account: 498010

Expenditures

\$222,214	Fund: 209	Cost Center: 1414001000	G/L Account: 519999
\$ 7,379	Fund: 209	Cost Center: 1414001000	G/L Account: 530100
\$ 21,309	Fund: 209	Cost Center: 1414001000	G/L Account: 599999

Transfer

\$ 32,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$218,902 from the Virginia Department of Criminal Justice Services.

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



Agenda Date:	August 15, 2016
Action Required:	Approval of Appropriation
Presenter:	Kathy McHugh, Housing Development Specialist
Staff Contacts:	Kathy McHugh, Housing Development Specialist Alexander C. Ikefuna, Director of NDS
Title:	Appropriation of Proceeds from the Sale of 1312 Nunley Street by the Thomas Jefferson Community Land Trust - \$126,731.08

Background:

On June 20, 2011, Council approved funding to purchase four lots on Nunley Street (which is part of the Habitat for Humanity of Greater Charlottesville Paton Street mixed-income neighborhood) and to work with a Habitat to construct townhouses on these lots. Two of the lots were designated for the Region Ten Community Services Board to be used for an independent living facility for up to seven residents and one on-site counselor. Region Ten requested that two lots be combined into one so that a large townhouse could be constructed instead of two smaller units. This request was honored and the property was transferred upon completion. The other two townhomes were transferred to the Thomas Jefferson Land Trust (TJCLT) to be sold as supported affordable units.

The agreement between the City and TJCLT dated March 12, 2012 specified that the land value would be retained by TJCLT (as is consistent with land trust practices) and that the two properties (1306 and 1312 Nunley Street) would be sold to an eligible buyer at 80% or less of Area Median Income (AMI). The proceeds from the sale were to be transferred back to the City, less specified costs for closing, relator fees and holding costs.

The first property (1306 Nunley Street) sold in 2013 and funds of \$127,432.46 were appropriated by Council to the Charlottesville Affordable Housing Fund on September 3, 2013. That unit sold for \$135,000, based on a valuation by Pape Appraisals in November 2012 of \$175,000 less \$40,000 land value; however, with real estate commission of \$4,050, closing costs of \$1,500 and holding costs of \$2,017.54, the final amount due to the City was \$127,432.46.

The second property (1312 Nunley Street) took much longer to sell, despite multiple showings and routine interest over an extended period. Both TJCLT and City staff were frustrated by this; however, it appeared that potential buyers were either concerned over the land trust ownership model (which separates the land from the improvements) or the proximity to the Region Ten group home. Coupled with the need to sell to an income qualified buyer who could also qualify for a mortgage with Wells Fargo (i.e., the only lending institution willing to work with the TJCLT), 1312 Nunley Street was vacant for roughly three years.

Discussion:

Over the past three years, City staff has continued to discuss challenges and different marketing approaches with the TJCLT (including actively promoting the unit to City employees). These included (among other things) allowing TJCLT to rent the unit as well as use of a City-held deed of trust/shared appreciation to effectively lower the cost to the buyer. Ultimately, neither proved to be viable as the Paton Street Home Owner Association (HOA) restricts rental of homes within this neighborhood and the TJCLT was reluctant to rent the unit and potentially have to renovate it to sell at a later time. As to the use of partial City financing through a deed of trust/shared appreciation, Wells Fargo would not approve this, so this approach had to be abandoned as well.

Regardless of all these difficulties, the second property (1312 Nunley Street) finally sold to an income qualified buyer on July 8, 2016 and funds of \$126,731.08 now need to be appropriated to the Charlottesville Affordable Housing Fund. This unit sold for \$143,200 (based on a specified sales price of \$180,000 per the March 2012 agreement. less \$36,800 land value at the time the purchase agreement); however, with real estate commission of \$4,296, closing costs of \$1,483.27 and holding costs of \$10,689.65, the final amount due to the City amounted to \$126,731.08.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda items aligns directly with the City Council Vision for Charlottesville to provide quality housing opportunities for all. The proposed action also aligns with the Strategic Plan at goal 1.3 which speaks to increasing affordable housing options.

Community Engagement:

There has not been any specific community engagement or public input on this matter.

Budgetary Impact:

The funds will be appropriated into the existing Charlottesville Affordable Housing Fund account, increasing the City's ability to further affordable housing efforts.

Recommendation:

Staff recommends approval of the proposed appropriation.

Alternatives:

As the funds used for the purchase of land and development of the townhouse at 1312 Nunley Street originated from the Charlottesville Affordable Housing Fund, there is no viable alternative other than to return these to that fund.

Attachments:

Appropriation

APPROPRIATION

**Proceeds from Sale of Property at 1312 Nunley Street
by Thomas Jefferson Community Land Trust
\$126,731.08**

WHEREAS, the City of Charlottesville has received \$126,731.08 from the Thomas Jefferson Community Land Trust; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$126,731.08 is hereby appropriated in the following manner:

Revenue – \$126,731.08

Fund: 426 WBS: CP-084 (P-00672) G/L Account: 451999

Expenditures - \$126,731.08

Fund: 426 WBS: CP-084 (P-00672) G/L Account: 599999

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



Agenda Date:	August 15, 2016
Action Required:	Approval of Appropriation
Presenter:	Lieutenant David W. Shifflett, Jr., Police Department
Staff Contacts:	Lieutenant David W. Shifflett, Jr., Police Department
Title:	Mobile Computer and Records System Equipment - \$173,272

Background:

The City of Charlottesville, County of Albemarle and University of Virginia recently procured an integrated public safety data system (New World Systems). The system includes a computer aided dispatch (C.A.D.) and mobile application that serves law enforcement and fire/rescue agencies, as well as an integrated law enforcement records management system (L.E.R.M.S.) and automated field reporting (A.F.R.) application. Also included is a jail management system (Corrections), fire records management system (F.R.M.S.) and a Patient Care Reporting (P.C.R.) application.

In order to fully utilize the functionality of the system, the Police Department must purchase additional mobile equipment for its police vehicles, and replace a number of aging computers which do not meet the minimum specifications of the new records management system software.

Discussion:

An integral component of the new integrated public safety data system is an officer's ability to complete and submit reports, to include temporary citizen detentions, and to electronically submit criminal and traffic related citations (e.Citations) to the court and records management system from the field. The Commonwealth of Virginia requires ink signatures on citations issued by law enforcement officers. In order to issue citations with the new mobile records system, the Police Department must purchase mobile thermal printers, 2D driver's license scanners and related accessories/supplies for its vehicles, as well as six ruggedized handheld computers with related accessories for motor and bicycle officers. In addition, wireless computer keyboards and steering wheel keyboard mounts are needed for officers to effectively write and submit reports from their vehicles to the new records management system.

Also to be capable of utilizing the software, the city must replace a number of aging desktop/laptop computers which do not meet the minimum specifications of the new records management system. Upon investigation by the City's Information Technology (I.T.) department it was found that 69 computers in the Police Department, Commonwealth Attorney's Office, and City Sheriff's Office did not meet the minimum processor specifications to run the new software and that 17 computers did

not have the required memory capacity to run the new software. The 69 computers that did not meet the minimum processor specifications will need to be replaced in order to run the new system and the 17 computers that did not have enough required memory will receive memory upgrades.

The following chart details the cost of the various items discussed above.

Regional Public Safety System Equipment Purchases			
Device	Quantity	Unit Price	Extended Price
Driver's License Scanner	75	\$368.00	\$27,600
In-Car Printer	75	\$296.00	\$22,200
In-Car Printer Mount	75	\$170.00	\$12,750
In-Car Printer Wiring Adapter	75	\$15.95	\$1,196
In-Car Printer USB Cable (6")	75	\$4.60	\$345
Installation	75	\$250.00	\$18,750
In-Car Printer Paper (6-pack)	75	\$50.00	\$3,750
Wireless Keyboard	75	\$30.00	\$2,250
Steering Wheel Mount	75	\$25.00	\$1,875
Ruggedized Handheld Computers and Related Accessories	6	\$3,200.00	\$19,200
Computer Replacements	69	\$904.40	\$62,404
<u>Memory Upgrades</u>	<u>17</u>	<u>\$56.00</u>	<u>\$952</u>
Total			\$173,272

The Police are requesting the use of \$173,272 of previously appropriated and unallocated C.I.P. Contingency funding to fund the needed equipment purchases and upgrades. Of that amount \$63,356 for currently needed computer replacements will be transferred to the Computer Replacement Pool account to cover the replacement desktops/laptops to be ordered. The remaining \$109,916 will be transferred to the Police Mobile Data Computer system C.I.P. account for the new equipment that is yet to be ordered.

Alignment with City Council's Vision 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 needed mobile equipment for the new records management system. The new public safety system is a regional integrated system for the City of Charlottesville, County of Albemarle and University of Virginia. The new system is a significant improvement to the existing infrastructure and will improve public safety though enhanced communications, decision making ability, record keeping, and timeliness of critical information.

Community Engagement:

N/A

Budgetary Impact:

This request has no impact on the General Fund. This request seeks approval to reprogram previously appropriated C.I.P. Contingency funds in the amount of \$173,272.

Recommendation:

Staff recommends approval and appropriation of the requested funds.

Alternatives:

The alternative is to not approve the appropriation and not purchase the equipment.

Attachments:

APPROPRIATION.

Police Mobile Computer and Records System Equipment - \$173,272.

WHEREAS, the recently upgraded integrated public safety data system (New World Systems), has necessitated the need to purchase or upgrade several components of the Police ;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$173,272 from the Capital Contingency Account (CP-080) is to be appropriated in the following manner:

TRANSFER FROM - \$173,272:

Fund: 426 Funded Program: CP-080 G/L Account: 599999

TRANSFER TO:

Revenues - \$109,916

Fund: 429 Funded Program: P-00236 G/L Account: 432030

Expenditures - \$109,916

Fund: 429 Funded Program: P-00236 G/L Account: 599999

Revenues - \$63,356

Fund: 705 Cost Center: 2131001000 G/L Account: 498010

Expenditures - \$63,356

Fund: 705 Cost Center: 2131001000 G/L Account: 520900

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



Agenda Date:	August 15, 2016
Action Required:	Request for Appropriation - Safe Routes to School Non-Infrastructure Grant Application
Presenter:	Amanda Poncy, Bicycle and Pedestrian Coordinator
Staff Contacts:	Amanda Poncy, Bicycle and Pedestrian Coordinator
Title:	Safe Routes to School Non-Infrastructure Grant Application - \$56,000

Background:

On November 5, 2015, the Virginia Department of Transportation (VDOT) announced another year of Safe Routes to School Non-Infrastructure (Activities and Programs) Grants, which can be used to fund **education, encouragement, evaluation** and **enforcement** programs to support safe bicycling and walking to school. The Non-Infrastructure Grant can also be used to fund a SRTS coordinator. A SRTS Coordinator is a part- or full-time SRTS advocate who works within a school division to promote and facilitate Safe Routes to School activities at a minimum of three schools in the division.

The City of Charlottesville has a Safe Routes to School Program that dates back to the early 2000's. Since that time the City has implemented numerous infrastructure and planning projects to support Safe Routes to School. For much of that time, the Alliance for Community Choice in Transportation (ACCT) was the primary organization dedicated to working with administrators, faculty, parents, volunteers and neighborhood organizations to create a variety of Safe Routes to School programs. In 2012, ACCT disbanded and while many of their program efforts continue in (though to varying degrees), the City no longer has a champion dedicated to the education, encouragement and evaluation activities needed to support active transportation for K-8 students.

In examining our division's needs closely, we believe that a part-time coordinator dedicated to managing, training, and expanding Safe Routes to School programming city-wide will be the most effective way to create meaningful and lasting progress.

Discussion:

As part of the grant application, the City was required to create a Safe Routes to School (SRTS) Activities and Programs Plan (APP), a written document that outlines a community's intentions for enabling and encouraging students to engage in active transportation (i.e. walking or bicycling) as they travel to and from school. The plan details the number of students living within ¼ to 2 miles of their school and demonstrates the potential benefits that can be accrued from a coordinate SRTS program (nearly 30% of students live within ½ mile of school and nearly 70% live within 1 mile of school). The SRTS APP was created through a team-based approach that

involved key community stakeholders and members of the public in both identifying key behavior-related to barriers to active transportation and, using the four non-infrastructure related E's (education, encouragement, enforcement and evaluation) to address them.

The City of Charlottesville Safe Routes to School Initiative aims to:

1. Increase the number of students using active transportation to get to & from school, especially among those living within one mile of their school.
2. Reduce the number of injuries suffered by school-aged students walking & biking.
3. Raise awareness of the benefits of active transportation to students, parents, & the community at large.
4. Reduce traffic congestion & greenhouse gas emissions.
5. Promote lifelong healthy habits.

Based on the issues identified by the team, the following short-term recommendations were developed:

- Institute bike riding, repair, and safety curriculum (Education)
- Host bike & walk route mapping workshops (Education)
- Develop a division-wide SRTS website and newsletter (Education)
- Facilitate biking and walking trains (Encouragement)
- Regularly host walk-to-school and bike-to-school days (Encouragement)
- Consistently host annual Bicycle Rodeos (Encouragement)
- Conduct bike safety checks (Enforcement)
- Expand the bike helmet give-away program (Enforcement)
- Administer student travel tallies (Evaluation)
- Keep records of participation in workshops, biking and walking trains, bike rodeos, afterschool clubs, and other events (Evaluation)

The SRTS Activities and Programs Plan will serve as a guiding document to assist in promoting, encouraging, and enabling walking and bicycling to school. The \$56,000 grant award will fund a part-time (20 hours per week) Safe Routes to School Coordinator and the supplies needed to implement the recommendations included in the APP. As a reimbursable grant, costs will be incurred by the City and reimbursed by VDOT.

Alignment with City Council's Vision and Strategic Plan:

This initiative supports Council's Vision to be a "Connected Community" ("the City of Charlottesville is part of a comprehensive, regional transportation system that enables citizens of all ages and incomes to easily navigate our community") and "America's Healthiest City" ("we have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools").

In addition, the project contributes to Goals 2 and 5 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community and to foster strong connections – namely 2.2 Consider health in all policies and programs; 2.3 Provide reliable and high quality infrastructure; 5.2. Build collaborative partnerships.

The initiative further implements recommendations within the Comprehensive Plan (2013) and supports the City's Healthy Eating Active Living (HEAL) Resolution

Community Engagement:

This grant application implements one of the programming recommendations included in the Bicycle and Pedestrian Master Plan (adopted 2015), which included significant public involvement. Further, city staff from Neighborhood Development Services worked with staff from the Thomas Jefferson Health District and Charlottesville City Schools (Physical Education and Pupil Transportation) to create a Safe Routes to School Task Force that was responsible for outlining elements of a city-wide Safe Routes to School Activities and Programs Plan (APP). The task force included representatives from city schools, community organizations, multiple city departments (NDS, PW, Parks), as well as health and enforcement disciplines. The APP was developed by the task force with input from parents (via Parent Survey) and further discussed/refined at public meeting in February 2016.

Budgetary Impact:

The grant application will provide funding (100% reimbursable) for both a part-time Safe Routes to School Coordinator and the supporting activities included in the Activities and Programs plan. The grant will fund a position for 12 months with an opportunity to reapply for funding for 2 additional years. The coordinator will work closely with the Bicycle and Pedestrian Coordinator (NDS), Climate Change Coordinator (Environment) and the PE + Health Coordinator (City Schools).

This is the last year that funding will be provided at 100%. Future grants would require a 20% match. We anticipate a future year match will come from a combination of in-kind donations of supplies, volunteers and community partners. Should that goal not be met, existing CIP resources will supplement the in-kind match.

Recommendation:

Staff recommends approval and appropriation of the grant funds.

Alternatives:

If grants funds are not appropriated, Safe Routes to School programming will continue in an ad-hoc fashion with assistance from community partners and parent volunteers.

Attachments:

Safe Routes to School Activities and Programs Plan

<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/transportation/bicycle-and-pedestrian/safe-routes-to-school>

A Resolution Supporting Safe Routes to School Projects

RESOLUTION
Supporting Safe Routes to School (“SRTS”) Projects

WHEREAS, obesity is one of the most serious threats to American public health, ranking third among preventable causes of death in the United States;

WHEREAS, motor vehicle crashes are also a leading cause of death and injury to children;

WHEREAS, between 1969 and 2009 the percentage of children walking and biking to school dramatically declined from 48 percent to 13 percent;

WHEREAS, the Safe Routes to School program, created by Congress in 2005, aimed to increase the number of children engaged in active transportation when traveling to school by funding (1) infrastructure projects, located within two miles of a public school, that directly increase safety and convenience for public school children walking and/or biking to school, and (2) non-infrastructure projects designed to encourage public school children to walk and bicycle to school;

WHEREAS, Safe Routes to School projects are a proven, effective approach to increasing the number of children actively traveling to school by foot or bike;

WHEREAS, Safe Routes to School projects provide important health, safety, and environmental benefits for children, including reducing risk of obesity/chronic disease and pedestrian/bicycle injuries as well as improving air quality;

WHEREAS, the need for Safe Routes to School projects is especially strong in low-income areas, which suffer from a disproportionately high incidence of both childhood obesity/chronic disease and pedestrian and bicycle injuries and often have inferior pedestrian and bicycle infrastructure;

WHEREAS, Safe Routes to School projects make it safer and more convenient for all residents to walk and bike to destinations, further promoting public health;

WHEREAS, a goal of the City of Charlottesville’s current Comprehensive Plan, Bicycle and Pedestrian Master Plan, Complete Streets Resolution and Healthy Eating Active Living Resolution supports active transportation options, which can be met in part by implementation of Safe Routes to School projects;

NOW, THEREFORE, BE IT RESOLVED that the City of Charlottesville affirms its commitment to active transportation and supporting Safe Routes to School infrastructure and non-infrastructure projects.

APPROPRIATION

Safe Routes to School Program (SRTS) Non-Infrastructure Grants
\$56,000

WHEREAS, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for **education, encouragement, evaluation and enforcement** programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$56,000;

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

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

Revenues

\$56,000 Fund: 209 Cost Center: 3901008000 G/L Account: 430120

Expenses

\$26,000 Fund: 209 Cost Center: 3901008000 G/L Account: 519999
\$30,000 Fund: 209 Cost Center: 3901008000 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$56,000 from the Virginia Department of Transportation.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 15, 2016
Action Required:	Approval of Resolution
Presenter:	Kathy McHugh, Housing Development Specialist
Staff Contacts:	Kathy McHugh, Housing Development Specialist
Title:	Allocation of Charlottesville Affordable Housing Fund (CAHF) for Albemarle Housing Improvement Program (AHIP) Emergency Repair Program - \$50,000

Background:

Funding through the Charlottesville Affordable Housing Fund (CAHF) of \$50,000 is being sought to provide immediate assistance to AHIP to support the on-going Charlottesville Emergency Repair Program (ERP). The ERP program is a unique resource for the City wherein income qualified residents can obtain assistance to make emergency home repairs. Funding is typically used to address health and safety issues that require immediate attention and will only get worse if left unattended. Typical repairs include such things as handicap ramps, HVAC, water heater, roof, electrical, and plumbing.

On July 6, 2015, Council approved \$100,000 for use with the ERP program, but roughly one year has passed at this point and less than \$1,000 remains in this fund. The FY 16 request had estimated that 30 households would be helped with this funding; however, ultimately 39 homeowners (89 people) were assisted at an average cost of \$2,538 per household or \$1,113 per person. Funding was used to make many critical repairs for families with incomes ranging from 17% to 74% Area Median Income (AMI). While homeowners are asked to help with costs if possible, it is rare that this is feasible given the income level of assisted families. That noted, AHIP was able to secure additional funding of \$6,275.60 through other funds to use with limited City dollars.

A copy of the AHIP request dated July 2016 is attached hereto, which explains that this funding is being requested to effectively provide interim assistance for the ERP program. AHIP intends to come back to City Council in September to request additional funding for scattered site and target area rehab efforts as well as additional ERP assistance to provide enough resources to extend the program through the end of FY 2017; however, this request is to address immediate needs only.

Discussion:

Staff has reviewed the request and provides the following overview:

General - The need to maintain and improve the City's housing stock is a key goal of the City's Comprehensive Plan. This goal is impacted by a number of factors including limited

income/resources of low income residents, an aging housing stock and the high costs of labor/materials to make home repairs. Oftentimes, homeowners will forego necessary home maintenance or minor repairs because of limited funds. Specifically, low income families are often faced with a choice between spending money on their homes or paying for their mortgage, health care or food.

Timing – Need funds for immediate use with the Emergency Repair Program.

Supported Affordable Housing – These projects typically range between \$1,000 and \$5,000; however, the City’s [Housing Assistance Program Policies, Procedures, Protocols and Rehabilitation Standards](#) do not require a deed of trust unless the assistance is greater than \$5,000. Accordingly, the ERP program does not increase supported affordable housing units, but it does provide a very necessary service for low income residents and has multiple ancillary benefits that enhance the quality of life for Charlottesville’s low income families.

Identification of Homebuyers to be Assisted – AHIP uses a waitlist that is prioritized for safety hazards and/or vulnerable occupants who are most at risk. At present, there are 81 families on this waitlist, of which roughly 10 to 15 families can be assisted with the requested funding.

Leverage – As noted above, AHIP asks homeowners to contribute /assist with repairs (even if limited to clearing out an area to make way for work to be done) and they are also able to secure limited other funds to use with this program. That noted there is no guarantee of leverage; however, frequently ERP repairs limit more extensive damage that would occur otherwise. Roof repairs are an excellent example of this as continued leaks can do significant damage over time. As such, use of ERP funds serves to reduce future costs through other AHIP programs and/or to the homeowner.

Accountability – AHIP will be required to execute a grant agreement, which requires in part that they provide quarterly progress/financial reports throughout the life of the grant.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda items aligns directly with the City Council Vision for Charlottesville to provide quality housing opportunities for all. The proposed action also aligns with the Strategic Plan at goal 1.3 which speaks to increasing affordable housing options. Further, the proposed funding is consistent with Comprehensive Plan objective 4.9 which states that the City should: “Continue to dedicate funds annually to support strategic initiatives for affordable and mixed use housing and existing housing rehabilitation and repair.”

Community Engagement:

There has not been any specific community engagement or public input on this proposal.

Budgetary Impact:

The proposed project will require \$50,000 from currently unallocated CAHF funds.

Recommendation:

Staff recommends approval of the attached resolution.

Alternatives:

Council could elect not to fund this request and/or to reduce funding further below the recommended amount; however, this would impact AHIP's ability to address emergency repair needs.

Attachments:

AHIP Request dated July 2016
Resolution



AHIP
Charlottesville Affordable Housing Fund Request
FY17 Emergency Repair Program
July 2016

Introduction

AHIP aims to help 86 households in FY17 with scattered-site and target-area rehab, repair, and energy upgrade activities.

Owner-occupied rehab and repair efforts keep City residents safe at home, protect their assets, improve City neighborhoods, and preserve the City's stock of affordable housing. The City is AHIP's key programmatic and funding partner for the bulk of this work—together, we helped 151 people in 75 households in FY16 with critical home repairs in our various program areas: scattered-site emergency repair, scattered-site rehab, and Block-by-Block initiatives (currently focused on the 10th & Page and Orangedale & Prospect neighborhoods).

EMERGENCY REPAIRS

AHIP administers Charlottesville's Emergency Repair Program, responding to urgent home repair crises for very low-income City residents. Since the start of this vital initiative in Charlottesville in 2009, AHIP and the City have helped 633 people in 290 households with relatively minor but critical home repairs. Typical repairs include heating systems; handicap ramps; water heaters; roofs; windows; doors; and plumbing, electrical, and structural emergencies. Emergency repair projects typically range in cost from \$1,000 to \$5,000.

Right now, there are 81 Charlottesville families on the emergency repair waitlist. Thirteen of them score high in our database for severe health and safety hazards and/or vulnerable occupants who are more at risk. We will prioritize these 13 families—along with any more who call in with emergencies (we typically receive 10 to 15 calls per week from people seeking help with emergency repairs)—for this preliminary round of funding.

Preliminary request

AHIP is requesting a preliminary grant of \$50,000 to support our FY17 Emergency Repair efforts. This program is currently suspended, having utilized all of its FY16 funds, and we are seeking to resume as quickly as possible. A grant of \$50,000 will allow us to initiate critical repair projects for 10 to 15 families who are currently waiting for help.

Total program cost

AHIP aims to help a total of 50 families with scattered-site emergency repairs in FY17. The total cost of this initiative comes to \$190,000 (inclusive of this \$50,000 preliminary request). We plan to return to Council in September to request the balance of funds that will support the Emergency Repair Program as well as our scattered-site and target-area rehab efforts.

RESOLUTION

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Albemarle Housing Improvement Program (AHIP) \$50,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$50,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund to the Albemarle Housing Improvement Program for the purpose of providing funds for an emergency repair program.

Fund: 426

Project: CP-084

G/L Account: 599999

Albemarle Housing Improvement Program \$50,000

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



Agenda Date:	August 15, 2016
Action Required:	Approve Resolution
Presenter:	Christopher V. Cullinan, Director of Finance
Staff Contacts:	Christopher V. Cullinan, Director of Finance Lauren Hildebrand, Director, Public Utilities
Title:	Donation of Surplus City S.U.V. to Charlottesville-Albemarle Rescue Squad (C-ARS) – 2003 Chevrolet Tahoe, Vehicle #1120, VIN: 1GNEK13Z23J260552

Background:

C-ARS has requested the City donate the above referenced S.U.V. The vehicle has been removed from service in the Public Utilities Division and designated for sale as surplus property by the City. The vehicle has approximately 100,000 miles as well as rust and maintenance issues. C-ARS has stated that despite these issues, the vehicle's mileage is well below that of similar units in their fleet and it has not been previously operated as an emergency response vehicle and subject to strenuous duty service.

Discussion:

The vehicle is designated as surplus property to be sold at auction. The Blue Book value of the vehicle is approximately \$9,000. City Procurement staff estimate it would likely sell for \$5,500 - \$8,000 at auction.

The proceeds from vehicles sold at auction are placed in the City's Equipment Replacement Fund to replace vehicles in the City Fleet.

This request differs from previous requests from public safety agencies for surplus City equipment. Requests typically come from chiefs to their counterpart at the City. C-ARS inquired with City's Fleet Division as to the availability of any suitable vehicles slated for auction. C-ARS then made the request to the City for this particular vehicle.

Budgetary Impact:

The donation of the vehicle would result in the loss of \$5,500 - \$8,000 of revenue to the Equipment Replacement Fund. The funds would be made up through revenues from water, wastewater, and gas rates (as this was a Public Utilities vehicle).

Recommendation:

Staff recommends approval of the proposed donation.

Alternatives:

The vehicle would be sold at auction to the highest bidder.

Attachments:

None.

RESOLUTION

**Donation of Surplus City S.U.V. to Charlottesville-Albemarle Rescue Squad (C-ARS)
2003 Chevrolet Tahoe, Vehicle #1120, VIN: 1GNEK13Z23J260552**

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville that a surplus 2003 Chevrolet Tahoe S.U.V. operated by the Public Utilities Division will be donated to the Charlottesville-Albemarle Rescue Squad (C-ARS).

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CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA

Agenda Date:	July 18, 2016
Action Required:	Approval
Presenter:	Tierra Howard, Grants Coordinator, NDS
Staff Contacts:	Tierra Howard, Grants Coordinator, NDS
Title:	Approval of CDBG/HOME Code Revision (Chapter 2, Article XIII)

Background:

The City of Charlottesville's Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) code sets forth the policy for the City's CDBG and HOME programs. The CDBG/HOME code was last revised in 2003. Since 2003, there have been changes within the CDBG/HOME programs at the federal level that have prompted the need to revise the code. Overall, the current code is outdated and in need of revision to provide consistency with US Department of Housing and Urban Development (HUD) statutes/regulations and to incorporate the HOME program, as appropriate.

Discussion:

Major changes proposed to the code include:

- Reference all CDBG national objectives (principally benefit low to moderate income persons, aid in the elimination of slum and blight, and address urgent community needs), as defined by HUD.
- Separate program policy from administrative procedure to ensure that the code reflects policy level matters, with administrative oversight and process related matters being provided for in various administrative plans, such as the Citizen Participation Plan (CPP).
- Ensure consistency with HUD language/terminology.
- Include the use of specific language to target "income eligible areas" as staff found that the "five priority neighborhoods" language does not perfectly align with income eligible areas based on the latest HUD adjusted Census data. Census block group data (as adjusted by HUD) is used to determine areas that are "income-eligible" or areas that qualify for HUD assistance.
- Revise the section on Neighborhood Committees to include both the Priority Neighborhood and Economic Development Subcommittees. Currently, the Strategic Action Team (SAT) reviews the economic development proposals when economic development set-asides are requested by Council, to ensure consistency with the Growing Opportunities Report (City's Workforce Development Report).

- Update the Annual Process section to ensure consistency with current program procedures.

Community Engagement:

On May 18, 2016 the proposed code revision came before the Housing Advisory Committee (HAC) and the CDBG Task Force at a joint meeting for input/feedback. Comments received from the HAC and the CDBG Task Force has been incorporated into the code revisions.

The City Attorney's Office has also reviewed and provided input to the code revisions.

Budgetary Impact:

The code revision will have no direct budgetary impacts; however, the revisions will bring City code into compliance with what HUD requires. If current code was monitored or reviewed by HUD, the City could potentially encounter some type of finding with associated economic/budgetary consequences. Accordingly, the proposed changes should indirectly benefit the budget by putting the City into compliance with HUD expectations for both the CDBG and HOME programs.

Recommendation:

Staff recommends approval of the CDBG/HOME code revision.

Alternatives:

No alternatives are proposed.

Attachments:

CDBG/HOME Code Revision Recommendations
Housing Advisory Committee Meeting Minutes (5-18-2016)

**AN ORDINANCE
AMENDING AND REORDAINING ARTICLE XIII OF CHAPTER 2
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
RELATING TO COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING.**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Sections 2-416 through 2-420 of Article XIII (Community Development Block Grant Planning) of Chapter 2 (Administration) of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained, as follows:

**CHAPTER 2. ADMINISTRATION
ARTICLE XIII. COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING**

Sec. 2-416. Purpose and applicability of article.

(a) This article sets forth planning and decision making procedures for the ~~e~~Community ~~d~~Development ~~b~~Block ~~g~~Grant (CDBG) and HOME Investment Partnerships (HOME) programs, funded under the federal Housing and Community Development Act of 1974, and the federal HOME Investment Partnerships Act of 1991, as amended.

(b) CDBG funds should be used primarily to benefit low and moderate income persons and to meet the national objectives, as defined by the United States Department of Housing and Urban Development (HUD). The funds may be spent for any activities permitted by the Housing and Community Development Act of 1974, as amended, and applicable federal regulations. HOME funds should be used to strengthen public-private partnerships to provide more affordable housing, as defined by ~~HUD~~~~the United States Department of Housing and Urban Development~~. The funds may be spent for any activities permitted by the HOME Investment Partnerships Act of 1991, as amended, and applicable federal regulations.

(c) The process established by this article shall apply only to funds specifically allocated for ~~CDBG community development block grant~~ programs under the Housing and Community Development Act of 1974, ~~as amended~~, and the HOME Investment Partnerships Act of 1991, as amended, or other funds specifically ~~s~~ allocated for such purposes by ~~the~~ City Council.

(d) This process shall not apply to the allocation of any funds remaining from urban renewal activities in the Garrett Street or Vinegar Hill urban renewal projects.

Sec. 2-417. Community development block grant and HOME task force.

(a) The Community Development Block Grant/HOME Task Force is hereby established to make recommendations to the Planning Commission and City Council for funding housing, community development, economic development, and public service needs based on the Consolidated Plan and the CDBG priorities as established by City Council annually. The CDBG/HOME Task Force will work with city administration to evaluate CDBG and HOME programs to ensure consistency with the Consolidated Plan goals. ~~advise the city council on the city's physical community development needs, proposed projects to meet such needs and~~

~~suggested allocations of CDBG and HOME funds for such projects, and to conduct periodic evaluations of the physical aspects of CDBG and HOME programs. Such recommendations and evaluations shall be forwarded in accordance with the procedures set forth in this article. The CDBG task force shall also review and comment on recommendations for human services programs as provided in section 2-419.~~

(b) The CDBG/HOME Task Force shall be composed of nine (9) members appointed by the City Council. The members shall include:

- (1) Five members from HUD's identified income eligible areas of the City who are residents of City Council designated priority neighborhoods; Five (5) persons, preferably of low or moderate income, one (1) from each of the five (5) city council designated target neighborhoods. One (1) of the five (5) neighborhood members shall be a representative of the current priority neighborhood, if city council has designated a priority neighborhood;
- (2) One (1) member of the ~~city~~ Planning Commission;
- (3) One (1) member representing ~~social issues~~ public service programs as defined at 24 CFR 570.201;
- (4) One (1) member of the City School Board;
- (5) One (1) additional citizen.

~~The five (5) persons from the CDBG target neighborhoods shall be appointed for three-year terms. The one (1) social service member and the one (1) additional citizen shall be appointed for two-year terms. The ex officio members shall be appointed for terms concurrent with their terms on the bodies they represent. Appointments to fill vacancies shall be for the unexpired terms. No member may serve more than two (2) complete terms, which may be preceded by completion of another's unexpired term.~~

The term for the one (1) member of the CDBG Task Force from the Planning Commission and the one (1) member of the school board shall be coextensive with the term of office to which such member has been elected or appointed, unless the city council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the Task Force first appointed shall serve respectively for terms of one (1) year, two (2) years, and three (3) years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term only. Members may serve up to two (2) consecutive full terms.

Sec. 2-418. Community development block grant (CDBG)/HOME task force subcommittees. Neighborhood committees.

(a) Priority Neighborhood Subcommittee - ~~When the City Council has determined that a portion of available grant funds will be used for concentrating physical development in a~~

particular "target" neighborhood determines that a portion of available CDBG funds will be used to assist an income eligible area, the Council may appoint a priority neighborhood subcommittee, consisting of including but not limited to representatives of the CDBG Task Force, the city Planning Commission and residents, business people and property owners from the target priority neighborhood. The term of each priority neighborhood subcommittee shall be three (3) years, unless otherwise specified by the Council, and each priority neighborhood subcommittee shall operate under such guidelines and perform such advisory functions as the Council may direct at the time of appointment. Target-Priority neighborhood subcommittees shall make recommendations to the CDBG/HOME Task Force for funding housing and community development needs based on the Consolidated Plan and work with the City to evaluate feasibility and to ensure consistency with programmatic regulations. assist in preparing detailed plans and programs for CDBG expenditures within their respective neighborhoods. The City Council will designate an income eligible area priority neighborhoods for three (3) years with the authority to postpone or extend funding in the event of a compelling project or need.

(b) Economic Development Subcommittee – When the City Council provides for a CDBG economic development set aside, the City staff who participate on the Strategic Action Team (SAT) will serve as the economic development subcommittee. The SAT is an interdisciplinary team of City staff who examine the City's workforce development efforts and assist with policy development focused on self-sufficiency for City residents. When the City Council determines that a separate economic development subcommittee is needed, the City Council shall appoint members with economic development expertise, including but not limited to local business owners, Chamber of Commerce, Office of Economic Development and other major stakeholders. The subcommittee shall make recommendations to the CDBG/HOME Task Force for funding economic development projects based on the Consolidated Plan and work with City staff to evaluate feasibility and ensure consistency with programmatic regulations.

Sec. 2-419. Annual process.

The following steps shall comprise the annual process for planning and programming the expenditure of ~~community development block grant~~ CDBG and HOME funds.

- (1) An initial work session will be held with planning commission, city council and the CDBG task force to discuss priorities. City staff assigned to CDBG Task Force will review CDBG/HOME Consolidated Plan goals and applicable regulations to formulate recommendations for annual funding priorities.
- (2) The City Council shall conduct an initial public hearing to solicit the views of citizens, ~~the CDBG task force, and the planning commission~~ on city wide community development and housing needs, and on the general goals and policies for the ensuing grant year. The purpose of this public hearing shall be for Council to receive citizens' comments on recommended priorities and as well as program performance. The notice of the ~~initial~~ public hearing shall include an estimate of the amount of funds available for CDBG and HOME activities and the range of activities that may be undertaken, as well as how the public can access a copy of the most recent Consolidated Annual Performance

Evaluation Report (CAPER). The Public comments ~~of the task force and commissions~~ may be presented in writing or in person ~~and may include recommendations on the proportion of available funds which should be allocated to human services programs, housing needs, capital improvements, economic development activities and other possible categories.~~

- (3) After receiving all comments, ~~the Council~~ shall establish ~~the goals and policies~~ priorities for the grant year, including such percentage allocations of funds to categories and to particular income eligible areas ~~target neighborhoods~~ as it deems appropriate.
- (4) ~~After Council establishes priorities for the grant year, City staff with the CDBG/HOME Task Force will develop a request for proposals, within the funding priorities established by Council, to be advertised and distributed to interested parties and prior recipients of funds. After receiving the council's decision about goals and policies, the CDBG task force shall hold such meetings as it deems appropriate, including a meeting with the planning commission, and shall develop recommendations for housing, human services and physical development programs and expenditures, within the funding guidelines established by the council.~~
- (5) Responses to the City's request for proposals will be evaluated by the CDBG/HOME Task Force.

~~If council has selected a target neighborhood for a particular grant year, and appointed a neighborhood committee, the committee shall hold such meetings as it deems appropriate and shall develop recommendations for programs and benchmarks to measure the success of the proposed initiatives. Projects and expenditures within the neighborhood shall be developed within the funding guidelines established by the council. Recommendations from the neighborhood committee shall be forwarded to the CDBG task force for review and comment.~~

- (6) ~~All recommendations for housing, physical development and human services programs and expenditures from the CDBG task force and neighborhood committee shall be reviewed with the city planning commission. The CDBG/HOME Task Force shall provide funding recommendations to the Planning Commission and City Council to ensure that proposed projects are consistent with the CDBG program requirements and national objectives and/or HOME program requirements, as applicable. Review will also include a determination of consistency with the City's Comprehensive Plan and affordable housing goal(s). city's comprehensive plan, community development objectives and overall physical development and social needs of the city.~~
- (7) ~~After receiving the recommendations of the CDBG task force and the neighborhood committee, T~~the City Council and Planning Commission shall conduct a final joint public hearing; to receive public comments on the proposed annual action plan of the Consolidated Plan and CDBG/HOME performance, as appropriate. Notwithstanding the foregoing, the CDBG/Home performance plan may be presented at a separate public hearing as required by the Code of Federal Regulations. ~~by citizens affected by all proposed CDBG and HOME activities and other interested parties. The published notice for such public hearing shall~~

~~include a statement of the city's community development objectives to afford citizens an opportunity to examine its contents and to submit comments to the city on the proposed statement and on the community development performance of the city. This hearing shall coincide with the initial public hearing on the city's annual budget.~~

- (8) Following the public hearing and any additional meetings or hearings deemed by the City Council to be necessary, the Council shall make a final decision on the programs, projects and expenditures to be funded from the year's CDBG/HOME programs~~community development block grant and shall adopt an appropriation consistent therewith.~~
- (9) ~~All the bodies participating in this process shall continue to monitor and evaluate the CDBG and HOME programs throughout the year. The City shall provide the Task Force and Planning Commission with the Consolidated Annual Performance Evaluation Report (CAPER) in conjunction with the City's submission to HUD. The CAPER and evaluation of program specific successes and challenges will be used in future CDBG/HOME recommendations to City Council for projects and programs.~~ shall make a year-end evaluation of the projects and programs respectively recommended by them and shall advise the city council of the results of the evaluation and suggest appropriate changes for future years.
- (10) Once ~~the~~ Council has approved and funded a program, any reprogramming and budgetary changes will be done consistent with the citizen participation plan adopted by Council. ~~of funds or any change in funding involving more than ten (10) percent of the year's total grant shall be reviewed by the body or bodies which originally advised council regarding the programs being changed.~~

Sec. 2-420. Procedures for public hearings, meetings and records.

(a) ~~All public hearings~~Plans or amendments, as required under this article shall be advertised in the manner provided by Code of Virginia, Section 15.2-2204, and in accordance with the adopted citizen participation plan.

(b) All meetings conducted pursuant to this article and all records of the CDBG and HOME programs shall be subject to the provisions of the Virginia Freedom of Information Act.

Sec. 2-421. Reserved.

HOUSING ADVISORY COMMITTEE
Meeting Minutes
Neighborhood Development Services Conference Room, City Hall
May 18, 2016
12:00 pm

Attendance Record	Present	Absent
MEMBERS		
Betsy Lawson	X	
Bob Hughes		X
Carmelita Wood	X	
Dan Rosensweig		X
Frank Stoner	X	
Jennifer McKeever	X	
Jody Lahendro	X	
Joy Johnson		X
Joyce Dudek	X	
Kristin Szakos		X
Lesley Fore	X	
Nancy Kidd	X	
Paul Kent		X
Phil d'Oronzio		X
Ridge Schuyler	X	
Steve Stokes		X
TJACH - Ed Bain	X	
NON VOTING MEMBERS		
IMPACT		X
Ron White (Albemarle County)		X
Trish Romer (UVa)	X	
STAFF		
Kathy McHugh	X	
Tierra Howard	X	
Alex Ikefuna	X	
CDBG/HOME Task Force Members		
Taneaia Dowell	X	
Matthew Slatts	X	
Sherry Kraft	X	
Marnie Allen	X	
Kelly Logan	X	
OTHERS		
Edith Good	X	
Howard Evergreen	X	
Cliff Fox	X	
Sean Tubbs	X	
Christopher Suarez	X	
Lena Seville	X	

The meeting began around 12:05. HAC members as well as CDBG/HOME Task Force members and guests were told to help themselves to food, and to be sure to sign in and pick up copies of the handouts. Bob Hughes, Paul Kent, Kristin Szakos, Dan Rosensweig, Steve Stokes, Kathy Johnson Harris and Sarah Malpass notified staff in advance that they would not be in attendance and former HAC member – Kaki Dimock – notified staff that Ed Bain would represent the TJACH board at the meeting.

Since Joy Johnson (Chair) was not in attendance, Kathy McHugh (NDS staff support) had to direct the meeting. She then asked for review and consideration of the minutes from February 18, 2016, apologizing for sending these out late as she had intended to provide them with the other materials that were sent last Friday. Jennifer McKeever made a motion to approve and Frank Stoner seconded this. With no questions or discussion, the minutes were then approved by unanimous vote of HAC members in attendance.

As this was a joint meeting and there were multiple visitors in attendance, Kathy then asked for everyone to introduce themselves. The attendance record included herein records each person's name and distinguishes HAC members, Task Force members and visitors.

Kathy then introduced the need for this joint meeting by explaining that staff wanted HAC and Task Force input / feedback on the revised code and Citizen Participation Plan, as well as to introduce the plans for development of a Limited English Proficiency Four Factor Analysis and Anti-Displacement/Tenant Assistance, Relocation and Real Property Acquisition Policy.

Tierra Howard then proceeded to explain the proposed CDBG/HOME code and policy changes. She explained that the City code needed to be changed because it is outdated; does not reflect current HUD approved practices; conflicts with our Citizen Participation Plan (CPP); and does not reference the HOME program. She proceeded by explaining that the code needed to be updated and that she would provide the group with a brief overview of proposed changes to each section.

Tierra explained that Section 2-416 provided for the purpose of the CDBG/HOME programs as provided through HUD.

Jennifer McKeever then stated that inclusion of the phrase "aid in the prevention or elimination of slum and blight" (as found in Sect 2-416(b) of the proposed code) is language that she finds difficult and that she would like to have a discussion over this as it is *loaded language*. Further, she went on to say, that even if this wording is reflected in the regulations that we don't have to include it in our code. Specifically she reiterated that "elimination of slum and blight" was particularly troublesome.

Tierra defended inclusion of the language because it is one of three national objectives and all CDBG funds must meet one of these three objectives.

Jennifer responded that while she was agreeable to include prevention of slum and blight and address urgent community needs, that the elimination of slum and blight is a loaded topic for this community and that the City should look to reword this or leave it out. She felt that a revision is needed, given the history in this community and how subjective this language is.

Kathy responded that this language is statutory not regulatory and that it has been included because we want City code to match up with federal code. Jennifer interjected that if everyone else thought it is okay that she would be willing to let this go. Kathy then attempted to provide an example of the use of elimination of blight to tear down a property to assist with CRHA redevelopment; however, Jennifer noted that this type of example is not provided in the text. Carmelita Wood then asked to speak and went on to explain that this language takes her back to Vinegar Hill as those homes were demolished because they were considered slums and as a result people (such as her family) were relocated to Westhaven.

Alex Ikefuna then told the group that he wanted to caution them because the City does not have authority for redevelopment except through CRHA and as they redevelop they will look to use City funds. Further that all HUD programs (e.g., CDBG, HOME, NSP, ESG, HOPWA, Section 108, etc...) use similar language for addressing issues related to slum and blight and that exclusion of this statutory language would be a cardinal mistake. He went on to explain that the City is currently working with a private developer trying to access VHDA funding and that we will be required to certify as to slum and blight conditions in order for funding to be approved.

Kathy echoed the comments by Alex, saying that similarly – the LIHTC program requires a local notification/certification process and that the City’s support must be evidenced by a certification as to existence of slum and blight conditions and that such wording is standard with these types of projects, which often provide opportunities for developers to access and leverage other funds.

Jennifer countered that tax credits are not related to CDBG and that applications for such funding could spell out the need to address slum/blight, but again that she does not feel that such language should be included in our code.

Kathy reiterated that her example was simply to demonstrate the common use of this type of language and that a connection could be made with such programs as these could serve as match/leverage for CDBG projects.

Jennifer went on to say that benefit to low and moderate income is one thing but that she opposes inclusion of such loaded language because of its history in our community.

Sherry Kraft then asked if we could put a notation or footnote regarding the language to which Kathy responded no that we are trying to reflect what is allowed by code and the wording needs to be specific. Jennifer added that this language is the same that was used to tear down a neighborhood and build a parking lot and a hotel. Kathy responded that those projects were likely done under the urban renewal and/or UDAG programs and that such wide scale projects are basically a thing of the past.

Another member asked if there could be some type of notation regarding this wording to which Kathy responded that it could certainly be addressed within the staff memo when the matter is presented to City Council, but that the code should be clear and concise.

Betsy Lawson added that the good thing about the term slum and blight is that it is subjective and that the slum and blight of the 50’s and 60’s is much different today and that an old strip mall could be classified as slum and blight. Kathy added that the City helped fund the demolition of such a strip mall when the Crossings at Fourth and Preston were built. Betsy said that we can define the word to mean that we want something better for everyone.

Someone then asked if exclusion of the language would impact our funding or ability to use funding. Tierra responded that the City could accommodate this by reference to the actual statute / Code of Federal Regulations. Ridge Schuyler liked this and stated that it could dovetail with language that could be added to reference the citizen participation plan- as Vinegar Hill did not include such an explicit citizen input process.

Kathy responded to this suggestion by explaining that staff went to great efforts to separate policy and administrative processes. She provided the example of the CDBG task force being described in both the code and the CPP. Both went into details about the task force and its membership, but the two conflicted with one another. As a result, great care was taken to delineate and separate policy and process - making sure that the code reflects and establishes policy level matters, with administrative oversight and process related matters being provided through various administrative plans such as the CPP, LEP, etc....

Edith Good asked if there would be any impact from the proposed code relative to public housing units (e.g., those that have to remove their window A/C unit during a REAC inspection). Kathy explained that the two are certainly related as slum/blight designation would be related to non-compliance with property maintenance codes, building codes and HUD housing habitability standards. This in essence goes back to the need to make sure that we can viably have our code support use of all three national objectives including the ability to aid in the prevention or elimination of slum and blight.

Frank Stoner than asked to clarify that the specific language regarding use of national objectives (including aid in the prevention or elimination of slum and blight) would come out in favor of referring directly to the Housing and Community Development Act of 1974 (as amended) and its implementing regulations. Tierra confirmed that this was correct.

Tierra then moved to a discussion of proposed changes to Section 2-417. She explained that this section provides a description of the CDBG/HOME Task Force, its purpose, membership composition, and terms.

Major changes proposed for this section include the use of specific language to target “income eligible areas” as staff found that the “five priority neighborhoods” language does not perfectly align with income eligible areas based on the latest HUD adjusted Census data. Census block group data (as adjusted by HUD) is used to determine areas that are “income-eligible” or low-income area for HUD assistance. Tierra then referenced a map showing these areas. In addition, staff proposed to replace the term social services with public services to be consistent with HUD language. Tierra then asked if there were any comments on this section.

Kathy spoke to explain that Dan Rosensweig had called her in advance of the meeting to say that he could not be here today, but that he wanted to note a concern over the CDBG Task Force membership as he felt that it would benefit from a person with City housing policy expertise. Kathy went on to say that she told Dan that while she agreed that this perspective is important to inform funding decisions, that it would be difficult to have a HAC member participate because of the inherent conflicts of interest (relative to seeking CDBG/HOME funding) represented by its membership.

Jennifer McKeever agreed that it would be quite challenging to make this work due to the membership on the HAC, and that maybe a better option would be to have a Task Force member sit in on HAC meetings to stay informed. She further explained that attempting to retain a position that is as neutral as possible would be in the best interest of the Task Force.

Kathy then reiterated that Dan’s concern, as she understood it, was over the need to have City housing policies taken into consideration and that there might be other ways to achieve this inclusive of Jennifer’s suggestion to have a CDBG / HOME Task Force member to sit in on HAC meetings. Kathy noted that up until recently, she had not been involved with the Task Force, but that she had inserted herself in the recent CRHA recapture money and the most recent RFP process to provide policy expertise / information. She then stated that this practice would be one that her replacement would need to carry on, but that this would help with informing housing related funding decisions.

Tierra then moved to a discussion of proposed changes to Section 2-418. She explained that this section outlines the CDBG/HOME Task Force Subcommittees when priority neighborhoods or economic development set-asides are requested by Council. Revisions to this section include both the Priority Neighborhood Subcommittee and the Economic Development Subcommittee. Based on current procedure, the Strategic Action Team (SAT) reviews the economic development proposals to ensure consistency with the Growing Opportunities Report (City’s Workforce Development Report).

Jennifer then proceeded to explain that she was unsure of the use of a 3 year term for the Priority Neighborhood Subcommittee (perhaps an ad-hoc committee for as long as needed) and that it would be good to have a percentage of such a subcommittee represented by actual neighborhood residents. Marnie Allen then asked for clarification of this point and received clarification from Jennifer that the intent of her comment was to make sure the once Council designates a priority neighborhood that residents from that area are included on the Task Force.

Howard Evergreen suggested setting a percentage at 50% for residents and that this would be a minimum not a maximum.

Tierra explained that a priority neighborhood designation is typically for a three year term, which is why this time period is proposed and that while she does not want to limit the size of priority neighborhood

subcommittee (all who are interested should participate), that she is concerned over setting a percentage for resident participation due to issues with getting people to actively participate.

Jennifer also noted that she recalls (from serving on the Task Force) issues with getting the money spent in the 3 year period and that she wondered how this impacts the subcommittee and program implementation.

Kathy responded more generally to the point of resident specific participation - that requiring residents to participate would likely cause logistical problems due to lack of a quorum and the need to make decisions in a timely fashion to move recommendations forward to City Council to stay in compliance with our HUD timeliness requirements. Further, that while we might be able to get people to sign up, that staff cannot guarantee that they will attend the meetings and participate.

Jennifer responded that people who are likely to benefit from a project and make money are likely to come and participate, to which Sherry Kraft asked if she was speaking about the economic development or the Priority Neighborhood Task Force. Jennifer confirmed that she was speaking to concerns over the Priority Neighborhood Task Force.

Lesley Fore asked Jennifer to explain her concern specifically. Jennifer stated that her concern is over the fact that the current structure does not include requirements for resident participation (creating a vacuum) and that as a result, those who might economically benefit from a project would attend and (because no residents are showing up) that decisions might be made that are not in the best interest of those that the money is supposed to help.

Tanea Dowell then asked what happens if nobody shows up? Do we just move on to another neighborhood? She noted that based on her experience, that it is really hard to get people to participate and that it is unlikely that efforts to mandate a percent/number of neighborhood participants would be a viable option. She went on to say that regardless of what is involved and which task force/committee is impacted – that it is difficult to get reliable participation. By setting a percentage, if it is not achievable what happens next – does the neighborhood not get served?

The discussion over this matter continued with Jennifer restating her position that she would like to see a specific number/percentage requirement set for participation by actual residents of the priority neighborhood and Tanea responding that while she has no problem with including a percentage that she is not sure what happens when/if the participation does not materialize. She specifically voiced concern over the fact that someone has to get involved to help make these decisions because otherwise, it might not get done. She did not want the ordinance to place program decision making in a gridlock situation. Instead, Tanea emphasized the need to find a workable solution that would allow for resident participation while not mandating it to a point that makes the system unworkable.

Alex interjected that CDBG is a HUD program that has specific timeliness requirements and that if subcommittee meetings can't proceed because of lack of a quorum of members – that HUD will make a finding against the City, which can result in the loss of funding. He then asked Jennifer what she would suggest relative to making sure that her suggestion does not place the City in a situation where we might lose funds.

Jennifer said that she is not advocating for a specific quorum for meetings, but that she is advocating for at least 50% of the subcommittee to be comprised of residents. She then stated that we need to be knocking on doors, if necessary, to make sure that we can identify people to participate in the process. Alex responded by asking who is supposed to do this?

Taneaia then voiced a concern that there does not seem to be a consensus over this matter and so she asked the group for an informal show of hands as to who has *heartburn* regarding this matter either specific to adding a mandatory limit and/or not adding one. There was no official count or record of who responded; however, Tierra stated that she believed that we needed to move on and that she would certainly take the comments made into consideration in her future recommendations.

Matthew Slatts then stated that he thinks that involvement of residents in decision making is important, but that the issue seems to be more related to how residents are engaged to participate in the process and that at present it does not sound like it is working. He went on to say that involvement is important, as this money can impact low income neighborhoods and day to day lives and that perhaps we are talking about two separate matters – setting requirements for their participation and creating an environment in which they feel comfortable in participating and activating them.

Taneaia said that this makes more sense to her and that we should be focused on how to get people to participate versus mandating a specific level of participation. Tierra stated that she is looking at this issue and that the proposed CPP procedures encourage participation by all and allow for innovative outreach to low income groups in particular.

Jennifer stated that this is like making sausage and that there are significant changes that need discussion. Tierra responded that nobody is attempting to limit input but that we have a good bit more information to cover and that comments can be submitted after the meeting and that we encourage folks to do this if there are particular issues that they want to address.

Kathy added that we are at roughly the hour mark and still need to finish the code, and three other topics. She stated that we are currently not in compliance with our own code related to the CDBG program and that updating it to reflect both current practice and HUD requirements is important in terms of prioritizing policy efforts – which is why staff is bringing this now because we only recently realized that there is a problem.

Tierra then moved to a discussion of Section 2-419 which outlines the annual process. She stated that the current code is not consistent with how the City is currently operating the CDBG/HOME programs and that the changes reflect current practices as required by HUD. She also noted that if anyone has specific questions about the process that she is available to provide technical assistance upon request.

As for timing of comments, Tierra asked Kathy to respond, to which Kathy stated that she would like to have comments back by Friday or Monday of next week at the latest.

Matthew then asked (referring to the income eligible area map) if the pool of applicants has shrunk for the Task Force because over half the City is not in an income eligible area. After some discussion as to the concern and what was being asked, it was pointed out by Taneaia that this actually gets to some of Jennifer's concern because the people involved will be from the lower income areas and not the upper echelon areas.

Tierra then moved on to the proposed revisions to the Citizen Participation Plan (CPP), explaining the purpose for revising. She stated that the first revision to the CPP was in 1980 and it has been amended five other times over the years (blended with old and new stuff). Based on this and the fact that staff thought it needed an overall rewrite/reorganization, we did not revise the current CPP, rather we created a new CPP. Some of the specific inconsistencies with the Code of Federal Regulation requirements include: incorrect public hearing requirements, lack of inclusion of AFH requirements, and a lack of a definition for substantial/minor amendments when it comes to projects/activities and plans. In addition, the current CPP has reference to A-95 review (which has not been required for many years) and has multiple contradictions with City Code. Due to limited time, Tierra did not review sections of the plan in detail but rather provided a general explanation of the plan in general

Frank Stoner followed with a question about expertise in review of proposals and the process in general. Tierra explained the development of Council priorities and the Action Plan as well as the Consolidated planning process and Kathy explained that each of these documents are metrics by which proposals are evaluated by the citizen task force, using the evaluation tool to assign points to different categories of consideration.

The meeting then transitioned to Kathy to explain planned CDBG/HOME policy development. The following information (as presented) was taken from the handout provided

Four Factor Analysis & Language Access Plan for Persons of Limited English Proficiency (LEP)

Why are we required to do this?

Title VI of the Civil Rights Act of 1964 protects individuals from discrimination on the basis of their race, color or national origin in programs that receive federal assistance.

EO 13166 signed on August 11, 2000 directs all federal agencies, including the US Department of Housing & Urban Development (HUD) to work to ensure that programs receiving federal financial assistance provide meaningful access to LEP persons. This EO also required the issuance of guidance to assist recipients in providing meaningful access to programs, consistent with US Department of Justice guidelines. HUD issued this guidance on 12/19/03 and provided FAQ's on 1/22/07.

The City's CDBG and HOME program both trigger compliance under HUD requirements.

What is involved?

Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons. To do this the following steps are required:

1. Conduct a four factor analysis;
2. Develop a language access plan (LAP); and
3. Provide appropriate language assistance.

A four factor analysis is the first step and it must address the following:

1. Determine the number or proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services).
 - This can be done using ACS data or by means of a locally targeted survey effort
2. Determine the frequency with which the LEP persons come into contact with the program.
3. Determine the nature and importance of the program, activity or service provided by the program.
4. The resources available and the costs to the recipient.

Enforcement & Safe Harbor

The Office of Fair Housing & Equal Opportunity (FHEO) is tasked with the lead in coordinating and implementing EO 13166 for HUD.

In determining compliance and evaluating complaints under EO 13166, HUD will consider the extent to which a grant recipient has followed their LEP guidance, inclusive of the Four Factor Analysis.

HUD's evaluation will include a review of efforts taken to comply with respect to the translation of vital written materials. To this end, HUD has adopted a safe harbor specifically for translation of written materials. There is no safe harbor for oral interpretation.

The table below sets forth safe harbors for written translations.

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

Based on a preliminary review of American Community Survey data, it appears that the City of Charlottesville will not trigger the size standards for development of written translation; however, the City still needs to complete the formal Four Factor Analysis and look to make reasonable attempts to accommodate the language access needs of residents. Accordingly, the City will look to pass along assessment requirements to CDBG/HOME sub recipients to help the City further evaluate the needs of beneficiary populations.

Anti-Displacement & Relocation Assistance Planning

Both the CDBG & HOME programs are federally funded and as such any acquisition and relocation funded with these programs must comply with the Uniform Relocation & Real Property Acquisition Act of 1970 (as amended).

Section 104(d) of the Housing & Community Development Act of 1974 (as amended) establishes requirements governing conversion, demolition and one for one replacement of lower income housing under the CDBG program Section 105(b)(16) of the Cranston Gonzalez National Affordable Housing Act (as amended) extends these additional requirements to the HOME program.

The major differences between URA and 104(d)/105(b)(16) deals with eligibility, which is triggered by low income residential tenants only. These extra provisions require longer tenant assistance (60 vs 42 months) and one-for-one replacement of units that are demolished or converted for 1) a non-housing purpose, 2) no longer meet the definition of a lower income dwelling unit or 3) used as emergency shelter.

HUD has issued Handbook 1378 as their guidance for compliance with URA and staff believes that adoption of this handbook would be sufficient to cover HUD requirements for use of Charlottesville CDBG and HOME funds.

In the event that our funds are proposed to be used for a large scale demolition or acquisition project, staff would work with the sub recipient on a case by case basis to ensure compliance and to develop a more

targeted plan, as might be appropriate; however, the existing requirements are such that at a minimum (to comply with HUD regulations) we must adhere to Handbook 1378.

Howard Evergreen then asked about including the CRHA Resident Bill of Rights in the Anti-Displacement & Relocation Assistance Planning to which Kathy responded that this plan was specific to the City and the CDBG/HOME programs, not CRHA. Howard went on to state that he felt that there was a lot of mistrust with CRHA residents toward the City and that this could help, but Kathy explained that this was not contemplated and that there might be elements of the bill of rights (based on her memory of what was included) that might be problematic because they go past what is required by HUD and the URA and get into issues such as right of return regardless of lease compliance.

Kathy promised to send out the map and revised CPP, as the one used in the meeting had the AFH provisions added and the printout did not include the back sides of pages.

Kathy then asked if any of the visitors wanted to speak and provide public comments. Lena Seville responded that she felt like this was a lot of material for a single meeting and that it would be helpful to have a smaller group get into the details of the plans before meeting with the larger group.

With no further discussion, Kathy thanked everyone for coming and the meeting was adjourned.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 18, 2016
Action Required:	Approval of Ordinance Amendment to Move Polling Place from Boys & Girls Club to Buford Middle School
Presenter:	Rosanna Bencoach, General Registrar
Staff Contacts:	Rosanna Bencoach, General Registrar Andrew Gore, Assistant City Attorney
Title:	Polling Place Change – Buford Election Precinct

Background:

In April of 2011 the Buford Election Precinct was created and the Boys & Girls Club (on the Buford Middle School property) was established as the polling place for that precinct. The Board of Elections now believes that Buford Middle School would serve the public better as a polling place because it provides a larger and quieter space for voting, protection from the weather and environment for voters waiting in line, and more parking spaces. Accordingly, the Board has directed me to request this change.

Discussion:

Charlottesville school officials have given their consent to having Buford Middle School as the polling place for the Buford election precinct. When school is not in session, voting will be in the media center in the main school building. Any concerns about parking and access to the auditorium (if school is in session on election day) have been addressed satisfactorily. The parking spaces directly opposite the entrance to the arts building will be reserved for voters on those rare election days when school is in session. Voters will be routed in through one of the double doors, across the stage and out through one of the double doors on the other side, separated by rope and post lines from student traffic.

Alignment with Council Vision Areas and Strategic Plan:

Moving the polling place from the Boys & Girls Club to Buford Middle School aligns to the [City Council Vision](#) of Smart, Citizen-Focused Government and Goal 5.3 to Promote Community Engagement in the [Strategic Plan](#).

Community Engagement:

Notice of consideration of the proposed ordinance at the July 18th Council meeting was published in the local newspaper on July 11th and July 18th. The proposed change in polling place was also

announced and discussed at the Town Hall meeting on May 19, 2016, which was attended primarily by residents of the Fifeville, Starr Hill and 10th & Page neighborhoods. If this ordinance is approved, voters will be sent written notice about the adopted change in the polling place for the Buford precinct, and our office will make announcements through a variety of media (e.g., Charlottesville website, public service announcements, and working through the local neighborhood associations). The two locations are accessed via the same driveways from the streets that border the Buford school campus. Additional signage will clearly mark the entrance to the new polling place, parking areas and walking directions.

Budgetary Impact:

We will have to pay for a voter card mailing to notify active registered voters in the Buford precinct of the change in polling place. We will no longer pay rent for the Boys and Girls Club for election day (currently \$1,020). We make a payment of \$50 to the Charlottesville City Schools for each school used as a polling place, towards the custodian's compensation for time worked on our behalf. The number of schools used as polling places will go from 4 to 5.

Recommendation:

Staff recommends approval of this ordinance.

Alternatives:

Council may choose to keep the Boys & Girls Club as the polling place, or discuss an alternative location.

Attachments: Proposed Ordinance; Map; Approval Letter from the School Board

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 9-29 OF ARTICLE II
OF CHAPTER 9 (ELECTIONS) OF THE CODE OF THE CITY OF
CHARLOTTESVILLE, 1990, AS AMENDED,
TO ESTABLISH BUFORD MIDDLE SCHOOL AS THE POLLING PLACE
FOR THE BUFORD PRECINCT IN THE THIRD WARD.**

BE IT ORDAINED by the Council of the City of Charlottesville that Section 9-29 of Article II (Election Districts and Voting Places) of Chapter 9 (Elections) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

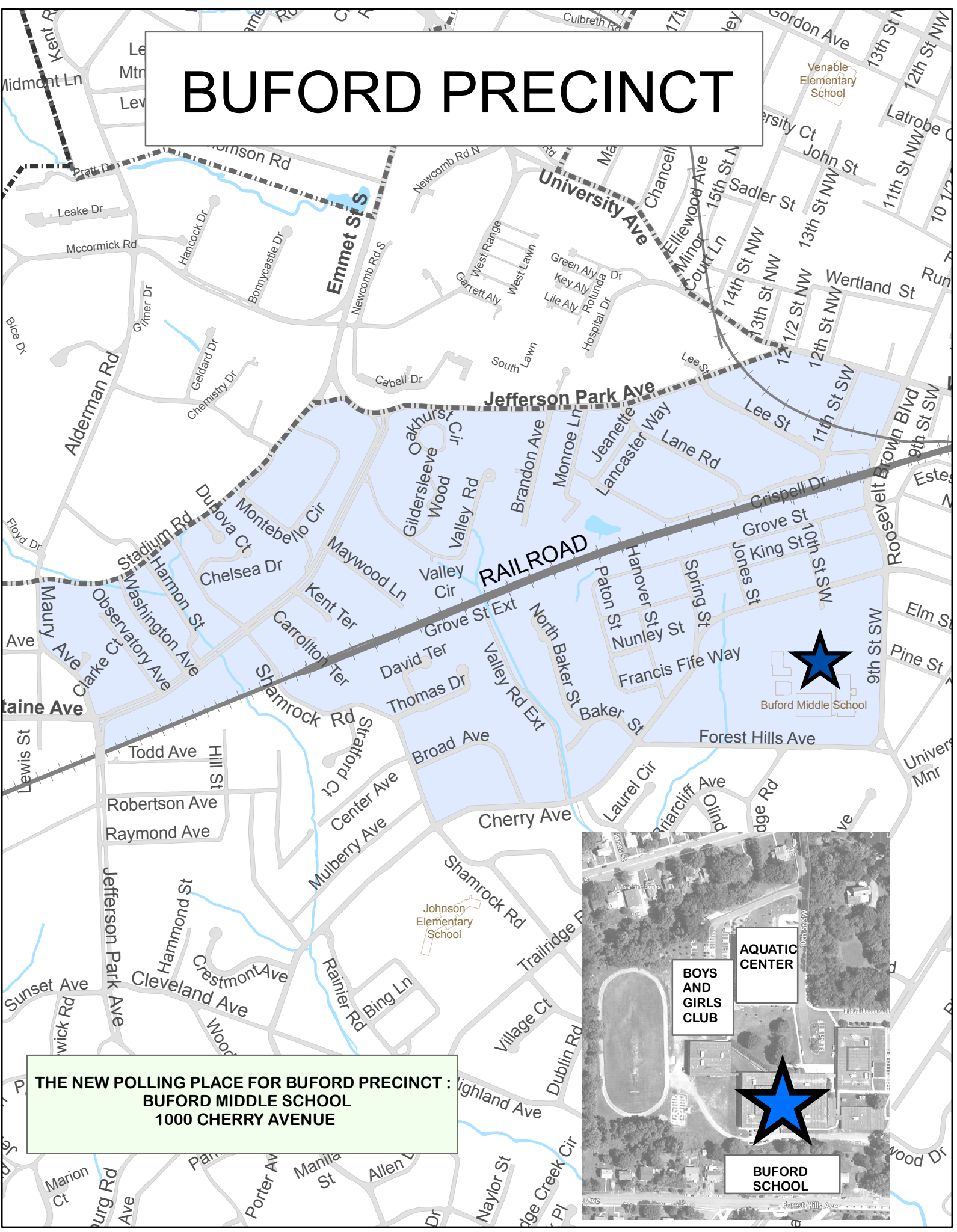
Sec. 9-29. Third ward.

(a) *Benjamin Tonsler precinct. . . .*

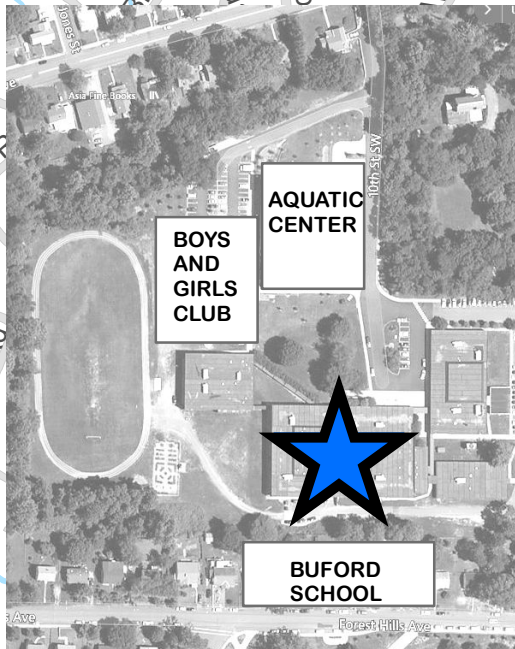
(b) *Johnson precinct. . . .*

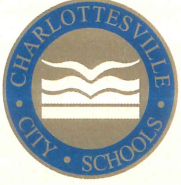
(c) *Buford precinct.* The Buford precinct shall embrace all territory in the third ward lying west of the centerline of Roosevelt Brown Boulevard and 9th Street, S.W. to its intersection with Forest Hills Avenue, and north of a line running west from 9th Street, S.W. along the centerline of Forest Hills Avenue to Cherry Avenue, thence west along the centerline of Cherry Avenue to Shamrock Road, thence northwest along the centerline of Shamrock Road to the Southern Railway right-of-way, thence southwest along the railroad right-of-way to Jefferson Park Avenue, thence north along the centerline of Jefferson Park Avenue to the centerline of Maury Avenue, thence north along the centerline of Maury Avenue to the corporate limits. The voting place for this precinct shall be Buford Middle School ~~the Boys and Girls Club~~ at 1000 Cherry Avenue, ~~Building B~~.

BUFORD PRECINCT



**THE NEW POLLING PLACE FOR BUFORD PRECINCT :
BUFORD MIDDLE SCHOOL
1000 CHERRY AVENUE**





CHARLOTTESVILLE CITY SCHOOLS

Office of the Superintendent
1562 Dairy Road
Charlottesville, VA 22903
(434) 245-2400
Fax (434) 245-2603
www.charlottesvilleschools.org

May 18, 2016

Anne Hemenway, Chair
City of Charlottesville Electoral Board
PO Box 911
Charlottesville, VA 22902-0911

Dear Ms. Hemenway:

In the spirit of collaboration and in serving the Charlottesville community, we would like to confirm that Charlottesville City Schools understands that the Electoral Board has been working with Eric Johnson, Principal of Buford Middle School, on arrangements to relocate the Election Day voting precinct for the Buford Precinct from the Boys and Girls Club on the Buford school campus to the school itself. As per our discussion, we further understand that on Election Days when classes are not being held, voting will take place in the school library and on Election Days when classes are being held, voting will take place on the stage of the auditorium. All parties acknowledge that on election days when classes are being held, there will be logistical challenges in areas around the bus loop will be closed to other traffic for approximately 30 minutes for both morning arrivals and afternoon dismissal. The Electoral Board will be responsible for developing and implementing a plan approved by the Buford Principal to separate students and adults when elections take place during normal school hours.

In preparation for submitting the matter to City Council, you asked for a letter from the Administration of Charlottesville Public Schools confirming these arrangements. They are so confirmed.

Sincerely,

A handwritten signature in black ink that reads "Rosa S. Atkins". The signature is fluid and cursive.

Rosa S. Atkins, Ed.D.
Division Superintendent

RSA:lbt

Cc: Edward C. Gillaspie, Assistant Superintendent
Eric D. Johnson, Principal, Buford Middle School

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

Agenda Date:	July 18, 2016
Action Required:	Ordinance Adoption
Presenter:	Brian Haluska, Principal Planner, Neighborhood Development Services
Staff Contacts:	Brian Haluska, Principal Planner, Neighborhood Development Services
Title:	ZT16-00001 –Water Street Corridor

Background:

At their meeting on March 21, 2016, City Council directed the Planning Commission to review proposed changes to the Water Street Corridor zoning district that were raised by the placement of the Midway Manor property within the Water Street Corridor.

Discussion:

The Planning Commission held a public hearing at their June 14, 2016 meeting.

The topics of discussion that the Commission focused on at that meeting included:

- How the setbacks proposed in the changes may impact the smaller scale structures along South Street.
- Concerns that the Water Street Corridor regulations would not protect the front yard of the property at 100 Ridge Street, which serves as an area of green space on the Ridge/Main/Water/South/McIntire intersection, in contrast to the other corners that are built to the street.

Alignment with City Council Vision Areas and Strategic Plan:

The City Council’s “Quality Housing Opportunities for All” vision states that the City has “Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.”

Goal 2 of the City Council’s Strategic Plan is to “Be a safe, equitable, thriving and beautiful community” that contains the following goal: “Engage in robust and context sensitive urban planning”.

Citizen Engagement:

The Planning Commission held a public hearing on the Zoning Text Amendment at their June 14, 2016 meeting. Three persons spoke at the hearing. One individual expressed support for a 25 foot setback along Ridge Street in the Water Street Corridor, while two representatives of the property impacted by the changes to the Water Street Corridor supported the changes as presented.

Budgetary Impact:

City staff does not anticipate any negative budgetary impact from the resolution.

Recommendation:

The Commission took the following action:

Commissioner Keller moved “to recommend to City Council that it should amend Sections 34-743 and 34-746 of the zoning ordinance, to revise the setback and stepback regulations in the Water Street Corridor and to revise the additional regulations in the Water Street Corridor, because I find that the amendment is not required by the public necessity, convenience, general welfare or good zoning practice.”

Commissioner Green seconded the motion. The Commission voted 6-0-1 to recommend approval. Commissioner Lahendro abstained from voting.

Alternatives:

City Council has several alternatives:

- (1) adopt the attached ordinances;
- (2) by motion, deny approval of the attached ordinances; or
- (3) by motion, defer action on the attached ordinances.

Attachment:

- Staff Report: <http://www.charlottesville.org/home/showdocument?id=41836>
- Proposed Ordinance

**AN ORDINANCE
APPROVING AN AMENDMENT TO CHAPTER 34 OF THE CODE OF THE CITY OF
CHARLOTTESVILLE (1990), AS AMENDED (ZONING), DIVISION 11 (REGULATIONS—
WATER STREET DISTRICT), SECTIONS 34-743 (STREETWALL REGULATIONS) AND 34-746
(MIXED USE DEVELOPMENTS—ADDITIONAL REGULATIONS) TO ESTABLISH A
STEPBACK REQUIREMENT FOR PROPERTIES FRONTING ON SOUTH STREET, TO
ESTABLISH A MINIMUM SETBACK AND BUFFER REQUIREMENTS ADJACENT TO
PARCELS WITHIN THE SOUGH STREET MIXED USE CORRIDOR AND TO ESTABLISH
CERTAIN USE RESTRICTIONS**

WHEREAS, by resolution adopted on March 21, 2016, City Council initiated certain amendments to the text of the City’s Zoning Ordinance, Sections 34-743 and 34-746 of the Code of the City of Charlottesville (1990), as amended (“Proposed Zoning Text Amendment”); and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held before the Planning Commission on June 14, 2016, after notice to the public and to adjacent property owners as required by law, and following conclusion of the public hearing the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment to the City Council; and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held before this City Council on July 18, 2016, after notice to the public and to adjacent property owners as required by law; and

WHEREAS, the Proposed Zoning Text Amendment appears to have been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, this Council hereby finds and determines that (i) the public necessity, convenience, general welfare and good zoning practice requires the Proposed Zoning Text Amendment, and (ii) the Proposed Zoning Text Amendment is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Sections 34-743 and 34-746 of the Code of the City of Charlottesville (1990), as amended, are hereby amended and reenacted as follows:

Sec. 34-743. Streetwall regulations

- (a) *Stepbacks*. For properties with frontage on ~~the north side of~~ South Street between Ridge Street and 2nd Street SW, the maximum height of the streetwall of any building or structure shall be forty-five (45) feet. After forty-five (45) feet, there shall be a minimum setback of twenty-five (25) feet along the length of such street wall along South Street, and a minimum setback of ten (10) feet along the length of Ridge Street.
- (b)
- (3) Setback, South Street: a building located on South Street shall be setback a minimum of ten (10) feet from any parcel within the South Street Mixed Use Corridor District. An S-2 buffer shall be provided within this required setback.

Sec. 34-746. Mixed-use developments—Additional standards

- (a)....
- (b) No ground floor residential uses may front on a primary street, unless a building fronts on more than one (1) primary street, in which case ground floor residential uses may front on one (1) primary street. Under no circumstances, however, shall any ground floor residential uses front on Main Street, Market Street, Ridge Street or Water Street
- (c)....
- (d)....

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



Agenda Date:	August 15, 2016
Action Required:	Ordinance: Two Readings and Adoption
Presenter:	Lisa Robertson, Chief Deputy City Attorney
Staff Contacts:	Lisa Robertson
Title:	Zoning Text Amendment ZT-16-0002: Telecommunications Facilities

Background:

Previously, by resolution, City Council initiated this zoning text amendment (ZT-16-0002) at the behest of attorneys for attorneys for wireless telecommunications service providers. The attorneys requested several changes to zoning ordinance provisions that regulate “telecommunications facilities” set forth within City Code Chapter 34 (Zoning). The requested changes that have been received over the course of the past couple of years may be summarized as: **(i)** deletion of the provision that prohibits antennas on buildings that are less than 40 feet tall; **(ii)** allowance of microcells throughout the city, and **(iii)** a request to allow a specific type of support structure (an “alternative tower”) in every zoning district. Additionally, our ordinance has not been updated since 2003. Federal law, and communications technologies, have changed significantly during that time, and the terminology and application review procedures contained in the City Code are outdated. This proposed amendment will serve as the “code audit” for this portion of the City’s zoning ordinance.

On July 12, 2016, following a joint public hearing with City Council, the Planning Commission recommended approval of ZT-16-0002 as presented, with two recommended additions: **(1)** no part of any antenna/ attachment device may be lower than the level of the floor of the second story of the building to which the antenna is attached, or 15 feet, whichever is greater, and **(2)** if an “appurtenance” is used as an attachment structure, then no part of an antenna/ attachment device may project above the top of the appurtenance. The attached ordinance reflects the

amendments previously initiated by City Council, with the **Planning Commission's recommended additions highlighted in yellow** within **Sec. 34-1074 of the proposed ordinance**.

Discussion:

(i) Our office and the Planning Commission **do recommend** that you **should remove the 40-foot limitation** on the height of an attachment structure. Although variations of this type of restriction can be found in other localities' ordinances, we have been unable to locate any staff with an institutional memory (or current opinion) as to the land use objectives furthered by the restriction of the height of the attachment structure itself. Instead, the Planning Commission's recommendation is to substitute a regulation of the height at which an antenna can be mounted on a building; their discussion included reference to a desire to protect the street-level pedestrian experience. Some of the more recent technologies (e.g., deployment of broadband services) utilize smaller antennas/ cells, mounted closer to ground level, at regular intervals. The proposed amendments, as recommended by the Planning Commission, will allow these type of technologies to be effectively installed.

(ii) We **do not recommend adding special provisions for microcells**, and the proposed amendments delete references to any specific type or form of antennas (such as "whips", "panels" and "discs", *see* proposed amended definition of "antenna", sec. 34-1200). The proposed amendments update the current definition of "antenna" to encompass a broad range of technologies, and then, within use matrices and substantive regulations, focus the regulations on siting issues and historic district impacts of communications facilities, of any nature. We also **do recommend that** the provisions of **34-1073 (facilities by district) should be modified** to avoid repeating references to uses allowed by the use matrices in *all* zoning districts (*i.e., attached facilities (i) mounted on utility poles, and (ii) mounted on other support structures, not visible*).

(iii) We **do not recommend permitting "alternative towers" within any zoning district**, at least not as that term is currently defined. If you'd like to offer providers an option for installing disguised freestanding structures, built solely for the purpose of supporting an antenna (for example: a monopole and antenna array disguised to look like a tree), then, at your option, the "alternative tower" definition can be revised to clarify that. The Planning Commission's discussion included comments expressing a desire not to enact a regulation that might inadvertently encourage a lot of false structures/ false facades to be constructed throughout the city, and they decided that this issue requires more study as to how this type of tower might be implemented in an urban setting, if that becomes necessary.

(iv) We **do recommend** substantially **editing** the sections governing the permitting and approval processes, **to reflect requirements of federal law**.

Alignment with Council Vision Areas and Strategic Plan:

The changes reflected in the attached proposed ordinance align with City Council’s vision to be a great place for all citizens to live (be a leader in innovation, flexible and progressive in anticipating needs of citizens); to achieve economic sustainability (access to broadband internet services is widely recognized as necessary for a business-friendly environment and small-business opportunities);

Community Engagement:

The proposed zoning text amendments have been the subject of a joint public hearing conducted on July 12, 2016 after notice as required by law. Also, prior to your initiation of ZT-16-0002, attorneys for the service providers were given an opportunity to review the proposed ordinance and to comment on the proposed provisions.

Budgetary Impact:

No budgetary impacts are anticipated.

Recommendation:

The City Attorney’s Office recommends that Council adopt the attached Ordinance.

Alternatives:

City Council may decline to move forward with the proposed text amendment, and (i) may, by motion, defer further consideration of the ordinance until a later date, or (ii) may, by motion, vote to deny (reject) the text amendments.

Attachments:

- (1) Proposed Ordinance

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

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

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

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

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

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

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

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

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

Sec. 34-1070. Purpose and intent.

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

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

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

Sec. 34-1071. Definitions.

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

Sec. 34-1072. Nonconforming facilities Applicability.

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

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

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

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

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

Sec. 34-1075. Setback requirements.

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

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

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

Sec. 34-1076. Separation requirements.

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

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

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

Sec. 34-1077. Screening and landscaping.

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

- (c) Landscaping materials shall be maintained by the owner and operator of the lot on which the support structure is constructed or installed, for the life of the support structure installation.
- (d) Existing vegetation on the site shall be preserved to the greatest practical extent. Existing vegetation, topography, walls and fences, etc., combined with shrubs or other features may be substituted for the required shrubs or trees, if the director of neighborhood development services or his designee finds that they achieve the same degree of screening as the required shrubs or trees.
- (e) The requirements of this section shall not apply to an existing building that serves as the support for an antenna, but they shall apply to any related equipment and shelters placed on the ground adjacent to such buildings.

Sec. 34-1078. Lighting and security fencing.

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

Sec. 34-1079. Signs and advertising.

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

Sec. 34-1080. Visibility and placement.

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

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

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

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

Sec. 34-1081. Construction and operational standards.

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

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

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

Sec. 34-1082. Collocation.

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

Sec. 34-1083. Required approvals Permit processes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(d) Special use permits.~~

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

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

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

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

- (h) ~~Except as set forth above, the procedure for filing and consideration of an application for a special use permit for a communications facility is the same as that required by Article I, division 8 of this chapter for a rezoning petition, except that each application for a special use permit under this division shall, in addition, contain a site plan and other supporting data sufficient to demonstrate compliance with the purposes and standards of this division and the other requirements set forth in this division.~~
- (i) Each application for a special use permit for a ~~PWSF or other~~ communications facility, or an amendment to such a special use permit, shall be accompanied by a fee as set forth within the most recent fee schedule adopted by city council in the amount of one hundred dollars (\$100.00), plus an additional amount specified by the director of neighborhood development services or his designee, as and for the cost of technical consultant(s) and experts deemed necessary by the city. Such fee shall include but shall not necessarily be limited to the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate the application.
- (j) In granting any special use permit for a communications facility the city council may expand, modify, reduce or otherwise grant exceptions to the setback regulations, landscaping and screening requirements, height restrictions or visibility and placement restrictions set forth within this division, provided that the city council determines that such conditions are reasonable and will serve approval of the proposed facility meets the purpose and goals of this chapter. The resolution adopted by city council to grant any such special use permit shall include any exceptions or modifications as specific conditions of such permit.
- (k) Special use permits issued under the terms of this division shall be reviewed by the department of neighborhood development services no less than every five (5) years from the date of issuance for compliance with this division and any special terms or conditions of approval. Such permits are subject to suspension or revocation at any time if it is determined that the terms of the permit and any conditions contained therein, or any rules or regulations adopted by the state or federal government concerning the use of such facilities are being violated.
- (l) Special use permits for communications facilities ~~granted by the city council~~ shall be subject to the provisions of City Code Sec. 34-156 et seq., except as follows:
- (1) Application materials shall be reviewed, and zoning decisions rendered, in the following order: (i) the City's agent for approval of a site plan shall take action on the proposed final site plan, as submitted, and any approval shall be subject to the approval of a special use permit, (ii) the BAR or ERB, as applicable, shall make a decision on any required certificate of appropriateness. Approval of a COA shall be conditioned upon approval of a special use permit, and a denial of a COA shall be deemed appealed to city council for resolution in connection with its decision on the special use permit; and (iii) the planning commission and city council shall take final action on the proposed special use permit, subject to final approval of the site plan.
 - (2) All required zoning decisions referenced within paragraph (1), above, shall be completed by the City within 150 days of receipt of an application, or within 90 days if the application involves a collocation (other than an Eligible Facility request). The City's review and responses to the application shall be in accordance with requirements of federal and state law. Denial of a special use permit by city council shall be set forth in writing and must be supported by substantial evidence in the record of the proceedings.
- (m) Notwithstanding the provisions of Sec. 34-164, if a tower or base station is abandoned, and it remains abandoned for a period of at least twelve (12) consecutive months, then upon written notice to the owner, the city may require that the tower be removed, or that all communications equipment be removed from the base station, within six (6) months after the date of such notice. ~~expire eighteen (18) months from the date of permit approval, if construction of improvements necessary to the use~~

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

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

Secs. 34-1084—34-1099. Reserved.

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

Sec. 34-1200. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

Freestanding communications facility means any tower.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Agenda Date:	August 15, 2016
Action Required:	Yes – Public Hearing and Adoption of Ordinance (Two readings) Granting a Utility Easement to Dominion Power to Serve the YMCA in McIntire Park
Presenter:	Craig Brown, City Attorney
Staff Contacts:	Brian Daly, Department of Parks and Recreation Lance Stewart and Mike Mollica, Department of Public Works
Title:	Dominion Utility Right-of-Way Agreements to Serve the YMCA

Background:

Dominion Virginia Power (“Dominion”) has requested three utility easements from the City in order to provide electric service to the new YMCA family fitness center being constructed in McIntire Park. Copies of Dominion’s standard Right-of-Way Agreements, with accompanying plats, are attached. The first easement would allow the installation of an additional utility pole next to the end of the Sherwood Road right-of-way, on the south side of the U.S. Route 250 Bypass (designated on the plat as “30’ Overhead Easement”). The second easement is also a 30’ Overhead Easement, which will allow the placement of an additional utility pole on the north side of the Bypass. The third easement is a 15’ wide easement that will accommodate an underground line from the new pole next to the Bypass to the new YMCA facility.

Discussion:

City staff, Dominion and the YMCA explored several alternatives for bringing electric power to the new YMCA facility, including the following:

- Two different routes for easements entering McIntire Park from the north, through the Charlottesville High School site, which would have necessitated easements from the Charlottesville School Board; and,
- Two different routes for easements originating in the vicinity of the Bypass Fire Station, and either going directly to the YMCA building through a wooded area, or along the Bypass to the main entrance to the Park.

Each of the other options involved potential damage to trees within McIntire Park; encroachment into environmentally sensitive areas such as the slopes between the CHS tennis courts and the creek between CHS and the Park; or potential conflicts with an area that could be considered for a new running track at CHS. The site proposed doesn't require the removal of any trees, and was considered by City staff as having the least impact to McIntire Park, of all the options considered.

In April City Council granted an easement to Dominion in McIntire Park between the YMCA building and the CHS property, with the anticipation that it would be used in conjunction with an easement from the School Board across the CHS site. Since that option is not being pursued, we will require Dominion to record a formal release of that easement authorized by City Council in April.

Alignment with Council Vision Areas and Strategic Plan:

The proposed YMCA family fitness facility in McIntire Park aligns with City Council's vision for Charlottesville to be America's Healthiest City.

Community Engagement:

There has been no prior community engagement, but the proposed easements have been advertised for a required public hearing.

Budgetary Impact:

Other than staff time spent working with Dominion and the YMCA on the location of the easement, there is no direct budgetary impact to the City.

Recommendation:

City staff recommends approval of the attached ordinance.

Attachments:

- (1) Proposed Ordinance
- (2) Standard Right-of-Way Agreement from Dominion Power
- (3) Drawings showing easement locations (3)

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF THREE (3) EASEMENTS
TO DOMINION VIRGINIA POWER
TO PERMIT ELECTRIC UTILITY POLES AND LINES
ON AND ACROSS CITY PROPERTY TO SERVE THE YMCA FACILITY IN
McINTIRE PARK**

WHEREAS, the Virginia Electric and Power Company, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power (“Dominion”), has requested this Council to grant easements across property owned by the City of Charlottesville within McIntire Park (Tax Map Parcel Identification No. 450001000), and on the same Tax Map Parcel on the south side of the U.S. Route 250 Bypass at the end of Sherwood Road, all as identified within Right of Way Agreements (DVP ID No(s) 81-16-0053, 81-16-0055, and 81-16-0057) and accompanying Plats submitted by Dominion, for the installation and maintenance of electric utility poles, lines and equipment; and

WHEREAS, on August 15, 2016, this City Council conducted a public hearing on the requested easements;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute the Dominion Right-of-Way Agreements, in a form approved by the City Attorney, granting the above-described easements to Dominion Virginia Power for electric utility service to the YMCA facility in McIntire Park.



Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this 3rd day of August, 2016, by and between

THE 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:

1.2 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). 81-16-0057
Tax Map No. 450001000

Right of Way Agreement

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in City of Charlottesville, Virginia, as more fully described on Plat(s) Numbered 81-16-0057, 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). 81-16-0057

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). 81-16-0057



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:



Right of Way Agreement

Exhibit A

THIS RIGHT OF WAY AGREEMENT dated August 3rd, 2016, by and between the

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: _____

Its: _____

DVPIDNo(s). 81-16-0057

(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.

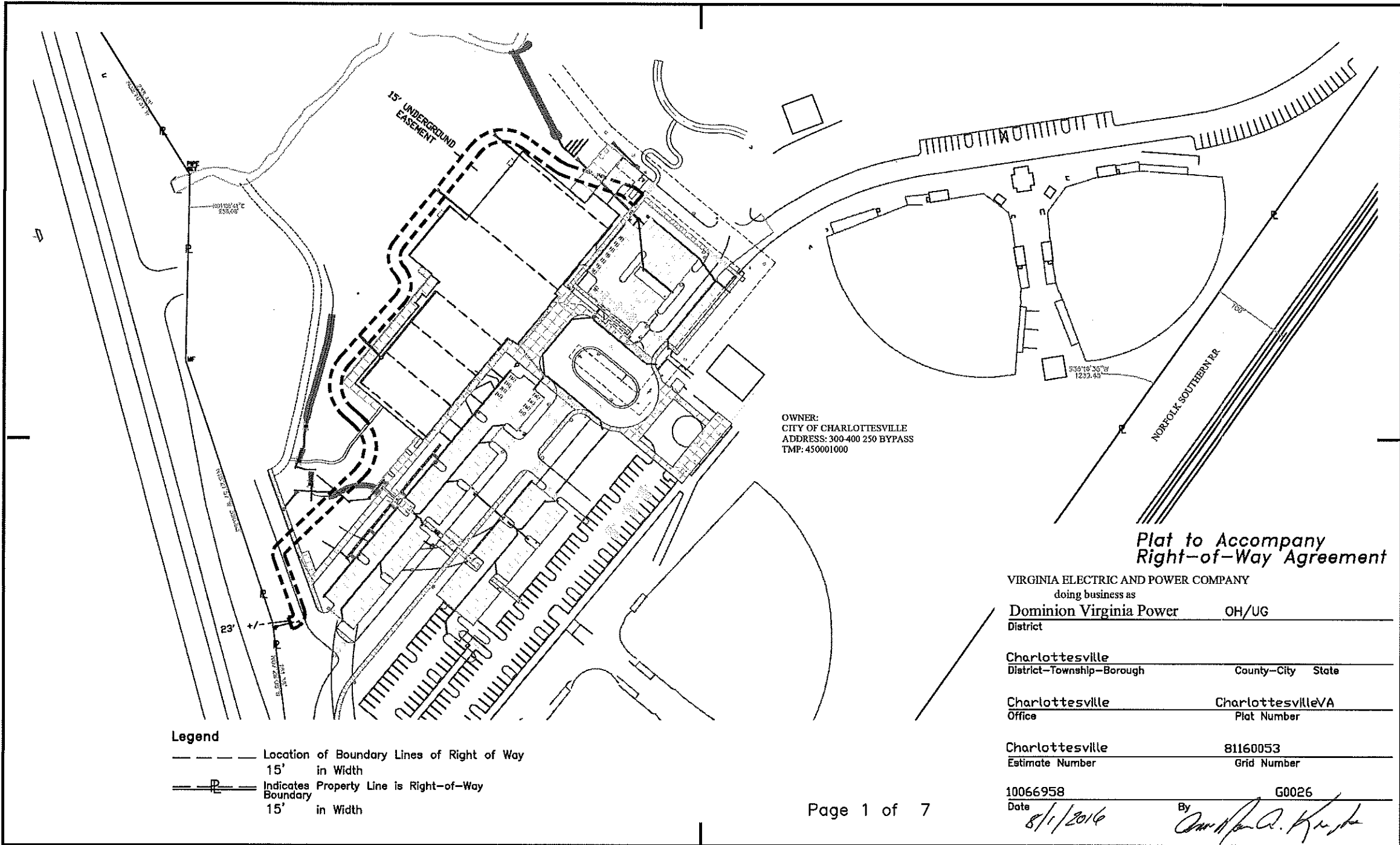
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(SEAL)

(Page 6 of 7 Pages)

DNCPIDNo(s). 81-16-0057

DVPIDNo(s).



OWNER:
 CITY OF CHARLOTTESVILLE
 ADDRESS: 309-400 250 BYPASS
 TMP: 450001000

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

**Plat to Accompany
 Right-of-Way Agreement**

VIRGINIA ELECTRIC AND POWER COMPANY
 doing business as
Dominion Virginia Power OH/UG

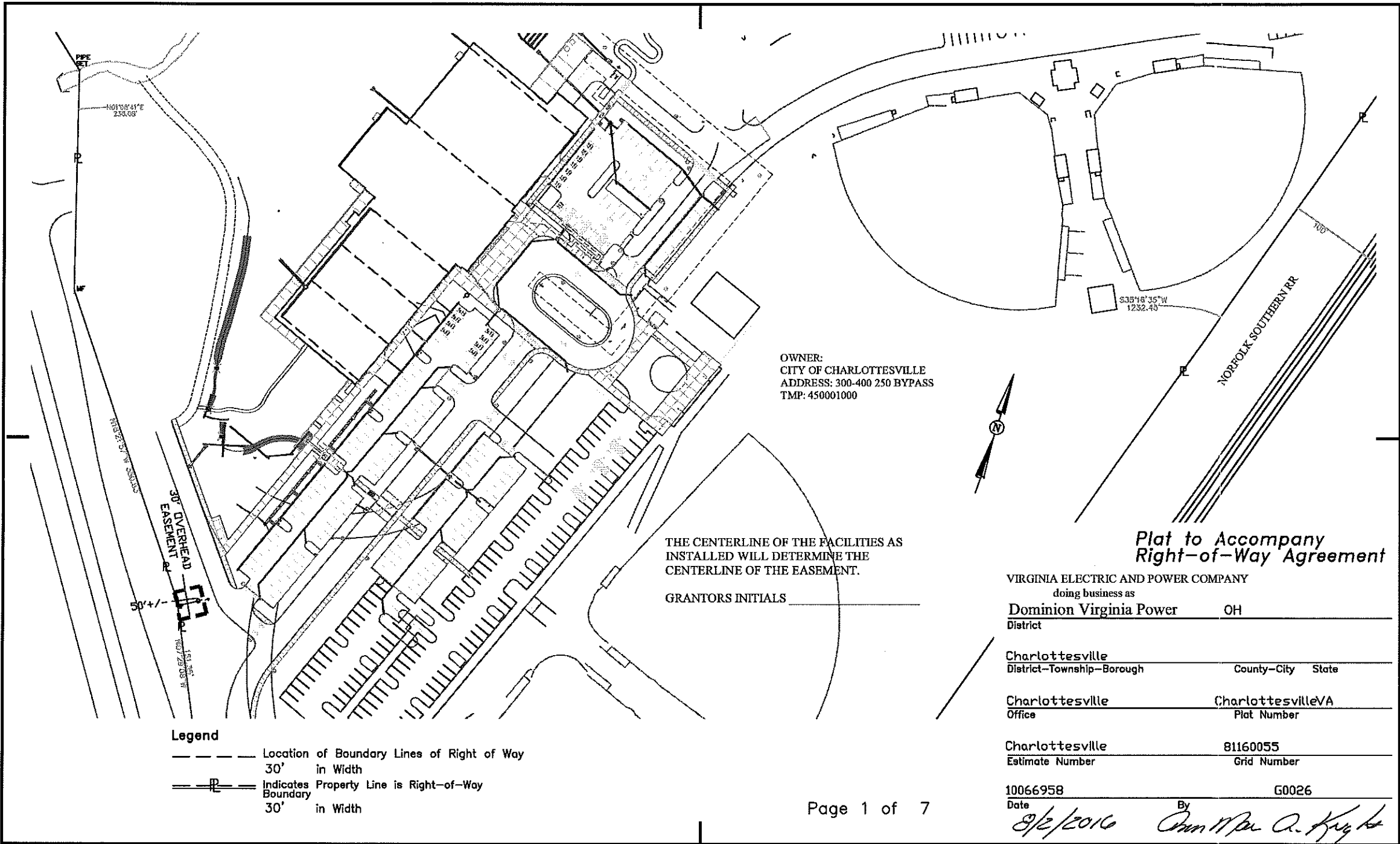
District

Charlottesville
 District-Township-Borough County-City State

Charlottesville CharlottesvilleVA
 Office Plat Number

Charlottesville 81160053
 Estimate Number Grid Number

10066958 G0026
 Date 8/1/2016 By *Ann M. A. King*



OWNER:
 CITY OF CHARLOTTESVILLE
 ADDRESS: 300-400 250 BYPASS
 TMP: 450001000

THE CENTERLINE OF THE FACILITIES AS
 INSTALLED WILL DETERMINE THE
 CENTERLINE OF THE EASEMENT.

GRANTORS INITIALS _____

**Plat to Accompany
 Right-of-Way Agreement**

VIRGINIA ELECTRIC AND POWER COMPANY
 doing business as

Dominion Virginia Power OH
 District

Charlottesville
 District-Township-Borough County-City State

Charlottesville CharlottesvilleVA
 Office Plat Number

Charlottesville 81160055
 Estimate Number Grid Number

10066958 G0026
 Date

By *Ann Marie A. Knight*

- Legend**
- Location of Boundary Lines of Right of Way
 30' in Width
 - |--- Indicates Property Line is Right-of-Way
 Boundary
 30' in Width

THE CENTERLINE OF THE FACILITIES AS
INSTALLED WILL DETERMINE THE
CENTERLINE OF THE EASEMENT.

GRANTORS INITIALS _____

OWNER:
CITY OF CHARLOTTESVILLE
ADDRESS: 300-400 250 BYPASS
TMP: 450001000

OWNER:
JULIA REAVES
ADDRESS: 1218 SHERWOOD ROAD
TMP: 436001000

OWNER:
CITY OF CHARLOTTESVILLE
ADDRESS: 300-400 250 BYPASS
TMP: 450001000

Legend

- Location of Boundary Lines of Right of Way
30' in Width
- ==P== Indicates Property Line is Right-of-Way
Boundary 30' in Width

*Plat to Accompany
Right-of-Way Agreement*

VIRGINIA ELECTRIC AND POWER COMPANY
doing business as

Dominion Virginia Power OH

District

Charlottesville
District-Township-Borough

County-City State

Charlottesville
Office

CharlottesvilleVA
Plat Number

Charlottesville
Estimate Number

81160057
Grid Number

10066958
Date

G0026

By *Ann Marie D. Kuyper*

R=6500.84
A=533.07
T=311.87
C=527.83
OB=63300.28' N
68.174= 438'15"

N16°01'28"W
40.05'
N33°27'0"E
43.53'

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 15, 2016
Action Required:	Approval of Resolution
Presenter:	Kathy McHugh, Housing Development Specialist
Staff Contacts:	Kathy McHugh, Housing Development Specialist
Title:	Allocation of Charlottesville Affordable Housing Fund (CAHF) for Habitat for Humanity Scattered Site Land Purchase Program - \$480,000

Background:

Funding through the Charlottesville Affordable Housing Fund (CAHF) of \$480,000 is being sought to provide assistance to Habitat for Humanity of Greater Charlottesville (Habitat) to support them in purchasing land to accommodate construction of sixteen (16) Habitat supported affordable housing units that will assist families earning between 25% and 60% of Area Median Income (AMI) within the City of Charlottesville. A copy of the Habitat request dated June 15, 2016 is attached hereto.

Discussion:

The need to grow the City's housing stock, including affordable housing is a key goal of the City's Comprehensive Plan. This goal is impacted by a number of factors including the high land cost and limited availability of land. To help address this issue and to work toward the goal of increasing affordable units in the City, Habitat has proposed a scattered site land purchase program.

From a practical standpoint, the proposed program would work by Habitat purchasing lots and building homes on individual lots and/or within mixed income communities. Homes would then be offered to partner families, with additional assistance provided through the Habitat mortgage structure. These homes would typically be single family homes built to be in character with the neighborhood, unless the site allows otherwise; however, Habitat is committed to ensuring that these homes blend in and complement the existing neighborhood.

Following is a brief overview of the proposal:

Timing - Habitat would request CAHF assistance to coincide with making an offer and closing on residential lots. It is anticipated that this will be done between Fall 2016 and Summer 2017.

Supported Affordable Housing - Due to the financing model used by Habitat, direct mortgages, appreciation sharing, right of first refusal and deed restrictions provide the supported affordable mechanisms necessary to qualify Habitat housing units as "supported affordable housing" per City policy. Accordingly, the proposed project will help the City toward its goal of incorporating 15%

supported affordable housing throughout the City.

Identification of Homebuyers to be Assisted - Habitat is sensitive to the City's desire to serve its own residents, particularly those struggling with long term poverty. To this end, Habitat will use City funds for families who live in targeted City neighborhoods, residents of public or subsidized housing, the elderly and other low/moderate income clientele. Further, funds will be designated to support families who have lived and/or worked in the City for a minimum of six months.

Leverage - Habitat provides direct mortgages to homebuyers and they also use grants, private donations, and volunteer labor to lower housing costs and / or provide supplemental assistance to make homes more affordable to partner families between 25% - 60% AMI. Additionally, Habitat has secured a commitment from a local donor to match every private dollar donated toward this proposed program, effectively doubling the impact of fund raising efforts.

As outlined in the Habitat proposal, 16 lots will be acquired with \$480,000 (17%) of CAHF assistance, leveraging an estimated \$2,284,800 (83%) in partner family mortgages and Habitat fundraising as well as an estimated \$1,807,866 in new tax revenue to be realized by the City over the 30 year mortgage period.

Accountability – Habitat will be required to execute a grant agreement based on the attached proposal, which requires in part that they provide quarterly progress/financial reports throughout the life of the grant. Additionally, in compliance with City Housing Policy 1, Habitat will be required to provide annual reports for all supported affordable units during the period of support (approximately 30 years). Upon sale of any designated supported affordable unit (including those to be obtained as a result of this proposed funding), Habitat would be required to either return funds to the City (if specified in an appreciation sharing agreement) or use sale proceeds to create access to additional supported affordable units. As proposed herein, Habitat would be required to invest future sale proceeds from any supported affordable unit to create access to additional supported affordable units.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda items aligns directly with the City Council Vision for Charlottesville to provide quality housing opportunities for all. The proposed action also aligns with the Strategic Plan at goal 1.3 which speaks to increasing affordable housing options. This proposal also meets a number of goals / objectives of the Comprehensive Plan. These are outlined in the attached Habitat proposal.

Community Engagement:

There has not been any specific community engagement or public input on this proposal.

Budgetary Impact:

The proposed project will require \$480,000 from currently unallocated CAHF funds.

Recommendation:

The proposed project will increase the supply of supported affordable housing in the City. Further, the proposed cost of \$30,000 per housing unit is consistent with other investments made

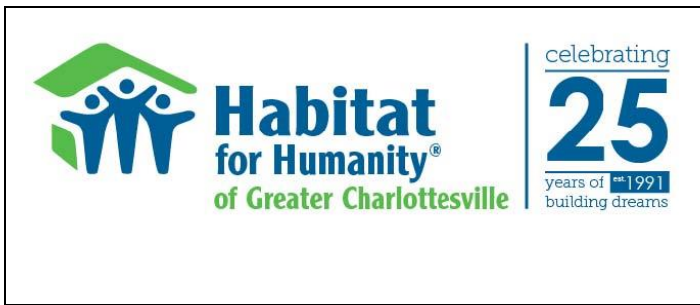
with CAHF money. Based on these factors, staff recommends approval of the attached resolution.

Alternatives:

Council could elect not to fund this request and/or to reduce funding further below the recommended amount; however, this would impact the City's ability to invest and increase supported affordable housing units.

Attachments:

Habitat Proposal dated June 15, 2016
Resolution



Creating simple, decent, affordable housing
in partnership with low-income families, volunteers
and the communities of greater Charlottesville.

June 15, 2016

Kathy McHugh, Housing Development Specialist
Neighborhood Development Services
P. O. Box 911 – 610 East Market Street
Charlottesville, VA 22902

RE: Project 20

Dear Ms. McHugh,

As you know, Habitat for Humanity of Greater Charlottesville has set a goal of building at least 20 homes annually in mixed-income, walkable neighborhoods for local residents who earn between 25% and 60% of the area median income.

Although we've met this **Project 20** goals for two years running, finding affordable land, especially in the City, continues to present a significant challenge. This challenge becomes especially steep when trying to meet the City's goal of blending affordable, workforce and market rate housing throughout the City.

One strategy for countering the concentration of low-income housing and build more diverse and sustainable communities is to create mixed-income neighborhoods where opportunities exist. This year, Habitat for Humanity of Greater Charlottesville plans to begin work on our sixth mixed-income community in the City - Harmony Ridge on 5th Street. Additionally, for the first time, this year we will be building affordable homes in a new market-rate subdivision in Crozet – Wickham Pond.

The other strategy for achieving a mixture of housing options throughout the City and the region is more challenging and involves finding opportunities to incorporate affordable and workforce housing in areas of town that are to a large degree built out and where high land prices have rendered affordable housing opportunities all but impossible.

The City of Charlottesville "Distribution of Affordable Housing Units" map (attached in section VI) produced by City GIS analyst Bart Pfautz documents just how much work there is to be done to meet the City's Comprehensive Plan Housing goal (3.2) of "Incorporat(ing) affordable units throughout the City, recognizing that locating affordable units throughout the community benefits the whole City."

As Habitat plans its next year of affordable home construction, we are committed to finding opportunities to blend housing throughout the City. The attached map (under section VI) shows the status of our current and pending builds as well as the sites where we are in active negotiations to purchase lots for affordable housing. We are seeking 16 new City building lots in

multiple locations in order to help us meet our goals and even more thoroughly align our contribution with City goals.

Given the extremely high land costs in the City (for example, the average lot cost in the Lochlyn Hill subdivision – where we are in active negotiation -- is \$129,700), it will require \$480,000 from the Charlottesville Affordable Housing Fund for land acquisition to supplement our fundraising and allow us to create 16 new affordable housing opportunities. The City's investment will leverage approximately \$2.8MM in direct private investment; By applying a multiplier, that leverage amount becomes significantly higher. Additionally, Habitat will raise approximately \$1.6MM of private funding and Habitat Partner Families will assume zero interest mortgage notes of approximately \$1.6MM collectively. Ultimately, the combined investment will create approximately \$4MM in new taxable real estate. (See sections I and II below).

The City's investment will be protected by a variety of mechanisms to maintain housing affordability while helping 16 of our most economically-vulnerable families earn equity and achieve financial independence. Habitat will reinvest any proceeds from a subsequent sale of its homes, should they resell, into future affordable housing. Habitat will also retain the right of first refusal to purchase back the property and will provide a zero interest first mortgage to the purchaser as well as a final forgivable mortgage that dissolves the longer the family stays in and maintains the home. For each home, Habitat will share in any appreciation gain upon resale and reinvest those proceeds in future affordable housing as well. Sections III and IV describe in detail the mechanisms used to maintain housing affordability while helping low-income families earn equity.

Beneficiaries of these funds will primarily be City residents and/or be employed in the City and will earn between 25% and 60% of area median income. We are very excited about partnering with the City to address multiple key strategic initiatives in order to provide a helping hand up out of housing poverty to 16 new, hard-working families this year. Thank you very much for your consideration of this proposal. And please feel free to call me if you need any additional information.

Sincerely,

Dan Rosensweig
President and CEO

I. Budget

a. Expenses

Item	Unit Cost	Units	Cost
Lot Acquisition and development	\$60,000 average	16	\$960,000
Construction Costs – HFH Homes	\$100,000	16	\$1,600,000
General Requirements (final grading, frontage improvements, design, tap fees, other overheads, etc.)	8%		\$204,800
Total			\$2,764,800

b. Revenues

Source	Amount
CAHF	\$480,000
Partner Family Mortgages (present value, est)	\$1,600,000
Discount Adjustment (time value of money at 0% over 30 years @ 7.1% inflation per IRS)	(\$918,981)
Habitat Fundraising	\$1,603,781
Total	\$2,764,800

II. Leverage

Total direct economic impact including developer discount, excluding multiplier	Leverage Factor
\$2,764,800	5.8 times
Total Estimated market value	Leverage Factor
16 units at \$250,000 (est)= \$4MM	8.3 times
New Taxes Generated	
New (est) Tax Revenue during mortgage terms (assumes current tax rate and 0% inflation)	\$38,000 x 30 years = \$1,140,000
Total Tax Revenue over thirty years, trended at 3% per year	\$1,807,866

III. Example of Habitat Mortgage Structure (From a recent home sale)

APPRAISAL \$216,000.00

PURCHASE PRICE: The purchase price of the Property was set per HUD instructions, in compliance with SHOP requirements. It is the appraised value less a discount for sweat equity.

Habitat Sales Price \$214,094.00

Closing Costs (Estimated) \$3,310.36

Total Purchase Price plus Estimated Closing Costs \$217,404.36

COST BASIS FOR HABITAT'S FIRST MORTGAGE CALCULATION

Habitat's cost to build, including land, materials and overhead \$168,480.00

Estimated closing costs \$3,310.36

Cost to be recaptured in down payment, first mortgage, down payment assistance from other sources (and, if necessary, deferred mortgage) \$171,790.36

METHOD OF PAYMENT:

Buyer's Deposit to be held in trust by Greater Charlottesville HFH \$1,250.00

1st Mortgage: Approximate principal balance to which conveyance shall be subject. This is a 0% (zero percent) loan (amount set by Partner Family's ability to pay – depending on the AMI % of the family, total Monthly housing expenses are capped at between 21%-27% of gross family income, typically for a 27-30 year note) \$109,554.00

HOME Funds (affordability period will apply) \$19,180.00

Deferred Mortgage (Payable in full if home sells within 40 years) \$41,806.36

Habitat Last Mortgage: Affiliate's (0% -- forgivable) to secure full. (This amount is equal to the delta between the sale price established by an appraisal and the cost to build). **\$45,614.00**

Total **\$217,404.36**

IV. Equity Sharing/Mortgage Rules to protect investments of Habitat and other funders:

Habitat has multiple mechanisms in place to promote long-term affordability while at the same time allowing low-income purchasers the opportunity to earn equity. As of June 1st, 2016, Habitat had built or rebuilt 173 homes in the area since 1991. Of those, 159 were sold through Habitat's homebuyers program. Of those 159, 150 original owners are still in their homes. In the case of the nine homes with new owners, in four cases Habitat took a deed in lieu of foreclosure and resold the home to a new partner family, in three cases, the owners repaid all of their notes – including any deferred or partially forgivable mortgages – and resold the home on the open market. And, in one case, Habitat exercised our right of first refusal to repurchase the home and resell it to a new Partner Family. In all cases, upon resale, City subsidies were either repaid or had been forgiven because the affordability period had expired.

Our policies for lending – and the rules regarding repayment, appreciation sharing, etc. – have evolved over time. However, for many years, in all cases, Habitat has maintained a right of first refusal to repurchase and sell the home affordably and provided a zero interest first mortgage and final forgivable mortgage. This program has allowed low income families in the community to earn approximately \$16 million in home equity and mortgage interest savings since 1991.

Additionally, all families participate in the construction of their own homes increasing their sense of investment and training them to maintain the homes to the highest standards.

Most Habitat Family mortgage structures also have junior notes which are either deferred (and thus repaid in full if the home sells) or forgivable over time providing additional incentive for families to stay in the home. Some Habitat homes also have additional deed restrictions – such as the limitation on the escalation of the price and income of the purchaser of a resale.

Finally, as per City housing policy #1, when it uses CAHF funds to subsidize a home, Habitat will use any proceeds of a home resale to create access to additional Supported Affordable Units. Each year, Habitat will submit to the City a report that indicates the addresses of each of its Supported Affordable Units.

Below is a description of some of the legal mechanisms in place in the contract between Habitat and the purchaser of the home using the mortgage structure described above.

RIGHT OF FIRST REFUSAL: In consideration of Buyer's benefiting from the home ownership program of Seller, by the deed conveying the Property to Buyer, Buyer shall grant and convey to Seller a right of first refusal for such property. At such time in the future as Buyer decides to sell all or any portion of such property, Buyer shall first offer to sell such property to Seller as follows:

(a) If the Buyer shall receive a bona fide offer for the sale of the Property that the Buyer desires to accept, he shall give written notice of such offer to Habitat by certified mail, return receipt requested, at 919 West Main Street, P.O. Box 7305, Charlottesville, Virginia 22906, or such other physical address as provided by Habitat in writing, together with an executed copy of the offer, which notice shall constitute an offer to sell the Property to Habitat on the same terms and conditions as contained in the offer. Habitat may thereupon elect to purchase the Property on the same terms and conditions as contained in the offer. Habitat shall make such election by mailing notice to the Buyer by certified mail, return receipt requested, within three business days after its receipt of the aforementioned notice from the Buyer.

(b) If Habitat does not give written notice exercising its right to purchase within the three business day period, its right of first refusal as to the Property is waived and released in full at the designated price, or at any higher price, and Habitat shall join in a document in recordable form evidencing its waiver and release; provided, however, if closing on the Property to the third party purchaser does not take place, then the Property shall remain subject to the right of first refusal for the benefit of Habitat. If the Buyer decides to sell the Property at a price lower than the designated price, then the Buyer shall not sell the Property unless and until the Buyer has again offered the Property to Habitat at that lower price in the manner herein above set forth.

(c) Any purchase by Habitat under this right of first refusal shall be for cash and the deed of conveyance shall be a general warranty deed conveying good and marketable title, but subject to such restrictions, agreements and easements that may be of record that do not render title for the Property unmarketable. Closing shall occur within 60 days after Habitat exercises this right of first refusal.

(d) The right of first refusal is personal to Habitat and may be permanently released in writing by Habitat, in which event the Property may thereafter be sold or conveyed free and clear of the right of first refusal.

(e) The right of first refusal shall not apply to a transfer to any one or more persons who are spouses or lineal descendants (including by adoption) of the Buyer or who are spouses of such lineal descendants ("Lineal Descendants").

APPRECIATION SHARING. The deed to the property from Seller to Buyer shall include an "appreciation sharing" provision by which the Buyer shall grant to Habitat a right to a share of any appreciation realized upon transfer of the Property, including sale by a Trustee upon foreclosure, transfer by deed in lieu of foreclosure, refinancing, or other transfer for consideration. Habitat will share this appreciation share with any other lender(s) that require(s) appreciation sharing in accordance with the agreements between Habitat and such other lender(s). There shall be due and payable to Habitat, in addition to the then unpaid principal balance of any outstanding purchase money loan from Habitat, a share of "Appreciation in Value" of the property (defined below).

(a) The Appreciation in Value shall be computed as the difference between (i) the greater of the tax assessed value of the Property or the sales price net of payment of normal closing costs; and (ii) the "ownership basis" of the Buyer (the "Property Owner"). The "ownership basis" shall be the sum of the initial purchase price, plus the cost of any improvements actually made to the Property and paid for by the Property Owner, provided that the Property Owner either (i) produces receipts for said capital improvements to Habitat at the time of the sale showing payment for the costs thereof; or (ii) produces, at the Unit Owner's expense, an appraisal of the Property

performed within ninety (90) days of the sale by an appraiser approved by Habitat which itemizes the value added to the Property by the said capital improvements.

(b) So long as the Property Owner or the Property Owner's Lineal Descendants own the Property, no Appreciation in Value share shall be due and payable to Habitat; provided, however, that appreciation sharing rules for other lenders may not exempt transfers to Lineal Descendants so appreciation sharing may be due to such lenders in the event of a refinance, sale, or conveyance to a Lineal Descendant.

Appreciation sharing with Habitat is required under the following conditions: if the Property is refinanced, sold or conveyed to a non-Lineal Descendant for the first time within thirty-six (36) months after the deed from Declarant to the Property Owner is recorded, 100% of the Appreciation in Value shall be paid to Habitat to be distributed by Habitat according to any separate agreements between Habitat and any other lender providing financing for the conveyance of the Property.

If the Property is refinanced, sold or conveyed to a non-Lineal Descendant for the first time within 37 to 60 months after this deed is recorded, the Property Owner shall be entitled to a percentage of Appreciation in Value equal to twice the percentage of the principal secured by the first deed of trust (recorded simultaneously with the deed) that the Property Owner has repaid as of the date that is (thirty) 30 days prior to the refinance, sale or conveyance, compared to the face value of principal owed -- up to a maximum of 50%.

If the Property is refinanced, sold or conveyed to a non-Lineal Descendant for the first time more than sixty (60) months after said deed is recorded, the Property Owner shall be entitled to 50% of the Appreciation in Value with the remaining 50% being paid directly to Habitat to be distributed by Habitat pursuant to a separate agreement between Habitat and/or any other lender providing financing for the conveyance of the Property to the Property Owner pursuant to the terms of the deeds of trust securing said financing of the Property.

ILLEGAL ACTIVITY: Borrower shall neither engage in, nor permit any invitee or occupant of the Property to engage in, illegal activity on or about the Property. Lender or its agent may make entries upon and inspections of the Property upon reasonable notice to Borrower. If Lender reasonably suspects that illegal activity is occurring at the Property then, in addition to reporting such activity to law enforcement, Lender may inspect the interior of the improvements on the Property upon reasonable notice to Borrower under the circumstances. Breach of this covenant shall be a default under the Deed of Trust and entitle Lender to all rights and remedies provided for herein including, without limitation, the right to acceleration and sale of the Property.

MAINTAIN THE PROPERTY: Grantee shall maintain the Property and the improvements thereon in at least the condition they were in when Grantee first took possession, reasonable wear and tear excepted. Breach of this covenant shall entitle Grantor, after 15 days' notice to Grantee, to enter the Property and perform necessary work to place the Property in compliance with this covenant. Grantee shall pay the reasonable costs incurred by Grantor pursuant to this covenant within 30 days after Grantor's demand therefor accompanied by a written invoice for such costs. Such costs shall be the Grantee's personal obligation and a continuing lien on the Property until

paid. Grantor shall be entitled to enforce its lien if any of such costs remain unpaid 30 days after giving Grantee notice of its intent to do so.

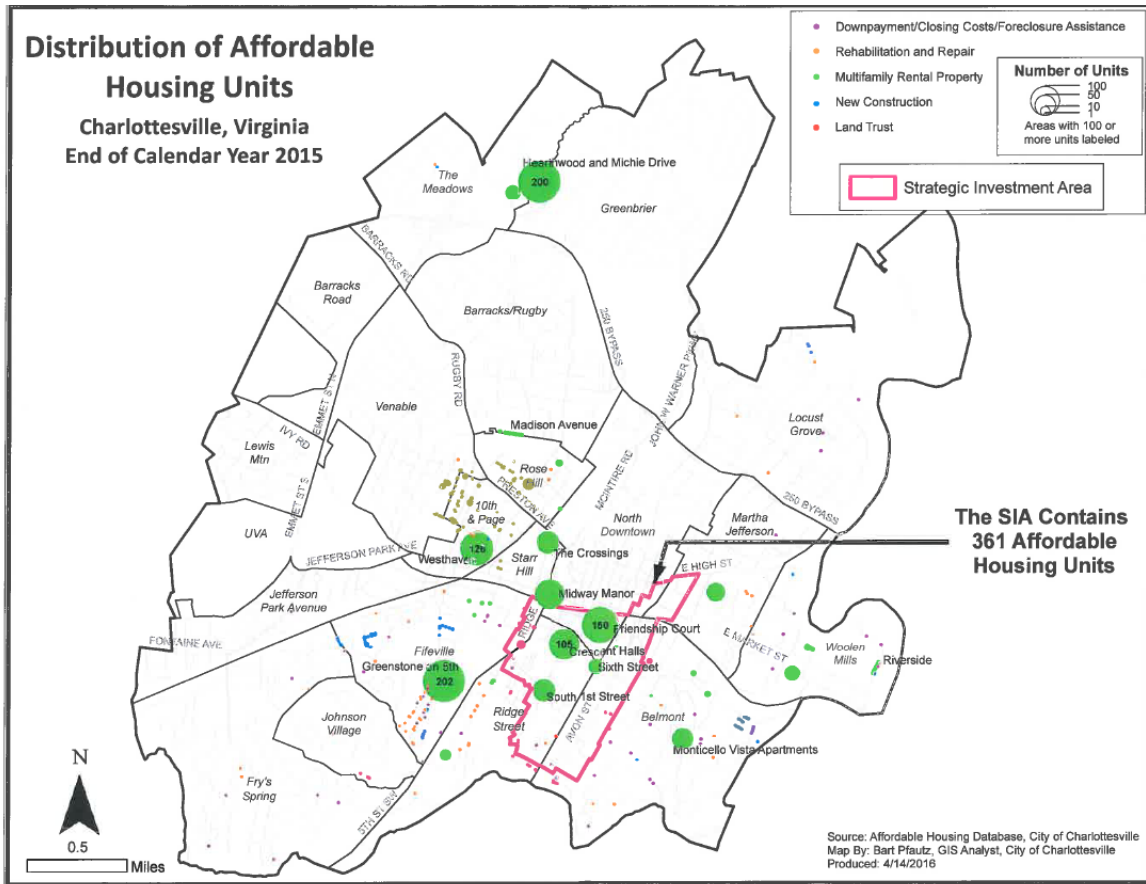
OCCUPANCY: Borrower shall occupy, establish, and use the Property as Borrower's principal residence within sixty days after the execution of this Deed of Trust and shall continue to occupy the Property as Borrower's principal residence for the term of the Loan unless Lender otherwise agrees in writing.

HABITAT'S FINAL MORTGAGE: Habitat's final mortgage will be forgiven pro rata over the life of the first mortgage. At the end of each year in which timely payments have been made on the first mortgage, a pro rata share of the last mortgage will be forgiven. At the end of the original first mortgage term, if the first mortgage has been paid off in a timely manner, the last mortgage will be completely forgiven as well.

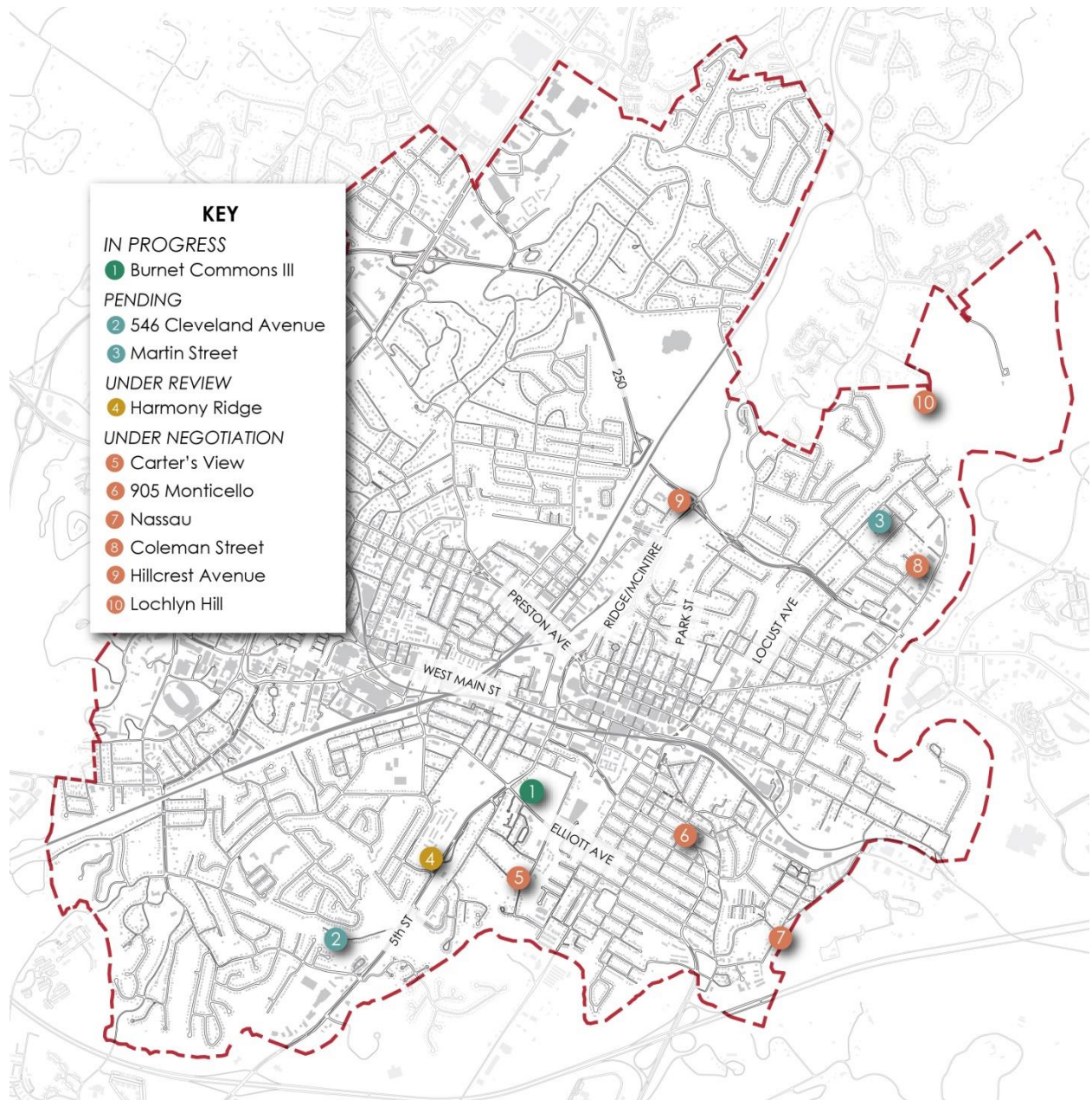
V. Example of Habitat Architecture (Always designed to be context-sensitive)



VI. City supported affordable housing map



VII. Habitat ongoing, pending projects + parcels under negotiation (City only)



VIII. Geographical Area/Demographic Groups

Habitat's service area is Charlottesville, Albemarle, Louisa and Greene.

Funding will be designated for families who live in targeted City neighborhoods, residents of public or subsidized housing, the elderly and other low/moderate income clientele. Habitat has made numerous efforts to attract applicants from public housing and/or hold a CRHA voucher and has initiated a program to work with families who need assistance to improve their credit so that they can qualify for the Habitat program. Seventy percent of the families selected to build homes at Sunrise Park came from CRHA public housing, from privately held subsidized housing or from the Housing Choice voucher program. Beneficiaries of these funds will primarily be City residents and/or be employed in the City and will earn between 25% and 60% of area median income.

IX. Outcomes/Performance Measurement

The desired outcome is to build and sell 16 Habitat family homes.

Proposed timeline

July/August 2016	FY '17 CAHF funds allocated
Fall 2016 –Summer 2017	Funds drawn down so that Habitat can purchase lots
Fall 2016- Spring 2018	Construction begins on homes as lots are delivered
2019	Homes built, grant closed out

X. Organizational Capacity

Since its founding in 1991, Habitat for Humanity of Greater Charlottesville has built more than 180 houses occupied by local low-income families. We have built more than 60 homes in the past three years and currently have 12 homes in various stages of construction. Additionally, Habitat has preserved affordable housing for more than 1,500 low-income residents through trailer park transformation.

Funding and lot inventory largely control the number of homeownership homes we build per year.

Habitat is in a good position to build the units mentioned in this proposal. We have completed or built in five mixed income communities locally. We also have a strong board, robust committees and a dedicated staff.

But our greatest strength is our Partner Families. We have approved approximately 40 partner families who are currently providing sweat equity, taking home ownership and good neighbor classes and are saving their down payment in preparation for home ownership. Their mortgages, combined with help from various subsidies, such as CAHF funds, allow us to carry on with our next building projects.

Applicants for Habitat Partner Family homes will be considered if they meet one of the following need criteria:

- 1) Homeless or living in transitional housing
- 2) Physical problems with the dwelling
- 3) Public Housing or Housing Choice Vouchers
- 4) Crowded housing
- 5) High crime neighborhood
- 6) Families who pay more than 40 percent of income in rent

XI. Willingness to Partner

Achieving homeownership through the Habitat program is not easy, but in almost every case, the process is transformative and leads to a break in the cycle of generational poverty. Of the 159 homes Habitat Families have purchased in the area, only four have foreclosed. Partner Families must complete a minimum of 100 hours of sweat equity for the family plus 100 hours for each adult who will live in the new home. Anyone who reaches the age of 18 at any time during the application process up through Board approval will be considered an adult. Sweat equity opportunities for the disabled, elderly and others unable to partner this way are made through office work, through our resale store or at some other convenient venue such as fundraising events, community outreach opportunities, etc. Additionally, children of partner families may earn sweat equity by participating in our Youth United Program.

XII. Recent Organizational History and Building Standards

In 2013, Habitat completed work on Sunrise, the first trailer park transformation in the nation without resident displacement. Currently, Habitat owns and maintains the Southwood Mobile Home Park with the goal of managing it responsibly for current residents and redeveloping it sustainably and compassionately as a mixed-income community without displacement for current and future residents.

At 342 units with 1,500 people, Southwood is the largest single location of affordable housing in the area.

Currently, we are implementing **Project 20**, our promise to the community that we will build and sell a minimum of 20 homes per year in mixed-income neighborhoods.

One of our goals is to build homes that are as sustainable and energy efficient as possible. All of our homes meet Energy Star 3.0 certification with several certified as LEED. We also follow the Federal Lead Based Paint regulations.

All of our homes are designed for aging in place with first floor bedrooms and bathrooms, wider doorways and at least one zero step entry (if site conditions allow). We have built homes for senior citizens, as well as families with children and single individuals.

XIII. Long-Term Project Funding/Project Sustainability

Homeowner mortgages are one of the biggest sources of funding for our homes, however, we also have grant funding commitments from the Self-Help Opportunities Program (funded by HUD through Habitat for Humanity International), churches, individual donors, civic groups, businesses and other means of fundraising. Additionally, a local donor has committed to match every private dollar donated toward **Project 20**. This gift will help more families achieve success, faster.

However, for us to sustain our homebuilding operations, we aspire to insure that individual homes pay for themselves through mortgages and mortgage subsidies. As such, we are requesting \$480,000 in funding from the Charlottesville Affordable Housing Fund; it will be used for 16 families who earn between 25 and 60 percent of AMI. These families generally live in the City's targeted neighborhoods, Public Housing or are recipients of a Housing Choice Voucher. This support will allow us to reach into the long-term low income community, with an emphasis on providing a permanent hand up out of poverty to families who are at the lower end of our AMI scale and who have been in poverty situations for more than one generation. It will also allow us to meet the City's numerous goals of locating affordable housing integrated with market rate housing.

XIV. Habitat for Humanity of Greater Charlottesville Relationship and Collaboration with Other Programs in the Community

Habitat for Humanity of Greater Charlottesville relies on our ability to leverage partnerships. For example, at Southwood, home to approximately 1,500 of the most vulnerable local residents, we partner with more than 30 other local agencies to work with the current and future residents of the park.

We work particularly closely with several local non-profits whose missions are closely aligned with ours. The Piedmont Housing Alliance (PHA) has been very helpful in referring potential partner families to us and has served families with housing needs, but with incomes above our 60% of AMI threshold. We consider Albemarle Housing Improvement Program (AHIP) a close partner as our clientele tends to overlap. Additionally, we are continuing to work with the Charlottesville Redevelopment and Housing Authority to identify residents (in public housing and with housing choice vouchers), who will become Habitat Family Partners, and help them make the transition to new housing. As part of our agreement with the City of Charlottesville, our goal is that at least 25% of our homes at our current build site, Burnett Commons III: The Park, will be sold to CRHA families. We are also exploring a partnership with five CRHA families who live in scattered site public housing units who may wish to purchase the home in which they live.

Additionally, we have partnered with the Thomas Jefferson Community Land Trust to construct the first land trust homes in the state of Virginia and have helped Region X construct a group home in our Paton Street neighborhood. We have also formed a partnership with The Charlottesville Abundant Life Ministries to create new mixed-income opportunity, Harmony Ridge, in the City this year.

We have also partnered with a variety of jobs training programs through the City of Charlottesville, CRHA, CATEC, The Blue Ridge Detention Center and PVCC to provide internship and job skills opportunities to low-income residents of the area. Finally, we collaborate with dozens of civic groups, faith organizations and businesses in our community, who participate as house sponsors and volunteers.

XV. Consistency with Charlottesville's Goals and Objectives

Our funding request is based on numerous goals and objectives in the Comprehensive Plan and in the City Council vision statement.

From the City Council Vision:

Our neighborhoods retain a core historic fabric while offering housing that is affordable

and attainable for people of all income levels, racial backgrounds, life stages, and abilities.

From the Housing Chapter of the Comprehensive Plan:

Vision: In order to be a truly world class city, Charlottesville must provide sufficient housing options to ensure safe, appealing, environmentally sustainable and affordable housing for all population segments and income levels, including middle income.

Goal 2: Maintain and improve the City's housing stock for residents of all income levels

Goal 3: Grow the City's housing stock for residents of all income levels

3.2 Incorporate affordable units throughout the City, recognizing that locating affordable units throughout the community benefits the whole City

3.3 Achieve a mixture of incomes and uses in as many areas of the City as possible

Goal 4: Promote an assortment of funding initiatives to meet the needs of owners, renters and the homeless with varying levels of income

4.2 Continue to fund programs that provide assistance to those unable to afford market rate housing options in the City

4.3 Promote long-term affordability of units by utilizing industry strategies and mechanisms

Goal 5: Support projects and partnerships (i.e. private, non-profits, private developers and governmental agencies) for affordable housing, including workforce housing and mixed-use and mixed-income developments

5.7 Support housing programs at the local and regional level that encourage mixed income neighborhoods and discourage the isolation of very low and low income household

Goal 7: Offer a range of housing options to meet the needs of Charlottesville's residents, including those presently underserved, in order to create vibrant residential areas or reinvigorate existing ones

7.3 Encourage appropriate design so that new supported affordable units blend into existing neighborhoods, thus eliminating the stigma on both the area and residents

Goal 8: Ensure that the city's housing portfolio offers a wide range of choices that are integrated and balanced across the city to meet multiple goals including: increased sustainability, walkability, bikeability, and use of public transportation, augmented support for families with children, fewer pockets of poverty, sustained local commerce and decreased student vehicle use

8.1 Encourage mixed-use and mixed-income housing developments.

8.7 Encourage the incorporation of green sustainable principles (e.g. LEED, Earthcraft Virginia, Energy Star, etc.) in all housing development to the maximum extent feasible both as a way to be more sustainable and to lower housing costs

Throughout the plan, it is made clear that housing is fundamental to social inclusion and that housing and jobs go hand in hand. With the help of CAHF funds, these Habitat homes will be places that expand a sense of prosperity and community to 16 local families who have been working to achieve this dream.

XVI. Reinvestment in the Community/Social Outcomes/Cost Avoidance:

In 2014, the Weldon Cooper Center for Public Service performed an economic impact study, focusing on the effects of Habitat home building in the community. The study can be found in its entirety at <http://cvillehabitat.org/eis>. The findings in this study describe the large return on investment that the City gets when it partners with Habitat. Among the most relevant statistics are:

\$8.3m – Habitat’s Annual Industrial Impact on the Community in 2013

10x – The transformation of the Sunrise Trailer Court into a mixed-income development increased tax revenues by a factor of 10, from \$11,000 in personal property tax to \$110,000 annually post-redevelopment

\$6m – The amount of home equity earned by Habitat partner families from 1991-2013

\$8m – The amount of mortgage interest savings accrued by our families from 1991-2013 via our zero interest mortgage program

100 – The percentage of families who reported that their lives had improved since becoming Habitat partner families

29/30 – Families who reported a change in their children’s grades for the better after purchasing a Habitat home

\$21m – Rehousing Cost avoidance for local municipalities of Habitat’s commitment to non-displacement at the Southwood Mobile Home Park

RESOLUTION

**Allocation of Charlottesville Affordable Housing Fund (CAHF) for Habitat for Humanity
Scattered Site Land Purchase Program \$480,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$480,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund to the Habitat for Humanity of Greater Charlottesville for the purpose of providing funds for a scattered site land purchase program.

Fund: 426

Project: CP-084

G/L Account: 599999

Habitat for Humanity of Greater Charlottesville \$480,000

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	August 15, 2016
Action Required:	Update
Presenter:	Charlene Green, Manager, Office of Human Rights Ann Smith, Chair, Human Rights Commission
Staff Contacts:	Charlene Green, Manager, Office of Human Rights
Title:	2015 Annual Report – Office of Human Rights

Background:

On May 20, 2013, City Council approved the Charlottesville Human Rights Ordinance which included responsibilities for an Office of Human Rights (OHR) and a Human Rights Commission (HRC). The overall focus of both the OHR and the HRC included;

- I. Systemic and Institutional Change that focused on addressing discrimination barriers in public institutions. The scope of this work could include but would not be limited to, soliciting community feedback by conducting focus groups on various topics, reviewing City policies for equity and possible changes and providing legislative recommendations for City Council.
- II. Service Coordination and Awareness that would be responsible for increasing the awareness and ease of accessing existing resources that address illegal discrimination. These resources would include preparing individuals for their appointments with the Equal Employment Opportunity Commission (EEOC), and making referrals to the Piedmont Housing Alliance and the Virginia Fair Housing office.
- III. Community Dialogue and Engagement that built on the success of the Dialogue on Race. The OHR and the HRC would engage Charlottesville residents in honest dialogue, community awareness and brainstorming on issues of equity and opportunity and potentially provide the systemic and institutional change group with recommendations for further study.
- IV. Investigation and Enforcement that addressed individual allegations of discrimination but also recognized the need to establish strong ties with support organizations in housing and employment due to the limitations of the enforcement in those two areas.

This report fulfills the requirement of providing City Council with an update on the activities of

2015 and the submission of the work plan for the Human Rights Commission for 2016.

Discussion:

The Human Rights Commission

Mission Statement:

“Promoting an inclusive, empowered, and diverse community through education, engagement, and enforcement of Charlottesville’s Human Rights Ordinance”

In an effort to provide better direction to the 2015 work plan of the HRC, standing committees were adopted. The committees also allowed different issues to be addressed by dedicated groups. Some of the committees followed the protected classes identified in the Human Rights Ordinance. There were two other committees that focused on engagement and administrative concerns of the commission. If an issue or concern was brought before the HRC by community members or if City departmental concerns required the HRC to review and research different issues, the standing committee best related to those items would make the initial inquiry to determine next steps. Those standing committees were:

1. **Administrative Matters Committee (AMC):** The AMC shall be responsible for developing and recommending all Commission operating rules and procedures and any amendments, meeting structure, officer election procedures, officer nominations, additional committee formation, and any training and education initiatives for the Commission.
2. **Disability, Age and Religious Discrimination Committee (DARDC):** The DARDC shall be responsible for advancing the goals of the Charlottesville Human Rights Commission and shall expressly be responsible for identifying and reviewing policies and practices of an institutional nature regarding discrimination within the City against the protected classes of disability, age, and religion. The committee shall also be responsible for development of legislative recommendations for City Council.
3. **Community Engagement Committee (CEC):** The CEC shall be responsible for developing and facilitating community dialogue and engagement pursuant to City Code Sec. 2-434. The CEC shall plan and provide assistance for ongoing community engagement, dialogue, and educational and informational programs on human rights and issues of equity and opportunity, including those raised by the City's Dialogue on Race Initiative.
4. **Race Discrimination Committee (RDC):** The RDC shall be responsible for advancing the goals of the Charlottesville Human Rights Commission and shall expressly be responsible for identifying and reviewing policies and practices of an institutional nature regarding discrimination within the City against the protected classes of race, color, and national origin. The committee shall also be responsible for development of legislative recommendations for City Council.

5. **Sex Discrimination Committee (SDC)**: The SDC shall be responsible for advancing the goals of the Charlottesville Human Rights Commission and shall expressly be responsible for identifying and reviewing policies and practices of an institutional nature regarding discrimination within the City against the protected classes of sex (including gender identity, transgender status, and sexual orientation), marital status, pregnancy, and childbirth and other related medical conditions. The committee shall also be responsible for development of legislative recommendations for City Council.

2015 HRC Work Plan Accomplishments

The Human Rights Commission 2015 Work Plan (Attachment A) was based on community input, including systemic concerns received during the first year of the commission's appointment, as well as Commissioner discussion about topics of local and national importance. The HRC voted to address some of the following issues:

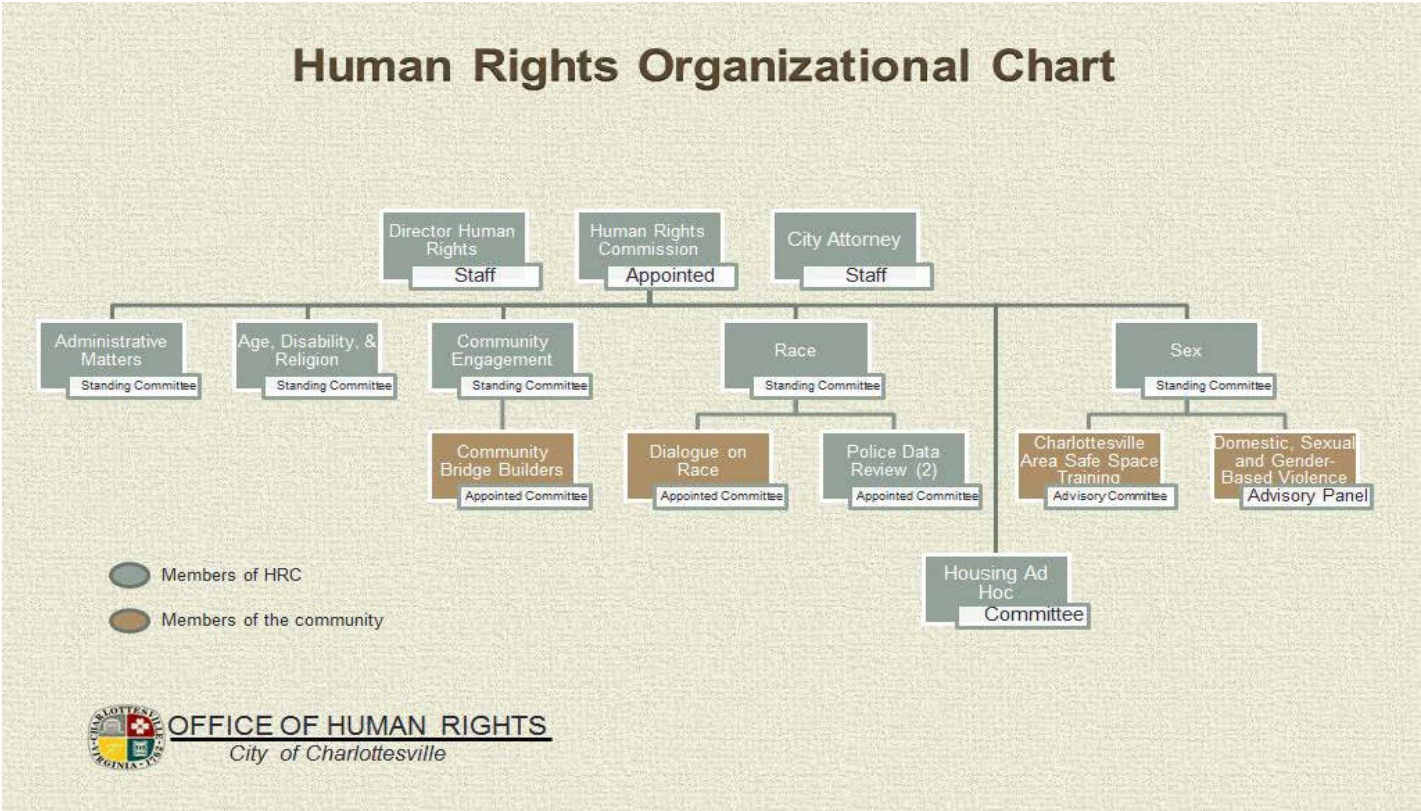
- Foster care and the Department of Social Services
- Expansion of the Disproportionate Minority Contact Task Force to address adult issues
- Sexual Violence
- Research and review age, disability and religious discrimination issues in Charlottesville
- Develop a relationship with the Charlottesville City Schools leadership
- Review the rules and guidelines document for amendments
- Host community meetings in targeted in communities
- Increase the HRC visibility

The Commission was very successful on most of the work plan priorities. For example, many discussions and meetings went into addressing the priorities that were the responsibility of the Race Discrimination Committee. Several of the committee members met with key figures such as Neal Goodloe who was responsible for writing a MacArthur Foundation Grant involving the adult DMC expansion. They also met with Diane Kuknyo, Director for the Charlottesville Department of Social Services and some of her staff to discuss foster care issues.

The Sex Discrimination Committee was able to create an advisory panel of professionals and community members from some of the most active organizations and offices in the area in order to identify where services were lacking for victims and advocates of sex and gender-based violence. Claire Kaplan of the University of Virginia Women's Center, Becky Weybright, Director of the Sexual Assault Resource Center, and Pat Smith, Executive Director of Offender Aid and Restoration were just a few of the people who are members of the advisory panel. The Community Engagement Committee assisted the Office of Human Rights Manager with outreach activities and with playing a big role in reestablishing the Drewary J. Brown Memorial Community Bridge Builder Award. Members of the Community Bridge Builder Selection Committee were approved by City Council. The few that were

not completed, such as the recommendations to City Council for the legislative packet to the Virginia General Assembly have been reevaluated to determine how best to create success with those priorities.

Using the 2015 Work Plan as a template for moving forward, the Human Rights Commissioners made some adjustments for their 2016 Work Plan (Attachment C). The new plan allowed for priorities that needed more follow-up to continue as a part of this year’s work. There was also the creation of an ad hoc housing committee to address housing discrimination concerns. And lastly, the HRC added more opportunities for community involvement through the creation of a Dialogue on Race committee.



2016 Organizational Chart

The Office of Human Rights

“Acting as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.”

The primary responsibilities of the Office of Human Rights are to: 1. Assist individuals who believe they have been victims of an unlawful act of discrimination as outlined in the Charlottesville Human Rights Ordinance; 2. Educate and engage community members in meetings, forums, and other activities that involve collaboration with different City departments and community organizations; and 3. Provide staff support for the Human Rights Commission. The goals identified for the Office of Human Rights for 2015 were the following:

- Maintain a customer friendly intake process
- Assist customers whose complaints do not fall within jurisdiction of Ordinance
- Create a trustworthy environment for customers
- Offer universal access to services and materials
- Win-win resolution of discrimination complaints
- Promote the visibility of the Office of Human Rights and the Human Rights Commission
- Increase the community understanding of what services the Office of Human Rights provides
- Support the Human Rights Commission with fulfilling the 2015 Work Plan

The OHR continued the collaborative relationships it developed in 2014. For example the Office worked with City department groups such as the Historic Resources Committee and the ADA Advisory Committee which allowed for expanded community outreach for the OHR and the HRC. The Police Department became a major partner in community activities during 2015. The focus on improving police and community relations created many opportunities for dialogue. The introduction of the “Rights and Responsibilities” booklet has been very successful locally and generated lots of interest from local governments in other cities in the United States. Outreach to the University of Virginia increased with requests for the Racial and Ethnic History of Charlottesville. The OHR also was visible at many of the local festivals and celebrations by providing information about the OHR services and the HRC with the brochures developed to educate the community.

Inquiries and Complaints

2015 gave the OHR the opportunity to fine tune the collection of data regarding contacts made by people seeking assistance with their concerns and/or questions. Those contacts occurred two different ways: by inquiry or complaint. When a person had a question about services, programs or procedures, the contact was logged as an inquiry. It was also logged as an inquiry if the individual wanted to file a complaint and their discrimination allegation occurred outside of the city limits. If a person felt she/he

experienced discrimination, wanted to take action and their situation fell within the limits of the Charlottesville Human Rights Ordinance, the contact was logged as a complaint. In the 2014 report to City Council, all contacts were logged as complaints and the total for that year was 107. The following is the breakdown of contacts with the OHR in 2015:

CONTACTS FOR 2015	NUMBER
INQUIRIES (includes calls, emails, walk-ins)	Over 700 (avg. 3/day)
COMPLAINTS (Charlottesville only)	32

Further breakdown of complaints by protected class and protected activity is in Attachment E.

Alignment with City Council’s Vision and Priority Areas:

Community of Mutual Respect

In all endeavors, the City of Charlottesville is committed to racial and cultural diversity, inclusion, racial reconciliation, economic justice, and equity. As a result, every citizen is respected. Interactions among city leaders, city employees and the public are respectful, unbiased, and without prejudice.

Budgetary Impact:

The Office of Human Rights is not making a budget request at this time.

Attachment:

- A. 2015 HRC Work Plan Review
- B. 2016 HRC Work Plan
- C. 2015 OHR Work Goals Review
- D. 2016 OHR Work Goals
- E. 2015 Inquiries and Complaints
- F. Community Engagement events and Partners

ATTACHMENT A

2015 HUMAN RIGHTS COMMISSION WORK PLAN REVIEW		
COMMITTEE	PRIORITY	OUTCOME
<p>Race Discrimination</p> <hr/> <p>Alignment with City of Charlottesville Goals & Objectives</p> <p>Goal 2 Be a safe, equitable, thriving and beautiful community</p> <p>Goal 5 Foster strong connections</p>	<p>We will:</p> <ul style="list-style-type: none"> • Look into the concerns voiced by people in different community meetings regarding treatment by the Dept. of Social Services (DSS) of lower wealth individuals who happen to be of color and in the foster care system • Support the community’s expressed desire to expand the DMC Task Force work to include the City’s adult population. The scope of the HRC involvement must be defined first 	<p>FOSTER CARE</p> <ul style="list-style-type: none"> • Met with, Director of City DSS; The Commissioners were briefed on a variety of federal and state assistance programs provided to low-income residents, as well as data regarding each program. The Commissioners were also provided data regarding the number of children residing in foster care or undergoing CPS investigations. (Data provided racial breakdown of children living in Charlottesville who are under DSS care via investigations, foster care, or adoption.) • Met with DSS Director and Family Services staff to discuss the CPS investigative and removal process. We continued to collect additional data regarding family preservation services, investigations, and removal. • Committee will continue to examine national level research and best practices to determine areas in which we may make meaningful recommendations. • The DSS Director expressed an interest in working with the HRC to improve community awareness of services and procedures • The Race Discrimination Committee (RDC) will continue to hear from community members regarding personal experiences in the foster care system <p>ADULT DMC</p> <ul style="list-style-type: none"> • Met with Neal Goodloe to discuss ways in which the HRC could work with various city and county entities to create a “DMC Task Force” to study and improve the Adult Justice System. • HRC provided a letter of support to Neal Goodloe for grant submitted to the McArthur Foundation. • Grant was not awarded to the City. The HRC and/or RDC will not move forward on this issue at this time due to the technical assistance needed to coordinate a project of this magnitude. We will continue to monitor and support the work of the local organizations seeking grant assistance to

ATTACHMENT A

		<p>begin this project in earnest.</p> <ul style="list-style-type: none"> • Participated in the two Police-Community Forums held to begin an open dialogue and improvements towards local police-community relations. • An HRC member will serve on a five-member panel to examine Charlottesville City Police Stop and Frisk data and narratives.
<p>Sex Discrimination</p> <hr/> <p>Alignment with City of Charlottesville Goals & Objectives</p> <p>Goal 1 Enhance the self-sufficiency of our residents</p> <p>Goal 2 Be a safe, equitable, thriving and beautiful community</p> <p>Goal 5 Foster strong connections</p>	<p>We will:</p> <ul style="list-style-type: none"> • Undertake the formation of a community-based Sexual Violence Task Force for the purposes of examining the issue of sexual violence in Charlottesville • Identify resource gaps for victims and their advocates • Review current official policies and practices and compare them to identified best practices • Report findings to City Council with recommendations for change 	<ul style="list-style-type: none"> • Researched information on sexual violence concerns and services available for victims and advocates. • Created the Domestic, Sexual, and Gender-based Violence Advisory Panel with professional and community members connected with different groups and organizations across the City of Charlottesville. Advisory Panel met twice. Did not identify resource gaps. • No recommendations yet for City Council. • Drafted a resolution to be given to City Council that seeks to increase awareness of needs.
<p>Disability, Age, Religious Discrimination</p> <hr/> <p>Alignment with City of Charlottesville Goals & Objectives</p> <p>Goal 1 Enhance the self-sufficiency of our residents</p> <p>Goal 2 Be a safe, equitable, thriving and beautiful community</p> <p>Goal 5 Foster strong connections</p>	<p>We will:</p> <ul style="list-style-type: none"> • Research and review issues related to Charlottesville residents affected by these protected classes 	<ul style="list-style-type: none"> • Committee was briefed by the ADA Compliance Administrator for the City on issues that primarily affected people with disabilities but there were also issues pertinent to senior citizens. • Attended the quarterly ADA Advisory Committee meetings. • Attended several meetings focused on senior citizen concerns regarding Universal Design language in rental and home-buying descriptions. • No issues regarding religious discrimination were brought before this committee.
<p>Administrative Matters</p> <hr/> <p>Alignment with City of Charlottesville Goals & Objectives</p>	<p>We will:</p> <ul style="list-style-type: none"> • Review the “Rules and Guidelines” for the HRC for accuracy and consistency • Address administrative issues in a timely manner as they occur 	<ul style="list-style-type: none"> • Made an amendment addressing telephonic participation in meetings • Amended Commissioners’ Meeting Responsibilities • Updated elections procedures

ATTACHMENT A

<p>Goal 4 Be a well-managed and successful organization</p>		
<p>Community Engagement</p> <hr/> <p>Alignment with City of Charlottesville Goals & Objectives</p> <p>Goal 1 Enhance the self-sufficiency of our residents</p> <p>Goal 2 Be a safe, equitable, thriving and beautiful community</p> <p>Goal 5 Foster strong connections</p>	<p>We will:</p> <ul style="list-style-type: none"> • Develop and nurture with leadership of Charlottesville City Schools • Hold regularly scheduled meetings in targeted communities • Support the OHR in the on-going Dialogue on Race related community forums and discussions • Support the formation of action teams that may develop from the forums and/or discussions 	<ul style="list-style-type: none"> • Created a FACEBOOOK page • Created a brochure describing the HRC and their role and responsibilities • Attended numerous community meetings • Re-established the Community Bridge Builders program • Assisted with the Community and Police forums • Assisted with informational tables at different community events
<p>HR Commissioner Priorities</p> <hr/> <p>Alignment with City of Charlottesville Goals & Objectives</p> <p>Goal 1 Enhance the self-sufficiency of our residents</p> <p>Goal 2 Be a safe, equitable, thriving and beautiful community</p> <p>Goal 4 Be a well-managed and successful organization</p> <p>Goal 5 Foster strong connections</p>	<p>We will:</p> <ul style="list-style-type: none"> • Make recommendations to City Council regarding programming and policies that address discrimination • Develop and deliver recommendations regarding the City's Annual legislative packet to the Virginia General Assembly • Clarify HRC role and responsibilities • Strengthen the subcommittees • Increase the HRC visibility • Increase the HRC awareness of the full spectrum of human rights issues • Have a better understanding of the intake/complaint process 	<ul style="list-style-type: none"> • Had many process discussions with the assistance of the HRC Director and the City Attorney regarding HRC roles and responsibilities • Commission members made it a priority to attend different community meetings and wore their HRC name tags for increased visibility • The Director responded to requests from the Commissioners to improve clarification of what the monthly complaint report represented • Some Commissioners were able to attend sessions designed for training on different human rights issues • Held one complaint decision review as a full commission

ATTACHMENT B

2016 HUMAN RIGHTS COMMISSION WORK PLAN	
COMMITTEE	PRIORITY
<p><u>Race Discrimination</u> Alignment with City of Charlottesville Goals & Objectives Goals 2 and 5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Examine City policies for inequities based on race, skin color or national origin • Foster care follow-up • Police data review
<p><u>Sex Discrimination</u> Alignment with City of Charlottesville Goals & Objectives Goals 1,2, and 5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Examine City policies for inequities based on sex, gender identity or transgender status • Work with the Domestic, Sexual, and Gender-based Violence Advisory Panel • Collaborate with the Charlottesville Albemarle Safe Space Training Coalition
<p><u>Disability, Age, Religious Discrimination</u> Alignment with City of Charlottesville Goals & Objectives Goals 1, 2, and 5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Examine City policies for inequities based on age, disability, or religious/non-religious beliefs • Continue to participate in the Charlottesville ADA Advisory Board • Reach out to the faith-based community • Reach out to the senior citizen population of Charlottesville
<p><u>Administrative Matters</u> Alignment with City of Charlottesville Goals & Objectives Goal 4</p>	<p>We will:</p> <ul style="list-style-type: none"> • Review the “Rules and Guidelines” for the HRC for accuracy and consistency • Make necessary amendments to ensure a smooth and efficient commission
<p><u>Community Engagement</u> Alignment with City of Charlottesville Goals & Objectives Goals 1, 2, and 5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Assist in refining the Community Bridge Builders mission, selection criteria, and promotion to expand community involvement • Implement outreach plan of community engagement in collaboration with other city and community groups
<p><u>HR Commissioner Priorities</u> Alignment with City of Charlottesville Goals & Objectives Goals 1-5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Increase visibility • Strengthen subcommittees • Review HRC work in a timely manner in order to submit recommendations to City Council for policy or program considerations
<p><u>Housing Ad Hoc</u> Alignment with City of Charlottesville Goals & Objectives Goals 1-5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Research and determine need of a social impact tool • Review housing survey to assist with understanding the community needs and concerns • Review Housing Advisory Committee by City Council

ATTACHMENT C

2015 OFFICE OF HUMAN RIGHTS GOALS/OUTCOME REVIEW		
	GOALS	OUTCOME
1.	Maintain a customer friendly intake process	Human Rights Manager was available the majority of the time there were walk-ins or phone calls to the office. There were no more than 8 calls/walk-ins received in the City Manager's office due to lack of staff presence in the Human Rights office. Anyone who needed materials (brochures, complaint form, or flyers) could access them from the OHR or in the City Manager's Office.
2.	Assist customers whose complaints do not fall within jurisdiction of Ordinance	For those customers whose complaint or inquiry did not fall within the jurisdiction of the Charlottesville Human Rights Ordinance, they were referred to the agency closest to their area that was most able to assist them.
3.	Create a trustworthy environment for customers	All customers with a possible complaint were told their interaction with the Office of Human Rights was confidential. Anyone who contacted (email phone call, walk-in) the Office of Human Rights was provided a response to their questions for assistance.
4.	Offer universal access to services and materials	Physical and language barriers were addressed by making access to OHR materials and meetings as accessible as possible. Material has been translated into Spanish; childcare was available at meetings and community forums when requested; materials have been distributed to agencies and organizations who requested them; and meetings and forums were held in places that were accessible.
5.	Win-win resolution of discrimination complaints	No one requested to use the mediation services that were available as part of a conciliation option for a complaint. Customers were made aware of mediation as an option during intake.
6.	Promote the visibility of the Office of Human Rights and the Human Rights Commission	The Office of Human Rights and the Human Rights Commission reached out to targeted communities for its events and services (see Attachment F). The outreach was either through marketing or with programming and collaborative events.
7.	Increase the understanding of what services the Office of Human Rights provides	Created web information for different events and meetings; reached out to targeted groups for specialized discussions; met with service providers who do similar work as the OHR;
8.	Support the Human Rights Commission with fulfilling the 2015 Work Plan.	The Director of the Human Rights Commission organized each monthly meeting; assisted with each standing committee meeting and the work developed in those meetings; worked with the Chair to plan the retreat and monthly meeting agendas; helped in the development of the 2015 Work Plan; and helped carry out the activities of the work plan.

ATTACHMENT D

2016 HUMAN RIGHTS COMMISSION WORK GOALS			
	<i>GOAL</i>	<i>OBJECTIVES</i>	<i>OUTCOME MEASURES</i>
1.	Review and maintain a customer friendly intake process	1.1 Be accessible with regular office hours 1.2 Provide follow-up within 24-48 period with ALL contacts	<ul style="list-style-type: none"> • Track times office is not staffed • Log all contacts
2.	Assist customers whose complaints do not fall within the jurisdiction of the ordinance	2.1 Serve as a referral source for individuals whose complaints or inquiries don't match available services through the OHR	<ul style="list-style-type: none"> • Log all contacts • Maintain a reference library of human rights resources in the surrounding area
3.	Create a method of reporting complaints and inquiries that allows easier access for community members	3.1 Use intake form as template for data to collect	<ul style="list-style-type: none"> • Create spread sheet
4.	Create and schedule professional development opportunities for staff and HRC members	4.1 Locate or develop classes or workshops that	<ul style="list-style-type: none"> • 3-4 skill or knowledge options for the HRC members • 2-3 professional development workshops for staff
5.	Promote visibility of the Office of Human Rights and Human Rights Commission	5.1 Expand on 2015 marketing plan	<ul style="list-style-type: none"> • Survey community members with evaluations; make informal inquiries
6.	Engage people in activities that promote a "community of mutual respect " and continues the work of the Dialogue on Race	6.1 Develop opportunities for discussion and action related to human rights issues using the format of the Dialogue on Race that promotes on-going and sustainable work	<ul style="list-style-type: none"> • Keep track of number of people who attend different events/activities
7.	Provide support for the Human Rights Commission and their responsibilities in fulfilling the ordinance and yearly work plan	7.1 Meet with members through subcommittee work	<ul style="list-style-type: none"> • Survey HRC members on quality of support from the OHR staff

ATTACHMENT E

2015 Inquiries and Complaints Data

PROTECTED ACTIVITY	NUMBER
Employment	26
Housing	6
Public Accommodation	15
Credit	0
Private Education	0
Did not list/would not say	5
TOTAL # OF COMPLAINTS	52

PROTECTED CLASS	NUMBER
Race/skin color	22
Sex	6
Age	3
Disability	5
Religion	1
National Origin	5
Marital Status	0
Pregnancy/Childbirth	0
Did not indicated	14
Other (Criminal history)	1
TOTAL # OF COMPLAINTS	57

LOCATION	NUMBER
Charlottesville	32
Albemarle	12
Other	8
TOTAL # OF COMPLAINTS	52

CONTACTS FOR 2015	NUMBER
INQUIRIES (includes calls, emails, walk-ins)	Over 700 (avg. 3/day)
COMPLAINTS (Charlottesville only)	32

ATTACHMENT F

Community Engagement, Dialogue, and Collaboration opportunities

Group	Relationship
City of Charlottesville departments	
Neighborhood Development Services	Collaborate with Historic Resources Committee on different projects; participate in quarterly Americans with Disabilities Act Advisory Committee
Police Department	Collaborate on police/community forums; provide informational sessions to community groups about Police Interaction booklet; participate on Police Citizens Advisory Panel
Department of Social Services	Professional development
Community Attention	Professional development
All employees	Racial and Ethnic History presentation
Community	
Mary Williams Center – JABA	Various presentations related to OHR work
Various faith-based groups	Presentations related to OHR work
Piedmont Housing Alliance	Collaborate on housing rights presentations and Fair Housing month activities; refer housing discrimination complaints
Legal Aid Justice Center	Collaborate on housing rights presentations
Central Virginia Legal Aid Society	Collaborate on housing rights presentations
Equal Employment Opportunity Commission	Refer employment discrimination complaints
Albemarle/Charlottesville Reentry Council	Collaborated on “Homecoming Guide” update; participate on council
Women’s Initiative	Professional development
Charlottesville Redevelopment and Housing Auth.	Participate on CRHA Residents Advisory Committee
Women’s Bar Association	Presentation
Leadership Charlottesville	Presentation
GRACE Task Force	Participate on task force
DMC Task Force	Participate on task force
Jefferson Madison Regional Library	Collaborate on social justice film series
Center for Peace and Justice	Presentation
Preservers of the Daughters of Zion Cemetery	Facilitated its founding; participate in regular meetings
Virginia Association for Human Rights	Member of state association; participate in planning of annual meeting; engage in state-wide activities regarding human and civil rights
Everyday Democracy	Participate in grant-affiliated assessment of cities in race-related social justice work
Student groups	
City of Promise	Office of Human Rights presentation
Mountaintop Montessori	Student dialogue on human and civil rights
Wilson Memorial High School	Student dialogue on human and civil rights
Richmond Organization for Sexual Minority Youth	Student dialogue on human and civil rights
Buford Middle School	Student dialogue on human and civil rights

ATTACHMENT F

St. Anne's Belfield	Student dialogue on interacting with police
City of Charlottesville Adult Education classes	Dialogue on human and civil rights
City of Charlottesville Youth Council	Attend youth council meetings; collaborate on human rights activities for peers
UVA School of Nursing Community Nursing class	Racial and Ethnic History presentation
UVA School of Nursing faculty	Racial and Ethnic History presentation
UVA Batten School of Leadership and Public Policy	Racial and Ethnic History presentation
UVA course: HUIS Race and Repair	Co-instructor for 2015 spring semester
UVA Interdisciplinary Studies program	Racial and Ethnic History presentation
Piedmont Virginia Community College	Guest lecturer, Sport and Society
One-time Special Events	
Gregory Swanson Legacy	Committee participant
Black History Month: A Tribute to Edward Jackson	Participated on the community planning committee
Veteran's Day: Blacks in the Military	Collaborated with community planning committee
"I'm Not Racist...Am I?" film follow up	Engaged community in follow up dialogue to film
Festivals/Celebrations	
MLK/UVA-Community Celebration	Participate on planning committee
Festival of Cultures	Information table
Day Soiree	Information table
African American Cultural Arts Festival	Planning committee; information table
West Haven Community Day	Information table
Cville Sabrosa	Information table
Cville Pride	Information table
Juneteenth	Information table; presentation
Back to School Bash	Information table
Las Posadas	Information table
Best of Both Worlds Dance/Step Competition	Information table; engage youth in between acts with questions on human and civil rights

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**FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

Brooks Family YMCA
Report to the
Charlottesville City Council
August 5, 2016

Since our last report in March, 2016 the project has recovered the time lost during the winter months and is on schedule for the originally planned May 1, 2017 substantial completion. We continue to average 50 construction workers on site each day. The following is a snap shot of the major activities:

- Concrete foundations and walls have been completed
- Masonry firewalls, elevator shafts and foundations have been completed
- Retaining wall waterproofing and backfill has been completed
- Underground plumbing and electrical rough-in in the center core and gymnasium is complete
- Slab on grade in the center core and gymnasium has been placed
- Structural steel erection is complete
- Slab on metal deck for the upper levels has been placed
- Roofing installation has started with the gymnasium wing substantially dried in
- Exterior and interior masonry walls are underway
- Exterior steel stud framing and sheathing is nearing completion
- Interior steel stud framing is 80% to complete
- Underground piping for the pools has been installed, the pools have been excavated and the concrete slab for the bottom of both pools has been placed. Pools walls are being formed.
- Major mechanical equipment and roof top equipment has been delivered and set
- Ductwork, electrical rough-in and sprinkler protection system installations are well underway

In the next 60 to 90 days we expect:

- Exterior and interior masonry will be nearing completion
- Exterior skin materials and glass will be nearing completion
- Roof installation will be complete to the point the building will be substantially “dried-in”
- Interior partition drywall installation will be in progress
- Pool construction will be complete with the exception of final plastering and filling with water
- Mechanical, electrical, plumbing and sprinkler rough-ins will be substantially complete
- Sitework and utilities will be well underway

Aerial photographs taken from ground breaking through July 2016 are included with this report to help Council visualize the progress made. Each day brings noticeable new work in place.

Construction progress versus the approved CPM schedule continues to be closely monitored. As indicated above, the contractor has recovered the 2 weeks they were behind as of our last report and is back on schedule.

Utility entrances are being coordinated with Public Works, Charlottesville Gas, Dominion Power, Century Link, Comcast and Ting. Easements for Dominion Power have been submitted to Council for approval.

PIEDMONT FAMILY YMCA

233 4th Street NW, Suite Y Charlottesville VA 22903
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Planning of the owner furnished FF&E and building systems (security, IT, etc) is keeping up with construction so it is coordinated with the contractor's work. Fitness equipment has been selected and layouts finalized. The YMCA will start making purchase commitments in the next 90 days.

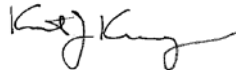
The project remains on budget with sufficient contingencies to complete the project. Currently the project contingency is 99.33% of its original value at the start of construction.

Regular meetings of the project team and the YMCA Facilities Committee are being held to provide the oversight and controls needed to ensure a successful project, with special meetings of the Facilities Committee scheduled when critical decisions are needed to keep the project on track.

Report submitted by:



Jessica Maslaney
CEO
Piedmont Family YMCA



Kurt Krueger
Board Chair
Piedmont Family YMCA



Jay Kessler
Owner's Representative
Piedmont Family YMCA



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