



CITY COUNCIL AGENDA
Monday, December 19, 2016

5:30 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code

Second Floor Conference Room

(Acquisition of real property along Moore's Creek east of Avon Street, for public trail purposes;
Consideration of specific individuals for appointment to boards and commissions.)

7:00 p.m.

Regular Meeting - CALL TO ORDER

Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

MATTERS BY THE PUBLIC

Public comment is provided for up to 12 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 9 of these spaces and are published by noon the day of the meeting. An unlimited number of spaces is available at the end of the meeting.

1. CONSENT AGENDA*

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

- a. Minutes for December 5
- b. APPROPRIATION:
- c. APPROPRIATION:
- d. RESOLUTION:
- e. RESOLUTION:
- f. RESOLUTION:
- g. ORDINANCE:
- h. ORDINANCE:

FY2016 Year-End Appropriation (2nd of 2 readings)
\$664,776.63 to the Charlottesville Affordable Housing Fund (2nd of 2 readings)
Meeting Procedures Amendment (1st of 1 reading)
Request For Proposal: Form-based Code (1st of 1 reading)
Ragged Mountain Natural Area Bike Trail Map (1st of 1 reading)
West Main Street Density Amendment (2nd of 2 readings)
Water Street Corridor Zoning Ordinance Amendment (2nd of 2 readings)

**2. PUBLIC HEARING /
ORDINANCE***

Conveyance of Rougemont (1st of 2 readings) – 15 min

3. RESOLUTION*

Deer Management (1st of 1 reading) – 30 min

4. ORDINANCE*

Ragged Mountain Natural Area Rules of Use (2nd of 2 readings) – 15 min

5. REPORT

Blue Ribbon Commission Final Report – 60 min

6. REPORT

Region 10 / Mohr Center Proposed Changes – 10 mins

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:	December 5, 2016.
Action Required:	Council Appropriations.
Presenter:	Christopher Cullinan, Director of Finance.
Staff Contacts:	Christopher Cullinan, Director of Finance. Leslie Beauregard, Assistant City Manager.
Title:	Year End Adjustments- F.Y. 2016 and General Fund Balance Transfer.

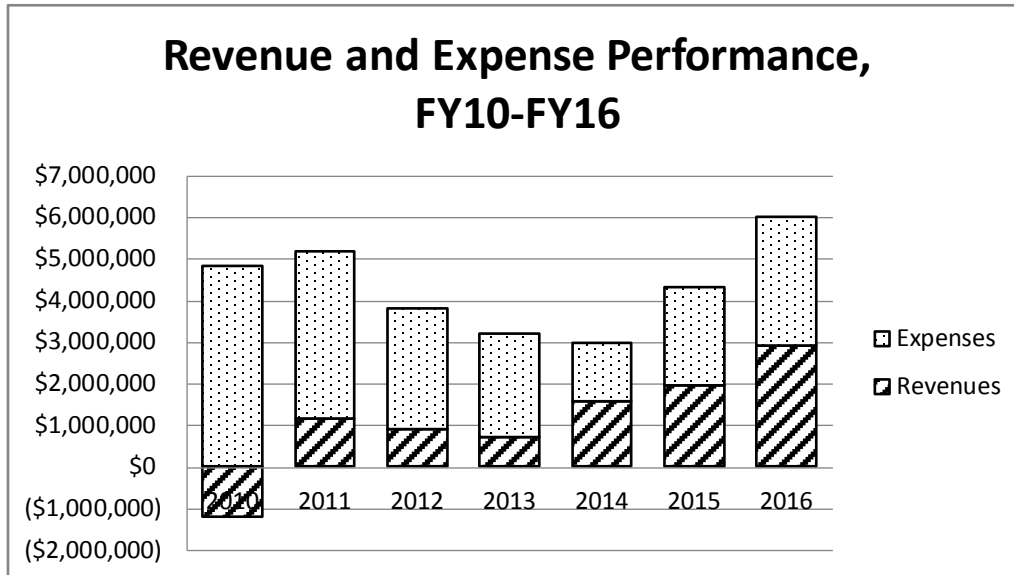
Background:

After the annual financial records audit, City management makes recommendations for one-time appropriations and transfers to other funds, depending on the funds available after closing the fiscal year.

Discussion:

For the fiscal year ending June 30, 2016 (fiscal year 2016), the City's General Fund ended with a positive surplus of \$5,995,549 or 3.8% within budget. Revenues performed better than expected while City departments spent less than budgeted. This result is consistent with the City's recent financial performance:

Fiscal Year	Revenues Over/(Under) Budget	Expenses Over/(Under) Budget	Balance Surplus/(Deficit)
2010	(\$1,215,660)	\$4,829,993	\$3,614,333
2011	\$1,155,727	\$4,038,399	\$5,194,126
2012	\$891,240	\$2,903,832	\$3,795,072
2013	\$691,027	\$2,506,046	\$3,197,073
2014	\$1,566,171	\$1,419,986	\$2,986,157
2015	\$1,962,858	\$2,353,748	\$4,316,606
2016	\$2,924,529	\$3,071,020	\$5,995,549



A detailed discussion of revenue and expenditures performance is listed below.

Revenues

The fiscal year 2016 actual revenues were \$2,924,529 over budget or 1.87% over the adopted budget. Significant revenue budget variances were as follows:

- **Meals Tax** was over budget by \$609,292. This revenue source continues to show strong growth.

Note: the F.Y. 16 performance of the Meal Tax is not attributable to City Council raising the rate from 4% to 5% as the increase was built into the original budget projection.

As part of the adoption of the F.Y. 16 budget, City Council directed the City Manager to “report to City Council the total amount of meals tax revenue received by the City for the period from July 1, 2015 through June 30, 2016, and the average annual amount of meals tax revenue received by the City for the three fiscal years immediately prior to July 1, 2015. If the amount of the fiscal year 2016 meals tax revenue is at least ten (10) percent less than the prior three year average, on a rate-adjusted basis, the City Manager’s report shall also include an analysis of the factors that may be responsible for the decline in meals tax revenue. If City Council finds that the decline in revenue is attributable to the one (1) percent increase in the meals tax, which became effective July 1, 2015, City Council shall take the

necessary actions to repeal the one (1) percent increase, effective at midnight, June 30, 2017.”

As shown below, the meals tax, on a rate-adjusted basis, has increased over the past three fiscal years:

Fiscal Year	Meals Tax Revenue Received (Actuals)	Meals Tax Rate (%)	Meals Tax Revenue Received on Rate Adjusted Basis	\$ Change Meals Tax Revenue on Rate Adjusted Basis	% Change Meals Tax Revenue on Rate Adjusted Basis
2013	\$8,103,257	4	\$2,025,814	n/a	n/a
2014	\$8,156,709	4	\$2,039,177	\$13,363	0.66%
2015	\$8,703,398	4	\$2,175,850	\$136,672	6.70%
2016	\$11,320,042	5	\$2,264,008	\$88,159	4.05%

- **Real Estate Tax** was \$623,395 over budget due to assessed and/or new construction values that were higher than originally budgeted.
- **Personal Property Taxes** were \$617,190 over budget primarily due to overall growth being more than anticipated. There has been increases in the total number of vehicles and new purchases.
- **Lodging Taxes** were \$578,656 over budget due to more rooms being constructed and higher room rates and occupancy levels.

The City of Charlottesville has a revenue forecasting team that consists of members from Budget, Finance, Treasurer, Commissioner of Revenue, and Economic Development. This team meets on a regular basis to review budget versus actual revenue during the year. The team also monitors and tracks trends to keep management informed as revenue forecasts change.

Expenditures:

Expenditures were under budget by \$3,071,020 or 1.96% of the adopted budget. Significant budget savings were as follows:

- **Children’s Services Act Local Match** was under budget by \$495,087. Similar to last year, this was the result of fewer children in foster care and fewer foster care children in congregate care.
- **The Charlottesville Albemarle Joint Security Complex** was \$180,546 under budget. The regional jail had a net income surplus for FY16 which was primarily the result of vacancy savings, two additional unbudgeted officer positions funded by the state and state per diem payments that came in higher than anticipated. The City’s share of the net income was 39.4%.
- **Commonwealth Attorney** was under budget by \$304,719 due to position vacancies.

- **Parks and Recreation** was under budget by \$471,540 due a variety of factors. Full-time salary and benefit savings were realized in the Aquatics and Athletic cost centers due to a number of position vacancies throughout the year. Smith Aquatic Center was closed in February due to mechanical and maintenance issues and the summer was cooler than expected at the outdoor pools minimizing the need to be fully staffed with lifeguards.
- **Parking Enterprise funds** were appropriated by Council on June 20, 2016 to start a parking operations fund. As of June 30th, \$500,000 remained unspent and will be carried over and used in FY17.
- **Social Services local matching funds** required were \$463,950 less than the amount budgeted largely because of position vacancies within the Social Services department. In FY16 the department had 26 vacancies due to promotion, resignation or retirement.
- **Citywide Departmental Budget Savings.** City departments continue to do a very good job of monitoring their budgets which resulted in expenditures less than budget. Savings resulted from vacancies, efficiencies, and staff's constant due diligence with city tax dollars. We will be asking City Council to use some of these savings to fund items listed on the resolution and detailed in the attached memo.

Resolution/Carryover Request:

The resolution recommends that \$2,077,326 be approved and carried over in the Fiscal Year 2017 budget.

Attached is Exhibit I which provides a summary of appropriations requested. There is a balance of \$3,918,233 after the recommendations, which the City Manager recommends be placed in the Capital Improvement Program Fund for future programming.

Community Engagement:

A public hearing will be held to discuss these year-end results and accompanying appropriation of carryover funds.

Budgetary Impact:

Policy Recommendation for Fund Balance Excess

- The remaining \$3,918,223 is recommended to be transferred to the Capital Improvement Fund contingency for future capital needs.

This recommendation is in accordance with our financial policy and allows the City to contribute more towards a “pay as you go” (PAYGO i.e. cash) C.I.P. versus issuing bonds. This is something the bond rating agencies track closely and consider a good financial management practice. Exhibit I also contains a summary of revenues and expenses to budget for F.Y. 10 to F.Y. 15.

Alignment with Council Vision Areas and Strategic Plan:

This resolution serves to close out and summarize the financial results of fiscal year 2016 and as such aligns with Goal 4 of the Strategic Plan, to be a well-managed and successful organization.

Recommendation:

Staff recommends that Council approve the attached resolution.

Alternatives:

Amend the Recommendations.

Attachments:

1. Memo- End of Year Adjustments/Exhibit I.
2. FY 2016 Year End Appropriation.

**City of Charlottesville.
MEMO.**



To: Members of City Council.
From: Christopher Cullinan, Director of Finance.
Leslie Beauregard, Assistant City Manager.
Date: December 5, 2016.
Subject: **F.Y. 2016 End of Year Adjustments.**

In order to close the City's financial records for F.Y. 16 and to finalize the City's annual financial report, we would like to request that Council approve the attached resolution to adjust certain accounts. This is a normal procedure that takes place each year.

Provided below is a brief description of the items contained in the various sections of the appropriation:

- Section I - General Fund.
- Section II - Capital Projects Fund.
- Section III – Equipment Replacement Fund.
- Section IV - Facilities Repair Fund.
- Section V - Grants Funds.
- Section VI – Utility Funds.
- Section VII – Transit Fund.
- Section VIII – Information Technology Fund.
- Section IX – School Gainsharing.

Included are names of the department or program, the amount of the adjustment and a brief discussion of the reason(s) for the appropriation.

I. General Fund.

(a) Departmental Appropriations – Section 1 (a).

The following appropriations are requests for carryovers of unspent funds and new requests not previously appropriated.

- Treasurer - \$18,000.
These funds will be used to replace the security cameras to fully cover the lobby, entrance points, all cash handling areas in the Treasurer's office and the Utility Billing office customer service desk.

- Finance/Assessor - \$8,316.
These unspent funds will be used as a one-time expenditure to purchase two CoStar Program licenses. This software provides access to a proprietary data base of real-time commercial real estate transaction data that can be used to more accurately appraise commercial and industrial property values.
- Voter Registrar - \$17,127.
These carryover funds will be used to upgrade office security cameras and purchase additional workroom storage furniture.
- Neighborhood Development Services - \$340,000.
These funds will be used to fund temporary staff costs and an on-call engineering contractor to help with the additional work necessary to implement the three Smart Scale (HB2) projects approved by VDOT (Fontaine Avenue Streetscape, East High, Lexington Avenue/9th Street Intersection and Emmet Street Streetscape - \$140,000) and \$200,000 will be used to facilitate a review and revision of the City's Standard and Design Manual. The appropriation of funds for the Standard and Design Manual will be considered a continuing appropriation and will not expire unless further altered by Council.
- Police - \$240,575.
These unspent funds will be used to pay-off a vehicle replacement loan (\$76,075), to replace two trail bikes (\$10,000), to add security gate for the garage (\$25,000), officer protective equipment (\$64,500) and to replace fleet cameras (\$65,000).
- Parks and Recreation - \$17,500.
These funds will be used to pay the excess costs for the lease on the parking lot used for the current market location that are not in the current operational budget for FY17.
- Blue Ribbon Commission on Race, Memorials and Public Spaces - \$500,000.
This funding could assist in the implementation of Council approved recommendations coming out of the Blue Ribbon Commission on Race, Memorials and Public Spaces. This appropriation will be considered continuing and will not expire unless further altered by Council.

- Art in Place - \$27,500.
These carryover funds will be used to pay for an FY16 contract invoice that was not billed or received until FY17.
- Citywide Reserve - \$148,750.
These funds will be appropriated and available for the City Manager to use to cover unexpected costs that may occur during the year.
- Compensation Study Implementation and Pay Adjustments - \$289,000.
In 2015, the City engaged in a compensation study that surveyed and compared the salaries of various positions in the City and benchmarked them with other localities around the state. A similar study was performed in 2012 and pay adjustments were made as part of the FY 12 budget. These funds will be used to fund salary increases for the remainder of FY17 to the positions that were found to be below market. The majority of the positions affected are public safety. Budget staff will include the adjusted salary levels as part of the FY 2018 budget proposals going forward.
- Community Outreach and Engagement - \$8,376.
These unspent carryover funds will be used to fund the expenses related to community outreach and engagement events such as the town hall meetings. This appropriation and future appropriations for this purpose will be considered continuing and will not expire unless further altered by Council.

(b) Additional Transfers and Appropriations – Section 1(b).

The following appropriations are requests for transfers from the General Fund to other funds.

- Transfer to Transit - \$167,632.
\$27,032 of these funds were received as proceeds from a sale of buses originally purchased with Federal Transit Administration (FTA) funds. FTA instructs that if these funds are to be kept, they must be spent on similar items. Transit will use these funds to help supplement funding for future bus purchases. \$50,000 will be used to purchase a diesel filter cleaning system, \$9,600 will be used to purchase a heavy duty wheel balancer, \$54,000 will be used to purchase two Cummins replacement engines as inventory to ensure continuity of service should a bus engine fail, and \$50,000

in unspent carryover funds will be used to make improvements to the pedestrian crossing on Water Street at the Downtown Station.

- **Transfer to Information Technology Fund - \$153,000.**
The funds will be used to reimburse the computer replacement account for unanticipated Mobile Data Computer replacements that were required due to technical requirements of the new Emergency Communications Center computer aided dispatch system.
- **Transfer to Equipment Replacement Fund - \$25,766.**
The sum of \$25,766 received as a transfer from the General Fund shall be appropriated into the equipment replacement reserve account to be used for future equipment replacement purchases.
- **Transfer to Golf Course - \$115,784.**
These funds will be used to help offset the negative fund balance in the City's Golf Fund.
- **Transfer to Capital Projects Fund - \$3,918,223.**
These funds will be transferred to the C.I.P. Contingency fund per the City's financial policy.

II. Capital Projects Fund - \$100,000.

- The sum of \$100,000 received from the schools as F.Y.16 gainsharing funds are appropriated to the Schools Lump Sum project account (SH-017, P-00923).

III. Equipment Replacement Fund - \$25,766.

- The sum of \$25,766 received as a transfer from the General Fund shall be appropriated into the equipment replacement reserve account to be used for future equipment replacement purchases (1631001001).

IV. Facilities Repair Fund - \$46,505.

- **Courthouse Maintenance (P-00099) - \$20,859** - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.
- **Courthouse Construction (P-00783) - \$25,646** – These unspent restricted court fees will be used for future renovations or construction

projects relating to the courts and will be carried over in the Facilities Repair Fund.

V. Grants Fund - \$31,021.

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

- \$1,021 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).
- \$12,500 – these funds will be used for Crisis Intervention Training mentoring grant from the Virginia Department of Behavioral Health and Development Services (1900225).
- \$6,500 – these funds will be used for Crisis Intervention Training mentoring grant from the Department of Criminal Justice System (1900226).
- \$11,000 the funds will be used for the operations of the Crisis Intervention Training Program (3101003000).

VI. Utility Funds - \$159,250.

- Utility Billing - \$15,000 these funds will be used to help fund a cost of service study for water and wastewater.
- Gas Fund - \$144,250, these unspent carryover funds will be used to fund the cost of a replacing a steel pipe with a factory defect that was discovered during an inspection performed as part of the Route 29N construction project.

VII. Transit - \$190,632.

These funds were received as a transfer from the General Fund and will be used in the following manner:

- \$27,032 will be used to help supplement funding for future bus purchases (2804001000).
- \$50,000 will be used to purchase a diesel filter cleaning system (2804001000).
- \$9,600 will be used to purchase a heavy duty wheel balancer (2804001000).
- \$54,000 will be used to purchase two Cummins replacement engines (2804001000).
- \$50,000 will be used to make improvements to the pedestrian crossing on Water Street at the Downtown Station (2804001000).

VIII. Information Technology Fund - \$153,000.

The funds will be used to reimburse the computer replacement account for unanticipated Mobile Data Computer replacements that were required due to technical requirements of the new Emergency Communications Center computer aided dispatch system (2131001000).

IX. Schools Gainsharing - \$100,000.

In 1998, the School Board and City Council entered into a gainsharing agreement. This agreement mandates that the first \$100,000 to go to facilities for School Capital Improvement Projects, the next \$100,000 is retained by the Schools in the General Fund and then any amount over \$200,000 will be shared equally (50/50) between the School Board and the City. According to the formula \$100,000 will be contributed to the City's School Lump Sum Project Fund.

Cc: Craig Brown, City Attorney.

Exhibit 1

Fiscal year End 2016

Revenue over Budget	2,924,529
Expenditures under Budget	3,071,020
Balance under Budget	5,995,549

RECOMMENDED APPROPRIATIONS

Treasurer - Security Cameras	18,000
Finance/Assesor - Co-Star Program License	8,316
Voter Registrar - Security Cameras and additional storage furniture	17,127
NDS - Temporary Labor HB2 project coordination and on-call engineering	140,000
NDS - Review and Development of the Standard and Design Manual	200,000
Police - Equipment Replacement Loan Payoff	76,075
Police - Trail Bikes	10,000
Police - Parking Garage Security Gate	25,000
Police - Protective Equipment	64,500
Police - Fleet Camera Replacements	65,000
Transfer to Equipment Replacement Reserve	25,766
Parks and Rec - City Market rent difference for current location	17,500
Blue Ribbon Commission on Race, Memorials and Public Spaces	500,000
Art in Place - unbilled FY16 contract invoice	27,500
Citywide Reserve	148,750
Compensation Study Implementation and Pay Adjustments	289,000
Transfer to IT - Police Mobile Data Computer replacements	153,000
Transfer to Transit - Equipment and Pedestrian Improvements	167,632
Community Outreach (Town Hall Meetings, etc.)	8,376
Transfer to the Golf Fund	115,784

(2,077,326)

Surplus Fiscal Year End 2016 **\$ 3,918,223**

Transfer to CIP **\$ (3,918,223)**

Remaining Surplus 0.00

Summary of Prior Year Results

	Revenue	Expenses	Balance Under Budget
Year ended June 30, 2015	\$ 1,962,858	\$ 2,353,748	\$ 4,316,606
Year ended June 30, 2014	1,566,171	1,419,986	2,986,157
Year ended June 30, 2013	691,027	2,506,046	3,197,073
Year ended June 30, 2012	891,240	2,903,832	3,795,072
Year ended June 30, 2011	1,155,727	4,038,399	5,194,126
Year ended June 30, 2010	(1,215,660)	4,829,993	3,614,333

FY 2016 Year End Appropriation

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the actions hereinafter set forth are herein authorized with respect to the accounts of the City listed herein, for the fiscal year ended June 30, 2016. The memo to Council dated December 5, 2016 is hereby made part of this appropriation.

I. General Fund (105).

(a) Departmental Appropriations.

The following amounts shall be permitted to be carried over and expended in the General Fund's respective cost centers or internal orders in the following fiscal year:

1901001000. Treasurer.	\$ 18,000.
2041001000. Finance/Assessor.	\$ 8,316.
2301001000. Voter Registrar.	\$ 17,127.
3901001000. Neighborhood Development Services.	\$ 340,000.
3101001000. Police Department	\$ 240,575.
3691001000. Parks and Recreation – City Market.	\$ 17,500.
2000135. Blue Ribbon Commission on Race,. Memorials and Public Spaces.	\$ 500,000.
9753005000. Art in Place.	\$ 27,500.
1631001000. Citywide Reserve.	\$ 148,750.
2213001000. Compensation Study Implementation. and Pay Adjustments	\$ 289,000.
2000122. Community Outreach and Engagement.	\$ 8,376.
Total Section 1 (a).	<u>\$ 1,615,144.</u>

(b) Additional Transfers and Appropriations.

9803030000. Transfer to Transit.	\$ 167,632.
9803030000. Transfer to Information Technology.	\$ 153,000.
9803030000. Transfer to Equipment Replacement.	\$ 25,766.
9803030000. Transfer to Golf Fund.	\$ 115,784.
9803030000. Transfer to Capital Projects Contingency Fund.	\$ 3,918,223.
Total Section 1 (b).	<u>\$ 4,380,405.</u>

II. Capital Projects Fund (426).

- The sum of \$100,000 received from the schools as F.Y.16 gainsharing funds be appropriated to the Schools Lump Sum project account (SH-017, P-00923).

III. Equipment Replacement Fund (106).

- The sum of \$25,766 received as a transfer from the General Fund shall be appropriated into the equipment replacement reserve account to be used for future equipment replacement purchases.

IV. Facilities Repair Fund (107).

- Courthouse Maintenance (P-00099) - \$20,859 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.
- Courthouse Construction (P-00783) - \$25,646 – These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

V. Grants Fund (209).

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

- \$1,021 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).
- \$12,500 – these funds will be used for Crisis Intervention Training mentoring grant from the Virginia Department of Behavioral Health and Development Services (1900225).
- \$6,500 – these funds will be used for Crisis Intervention Training mentoring grant from the Department of Criminal Justice System (1900226).
- \$11,000 the funds will be used for the operations of the Crisis Intervention Training Program (3101003000).

VI. Utility Funds (631).

- Utility Billing - \$15,000 these funds will be used to help fund a cost of service study for water and wastewater.
- Gas Fund - \$144,250, these unspent carryover funds will be used to fund the cost of replacing a steel pipe with a factory defect that was discovered during an inspection performed as part of the Route 29N construction project.

VII. Transit (245).

These funds were received as a transfer from the General Fund and will be used in the following manner:

- \$27,032 will be used to help supplement funding for future bus purchases (2804001000).
- \$50,000 will be used to purchase a diesel filter cleaning system (2804001000).
- \$9,600 will be used to purchase a heavy duty wheel balancer (2804001000).
- \$54,000 will be used to purchase two Cummins replacement engines (2804001000).
- \$50,000 will be used to make improvements to the pedestrian crossing on Water Street at the Downtown Station (2804001000).

VIII. Information Technology Fund (705).

\$153,000 will be used to reimburse the computer replacement account for unanticipated Mobile Data Computer replacements that were required due to technical requirements of the new Emergency Communications Center computer aided dispatch system (2131001000).

IX. Schools Gainsharing.

In 1998, the School Board and City Council entered into a gainsharing agreement. This agreement mandates that the first \$100,000 to go to facilities for School Capital Improvement Projects, the next \$100,000 is retained by the Schools in the General Fund and then any amount over \$200,000 will be shared equally (50/50) between the School Board and the City. According to the formula \$100,000 will be contributed to the City's School Lump Sum Project Fund.

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



Agenda Date:	December 5, 2016
Action Required:	Approval of Appropriation
Staff Contacts:	Stacy Pethia, Housing Program Coordinator
Presenter:	Stacy Pethia, Housing Program Coordinator
Title:	Appropriation of Funds - \$664,776.63 to the Charlottesville Affordable Housing Fund (CP-084)

Background: The developer of *The Standard* at 1000 West Main (d.b.a. Campus Investors Charlottesville 1000 West Main, LLC) elected to make a cash contribution of \$664,776.63 as allowed by the Affordable Dwelling Unit Ordinance per Charlottesville City Code Section 34-12. The City has now received these funds for appropriation.

Discussion: The cash contribution from Campus Investors Charlottesville 1000 West Main, LLC has been received, and in order to utilize these funds for future affordable housing purposes, they will need to be appropriated into the Charlottesville Affordable Housing Fund (CP-084).

Community Engagement: There has been no direct community engagement on this issue, as this payment was made to satisfy the requirements of Charlottesville City Code Section 34-12.

Alignment with City Council Vision and Strategic Plan: Approval of this item aligns with the City Council Vision of ‘Quality Housing for All’ and with the Strategic Plan Goal 1.3 to “Increase affordable housing options.”

Budgetary Impact: The appropriated funds will increase the budget and amount of funds available for distribution in the Charlottesville Affordable Housing Fund.

Recommendation Staff recommends approval of the appropriation.

Alternatives: There is no alternative for appropriation of the funds received from the Affordable Dwelling Unit payment, as these must be appropriated to the Charlottesville Affordable Housing Fund per City Code 34-12(d)(2).

Attachments: N/A

APPROPRIATION
Charlottesville Affordable Housing
Fund \$664,776.63

WHEREAS, the City of Charlottesville has received funding from Campus Investors Charlottesville 1000 West Main, LLC on behalf of 1000 West Main Street (\$664,776.63) as its Affordable Dwelling Unit payment as required by the Zoning Ordinance Section 34-12; and

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

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$664,776.63, be received as payment from Campus Investors Charlottesville 1000 West Main, LLC, to be appropriated as follows:

Revenues

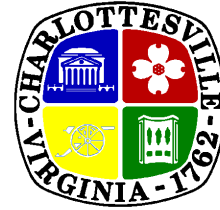
\$664,776.63	Fund: 426	Project: CP-084	G/L Code: 451020
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Expenditures

\$664,776.63	Fund: 426	Project: CP-084	G/L Code: 599999
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CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date:	December 19, 2016
Actions Required:	Yes (Approval of Resolution)
Staff Presenter:	Consent Agenda
Staff Contacts:	Craig Brown, City Attorney
Re:	Amendment of Charlottesville City Council Meeting Procedures

Background:

The *Charlottesville City Council Meeting Procedures*, as adopted in February 2016, include rules that govern public participation at City of Charlottesville Council meetings. The *Procedures* are “designed to help City Council conduct its affairs in a timely and efficient manner, while encouraging a robust and meaningful dialogue with members of the community.”

In July a lawsuit was filed alleging that one of the rules, section 9 (g), violated the First Amendment. On November 18, 2016 the court issued an order and opinion agreeing with that claim, and enjoining the City from enforcing Rule 9 (g) insofar as it “prohibits „defamatory attacks on . . . groups“, during „matters by the public“ comment periods at City Council meetings.” In part the court’s order concluded as follows:

The Court preliminarily finds that the group defamation ban in Rule D.9(g) violates the First and Fourteenth Amendments of the U.S. Constitution, both facially and as applied to Plaintiff. On the current record, the Rule likely offends the First Amendment because it (A) is subject to strict scrutiny and lacks a compelling governmental interest, and (B) is overbroad.

Discussion:

Rule 9(g) prohibits “defamatory attacks on individuals or groups”. At the last two regular City Council meetings, in accordance with the preliminary injunction, the Mayor has announced that Rule 9(g) would not be enforced. As a result of the issues presented by the court’s opinion our recommendation is twofold: (1) repeal Rule 9 (g) now; and (2) revisit the other restrictions in the *Meeting Procedures* to ensure that they are enforceable. We anticipate that the more comprehensive review will take place early next year.

Community Engagement:

Since the proposed action is the result of a court ruling there has been no community engagement.

Budget Impact:

There is no budgetary impact from the repeal of this Rule

Recommendation:

City staff recommends adoption of the attached Resolution that repeals Rule 9 (g) of the *Charlottesville City Council Meeting Procedures*.

Attachments:

Proposed Resolution

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that Rule (9) (g) of the *Charlottesville City Council Meeting Procedures*, prohibiting “defamatory attacks on individuals or groups” by speakers at City Council meetings, is hereby repealed.

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



Agenda Date:	December 19, 2016
Action Required:	Approval of Resolution
Presenter:	Alex Ikefuna, NDS
Staff Contacts:	Missy Creasy, NDS
Title:	Resolution Approving Procurement of a Consultant for SIA Form Based Code

Background:

As outlined in City Council's Resolution to complete the City's Regulatory Framework Review, Component I.B requires implementation of the SIA regulatory changes and development of a form-based code.

In order for staff to complete the required actions in the timeframes established in the resolution, use of a consultant will be required.

Discussion:

NDS staff has investigated the probable cost of engaging a consultant to assist with the creation of a Form Based Code for the Strategic Investment Area.

Various staff members reached out to 12 different localities across the US who were known to have implemented a Form Based Code. Below is the compiled summary of the description and results from the localities that returned phone calls/emails:

Heart of Peoria, Illinois

Total cost: **\$210,000**

Date of contract: **April 2006**

Schedule: **N/A**

The Code offers exemplary provisions for transitioning an auto-oriented suburban area into a walkable urban and transit-ready environment. Innovations worthy of emulation include the distinct descriptive intents for each of the three designated districts, provisions for proportional compliance and landscape frontage types, and the definitions and illustrations of street intersections types. The simplified land-use list is impressive. The Code offers an excellent example of how land-use and form regulations can be successfully integrated.

Total cost: **\$100,000**

Date of contract: **November 2014**

Schedule: **15 months**

Soledad Downtown, California

The Soledad Downtown Specific Plan (Plan) provides direction for the historic downtown and adjacent residential areas. The Plan is designed to bring new life to the historic Front Street corridor by encouraging commercial and entertainment uses that will draw locals and visitors, and reduces development obstacles, such as environmental review, parking, and permit processing. It provides initiatives that capitalize on Soledad's unique assets with the overarching goal of revitalizing the downtown area. The Driehaus Award Jury singled out Soledad for an honorable mention because of its clear and effective graphics, brevity and conciseness, all built on an exemplary community visioning process, as a model for small-town revitalization. However, the issue with this code relates primarily to a lack of predictable street-space character, a deficiency that can probably be remedied by certain types of amendments.

Total cost: **\$250,000**

Date of contract: **March 2011**

Schedule: **18 months**

East Billings, Montana

The East Billings Urban Renewal District Code provides standards and regulations for the implementation of the East Billings Urban Revitalization District Master Plan and creates districts integrating new mixed use and residential development with existing uses. Districts are delineated by existing character, pattern of development and implementation priorities that include desired walkability and mix of uses. The form-based code defines uses for every district and sets general and specific standards for allowable frontage types, landscape standards, signage, and street types. A separate chapter specifies required sustainable development measures for new development. The code's focus is primarily on regulating urban form emphasizing standards and parameters with predictable physical results. The Frontage Type and Street Type sections require buildings and streets to shape public space through the use of standards that require building placement and street elements to promote and preserve an efficient street network and interconnected blocks. The code uses plenty of unambiguous and clearly labeled diagrams accurate in their representation of spatial configurations.

Total cost: **\$200,000** (It should be noted that the project was actually priced at \$26,000, however, it was made clear that most of the quotes they received ranged from \$100K-\$300, but the selected firm was so interested in the work for their portfolio, that they completed the work for a nominal rate. For comparison purposes, it would be more appropriate to assume \$200,000 since that is the median of the range of quotes they received.)

Date of contract: **Early 2012**

Schedule: **18 months**

Alignment with City Council's Vision and Strategic Plan:

This effort will support the City Council's vision for Quality Housing Opportunities for All, A connected City and Smart, Citizen-Focused Government.

It also contributes to Goals 1 through 5 of the City's Strategic Plan.

This also aligns with discussions and commitments of the PLACE Design Task Force and City Council.

Community Engagement:

Community engagement will occur as part of the overall Regulatory Framework Review.

Budgetary Impact:

Other than the initial appropriation, there is no anticipated impact on the General Funds, however it should be noted that the recommended amount for appropriation is an estimate, and as the scope and RFP are refined, there may be a need for additional funding to supplement the initial appropriation.

Recommendation:

Given the above information, it is staff's recommendation that a minimum of **\$228,000** be allocated for consulting services to create the Form Based Code for the Strategic Investment Area. This number is an average of the above estimates, with an additional 20% for contingency and to accommodate the cost of inflation for today's costs.

Alternatives:

Alternative would be to perform the work in house, largely at the sacrifice of the desired schedule.

Attachments:

Resolution

RESOLUTION
APPROVING THE PROCURMENT OF A CONSULTANT TO ASSIST WITH THE
DEVELOPMENT OF A FORM-BASED ZONING CODE TO IMPLEMENT PHASE I OF
THE STRATEGIC INVESTMENT AREA PLAN

WHEREAS, this Council has determined that the City would benefit from having professional planning assistance for the development of a form-based code to implement Phase I of the Strategic Investment Area Plan; and

WHEREAS, City Council is willing to authorize a budget for such services of up to \$228,000; now, therefore,

BE IT RESOLVED that Council authorizes staff to take all actions necessary to procure the services of a consultant within the budget authorized by this resolution.

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



Agenda Date:	December 19, 2016
Action Required:	Resolution
Presenter:	Brian Daly, Director, Parks and Recreation
Staff Contacts:	Brian Daly, Director, Parks and Recreation Doug Ehman, Manager, Parks Division Vic Garber, Manager, Recreation Division Chris Gensic, Parks and Trail Planner
Title:	Ragged Mountain Natural Area Trail Use Plan

Background:

This resolution will provide for City Council action regarding the proposed Trail Use Plan for the Ragged Mountain Natural Area

Discussion:

City Council considered a proposed ordinance change regarding permitted uses at the Ragged Mountain Natural Area December 6, 2016. Following discussion, Council directed staff to amend the Draft Trail Use Plan in the manner outlined in the attached resolution. A Trail Use Map reflecting that direction is enclosed.

Community Engagement:

City Council held a public hearing regarding the permitted uses at Ragged Mountain Natural Area during their regular meeting December 5, 2016. This followed the extensive community engagement process conducted by staff using the adopted Park Master Planning Process.

Due to the voluminous amount of documents, maps and other information generated throughout this process; all information related to the planning process as well as all public comment received to date can be viewed on the City's website at www.charlottesville.org/raggedmountain.

Alignment with City Council's Vision and Strategic Plan:

This ordinance supports City Council's "Green City" vision and contributes to Goal 2 of the Strategic Plan: Be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

Budgetary Impact:

Fiscal Impact of this action is minimal. The remaining trails can be constructed using existing staff time, equipment and volunteer labor. Future maintenance will be accomplished in the same manner.

Recommendation:

Staff recommends Council taking action on this resolution at the December 19, 2016 meeting.

Alternatives:

Council may choose to modify the draft trail use plan.

Attachments:

Attachment 1 – Resolution

Attachment 2 - Trail Use Map – Ragged Mountain Natural Area – December 6, 2016

RESOLUTION

WHEREAS, the City Council of Charlottesville considered the first reading of a change to the ordinance governing permitted uses at the Ragged Mountain Natural Area at their meeting of December 5, 2015, and

WHEREAS, a majority of Council indicated their support for shared use trails at the Ragged Mountain Natural Area that would permit bicycling as well as running and jogging, and

WHEREAS, a majority of Council supported changes to the draft Trail Use Plan submitted to Council December 5, 2016, therefore be it resolved that:

The Charlottesville City Council hereby directs staff to amend the Ragged Mountain Draft Trail Use Plan (dated 11/1/16) as follows (and illustrated on attachment 2 – Trail Use Plan dated December 6, 2016), to be in keeping with good trail planning practice that disperses faster moving visitors away from the trailhead as quickly as possible:

- 1 – With regards to the Central area just north of the parking area trailhead, change the usage designation on this loop trail to “Hiker Only”; and
- 2 – With regards to the southern area near the floating bridge, change use on the trail to “bikes permitted.”

Furthermore, Council directs that, upon the opening of the county park currently known as the Hedgerow Property, which will include mixed-use trails, the City re-evaluate the distribution ratio of shared uses in the Ragged Mountain Natural Area (as depicted by the RM draft trail use plan adopted on 12/19/16) to determine if they are still appropriate. The re-evaluation shall include but not be limited to user surveys conducted at Ragged Mountain to assess user experience and satisfaction.



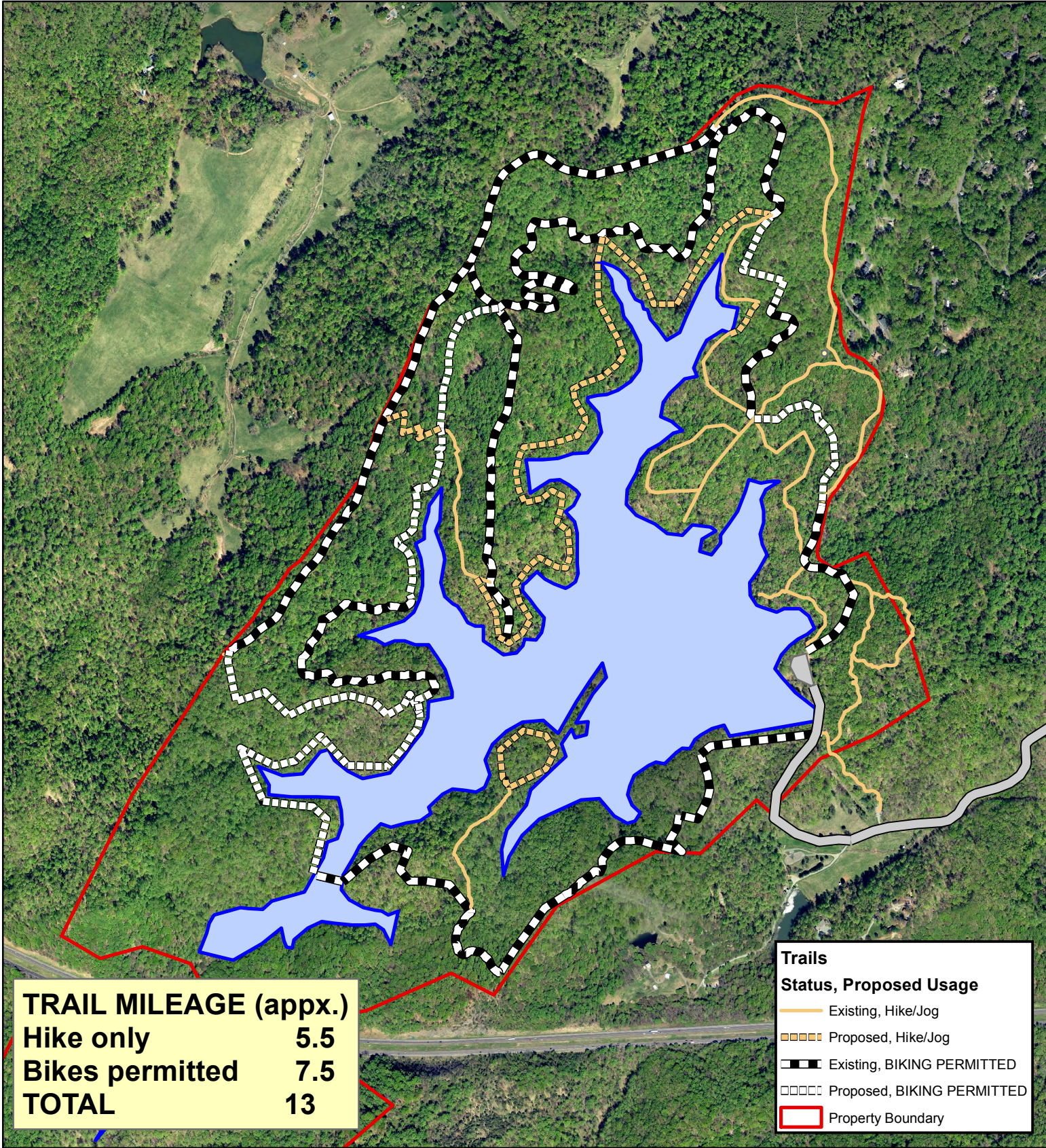
RAGGED MOUNTAIN DRAFT TRAIL USE PLAN

Hiking/Jogging permitted on all trails

Biking permitted on checkered trails

Dogs not permitted (except service pets)

December 6, 2016



Trail locations are field located during construction with approximate routing shown in plan. Final locations will depend on site specific conditions and field verification.

CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date:	December 5, 2016
Action Required:	Consideration of a Zoning Text Amendment
Presenter:	Brian Haluska, Principal Planner
Staff Contacts:	Brian Haluska, Principal Planner
Title:	ZT16-00004 – West Main Street Density

Background

At their meeting on March 21, 2016, the City Council referred the West Main Corridor zoning changes back to the Planning Commission following a concern that the proposed increase in by-right residential density was not covered by the previous advertisement. The proposal specifically mentioned by Council was to raise the by-right density in the corridors to 200 dwelling units per acre, thereby eliminating the need to review special use permit requests for higher residential density. Projects would be limited instead by the maximum heights, with the number of residential units controlled by the building code and floor heights within the building.

After a work session on May 24, 2016 the Planning Commission reviewed the proposed changes and recommended the density changes be denied at their meeting on June 14, 2016. The Commission favored keeping the by-right residential density at 43 dwelling units per acre across both West Main Corridors, in part because it would give the City an additional layer of review on projects with regard to the number of bedrooms in residential units on the corridor. The Commission expressed concern about the parking impacts of increased residential density that was not subject to review in a public forum. Council considered this recommendation in July 2016, and ultimately returned the item with an alternative proposal for review.

Discussion

The Planning Commission held a public hearing at their November 9, 2016 meeting. The Commission supported the proposed changes forwarded to them by Council.

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 joint public hearing on the Zoning Text Amendment at their November 9, 2016 meeting. One person spoke at the hearing, and expressed support for keeping the density regulations along West Main Street at a lower density.

Budgetary Impact

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

Recommendation

The Commission took the following action: Commissioner Santoski moved "to recommend to City Council that it should amend Sections 34-621, 34-641, of the zoning ordinance, to revise the residential density requirements in the West Main East and West Main West Corridors, because I find that the amendment is required by the public necessity, convenience, general welfare or good zoning practice."

Commissioner Clayborne seconded the motion. The Commission voted 6-0 to recommend approval.

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=47492>
- Proposed Ordinance

**AN ORDINANCE
APPROVING AMENDMENTS TO CHAPTER 34 OF THE CODE OF THE CITY OF
CHARLOTTESVILLE (1990), AS AMENDED (ZONING), DIVISION 5 (WEST MAIN STREET
WEST CORRIDOR), SEC. 34-621 (DENSITY) AND DIVISION 6 (WEST MAIN STREET EAST
CORRIDOR), SEC. 34-641 (DENSITY) TO CHANGE THE RESIDENTIAL DENSITY
ALLOWED BY RIGHT AND BY SPECIAL USE PERMIT WITHIN EACH DISTRICT**

WHEREAS, by resolution adopted on March 21, 2016, City Council initiated certain amendments to the text of the City's Zoning Ordinance, Sections 34-621 and 34-641 of the Code of the City of Charlottesville (1990), as amended, and those proposed amendments were previously referred to the Planning Commission for recommendations, subsequently modified by City Council and re-referred to the Planning Commission for recommendation ("Proposed Zoning Text Amendment"); and

WHEREAS, a joint public hearing on the Proposed Zoning Text Amendment, was held before the Planning Commission and City Council November 9, 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; and

WHEREAS, after consideration of the Planning Commission's recommendation and other factors and considerations, 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 Sections 34-621 and 34-641 of the Code of the City of Charlottesville (1990), as amended, are hereby amended and reenacted as follows:

Sec. 34-621. Density

Residential density shall not exceed ~~forty-three (43)~~ sixty four (64) DUA; however, up to ~~two hundred (200)~~ one hundred eighty (180) DUA may be allowed by special use permit.

Sec. 34-641. Density

Residential density shall not exceed forty-three (43) DUA; however, up to ~~two hundred (200)~~ one hundred twenty (120) DUA may be allowed by special use permit.

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CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date:	December 5, 2016
Action Required:	Consideration of a Zoning Text Amendment
Presenter:	Brian Haluska, Principal Planner
Staff Contacts:	Brian Haluska, Principal Planner
Title:	Water Street Corridor Amendments

Background

At the regular meeting on June 14, 2016, the Planning Commission initiated a review of potential changes to the Water Street Corridor zoning district, as a result of questions raised by the rezoning of the Midway Manor property to the Water Street Mixed Use Corridor District. The Commission forwarded recommended changes to Council for consideration, but also requested that staff evaluate several other regulations that might be appropriate in light of the inclusion of 100 Ridge Street in the Water Street Corridor. Those items are:

- Setback regulations along Ridge Street
- Stepback regulations adjacent to the South Street Mixed-Use District

Discussion

The Planning Commission held a public hearing at their November 9, 2016 meeting. The majority of the discussion centered on the proposed setback along Ridge Street. Supporters of the 25 foot setback cited the historic character of the Ridge Street frontage in the water Street corridor and the necessity of an inviting pedestrian environment as a reason for requiring a 25 foot setback. One commissioner, however, felt that the setback was inconsistent with other setbacks in the area.

In advance of the meeting, the Commission received a letter from a representative of the owner of the property at 100 Ridge Street outlining the reasons for opposing the changes as presented to the Commission. 100 Ridge Street is the sole property impacted by the proposed changes. Correspondence provided by the landowner's representative presented two objections, to which staff responds as follows:

- 1) **25-foot setback along Ridge Street.** Staff points out that, contrary to Mr. Rinaldi's assertion, Council has expressed a guiding strategy for the form/ function of Ridge Street, as set forth within the Streets That Work Design Guidelines("STW") which have been incorporated into the Comprehensive Plan. This section of Ridge Street is shown on STW (p. 30) as being the "Neighborhood A" Street Typology; STW states that, for these streets, a building setback from 10 ft. to 25 ft. is desirable. The land on the opposite side of this section of Ridge Street (within the WME zoning district) is subject to the requirement for a building setback of 10 ft., min. and 20 feet, maximum. In the Water Street District, the setback currently required/ allowed is 0 ft (75% of the streetwall) or up to 20 feet (50% of the streetwall) with an SUP; however, the Water Street district setbacks are less than contemplated by the applicable STW Typology. The 25-foot setback advanced by the Commission is slightly larger than the maximum required/ allowed within adjacent zoning districts, but still within the range recommended by the STW guidance in the Comprehensive Plan. However, the setbacks of the WME zoning district (10ft., min/ 20 ft., max) are also reasonable, and consistent with STW, so Council should choose the setback that it feels will best promote the objectives of STW and best zoning practices.
- 2) **Proposed Stepback Adjacent to the South Street Zoning District.** Staff points out that Mr. Rinaldi's zoning history (as to building height) is not accurate, in that he states that "In 2003, the City rezoned 100 Ridge Street to West Main South district and deliberately retained the 101 feet of by-right height in that zone and for Midway Manor." In fact, the 2003 zoning ordinance permitted a maximum height of 5 stories in the West Main South Corridor by right, not to exceed 60 feet in height. Additional height up to 7 stories maximum was permitted by special use permit, up to 80 feet in height. The 2008 City Council approved a package of zoning ordinance amendments that, in part, raised the maximum by-right height in the West Main Street South district to 70 feet, with 101 feet permitted by special use permit.

The landowner objects to the proposed stepback adjacent to the South Street zoning district (a 15 foot stepback after 45 feet in height). The subject property has only one property line to which this proposed stepback would apply. That being said, there are several zoning districts within the City where side or rear setbacks are required adjacent to specific zoning district classifications—typically low-density residential. In this case the land use objective to be served by the proposed stepback is to prevent encroachment upon the historic area within the South Street district, which contains large historic homes and is a district specifically created to "preserve the rich character and style of these few remaining structures from a bygone era." See City Code 34-541(13).

The owner is correct, however, that the City's zoning ordinance is unclear about how a required stepback is treated when a street wall is set back further from the property line

than required by the ordinance. Staff recommends that this be clarified in the ordinance and offers two options:

Option 1: a ground level setback could satisfy some or all of the proposed stepback. For example: if a building setback of 20 feet is provided at ground level adjacent to the South Street district, the landowner could comply with the stepback by providing only a 5 foot stepback after 45 ft. of building wall height. Or, a landowner could provide a 25-foot setback for the entire building wall, from the ground level all the way up, and then the vertical plane of that building wall would be deemed to satisfy the 25 foot stepback.

Option 2: No matter what building setback is voluntarily provided at ground level, a stepback of 15 feet must be provided after 45 feet of building wall height. (So, in the example given by Mr. Rinaldi, a building that's set back 30 feet from the South Street district would need to provide an additional 15-foot stepback after 45 feet of building wall height.

Staff recommends Option 1, and notes that in the event of a special use permit application on the property, Council will have the ability to condition the permit on modified setbacks and stepbacks as appropriate.

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 joint public hearing on the Zoning Text Amendment at their November 9, 2016 meeting. One individual expressed support for a 25 foot setback along Ridge Street in the Water Street Corridor, while a representative of the property impacted by the changes to the Water Street Corridor opposed both amendment proposals.

Budgetary Impact

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

Recommendation

The Commission took the following action: Commissioner Lahendro moved “to recommend to City Council that it should amend Section 34-743 of the zoning ordinance, to revise the setback and setback regulations in the Water Street Corridor, as presented in the draft ordinance provided by staff, because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice.”

Commissioner Keller seconded the motion. The Commission voted 5-1 to recommend approval.

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=47492>
- Proposed Ordinance

**AN ORDINANCE
APPROVING AMENDMENTS TO CHAPTER 34 OF THE CODE OF THE CITY OF
CHARLOTTESVILLE (1990), AS AMENDED (ZONING), DIVISION 11 (REGULATIONS,
WATER STREET CORRIDOR DISTRICT), SEC. 34-743 (STREETWALL REGULATIONS) TO
ESTABLISH 25-FOOT BUILDING SETBACKS ADJACENT TO RIDGE STREET AND THE
SOUTH STREET CORRIDOR DISTRICT**

WHEREAS, by motion, the Planning Commission initiated certain amendments to the text of the City's Zoning Ordinance, Section 34-743 ("Proposed Zoning Text Amendment"); and

WHEREAS, a joint public hearing on the Proposed Zoning Text Amendment was held before the Planning Commission and City Council November 9, 2016, after notice to the public and to adjacent property owners as required by law; following conclusion of the public hearing the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment to City Council as being required by the public necessity, convenience, general welfare and good zoning practice; and

WHEREAS, after consideration of the Planning Commission's recommendation and other factors and considerations, 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 Section 34-743 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reenacted as follows:

34-743. – Streetwall; setback 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 stepback of twenty-five (25) feet along the length of such street wall along South Street, and a minimum stepback of ten (10) feet along the length of Ridge Street.

(b) *Setbacks*.

(1) *Primary and linking street frontage*. At least seventy-five (75) percent of the streetwall of a building must be built to any the lot property line adjacent to a primary street. For the remaining portion of such streetwall (i.e., twenty-five (25) percent), the maximum permitted building setback is five (5) feet; however, (i) if streetscape trees are provided to the standards set forth in section 34-870, or (ii) pursuant to a special use permit granted by city council up to fifty (50) percent of the streetwall of a building may be set back twenty (20) feet from such lot line. Notwithstanding the foregoing: a

required yard of 15-20 feet, minimum, shall be provided along the entire length of any lot line having any frontage on Ridge Street.

(2) *Setback, Water Street.* A ~~yard minimum setback of~~ at least five (5) feet in width shall be ~~provided required for all building~~ provided along the entire length of any lot line adjacent to ~~located on~~ Water Street.

(3) *Side and rear setback, adjacent to the South Street Corridor District.* A yard having a width of at least ~~building located on South Street shall be set back a minimum of ten~~ (10) feet shall be provided along the entire length of any lot line that adjoins the ~~from any parcel within the~~ South Street Mixed Use Corridor District. An S-2 buffer shall be provided within this required yard setback. The maximum height of a building wall adjacent to this required yard shall be 45 feet; above the height of 45 feet, a stepback of at least 15 feet shall be provided along the entire length of such building wall. In the event a landowner provides a yard in excess of the required 10 feet, then the required stepback may be reduced by the amount of such excess. In no case shall any building wall, above the height of 45 feet, be within 25 feet of a lot line that adjoins the South Street Mixed Use Corridor District.



CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA

Agenda Date:	December 19, 2016
Action Required:	Public Hearing and First Reading of Ordinance
Staff Contacts:	Andrew Gore, Assistant City Attorney Brian Daly, Director, Parks & Recreation
Presenter:	Andrew Gore, Assistant City Attorney
Title:	Conveyance of Portion of Vacated Rougemont Avenue

Background: Christopher and April Hoffman purchased the property at 1011 Rougemont Avenue (Tax Map Parcel No. 60-283.3) in September 2015 with the intention of building a new single family home. The Hoffmans applied for a building permit, and the permit was denied because, although the lot has frontage on the Rougemont Avenue right-of-way, the portion of the right-of-way directly in front of the property has not been improved to City standards and accepted by the City for maintenance. Applicable provisions of the City's Zoning and Subdivision ordinances require 50 feet of frontage on an improved and accepted street. The Hoffmans have appealed the denial of the building permit to the BZA. The unaccepted portion of Rougemont Avenue (60 feet in width) adjoins the Hoffman property and 3 City-owned parcels of land (Tax Map 60, Parcels 282, 255 and 307). The Hoffmans petitioned the City for an administratively-approved street closing, as set forth in the City's Street Closing Policy, and then offered to purchase from the City enough of the closed right-of-way to give them frontage on the accepted portion of Rougemont Avenue, as shown on the attached plat.

Discussion: The Parks and Recreation Department supported the petition to vacate the unaccepted portion of Rougemont Avenue ("Vacated Right of Way") because it is beneficial both to the Hoffmans and the City. Administrative approval of the closure gave the City most of the Vacated Right of Way (as the adjoining property owner on 3 sides), and the land acquired connects Quarry Park with the larger City-owned parcel to the south (purchased in 2013 for greenway space). There is a sanitary sewer line located within the Vacated Right of Way, but the Deed of Vacation reserves a perpetual utility easement for the City.

Through the street closing, the Hoffmans acquired that portion of the Vacated Right of Way that adjoins their property (30' x 60') but still require an additional 20 feet to have sufficient frontage along an improved street, as required by the City's Zoning and Subdivision Ordinances. They request that the City to convey to them an additional 20' x 60' portion of the Vacated Right of Way, with the City retaining a 10' wide strip to allow public access to Quarry Park from Rougemont Avenue. The deed of conveyance will include reservation of an easement for the sanitary sewer line that crosses it.

Community Engagement: The Vacated Right of Way was posted for 2 weeks with a sign notifying the public about the proposed vacation, with no comment received. In accordance with

the City's Sale of Land policy, this area was also posted to give notice of the public hearing (in addition to a legal ad being published) regarding the potential conveyance to the Hoffmans. In accordance with Va. Code § 15.2-1800(B), a public hearing is required to give the public an opportunity to comment on the proposed conveyances.

Alignment with City Council's Vision and Strategic Plan: The project supports City Council's "Green City" vision. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community.

Budgetary Impact: The subject land to be conveyed is valued at \$1,320.00, according to the City Assessor. The Hoffmans are willing to purchase the subject land from the City for that amount.

Recommendation: Staff recommends approval of the ordinance conveying a portion of City land by quitclaim deed, with reservation of a perpetual utility easement. The requested conveyance is beneficial to the City and the Hoffmans, giving the City added land for the Parks system, and allowing the Hoffmans to build a home which will result in additional tax revenues for the City.

Attachments:

Proposed Ordinance and Drawing

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF
A PORTION OF CITY-OWNED LAND ON ROUGEMONT AVENUE
TO CHRISTOPHER AND APRIL HOFFMAN**

WHEREAS, the City of Charlottesville is the owner of land which was formerly Rougemont Avenue right-of-way in the City of Charlottesville, acquired by the City under a recorded Deed of Vacation dated October 24, 2016; and

WHEREAS, Christopher and April Hoffman own property at 1011 Rougemont Avenue and wish to acquire a small portion of the City-owned land (1200 square feet, hereinafter the "Property") to combine with their abutting property to provide adequate frontage in order to build a home; and

WHEREAS, the Property is located near land owned by the City that is being managed by the Parks and Recreation department, but the proposed conveyance will not affect the City's access to other lands owned by the City; and

WHEREAS, there is a sanitary sewer line located on the Property but a perpetual utility easement has been reserved to the City in the above-referenced Deed of Vacation; and

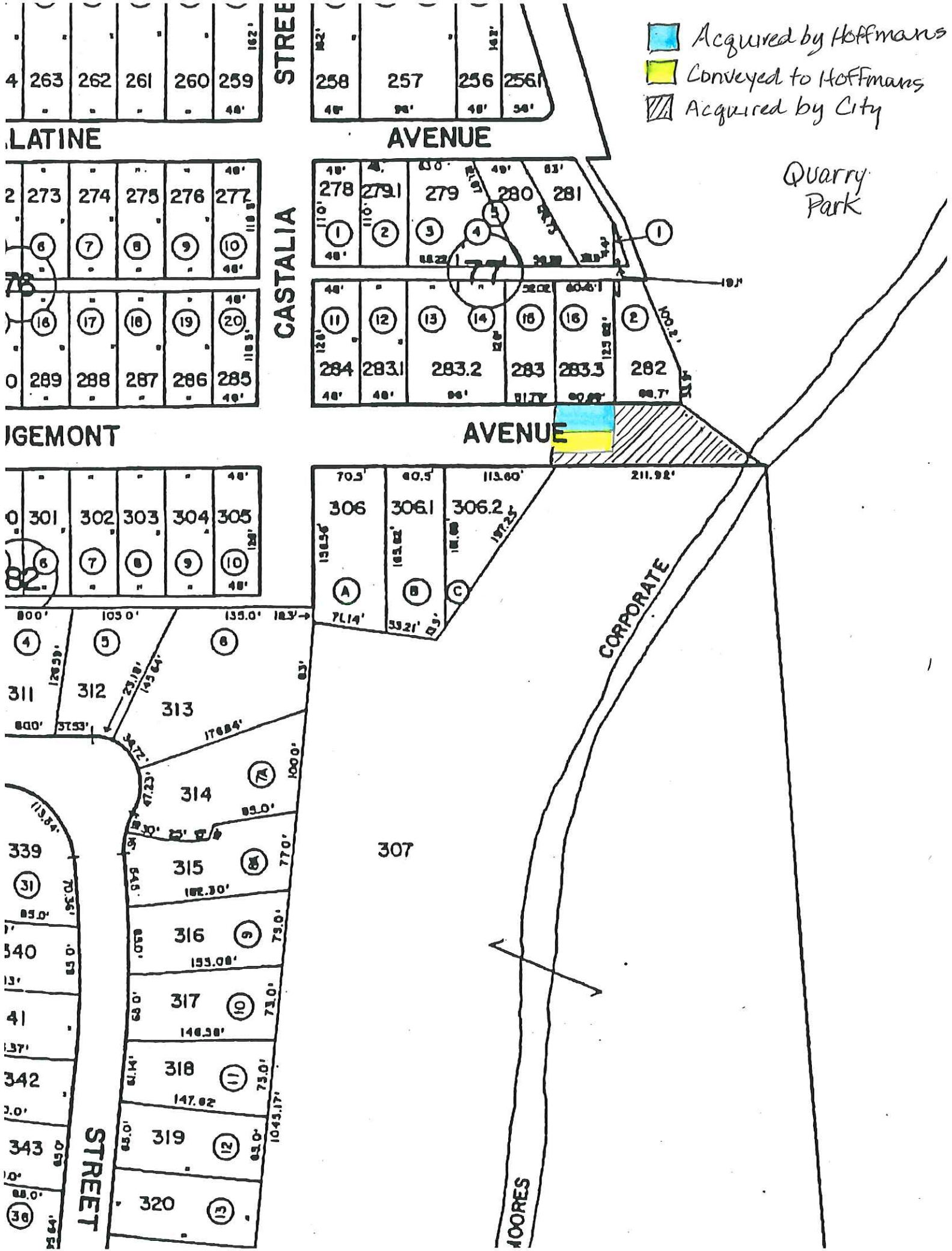
WHEREAS, the directors of Public Utilities and Parks and Recreation have reviewed the request and have no objection to conveyance of the Property; and

WHEREAS, in accordance with Va. Code § 15.2-1800(B), a public hearing was held on December 19, 2016, and notice of the public hearing was duly advertised and posted on the Property, to give the public an opportunity to comment on the proposed conveyance of City land as requested by the Hoffmans; now, therefore,

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the Mayor is authorized to execute a Quitclaim Deed, in form approved by the City Attorney, to convey said Property to Christopher and April Hoffman, being a total of approximately 1200 square feet in area, for the purchase price of Thirteen-hundred and Twenty Dollars (\$1320), subject to the following conditions:

1. The Hoffmans shall be responsible for the preparation of a plat of the Property sufficient for inclusion as an attachment to the Quitclaim Deed, and all associated costs, including but not limited to the cost of a survey of the Property.
2. The Hoffmans shall promptly dismiss pending BZA Appeal #16-05-002, and shall forever waive any and all claims of any nature, whether monetary or otherwise, associated with the subject of said appeal.

The City Attorney shall verify that the above conditions are met, and is thereafter authorized to take whatever steps are necessary to effect the closing of said property conveyance.



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



Agenda Date:	December 19, 2016
Action Required:	Direction from Council
Presenter:	Maurice Jones, City Manager Mike Murphy, Assistant City Manager
Staff Contacts:	Maurice Jones, City Manager Mike Murphy, Assistant City Manager
Title:	Deer Management

Background:

On July 18, 2016 Council heard a presentation from Mr. David Kocka with the Virginia Department of Game and Inland Fisheries (DGIF) on urban deer management. On September 19, 2016 City staff reported on a number of deer management strategies, actions taken by a sample of peer localities, discussed their potential application in Charlottesville, and requested guidance from Council. Council expressed a clear desire to manage the local deer population and instructed staff to investigate the strategies of additional localities and return with alternatives to recommend to Council.

Discussion:

Staff focused on five key interventions to manage the local deer population.

Education of the Public

Some communities devote their resources to educating citizens on delineating between any biological impacts of deer population, and what societal tolerance may be. The Humane Society promotes a strategy that better educating people is the most fiscally responsible decision government can make. Their staff could lead workshops and train others to do so. Citizens could take measures on their property and local government could choose to provide incentives for citizen directed efforts such as fencing and repellents.

Sterilization

The alternatives here are non-lethal interventions including surgical procedures and sterilization via vaccine. Both of these options bear significant costs and, in the case of vaccination, effectiveness is seriously questioned by most experts. Sterilization is a humane alternative to lethal measures, however unit costs of \$1,200 to \$1,500 can be expected. Council requested that staff investigate alternative funding sources for the surgical procedures, none were found at this time.

Employee Led Culling

A number of localities have experience using trained sharpshooters in the Police Department to operate the program. They use Full Time and Part Time police department staff who either have deer management as a primary responsibility coupled with animal control, or for whom this serves as an additional duty. This method requires training, equipment, and facilities that the City does not currently own. In addition, the City would need to examine personnel costs, liability, and other considerations prior to moving forward with this strategy

Urban Archery

This program of DGIF essentially lengthens the hunting season for a locality. Urban Archery allows hunting in the months of September, February and March in addition to the typical October-January timeframe. This program only permits the taking of antlerless deer. The hunter is required to have an archery license. The program is used in both dense urban areas and more rural localities. As the name implies, this program facilitates bow hunting only. There are approximately 46 participating jurisdictions currently. Each jurisdiction has the opportunity to individualize their ordinance and they can vary significantly. Virginia State hunting laws will apply in all areas and in all cases permission of the landowner would be required. Many localities place restrictions based on proximity to dwellings, schools, parks, and/or roadways. Other common limiting factors include use of a tree stand, acreage of the parcel, disposal of the animal carcass, and permission from adjacent landowners. Some localities require landowners to register their property annually to permit hunting. A complete listing of current requirements statewide and by locality is included in the appendix. Some examples of peer localities include:

Blacksburg

- Archery equipment can only be used for hunting.
- During seasons declared by the Virginia Department of Game and Inland Fisheries, archery hunting is permitted in the Agricultural and Forestal District, and the Rural Residential I zoning district on any lot of three (3) acres or more. Archery hunting is prohibited in all other zoning districts at all times.
- Archery equipment can only be discharged from a stand elevated at least ten (10) feet from the ground.
- No person shall discharge a bow within one hundred (100) yards of a dwelling, sidewalk, street, or roadway.
- Hunters must get permission to hunt from individual property owners.
- Please consult Blacksburg Town Code § 14-110.5 for complete details on Blacksburg's hunting ordinance. A link to the Blacksburg Town Code is available at www.blacksburg.gov.

Christiansburg

- Except for target shooting, discharge of archery equipment is restricted to land consisting of three (3) acres or more.
- Hunters must register with the Christiansburg Police Department to hunt on town property.
- Hunters must carry written permission from individual property owners to hunt.
- Agreement must be made between the participant and landowner in reference to field dress.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within Town limits or toward any building or dwelling in such a manner that an arrow may strike it.
- Except for target shooting or by a property owner on their own property, archery equipment can only be discharged from an elevated stand with a minimum height of 12 (twelve) feet.
- Hunters must dispose of deer carcasses appropriately. Carcasses should be double bagged and will be taken by the local landfills.
- No person shall hunt deer within the Town by use of dog or dogs.
- Urban Archery Season is restricted to hunting antlerless deer only.

Lexington

- The landowner(s) must apply for a free annual permit from the Lexington Police Department Special Enforcement Officer to have their property included in this program.
- Hunting is restricted to land that is one or more acres which is either owned or leased with permission from the landlord. Properties may be aggregated to meet the acreage requirement.
- Hunting shall be from an elevated tree stand only with a minimum height of 12 feet.
- There shall be no hunting within 100 yards of a dwelling, street, sidewalk, alley, public land or public place.
- No hunter shall discharge a bow over any street, sidewalk, alley, public land or public place.
- Hunters shall be responsible for disposing of deer carcasses appropriately.
- The hunter shall obtain permission to track or retrieve a deer from the land of neighboring landowners.
- When hunting, all hunters must have in their possession written permission from the landowner.
- No person shall hunt deer within the city limits by use of a dog or dogs.

Lynchburg

- A city ordinance prohibits discharge of a bow or other weapons except on properties where the owners have been issued a kill permit, shotgun discharge permit, or bow discharge permit. The landowner – not the hunter – [must annually apply](#) for the appropriate permit.
- A permit may be issued to the landowner if the Chief Animal Warden deems the property safe for the discharge of archery equipment or shotguns. No acreage minimums are required for issuance of bow permits. A shotgun discharge permit requires 25 acres or more.
- When hunting, all hunters must have in their possession written permission from the landowner and a copy of the hunting permit issued to the landowner by the city.
- There shall be no hunting on any city owned property.
- Archery equipment can only be discharged from an elevated tree stand located at least twelve (12) feet above the ground on approved properties.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within the city limits or toward any building or dwelling in such a manner that an arrow may strike it.
- No person shall hunt deer in the city by use of dog or dogs.

Radford

- Discharge of archery equipment within city limits is only permitted for hunting.
- On private property, discharge of archery equipment is restricted to parcels at least six (6) acres in size where permission has been obtained from the landowner.
- On city property, hunting is restricted to lands specifically identified on a map available from the Assistant City Manager, subject to written permission from the city.
- Archery equipment can only be discharged from an elevated tree stand located at least ten (10) feet above the ground.
- Discharge of archery equipment is not permitted within 100 feet of any highway, alley, roadway, sidewalk, or designated foot trail.
- Discharge of archery equipment is not permitted within 300 feet of any residence.
- Arrows may not be shot in the direction of an occupied dwelling, highway, alley, roadway, sidewalk, or designated foot trail.

DGIF staff has committed to working closely with our City staff to develop an appropriate ordinance. DGIF staff believes that urban archery has an excellent safety record. It has been nearly 20 years since a bystander was injured by an archer and 50 since there was an archery fatality. Injuries from tree stand falls are more common. Localities must register with DGIF prior to April in order to be eligible for the upcoming urban archery season.

Professional Sharpshooting Service

There are many localities that hire sharpshooters to manage their deer population. The locality must engage with the Virginia DGIF to create a MOU/contract where the City is issued kill permits by the department. Sharpshooting is not considered hunting and is therefore permitted to utilize means not legal for hunters. These methods include, but are not limited to, baiting the animals, using firearms in the City limits, spotlighting, shooting from moving vehicles, night vision equipment, etc. Vendors are typically hired on a contract and paid per head for deer that are killed. Fees range anywhere from \$200 to \$400 per deer based on staff investigation thus far. To discourage any perception that this is trophy hunting DGIF requires that any antlers are removed and turned into the State. All meat must be processed and donated to charitable organizations. This is typically included in the terms of the contract

Alignment with City Council's Vision and Strategic Plan:

This item aligns with Council's vision of a **Smart, Citizen Focused Government** and Strategic Plan Goal #2 to **Be a Safe, Equitable, Beautiful and Thriving Community**.

Community Engagement:

This is a frequent topic among some neighborhood associations and at Our Town meetings. A public hearing was held on September 19th to solicit resident input.

Budgetary Impact:

Budgetary impact would be determined based on any future action taken by the Council and varies based on the intervention.

Recommendation:

It appears that Council has made the first decision, that they have the will to manage the deer population with means other than public education and cohabitation with the wildlife. The next decision is whether to use lethal or non-lethal means to manage the deer population. Based on cost, and effectiveness, staff would not advocate for the non-lethal use of vaccination or surgical procedures to manage the number of local deer. The use of lethal alternatives depends greatly on the community and Council perception of safety. Many Police Departments are able to provide wildlife management as a local service. Charlottesville would need to be able to build capacity to do so. DGIF presents solid evidence that the urban archery program and bow hunting can be implemented safely in settings throughout the State of Virginia. A local ordinance could be crafted in partnership with DGIF that matches any local restriction that interest the Council. There are a number of professional firms that could be hired to shoot the deer with suppressed rifles. These groups are very effective but staff needs to hear from Council how they feel about the use of guns within the City limits. In addition, Council would need to establish a budget and staff would need to initiate a Request For Proposals. Many of the experts staff spoke with believe the most effective deer population management strategy is a combination of urban

archery and sharpshooting. With these considerations in mind, staff recommends Council authorize staff to explore the option(s) most suitable to them and return to the Council meeting March 6, 2017. If urban archery and hunting are a consideration staff requests Council provide guidance as to whether they would like limiting factors such as: proximity to dwellings, schools, parks, and/or roadways; use of a tree stand; acreage of the parcel; disposal of the animal carcass; annual registration of property for hunting; and permission from adjacent landowners included in a proposed ordinance.

Alternatives:

Council may elect to instruct staff to pursue additional information on particular interventions or take no further action at this time.

Attachments:

Appendix Deer Management

Appendix Deer Management

Urban Archery Season

September 3 -30, 2016 and January 8 through March 26, 2017, within the incorporated limits of the cities of Chesapeake (except on Department-owned lands), Colonial Heights, Danville, Emporia, Franklin, Fredericksburg, Galax, Hopewell, Lexington, Lynchburg, Martinsville, Poquoson, Radford, Richmond, Staunton, Suffolk, and Winchester; and, in the towns of Altavista, Amherst, Bedford, Blacksburg, Blackstone, Chatham, Christiansburg, Farmville, Front Royal, Halifax, Hurt, Independence, Irvington, Kenbridge, Pearisburg, Pulaski, Richlands, Rocky Mount, Saltville, Smithfield, Stuart, Tazewell, West Point, and Wytheville; and, in the counties of Chesterfield, Fairfax, James City, Roanoke (except on National Forest and Department-owned lands), and York. **Front Royal** is a new participant for the 2016-2017 season. **NOTE:** Arlington, Loudoun and Prince William counties have antlerless deer hunting seasons during the same dates as the urban archery season (see [Deer Seasons](#)).

This page is organized into the following sections below:

1. [General restrictions for all participating localities](#),
2. [Restrictions and other information specific to each participating locality](#),
3. [Background information about the urban archery season](#).

General Information (for all localities)

- In addition to the Urban Archery Deer Season, archery deer hunting is also allowed during the Early Archery Deer Season, the Firearms Deer Season, and the Late Archery Deer Season (where applicable). In other words, from the first Saturday in October through the first Saturday in January. See “[Seasons and Bag Limits](#)”.
- An archery license is required to hunt with archery tackle during the Urban Archery Deer Seasons, the Early Archery Deer Season, or the Late Archery Deer Season. See “[License Requirements](#)”.
- Crossbows are defined by law as a type of bow and are therefore legal during all archery deer seasons.
- All other normal deer regulations, including bag limits and tagging/checking requirements, apply during the Urban Archery Deer Seasons, including Earn-A-Buck and antler point restrictions, where applicable. See “[Seasons and Bag Limits](#)”.

- The season bag limit for deer cannot be exceeded unless bonus deer permits are purchased. See “[Bonus Deer Permits](#)”.
- Deer must be checked by calling 1-866-GOT-GAME, [online](#), or at a big game check station.
- Only **antlerless deer** may be taken during the Urban Archery Deer Seasons (see dates above). Antlerless deer include does, button bucks, and bucks that have shed their antlers.
- Antlerless deer may also be taken on any day during the Early Archery Deer Season and the Late Archery Deer Season.
- Antlerless deer may also be taken on any day during the Firearms Deer Season except in the City of Chesapeake, Chesterfield County, and Suffolk (east of the Dismal Swamp line), where antlerless deer can be taken only on the prescribed firearms deer season either-sex hunting days.
- **Antlered deer** (bucks with antlers visible above the hairline) may not be taken during the Urban Archery Season but may be taken on any day during the Early Archery Deer Season, the Late Archery Deer Season, and during the Firearms Deer Season (i.e., during the “normal” deer seasons, from October through early January).
- Deer hunting is permitted on Sundays in Virginia under the following circumstances (Code of Virginia §[29.1-521](#)):
 - During designated deer seasons.
 - On private property with written permission from the landowner. The written permission should state that Sunday hunting privileges are included.
 - Sunday deer hunting is not allowed on public property.
 - It is illegal to hunt within 200 yards of a house of worship or other building physically associated with a house of worship on Sunday.
- Lists of properties available for hunting **are not** maintained by the Virginia Department of Game and Inland Fisheries or local governments. To find available properties, visit with or contact local landowners, deer hunters, [archery clubs](#), or check stations. Hunters in Fairfax County may wish to contact [Suburban Whitetail Management of Northern Virginia, Inc.](#) or visit the [Fairfax County Archery Program web page](#).
- Hunters must obtain permission from the landowner and must also obtain permission to pursue or retrieve deer from neighboring landowners. Due to the small size of parcels and proximity of residences, the hunter or the owner of the hunted property is encouraged to notify adjacent property owners or tenants in advance.
- Hunters must abide by all applicable sections of the Virginia State Code, Virginia Hunting Regulations, and local ordinances. See local restrictions in the next section below.

Local Urban Archery Restrictions

Please also see “General Information (for all localities)” above

Altavista

- Except for target shooting, discharge of archery equipment is prohibited within 100 yards of an occupied dwelling.
- No hunting on private property without written permission from the landowner which must be carried on the person at all times when hunting.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within Town limits or toward any building or dwelling in such a manner that an arrow may strike it.
- Except for target shooting, archery equipment can only be discharged from elevated stands.
- Hunters must register and sign a release at Town Hall, with the Town Manager or designee, to hunt on Town-owned property.
- Hunters, while hunting on Town owned property, are required to have a safety harness on at all times while in a tree stand.

Amherst

- No special restrictions.

Town of Bedford

- Hunting with bow and arrow is permitted on any parcel which consists of three (3) acres or more, or parcels with concurrent boundaries which in combination equals three acres or more.
- The property owner must obtain an annual Urban Archery permit from the Bedford Police Department.
- It is unlawful to hunt except from a stand elevated a minimum of twelve (12) feet above the ground.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, or public place, or towards any building or dwelling in such a manner that the arrow may strike it.
- A hunter discharging a bow shall use reasonable care to ensure the arrow does not cross any property line and enter any property on which the hunter does not have permission to hunt. The discharge of an arrow across or over the boundaries of a property for which no permission has been given by the property owner shall create a rebuttable presumption that the use of the bow and arrow was not conducted with reasonable care.
- Discharge of an arrow is permitted only in order to take a deer. No discharge of an arrow shall be made toward any animal other than a deer.
- The hunter is responsible for the disposition of the deer carcass.

- The hunter must obtain written permission from the landowner before hunting and shall carry a copy of the written permission at all times while hunting.
- If a deer which has been shot with an arrow leaves the property on which the hunter has permission to hunt, the hunter shall obtain permission from any property owner over which he/she must travel to retrieve the deer.
- It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons, except as allowed under state law.
- No person shall hunt deer in the City by use of dog or dogs.
- [Earn A Buck](#) rules are in effect. Antlerless deer killed during urban archery season count toward Earn A Buck.

Blacksburg

- Archery equipment can only be used for hunting.
- During seasons declared by the Virginia Department of Game and Inland Fisheries, archery hunting is permitted in the Agricultural and Forestal District, and the Rural Residential I zoning district on any lot of three (3) acres or more. Archery hunting is prohibited in all other zoning districts at all times.
- Archery equipment can only be discharged from a stand elevated at least ten (10) feet from the ground.
- No person shall discharge a bow within one hundred (100) yards of a dwelling, sidewalk, street, or roadway.
- Hunters must get permission to hunt from individual property owners.
- Please consult Blacksburg Town Code § 14-110.5 for complete details on Blacksburg's hunting ordinance. A link to the Blacksburg Town Code is available at www.blacksburg.gov.

Blackstone

- The discharge of archery equipment for the taking of deer is restricted to private property of three (3) acres or more, with written permission from the property owners.
- Persons engaged in the taking of deer with archery equipment shall carry written permission from the property owner with him/her at all times.
- Deer hunting and the discharge of archery equipment for the taking of deer are prohibited on town property.
- The discharge of archery equipment for the taking of deer shall only be from stands elevated 10 feet or more above the level of surrounding land. The discharge of archery equipment by property owners in the Residential-Suburban District may be from elevated locations and elevated heights that are approved by the Town Manager.
- No person shall discharge a bow within 100 yards of any dwelling, building, street, sidewalk, alley or roadway.

- No person shall discharge a bow from, over or across any street, sidewalk, alley roadway, public land or public place, or above or toward any structure or dwelling in such a manner that an arrow may strike it.
- The hunter shall obtain permission to pursue a wounded deer upon the land of neighboring landowners.
- No person shall hunt deer within the Town limits by use of a dog or dogs.
- Deer carcasses must be disposed of promptly.

Chatham

- No person shall discharge a bow from over or across any street, sidewalk, alley, near primary or secondary highways, roadway, near a school and town parks within the Town limits or toward any building or dwelling in such a manner that an arrow may strike it.
- Except for target shooting, no person shall discharge a bow within one hundred (100) yards of an occupied dwelling, sidewalk, street, or roadway.
- Except for target shooting, archery equipment can only be discharged from a stand elevated at least ten (10) feet off the ground.
- The hunter must obtain written permission from the landowner before hunting and shall carry a copy of the written permission at all times while hunting.
- No person shall hunt deer in the Town by use of dog or dogs.
- Deer carcasses shall be disposed of promptly; this disposal is the sole responsibility of the hunter.
- Hunters must register with the Chatham Town Police to hunt on Town property.
- Hunters, while hunting on Town property, are required to have a safety harness on at all times while in a tree stand.

Chesapeake

- No person shall shoot an arrow from a bow in a manner that can be reasonably expected to result in the arrow impacting or crossing property of another without permission from the owner or tenant of such property.
- The urban archery season is not open on Department-owned lands.
- During the Firearms Deer Season, antlerless deer can only be taken on either-sex days. See [“Seasons and Bag Limits”](#).

Chesterfield County

- Except for target shooting, no person shall shoot an arrow from any bow within the county within 150 feet of a (i) business establishment; (ii) public building; (iii) public gathering; (iv) public meeting place; or (v) dwelling of another, except that the 150-foot limitation shall not apply if the dwelling owner or occupant has given permission. This limitation also shall not apply to shooting an arrow from a bow for the killing of deer on a

kill permit (Code of Virginia § 29.1-529) on land of at least two acres that is zoned for agricultural use.

- No person shall shoot a bow at or upon the property of another without the permission of the owner of the property.
- For purposes of this section, “bow” includes all compound bows, crossbows, longbows and recurve bows having a peak draw weight of ten pounds or more.
- During the Firearms Deer Season, antlerless deer can only be taken on either-sex days. See “[Seasons and Bag Limits](#)”.

Christiansburg

- Except for target shooting, discharge of archery equipment is restricted to land consisting of three (3) acres or more.
- Hunters must register with the Christiansburg Police Department to hunt on town property.
- Hunters must carry written permission from individual property owners to hunt.
- Agreement must be made between the participant and landowner in reference to field dress.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within Town limits or toward any building or dwelling in such a manner that an arrow may strike it.
- Except for target shooting or by a property owner on their own property, archery equipment can only be discharged from an elevated stand with a minimum height of 12 (twelve) feet.
- Hunters must dispose of deer carcasses appropriately. Carcasses should be double bagged and will be taken by the local landfills.
- No person shall hunt deer within the Town by use of dog or dogs.
- Urban Archery Season is restricted to hunting antlerless deer only.

Colonial Heights

- No hunting is permitted on City property.
- Hunters must gain permission to hunt from property owners.
- In addition to the urban archery season, archery deer hunting is also allowed during the early archery season and the general firearms deer season (i.e., from the first Saturday in October through the first Saturday in January).

Danville

- Any person discharging a bow must carry written permission from the property owner(s).

- No person shall discharge a bow from, over, or across any street, sidewalk, alley, roadway, or public land or public place or toward any building or dwelling in such a manner that an arrow may strike it.
- No person shall discharge a bow unless from an elevated position of at least ten (10) feet above the ground.

Emporia

- No special restrictions.

Fairfax County

- In addition to the urban archery season, archery deer hunting is also allowed during the early archery season and the general firearms deer season (i.e., from the first Saturday in October through the first Saturday in January), and the late special antlerless archery season (i.e., from the Monday following the last Sunday in March through the last Sunday in April).
- Hunters must gain written permission for posted property and verbal for un-posted property.
- It shall be unlawful to discharge an arrow in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner, fee holder, or tenant.
- [Earn A Buck](#) rules are in effect. Antlerless deer killed during urban archery season count toward Earn A Buck.

Farmville

- Hunters must gain written permission for posted property and verbal for un-posted property.
- It shall be unlawful to discharge an arrow in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner, fee holder, or tenant.

City of Franklin

- No special restrictions.

Fredericksburg

- No hunting is permitted on city property within the city limits.

Front Royal

- Approval from landowner(s) of a total aggregate, contiguous area of one-half (1/2) acres at minimum is required to conduct archery hunting.
- Any person discharging archery equipment shall, at all times while engaged in such activity, have in their possession written permission from the landowner(s) to discharge such weapon on the private property.
- No person shall discharge archery equipment from, over, or across any street, sidewalk, alley, roadway, or public place within the Town limits or toward any building or dwelling in such a manner that an arrow may strike it.
- No person shall discharge archery equipment unless from an elevated position of at least ten (10) feet above the surrounding terrain. Any disabled hunter unable to hunt from such platform must comply with all regulations established by the Virginia Department of Game and Inland Fisheries.
- Except for target shooting, discharge of archery equipment is not permitted within one hundred (100) feet of any dwelling except with written consent of the owner of said structure.
- Discharge of archery equipment is not permitted within one hundred (100) feet of any school property line. Use of archery equipment on school property for school sanctioned activities shall be excluded from this restriction.
- Any person discharging archery equipment shall use reasonable care to ensure the arrow does not cross any property line and enter any property on which the hunter does not have permission to hunt.
- The hunter is responsible for the disposition of the animal carcass to the local/regional landfill. Carcasses shall be double bagged. Field dressing of the animal shall be by agreement between the landowner and the hunter. No field dressing of the animal shall occur on Town owned property without express written permission from the Town Manager or designee.
- No person shall hunt within the Town limits by use of dog or dogs.
- [Earn A Buck](#) rules are in effect. Antlerless deer killed during urban archery season count toward Earn A Buck.

Galax

- Deer hunting and/or the discharge of archery equipment on City property are prohibited.
- Except for target shooting, discharge of archery equipment is prohibited within 100 yards of an occupied dwelling.
- Hunting with bow and arrow is permitted on any residentially zoned parcel which consists of three (3) acres or more, or parcels with concurrent boundaries which in combination equals three acres or more. Archery hunting is prohibited in all other zoning districts at all times. A zoning map can be found at www.galaxva.com by selecting the

“Galax Map” link at the top of the webpage and then selecting “Layers” at the top of the map. Check the “Zoning” box and the map will show all zoning districts.

- It is unlawful to hunt except from a stand elevated a minimum of twelve (12) feet above the ground. Any disabled hunter unable to hunt from such platform must comply with all regulations established by the Virginia Department of Game and Inland Fisheries.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, or public place, or towards any building or dwelling in such a manner that the arrow may strike it.
- A hunter discharging a bow shall use reasonable care to ensure the arrow does not cross any property line and enter any property on which the hunter does not have permission to hunt. The discharge of an arrow across or over the boundaries of a property for which no permission has been given by the property owner shall create a rebuttable presumption that the use of the bow and arrow was not conducted with reasonable care.
- Discharge of an arrow is permitted only in order to take a deer. No discharge of an arrow shall be made toward any animal other than a deer.
- The hunter is responsible for the disposition of the deer carcass to the local regional landfill. Carcasses shall be double bagged. Field dressing of deer shall be by agreement between the landowner and hunter.
- The hunter must obtain written permission from the landowner before hunting and shall carry a copy of the written permission at all times while hunting.
- If a deer which has been shot with an arrow leaves the property on which the hunter has permission to hunt, the hunter shall obtain permission from any property owner over which he/she must travel to retrieve the deer.
- It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons, except as allowed under state law.
- No person shall hunt deer in the City by use of dog or dogs.

Town of Halifax

- The landowner is required to obtain an annual permit from the Halifax Police Department in order to discharge archery equipment for this purpose.
- Persons discharging a bow must have written permission from the landowner.
- Discharge of a bow shall be from an elevated position at least 12 feet above the ground.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within the town limits or toward any building or dwelling in such a manner that an arrow may strike it, nor shall a person discharge a bow over or across private property of another without permission.
- No person shall hunt deer in the town by use of dog or dogs.
- Hunters must dispose of deer carcasses appropriately.

Hopewell

- Discharge of a bow is permitted only on a) city property designated by the city manager as an “archery area” and /or b) any private property containing at least ¾ of an acre of land.
- Private property on which archery hunting occurs must be registered with the Hopewell Police Department.
- Written permission from the property owner must be carried while hunting.
- Discharge of a bow is permitted only from a stand elevated at least 10 feet above the ground.
- It is unlawful to hunt within 30 yards of a dwelling, sidewalk, street or roadway.
- No person shall hunt or traverse an area with bow and arrow that is within 100 yards of the property line of a public school or a city park except in those areas specifically designated as archery areas.
- No person shall hunt deer within the city limits by use of a dog or dogs.

Hurt

- Except for target shooting, discharge of archery equipment is prohibited within 100 yards of an occupied dwelling.
- No hunting on private property without written permission from the landowner which must be carried on the person at all times when hunting.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within Town limits or toward any building or dwelling in such a manner that an arrow may strike it.
- Except for target shooting, archery equipment can only be discharged from elevated stands.
- Hunters must register and sign a release at Town Hall, with the Town Manager or designee, to hunt on Town-owned property.
- Hunters, while hunting on Town owned property, are required to have a safety harness on at all times while in a tree stand.

Independence

- No special restrictions.

Irvington

- No special restrictions.

James City County

- No special restrictions.
- To locate public land available for hunting, please [click here](#).

Kenbridge

- No person shall discharge a bow unless from an elevated treestand position of at least ten (10) feet above the ground. Any disabled hunter unable to hunt from such a platform must comply with all regulations established by the Virginia Department of Game and Inland Fisheries. All treestands utilized for hunting deer must be removed from the subject property from April 1 until September 1 of each year.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land within the town limits or toward any building or dwelling in such a manner that an arrow may strike it.
- Hunters must dispose of deer carcasses appropriately.
- Hunters must carry written permission from the landowner to hunt.
- No person shall hunt deer in the town by use of dog or dogs.
- Any person violating these provisions shall be guilty of a Class 4 misdemeanor.

Lexington

- The landowner(s) must apply for a free annual permit from the Lexington Police Department Special Enforcement Officer to have their property included in this program.
- Hunting is restricted to land that is one or more acres which is either owned or leased with permission from the landlord. Properties may be aggregated to meet the acreage requirement.
- Hunting shall be from an elevated tree stand only with a minimum height of 12 feet.
- There shall be no hunting within 100 yards of a dwelling, street, sidewalk, alley, public land or public place.
- No hunter shall discharge a bow over any street, sidewalk, alley, public land or public place.
- Hunters shall be responsible for disposing of deer carcasses appropriately.
- The hunter shall obtain permission to track or retrieve a deer from the land of neighboring landowners.
- When hunting, all hunters must have in their possession written permission from the landowner.
- No person shall hunt deer within the city limits by use of a dog or dogs.

Lynchburg

- A city ordinance prohibits discharge of a bow or other weapons except on properties where the owners have been issued a kill permit, shotgun discharge permit, or bow discharge permit. The landowner – not the hunter – must annually apply for the appropriate permit.

- A permit may be issued to the landowner if the Chief Animal Warden deems the property safe for the discharge of archery equipment or shotguns. No acreage minimums are required for issuance of bow permits. A shotgun discharge permit requires 25 acres or more.
- When hunting, all hunters must have in their possession written permission from the landowner and a copy of the hunting permit issued to the landowner by the city.
- There shall be no hunting on any city owned property.
- Archery equipment can only be discharged from an elevated tree stand located at least twelve (12) feet above the ground on approved properties.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within the city limits or toward any building or dwelling in such a manner that an arrow may strike it.
- No person shall hunt deer in the city by use of dog or dogs.

Martinsville

- Hunters must obtain written permission from the property owner.
- No firearms other than a bow and arrow may be in the hunter's possession.
- Discharge of an arrow is permitted only in order to take a deer. No discharge of an arrow shall be made toward any person, any animal other than a deer, any structure or any vehicle in such a manner as the arrow may strike such person, animal, structure or vehicle, nor shall a discharge be made in such a manner that the arrow may strike in any roadway.
- Archery equipment can only be discharged from temporary platforms elevated at least seven feet above the ground. Any disabled hunter unable to hunt from such a platform must comply with all regulations established by the Virginia Department of Game and Inland Fisheries.
- No pursuit of an injured or wounded deer shall be permitted upon the land of neighboring landowners unless the hunter has first obtained permission from that landowner. No field dressing of deer shall be permitted without the permission of the landowner.

Pearisburg

- No person shall discharge a bow within 100 yards of a dwelling, over or across a sidewalk, street, or roadway within the Town limits.
- Hunters must get and carry written permission to hunt from individual property owners.
- Hunters must dispose of deer carcasses appropriately. No field dressing of deer shall be permitted without the permission of the landowner.
- Archery equipment can only be discharged from an elevated tree stand located at least 10 feet above the ground.

- Discharge of archery equipment is restricted to land consisting of 2 acres or more that is approved by the Town Manager and the Chief of Police.
- No hunting is permitted on Town property.

Poquoson

- No special restrictions.

Town of Pulaski

- No hunting on Town property.
- Hunters must carry written permission from individual property owners to hunt.
- Agreement must be made between the participant and the landowner in reference to field dress.
- No person may discharge a bow within 100 yards of any dwelling, building, street, sidewalk, alley, roadway, public land or public place within Town limits. Bows may be discharged within 100 yards of any dwelling only with the written permission of the landowner to be carried by the hunter as noted above.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within Town limits or toward any building or dwelling in such a manner that an arrow may strike it.
- Except for target shooting, archery equipment can only be discharged from an elevated stand with a minimum height of twelve (12) feet.
- Hunters must dispose of deer carcasses appropriately. Carcasses should be double bagged and will be taken by the local landfills.
- No person shall hunt deer within the Town by use of dog or dogs.

Radford

- Discharge of archery equipment within city limits is only permitted for hunting.
- On private property, discharge of archery equipment is restricted to parcels at least six (6) acres in size where permission has been obtained from the landowner.
- On city property, hunting is restricted to lands specifically identified on a map available from the Assistant City Manager, subject to written permission from the city.
- Archery equipment can only be discharged from an elevated tree stand located at least ten (10) feet above the ground.
- Discharge of archery equipment is not permitted within 100 feet of any highway, alley, roadway, sidewalk, or designated foot trail.
- Discharge of archery equipment is not permitted within 300 feet of any residence.
- Arrows may not be shot in the direction of an occupied dwelling, highway, alley, roadway, sidewalk, or designated foot trail.

Richlands

- Only antlerless deer may be taken during the Urban Archery Season.
- Hunters must obtain and carry written permission from individual property owners to hunt.
- Except for target shooting, discharge of archery equipment is restricted to land consisting of five (5) acres or more that is approved by the Chief of Police.
- Agreement must be made between the participant and landowner in reference to field dress.
- Except for target shooting, no person shall discharge a bow within 100 yards of dwellings.
- Except for target shooting, archery equipment can only be discharged from an elevated stand with a minimum height of 10 (ten) feet.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place or toward any building or dwelling in such a manner that an arrow may strike it.

City of Richmond

- No hunting is permitted on City property.
- Hunters must gain permission to hunt from property owners.
- This season does not authorize the use of firearms for hunting deer within the City.
- It shall be unlawful for any person to discharge arrows from a bow or crossbow in any street or public alley of the City.
- It shall be unlawful for any person to discharge an arrow at or upon the property of another without permission.

Roanoke County

- Written permission from individual property owners must be in possession when discharging a bow.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, near primary or secondary highways, roadway, or public land or public place or near a school and county/town/regional parks within the County limits or toward any building or dwelling in such a manner that an arrow may strike it.
- No person may discharge a bow unless from an elevated position of at least 10 feet above the ground.
- It shall be unlawful for any person to engage in hunting with a bow or to discharge arrows from bows within 100 yards of a dwelling house or occupied building not his or her own.
- The urban archery season **is not** open on National Forests or Department-owned lands.
- [Earn A Buck](#) rules are in effect. Antlerless deer killed during urban archery season count toward Earn A Buck.

Rocky Mount

- Hunting is restricted to parcels of private property where written permission has been obtained from the landowner.
- Hunting is prohibited on school or church property.
- Discharge of archery equipment is permitted only for the taking of deer.
- Archery equipment can only be discharged from an elevated tree stand located at least ten (10) feet above the ground.
- Discharge of archery equipment is not permitted within 100 feet of any highway, street, alley, roadway, sidewalk, or designated foot trail.
- Discharge of archery equipment is not permitted within 300 feet of any residence.
- Arrows may not be shot in the direction of any residence, highway, street, alley, roadway, sidewalk, or designated foot trail.
- Firearms cannot be used or carried while deer hunting.

Saltville

- To hunt on town property, a hunter must sign a waiver obtainable at the town manager's office.

Smithfield

- Hunting can only occur in certain zones, so please check with the town GIS office or the Police Department.
- Hunting is restricted to parcels of private property where written permission has been obtained from the landowner.
- Hunting is prohibited on school or church property and within 100 feet thereof.
- Discharge of archery equipment is permitted only for the taking of deer.
- Archery equipment can only be discharged from an elevated tree stand located at least ten (10) feet above the ground.
- Discharge of archery equipment is not permitted within 100 feet of any highway, street, alley, roadway, sidewalk, or designated foot trail.
- Discharge of archery equipment is not permitted within 100 feet of any residence except with written consent of the owner of said residence.
- Arrows may not be shot in a manner that would cause them to strike an unintended target.
- Firearms cannot be used or carried while deer hunting.

Staunton

- When hunting, all hunters must have in their possession valid written permission from the landowner.

- Agreement must be made in writing between the hunter and landowner in reference to field dress.
- Deer carcasses shall be disposed of immediately.
- No hunting is allowed on city property.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within the City limits or toward any building or dwelling in such a manner that an arrow may strike it or endanger life or property nor shall a person discharge a bow over or across the private property of another without prior permission.
- No person shall hunt deer within the city by use of dog or dogs.

Stuart

- No special restrictions.

Suffolk

- No special restrictions.
- During the Firearms Deer Season, antlerless deer can only be taken on either-sex days, which may differ east and west of the Dismal Swamp line. See “[Seasons and Bag Limits](#)”.

Town of Tazewell

- The owner of the property to be hunted, which must be at least 5 acres, shall apply for a permit from the Chief of Police.
- Hunters shall keep a copy of the permit on their person when hunting an approved property.
- It is unlawful to hunt except from a stand elevated a minimum of twelve (12) feet above the ground.
- It is unlawful to hunt within one hundred (100) yards of any school or residence property.

West Point

- No special restrictions.

Winchester

- Discharge of a bow is permitted only on land that is five (5) acres or more of continuous area, approved by the City Manager and the Chief of Police.
- The landowner(s) must apply for an annual permit from the City Manager to use their property for purpose of discharging archery equipment and have identified their properties as such by signage approved by the Chief of Police.

- Any person discharging a bow shall, at all times, while engaged in such activity, have in his possession written permission from the landowner(s) to discharge such a weapon on his premises.
- Discharge of a bow must be done from an elevated stand with a minimum height of ten (10) feet.
- No person shall discharge a bow within one hundred (100) yards of any dwelling, building, street, sidewalk, alley, roadway, public land or public place within City limits.
- No person shall discharge a bow from, over, or across any street, sidewalk, alley, roadway, or public land or public place within City limits or toward any building or dwelling in such a manner that an arrow may strike it.
- No person shall hunt deer within the City limits by use of a dog or dogs.
- Deer carcasses must be disposed of appropriately.
- The hunter and the landowner(s) shall agree in reference to field dress.
- [Earn A Buck](#) rules are in effect. Antlerless deer killed during urban archery season count toward Earn A Buck.

Wytheville

- Hunters must carry written permission from individual property owners to hunt.
- No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, public land or public place within Town limits or toward any building or dwelling in such a manner that an arrow may strike it.
- Hunters must dispose of deer carcasses immediately and appropriately.

York County

- No special restrictions.

Background Information

Human-deer conflicts are increasing in urban areas throughout the Commonwealth. Numerous cities, towns, and urbanized counties have requested assistance regarding damage caused by deer to vehicles and personal property. Residential, commercial, and industrial development has altered the landscape of Virginia. In many cases, more favorable habitat conditions for white-tailed deer populations have resulted, and deer populations have flourished. Additionally, many jurisdictions have enacted local ordinances to prohibit the discharge of firearms. This creates large tracts of land that act as refuges (sanctuaries) for unregulated growth of deer populations.

The objective of the urban archery season is to reduce human/deer conflicts in urban areas by concentrating archery-hunting pressure in urban/suburban areas. Archery deer hunting is an

effective, quiet method for harvesting deer in urban settings. The concept is modeled after a successful urban archery season initiated several years ago in West Virginia. Additionally, urban archery seasons have been used as an effective deer management option for numerous years in several Midwestern states.

The Virginia Department of Game and Inland Fisheries established an urban archery season during 2002 to assist towns and cities across the Commonwealth with urban deer management issues. The urban archery season gives localities a means to reduce deer populations within their limits while at the same time providing hunting recreation. The regulation that establishes this season is permissive, and the season is available to every incorporated city and town in Virginia and to every county with a human population density of 300 persons per square mile or more. Therefore, the season is only “open” in those towns, cities, and counties that requested to participate in writing.

Any locality participating in the urban archery season will remain in the program until it notifies the Department otherwise. Any city, town, or county no longer participating in this season shall submit by certified letter to the department prior to April 1 notice of its intent **not to** participate in the special urban archery season. On the other hand, a locality that is not currently participating, but wishes to do so, shall submit by certified letter to the department prior to April 1 notice of its intent to participate in the urban archery season.

To make this season a success, urban archery deer hunters are asked to be extra careful regarding safety, to respect the property rights of all landowners, and to report any questionable behavior or violations they may witness. Because many urban archers may be hunting on small acreages and/or near dwellings, they are reminded to pay close attention to property lines and to notify adjacent landowners or tenants as a courtesy before they hunt. State law does not allow a hunter to follow a wounded animal on to another person’s property without the landowners’ permission.

We as an agency are very pleased with this season that provides a permissive proactive approach for urban deer management to local governments. Hunters or citizens who have questions or comments about the urban archery season are asked to call Nelson Lafon, Deer Project Coordinator, at nelson.lafon@dgif.virginia.gov or (540) 569-0023.

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



Agenda Date:	December 5, 2016
Action Required:	Ordinance
Presenter:	Brian Daly, Director, Parks and Recreation
Staff Contacts:	Brian Daly, Director, Parks and Recreation Doug Ehman, Manager, Parks Division Vic Garber, Manager, Recreation Division Chris Gensic, Parks and Trail Planner
Title:	Ragged Mountain Natural Area Rules of Use

Background:

From the late 1800's until around 1990 the Ragged Mountain property was only open to water supply employees and anglers. In the 1990's, the Ivy Creek Foundation lobbied successfully to open the area to more public use by offering to construct and maintain a network of hiking-only trails on the property. Easements and land acquisitions from the adjacent Heyward property (Foxhaven Farm) allowed for a parking lot and for portion of trail at Roundtop Mountain.

Construction of the new Ragged Mountain Reservoir Dam led to the loss of about 40% of the trail system to a higher water level in the reservoir. City staff led multiple volunteer events to design and construct new trail links to restore lost sections and successfully restored nearly 80% of the loop trails lost during dam construction. The great majority of those trails were available upon completion of the construction project.

During construction, community members inquired of City staff why the rules at Ragged Mountain limited uses to hiking only when it is such a large property so close to town. The Ivy Creek Foundation released their management agreement in 2014 making the City (Parks Department) the primary land manager. The City has more staff and resources today to manage such trail networks and is not entirely dependent on volunteer labor.

Discussion:

City staff held a public meeting in November 2014 to gather public input about the proposed rules changes to allow biking, jogging, and dogs on the trail network. The majority of attendees at this meeting supported the proposed change.

Staff requested that a bio-blitz study be performed by the same local group of experts that had undertaken a similar study for a new County park property, Byrom Forest preserve. In addition to the volunteer citizen organized bio blitz to identify flora and fauna on the property, a local firm, Urban Habitats, was hired to perform an ecosystem analysis of the property. The bioblitz was completed in March 2016, and the ecosystem study report, cataloging the various zones of habitat

and forest cover, was released in June 2016. The ecosystem study noted some zones of particular sensitivity in the southwest corner, and around Roundtop Mountain.

Council meeting, proposed ordinance, and directive (October 2015)

City Council considered a proposed ordinance change to allow jogging, bikes, and dogs in October of 2015. Following discussion, Council directed staff to complete the bio-blitz and to undertake a planning process according to the approved process, then return to Council with recommendations following the planning process.

Community Engagement:

List of meetings, info, and outcomes

- February 29, 2016 - Project kickoff meeting and staff presentation of Raged Mountain history, etc.
- March 22, 2016 – Public “Open Mic night” – staff received comment from the public
- April 27, 2016 – planning and use charrette
- May 24, 2016 – Public Presentation of options A, B, C, and D (see below) for consideration and comment:
 - Option A – no public access
 - Option B – rules remain as is, hiking only (and boating/fishing)
 - Option C – Some shared use
 - Option D – more shared use

A fifth option was advocated by many at the May 24 meeting that provided for modified shared use. As a result, Option E was created by staff and

- Option E – modified shared use (bikes and dogs) on some trails, hiking/jogging on all trails
- July 20, 2016 – Public Hearing before Parks and Recreation Advisory Board regarding Options B, C, D & E

Public Comment

Public input was gathered in a variety of ways during the planning process. At the March 22 meeting, the public was given 3 minutes each to provide their thoughts and comments to staff. An email address specific to the plan was set up to receive ongoing comments. A park comment phone hotlines was also set up to take public comment. Sign-up sheets at each meeting allowed attendees to write in comments.

Parks and Recreation Advisory Board

Staff presented a basic overview of the process to date and the options for consideration to the Board at their June meeting to prepare for the public hearing in July. Multiple tours of the property with staff were taken to acquaint Advisory Board members with the property and trails. A public hearing was held before the Advisory Board on July 20, 2016 to gather public input, with a following thirty (30) day public comment period. At the September meeting, the Board discussed the options and proposed uses. The Board voted in October to recommend to City Council to continue the prohibition on dogs (except service animals), to permit running and jogging, and to permit bicycles on trails with some limitations on design and location. The Board advised staff to work on some options to the shared use concept, including the provision of some trails that are exclusively for hikers and others that are shared, as well as ensuring that no trails impacted sensitive environmental areas of the property.

Description of proposed staff options

Most trails have already been reconstructed, or are the original trails built by the Ivy Creek Foundation. The remaining major trails to be built include a few sections that will complete basic the loop around the reservoir, one from the upper dam road to an existing trail, another from the end of that existing trail to the new floating bridge. In the final Draft Trail Use Plan, new trails will also be required between the upper roadbed and the lower lakeside trail to provide a separation of hikers from those trails that would allow bicycles. Another trail section to be built is on the southern peninsula that was left after dam construction, and some connector links from the upper maintenance road to the lower trails.

Regardless of the final decision made by City Council, many pieces of trail will still need to be constructed to complete the loop, as described above. If a mixed use option is approved, the staff recommendation is that bicycles be allowed on trails designated on the Draft Trail Use Plan map.

These trails are only located in the area from the parking lot, counter clock-wise around the north side of the reservoir to a point directly across the reservoir from the parking lot, at the end of the former “upper dam road”.

The trails that would allow bicycle use include the upper road bed to the first intersection with the lower trails. At that point, the upper road bed becomes hiker only to respect the wishes of the Ednam neighborhood not to have bikes at the border with their property. Separate trails would provide hiker-only and biking-allowed routes, around to the old upper dam roadbed. Trail between the old upper dam road and the western most part of the property would all be shared (bikes allowed). This is done because the density of users will be the lowest, the steeper terrain does not allow much space for multiple trails, and there is a need to create a loop for bicycles to turn around. In this option, all trails between the parking lot and link trail south of the old upper dam road on the southern side of the reservoir are hiker/jogger only, including the floating bridge.

The Parks and Recreation Advisory Board recommended to not allow any bicycles on the southern portion of the property from the dam to the floating bridge due to the narrow conditions of some of the existing trails.

During dam construction, the old caretakers house was removed and a parking lot created in its place. This modified the former boat access point. Currently small boats must be dragged up and down a steep hill from the parking lot to access the water. There have been requests to improve this situation by creating a boat loading area. City staff are working with RWSA to improve the boat loading/unloading area, potentially using the existing boat ramp near the RWSA shed. Items under consideration are protection of the RWSA shed, precluding vehicles from accessing the reservoir (no boat ramp”, improvements to the drop off/loading zone, vehicle turn around, potential for boat storage on site, and efforts to reduce the threat of aquatic invasives. The Parks and Recreation Advisory Board also recommended to continue the current boating and fishing rules (no gas engines, state fishing license required).

Following the receipt of comments from the Planning Commission, the recommendation (and comments) will be forwarded to City Council for consideration and adoption.

Implementation

Once a final plan and ordinance are adopted, staff will begin to work with naturalists and trail user groups to layout and construct the remaining trails in a sustainable manner. Some existing trails may also require alteration to put them in a more sustainable condition or to upgrade them for safety.

Staff will also continue to work to remove and control invasive plants on the property. This will take the effort of both staff and volunteers and will be an ongoing effort over many years. This work has already begun in the areas closest to the parking lots and will expand along the trails and further into the property over time.

Improvements to the boat ramp area and other fishing enhancements will require some design and approvals in advance of construction. Funding for such enhancements will need to be secured.

Due to the voluminous amount of documents, maps and other information generated throughout this process; all information related to the planning process as well as all public comment received to date can be viewed on the City's website at www.charlottesville.org/raggedmountain.

Alignment with City Council's Vision and Strategic Plan:

This ordinance supports City Council's "Green City" vision and contributes to Goal 2 of the Strategic Plan: Be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

Budgetary Impact:

Fiscal Impact of this action is minimal. The remaining trails can be constructed using existing staff time, equipment and volunteer labor. Future maintenance will be accomplished in the same manner.

Recommendation:

The Parks and Recreation Advisory Board recommends that the following uses be permitted at Ragged Mountain Natural Area:

- Hiking, jogging, running, boating, fishing
- Bicycling on designated trails

The Parks and Recreation Advisory Board further recommends that the following uses be prohibited at Ragged Mountain Natural Area:

- Dogs, with the exception of service animals

Alternatives:

Council may choose to accept, modify or reject the recommendation of the Parks and Recreation Advisory Board.

Attachments:

Attachment 1 – Draft Trail Use Map – Ragged Mountain Natural Area – November 1, 2016
Attachment 2 – Planning Commission Comments from November 9, 2016 Meeting
Attachment 3 – Draft Ordinance – Ragged Mountain Rules of Use



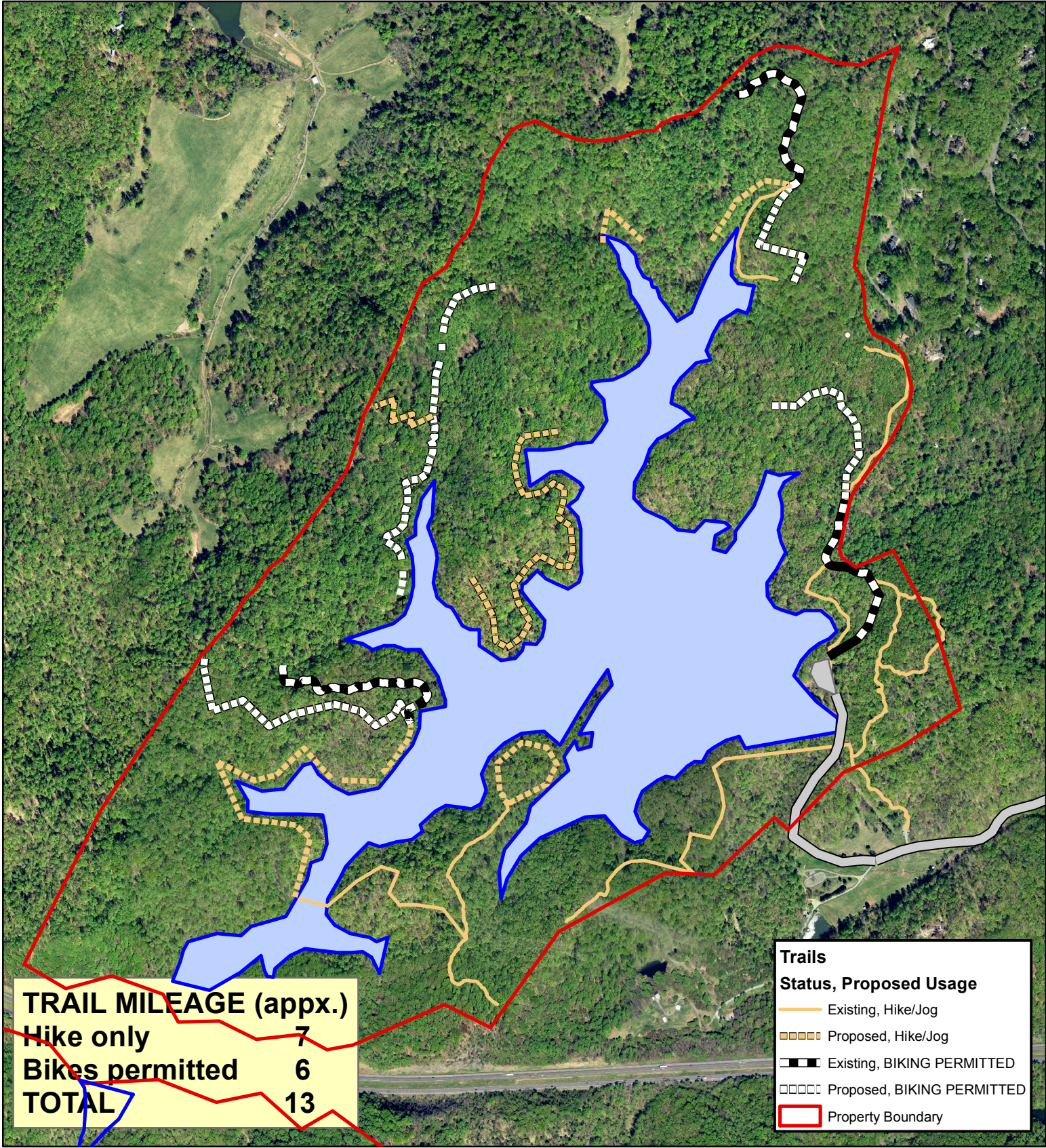
RAGGED MOUNTAIN DRAFT TRAIL USE PLAN

Hiking/Jogging permitted on all trails

Biking permitted on checkered trails

Dogs not permitted (except service pets)

November 1, 2016



0 0.25 0.5 1 Miles

Trail locations are field located during construction with approximate routing shown in plan. Final locations will depend on site specific conditions and field verification.

PLANNING COMMISSION COMMENTS
RAGGED MOUNTAIN NATURAL AREA
NOVEMBER 9, 2016

Daly: Here for PC comment, no action required, master plan process followed. Not a master plan. There has been more public engagement and comment on this than any other issue in my tenure. Represents a tremendous love and passion for our parks by the community.

Keesecker – asks commissioners to provide feedback and then identify themes around consensus if there are any common themes without voting.

Jody Lahendro – Represents the PC on the P&R Advisory board. I've been very impressed with P&R handling of this, engagement with the public. Its been going on for a year. Started with several information sessions for the public as well as interactions, back and forth information, public hearing with over 60 public comments during a very long evening. Advisory committee has deliberated over last two or three months. Carefully taken thru different aspects of trails, types of trails, dogs, bike, hiking. Been very thorough and fair process, impressed with staff and advisory committee for doing their due diligence on this. At end of this process it was the advisory committee vote 6-2 to recommend as Mr. Daly said, that the trail system for hiking, running, biking be approved, that dogs be prohibited, the committee recommended that hike/bike trails be separated as much as practical. Final design to be determined by P&R staff, which they have presented in our packet. At the same time, I was one of two dissenting votes for the process, I believe that the natural area is rare and very special as being one of only two surviving in the Charlottesville region. The statement I presented in the packet says "the Charlottesville region has many parks and trails available for recreational use. RMNA is one of only two protected areas left for area residents. There is so much that is unknown by man about how ecosystems operate. To jeopardize a preserved natural area for human recreation because it 'belongs to all the people' is the worst kind of human arrogance and hubris. RMNA belongs to all living things."

Santoski – If you will indulge me to kick in here because I will be replacing Jody on the P&R Advisory board. I took it upon myself to Read everything on the P&R website and there is a boatload of information and letters and all sorts of things, and it took quite a while to go through it, you guys did a good job on that. There is no doubt there are some fervent feelings on both sides of the community as they looked at that. I tried to go into it without having any pre-conceived ideas with what I would do in a similar situation, but the one thing that I kept seeing going back, and I've tried to do this in my time on the Planning Commission is to see what kind of written trail has there been, what kind of trail of guidance from elected officials. It

is clear that the intent of RMNA and Ivy Creek are to be natural area. There can be some rationale for expanding mountain biking at RMNA at this time. Hedgerow will have multiple uses so I don't see any reason to rush into putting mountain biking to this area now. It is one of only two natural areas that we have, and there are other opportunities available or will be coming available, and its just added stress on an ecosystem. That is part of the reason for the reservoir going out to Ragged Mountain. I-64 already crosses part of it, which is why the western bypass was proposed not to be built in the first place ??? in area so why add more stress when we don't need to do it other than it would be nice to do it seems to be pushing the envelope

Green – Let me offer some different opinions. I am an avid trail runner and before I blew out my hip I was running 20-30 miles on trails, so I have run almost every trail through here and around the town, which still don't connect, but I know we are getting there, and I am a mountain biker. I will soon be 50 and I bike with several people who are over 50, so we are mountain bikers over 50, so to think that we should have it for only over 50 people, I am not such a big fan of, even though that's great. We do have a lot of mountain bike trails, that you get in your car to drive to. I do not buy the eco system arguments, there are a lot of things out there, but I think by separating the trails, that helps, I think its completely absurd to get in your car to bike somewhere. Personally if this was in my vicinity I would use it, but I would ride from my home and never get in my car and that is fantastic, and many bikers would do the same. In fact, I thought about this and, the lady with her Boys and Girls club shirt, they put together a program for inner city kids to road ride, and who is to say this wouldn't allow the B&G club to ride from the B&G club and hop on some nice trails without getting in a car, that gives a lot of people opportunity . Change is hard, I don't like it either, we are now an urban and as our city is getting denser we need more opportunity like this. You have the entire blue ridge A.T. that you cannot bike on, it is there for walking, and you do have to get in a car to get there. I understand the need for walk without bikes, I would never walk without my dog, he goes with me everywhere, the most joy I get out of life is a walk with my dog, so I get that. While I could argue that wildlife is already out there.

Santoski – I think it has less to do with ecology and more to do with, “why shouldn't we have natural area that are just natural areas” Why sh ????? I understand that we need something you can bike to. I asked I biking allowed at McIntire Park, which is a huge area, and you can bike there, why also need at Ragged Mtn?

Green – you can bike there but you are not always on trails. We bikers also want to bike were we are out in the woods.

Santoski – Then why don't we ask P&R to build trails at McIntire Park?

Green - Why don't we make McIntire park a natural area?

Santoski – Why don't we do that too? That's the argument I have, as McIntire is developing with a YMCA and more access why not put mountain bikes out there. I am not an expert, I only ride where its flat or I have an electric motor on my bike. The other thing was, I keep seeing, and I don't know, but there is a lot of conversation about Hedgerow south of Raged and designated to have bike trails, not in the too far distant future.

Keesecker, - can I add that there is a portion of the Ragged reservoir land, that is not hedgerow, that is also south of 64 and is essentially pristine, no trails.

Daly – that is correct, this map shwos the primary RMAN property, the southern property and was acquired before the interstate was built, Also shows Hedgerow property and explains deed of gift via The Nature Conservancy explaining it is for multi-use, there is no limit on use. County owns hedgerow, and has for a couple of years. No active planning has taken place, I know they want to do that, its just a matter of time and funding.

Green – How do you access Hedgerow?

Daly - Route 29

Green –So we would ride our mountain bike down US 29 to access Hedgerow?

Santoski – I see bikers all over the place, going down Old Lynchburg Road, Earlysville Road

Green – On a road bike. You might ride a road bike down 29, but you are not gonna ride a mountain bike on 29 for a couple miles. They are completely two different bicycles.

Kesecker – Can I ask a question about connectivity between the ragged mountain north parcel, the majority of the property, to the adjacent neighborhoods and areas north to the County. Is there any trailhead access for Ednam or Windsor Hill, or Birdwood golf course, and (Uva) foundation lands.

Daly - there are connections. There is a connection from Ednam near the ACSA water tower, there is also a trail I have yet to be on that comes up from Birdwood UVA property.

Chris Gensic clarifies that Ednam connection is private as are the private farms, but UVA trails do connect to Ivy Road

Santoski – Access to RMNA is where?

Daly - The primary access is Reservoir Road to the new parking are above the dam.

Keesecker - When was dam built? When property bought over 100 years ago, did they go right to building the dam?

Daly – This is the third dam, the existing finished in 2014

Hogg – The property was jointly developed by UVA and City as first joint undertaking to provide water for both. UV a relinquished ownership interest in the past. First dam was built 1885/1888. After opened, UVa filled in cisterns, just a few years before rotunda burned down.

Keesecker – so the dam and use of property as an infrastructure area to the community has been long standing, and the interstate was built in the late 1960s?

Keller – it was built in sections, hard to remember. Ivy Road and bypass from aerials on 1958/59 where its under construction

Keesecker – are there any tunnels/culverts under I-64 north and south, or are there plans to connect?

Daly – there is a culvert, as the reservoir expanded and grew, the reservoir now extends south of the interstate, you could go through with scuba gear, there is no pedestrian access. Well to the west, there is a tunnel under I-64 connecting north and south, but it is on private property, and was intended when built for livestock. You can drive a truck through it.

Keesecker – there are not any closer to town?

Daly – there is but also on private property

Keesecker – So its not technically impossible, but expensive, to build a new tunnel or bridge if desired.

Hogg - Big triangle to the north of Hedgerow, is that State Forest property?

Chris – that is J.W. Seig and other private inholdings. Forestry Division land is off Fontaine.

Kessecker – there is another map that probably helps us understand better the recreation areas, both City and County with their uses. Preddy Creek is on the northern edge of the County and Walnut Creek down Old Lynchburg and Route 20, popular areas to bike, are over 20 minutes away from the City.

Hogg- As someone who walks his dogs on these trails, particularly at O-hill and often at Walnut Creek because they are close places, 95% of bikers are fine, but its the other 5-10% can be terrible (People going way too fast, not yielding to pedestrians, being really rude and those are legitimate concerns. One can debate the fairness of regulating over 10% of the problem, but it

is a legitimate concern. I was nearly mowed down on)-hill by three teenagers coming down a cross trail and not slowing down as they came upon me.

Keesecker – In this case when we talk about separated trails would bikers be allowed on the hike trail or not at all? Completely separate? Existing with hiking permitted but biking allowed?

Daly – hiking and jogging would be permitted on all trails, the limitation would be on where bikes can go.

Keesecker – the plans inability to circumnavigate the dam is obviously being driven by the Parks and Recreation Advisory Board but their reasoning was related to what concerns?

Daly - There are some areas of existing trail, between the dam and the floating bridge in the south that are I would say not suitable for bike, in a couple place, is pretty steep cross slope, so there are areas not necessarily suitable for bikes, so that is one question the advisory board asked of staff and we provided that recommendation. In the southwest corner of the property, where the most significant and sensitive plant communities have been discovered in the ecosystem survey, we tried to limit activity there period, keep the trail as close to shoreline as possible.

(Commissioner) My question goes back to when ICF first handed this off to the City since you have the resources to manage it, was there intent to turn it over to the City and say do what you want for recreational purposes or did they turn it over with intent that it stay natural area and the city decided to expand it for recreational purposes.?

Daly – When dam construction closed the area, the recommendation was that during construction the area be closed. At the project went on and on, we talked to ICF and asked them post construction what do they see their role. Do they want to continue being the land manager? We have resources we did not have in the early 90's and we (the City) can be the land manager perform maintenance and build trails. After deliberation on their part, they chose to focus on Ivy Creek. I don't believe at that time there was discussion of potential use. One of the things we were tasked to do during the dam's construction was to make sure there was not a net loss of trails on the site,. The higher water inundated some of the trails, so we were building with volunteer help and that's when people started asking "why can't I ride a bike out here"" and that was the start of our public engagement process. It's a legitimate question, let's see what folks think.

Green –There are 2 organizations, Charlottesville Area Trail Runners (CAT), and Charlottesville Area Mountain Bike Club (CAMBC) are extremely respectful of land and parks, and would probably say, CAMBC was instrumental at building trails at Preddy Creek build trails as volunteers. While I understand that some mountain bikers are not great stewards, most of

them are, even on streets, many bikers are not following rules, they ride on the sidewalk. I know both of these clubs and their reputation and what they do for the community. Motto for VCAT is leave no trace.

Santoski – There are always individuals no matter what group you are in, that don't adhere to rules. Part of me says its been there 100 years, with sharing with UVa, Ivy Creek and we haven't had to have mountain biking out there until now, why do we need to have it right now?

Green – because of increase in density, there are a lot of things around here due to increase in density.

Santoski – I guess if we didn't have hedgerow coming in...

Green – you can't access it I think that is a poor give and take since you can access the se trail by riding without getting in a car and you cannot with hedgerow.

Santoski – put mountain bike trails in McIntire Park

Keesecker – I don't think they are the same.

Green – It is not the same experience.

?? - Like the difference between Virginia Beach and the Blue Ridge Mountains

Hogg – what is enforcement mechanism for the segregation of activity, I am not aware in any of the parks that I have visited that activities are segregated as proposed here, between pedestrian only and bike only. Who is going to be enforcing the segregation and how?

Daly – It is going to be without someone physically standing at each trail crossing, its very difficult to enforce, just like allowable use at other park facilities. Our experience, in 30 personal years, is that 98% of people follow rules. Folks on mountain bike club have said they will stay where they are supposed to be. We will need a lot signage. There are some sign posts out there now. There is a bear made with a chainsaw at a trail connection is facing the parking lot, if you are ever lost, it helps you get back.

Jody – this map with materials is the first time I've seen it. I am a bit disturbed by how many biking trails there are proposed to be out there. will this go back to the P&R advisory committee to have more comment?

Daly – We took what the advisory board said which was to include biking as a permitted use along with the other things along with the prohibition of dogs, and to allow certain use in certain sections and ask staff to do our best to figure that out on the trail system and that is what we have done.

Jody – I would imagine from our conversation from our conversation with the advisory committee that there was going to be more separation between walking, hiking and the bikes, and I am seeing biking allowed most everywhere, and I expect those are shared trails, walking and biking and I am a little bothered by how much biking is being allowed throughout the site,. The site is very tall canopy trees, low undergrowth, so sound travels.

Keesecker – that is why I asked the question and haven't had the benefit of your many months of hearing this debate, the question about circumnavigate, it appears that there are different ways to go out and come back for a bike, it was being generated by the idea that you couldn't make a continuous loop, you have to come out and go back and get a different experience on the return, is that part of the reasoning?

Daly – Where you see we are proposing for bikes. A good portion of those are the old roadbed. The sections we show new are in terms of miles of linear feet of trails, as noted on the legend, in this plan 7 miles of hiking are proposed and only 6 miles of biking.

Green – there is a fair amount of old roadbed out there

Keesecker – are they for maintaining the reservoir

Lahendro - The road bed is along the top, so it doesn't go to the water?

Daly - There are two locations where the road goes down to the water, like the access road to the old upper dam.

Keesecker - I'll throw out, regardless of the, my general sense is that this property represents an opportunity to be both a destination and a connection between ??? , and a larger theme as we become a more dense City, and I agree with the speaker earlier, that having opportunity to move from town to a natural or wooded area would be a draw and would add a facet to our experiences that can't really be had at McIntire Park. I think the 200 odd acres south of the interstate, with not trails, seems to be that would be a more natural natural area. To some degree, this is not really a manufactured natural area, but in some ways it's a bit of, I don't want to slight anyone who has degree in biology, but it has as dam on it, the water is not, there is an interstate that cuts across the land, I enjoy being outside as much as I want but if you can hear cars and planes, its not a complete escape, I knew exactly where I was. I've been in the woods, and you can get out in the woods, It is an opportunity to have recreation for a larger constituency, and Mr. Hirschman , not necessarily eyes on the street, but feet on the ground, but the more people that use the area, the better it will be , not worse because it is unique in its position to town to allow access to all sorts of groups. I would like to see it more activated like we would an urban plaza. We want to animate it, it does not strike me as the place to escape as much, but that's my own personal opinion because I think there

Jody – Who speaks for the animals and birds and wildlife and the fauna that's out there? We keep allowing more and more people out there, but there is no one here at the table to represent the flora and fauna.

Kurt – I am not an expert on ecosystem, but I don't imagine that impacts to the area through biking community that are drastically different from more used hiking community area. I am not separating the density of more hikers as more bike riders as one having more impact to flora and fauna.

Green- question – with this, if this were to go thru, was there any discussion about not having bike races, road races, is there a clause in there to not allow a race to occur in his area.

Daly – I don't believe there was ever any intention of there being a mountain biking competition or race, or even an on foot race, or any competition or activity like that.

Green- If this were to go through, you might want to add that clause, I've been in a lot of places where the races is where it tears up the , doesn't matter the use (hikers probably less impact).

Lahendro – As you pointed out in the past, who is gonna regulate that?

Green - You know if there is a bike race

Lahendro - I thought you were talking about people racing themselves.

Green- We are talking about, CAMBC has a mountain bike race at night, its pretty incredible

Santoski - Is there a cost associate with this? When you take this to council they are going to ask how much is it gonna take to implement this and how much to maintain it, as opposed to just allowing hiking out there

Daly –The trail construction, whether they are for people walking or biking in essentially exactly the same. The cost for constructing the remaining portions are minimal, the staff time and elbow grease, along with a lot of assistance from volunteers. Maintenance e is essentially done by volunteers throughout the trail system currently, we have staff that will do some cutback along some areas along the busier trails, but the single track trail are being maintained by volunteers.

Green- I think you would be surprised by the number of volunteer along Rivanna, Preddy Creek, Byrom, there's tons.

Santoski what it boils down to me is that is hasn't had mountain biking for a hundred years, shouldn't we wait a little bit longer to make sure we are doing this for the right reasons. If we wait another two or three years is it gonna make a huge difference with urbanization and the

traction for these things. It is our main water supply, it is an area that if we are gonna have those things there let's make sure we do it the right way, and take our time in doing it.

Green – you realize a mountain bike is pedaled by your feet, its not gas.

Santoski - I know and they only allow electric motors out there for boats on the water, you can't have gasoline. I understand that, I am talking just strictly if anything we are planning, and we love to plan in Charlottesville, just look at how long West Main design took, maybe we take our time.

Green- what about the people who have met for months and months .

The P&R advisory committee made their decision (not unanimous) they came to us for recommendations. We may have different recommendations. I don't know how this is going to go to council but they are probably gonna ask the same kind of questions, and some people might say lets build it yesterday, and some might say let's wait. If that was me sitting over there (council) I would be thinking what do I want the PC to suggest? I hear from people all the time the we already make too much accommodation for bikes on our city streets as opposed to pedestrians on our sidewalks. So I want o be sure that mountain bikes, that we manage that balance.

Green- bikes should not be on sidewalks.

Keller –Mr. Chair, I agree that we are not going to reach consensus on this. Three of us have spoken with great intensity and passion, but others haven't said anything at all. I assume we have a split opinion. Just as Parks and Rec Advisory Board had a split decision, and we have the benefit of all those viewpoints, we need to send list of comments and concerns with some guidance to council. At least one of our earlier public commenters who opposed intensive uses at RMAN did suggest some guidance that if there is to be development that how it is done. We should go along those lines with pros and cons. Council is going to make their own decision. I can make some guesses now as to how they are going to fall out on this, but would not say it in public. There will be some divergent opinion and we should offer some advice.

Keesecker – Lets do a round robin and make a list of what we would consider the positive or pros of an approach on including, and we may be repeating debate that already happened, but we have consensus about those we can put forth an idea or two. Would that be fair? and then have the same effort for concerns? Would that be helpful?

Daly – To be clear – consensus is not required, as part of the process, what we wanted to hear is what we have heard, which is your comments and ideas about this on this, so I think we have a really good sense of how everybody feels about this. That is what we wanted to capture and

that is what we will be sending along with the recommendation of the advisory board as well as all of the public comment that has been received.

Santoski –If you take the time to look through everything that is on the P&R website, there really is a lot of good information and hard work and thought, I don't want to minimize that at all. People on both sides have put time and effort. The Dept. should be commended for how thoughtful this has all been. They are trying to figure out how to make recreational priorities for the community that satisfy everybody and of course it is hard to do that when you have many different points of view.

Green - Well I think they have had many months to do that and we've had a week

Keesecker – What I heard from Mr. Daly's comment is that we might not necessarily need to go through the exercise to eliminate or list, that from our conversation and review of the recording you have a list. Does anyone have anything new to add that was not touched on already that they would like to make sure is included when the report goes forward? I can think of one thing I want to clarify about connections.

Santoski - Maybe Lisa can answer, when you are talking about mountain bikes not being on the street, how else would you get to?

Green – you have to for some time, you have to be on street to get to trails depending on where you live, it's in our comprehensive plan.

Creasy – Good comment.

Keller – The one thing that should be shared about both potential uses, one is most pristine, the other most intensive, that for a hundred years this has been a natural area, and everyone has spoken to natural value, there may be difference some about how much diversity remains, but in a city of 10 square miles, we are fortunate to have this natural area available to us. I've had the opportunity to hear professor Jenny Rose speak about the value of nature and green space and its ability to relieve stress, especially for people living in dense and densifying areas, just to have the sight of greenery and nature relieves stress, and particularly among women. I've had the opportunity at a conference between the medical school and architecture school, and participants from Oman, between designers, and behavioral scientists and physicians, that there is growing body of knowledge about the value of having something like this. I think the number one thing as a Planning Commission that we should reiterate is that having this natural space is of great value to us recreationally, psychologically, and that we are very fortunate to have it and that we want people to use it. What we might differ on is how it's used and how intensively it is used, but I think we should go on record as documenting that value that it has and that has to be preserved and I think one of the Parks and Rec people said something about

the “Leave no Trace” value and I think that should be a guiding principle whether you are walking or biking or jogging or whatever you are doing, there should be a leave no trace mentality, and if there begin to be too many traces, areas should be closed down to rest for a while. I know you can’t police it but could there be certain levels of skill for mountain bikers, we have all heard the stories of great speed and whatever and those people probable should be eliminated from being there. Those are my two points, that natural vale and leave no trace. I would come down more on the conservation side of this, although I was very influenced by attending a memorial service for one of my professors and he was a great conservationist and someone spoke about him begin active in the trails group here and creating them and maintaining them and how he had made a comment at first about how he was so opposed to bicycle use but over time he started to compare how difficult it is for a child to learn how to ride a bike now than when he was a child and he died in this 80’s and that he could give up a little bit of that pristine quality of the trails to provide a child with an opportunity. I knew this was coming to us and I was kind of like hmm...that’s an interesting observation that Matt Kaho had, so I was thinking what about some minor use that may be more family oriented where you could be there on a bike but you are there on a bike because you are observing nature, and you are cycling through nature, so that would be where I would come down on it but I would particularly like us to include something from Kay Slaughter where she said to make sure a professional landscape architect was involved in the trail development and to protect the biological diversity of the area and to avoid erosion and to try to limit noise to the extent possible through the physical design of the site so those would be the things I would want us to see and incorporate in there.

Green- one more question – when you are talking about building trail and discussing bikes, did you discuss closing trails when it was extremely wet with rain

Gensic – That is a best management practice, we haven’t had to do that yet in the urban areas, but that has come up as something we should do even for hiking in this area, because its different than the Moores creek trail or the Rivanna trail. It’s been brought up but I don’t think we have declared that we shall at 2 inches of rain in 24 hours that’s the threshold, but I think there are national standards that people know when it is too wet and how to close the area. Again, how to send somebody up there to lock the gate, what if someone is already in there, those issues would have to be dealt with but we have heard that there is saturation point with water where really nobody should be out on the trails until it dries.

Green – That is where you get the most erosion, so I would make that suggestion to come up with some kind of standard to close those, especially the biker trails.

Keesecker – Like we have done with other applications when we are considering property within the City, we’ve asked our applicants to think beyond the immediate bounds of their

property, how their development might interact with others around it or how to increase the connectivity, I see this as an opportunity to enhance Fontaine and work with the County to bring people out JPA on bike or foot through that bottleneck in the residential section, if it were easier to get to this by some other means than a car, especially if you could open up the culvert, it would open up a whole new opportunity as it relates to the 200 some acres down below. If those things could be discussed at the council level and working with the County to those properties south of the interstate that appear to be undeveloped.

**AN ORDINANCE
TO ADD A NEW ARTICLE III, SECTIONS 18-21 THROUGH 18-27,
TO CHAPTER 18 (PARKS AND RECREATION)
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
ENTITLED RAGGED MOUNTAIN NATURAL AREA RULES OF USE**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Chapter 18 (Parks and Recreation) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained to add a new Article III (Ragged Mountain Natural Area Rules of Use), Sections 18-21 through 18-27, to Chapter 18, which Article shall read as follows:

ARTICLE III. RAGGED MOUNTAIN NATURAL AREA RULES OF USE

Sec. 18-21. Authority.

This Article is enacted pursuant to the authority set forth in Virginia Code sections 15.2-1725 and 15.2-2109.

Sec. 18-22. Purpose.

The purpose of this Article is to establish reasonable rules and regulations that permit certain recreational uses and activities at the Ragged Mountain Natural Area, while insuring the preservation and protection of the Ragged Mountain Reservoir public water supply and the surrounding habitat.

Sec. 18-23. Definition.

As used herein the term “Ragged Mountain Natural Area” or “Natural Area” includes the Ragged Mountain Reservoir and the surrounding City-owned real property identified in County of Albemarle Real Property Tax Assessment records as Parcel ID: 07500-00-00-00100, which parcel is shown on County Tax Maps 59, 74 and 75. The City Department of Parks and Recreation shall maintain on file and available for inspection a map or maps of the boundaries of the Ragged Mountain Natural Area.

Sec. 18-24. Authorized activities.

The following activities are permitted in the Ragged Mountain Natural Area:

- (a) Hiking and jogging on designated trails, picnicking and birdwatching;
- (b) Bicycling on designated trails;
- (c) Kayaking, canoeing, and boating on the Reservoir; the use of electric motors is permitted, but gasoline marine motors are prohibited, except when used by Rivanna Water and Sewer Authority employees, agents or contractors for purposes related to the maintenance or surveillance of the dam and the water supply; and,
- (d) Fishing that is conducted in compliance with all state regulations and licensing requirements.

Sec. 18-25. Prohibited activities.

Any activity not expressly permitted by this Article is prohibited within the Ragged Mountain Natural Area. These prohibited activities include, but are not limited to:

- (a) Trapping, hunting, or the discharge of firearms;

- (b) Camping or remaining in the Natural Area after sunset;
- (c) Swimming or diving in the Ragged Mountain Reservoir;
- (d) Setting, maintaining or allowing any fire;
- (e) Consumption of alcoholic beverages;
- (f) Horse riding, except when authorized by special permit issued through the City Department of Parks and Recreation;
- (g) Using motor vehicles except on roads paved or improved for vehicular traffic and in designated parking areas; provided that the prohibition of motor vehicles shall not apply to approved ADA mobility assistance devices;
- (h) Accessing the Reservoir's auxiliary spillway, except on designated trails;
- (i) Storing boats or other personal property at the Natural Area; allowing motor vehicles to remain in the parking area after sunset; or mooring boats on the Reservoir;
- (j) Littering or leaving trash or refuse in the Natural Area; and,
- (k) The transporting or releasing of wildlife or the disturbance of nests or nesting sites;
- (l) Conducting organized running or bicycling races or competitions.
- (m) Bringing any dog, except for a service animal, into the Natural Area.

Sec. 18-26. Natural Area Hours.

It shall be unlawful for any person to enter or remain on the premises of the Ragged Mountain Natural Area between sunset and 7:00 a.m. without the express written permission of the Director of the City Department of Parks and Recreation. Any person violating the provisions of this section shall be guilty of a Class 3 misdemeanor.

Sec. 18-27. Management, enforcement and penalties.

(a) The Director of the City Department of Parks and Recreation, or his or her designee, shall be responsible for the maintenance and management of the Ragged Mountain Natural Area, for the enforcement of the provisions of this Article, for posting appropriate signage at the Natural Area, and for adopting ancillary operating rules and regulations, if necessary, for the Natural Area that are not inconsistent with this Article.

(b) The City Manager or the Director of the City Department of Parks of Recreation or their respective designees may, after a hearing, prohibit any person from using the Ragged Mountain Natural Area for a reasonable period of time due to a serious or repeated violation of the provisions of this Article.

(c) It shall be unlawful for any person to violate the provisions of this Article governing the use of the Ragged Mountain Natural Area. Except as expressly provided in section 18-26, any person violating any of the provisions of this Article shall be guilty of a Class 4 misdemeanor, or as such violations may otherwise be punishable under state law.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 19, 2016
Action Required:	Report
Presenters:	Don Gathers, Chair, Blue Ribbon Commission on Race, Memorials and Public Spaces John Mason, Vice Chair
Staff Contacts:	Maurice Jones, City Manager Mike Murphy, Assistant City Manager Kaki Dimock, Director Human Services Charlene Green, Manager, Office of Human Rights
Title:	Blue Ribbon Commission on Race, Memorials and Public Spaces

Background:

Council created an ad-hoc blue ribbon commission on May 2, 2016 to address the questions and concerns brought before council regarding race, memorials and public spaces in Charlottesville. Eleven commission members were appointed after an application process. They were charged with providing Council with options for telling the **full story of Charlottesville's history of race relations and for changing the City's narrative through our public spaces.**

Discussion:

The blue ribbon commission was charged with providing options to Council for specific ways in which our public spaces are used, or could be used, to address race, including:

- Removing, or adding context to, existing Confederate statues
- Augmenting the slave auction block at Court Square
- Completing the Daughters of Zion cemetery
- Providing a further narrative for the Vinegar Hill community
- Highlighting and linking existing historic places, such as the Tonsler House and the Drewary Brown Memorial Bridge
- Designing a new memorial to an African-American civil rights leader (e.g., Julian Bond)
- Additional opportunities within the City to enhance a holistic reflection of our history

Council also tasked the blue ribbon commission with the following goals:

- 1) Amply engage with the Charlottesville/Albemarle community through public hearings, forums, etc.;
- 2) Evaluate and advise Council on the full range of options within the mission;
- 3) Coordinate with the City Attorney's office to provide full legal review of options;
- 4) Identify and communicate with other efforts underway relating to its mission

Alignment with City Council's Vision and Strategic Plan:

The blue ribbon commission reflects the City's vision to be a "Community of Mutual Respect." This also aligns with Strategic Plan Goal 5: *Foster Strong Connections*, and the initiative to respect and nourish diversity.

Budgetary Impact

The Blue Ribbon Commission on Race, Memorials and Public Spaces used half of the appropriated \$10,000 budgeted for this ad hoc group.

Attachments:

Commission report

CITY OF CHARLOTTESVILLE

Blue Ribbon Commission
on
Race, Memorials, and Public Spaces

Report to City Council
December 19, 2016

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PREFACE

Few institutions and communities in the United States, if any, have ever fully explored the truths and legacies of slavery, Jim Crow and white supremacy. Charlottesville is no exception. Many of the ways in which our history is presented—in monuments, memorials, and history books—do more to hide these wrongs, to justify them, and even to glorify them, than to reveal them. The impact of this neglect and distortion may be seen in continuing systems and structures (cultural beliefs, institutionalized policies and practices) that disenfranchise, disempower, and devalue African Americans, Native Americans, and other people of color.

In public squares, college campuses, and other institutions, individuals and organizations are beginning to challenge the ways that histories are presented in public spaces. In Charlottesville, the effort to tell a more complete racial history has led to preservation of Jefferson School, renovation of the Daughters of Zion Cemetery, memorialization of the Vinegar Hill neighborhood, and more. In addition, some residents have begun calling for the removal of the statues and transformation of public parks that honor Confederate generals Lee and Jackson. For those who seek removal of the statues, these memorials are painful reminders of the violence and injustice of slavery and other harms of white supremacy that are best removed from public spaces. For others, change is challenged as a revisionist effort to rewrite history, and an attack on fundamental values represented in the personal character of Lee and of Jackson. Still others argue that it is precisely because the memorials evoke reminders of this shameful past—and that the legacies of that past continue to cause harms—that we need to transform them in place so that they may serve as a public reminder of the visibility and scale and endurance of those harms, while at the same time making clear our rejection of those harms.

Across the nation, institutions and communities struggle over whether and how to take action.

Public meetings and rallies see intimidating confrontations, threats, and anger that verge on and occasionally cross into violence. Even when “balancing” change occurs, such as the placement of a statue of Arthur Ashe in Richmond, the change rarely connects our difficult history to contemporary issues of race and equity; these types of correctives instead create a superficial understanding of both history and problems in the present, or the false sense that these problems have been resolved and do not necessitate further action.

While these conflicts may be painful, the attention brought to our racial history and problematic racial narratives is an opportunity to tell a more complete racial history and to change those narratives that may not happen again.

The commission wishes to acknowledge and assert the following as fundamental to our work contained in this report:

- that far too often African American history has been ignored, silenced or suppressed;
- that far too often our public spaces and histories have also ignored, silenced or suppressed the story of white supremacy and the unimaginable harms done under that cause;
- that the narratives that supported white supremacy that began as long ago as 1619 in Virginia, although challenged by many, continue in various forms today;
- that the impacts of those narratives today are evidenced around us in the loss of African American population and in racial disparities involving health, employment, family wealth, public safety, education, and more;
- that to tell a more complete racial history and to transform these narratives in order to become the community we want to become, it is necessary for us use our public spaces to promote understanding of all of our history, good and bad.

New public history can expand our understanding of Charlottesville's evolution on race. It helps uncover and explain aspects of the community's racialized history that may be hidden or intellectually and emotionally challenging. A broad-based public history of Charlottesville demands that we recognize the complex relationships between those with political power and those without; that we appreciate the city's changing social and political context over time; and that we identify and interpret the places and people whose stories have not been told in the historical record.

The places identified for this study include cemeteries, parks, monuments, a slave auction block, houses, churches, schools, and other sites located throughout Charlottesville. While many of these historic places have been recognized through markers, plaques, or other designation, they are overshadowed by the city's dominant historic narratives focused on Thomas Jefferson and the World Heritage site associated with him (Monticello and UVA's Academical Village); and by the Paul Goodloe McIntire legacy of monuments that depict Meriwether Lewis, William Clark, Robert E. Lee, and Thomas "Stonewall" Jackson.

The historic sites studied for this report represent a wide range of historic contexts and themes spanning more than two centuries. They are associated with many people who played critical roles in the evolution of the community. They illustrate topics as diverse as slavery, neighborhoods, education, Jim Crow laws, urban renewal, local business, and the City Beautiful movement. Individually and collectively, these places are important, tangible monuments to the spirit of perseverance and commitment to self-determination within the city's African American community. Some are also tangible reminders of the role that white supremacy has played in Charlottesville history. Confronting directly and honestly the difficult history represented by many of these places—stories of oppression, struggle, attainment, and defeat—may

ultimately prove to be a source of both shame and pride Charlottesville.

Members of the commission and public strongly emphasized a desire to create a better and more complete history of Charlottesville and to publicly recognize the places and people that embody our community's hidden stories. Although the fate of the Lee and Jackson sculptures seemed to capture almost all of the public's attention, many people, including all members of the commission, also expressed very strong support for the memorialization of the slave auction block, Vinegar Hill, and other sites associated with our city's history.

This report offers a range of recommendations addressing many of these sites and structures. Some recommendations may be relatively easy and inexpensive to achieve and others may be more costly and difficult. However, the cost and work associated with each recommendation should not imply anything about its importance. There may be strong symbolic importance associated with even the smallest of the changes recommended in this report.

Many of the commission's recommendations are conceptual in nature or are provided for planning purposes. Supplemental planning and design will be required to implement many of the options.

INTRODUCTION

The commission's work builds on a tremendous amount of study and research undertaken by people in the community—local archaeologists, professional and amateur historians, city planners and commissioners, UVA students and faculty, librarians, historical architects and landscape architects, genealogists, and many others. The public generously offered a continuous supply of information and ideas throughout the multi-month process.

While extensive information about the City's African American history exists in multiple repositories and online, the documentation still requires greater synthesis for use and understanding by the community and visitors. Much history also lies untapped. The on-going work of the African American Heritage Center is a critical component in the endeavor to build and archive a base of knowledge about the Charlottesville-Albemarle African American community and to share this legacy near and far. Other agencies, such as UVA and the city, also provide stewardship for information as well as for local physical resources.

Commission Members

Melvin Burruss
Andrea Douglas
Frank Dukes
Gordon Fields (Human Rights Commission first representative, resigned)
Don Gathers, Chair
Susan Lewis (Human Rights Commission second representative, replacing Gordon Fields)
Rachel Lloyd (PLACE representative)
John Mason, Vice Chair
Margaret O'Bryant (Historic Resources Committee representative)
Jane Smith

Purpose and Charge

On May 28, 2016, Charlottesville's City Council approved a resolution to create the Blue Ribbon Commission on Race, Memorials, and Public Spaces to "provide Council with options for

telling the full story of Charlottesville's history of race and for changing the City's narrative through our public spaces."

The commission is charged with providing options to Council for specific ways in which our public spaces are used, or could be used, to address race, including but not limited to:

- Relocating or adding context to existing Confederate statues
- Augmenting the slave auction block at Court Square
- Completing the Daughters of Zion cemetery
- Providing a further narrative for the Vinegar Hill community in conjunction with the ongoing work of the African American Heritage Center
- Highlighting and linking existing historic places, such as the Tonsler House and the Drewary Brown Memorial Bridge
- commissioning a new memorial or memorials to an African American leader
- Identifying naming opportunities
- Identifying additional opportunities within the City to enhance a holistic reflection of our history

The commission's tasks include:

- Public engagement with the Charlottesville/Albemarle community
- Providing Council with a full range of options within the mission
- Coordination with the City Attorney for legal review of the proposed options
- Communication with other related agencies or public bodies, such as the Governor's commission, African American Heritage Center, Historic Resources Committee, Human Resources commission, Drewary Brown Committee, Daughters of Zion, UVA commission on Slavery, UVA Ad Hoc group on the monuments, PLACE, BAR, Parks and Recreation, and UCARE

The commission's work must include opportunities for public comment and must result in information about the costs, revenue, sites and siting, and fundraising related to the charge. The commission's report to Council must provide recommendations for public policy or a specific plan to implement a strategy for the interpretation of the city's history of race.

The commission has been allotted \$10,000 to complete this charge.

Why the Charge Matters

Meeting this charge means understanding how history has been deliberately distorted to support enduring and pernicious narratives of race, and then finding ways in our public spaces to tell those histories involving race that have been forgotten, ignored, denied, or suppressed, and demonstrating, representing, and narrating that history through our public spaces. By doing so we hope to change the narratives of race that have shaped far too much of our community history for far too long.

Telling the full story of Charlottesville's history of race—and doing so in ways that change the City's narrative—matters for many reasons. Certainly, a community that admits to the distortions and omissions of history, that begins an effort to be honest about that history, and that demonstrates truth-seeking and truth-telling as public virtues, provides an example that goes beyond the meaning of that history alone.

But there is a greater purpose to the charge than merely realizing the truths about our racialized past. For our past and the way we understand our past continues to shape our present. The way we understand our history is linked to the ways we explain and live in our world—our narratives—and failures to confront those faulty narratives have kept us trapped in desperately unjust systems. Learning our history, and, just as importantly, understanding the power of the narratives that have emerged from this history, help us understand much:

- why destructive racial injustices and racial disparities persist;
- how decades of loss of bright, energetic black youth (and of the black population generally), escaping Jim Crow and searching for opportunity, has been the city's self-inflicted wound;
- how today so many members of the African American community believe that the City does not value them; and
- why these narratives keep us from becoming, in the aspirations that guide us today, a more perfect union.

"Over the years, the driving force behind my scholarly work has been our collective white blindness, our "not seeing" — not seeing the horror of human bondage, not seeing the horror of the slave trade, not seeing the horror of lynching, not seeing the horror of Jim Crow. How did we Southerners — my people, multiple generations of us — manage to look evil in the face every day and not see what was right there in front of us? How could I have turned a blind eye to Jim Crow? ... If you accept the notion that black men, women, and children are inferior human "stock" — an idea as old as the Atlantic slave trade itself — then slavery itself becomes an outlet for this supposedly primitive and brutish race of people. It is this conviction of white superiority and black inferiority that drives everything else. The generational transmission of this pernicious belief has taken place for centuries in the South, one race superior, the other inferior. It was what my ancestors were raised on. It was what I was raised on.

How do we break that chain of racist transmission?

An honest confrontation with our history seems to me to be the best place to start. Both scholars and students have a responsibility here. We need to peel away

multiple layers of myth and look at the results of our embrace of racism squarely in the face — from our earlier acceptance of slavery and Jim Crow down to the ready acceptance of crude racial stereotypes in our own day. All of these need to be swept to their well-deserved place in the dustbin of history.

History can teach. And all of us must be willing to learn.”

“The Unmaking of a Racist,” in *The Chronicle Review* by Charles B. Dew, October 16, 2016.¹

Ground Rules

The commission has been committed to open communication, to respectful consideration of multiple views, and to informed decision-making.

The commission agreed at its first meeting to adopt the following ground rules:

- We prefer an informal approach during our meetings to encourage free and open conversation among members
- We will treat one another and the public with respect
- We will strive for curiosity before judgment, to fully understand one another’s views
- We can agree to disagree
- When speaking to the media, we will speak of our own views and not characterize the views of other members without their permission
- Reserve time to suggest future agenda items at the end of each meeting
- No substitutes for members may participate in commission decisions, but members are welcome to have someone

attend who can report back what they missed

- Members may participate by conference call or other remote means when technology permits
- We will use the commission email to communicate through official channels, recognizing that all written communication is subject to public disclosure
- Members will select a Chair and a Vice-Chair to run meetings and serve as commission spokesperson

Principles

The commission identified several broad questions, or criteria, that generally guided the decision-making process:

- Would this action help Charlottesville tell a more complete and inclusive story of our history?
- In relation to the statues, would this action lead to greater, not lesser, understanding of our racial history, and especially the Civil War, its aftermath, and the Jim Crow era when the statues were erected?
- Conversely, would this action oversimplify, avoid, or ignore our history?
- Would this action lead to stronger relationships, to healing of long-standing harms?
- Would this be cost-effective, including potentially attracting private funding so as not to compete for public funding with other substantive priorities?

¹ <http://www.chronicle.com/article/The-Unmaking-of-a-Racist/238054>, accessed Oct. 24 2016.

RECOMMENDATIONS

Lee Park and Robert E. Lee Sculpture

Background

Philanthropist Paul Goodloe McIntire donated the Robert E. Lee sculpture to the city of Charlottesville in 1924. The sculpture was the second of four given by McIntire to the city and University between the years 1919 and 1924; the others include the Jackson, Lewis and Clark, and Clark sculptures. Lee Park, a formal urban square, was also one of five public parks that McIntire gave to the city. The sculpture, a heroic-sized sculpture of Lee and his horse, Traveler, is located in the center of the park. Conceived by sculptor Henry Shrady, the initial models for the sculpture exhibited a strong vitality and conceptual tension. After Shrady's untimely death, Italian artist Leo Lentelli completed the bronze sculpture, although in a manner that did not fulfill the original vision or meaning of the work. Shrady and Lentelli were both members of the National Sculpture Society, and were prolific and highly-regarded artists. The sculpture is significant as a work of art for its association with the late City Beautiful movement, and is listed on the Virginia Landmarks Register and the National Register of Historic Places as part of a Multiple Property Listing with the other McIntire-donated artwork (*Four Monumental Figural Outdoor Sculptures in Charlottesville, VA*).

The Lee and Jackson statues embodied the Lost Cause interpretation of the Civil War, which romanticized the Confederate past and suppressed the horrors of slavery and slavery's role as the fundamental cause of the war while affirming the enduring role of white supremacy. The Lost Cause interpretation was a key element in the ideological justification of the disfranchisement of African American voters and the segregation of African Americans in virtually all walks of life, including employment, education, housing, healthcare, and public accommodations.

Reflecting many of the racist attitudes of the Jim Crow-era south, an unveiling ceremony for the

sculpture was organized by local chapters of the Confederate Veterans, Sons of Confederate Veterans, and United Daughters of the Confederacy. Although a public park, the landscape surrounding the Lee sculpture retained a reputation as a segregated "whites only" space for decades, consistent with McIntire's terms of deed for other racially segregated parks he donated to the city.

In March 2016 city council received a petition to remove the Lee sculpture from the park and to rename the park in recognition of the sculpture's troubling symbolism in the city.

Options Considered

As the statues now stand, there is nothing that indicates any challenge to the values of the Lost Cause and white supremacy that they represented when they were erected and that they continue to represent to many people today. This commission suggests that the Lee and Jackson statues belong in no public space unless their history as symbols of white supremacy is revealed and their respective parks transformed in ways that promote freedom and equity in our community.

The commission therefore considered multiple options, including removal entirely from public view. After months of presentations, public comment, and discussion, two primary options for the Lee sculpture emerged as the best ways of meeting our charge. These included 1) moving the sculpture to McIntire Park and confronting its history there in a new context; or 2) confronting the sculpture in place by redesigning/transforming Lee Park. The work for either option may be accomplished through a design competition, the commission of new public art, or a standard request for proposal (RFP) process. The commission did not identify specific park designs, treatment for the sculpture, new art, or new interpretive narratives as a part of the option development process. Instead the commission identified a list of basic concepts, parameters, opportunities, and

constraints for each option in the hope that these ideas will assist council in their decision.

The Relocate Option

The Relocate Option suggests moving the Lee sculpture to an unspecified site within McIntire Park. Interpretive information and a design setting would accompany the sculpture at its new location to help transform our understanding of its meaning. Lee Park would be renamed and redesigned to reflect its history and to maintain its use as a central public gathering space in downtown Charlottesville. City staff confirmed that the master plan for McIntire Park included potential locations for public art. However, the commission cautions that the site selection for the sculpture must be undertaken with great care in order to establish an appropriate context for the art. For example, placing the sculpture on hilltops or other commanding locations may allow the artwork to visually dominate large areas of the public park and perpetuate a “supremacy” narrative that the city wishes to avoid. On the other hand, the Dogwood Vietnam Memorial or other historic places within the park may help provide a new but relevant physical and conceptual context for the sculpture that situates it in the broad scope of local and national history.

Staff prepared a preliminary cost estimate for moving the Lee sculpture. The conceptual estimate—including engineering, general conditions, basic site work, relocation, and contingency among other costs—totaled approximately \$330,000. This estimate did not include design fees or construction costs associated with other landscape changes that would be required at both parks.

The rationale for moving the sculpture to McIntire Park included several key points:

- McIntire Park and the Lee sculpture both share a historical association with Paul McIntire.
- McIntire Park contains another major veterans memorial which provides a new context for the Lee sculpture.

- McIntire Park is a larger landscape that would not necessarily be dominated by the monumental scale of the Lee sculpture depending on the site selected for the sculpture.
- Moving the Lee sculpture provides an opportunity to redesign the central square (Lee Park) to better fulfill its current role as a space for public activities.

Some commission members expressed several concerns about this option:

- Moving it would remove what would otherwise be the most prominent link in the chain of sites that will form a powerful, walkable, central and prominent challenge to our perverse racial narratives.
- Moving the sculpture from its current location diminishes the integrity of the sculpture and the other historic buildings and landscapes downtown.
- Moving the sculpture to McIntire Park would simply shift the interpretive and symbolic problems associated with the Lee sculpture from one public space to another.
- Moving the sculpture to another park could incur expenses that would be better used to implement the commission’s full suite of recommendations
- Moving the sculpture might occasion such considerable delay that nothing might happen to meet the charge of telling a more complete racial history and transforming the narrative for many years, if ever. Potential delays include likely legal challenges, changes to Council, opposition for relocation from advocates for McIntire Park, and greater expenses.

The Transform-in-Place Option

The Transform-in-Place Option focused on the historic significance of the sculpture and its unique ability to convey an important—although

difficult and complex—story about Charlottesville’s past and its legacy today. Using an “additive” approach, this option’s success would rely on the inclusion of new accurate historical information and transformation of the sculpture and its place in the city’s evolution. The commission believes the revision needs to be done clearly, unambiguously, and on at least the same scale as the statue exists now, such as by lowering, covering, de-centering, or otherwise indicating the rejection of the Jim Crow-era narratives that dominated when the statue was erected. New design that deemphasizes the centrality of the sculpture and counters the Lost Cause narratives could achieve a real transformation of both the space and the narrative. Council may wish to consider the desired future use of the park as part of the deliberations. For example, major transformation of the entire park landscape to accommodate an interpretive program may limit the park’s use for other public functions such as festivals; other equally powerful but smaller-scale transformation of the sculpture’s immediate context could address the need to challenge the meaning of the sculpture while also preserving the full spectrum of current programming within the park. Commissioners also recommended renaming the park.

The rationale for transforming the Lee sculpture in place included several key points:

- Retaining the sculpture in the park provides an opportunity to tell the complete story—good and bad—about Charlottesville’s past, and enables the city to confront the Jim Crow-era narratives of the sculpture and park in the public place where its prominence was, and is, obvious.
- The Lee sculpture is a significant work of public art located in the authentic historic fabric of downtown Charlottesville.
- This transformation may also create new interest and uses for the park.

- Significant transformation of Civil War hero and Jim Crow-era monuments has never been done. To do so in Charlottesville would be of national and global interest and could serve to inspire many other communities to take action.
- Numerous Charlottesville African American residents who have lived through decades of suppression of their history oppose removal on the grounds that it would be yet another example of hiding their experience. For them, transforming the statues in place forces remembrance of the dominance of slavery and Jim Crow white supremacy.
- Transforming the sculpture in place may be a less costly solution, freeing up funds for other worthy causes

Some commission members expressed concerns about this option:

- The Lee sculpture physically dominates Lee Park through its central location and size, which could complicate the efforts to successfully transform the space.
- No matter how dramatic the changes, any visible evidence of the statues may be insufficient to transform the park into a welcoming place for all.

Significant challenges are associated with reinterpreting the sculpture in any location. Minimal or poorly-executed new design and interpretation for the sculpture and park(s) would fail to satisfy many people’s (and the commission’s) concerns about the negative symbolism of the Lee sculpture. Members of the commission agreed that simply adding new plaques or other small interpretive gestures would not fulfill the charge to tell “the full story of Charlottesville’s history of race and [change] the City’s narrative through our public spaces.”

Preferred Option

- Concept— The commission deliberated and voted on the two primary sculpture options in a two-step process. The

commission ultimately chose to recommend sending both the Relocate and Transform-in-Place options to council for deliberation.² The commission believes that both options offer important opportunities and risks, as described above. The commission also voted unanimously to rename Lee Park to reflect a broad and inclusive vision of Charlottesville's history, consistent with the commission's intent to transform the parks and engage the community and citizens in determining the new names.

- Impact to community/human rights—The presence of the Lee sculpture has perpetuated a false Lost Cause historical narrative for Charlottesville and has made many members of our community feel uncomfortable and unwelcome in the park. A new name, new design and new interpretive material for the park and sculpture may transform the landscape and situate the Lee sculpture in a new, more complete historical context that better reflects the community's current values and understanding of its past.
- Impact to historic resources—Both options retain the historic sculpture within the City of Charlottesville, which protects the McIntire collection of public artwork as an ensemble. Moving the Lee sculpture and/or changing the design of Lee Park would somewhat diminish its historic integrity and the historic integrity of its immediate environs. Any potential damaging impact to the sculpture during redesign or relocation

may be minimized or mitigated by ensuring that the work is undertaken under the guidance of art conservators specializing in historic sculpture.

- Impact to urban design—The concept protects the park as an important landscape space in downtown Charlottesville and offers the opportunity to redesign it in a way that makes it more welcoming to the community.
- Public response—Members of the public voiced strong opinions for both *retain* and *relocate* options.
- Legal issues—Transformative new design and narrative and/or relocation may incite legal challenges and lawsuits.
- Costs—Undetermined. Costs would vary depending on the designs prepared for the park.
- Revenue, if any—Likely none.
- Fundraising required—To be determined by City Council. Grants and other fundraising may defray the costs to the public.

Jackson Park and Thomas "Stonewall" Jackson Sculpture

Background

The Thomas "Stonewall" Jackson sculpture was the third of four art works commissioned by Paul Goodloe McIntire from members of the National Sculpture Society between the years 1919 and 1924. The bronze sculpture of Jackson and his horse, Little Sorrel, is set on a granite base carved with the allegorical figures of Faith and Valor. The sculptor was eminent artist Charles Keck who had created numerous monuments and memorials around the country, including the Lewis and Clark sculpture in Charlottesville and the Booker T. Washington monument at Tuskegee Institute. His sculpture of Jackson was considered at the time to be one of the best equestrian statues in the country. The sculpture is significant as a work of art for its association with the late City Beautiful movement, and is listed on the Virginia Landmarks Register and the National Register of Historic Places as part of a

² The initial vote was 6-3 in favor of the Transform-in-Place option. A subsequent commission work session resulted in a unanimous vote to send both options for council consideration. The commission also voted on the Relocate Option and Transform-in-Place individually, resulting in a 7-2 vote in favor of Relocate and 5-4 vote in favor of Transform-in-Place. (During the voting, four commissioners voted for Relocate, two for Transform, and three for both.)

Multiple Property Listing with the other McIntire-donated artwork (*Four Monumental Figural Outdoor Sculptures in Charlottesville, VA*).

Jackson Park was created from the former McKee block and land adjacent to the county courthouse. The McKee block had been a busy residential and commercial area lining McKee Alley, occupied by white and African American merchants and families. Reputed to be “ramshackle,” the block was demolished—originally for the construction of a school for white children, although public outcry derailed the plans. McIntire later bought the land for the creation of the park, which he donated to the city.

Like the dedication of the Lee sculpture, the 1921 dedication of the Jackson sculpture was organized by local chapters of the Confederate Veterans, Sons of Confederate Veterans, and United Daughters of the Confederacy and included a parade, dances, and decoration of the city with Confederate colors and flags.

Options Considered

The options for the disposition of the Jackson sculpture and Jackson Park are complicated by the undetermined fate of the County Court, located adjacent to Jackson Park. The court’s potential relocation may have a major (but unknown at this time) impact on the park and its use. In addition, separate but related recommendations for the memorialization of enslaved people in the Charlottesville region may also transform the use and meaning of the park and Court Square. (See the recommendations for the interpretation of the slave auction block and memorial below). Two other factors influenced decision-making process for the Jackson sculpture: 1) the Jackson sculpture is a much finer work of art than the Lee sculpture, and 2) in general, the Jackson sculpture was less of a “lightning rod” for public concern or outrage than the Lee sculpture. The commission discussed relocating the sculpture to McIntire Park and retaining it in its current park. Relocating the sculpture to McIntire Park offered some of the

same benefits that could be achieved by relocating the Lee sculpture, including providing a new physical and conceptual context for the artwork. However, some members of the commission expressed concern that co-locating two major Confederate memorials within McIntire Park could alter the meaning of that landscape in ways that may be detrimental or inconsistent with its planned programming and design. Retaining the sculpture in the park, accompanied by new interpretive information and a new memorial for those enslaved in the Charlottesville area presents the opportunity to tell a more complete history of that public space. The commission emphasizes, however, that the simple addition of new plaques or other small-scale interpretive gestures would be insufficient to satisfy the need to fully transform the sculpture and park. The design for any new interpretation may be accomplished through new public art, an RFP or through a design competition, perhaps through the same effort applied to the Lee sculpture. Staff had prepared a preliminary cost estimate for moving the Jackson sculpture to a new location. The conceptual estimate—including engineering, general conditions, site work, relocation, and contingency among other costs—totaled nearly \$370,000.

Preferred Option

- Concept— The commission deliberated and voted on the two primary sculpture options in a two-step process. The commission ultimately chose to recommend sending both the Relocate and Transform-in-Place options to council for deliberation.³ The commission believes that both options

³ The initial vote to transform the Jackson sculpture in place was undertaken simultaneously with the vote to transform the Lee sculpture in place. A subsequent commission work session resulted in a unanimous vote to send both options for council consideration. The commission also voted on the Relocate Option and Transform-in-Place individually, resulting in one vote in favor of Relocate and eight votes in favor of Transform-in-Place.

offer important opportunities and also risks, as described above. The commission also voted unanimously to rename Lee Park to reflect a broad and inclusive vision of Charlottesville's history, consistent with the commission's intent to transform the parks and engage the community and citizens in determining the new names.

- Impact to community/human rights—The presence of the Jackson sculpture has perpetuated a false Lost Cause historical narrative for Charlottesville and has made many members of our community feel uncomfortable or unwelcome in the park. A new name, new interpretive material, and a new memorial within the Court Square area may conceptually transform the landscape and situate the Jackson sculpture in a new, more complete historical context that better reflects the community's current values and understanding of its past.
- Impact to historic resources—Both options retain the historic sculpture within the City of Charlottesville, which protects the McIntire collection of public artwork as an ensemble. Moving the Jackson sculpture and/or changing the design of Jackson Park would somewhat diminish its historic integrity and the historic integrity of its immediate environs. Any potential damaging impact to the sculpture during redesign or relocation may be minimized or mitigated by ensuring that the work is undertaken under the guidance of art conservators specializing in historic sculpture.
- Impact to urban design—The concept protects the park as an important landscape space in downtown Charlottesville and offers the opportunity to reinterpret it in a way that makes it more welcoming to the community.
- Public response—The Jackson sculpture received considerably less attention than

the Lee sculpture during the public engagement process, although public opinion also varied between *transform in place* and *relocate* options.

- Legal issues—Transformative new design and narrative and/or relocation may incite legal challenges and lawsuits.
- Costs—Undetermined. Costs would vary depending on the designs prepared for the park.
- Revenue, if any—Likely none.
- Fundraising required—To be determined by City Council. Grants and other fundraising may defray the costs to the public.

Court Square Slave Auction Block

Background⁴

The plaque memorializing one of several slave auction blocks around the Court Square area is located at a building labeled "Number Nothing." This building was erected as a mercantile store in the 1820s. A stone block that once sat outside the building's southwest corner was used for auctioning both goods and people until slavery was abolished in 1865. Slave auctions frequently took place on plantations, but enslaved people were sometimes traded in town on court days, when auctions for many types of goods were sold at auction houses or in front of public buildings. It was common to sell people at the Courthouse to settle debts owed to Albemarle County and for estate probates. Other locations, such as a tree stump near the court, functioned as auction blocks.

The slave auction block was memorialized with a building-mounted plaque and a plaque set into the sidewalk near the Number Nothing building. Today, the plaque is virtually illegible.

Options Considered

Members of the public strongly supported the memorialization of those who suffered enslavement during Charlottesville's and

⁴ This information is taken from city documents, including a historic marker inventory for Court Square.

Albemarle's ante-bellum era, particularly when it became known that more than half of the county's population was enslaved during the Civil War years. Two options gained support during the process:

- Replace the current plaque with a new plaque that is legible
- Create a new memorial for Charlottesville's enslaved population

Preferred Option

- Concept—the commission voted unanimously to support a two-phased process for interpreting the slave auction block and memorializing those who were enslaved in the Charlottesville area: first, to install a proper, visible historic marker to replace the current illegible marker, and second, to commission a new memorial through a competitive RFP process. The commission suggests that the memorial be located on or near Court Square.
- Impact to community/human rights—The installation of a new plaque and memorial would fulfill a widely-expressed goal for many members of the public who advocated for recognizing the terrible losses of those enslaved in the Charlottesville area. In addition, a new memorial to enslaved people would be both a tribute to those who endured the devastating hardships of slavery and a retort to the Jackson sculpture located nearby.
- Impact to historic resources—The installation of a new plaque and memorial would not result in any damage to historic resources within the Court Square area, and, instead, would help interpret the historic events and meaning of the landscape.
- Impact to urban design—A new plaque and memorial are appropriate additions to the public space within the Court Square area.

- Public response—Members of the public consistently supported the replacement of the slave auction block plaque and addition of a new memorial for those who were enslaved in the Charlottesville area.
- Legal issues—The installation of a new plaque and memorial on private and/or county property may require negotiations between the city and the other entities.
- Costs—The cost to design and fabricate a new plaque is likely low (between \$500 and \$1500). The exact costs associated with commissioning a substantial new memorial are unknown; however, the proposed Vinegar Hill Monument provides a recent cost comparison, suggesting that \$300,000-\$500,000 is a reasonable estimate.
- Revenue, if any—Likely none.
- Fundraising required—To be determined by City Council. Grants and other fundraising may defray the costs to the public.

Daughters of Zion Cemetery

Background⁵

The Daughters of Zion Cemetery is a historic community burial ground located within the city of Charlottesville. The cemetery has already been recognized as significant in the history of the community through listing in the National Register of Historic Places. The cemetery derives its significance from its association with the Daughters of Zion Mutual Aid Society, a Reconstruction-era women's organization that sought to provide a place of dignified burial for the African American community within the context of a segregated society. Established in 1873, the cemetery remained an active burial ground until 1995. It is currently owned and maintained by the city of Charlottesville. Many members of the Charlottesville community retain

⁵ The text for this section was taken from the *Daughters of Zion Cemetery Preservation Strategies* plan prepared in April 2016 by Liz Sargent and Shelley Sass.

familial bonds with those buried at the Daughters of Zion Cemetery.

Over the course of 2015, several individuals and groups, in addition to the city of Charlottesville, began discussing ways to address the concerns about the deteriorating condition of the cemetery. Several individuals formed a group known as the Preservers of the Daughters of Zion Cemetery to serve as the core organizers of the effort to improve the condition of the cemetery.

The cemetery has been the subject of a Preservation Strategies plan (April 2016) and a Historic American Landscape Survey (June 2016). The plan provides a prioritized list of projects that address the cemetery's need for 1) emergency stabilization of features that are in poor condition or threatened with failure or loss; 2) community engagement and development of a plan; 3) follow up preservation treatments for features that do not require emergency stabilization; and 4) long term care and maintenance procedure guidance and training.

Options Considered

The commission endorses the planning currently underway for the Daughters of Zion Cemetery and did not formulate or consider additional conservation options.

Preferred Option

- Concept—The *Daughters of Zion Cemetery Preservation Strategies* plan (April 2016) recommended a series of actions designed to conserve the cemetery. The recommendations are based on sound, federally-recognized standards and best management practices and focus on the need for prioritized landscape stabilization and maintenance. The commission unanimously voted to recommend that the city continue to provide financial support for the efforts of the Historic Resources Committee and the Preservers of the Daughters of Zion Cemetery to

protect and maintain this important landscape.

- Impact to community/human rights—Preservation of the cemetery will perpetuate a respectful environment for those interred and for their descendants, many of whom still live in Charlottesville.
- Impact to historic resources—Stewardship of the cemetery will preserve the only extant place associated with the Daughters of Zion Mutual Aid Society, and offers the possibility to interpret this important aspect of Charlottesville's Reconstruction-era history. It is important to acknowledge that cemeteries require specialized treatment through professional conservation practices to ensure their long-term preservation.
- Impact to urban design—The Daughters of Zion cemetery is a historically-significant landscape adjacent to the larger municipal Oakwood Cemetery. The cemetery helps form a large central green space near Charlottesville's downtown and is a historic landscape that possesses a unique character worthy of care and protection. However, the cemetery's relationship to adjacent streets, which are truncated or disconnected from the adjacent grid, means that the cemetery is relatively isolated and therefore may be more subject to undetected vandalism.
- Public response—The Daughters of Zion Cemetery was one of the top five places identified for memorialization during the commission's first public forum.
- Legal issues—Legal documentation may be required for the incorporation of non-profit "friends" groups that could support the preservation of the cemetery in the future.
- Costs—The *Daughters of Zion Cemetery Preservation Strategies* report provided planning-level estimates of probable cost for priority projects ranging from

\$50,000-\$122,500 in total. See the plan for details.

- Revenue, if any—Likely none.
- Fundraising required—Grants and other fundraising may defray the costs of the landscape stabilization and other improvements.

Vinegar Hill Community

Background⁶

Vinegar Hill, one of the city's first neighborhoods, was bordered loosely by Preston Ave., West Main St., and Fourth Street. It was established by Irish families in the early 1800s and incorporated into Charlottesville in 1835. African Americans first moved onto the "Hill" after the Civil War. From the 1920s to the early 1960s it was the city's principle black business district and the vibrant center of the community's social life. Despite barriers to education and employment, African Americans gained economic opportunities through a wide range of small businesses in the Vinegar Hill area. Though many rented their Vinegar Hill housing—which often lacked running water, indoor plumbing, and electricity—residents lived and worked among their homes, schools, and churches in a close-knit community. Over 55 of the homes and businesses in Vinegar Hill were owned by African Americans.

In the 1960s, noting Vinegar Hill's large number of "substandard" homes, the voters of Charlottesville decided to redevelop the 20 acre neighborhood. Because of a poll tax, many of the residents were denied a say in their own future. By March 1965, one church, 30 businesses, and 158 families—140 of which were black—had been relocated as part of the city's urban renewal process.

Options Considered

Two important memorialization plans for the Vinegar Hill neighborhood are currently underway; these include the Vinegar Hill

Monument proposed for placement at the Jefferson School and plans for a new Vinegar Hill Park at the west end of the Downtown Mall. The Vinegar Hill Monument has been designed by internationally-recognized artist, Melvin Edwards, and has been partially funded by the City of Charlottesville, private donations, and a matching grant from the National Endowment for the Arts. The Vinegar Hill Park has been proposed by the Historic Resources Committee. The park would occupy the public walkway between the ice rink and Omni Hotel at the west end of the downtown mall. Preliminary proposals for the park include recommendations for the addition of interpretive and identity signage along the walkway.

Preferred Option

- Concept—The commission voted unanimously to recommend that the city provide financial assistance for the completion of the proposed Vinegar Hill Park. The commission also voted unanimously (with one abstention) to recommend that city council provide financial assistance for the fabrication and installation of the Vinegar Hill Monument, as designed. Finally, because of the Jefferson School African American Heritage Center's preeminent position in telling the public history of Charlottesville's African American community, the commission voted unanimously (with one abstention) to recommend that city council provide financial assistance for the fixed costs of the Center (rent and common area costs).
- Impact to community/human rights—The Vinegar Hill neighborhood and its importance in the history of Charlottesville has been a consistent topic of interest for the public. Vinegar Hill is the best known, but not the only, lost African American neighborhood in the city; Gospel Hill, Pearl Street, Garrett Street, Canada, and others were also

⁶ This information is taken from city documents available online.

wiped out through urban renewal, redevelopment, or gentrification.

- Impact to historic resources—The addition of a new memorial to the Jefferson School complex and new interpretive information to the west end of the Downtown Mall in a location identified as Vinegar Hill Park by the designer of the Mall will create greater public awareness of this lost neighborhood and the forces that ruined it. The funding of the African American Heritage Center will likewise support its mission to generate public awareness of the city's history and historic resources.
- Impact to urban design—The proposed Vinegar Hill Park creates an interpreted landscape space at a major threshold into Charlottesville's Downtown Mall. Although the current proposal is limited to the addition of new signage, the landscape within the corridor may be suitable for future redevelopment as designed park space. The proposal for the new Vinegar Hill Monument will place the memorial on the Jefferson School property.
- Public response—Many members of the public have expressed a strong interest in telling the story of Charlottesville's lost African American neighborhoods.
- Legal issues—Likely none.
- Costs—The new Vinegar Hill Park signs are estimated to cost approximately \$5,000-\$10,000. The fabrication and installation of the Vinegar Hill Monument is estimated to cost \$320,000, a portion of which the city has already committed to funding. The memorial has a \$100,000 matching grant from the NEA.
- Revenue, if any—Likely none.
- Fundraising required—Fundraising is underway by the Dialogue on Race Vinegar Hill Monument committee.

Highlighting and Linking Historic Places

Background

The historic sites inventory process identified over 70 places associated with important aspects of the city's African American history as well as sites associated with Native American and labor history. The inventory is appended to this report. The places include cemeteries; neighborhoods; schools; churches; other buildings such as houses or businesses; roads and bridges; parks; memorialized "lost" sites; and lost sites with no memorialization. While many of the sites are well-documented, interpreted or protected, some are not.

The rehabilitation of the Jefferson School—which now houses the African American Heritage Center, the Jefferson School City Center, and the expanded Carver Recreation Center—represents perhaps the city's most prominent effort to revitalize an essential historical place in the city's African American community. Many recently-added historic markers now identify other important buildings and landscapes in the city, such as the Tonsler House and Daughters of Zion Cemetery. The Drewary Brown Bridge's association with the Bridge Builders Award has revitalized its meaning in the community.

Comments during the first public forum emphasized the community's desire to expand the memorialization of diverse and "hidden" places and people and to protect the city's historically African American resources, including neighborhoods, churches, and cemeteries. Many also recommended that the city's stories be told through the perspective of the African American community, with no "sugar coating."

Options Considered

Options for highlighting and linking historic places relate to information-gathering, planning, and protection for the city's historic resources. Members of the public supported initiatives that would result in the collection of additional historical information about Charlottesville's "lost" history through surveys and oral histories.

Protecting and acknowledging a wide variety of historic sites—such as the Tonsler House and the Shelton House—were also important to members of the public. The community expressed some preference for installing historic markers at a variety of historic sites and protecting historic neighborhoods against the forces of gentrification. Members of the public and the commission also supported the improvement and maintenance of the Drewary Brown Bridge.

Preferred Option

- Concept—The commission voted unanimously to recommend two concepts: 1) To applaud the Bridge Builders Committee work to improve the visibility and appearance of the Drewary Brown Bridge and to encourage council's continued support of these efforts, including the inclusion of the Bridge Builders work in the West Main Street design process and 2) to recommend that council provide financial and planning support for historic resource surveys of African American, Native American and local labor neighborhoods and sites, seeking National Register listing and zoning and design guideline protection, where appropriate.
- Impact to community/human rights—Many members of the public drew an explicit connection between the loss of historic African American neighborhoods and the current threats to neighborhoods by gentrification and inappropriate new development. Commissioners also noted the lack of visible and accurate interpretation of the city's sites related to African American history.
- Impact to historic resources—This recommendation would enable the successful protection of the city's historic built fabric.
- Impact to urban design—Zoning and design guideline protection would protect the historic character of the city's

neighborhoods. New design updates and maintenance of the bridge would also signal its important symbolism in the city.

- Public response
- Legal issues—Likely none, although zoning and design guidelines can impact property values.
- Costs—The costs associated with historic resource surveys will vary based on the size of the areas. Costs for any changes or enhancements in the design of the bridge may be estimated based on schemes produced through the West Main Street schematic design plans.
- Revenue, if any—Likely none.
- Fundraising required—To be determined by City Council. Grants and other fundraising may defray the costs to the public.

Place Names

Options Considered

The commission discussed options for naming and/or renaming public places and features, and agreed to avoid renaming current places with the exception of the -Lee and Jackson parks as described earlier in the report. The commission understands that there is a city policy that governs the naming of new features.

Preferred Option

- Concept—The commission unanimously recommended that the city consider naming new streets, new bridges, new buildings, or other new infrastructure after people or ideas that represent the city's history in consultation with the affected neighborhoods and other appropriate local bodies such as the Albemarle County Historical Society and the African American Heritage Center.
- Impact to community/human rights—The commission supports engagement with the community and local institutions to identify appropriate

people, events, and ideas to commemorate through naming.

- Impact to historic resources—Likely none to historic resources, although providing names for new features and structures related to local history may help convey the importance of previously uncelebrated people and events.
- Impact to urban design—Likely none.
- Public response
- Legal issues—Likely none.
- Costs—Likely none beyond the costs associated with public engagement or other outreach to local institutions.
- Revenue, if any—Likely none.
- Fundraising required—Likely none.

New Memorials

Options Considered

The public offered many ideas for new memorials during the public forums and through other communication with the commission. Suggestions included “hidden heroes” and other people and communities significant to the history of Charlottesville such as: enslaved workers at UVA, lost neighborhoods such as Gospel Hill, Isabella and William Gibbons, Queen Charlotte (Charlottesville’s namesake with African ancestry), Peter Fossett, Julian Bond, Eugene Williams, Sally Hemmings, Rebecca McGinness, local Native Americans, the Greers of Ivy Creek, Shadrach Battles, and many others.

The commission noted these suggestions but also expressed a belief that the other two new monuments recommended for Charlottesville—the Vinegar Hill Monument and a memorial to those enslaved in the Charlottesville area—will be substantial new additions to the city’s public art collection and will require equally substantial financial commitment. The commission also noted the ability of other types of public art to convey more complex information than is possible with memorials to individuals.

Preferred Option

- Concept—The commission unanimously recommended that the city not pursue the addition of other new monuments to specific individuals at this time. The commission recommends that the city explore other ways to recognize the city’s leaders and hidden heroes and invest in other creative ways to memorialize the full story of race in this community’s history including, but not limited to, new murals.
- Impact to community/human rights—Monuments and memorials are often large, permanent installations that are intended to convey clear and simple narratives. Murals and other forms of public art may provide opportunities to tell complex stories about the city’s history through more dynamic means; they are also less expensive to implement and provide opportunities for community engagement.
- Impact to historic resources—Likely none.
- Impact to urban design—Murals or other public art may be implemented on a wide variety of city-owned buildings and structures, such as bridge abutments, walls, or at schools.
- Public response
- Legal issues—Likely none.
- Costs—Would vary depending on the artist and the medium.
- Revenue, if any—Likely none.
- Fundraising required—To be determined by City Council. Grants and other fundraising may defray the costs to the public.

Other Opportunities

Options Considered

The commission identified several additional opportunities to enhance a holistic reflection of our history. These focused primarily on programming and education.

Preferred Options

The commission chose six options that received unanimous votes:

- Recommend council sponsor research on the history of Charlottesville, together with the African American Heritage Center, UVA, Albemarle Charlottesville Historical Society, among others, which may provide the basis for a new more comprehensive story of the city.
- Encourage the Charlottesville City School Board to ensure that the curriculum creates an opportunity for all students to learn the fuller history of our community including the difficult history of slavery and racism. This resolution also supports the teacher education required to carry out an effective educational program in local history.
- Encourage the Charlottesville City School Board to ensure that courses in African American and Native American history are taught in local schools on a continual basis.
- Support the ongoing efforts of the African American Heritage Center to develop curricula related to our complete history and encourage all the institutions that hold the history of Charlottesville—including Albemarle Charlottesville Historical Society and the University of Virginia—to be part of that development.
- Urge the city to participate in the Equal Justice Initiative's Memorial to Peace and Justice by retrieving the memorial marking the lynching of John Henry James and displaying it locally as a commitment to confronting the truth and terror of white supremacy in the Jim Crow era.
- Recommend designating March 3rd as either Liberation Day or Freedom Day in an annual commemoration of March 3, 1865.

METHODOLOGY

Meeting Schedule and Agendas

The commission gathered for 15 meetings. These meetings were held at a variety of locations around Charlottesville in order to make it easier for members of the public to attend and comment, and also included three public forums, described below, and a bus tour of relevant historic sites. The meeting schedule, meeting agendas, and audio recordings of the meetings have been documented on the commission's webpage.

Coordination with City Staff

City staff has provided extensive support of the commission's work. City Manager Maurice Jones, Assistant City Manager Mike Murphy, Director of Human Services Kaki Dimock, Manager of the Office of Human Rights Charlene Green, Deputy City Attorney Lisa Robertson, and Executive Assistant Terry Bentley set up meeting space, led meetings, moderated the public forum, provided food, transcribed public meeting notes, led the bus tour, offered interpretation of legal issues, and provided researched background information, among many other critical tasks. The commission is very grateful for this coordination and support.

Research and Data Collection

Members of the commission undertook targeted research and data collection as part of the subcommittee efforts described below.

In addition, city staff undertook a preliminary "benchmarking" review of work accomplished by other cities facing similar consideration of public spaces and monuments. The benchmarking process resulted in summaries of the recent and on-going efforts of the:

- *Ad Hoc Advisory Group on Confederate Memorials and Street Names in Alexandria, VA.* This advisory group evaluated several initiatives related to the city's Confederate memorials and street names. The group recommended retaining the city's lone Confederate

sculpture (*Appomattox*, on South Washington Street), changing the name of the Jefferson Davis Highway, retaining other street names memorializing Confederate military leaders, and maintaining the city's current policy not to fly the Confederate flag. In a September 2016 meeting, the Alexandria City Council voted to move the Confederate statue to a local history museum near its current location, pending Virginia legislature approval.

- *St. Louis Confederate Memorial Reappraisal Committee in St. Louis, MO.* The committee requested cost estimates for the removal and long-term storage of the city's Confederate memorial. No suitable entity was identified for the storage or display of the monument and the city is evaluating the \$150,000 cost for its removal.
- *Unmonumental and the Sacred Ground Historical Reclamation Project in Richmond, VA.* *Unmonumental* and the Sacred Ground Historical Reclamation Project are two citizen and non-profit groups committed to exploring Richmond's history of race, memorials, and public space. *Unmonumental*, a weekly radio show associated with the national initiative called Finding America, funded by the Ford and MacArthur Foundations, collects and shares personal stories about the individual histories and experiences in Richmond. The Sacred Ground project has prepared a community proposal for a new memorial park in Shockoe Bottom, including the site of Lumpkin's Jail and a graveyard.
- *City council actions in New Orleans, LA.* In December 2015, the New Orleans city council voted to declare the city's Confederate statues a "nuisance" and solicited bids for their removal. The city received a cost estimate of \$170,000 per statue for removal to long-term storage;

however, the contractor's property was vandalized and work was stopped.

- Outside of meetings, commission members also received and reviewed information about other efforts.

City staff also provided information on:

- *The City Beautiful Movement, the design context for the Lee and Jackson sculpture.* The City Beautiful Movement (c. 1890-1930) provided a new approach to American architecture and urban planning that focused on beauty, art (particularly sculpture), and scale to inspire civic order, morality, and virtue. Leaders posited that large-scale structured city planning would lead to harmonious social order. Many proponents of the City Beautiful Movement responded to the disorganized growth of cities, including rapidly forming neighborhoods of immigrants, with new monumental architecture, artwork, and landscapes. The National Sculpture Society, one of several art and design organizations to promote the City Beautiful Movement, "espoused figurative public sculpture of historical and allegorical subjects as a means of familiarizing people with the best and most fundamental values of past and present cultures." The National Mall, Chicago Waterfront, and Richmond's Monument Avenue are examples of the movement's grand urban vision. The City Beautiful Movement has been criticized for its elitist emphasis on beauty and urban aesthetics at the expense of social reform.

Invited speakers to commission meetings included Karen Van Lengen (UVA Architecture School), Kirt Van Daacke (UVA History Department), and Gary Gallagher (UVA History Department/Nau Center for Civil War History) who shared ideas and information relevant to the commission's mission. Members of the

commission also met with Kelley Libby of Richmond's *Unmonumental*.

Finally, the value of information offered by the public at each meeting cannot be overestimated. The citizens of Charlottesville have a huge depth and breadth of knowledge about the history of our city, the Civil War, and many other topics, which they generously shared with the commission and the public at large. While most of what was brought to the commission's attention was valuable, some testimony at public meetings repeated long-discredited histories as facts, thereby confirming the need for more complete and visible histories. Commission members were particularly grateful for the contributions of the city's elders who offered their early memories of life in Charlottesville.

Subcommittees

The work of four subcommittees supplemented the general work of the commission. These included:

- Public Engagement (Melvin Burruss, Frank Dukes). This subcommittee prepared plans for a public engagement strategy, organized public meeting facilitators, set public meeting agendas, and set the format for the first two community forums.
- Case Studies (Gordon Fields/Sue Lewis, Don Gathers). This subcommittee researched the decisions and results of other cities' efforts to address similar questions about race, memorials, and public spaces.
- Inventory of Historic Sites (Andrea Douglas, Rachel Lloyd). This subcommittee created an inventory of historic sites related to the city's African American history.
- Historical Context and Background (John Mason, Margaret O'Bryant, Jane Smith). This subcommittee examined the broad history of inventoried sites in Charlottesville and explored the "hidden" history of the city.

Legal Review

Chief Deputy City Attorney, Lisa Robertson provided a summary of the legal issues raised by the 2016 Virginia Assembly bill HB587, the Governor's subsequent veto of the bill, and the related court case in Danville that resulted in the removal of a Confederate flag from a monument on the grounds of the Sutherlin Mansion. The City Attorney's office also provided legal interpretation of the terms of the deeds for Lee and Jackson Parks. The memo provided on September 28, 2016 is included in the report's appendix.

Coordination with other Agencies/Commissions

Several other commissions and local organizations shared information and ideas with the Blue Ribbon commission, including the Preservers of the Daughters of Zion Cemetery, the Ivy Creek Foundation Board, Preservation Piedmont, the President's Commission on Slavery at the University, the Historic Resources Committee, and others.

Public Engagement

The community's deep interest in the topic of race, memorials, and public spaces resulted in continuous and vigorous engagement between the commission and the citizens of Charlottesville. Every regular commission meeting included two public comment opportunities totaling approximately 20 minutes or more. The work session meetings and the bus tour would have one or no scheduled opportunities for public comment. The commission received emails from the public through a group address and a comment section of the webpage, which was regularly updated with commission information. Members of the public also attended the bus tour of the historic sites. In addition, the commission hosted three public forums.

The first forum was held at the Jefferson School. This forum was intended to be a "listening

session" and included two open public comment periods and a small group discussion period organized around four separate topics:

- What are the stories you want told about Charlottesville?
- What places need to be memorialized that are not being memorialized sufficiently? Who are some of our hidden heroes?
- What does the statue of Stonewall Jackson mean to you? What would you like to see happen in that location?
- What does the statue of R.E. Lee mean to you? What would you like to see happen in that location?

Approximately 150 people attended the first forum. The attendees were divided into eight separate groups for the discussion topics; the comments and ideas shared during the discussion period are appended to this report. Members of the public spoke for and against removing the Lee and Jackson statues, although a preponderance of speakers recommended retaining the monuments and adding new interpretive information that re-contextualizes them for contemporary times. The small group discussions revealed a powerful desire within the community to publicly interpret the city's full racial history through an inclusive and complete approach that proclaims our hidden stories, places, and heroes. Members of the public focused primarily on the city's African American history, but also expressed an interest in the region's Native American history and working/labor history.

The second public forum took place at Buford Middle School. This forum was intended to elicit the public's input for a selected set of concepts and action options related to the commission's mission. Members of the public were allotted time at the beginning and end of the meeting for general public comment, and then "voted" with stickers for various recommendations listed at different idea stations. Members of the public focused primarily on the disposition of the Lee and Jackson sculpture and spoke equally in favor

of removing the sculpture and retaining the sculpture.

The third and final public forum took place at Walker Elementary School. This public forum provided the commission with an opportunity to share information about the recommendations provided in this report. The commission read a synthesis of the complete set of recommendations and heard public comment about them. Most speakers focused their comments on the recommendations related to the statues, with a large majority speaking in favor of moving the statues.

Expenditures

City Council approved of \$10,000 to be used for expenses related to the Blue Ribbon Commission on Race, Memorials and Public Spaces. Just under \$5,000 remains in the appropriated funds. Expenses included \$4,246 for meals (regular meetings and community forums), \$445 for supplies to conduct the meetings and forums and \$255 for two buses used in the historic tour of Charlottesville.

APPENDICES

- A. City Council resolution
- B. Community engagement process
(including bus tour) and written
comments from the community
forums
- C. Subcommittee information
 - a. Historic context
 - b. Inventory of historic sites
 - c. Case studies
 - Alexandria
 - Richmond
 - St. Louis
- D. Photographs (Rachel Lloyd images
from her walking tour; Richmond
field trip images)
- E. Historic marker inventory (from the
Charlottesville Historic Resources
Committee)
- F. Information shared from invited
speakers:
 - i. Karen Van Lengen , UVA
Architecture School
 - ii. Kirt Van Daacke, UVA History
Department (**did not have
materials**)
 - iii. Gary Gallagher, UVA History
Department/Nau Center for Civil War
History
- G. Legal memo from City Attorney
- H. Cost estimates to move the Lee and
Jackson statues
- I. Daughters of Zion Cemetery plan
- J. Vinegar Hill Park plan
- K. Vinegar Hill Monument plan
- L. Historical Narrative document

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



Agenda Date:	December 19, 2016
Action Required:	Approval for change in use of funding & new funding request - followup
Presenter:	Robert Johnson, Region Ten Executive Director
Staff Contacts:	Mike Murphy, Assistant City Manager Kaki Dimock, Director of Human Services Ryan Davidson, Office of Budget & Performance Management
Title:	Proposed changes to the operation of the public inebriate shelter at the Mohr Center, Region Ten

Background:

For many years, the city has provided funds, currently \$82,661 to Region Ten to operate a public inebriate shelter out of the Mohr Center on Market Street. Region Ten provides 5 temporary shelter beds for intoxicated individuals referred through the Charlottesville Police Department. These beds are used as an alternative to being booked into the Albemarle Charlottesville Regional Jail. This program represents a best practice by offering a community-based diversion option to costly incarceration and an opportunity to inform clients about and provide recovery outreach and support services.

This issue comes before council to provide direction for city staff regarding the use of funds currently allocated for the public inebriate shelter located at the Mohr Center (\$40,000 to be distributed for January – June 2017 activities) and to determine whether Region Ten may revise their budget request for FY2018 to include one or more of the options discussed below.

Discussion:

Region Ten plans to renovate the Mohr Center on Market Street at the end of this calendar year in order to create a suitable space for a ten bed residential treatment program and a 4-5 bed detox program. While this is responsive to demonstrated community need, these renovations will displace the public inebriate shelter permanently. The planned treatment facility's licensing requirements are inconsistent with a co-located public inebriate program. Region Ten notified city staff of this concern and actively engaged in problem solving. Region Ten has proposed three potential solutions:

- Use beds at the Region Ten property on Cedar Hill Road to support a co-located public inebriate shelter at the proposed cost of \$106,000/year.
- Develop and implement a stand-alone public inebriate shelter to continue to provide diversion services to the community at the estimated cost of \$227,961.

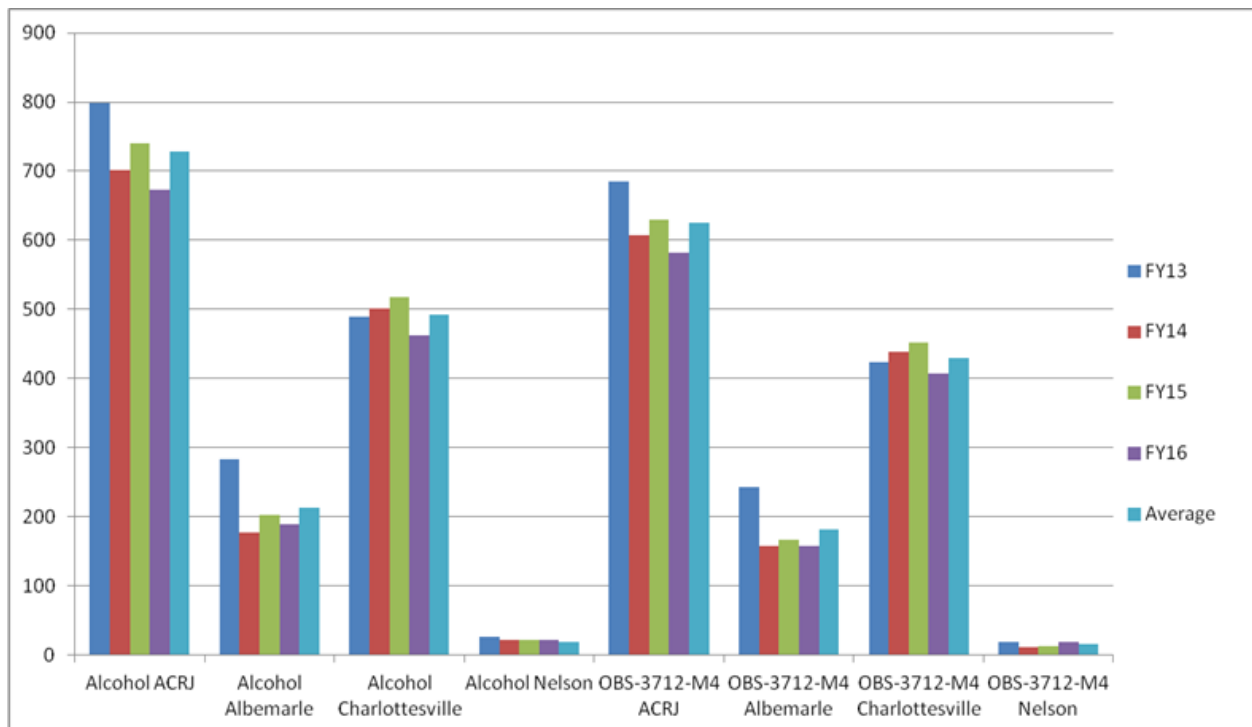
- Engage frequent users of the public inebriate shelter in permanent supportive housing at the estimated cost of \$126,260.

City staff examined usage data on the public inebriate shelter in preparation for this presentation:

Arrest & referral data:

In FY 2016, there were 463 individuals arrested and jailed for alcohol related charged from Charlottesville. Of these, 407 were arrested for Drunk in Public charges. This reflects a drop in the overall number in arrests after a three-year increasing trend.

Arrest Data for Alcohol-Related Charges F13-FY16



Charlottesville Police Department made approximately 313 referrals to the public inebriate shelter over the last three years, an average of 105 referrals per year.

ACRJ experience information:

Colonel Kumer reports that the vast majority of individuals picked up for drunk in public charges are presented to the ACRJ and not diverted to the public inebriate shelter. In addition, changes in community services, including the UVA health system and CIT, have significantly reduced the population over the last several years. As a result, a closure of the public inebriate shelter would not significantly, adversely impact ACRJ operations. That said, Colonel Kumer reports that individuals presented to the jail who are impaired by alcohol are particularly challenging to jail staff. They are highly medically vulnerable and are unable to maintain compliance with directions.

Region Ten experience data:

Region Ten reports having served 105 individuals during FY16 with 901 nights of service. Of these 105, 12 individuals, frequent users, received 68% of the services. Of these 12, 10 are experiencing homelessness.

Cost data:

The cost per individual for those arrested and jailed for alcohol-related charges is \$127.25 for the police officer time, magistrate time, and first night at the jail and \$91 for any subsequent nights. Using this baseline, the annual cost savings for diverting 105 individuals to the public inebriate shelter from jail is \$13,361.00 assuming most would spend only one night at the jail. This is significantly lower than the amount currently provided to Region Ten for the public inebriate shelter and even more so for the proposed amount for the stand alone program.

The estimated annual cost of homelessness in the area is \$22,000 for someone with an extended experience of homelessness in addition to a disability, such as alcoholism. While the proposed permanent supportive housing project for the 10 most frequent users of the public inebriate shelter is more than the expected cost savings of a jail diversion program, it is significantly lower than the expected costs of homelessness for the broad system of care serving these individuals.

Alignment with Council Vision Areas and Strategic Plan:

The current public inebriate shelter and the proposed alternatives meet City Council Goal # 1 *Enhance the self-sufficiency of our residents* and #2 *Be a safe, equitable, thriving and beautiful community*.

Community Engagement:

Staff consulted with Charlottesville Police Department, the ACRJ and the Thomas Jefferson Area Coalition for the Homeless in the preparation of this memo.

Budgetary Impact:

Should council permit Region Ten to use the 3rd and 4th quarter funds for the current fiscal year (\$41,330) to provide permanent supportive housing services to public inebriate shelter frequent users, there will be no budgetary impact.

Should council deny Region Ten permission to use 3rd and 4th quarter funds for permanent supportive housing services, the city would retain the \$41,330 allocated for public inebriate shelter services.

Should council determine that Region Ten establish a co-located public inebriate shelter at the Cedar Hill Road property, the impact will be \$106,000, which is \$23,339 more than previously allocated for this function at Region Ten.

Should council determine that Region Ten establish a stand-alone public inebriate shelter in FY18, the impact will be \$227,961, which is \$145,300 more than previously allocated for this function at Region Ten.

Should council determine that Region Ten provide permanent supportive housing services to the 10 frequent users of the public inebriate shelter in FY18, the impact will be \$126,260, which is \$43,599 more than previously allocated for the public inebriate shelter.

Recommendation:

While staff have concerns about the sustainability of providing permanent supportive housing services to the frequent users of the public inebriate shelter, it makes financial sense to do so, given the high cost of homelessness services, and is consistent with best practice approaches to homelessness. Staff recommend that Region Ten be permitted to use its 3rd and 4th quarter funds (\$43,330) to pilot this approach. Staff additionally recommend that Region Ten be permitted to amend its FY18 contractual budget submission to include \$83,227 to provide permanent supportive housing services to 7 frequent users of the public inebriate shelter as follows:

\$875/month x 7 participants x 12 months:	\$73,500
10 hours of case management per week @ \$25/hr:	\$9,100
<u>7% administrative cost on direct expenses only:</u>	<u>\$637</u>
TOTAL:	\$83,227

While the community clearly benefits from the availability of a public inebriate shelter, it is currently not being used as a primary alternative to jail, and, therefore, does not result in cost-savings for the community. Staff have concerns that a public inebriate shelter at the proposed Cedar Hill Road location would not be as effective and, additionally, that it might be challenging to identify a suitable stand-alone site. A low-barrier shelter, PACEM, is available between late October and April for those individuals experiencing homelessness. PACEM accepts individuals who are impaired by alcohol as long as they are able to maintain control of their body.

Alternatives:

City Council may choose to fund any, all or none of the three proposals submitted by Region Ten.

Attachments:

To: Kaki Dimock, Director, Department of Human Services
From: Robert Johnson, Executive Director, Region Ten Community Services Board
Date: November 30, 2016
Subject: Inebriate Shelter Proposal

Purpose: Relocation and Repurposing of the City's Inebriate Shelter

Issue/ Challenge:

Region Ten plans to expand our Substance Use Disorder (SUD) services to meet the local, state and national opioid epidemic. In the United States, more people died from drug overdoses in 2014 than in any year on record, and the majority of drug overdose deaths (more than six out of ten) involved an opioid. Over 720 individuals died of opiate overdoses that same year, in Virginia, more than the number of individuals who died in vehicular accidents (714). Locally, heroin and other opiates were the third most abused substances for adults who reside in the city of Charlottesville. (89 of 684 adults with SUD).

In response to this epidemic, the Department of Behavioral Health and Developmental Disorder (DBHDS), working with the Department of Medical Assistance Services (DMAS), successfully sought funding from the General Assembly and the Centers for Medicaid and Medicare Services (CMS) to target this epidemic and reduce the impact of its cost to communities. Region Ten received funds from DBHDS this year that will allow renovation of the Mohr adult male residential Center. These funds will also allow us to add 4 detoxification beds for the safe withdrawal of opiates and other drugs. Our timeframe to accomplish this begins in January, 2017 and our intent is to complete the renovations and reopen in late April of that year.

The issue that complicates this much needed expansion of the Mohr center from its current 10 beds to 14 beds, inclusive of the 4 detox beds, is our long history of incorporating an inebriate shelter into a residential facility. It was originally to be utilized as jail diversion for individuals encountered by the police department under the influence, as an alternative to arrest and detention within the jail setting. This attempted integration of individuals who are alcoholic and have no interest in treatment services with others with the same disease, who have a real desire to become sober and enter recovery, is not an acceptable model for today's evidenced based outcomes. Indeed, our agency's experience over the 15 plus years with this model is that less than a handful of those in the shelter have successfully transitioned to the treatment side of services in all of those years. The literature does support standalone inebriate shelters but even here evidence now supports supportive housing as a better next step for alcoholics who refuse treatment solutions, as this model is more likely to eventually lead to reductions in consumption and willingness to try treatment. This, along with the implementation of medical criteria that will be required for the new detoxification services and consequent space limitations at the Mohr center, means the shelter must be separated from the center.

Discussion:

In presenting these issues to the City Council on November 21, 2016, our take away message was that despite understanding 10 individuals were utilizing 78 percent of the beds at the shelter and might be better served in a supportive housing environment, that still left 90 or so men who showed up sporadically but would not have a bed if the shelter closed down. Many of these individuals come on their own and are not brought to the center by police. Our numbers show that the police bring only 11 percent of the individuals to the shelter and not the majority of these individuals as some on the council perceived. Further, most of these individuals are not spending 3 nights in jail as stated at the meeting but often find other shelter besides the inebriate shelter. That being said, Region Ten recognizes the importance of this service to the city and has come up with the following options.

Decision Options:

- 1- Region Ten will utilize a room at our property on Cedar Hill Road to accommodate the inebriate beds. Cedar Hill is currently under renovation and will be used for 4 months to house the displaced Mohr Center during its renovation. In April, once the Mohr Center moves back to their renovated building, Cedar Hill will become a residential program for men who are receiving services through our Dual Recovery Program. This program serves individuals who have a diagnosis of Serious Mental Illness and Substance Use Disorder. Treatment services for this program are provided at our Blue Ridge House facility on Burnet Street. It is important to note that in providing an inebriate shelter service at Cedar Hill, we will experience a reduction of our residential capacity by two beds resulting in some loss of revenue for the Dual Recovery Center. We will follow the guidelines initially set up for the Inebriate Center which means that individuals accessing the shelter will need to be transported by the police department to

the facility and checked for any weapons or drug/alcohol paraphernalia prior to being admitted. As is our current policy they will have to have a BAC of .08-.305 in order to be determined eligible. Any individuals above this level would require medical oversight and any below this number would not require legal intervention. The cost for this service would be:

Facility rent -	\$6,000
Staffing -	\$40,000.
Loss of revenue	
Due to loss of 2 beds	\$60,000.
 TOTAL COST:	 \$106,000.

- 2- Housing Focus- Provide a rental assistance program for 10 Individuals who routinely utilize the Inebriate Shelter along with more intensive Case Management to assist them with maintaining their housing and link to services as appropriate and requested by the consumers.
 - Cost per person per month including rent and utilities \$875
 - Cost per person for the year \$10,500
 - Cost for 10 individuals for one year \$105,000 for housing alone.
 - Cost for staffing to assist these individuals and work to maintain their housing stability- \$21,260
 - TOTAL COST: \$126,260
- 3- Region Ten to create a Stand Alone Inebriate Shelter for FY 18- TOTAL COST: \$227,961

Recommendation:

Region Ten CSB continues to promote the housing option as a very important response to the identified population. Our recommendation is that the city continue to support the relocated Inebriate Center at the current budgeted amount for the remainder of the fiscal year. We ask that as the city prepares the budget for next year, serious consideration be given to increasing the amount allocated for the Inebriate Shelter to bring it closer to the cost that Region Ten is incurring to manage the program. (Option 1) We also strongly support option #2 that would provide housing for 10 homeless individuals who are using the Mohr Center for overnight shelter. Funding both of these programs would meet the needs of all the individuals currently utilizing the Inebriate Center based on the FY16 utilization numbers as well as input from the police department and move our community towards evidence based services for this population.

Sincerely,

Robert Johnson,
Executive Director

Proposal to provide Housing for Ten of the Individuals who are high users of the Inebriate Center and have been determined to be homeless.

During FY16 the Mohr Sobering Up center provided 901 slots of services to 105 consumers. Twelve consumers were responsible for 68% of the services delivered and ten of these consumers were homeless. Given the frequency of use by these individuals it appears that they were using this service for overnight shelter. The remaining consumers were seen less than 6 times throughout the year. Interestingly in FY2008 the center provided 3309 slots of service. The number of services have been decreasing steadily since that time. This trend mirrors the decrease in the number of disorderly conduct and drunkenness arrests during the same time period. In 2007 there were a total of 840 arrests in Albemarle and Charlottesville compared to 576 arrests in 2014. Though these numbers have decreased the number of homeless in our area has remained steady around 200.

The need for housing continues to be a factor in caring for those who are chronic alcoholics. Region Ten is proposing to provide rental assistance for the ten individuals who are high users of this service and are currently homeless. This would not only address our community's ongoing need for housing but would also provide supportive services to assist these individuals in maintaining their housing.

Provide Rental Assistance for 10 Chronically Homeless individuals who are currently drinking and staying overnight at the Mohr Center.

Rental Assistance

Cost per person per month including rent and utilities	\$875.	
Cost per person for year	\$10,500.	
Cost for 10 individuals for one year		\$105,000

Staffing

Cost of staffing per year to provide 10 hours per week of one on one time with the residents to provide support to maintain their housing @ \$25.00 an hour.
\$13,000.

Administrative cost at 7%	\$8260.
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Total cost to provide housing and support for 10 individuals	\$126,260.
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Those who meet the Chronically Homeless criteria would be eligible for referral to the HUD Permanent Supportive Housing grants so that slots could be freed up to house additional individuals as we become aware of them.

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