

**CITY COUNCIL AGENDA**  
**Monday, June 3, 2019**



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

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

**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**  
**ANNOUNCEMENTS**  
**PROCLAMATIONS**

National Gun Violence Awareness Day  
Delta Sigma Theta Sorority, Inc.-Charlottesville Chapter 50<sup>th</sup> Anniversary

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

- a. MINUTES: May 6, 2019 Special and Regular meetings; May 8, 2019 Special ABRT meeting
- b. APPROPRIATION: Appropriation of funding for CPA-TV from The Ryal Thomas Show, LLC - \$4,247.50 (2<sup>nd</sup> of 2 readings)
- c. APPROPRIATION: 2019-2020 Community Development Block Grant funding – \$395,052.82 (2<sup>nd</sup> of 2 readings)
- d. APPROPRIATION: 2019-2020 HOME Investment Partnership funding – \$120,382.75 (2<sup>nd</sup> of 2 readings)
- e. APPROPRIATION: Virginia Housing Solutions Program Grant Award -\$16,500 (2<sup>nd</sup> of 2 readings)
- f. APPROPRIATION: Greenstone on 5th Corporation Sponsorship Agreement for Enhanced Police Coverage - \$41,092 (2<sup>nd</sup> of 2 readings)
- g. ORDINANCE: Repeal of Charlottesville City Code Section 17-8 (2<sup>nd</sup> of 2 readings)

**CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)**

**COMMUNITY MATTERS** Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 8 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

- 2. PUBLIC HEARING/ORDINANCE:** Utility Rate Report FY2020 (1<sup>st</sup> of 2 readings)
- 3. APPROPRIATION:** Appropriation of Human Services Balance for FY 2019 Expenses - \$400,000 (1<sup>st</sup> of 2 readings)
- 4. APPROPRIATION\*:** Unity Days Planning and Funding Transfer - \$100,000 (1<sup>st</sup> of 1 reading)
- 5. RESOLUTION\*:** Divestment - Operating Budget (1<sup>st</sup> of 1 reading)
- 6. RESOLUTION\*:** Transfer of FY 2020 City of Promise Funding to ReadyKids - \$81,837 (1<sup>st</sup> of 2 readings)
- 7. RESOLUTION\*:** Special Use Permit (SUP) 1617 Emmett Street drive-thru (1<sup>st</sup> of 1 reading)
- 8. RESOLUTION\*:** Sunrise Planned Unit Development (PUD) Road Acceptance (1<sup>st</sup> of 1 reading)
- 9. REPORT:** Legislative update

**OTHER BUSINESS**  
**MATTERS BY THE PUBLIC**  
\*ACTION NEEDED

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**NOTICE OF SPECIAL MEETING**

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, May 6, 2019, AT 5:30 p.m. IN THE Second Floor Conference Room, City Hall, 605 E. Main Street, Charlottesville, Virginia.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code  
(Legal advice; Personnel)

BY ORDER OF THE CITY COUNCIL

BY Kyna Thomas

**Second Floor Conference Room – May 6, 2019**

City Council met on this date with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Dr. Wes Bellamy, Ms. Kathy Galvin, and Mr. Mike Signer.

Ms. Walker called the meeting to order at 5:45 p.m.

On motion by Ms. Hill, seconded by Mr. Signer, Council voted (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin and Mr. Signer. Noes: None.) to meet in closed session as authorized by Va. Code sec. 2.2-3712, specifically:

Virginia Code Section 2.2-3711(A)(8) for consultation with legal counsel from the City Attorney's Office regarding specific legal matters requiring the provision of legal advice concerning the City Retirement Plan Commission and fiduciary duties related to divestment; and

As authorized by Virginia Code Section 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members pertaining to the litigation between the City of Charlottesville and the County of Albemarle filed April 20, 2017 concerning the Ragged Mountain Recreation Area, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the City; and

As authorized by Virginia Code Section 2.2-3711(A)(1) for the discussion of the performance of the Chief of Police.

On motion by Ms. Hill, seconded by Mr. Signer, Council certified by the following vote (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, and Mr. Signer. Noes: None.), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 6:28 p.m.

**COUNCIL CHAMBER - May 6, 2019**

Mayor Walker called the meeting to order at 6:35 p.m.

**ROLL CALL**

Council met in regular session on this date with the following members present: Dr. Wes Bellamy, Vice Mayor Heather Hill, Mayor Nikuyah Walker, Mr. Mike Signer, and Ms. Kathy Galvin.

**ANNOUNCEMENTS / PROCLAMATIONS**

Proclamations were presented in recognition of Bike Month, Mental Health Awareness Month, May 18 Kids to Parks Day, and May 19 Queen Charlotte Day.

**CONSENT AGENDA\***

Mr. Peter Krebs spoke regarding Community Development Block Grant.

**a. MINUTES: March 18, 2019 regular meeting; April 15, 2019 regular meeting**

Minutes - March 18, 2019

Minutes - April 15, 2019

**b. APPROPRIATION: FM Global Fire Prevention Grant - \$3,268.00 (2nd reading)**

FM Global Grant Program \$3,268.00

**WHEREAS**, the City of Charlottesville, through Charlottesville Fire Department, has received a grant for \$3,268 from FM Global to offset the cost of Fire Prevention supplies and education materials; and

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$3,268, received from FM Global is hereby appropriated in the following manner:

**Revenue – \$ 3,268**

Fund: 105 Internal Order: 2000126 G/L Account: 451020

**Expenditures - \$3,268**

Fund: 105 Internal Order: 2000126 G/L Account: 530210

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$3,268 from FM Global.

- c. **APPROPRIATION: 2019-2020 Community Development Block Grant funding - \$395,052.82 (carried)**

2019-2020 Community Development Block Grant - HOME funding requests

This item was pulled by Ms. Walker for a separate vote. Ms. Walker advised that she asked to pull the item from the consent agenda based on concerns of process and accountability.

On motion by Ms. Hill, seconded by Dr. Bellamy, Council voted 3-2 (Ayes: Ms. Hill, Mr. Signer, Ms. Galvin; Noes: Ms. Walker, Dr. Bellamy.) to move the item forward to the next City Council meeting for vote.

- d. **APPROPRIATION: 2019-2020 HOME Investment Partnership funding - \$120,382.75 (carried)**

2019-2020 HOME Investment Partnership Funding request

This item was pulled by Ms. Walker for a separate vote. Ms. Walker advised that she asked to pull the item from the consent agenda based on concerns of process and accountability.

On motion by Ms. Hill, seconded by Dr. Bellamy, Council voted 3-2 (Ayes: Ms. Hill, Mr. Signer, Ms. Galvin; Noes: Ms. Walker, Dr. Bellamy.) to move the item forward to the next City Council meeting for vote.

- e. **APPROPRIATION: Amendment to Community Development Block Grant Account - Reprogramming of Funds for FY 2019-2020 - \$1,900.82 (carried)**

2019-2020 Amendment to Community Development Block Grant Account

- f. **APPROPRIATION: Local Emergency Management Performance Grant (LEMPG) - \$7,500 (carried)**

2018 LEMPG appropriation \$7500

- g. **APPROPRIATION: Funding Requirements for SAP Integration for the FASTER Fleet Management Software - \$48,000 (carried)**

Funding Requirements for SAP Integration for the FASTER Fleet Management Software - \$48,000

- h. **ORDINANCE: Amend Charlottesville City Code Section 15-131(Motor Vehicles and Traffic) (2nd reading)**

Amend Charlottesville City Code Section 15-131

**AN ORDINANCE AMENDING AND REORDAINING SECTION 15-131 OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC)**

**i. RESOLUTION: Alleys and Paper Streets Closing Policy (2nd reading)**

Street Closing Policy Resolution

On motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote APPROVED the consent agenda minus Items C and D (Ayes: Ms. Hill, Dr. Bellamy, Ms. Walker, Mr. Signer, and Ms. Galvin).

**CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)**

Interim City Manager Mike Murphy advised that he along with the Office of Human Rights and Ms. Kaki Dimock have conducted the appropriate follow-up to concerns expressed by Ms. Myra Anderson.

As follow-up to concerns about the Vietnam Veterans Memorial, Mr. Murphy offered a proposal for a group of thirteen specified individuals to address the issues. Council confirmed consent to move forward with the group. Mr. Murphy advised that he and City Treasurer Jason Vendever plan to convene the group and bring forward joint recommendations in late October or early November.

Dr. Bellamy asked if there was any information that could be shared regarding Ms. Anderson's concerns. Mr. Murphy advised that he wanted to convey the seriousness of the matter as expressed by Council.

**COMMUNITY MATTERS**

Mr. Brad Slocum spoke about climate change and encouraged YES vote on Item #7 on the agenda.

Ms. Emily Irvine ceded her time to elementary school students Evan Kruse, Sebastian Kruse, Nora McIlwane, and Eleanor (?), who spoke about environmental issues and the need for City Council to set climate goals.

Ms. Ravi Respeto spoke on behalf of the Charlottesville Climate Collaborative (C3) about climate change at the community level. The United Way has made various green changes and they reach out to other businesses to decrease their carbon footprint and support staff recommendation on climate goals. She mentioned that low income families struggle with having homes that are not energy-efficient.

Mr. Jeff Fogel ceded his time to Marissa Turner of the People's Coalition. Ms. Turner expressed the need of a strong Police Civilian Review Board and staffing with and Executive Director and Auditor.

Ms. Marcia Geyer advised that she sent her notes in writing to Council and she ceded her time to Ms. Susan Kruse, who spoke about Charlottesville climate goal setting. She encouraged Council to adopt staff's recommended target for emissions reductions and carbon neutrality. She also spoke about the effects of climate change on low income households.

Ms. Sierra Gladfelter ceded her time to the Green Grannies, who made a musical presentation to emphasize the need to start now to address climate change.

Mr. David Redding advised of an announcement from the United Nations about losing a million species due to climate change. He spoke of the Bike Program by EcoVillage Charlottesville, public transportation, and an eco-efficient housing program as well as the need for more bike trails.

Mr. Rich Allevi, City resident representing the Charlottesville Renewable Energy Alliance and solar company business owner, spoke about greenhouse gas reduction targets and wanting to establish Charlottesville as the Renewable Energy Hub.

Mr. David Swanson, resident, presented a petition with hundreds of signatures, and a resolution of divestment for consideration by the City of Charlottesville.

Ms. Virginia Rovnyak, County resident, spoke in support of divestment from gun manufacturers and she spoke in favor of gun safety laws.

Ms. Tanisha Hudson ceded her time to Mr. John Gaines, City resident, who presented a petition for traffic lights at 10<sup>th</sup> and Page Streets, 8<sup>th</sup> and Main Streets, and 8<sup>th</sup> and Preston Avenue.

- Dr. Bellamy asked if this would constitute enough interest to warrant moving forward with improvements to 8<sup>th</sup> & Main. Mr. Murphy advised that at the last meeting, Council agreed to revisit this item at a future meeting, pending additional information from study of the area. Dr. Bellamy asked Council to take action now.
- Chief Brackney advised that speed timing devices will be added to the assessment of the problem, as well as an educational component.
- Ms. Walker and Ms. Galvin agreed that there are several request to consider before taking action.

Ms. Katrina Turner yielded her time to Ms. Rosia Parker, who spoke about disappointment in 8<sup>th</sup> Street. She also spoke in favor of transparency regarding City information and the Police Civilian Review Board.

Mr. Harold Folley ceded his time to Mr. Richard Koontz, who spoke about personal criminal history and the need for a strong Civilian Review Board. He asked Council to help facilitate change for people who are trying to make positive life changes.

- Ms. Walker made comments about the work being done for developing the CRB, in the effort to undo past wrongs.

Ms. Sherry Henley, working in the City, spoke in support of the CRB and shared stories about police interactions. She spoke of accountability and the need for fair treatment of all people.

Mr. Mason Pickett asked Council why they did not attend the re-dedication of the Vietnam Memorial.



Mr. Anthony Guy Lopez, University of Virginia graduate and a Crow Creek Sioux Tribal Member, requested that Council move the Lewis & Clark and Sacagawea statue because it is demeaning. He also described the “George Rogers Clark” statue.

- Ms. Walker mentioned that at her first staff meeting as a Councilor, she asked that the statue be removed.

The meeting recessed at 8:32 p.m.

The meeting reconvened at 8:57 p.m.

**PUBLIC HEARING/ RESOLUTION\*: Community Development Block Grant (CDBG) and HOME Funding-1st Year Action Plan, FY 19-20**

PH RES\_ 2019-2020 CDBG-HOME Action Plan

Missy Creasy, staff member gave a summary of Consolidated Plan explanation given, and the 30-day comment period was completed. The Thomas Jefferson Planning District Commission expressed support.

Ms. Walker opened the public hearing. With no one present who wished to speak, the public hearing was closed.

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the Resolution 4-1 (Ayes: Ms. Hill, Dr. Bellamy, Mr. Signer, and Ms. Galvin; Noes: Ms. Walker).

**RESOLUTION  
Approval of FY 2019-2020 Annual Action Plan**

**BE IT RESOLVED**, that the Charlottesville City Council hereby approves the FY 2019- 2020 Action Plan of the 2018-2022 Consolidated Plan as presented at the May 6, 2019, City Council meeting. All CDBG and HOME project estimates shall be increased or reduced at the same pro-rated percentage of actual entitlement. No agency’s EN amount will increase more than their initial funding request.

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the second Resolution 5-0 (Ayes: Ms. Hill, Dr. Bellamy, Ms. Walker, Mr. Signer, and Ms. Galvin; Noes: none).

**A RESOLUTION  
PRIORITY NEIGHBORHOOD FUNDS  
FOR BELMONT  
FY 19-20**

**WHEREAS**, on March 12, 2019, Planning Commission of the City of Charlottesville recommended Belmont as the priority neighborhood for FY 19-20;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the funds for FY 19-20 shall be allocated as follows:

- (a) The allocation for FY 19-20 shall be allocated to Belmont.
- (b) The allocation for Ridge Street shall be allocated simultaneously for FY 20-21 and FY 2021-2022.
- (c) The allocation will alternate between both Ridge Street and Belmont for FY 2022-2023 (Belmont) and FY 2023-2024 (Ridge Street).

In total Belmont will receive a total of two years of funding, and Ridge Street will receive three years of funding. Belmont was funded in FY18-19 as well so each neighborhood will receive a total of 3 years funding each.

**PUBLIC HEARING/ ORDINANCE: Amend Conditions for Closing a Portion of the Coleman Street Right of Way (Unaccepted ROW) (carried)**

PH-ORD Coleman St Closing - Council memo and ordinance

City Attorney John Blair gave explanation of Ordinance. Habitat for Humanity has received a variance from the Board of Zoning Appeals.

Ms. Walker opened the public hearing.

Mandy Burbage with Habitat for Humanity advised that she would answer questions and she provide additional information. Building six affordable units instead of two.

With no one present who wished to speak, the public hearing was closed. No vote was required; therefore the item moved forward to the May 20, 2019 Consent Agenda.

**REPORT: Update from City Manager's Advisory on Organizational Equity**

Equity Committee Report Update

Mr. Murphy introduced the item. Ms. Dimock gave a report, looking at the City's findings as an employer. She advised that this is a first-look, and more analysis is needed. She described four broad areas of recommendation:

1. Implement best practices in diversity, equity and inclusion.
2. Office of Equity and Inclusion that would have staff.
3. Use an equity impact assessment tool.
4. Improvement around community engagement.

Ms. Dimock advised that there is also a recommendation for training.

Dr. Bellamy thanked staff for their work and asked about the next step. He asked if there was room for an LGBTQ advisory group to be rolled into this effort. Ms. Dimock advised that right now the focus would be to address racial equity, and the group's next step would be to determine how to sequence the implementation. Ms. Dimock advised that the group would like more time to develop a recommendation, and some guidance.

Ms. Walker advised that she would have liked to have seen the acknowledgement that the City perpetuated the disparities. She offered a correction for a number in the report, advising that some salaries may skew the numbers. Ms. Dimock advised that the pay bands are evaluated by race. She advised that the use of temporary workers needs to also be evaluated.

Mr. Murphy advised there needs to be an expectation set before evaluation and this will take time. Ms. Walker advised that the right people need to be at the table and the current leadership needs to be evaluated and on board in order to carry it forward.

Dr. Bellamy advised of the value in having an outside entity help with this work.

Ms. Walker expressed concern of whether City personnel would listen to the information and how long it would take for some people to get on board with the program.

Mr. Murphy advised that his concern is how staff will best serve the citizens.

Ms. Walker advised that Council will have to be on board with this shift if they are going to hold staff accountable. Council agreed that they want this group to continue meeting to continue the work.

Dr. Bellamy expressed that the group should look toward formalization. Ms. Dimock advised that this group has made a 6-month commitment and will share their work with the new City Manager. A formal recommendation will be presented within three months.

Mr. Signer asked about having employee resource groups as opposed to having one commission.

Ms. Galvin thanked Mr. Murphy for making this a priority.

## **REPORT: Charlottesville Retirement Fund and Divestment Considerations**

REP Targeted Divestment

Mr. Jason Vandever, City Treasurer and member of the City Retirement Investment board, gave a presentation about divestment.

**ORDINANCE\*: Homeowner Tax Relief Grant Program - 2019**ORD CHAP-FY20 Homeowner Tax Relief Grant - 2019**AN ORDINANCE TO ESTABLISH A GRANT PROGRAM TO PROMOTE AND PRESERVE HOMEOWNERSHIP BY LOW- AND MODERATE-INCOME PERSONS WITHIN THE CITY OF CHARLOTTESVILLE**

Mr. Todd Divers, Commissioner of the Revenue, spoke about the rental assistance program. He summarized proposals. Between the rental assistance and the Homeowner assistance programs, over 1000 families are served.

On motion by Ms. Galvin, seconded by Dr. Bellamy, Council by the following vote PASSED the Ordinance 5-0 (Ayes: Ms. Hill, Dr. Bellamy, Ms. Walker, Mr. Signer, and Ms. Galvin; Noes: none).

**RESOLUTION\*: Support of Federal Legislation for a Carbon Fee & Dividend Policy to Address Climate Change**RES Support Legislation-Carbon Fee & Dividend Policy

Ms. Susan Elliott gave a summary of the resolution and described options. She spoke of the impact of various changes on the business sector and on individuals.

Mr. Signer asked about the procedure for addressing issues at the Federal level.

On motion by Ms. Galvin, seconded by Ms. Hill, Council by the following vote PASSED the Ordinance 5-0 (Ayes: Ms. Hill, Dr. Bellamy, Ms. Walker, Mr. Signer, and Ms. Galvin; Noes: none).

Ms. Galvin advised of a sense of urgency.

**RESOLUTION IN SUPPORT OF FEDERAL CONGRESSIONAL ACTION  
TO ADOPT LEGISLATION FOR A CARBON FEE & DIVIDEND  
POLICY TO ADDRESS CLIMATE CHANGE**

**WHEREAS**, the weight of scientific evidence and scientific consensus indicates that greenhouse gas emissions from human activities is driving climate change, especially the combustion of fossil fuels that create greenhouse gases; and

**WHEREAS**, climate change has been widely recognized by government, business, academic, and other community leaders as a worldwide threat with the potential to harm our economy, safety, public health, and quality of life; and

**WHEREAS**, the City of Charlottesville resolved in June 2017 to stand with cities and other public and private sector partners throughout the world to advance action in accordance with the goals outlined in the Paris Climate Agreement, a globally accepted commitment to fight climate change; and

**WHEREAS**, the City of Charlottesville has been involved in and continues to explore a variety of important actions to reduce greenhouse gas emissions in our community; and

**WHEREAS**, the external environmental, health, and social costs of carbon emissions are not included in prices paid for fossil fuels; and

**WHEREAS**, phased carbon fees on greenhouse gas emissions are an efficient, transparent, and enforceable market-based mechanism to incentivize an effective and fair transition to a renewable-energy economy; and

**WHEREAS**, a carbon fee and dividend policy can stimulate investment in low carbon-energy technologies and give residents and businesses in Charlottesville a powerful incentive to increase energy efficiency and reduce carbon emissions; and

**WHEREAS**, a steadily increasing revenue-neutral carbon fee and dividend would be minimally disruptive to the economy while sending clear and predictable price signals to individuals and business purchasing and using carbon-based energy resources; and

**WHEREAS**, a national carbon fee and dividend will make the U.S. a leader in mitigating climate change through a market-based mechanism, spurring innovation; and

**WHEREAS**, dividends from carbon fees paid to households can ensure that families can continue to afford the energy they need during a transition to a low carbon economy while simultaneously stimulating our local economy and adding jobs; and

**WHEREAS**, a carbon fee and dividend regime is one of many policies that could effectively reverse the unacceptable risks posed by greenhouse gas emissions.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that it encourages the U.S. Congress to enact legislation that address the significant risks posed by greenhouse gas emissions and that such legislation potentially include, but not be limited to, the following carbon fee and dividend policy components:

1. An annually increasing fee on carbon dioxide (or greenhouse gas equivalents) emissions produced by fossil fuels at the points of production and importation; and
2. A dividend that returns all the net revenues generated from the carbon dioxide fee to citizens in a manner that has a progressive incidence; and
3. Carbon-based fees and rebates for imports and exports to and from nations that have not implemented a carbon fee and dividend policy, which incentivizes trading partners to adopt similar laws to reduce greenhouse gas emissions.

**RESOLUTION\*: Support of Key Focus Areas to Address in the City of Charlottesville Climate Action Plan**

RES. GHGREduction

Ms. Susan Elliott gave a summary. She referenced information provided to Council at previous meetings. All information from the public comment period was included in the Council packet. She offered that the overall desire is to address issues on the front end and evaluate success regularly. Staff would need feedback for Council in order to go forward with more advanced research. She advised that equity is considered in the strategic plan.

The plan is to open up a second public comment period that will end May 31 and to come back before Council at the July 1 meeting.

Ms. Walker asked question about what happens after a recommendation is made. Ms. Elliott advised that a feasibility study is usually done. Ms. Walker asked how improvements are evaluated. Ms. Elliott advised that it depends on the program through which improvements are made.

Ms. Galvin asked that more details be put into the resolution to match more of what is in the report.

Ms. Hill asked for clarity on what is needed from Council right now and about the overall strategy.

On motion by Dr. Bellamy, seconded by Mr. Signer, Council by the following vote PASSED the Resolution 5-0 (Ayes: Ms. Hill, Dr. Bellamy, Ms. Walker, Mr. Signer, and Ms. Galvin; Noes: none).

**RESOLUTION  
IN SUPPORT OF KEY FOCUS AREAS TO ADDRESS IN  
THE CITY OF CHARLOTTESVILLE CLIMATE ACTION PLAN**

**WHEREAS**, the weight of scientific evidence and scientific consensus indicates that

greenhouse gas emissions from human activities is driving climate change, especially the combustion of fossil fuels that create greenhouse gases; and

**WHEREAS**, climate change has been widely recognized by government, business, academic, and other community leaders as a worldwide threat with the potential to harm our economy, safety, public health, and quality of life; and

**WHEREAS**, the City of Charlottesville resolved in June 2017 to stand with cities and other public and private sector partners throughout the world to advance action in accordance with the with the goals outlined in the Paris Agreement, the first global commitment to fight climate change; and

**WHEREAS**, the City of Charlottesville adopted a Statement of Economic Principles in September 2017 that supports growing a wide array of local industry sectors, the availability of excellent affordable housing, a globally competitive workforce, redevelopment that produces local jobs and affordable housing, builds upon Charlottesville's commitment to sustainability, and promotes active partnerships at the regional level; and

**WHEREAS**, the City of Charlottesville is currently in Phase 2 of implementing its Global Covenant of Mayors for Climate and Energy commitment, and will develop a Climate Action Plan in Phase 3; and

**WHEREAS**, the City of Charlottesville has been involved in and continues to explore a variety of important actions to reduce greenhouse gas emissions in our community; and

**WHEREAS**, 90% of Charlottesville's carbon emissions profile is attributed to residential, commercial, and transportation sector activities; and

**WHEREAS**, initial costs for energy efficiency and renewable energy measures can pose a barrier for residential, commercial, and non-profit property owners and slow adoption of low carbon actions despite many such installations resulting in net-cost savings over their lifetime; and

**WHEREAS**, the private financial sector has access to resources that local government does not and that can aid in increased investment in energy performance of buildings in Charlottesville; and,

**WHEREAS**, the affordability of housing is affected by the cost of the housing unit and the cost of powering the home, known as the energy burden; and

**WHEREAS**, improvements in building energy performance through energy efficiency and renewable energy installations can reduce the energy burden cost for the building occupants and, in many cases, improve the comfort and quality of life of the building occupants; and

**WHEREAS**, local investment in energy improvements for buildings and low carbon strategies requires a skilled local workforce and supports local businesses and industries that are seeing national and global growth, and enables partnerships such as those seen in the GO Solar program; and

**WHEREAS**, strategies to reduce carbon emissions from the transportation sector can include mode shift, fuel switching, fuel economy, reduced travel distance; and

**WHEREAS**, the City of Charlottesville municipal fleet – including transit, school buses, service and maintenance trucks, and passenger vehicles – contributes to community-wide transportation carbon emissions.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the City of Charlottesville Climate Action Plan, to be developed under Phase 3 of its Global Covenant of Mayors for Climate and Energy commitment, will include, but not be limited to, strategies that address the following:

1. Further enabling private financial sector investment in energy performance upgrades for commercial properties in the City of Charlottesville through adoption of a commercial property assessed clean energy (C-PACE) financing program; and
2. Effective funding programs and models for increased residential energy performance, including programs that are compatible with affordable housing and owner or renter-occupied housing; and
3. The feasibility of integrating zero emission vehicles into the municipal fleet and supporting increased community adoption of zero emission vehicles; and
4. Working in conjunction with regional partners to implement seamless programs and services to increase ease of participation for Charlottesville organizations and residents.

On motion by Ms. Galvin, seconded by Ms. Hill, Council by the following vote PASSED the Resolution 5-0 (Ayes: Ms. Hill, Dr. Bellamy, Ms. Walker, Mr. Signer, and Ms. Galvin; Noes: none).

The meeting recessed at 10:52 p.m.  
The meeting reconvened at 11:04 p.m.

**RESOLUTION\*: Request for Approval for the Charlottesville Redevelopment and Housing Authority (CRHA) to establish the Charlottesville Community Development Corporation (CCDC)**

REP CRHA CCDC approval 050619

Mr. Grant Duffield of the Charlottesville Redevelopment and Housing Authority (CRHA) gave an explanation of the request.

Ms. Walker asked a question about RiverBend's involvement. Mr. Duffield advised that they would have no vested interest in the corporation.



Ms. Hill asked whether the entity has to always mirror the CRHA membership. Mr. Duffield explained that there is a requirement to have the entity mirror the CRHA membership so that in the event needed, the assets could revert back to CRHA. Mr. Dave Norris came forward to give further detail of the composition. Mr. Blair confirmed.

Ms. Galvin asked a question about floating bonds. Charlottesville Community Development Corporation (CCDC) does not have the authority.

On motion by Mr. Bellamy, seconded by Ms. Galvin, Council by the following vote PASSED the Resolution 5-0 (Ayes: Ms. Hill, Dr. Bellamy, Ms. Walker, Mr. Signer, and Ms. Galvin; Noes: none).

**RESOLUTION  
APPROVING THE FORMATION BY THE CHARLOTTESVILLE  
REDEVELOPMENT AND HOUSING AUTHORITY (CRHA) OF  
THE CHARLOTTESVILLE COMMUNITY DEVELOPMENT  
CORPORATION (CCDC), A NON-PROFIT ENTITY**

**WHEREAS**, the Charlottesville Redevelopment and Housing Authority was created pursuant to the Virginia Housing Authorities Law (the “Act”), found in Chapter 1, Title 36, Code of Virginia of 1950, as amended (the “Virginia Code”), and is now existing and operating as a public body corporate and politic, and the Act empowers the CRHA to form corporations, partnerships, joint ventures, trusts, or any other legal entity or combination thereof, on its own behalf or with any person or public or private entity; and

**WHEREAS**, the CRHA, through various entities, has applied to the Virginia Housing and Development Authority (“VHDA”) program for Low Income Housing Tax Credits (“LIHTC’s”), in part to provide financing for the rehabilitation and equipping of an existing affordable multi-family residential rental project comprised of an eight story building including 105 units known as Crescent Halls, the funding of debt service and other reserve funds and the payment of other transaction costs related to the award of LHTC’s to the project (collectively, the “Crescent Halls Reno Project”); and

**WHEREAS**, the CRHA, through various entities, has applied to the VHDA program for Low Income Housing Tax Credits, in part to provide financing for the construction and equipping of a new affordable multi-family residential rental project comprised of three buildings located at 900-1000 South First Street, including up to 63 units and a common resource space, the funding of debt service and other reserve funds and the payment of other transaction costs related to the award of LHTC’s to the project (collectively, the “South First Project”); and

**WHEREAS**, to secure VHDA funding for its affordable housing redevelopment projects, certain entities need to be created by the Authority to undertake the development of such projects; and

**WHEREAS**, Section 36-19(12) of the Virginia Code, requires, among other things, the approval by the local governing body of the formation by the CRHA of corporations, partnerships, joint ventures, trusts, or any other legal entity; and

**WHEREAS**, the CRHA further has requested and needs the City Council to approve the formation of the Charlottesville Community Development Corporation (CCDC), a Virginia stock corporation, to be the developer of the Crescent Halls Reno Project, the South First Project and future affordable housing development projects;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the Charlottesville Redevelopment and Housing Authority is authorized to create the Charlottesville Community Development Corporation, a Virginia stock corporation, to enable the CRHA to secure VHDA funding for affordable housing redevelopment project

**REPORT: Charlottesville Supplemental Rental Assistance Program (CSRAP)**

CSRAP presentation and funding

Mr. Grant Duffield gave a presentation for the CSRAP, a program that was initially approved by Council in 2017. The request was for Council to allocate the \$945,000 from the FY18-19 budget to the FY19-20 program.

Mr. Phil Daronzio gave further explanation of the intent of the program regarding various populations in need of assistance, and the need to re-determine how the assets are allocated. There is a need to streamline the grant proposal and work more efficiently.

Mr. Signer asked if this could be an opportunity to work jointly with the County on housing as a regional approach, referencing a Memorandum of Understanding with Albemarle County.

Dr. Bellamy advised that it is not meant for people to be dependent on the CSRAP year after year.

Mr. Murphy advised that the current grant agreement ends June 30.

After extensive discussion, on motion by Mr. Bellamy, seconded by Ms. Galvin, Council by the following vote PASSED the Resolution: 5-0 (Ayes: Ms. Hill, Dr. Bellamy, Ms. Walker, Mr. Signer, and Ms. Galvin; Noes: none).

**RESOLUTION**

**Allocation of Charlottesville Affordable Housing Fund (CAHF) for the Charlottesville Supplemental Rental Assistance Program (CSRAP) -- \$945,000**

**WHEREAS**, on June 19, 2017, the City of Charlottesville approved the Housing Advisory Committee's recommendation to create a City-funded Supplemental Rental Assistance program;

**WHEREAS**, on May 6, 2019, CRHA presented an update on the status of the program and a request for release of funding allocated in FY18/19, to continue the program;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$945,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund to the Charlottesville Supplemental Rental Assistance Program, which will be administered by the Charlottesville Redevelopment and Housing Authority (CRHA).

Fund: 426                                      Project: CP-084                                      G/L Account: 530670  
Charlottesville Supplemental Rental Assistance Program (CSRAP) \$945,000

**REPORT: Residents On-the-job-training program (ROJTP)**

CRHA ROTJ funding 050619

Mr. Grant Duffield made a presentation, advising that the pilot program has achieved the goals that were established in its formation.

Ms. Walker asked about lessons learned during the pilot.

Ms. Hill advised that a check-in during the year for reporting would have helped.

Mr. John Desmond and Ms. Joy Johnson came forward as partners of the program. They are excited to move forward and discussed lessons learned. There will be more focus on soft skills and being careful in selection of participants, an orientation, as well as case management.

Dr. Bellamy asked for a timeline for next steps.

On motion by Mr. Bellamy, seconded by Ms. Galvin, Council by the following vote PASSED the Resolution: 5-0 (Ayes: Ms. Hill, Dr. Bellamy, Ms. Walker, Mr. Signer, and Ms. Galvin; Noes: none).

**RESOLUTION**

**WHEREAS**, on March 19, 2018 the City of Charlottesville approved \$106,400 in funding for a Residents on the Job Program pursuant to terms and conditions outlined in the FY2019 Funding Agreement;

**WHEREAS**, on March 29, 2019 CRHA submitted a ROTJ Close-out Report and Drawdown Funding Request for \$74,748;

**WHEREAS**, following staff review of that report and request, it was determined that there were significant deficiencies in the reporting requirements and that staff could not administratively approve release of funding;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$74,748 is hereby approved to be allocated from previously appropriated funds.

**REPORT: West Main Streetscape Project Update**

Mr. Alex Ikefuna, Neighborhood Development Services Director, introduced the item and gave background information.

Mr. Ikefuna advised that issues have arisen, causing the need to bring the item to City Council as the sole reviewer of the project. Removal of the Lewis & Clark and Sacagawea statue could impact funds for the project. Raised sidewalks are another issue.

Direction was requested from Council.

The project consultant gave further information.

Ms. Galvin recommended a public discussion regarding what should happen with the statue.

The statue is on the registry of historic resources. Removing the statue would have an adverse effect to timing of the project and possibly escalation of construction costs. To move it, the impact could be mitigated.

Mr. Jeff Werner advised that delay on the City's part would cause delay at the State level.

On motion by Ms. Galvin, seconded by Mr. Signer, Council by the following vote 4-1 (Ayes: Dr. Bellamy, Ms. Hill, Mr. Signer, and Ms. Galvin; Noes: Walker) APPROVED the resolution as presented with the request to begin a separate process to determine the future of the Lewis & Clark and Sacagawea statue. Ms. Walker advised that she will need more information.

**RESOLUTION**

WHEREAS, by vote taken on March 21, 2016, City Council adopted the West Main Streetscape Improvement Plan (Option 1) (the "Plan"); and

WHEREAS, as part of its adoption of the Plan, directed the City Manager, his staff, and consultants to proceed with construction documents, and Council retained the right and authority to review the construction plans as they are developed; and

WHEREAS, Design Development and Construction Drawings for Phase 1 has been advanced, reviewed by staff and direction is being sought from City Council; and

**BE IT RESOLVED BY THE CHARLOTTESVILLE CITY COUNCIL** the following

direction is provided:

- 1) Lewis and Clark and Sacagawea Memorial shall be considered separately;
- 2) Historic Interpretation shall include:
  - a) Bridge and Bridge Builders recognition
  - b) Wayfinding Signage (including ways to direct people to the Jefferson School and the Heritage Center)
  - c) Gateway Elements
  - d) Etched Pavers only to indicate historic sites and locations which have been carefully considered and vetted circumstances.
  - e) Replace Interpretive Signage and the concept of sidewalk signs with other, less intrusive elements that identify and invite people to learn about the neighborhoods. Possible examples could include: etched curb stones, elements within the landscaping, or brick variations.
- 3) Raised Crosswalks shall be removed due to site limitations which would minimize their effect and other concerns raised by various city departments

## **OTHER BUSINESS**

### **MATTERS BY THE PUBLIC**

Mr. Brad Slocum, City resident, thanked Council for passing the climate resolution earlier. He advised of other Cities nationally passing a resolution. Charlottesville is now among that national group. He asked for Council to consider what is Charlottesville's climate action plan.

Mr. John Hall, resident, advised that he wanted to take a few minutes to work on his speaking. He spoke about equity in affordable housing and also spoke about honoring Queen Charlotte, but not her husband. He proposed a ballot resolution for November 5, 2019, to change the name of the City to Charlotte City.

Ms. Jalane Schmidt, City resident, voiced concerns about promotion of a Corporal (now Sergeant) Logan Woodsell, a police officer who had been seemed to have a “chumminess” with members of the Highway Men and American Warrior Revolution – attendees of the August 12 Unite the Right Rally. In regard to the Sacagawea statue, she expressed concern of the location of the statue as a hazard. She is in support of a process to address the statue issue.

Mr. Cliff Hall, resident, mentioned John Crow and the amount of tithes he pays.

The meeting adjourned at 1:14 a.m.

**NOTICE OF SPECIAL MEETING / Worksession**

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL with the Agency Budget Review Team (ABRT) WILL BE HELD ON Wednesday, May 8, 2019, from 4:00 p.m. - 6:00 p.m. IN THE City Space Meeting Room, 100 5th Street NE, Charlottesville, Virginia, 22902

BY ORDER OF THE CITY COUNCIL

BY Kyna Thomas

**CITY SPACE – May 8, 2019**

City Council met on this date with the following members present: Ms. Nikuyah Walker; Ms. Heather Hill; Dr. Wes Bellamy, Ms. Kathy Galvin and Mr. Mike Signer.

Mayor Walker called the meeting to order at 4:10 p.m. and turned the meeting over to Interim Assistant City Manager Kathy Dimock.

Ms. Dimock advised that this meeting is follow up to the January 22, 2019, City Council meeting where Council directed its staff to collect ABRT-related feedback from three different stakeholder groups: community members receiving services from area nonprofits, other community members, and the nonprofit sector. City staff asked CNE to facilitate the engagement with, and solicitation of feedback from area nonprofits.

Ms. Walker opened the public comment period.

Mr. Walt Heinecke, City resident, commended non-profits in the City. He advised that the ABRT process needs an outside review from an independent source with an equity lense. He said that more data is needed than the Center for Nonprofit Excellence (CNE) and City Survey provide, as they do not reach a certain segment of the public who would be recipients of these services. He suggested that there be a way to measure the implementation of the new process and focus on client satisfaction. He concluded by saying there is a lot to be learned from other localities.

Ms. Maureen Brondyke, Director of New City Arts said that she is grateful that the ABRT process is being evaluated. She commended the City for supporting the arts and expressed that she would love to see the process evaluated and improved. The arts and culture organizations have mentioned that the process is strained. She referenced a recent Request for Proposal (RFP) in the City of Richmond, and recommended that applicants be required to align with the City's goals and values. She would like for the process to improve the way that the arts and cultural community works with the City.

Ms. Walker closed the public comment period.

Ms. Dimock reviewed the Background/Overview of the ABRT, giving the history of the ABRT process and recent analyses of ABRT process, including the January 2019 Council Session outcome.

Ms. Cristine Nardi of the Center for Nonprofit Excellence shared feedback from nonprofits, including participant background and process themes.

Regarding participant background, Ms. Walker asked about how many non-profit leaders of color were included. Ms. Nardi advised that this data was not collected. Dr. Bellamy advised of a local group, Nonprofit Leaders of Color (NLC), and advised CNE to send notifications to the NLC director in the future. There was further discussion about who applied and reasons why others did not apply.

Process themes that arose were the need to foster collaboration, strengthen communication, and establish an effective review team.

Dr. Bellamy asked whether the City has a tracker for non-profits led or served by people of color. There was no definitive answer.

Ms. Walker asked for the group to discuss what it would look like to include more equity focus in their process and make sure that the nonprofits are able to provide the services needed to serve those particular communities.

Mr. Murphy advised that Charlottesville is a local government that has chosen to invest in non-profits and consideration should be given to how those nonprofits extend the goals of local government. He recommended evaluating where the City is trying to make an impact, then determining how nonprofits can help to extend those services.

Discussion ensued around feedback from the City Survey, the history or how organizations entered the system, learning from other communities, and priority setting.

Employing best practice strategies for public funding would make the process easier, faster, and simpler for all involved.

Ms. Dimock advised that one aspect of moving forward would involve managing tensions.

Ms. Walker commented that conversations such as these tend to indicate that more data is needed.

Dr. Bellamy advised that the Black Community needs space to discuss issues and solutions that affect them without having others dominate the space. He mentioned that he would consider having a staff member from the Nonprofit Leaders of Color (NLC) get involved and that he could bring feedback in three months.

Ms. Walker asked the group to consider who is used in the process of outreach because that impacts who is reached.

The business portion of the meeting concluded with review of options moving forward:

- Adopt recommendations from workgroup
- Examine categories of funding
- Establish a priority-setting commission to inform operational funding
- Establish an ABRT Revision commission to:
  - o Create a new funding mechanism and process for nonprofits
  - o Set priority funding areas

Ms. Walker opened the floor for public comment:

Ms. Erica Vixilio with The Fountain Fund advised that the right data is already available. Having the people who would be receiving the benefit of the services and practitioners would be more effective. Many nonprofits would like to do an equity assessment, but don't have the funds. She advised that perhaps the equity component not be a condition of receiving funds, but use that recipients be able to use funds to do an equity assessment. She advised that the ABRT could use an Impact Report and a student could help.

Mr. Walt Heinecke, advised that sometimes people "don't see what they don't see". He advised the group to think carefully about how consultants are hired and to not go to the same pool each time. He advised that there is no need to further study, but now is the time for developing solutions. How nonprofits work with existing City services should be considered. He suggested that consideration be given for figuring out the capacity for writing grants so people get access. Which nonprofits can or cannot raise funds? He suggested using the cost-benefit approach and to categorize all nonprofits in Charlottesville. He encouraged looking at the racial demographics for nonprofits and suggested that the outreach and engagement process is broken. Self-selection is not effective.

Ms. Maureen Brondyke asked whether there was a precedent for a cap on funding for a nonprofit.

Ms. Walker closed public comment.

Ms. Galvin left the meeting at 6:09 p.m.

Council agreed that more time was needed in order to give direction. It was determined that the item would come to the May 20<sup>th</sup> City Council meeting for further discussion.

Dr. Bellamy advised that he would meet with the NLC before the May 20<sup>th</sup> Council meeting and bring members to the meeting.

Mr. Signer suggested that Council have the new City Manager come back to Council with 2-3 recommendations. He recommended a feedback loop between Council and the ABRT group, and advised that he would not be at the May 20<sup>th</sup> City Council meeting.

Dr. Bellamy left the meeting at 6:17 p.m.



Ms. Dimock clarified that Council would dictate the charge, confirm the recommendations, and evaluate the feedback of the Commission/group

The meeting was adjourned at 6:25 p.m.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 20, 2019
Action Required:	Approval of Appropriation
Presenter:	Brian Wheeler, Director of Communications
Staff Contacts:	Brian Wheeler, Director of Communications
Title:	<b>Appropriation of funding for CPA-TV from The Ryal Thomas Show, LLC - \$4,247.50</b>

**Background:**

On April 15, 2019, Charlottesville City Council approved a lease with York Property, LLC along with a license agreement with The Ryal Thomas Show, LLC for the term of one year to facilitate the relocation of the CPA-TV studio to the York Place building on the Charlottesville Downtown Mall.

The license agreement entails Mr. Thomas paying a monthly fee of \$1,663.00 to the City in exchange for use of CPA-TV studio time and broadcast equipment for his commercial program. Per the lease agreement, Ryal Thomas has remitted payments in the amount of \$2,584.50 for the first full month's lease payment plus a pro-rated amount for the first partial month. The total payments in FY 2019 will be \$4,247.50.

**Discussion:**

Charlottesville Public Access Television (CPA-TV) has been proudly serving the Charlottesville community for over 40 years by offering a voice to citizens and organizations alike. CPA-TV began broadcast operations at Adelphia Cable studios on West Main Street and enjoyed a lengthy residence at Charlottesville-Albemarle Technical Education Center (CATEC) for many years thereafter. In 2013, CATEC ended its lease agreement with the City, leaving CPA-TV to secure a new location to base its operations.

During 2014-2019, the Charlottesville Fire Department executed a Memorandum of Understanding with the Office of Communications to provide studio space for CPA-TV community broadcast productions and producer training at one of their two leased buildings owned by the U.S. Department of Forestry and located at 460 George Dean Drive. That lease has been terminated effective May 31, 2019.

A new venue on the Charlottesville Downtown Mall will give the City of Charlottesville a cost-effective way to transform our CPA-TV studio space, attract new users, and increase community engagement. Our Franchise Agreement with Comcast designates three stations for our use as public

access, education and government programming.

**Alignment with City Council's Vision and Strategic Plan:**

Providing CPA-TV a home on the bustling Downtown Mall supports City Council's C'ville Arts and Culture vision. The agreement put forth would directly support Goal 5 of the City's Strategic Plan of being a Well-Managed and Responsive Organization by integrating effective business practices and fostering community engagement.

**Community Engagement:**

CPA-TV community producers are excited about the potential move to the Downtown Mall. The high visibility of York Place and ease of access would make this an ideal move for CPA-TV and its members.

Communications staff is also in the process of upgrading CPA-TV operations, developing specialized training modules for community members, and rebranding Charlottesville Public Access as the *Charlottesville Community Media Center*.

**Budgetary Impact:**

None as this is a reimbursement for lease expenses already provided by Council.

**Recommendation:**

Staff recommends approval and appropriation of the funds.

**Alternatives:**

If funds are not appropriated, the City will have to cover the cost of the lease.

**Attachments:**

Appropriation.

**APPROPRIATION**  
**Appropriation of funding for CPA-TV from The Ryal Thomas Show, LLC**  
**\$4,247.50**

**WHEREAS**, the City of Charlottesville entered into a license agreement with The Ryal Thomas Show, LLC;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$4,247.50 to be received per the agreement is hereby appropriated as follows:

**Revenues - \$4,247.50**

\$4,247.50      Fund: 105                      Internal Order: 2000146                      G/L Account: 450030

**Expenditures - \$4,989**

\$4,247.50      Fund: 105                      Internal Order: 2000146                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that future lease proceeds to CPA-TV will be hereby considered as a continuing appropriation and shall automatically appropriate upon receipt of funds.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 6, 2019
Action Required:	Appropriation and Approval
Presenter:	Alex Ikefuna, Director, NDS
Staff Contacts:	Missy Creasy, Assistant Director, NDS Tierra Howard, Grants Coordinator, NDS
<b>Title:</b>	<b>Approval and Appropriation of CDBG &amp; HOME Budget Allocations for FY 2019-2020</b>

**Background:**

This agenda item includes project recommendations, action plan approval, and appropriations for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

**Discussion:**

In Fall 2018, the City of Charlottesville advertised a Request for Proposals (RFP) based on the priorities set by Council on September 17, 2018. The priorities were for affordable housing (priority for persons who are 0-50 percent AMI), support for the homelessness and those at risk of homelessness, workforce development (support for programs that aid in self-sufficiency, including but not limited to quality childcare), microenterprise assistance, and mental health and substance abuse services. The City received one application totaling \$76,000 for housing projects; six applications totaling \$97,477 for public service projects; and two applications totaling \$32,500 for economic development projects. A summary of applications received is included in this packet.

In January 2019 and February 2019, the CDBG/HOME Task Force reviewed and recommended housing and public service projects for funding and the Strategic Action Team reviewed and recommended economic development projects for funding.

On March 12, 2019, these items came before the Planning Commission and Council for a joint public hearing. The Planning Commission accepted the report and unanimously recommended the proposed budget for approval by City Council.

CDBG and HOME Project Recommendations for FY 2019-2020:

The CDBG program total has an estimated \$395,052.82 for the 2019-2020 program year. The CDBG grand total reflects the \$393,152 Entitlement (EN) Grant, \$1,900.82 in Reprogramming, and \$0 in previous years' entitlement available after program income has been applied. The HOME total consists of an estimated \$73,603 which is the City's portion of the Consortium's appropriation, in addition to \$18,400.75 for the City's 25% required match, \$0 in Reprogramming and \$28,379 in program income. Minutes from the meetings are attached which outline the recommendations made. It is important to note that all projects went through an extensive review by the CDBG/HOME Task Force as a result of an RFP process.

Priority Neighborhood – The FY 2019-2020 Priority Neighborhood is Ridge Street (for the first cycle), however, staff and Planning Commission recommends to Council to designate Belmont as the Priority Neighborhood for FY 19-20 (for the second continuous year). Per the Belmont Priority Neighborhood Task Force recommendations, the first priority project is a sidewalk infill construction project on Franklin Street. Per project estimates, the project may cost an estimated \$300,000 for construction and engineering. In order to prevent phasing the project over two to three years, which will increase the cost of the project, staff and Planning Commission recommends Belmont for a continuous round of funding for FY 19-20 and then designate Ridge Street as the 20-21, and 21-22 Priority Neighborhood. There are several upcoming projects surrounding Franklin Street that will impact traffic and safety conditions within the neighborhood.

Economic Development – Council set aside FY 19-20 CDBG funding for Economic Development Activities. Members of the Strategic Action Team reviewed applications for Economic Development and made a recommendation.

Funds are proposed to be used to provide scholarships to assist 20 entrepreneurs launch their own micro-enterprises through technical assistance.

Public Service Programs – The CDBG/HOME Task Force has recommended several public service programs. Programs were evaluated based on Council's priorities for affordable housing (priority for persons who are 0-50 percent AMI), support for the homelessness and those at risk of homelessness, workforce development (support for programs that aid in self-sufficiency, including but not limited to quality childcare), microenterprise assistance, and mental health and substance abuse services. Programs were also evaluated based upon metrics included in the RFP evaluation scoring rubric. Funding will enable the organizations to provide increased levels of service to the community.

Estimated benefits include workforce development training for seven beneficiaries; basic literacy instruction for 20 beneficiaries; and increased capacity of a coordinated entry system for homeless services which will benefit 41 homeless persons.

Administration and Planning: To pay for the costs of staff working with CDBG projects, citizen participation, and other costs directly related to CDBG funds, \$78,630 is budgeted.

HOME Funds: The CDBG/HOME Task Force recommended funding to programs that support homeowner rehabilitation. Estimated benefits include three homeowner rehabilitations/three preserved units.

Program Income/Reprogramming: For FY 2019-2020, the City has \$0 in previous CDBG EN that



has been made available through the application of received Program Income (PI) to be circulated back into the CDBG budget. The City has \$28,379 in HOME available after PI was applied to be circulated back into the HOME budget. There are also completed projects that have remaining funds to be reprogrammed amounting to \$1,900.82 CDBG and \$0 HOME. These are outlined in the attached materials.

**Adjusting for Actual Entitlement Amount:** Because actual entitlement amounts are not confirmed at this time, it is recommended that all recommendations are increased/reduced at the same pro-rated percentage of actual entitlement to be estimated. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

**Community Engagement:**

A request for proposals was held for housing, economic development, public facilities and public service programs. Applications received were reviewed by the CDBG Task Force or SAT. Priority Neighborhood recommendations will be made by members who serve on the Priority Neighborhood Task Force.

**Alignment with City Council's Vision and Strategic Plan:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to have **Economic Sustainability, A Center for Lifelong Learning, Quality Housing Opportunities for All, and A Connected Community**. It contributes to variety of Strategic Plan Goals and Objectives including: Goal 1: Inclusive, Self-sufficient Community; Goal 3: Beautiful Environment; Goal 4: Strong, Diversified Economy; and Goal 5: Responsive Organization.

**Budgetary Impact:**

Proposed CDBG projects will be carried out using only the funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD) for the City's CDBG program. The HOME program requires the City to provide a 20% match (HOME match equals ¼ of the EN amount). The sum necessary to meet the FY 2019-2020 match is \$18,400.75, which will need to be appropriated out of the Charlottesville Housing Fund (CP-0084) at a future date.

**Recommendation:**

Staff recommends approval of the CDBG and HOME projects as well as the reprogramming of funds. Planning Commission recommended approval of the proposed budget with any percent changes to the estimated amounts being applied equally to all programs. All Planning Commissioners present at the meeting voted. Staff also recommends approval of the appropriations. Funds included in this budget will not be spent until after July 1, 2019 or at a later date when HUD releases the entitlement.

**Alternatives:**

No alternatives are proposed.

**Attachments:**

2019-2020 Proposed CDBG and HOME Budget

Appropriation Resolution for CDBG funds

Appropriation Resolution for HOME funds

Appropriation Resolution for CDBG & HOME reprogrammed funds

Summary of RFPs submitted

Minutes from CDBG Task Force meetings

**2019-2020 CDBG and HOME BUDGET ALLOCATIONS**  
**RECOMMENDED BY CDBG/HOME TASK FORCE and SAT: 1/16/19 and 2/7/19**  
**RECOMMENDED BY PLANNING COMMISSION: March 12, 2019**  
**APPROVED BY CITY COUNCIL:**

<b>A. PRIORITY NEIGHBORHOOD</b>		
A. Belmont		<b>\$244,950.82</b>
<b>B. ECONOMIC DEVELOPMENT PROJECTS</b>		
A. Community Investment Collaborative - Scholarships		\$12,500
	<b>ECONOMIC DEVELOPMENT TOTAL:</b>	<b>\$12,500</b>
<b>C. PUBLIC SERVICE PROJECTS</b>		
A. Literacy Volunteers – Basic Literacy Instruction		\$9,237
B. OED GO Utilities		\$20,498
C. TJACH – Coordinated Entry System		\$29,237
	<b>SOCIAL PROGRAMS TOTAL:</b>	<b>\$58,972 (15% EN)</b>
<b>D. ADMINISTRATION AND PLANNING:</b>		
A. Admin and Planning		<b>\$78,630 (20% EN)</b>
	<b>GRAND TOTAL:</b>	<b>\$395,052.82</b>
	<b>ESTIMATED NEW ENTITLEMENT AMOUNT:</b>	<b>\$393,152</b>
	<b>ESTIMATED EN AVAILABLE AFTER PI APPLIED:</b>	<b>\$0.00</b>
	<b>REPROGRAMMING:</b>	<b>\$1,900.82</b>

\* Funding includes reprogrammed funds

**2019-2020 HOME BUDGET ALLOCATIONS**

A. AHIP – Homeowner Rehab		\$73,603*
	<b>TOTAL:</b>	<b>\$120,382.75</b>
	<b>ENTITLEMENT AMOUNT:</b>	<b>\$73,603</b>
	<b>ESTIMATED EN AVAILABLE AFTER PI APPLIED:</b>	<b>\$28,379</b>
	<b>REPROGRAMMING:</b>	<b>\$0.00</b>
	<b>LOCAL MATCH:</b>	<b>\$18,400.75</b>

\* Includes estimated EN available after program income applied

**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2019-2020  
COMMUNITY DEVELOPMENT BLOCK GRANT - \$395,052.82**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2019-2020 fiscal year in the total amount of **\$395,052.82** that includes new entitlement from HUD amounting to \$393,152, and previous entitlement made available through reprogramming of \$1,900.82.

**WHEREAS**, City Council has received recommendations for the expenditure of funds from the CDBG Task Force, the SAT, the Belmont Priority Neighborhood Task and the City Planning Commission; and has conducted a public hearing thereon as provided by law; now, therefore;

**BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

**PRIORITY NEIGHBORHOOD**

Belmont Priority Neighborhood	\$244,950.82
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**ECONOMIC DEVELOPMENT**

Community Investment Collaborative Scholarships	\$12,500
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**PUBLIC SERVICE PROGRAMS**

OED GO Utilities	\$20,498
TJACH – Coordinated Entry System	\$29,237
Literacy Volunteers – Basic Literacy Instruction	\$9,237

**ADMINISTRATION AND PLANNING:**

Admin and Planning	\$78,630
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<b>TOTAL</b>	<b>\$395,052.82</b>
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**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$395,052.82 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (sub-recipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2019-2020  
HOME FUNDS \$120,382.75**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnerships (HOME) funding for the 2019-2020 fiscal year;

**WHEREAS**, the region is receiving an award for HOME funds for fiscal year 19-20 of which the City will receive \$73,603 to be expended on affordable housing initiatives such as homeowner rehab and downpayment assistance.

**WHEREAS**, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the a surplus of match from previous appropriations from the Charlottesville Housing Fund (account CP-0084 in SAP system) in the amount of \$18,400.75. Project totals also include previous entitlement made available through program income of \$28,379. The total of the HUD money, program income, and the local match, equals \$120,382.75 and will be distributed as shown below.

<b>PROJECTS</b>	<b>HOME EN</b>	<b>PI</b>	<b>MATCH</b>	<b>TOTAL</b>
AHIP-Homeowner Rehab	\$73,603	\$28,379	\$18,400.75	\$120,382.75
<b>Total</b>	<b>\$73,603</b>	<b>\$28,379</b>	<b>\$18,400.75</b>	<b>\$120,382.75</b>

\* includes Program Income which does not require local match.

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$73,603 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

## CDBG & HOME RFP SUBMISSIONS - FY 2019-2020

Organization, (Program Title)	Project Contact	Program Description	Funding Requested
Charlottesville Public Housing Association of Residents	Brandon Collins	Internship Program	\$24,000
City of Charlottesville Office of Economic Development	Hollie Lee	GO Public Works	\$24,400
Literacy Volunteers of Charlottesville/Albemarle	Ellen Osborne	Basic Literacy Instruction	\$10,000
Piedmont Housing Alliance	Karen Klick	Renter Resource Program	\$18,077
Thomas Jefferson Area Coalition for the Homeless	Anthony Haro	Coordinated Entry System	\$30,000
Thomas Jefferson Area Coalition for the Homeless	Anthony Haro	PACE Secure Seniors Program	\$15,000
<b>Total Amount of Requests</b>			<b>\$97,477</b>
<b>Total Projected Budget</b>			<b>\$61,200</b>
<b>Request Overage</b>			<b>\$36,277</b>

Organization, (Program Title)	Project Contact	Program Description	Funding Requested
AHIP	Corey Demcheck	Homeowner Rehabs	\$76,000
<b>Total Amount of Requests</b>			<b>\$76,000</b>
<b>Total Projected Budget</b>			<b>\$76,000</b>
<b>Request Overage</b>			<b>\$0</b>

## CDBG TASK FORCE

### Minutes

Second Floor Conference Room, City Hall

Wednesday, January 16, 2019

12:00pm – 1:00pm

#### Attendance:

<b>Task Force Members</b>	<b>Present</b>	<b>Absent</b>
Tanea Dowell	X	
Howard Evergreen	X	
Kathy Johnson Harris		X
Joy Johnson		X
Sherry Kraft	X	
Kelly Logan	X	
Sarah Malpass	X	
Kelsey Cox	X	
Tierra Howard (staff)	X	
<b>Others:</b>		

The meeting began at 12:00pm.

#### HOME Funding Allocation

- Staff mentioned that \$76,000 in HOME entitlement funds are available for HOME applicants. The only applicant was AHIP.
- On a motion by Sherry Kraft (SK), seconded by Tanea Dowell (TD), the CDBG/HOME Task Force unanimously approved the HOME funding recommendations as follows: Fund AHIP at \$76,000 (entitlement). Because actual entitlement amounts for HOME are not known at this time, the Task Force recommended that all recommendations are increased/reduced at the same pro-rated percentage of actual entitlement to be estimated. No agency will increase more than their initial funding request.

#### Discussion related to TJACH's Application Scoring for the Priority Neighborhood Criteria

- Staff mentioned that there was a need for discussion related to both of TJACH's applications regarding how to score the priority neighborhood response as it relates to the homeless population. There were inconsistencies in the Task Force scores.
- There was discussion about giving TJACH a three because serving the homeless population is a priority for the City the same way that the priority neighborhood is a priority.
- Staff mentioned that from the application it appears as though TJACH does not go out into the community and recruit homeless persons, rather persons needing services come to them.
- One member mentioned that in this case the Salvation Army is located in Ridge Street and would be a way in which persons located in Ridge Street are served by TJACH.
- There was discussion about applicants not being penalized because the question does not fit the applicant and/or the services provided. One member responded and mentioned that



applicants aren't being penalized, however it is an opportunity to gain bonus points for responding appropriately to the question.

- Another member mentioned that we have the question so that funds can be targeted in the priority neighborhood similar to previous priority neighborhoods such as 10<sup>th</sup> & Page and that all applications meet Council Priorities.
- There was discussion about it being unfair to give points to TJACH other than a zero. Staff suggested that the Task Force focus on the response to the application question. One member mentioned that the application question gives applicants the opportunity to address the priority neighborhood.
- There was discussion about separating question #21 in the future so that the question is clear.
- It was mentioned that the Task Force should focus on the question and the response and utilize what is provided in the response to come to a consensus about the score. A task member urged the group that applicants are not being penalized, rather applicants have the opportunity to score additional points for answering the question.
- Staff mentioned that TJACH potentially serves clients or makes/receives referrals to/from the Salvation Army and they failed to mention it in their application and perhaps if they had made the connection to the Salvation Army, there would have been an opportunity for points in the priority neighborhood category.
- Staff reminded the Task Force that they agreed to score the proposals based solely on the responses and agreed to be objective in the scoring.
- A member agreed that the Task Force has to be objective and have to be fair with the scoring and that there was an opportunity to address the question. Another member agreed.
- The group came to a consensus that both TJACH applications would be provided a zero for the priority neighborhood score because it was not addressed in the proposal response.
- The group agreed to discuss the priority neighborhood proposal question in the future.

#### CDBG Funding Application Recommendation

- Staff shared the average scores for each proposal.
- Per a question asked by a Task Force member, staff explained that all other grants provided to applicants from the City's Charlottesville Affordable Housing Fund is included in the staff summary (but does not include funds received from Agency Budget Review Team or other sources).
- There was discussion about whether the Task Force wanted to fully fund agencies or spread funding amongst several applicants. Staff provided clarification on which agencies mentioned that they could operate their projects without receiving full funding.
- The group mentioned that some applicants are requesting funding to fund staff hours and reductions in funding would reduce the number of beneficiaries and/or the number of staff hours.
- The group agreed to fully fund Literacy Volunteers as they were the top scorer.
- One member mentioned that that it makes sense to support the TJACH Coordinated Entry System project a second year, however, that long-term sustainability of supporting the position outside of CDBG is something that they should be aware of.
- There was discussion about why the task force is taking time to score applications if the scores aren't going to be used as the basis for making funding decisions. One member mentioned that the only reason why there should be room to consider discussions regarding funding amounts relative to scores is if there are other applicants that can't operate a program without full funding (only opportunity for subjectivity). Another member mentioned that the group should prioritize funding

amounts based upon the score and have the option to alter the amounts if necessary. Another member mentioned that the scoring tool does not take into account the applications as a whole and the needs that the City has as a whole. A rubric will never be able to serve as the only decision-maker for funding allocation decisions.

- There was discussion regarding whether or not to fully fund the next top scorer which is TJACH at \$30,000. There was discussion about being okay with fully funding TJACH but making sure that they are aware that CDBG shouldn't be used as their only funding source and that they should build a sustainable amount of funds to fund the position over the next 10 years.
- Discussion continued on whether to fully fund TJACH and how to fund OED and/or PHAR as another option.
- One member thought PHAR's application was a lot better than the previous application and that a lot of improvements were made. The member mentioned that PHAR is working on empowerment of leaders and the work being done by PHAR will impact redevelopment of public housing. The benefit is not just immediate but PHAR will be seeking to make the housing fit the needs of the community long-term. PHAR's application has a broader impact and it stood out as being unique in terms of the moment the City is in right now as it pertains to affordable housing. Others thought that the application wasn't strong at all and that the application didn't answer the questions clearly related to how the narrative answered Council priority/goal of affordable housing options and evaluation methods. The group discussed how there were there were stronger applications such as literacy volunteers, TJACH, and OED.
- One member suggested that the Task Force make a recommendation to fund the three top scorers and split funding amongst the second and third top scorers. The Task Force members agreed on the suggestion.
- The group agreed to that TJACH should be fully funded due to the work that was put into the application.
- Staff mentioned that OED informed staff that they can still carry out program without being fully funded.

On a motion by HE, seconded by KC, the CDBG/HOME Task Force unanimously approved the CDBG funding recommendations as follows:

- Fund Literacy Volunteers at \$10,000; and
- Fund TJACH at \$30,000; and
- Fund OED GO Public Works at \$21,200.
- Because actual entitlement amounts for CDBG are not known at this time, the Task Force recommended that all recommendations are increased/reduced at the same pro-rated percentage of actual entitlement to be estimated. No agency will increase more than their initial funding request.

Group mentioned that they liked the new scoring rubric and the rubric went along with the application.

The meeting adjourned at 1:00pm.

## CDBG RFP SUBMISSIONS - FY 2019-2020

Organization, (Program Title)	Project Contact	Program Description	Funding Requested
City of Charlottesville Office of Economic Development	Hollie Lee	GO Start-Up	\$20,000
Community Investment Collaborative	Stephen Davis	Entrepreneur Scholarships	\$12,500
<b>Total Amount of Requests</b>			<b>\$32,500</b>
<b>Total Projected Budget</b>			<b>\$20,000</b>
<b>Request Overage</b>			<b>\$12,500</b>

## STRATEGIC ACTION TEAM (SAT)

### Minutes

Neighborhood Development Services Conference Room, City Hall

Thursday, February 7, 2019

11:00am – 12:00pm

#### Attendance:

<b>Task Force Members</b>	<b>Present</b>	<b>Absent</b>
Gretchen Ellis	X	
Diane Kuknyo	X	
Kelly Logan	X	
Sue Moffett	X	
Tierra Howard (staff)	X	
<b>Others:</b>		

The meeting began at 11:00am.

#### Discussion of Proposals

- The SAT members discussed both economic development applications. Member felt that the Office of Economic Development's (OED) application provided insufficient evidence of community need and provided no evidence-based information.
- Members mentioned that the OED's application was well-written, however, businesses need capital and funds to run a business. One member felt like that application was lacking an explanation of or connection to capital and that the program may set businesses up for failure due to the lack of a connection to capital. One member mentioned that the funding request will not directly serve beneficiaries, rather grant funds would be allocated to staff time. Another member mentioned that the program's measure of success is tied to persons completing the program and not to starting a business. The application also lacked research on the specific model that would be implemented.
- One member questioned if OED's proposal was the best model and what factors would determine if people were ready for CIC. It appeared as though the only criteria was income and not readiness.
- One member felt as though OED needed to provide evidence that entrepreneurship is a way out of poverty.
- The group discussed wanting to fully fund the Community Investment Collaborative (CIC) application, however, they were concerned about lack of outreach and engagement in the priority neighborhood (Ridge Street). The members also discussed that their application had a low score based upon the points available.
- One member noted that they scored CIC low on their outreach strategy and organizational capacity sections.
- The SAT unanimously agreed to provide a funding recommendation to fully fund CIC at their \$12,500 request and to not fund OED's request. Because actual entitlement amounts for CDBG are not known, the SAT recommended that all recommendations be increased/reduced at the same pro-rated percentage of actual entitlement to be estimated. No agency will increase more than their initial funding request.

The meeting adjourned at 11:30pm.

<b>Applicant</b>	<b>Average Score</b>	<b>Funding Request</b>	<b>TF Funding Recommendations</b>
Literacy Volunteers	38.7	\$ 10,000.00	\$ 10,000.00
TJACH	36.3	\$ 30,000.00	\$ 30,000.00
OED	35.2	\$ 25,400.00	\$ 21,200.00
PHAR	34.3	\$ 24,000.00	
TJACH Seniors	33.2	\$ 15,000.00	
PHA	27.8	\$ 18,077.00	
			\$ 61,200.00
		Funds Available	61,200
		Funds Leftover	\$ -
AHIP	37	76,000	76,000 EN Available

	Description	Goal	Need	Outcomes	Strategies	Implement	Evaluation	Demography	Financial	Collaboration	Engagement	PN	Org Capacity	Budget	Sum	Average Score	
<b>AHIP</b>																	
	HE	3	3	3	3	3	3	3	3	3	3	3	3	3	3	42	
	SM	3	3	3	3	1	0	3	3	3	3	3	3	3	3	37	
	KL	3	3	3	3	1	3	3	3	3	3	3	3	3	2	39	
	KC	3	3	2	2	1	2	1	3	1	2	3	3	3	1	30	
	SK	3	3	3	3	2	3	3	3	3	3	3	3	3	2	40	
	TD	3	2	2	3	1	1	3	3	3	3	2	2	3	3	34	222 37
<b>PHAR</b>																	
	HE	3	3	3	3	3	3	3	3	3	3	3	1	3	3	40	
	SM	3	3	3	2	3	0	3	3	3	3	3	3	3	1	36	
	KL	1	1	1	1	0	2	1	2	1	2	2	2	2	1	19	
	KC	2	3	3	2	2	3	2	3	3	3	2	3	3	3	37	
	SK	3	3	3	3	2	3	2	2	3	3	3	3	3	2	38	
	TD	2	3	3	3	2	2	2	3	3	3	3	3	3	1	36	206 34.33333333
<b>OED</b>																	
	HE	3	3	3	3	3	3	3	3	3	3	3	0	3	1	37	
	SM	3	3	3	3	1	0	2	3	2	3	3	3	3	3	35	
	KL	3	3	3	3	1	3	2	3	2	1	2	1	3	3	33	
	KC	3	3	3	3	1	2	2	3	3	1	3	2	3	3	35	
	SK	3	3	3	3	2	3	2	3	2	2	3	2	3	3	37	
	TD	3	3	2	2	2	2	3	3	2	1	3	2	3	3	34	211 35.16666667
<b>LIT VOL</b>																	
	HE	3	3	3	3	3	3	3	3	3	3	3	3	3	3	42	
	SM	2	3	3	2	3	3	3	3	3	3	3	2	3	3	39	
	KL	3	2	3	3	3	3	2	3	3	3	3	1	3	3	38	
	KC	3	3	3	2	3	3	2	3	3	2	3	1	3	3	37	
	SK	3	3	3	3	3	3	3	3	3	3	2	2	3	3	40	
	TD	2	3	2	3	3	2	3	3	3	3	2	1	3	3	36	232 38.66666667
<b>PHA</b>																	
	HE	1	1	1	1	1	3	1	3	3	3	1	1	2	2	24	
	SM	3	3	2	2	1	0	1	3	2	3	3	2	2	3	30	
	KL	2	1	2	1	2	1	1	3	1	2	2	2	2	1	23	
	KC	2	3	3	1	1	2	2	3	0	2	2	2	2	2	27	
	SK	2	2	3	1	3	2	2	3	2	3	2	2	2	1	30	
	TD	3	3	3	2	2	1	2	3	3	3	2	2	2	2	33	167 27.83333333
<b>TJACH</b>																	
	HE	3	3	3	3	3	3	3	3	3	3	3	0	3	3	39	
	SM	3	3	3	3	3	0	3	3	3	3	3	0	3	3	36	
	KL	3	3	3	3	3	2	3	3	3	3	3	0	3	2	37	
	KC	2	3	3	3	3	1	3	3	3	3	2	0	3	2	34	
	SK	3	3	3	3	3	3	3	3	3	3	3	0	3	3	39	
	TD	3	3	3	3	2	1	3	3	2	3	2	0	3	2	33	218 36.33333333
<b>TJACH SENIORS</b>																	
	HE	3	3	3	3	2	3	3	3	3	3	3	0	3	2	37	
	SM	3	3	3	3	2	0	2	3	2	3	3	0	3	3	33	
	KL	3	3	3	2	3	2	2	2	1	1	3	0	3	1	29	
	KC	3	3	3	3	1	2	2	3	3	1	3	0	3	3	33	
	SK	3	3	3	3	3	2	2	3	1	3	2	0	3	2	33	
	TD	3	3	2	3	3	1	2	3	2	3	2	0	3	2	32	197 32.83333333
<b>CIC</b>																	
	SM	3	3	3	3	2	3	3	2	3	3	3	1	2	3	37	
	GE	3	3	3	3	2	3	3	3	3	3	2	0	2	3	36	
	DK	1	2	2	1	2	3	3	1	2	3	2	0	2	2	26	
	KL	3	3	3	3	3	3	3	3	3	3	2	0	2	2	36	135 33.75
<b>OED</b>																	
	SM	2	3	2	2	1	2	0	3	1	1	2	2	0	1	22	
	GE	3	2	3	2	1	3	2	3	1	3	2	1	3	2	31	
	DK	1	2	2	3	1	3	1	2	1	1	3	2	3	3	28	
	KL	3	3	3	3	3	3	1	3	3	1	2	3	3	2	36	117 29.25

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 20, 2019
Action Required:	Approval and Appropriation
Presenter:	Kaki Dimock, Director, Human Services
Staff Contacts:	Kaki Dimock, Director, Human Services
Title:	<b>Virginia Housing Solutions Program Grant Award (\$16,500)</b>

**Background:**

The Department of Human Services in coordination with the Thomas Jefferson Area Coalition for the Homeless (T.J.A.C.H.) and the Service Provider Council (S.P.C.), received additional grant funding from the Virginia Department of Housing and Community Development. The Virginia Housing Solutions Program supplement is \$16,500 and is a additional contract for the program for July 1, 2018 – June 30, 2019.

**Discussion:**

The City of Charlottesville has staff from City Manager’s Office, Human Services and Social Services, all taking a leadership role in the governance of T.J.A.C.H. V. H. S P. is an important resource in our community’s efforts to end homelessness. The grant provides services in several points along the local continuum of services:

1. **Coordinated Assessment:** The Haven serves as the physical front door to the homelessness system of care, using an evidence-based tool for determining priority access to available resources.
2. **Emergency Low Barrier Shelter** P. A. C. E. M. provides a low-barrier shelter for adults using rotating local churches for support.
3. **Rapid Re-Housing & Housing Navigation:** The Haven screens and administers rapid re-housing assistance and housing navigation to households experiencing homelessness.
4. **Case Management:** The Haven provides supportive services including crisis intervention, case management and service referrals.
5. **Homeless Management Information System(H.M.I.S.):** The City of Charlottesville as the award recipient will ensure that H.M.I.S. data is complete through an agreement with T.J.A.C.H. to have the Executive Director ensure data quality. Our Continuum of Care(C.O.C.) has a well-populated database for individuals experiencing homelessness. HMIS collaboration provides real-time monitoring of the needs and progress of individuals and households facing homelessness. Collaborative use of H.M.I.S. among T.J.A.C.H. C.o.C. Service Providers expedites communication and reduces the need to

interface disparate documentation systems.

6. **Coalition Coordination:** The Thomas Jefferson Area Coalition for the Homeless provides leadership and coordination for the required local homelessness continuum of care.
7. **Administration:** The City of Charlottesville as the award recipient is eligible for an administrative fee. Staff proposes that we pass these dollars through to T. J. A. C. H.

### **Community Engagement:**

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness. This partnership is reflective of the new governance model for T.J.A.C.H. and the priority requests of the Interfaith Movement Promoting Action by Congregations Together (IMPACT).

### **Alignment with City Council's Vision and Strategic Plan:**

This grant advances the City of Charlottesville's Strategic Plan Goal #1 of an inclusive community of self-sufficient residents. Specifically, it will facilitate the objective of increasing affordable housing options.

### **Budgetary Impact:**

This grant will be entirely State, and Federal pass-through funds. No local match is required. There is no budget impact for the City of Charlottesville. All funds will be distributed to sub-recipients for service provision.

### **Recommendation:**

Staff recommends approval and appropriation of grant funds.

### **Alternatives:**

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing a housing crisis: Emergency low-barrier shelter, coordinated assessment, rapid rehousing, H.M.I.S., coalition coordination and administration.

### **Attachments:**

Sub Grant agreement and amendment are attached.

**APPROPRIATION**  
**V. H. S. P. Grant \$16,500**

**WHEREAS**, The City of Charlottesville, through the Department of Human Services, has received the V. H. S. P. Grant from the Virginia Department of Housing and Community Development in the additional amount of \$16,500;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the additional sum of \$16,500 is hereby appropriated in the following manner:

Revenues			
\$16,500	Fund: 209	IO: 1900313	G/L: 430110 State Grant

Expenditures			
\$16,500	Fund: 209	IO: 1900313	G/L: 530550 Contracted Services

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon receipt of an additional \$16,500 in funds from the Virginia Department of Housing and Community Development.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 20, 2019
Action Required:	Approve appropriation for sponsorship agreement
Presenter:	Captain Joseph L. Hatter, Police Department
Staff Contacts:	Captain Joseph L Hatter, Police Department Detective Annmarie Hamill, Police Department
Title:	<b>Greenstone on 5th Corporation Sponsorship Agreement for Enhanced Police Coverage - \$41,092</b>

**Background:**

Greenstone on 5th Corporation entered into a Sponsorship Agreement dated August 1, 2018, and terminating on January 31, 2019, whereby a donation was made to the Charlottesville Police Department for \$41,092 to support enhanced police coverage within and adjacent to Greenstone on 5th Apartments. An appropriation should have been approved at the beginning of the fiscal year to cover funds received and expenses incurred pursuant to the Sponsorship Agreement. Because this condition was not fulfilled at that time, the appropriation is now being presented for approval so that funds may be properly allocated.

**Discussion:**

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

**Alignment with Council Vision Areas and Strategic Plan:**

This agreement supports GOAL 2: A Healthy and Safe City (2.1 Reduce adverse impact from sudden injury and illness and the effects of chronic disease, 2.2 Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization, 2.3 Improve community health and safety outcomes by connecting residents with effective resources, 2.4 Reduce the occurrence of crime, traffic violations and accidents in the community. GOAL 5: A Well-managed and Responsive Organization (5.3 Provide responsive customer service and 5.4 Foster effective community engagement)

**Community Engagement:**

N/A

**Budgetary Impact:**

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

**Recommendation:**

Staff recommends approval and appropriation funds.

**Alternatives:**

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

**Attachments:**

Appropriation

**APPROPRIATION**  
**Greenstone on 5th Sponsorship Agreement for Enhanced Police Coverage**  
**\$41,092**

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

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$41,092, to be received as a donation from Greenstone on 5<sup>th</sup> Corporation.

**Revenues - \$41,092**

\$41,092	Fund: 105	Internal Order: 2000113	G/L Account: 451999
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**Expenditures - \$82,184**

\$37,598	Fund: 105	Internal Order: 2000113	G/L Account: 510090
\$3,494	Fund: 105	Internal Order: 2000113	G/L Account: 599999

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



Agenda Date:	May 20, 2019
Action Required:	Ordinance Repeal
Staff Contacts:	Dr. RaShall Brackney, Chief of Police John Blair, City Attorney
Presenter:	Dr. RaShall Brackney, Chief of Police
<b>Title:</b>	<b>Repeal Section 17-8 of the Charlottesville City Code</b>

**Background:**

On October 29, 1962, the Charlottesville City Council enacted Charlottesville City Code Section 19-37.1, the predecessor ordinance to Charlottesville City Code Section 17-8. This ordinance prohibited trick or treating by anyone over the age of twelve on Halloween night. It also established a special curfew hour of 10:00 p.m. on Halloween night for trick or treating visitations.

The Council enacted the 1962 ordinance because the city code at the time prohibited anyone under the age of fifteen from being on public property after 9:15 p.m. unless accompanied by an adult (Charlottesville City Code Section 19-20 in the Charlottesville City Code of 1959). The city code at the time also prohibited any person from concealing their identity or disguising themselves for any “improper purpose” (Charlottesville City Code Section 19-24 in the Charlottesville City Code of 1959).

**Discussion:**

In subsequent years, the Council amended the Charlottesville City Code to change the curfew provisions to prohibit individuals under the age of seventeen from being on public property from midnight to 5:00 a.m. on Monday through Friday and from 1:00 a.m. to 5:00 a.m. on Saturday and Sunday. The previously discussed disguise ordinance has also been removed from the Charlottesville City Code.

In a survey of other localities, the cities of Richmond, Harrisonburg, Roanoke, and Lynchburg do not have ordinances that regulate trick or treating. A review of Charlottesville Police Department data for the past five years indicates that no citations have been issued for a violation of Charlottesville City Code Section 17-8.

**Budgetary Impact:**

There is no anticipated budgetary impact.

**Alternatives:**

Council could decline to repeal the ordinance.

**Attachments:**

Proposed Ordinance

**AN ORDINANCE  
REPEALING SECTION 17-8  
OF CHAPTER 17 (OFFENSES-MISCELLANEOUS)**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Section 17-8 of Chapter 17 of the Code of the City of Charlottesville (1990), as amended, is hereby repealed as follows:

**Sec. 17-8. ~~Trick or treat visitations; special curfew on Halloween.~~ Repealed.**

~~(a) It shall be unlawful and a Class 1 misdemeanor for any person to appear on the streets, highways, public homes, private homes or public places in the city to make trick or treat visitations; except, that this subsection shall not apply to children twelve (12) years of age and under on Halloween night.~~

~~(b) A special curfew hour of 10:00 p.m. on Halloween night is hereby established for the trick or treat visitations permitted by subsection (a) of this section.~~

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



Agenda Date:	June 3, 2019
Action Requested:	1st of 2 Readings of Ordinance
Presenter:	Chris Cullinan, Director of Finance Lauren Hildebrand, Director of Utilities
Staff Contacts:	Chris Cullinan, Director of Finance Lauren Hildebrand, Director of Utilities
<b>Title:</b>	<b>Proposed Utility Rates for FY2020</b>

**Background:**

The City of Charlottesville owns and operates public utilities for water, wastewater, natural gas, and stormwater. Utility services are essential on a daily basis to us as both individuals and a community. Thoughtful, deliberate planning and sufficient financial resources ensure efficient and orderly maintenance and operation of these systems. This need for investment in our utility systems is not without cost, but our rates must also be balanced with the need for continued affordability for our customers.

Each of the City's utilities is accounted for separately as enterprise funds. Enterprise funds are operated on a self-supporting basis, meaning that each utility is required to cover the full costs of providing its service. The City's utilities are funded solely through their rates and related fees and charges and are not subsidized with general tax revenues. The utilities do not operate on a for-profit basis. As such, utility rates are calculated annually to bring each fund to a break-even point; however, variable factors, such as weather, usage, and number of customers may result in an unexpected and unanticipated operating surplus or deficit during any given year. If so, the surpluses or deficits are accounted for and remain within their respective utility fund.

**Discussion:**

Staff is making two recommendations for utility rates for FY'20:

1. Implement the second year of the three year transition plan for UVA from the 1981 Water Agreement to City rates for water and sewer.
2. Proposed utility rates for water, sewer, natural gas, and stormwater.

Each of these recommendations is discussed in more detail below.

## 1. Three year transition plan for UVA from 1981 Water Agreement

The 1981 Water and Sewer Agreement between the City and UVA includes the Rivanna Water and Sewer Authority (RWSA) lease for the Observatory Water Treatment Plant and formulas for water and sewer rates UVA pays the City.

The 1981 Agreement is in the process of being replaced. RWSA is renegotiating the lease for Observatory Water Treatment Plant. The February 2018 agreement signed as part of Brandon Avenue discussions stated that all UVA facilities brought online or modified after 1/1/18 will pay full City rates. The February 2018 agreement also states UVA and the City will establish a plan for transitioning the water and wastewater rates charged to UVA, for University buildings/facilities constructed and occupied prior to 1/1/2018, to an updated rate structure supported by a professional water rate study. The City has completed the cost of service study.

The City is implementing the second year of the three year transition plan from the 1981 Agreement to UVA paying City water and sewer rates. In the first fiscal year (which occurred July 1, 2018), the University paid 25% of the difference between the 1981 Agreement and the City rates. In the second fiscal year (July 1, 2019), the University will pay 75% of the difference between the 1981 Agreement and the City rates. In the third fiscal year (July 1, 2020), the University will pay 100% of the City rate.

## 2. Proposed Utility Rates for FY'19

The budgets for each of the utilities have been thoroughly examined for opportunities to minimize costs without sacrificing service. Based on the revenue requirements needed to operate and maintain each utility and the above recommendations, the City is proposing the following rates in the water, wastewater, and gas utility:

- \$56.52/1,000 cubic feet (cf) of water (average annual composite rate of seasonal rates),
- \$80.14/1,000 cf of wastewater, and;
- \$78.03/8,000 cf of natural gas.

For the stormwater utility, there are some changes to the budget which includes increasing the operating budget to incorporate four maintenance crew members from the General Fund and three new maintenance crew members and decreasing the capital project budget to match the pace of the actual work being completed. These changes will provide an improved level of service to residents with no proposed changes to the current fees.

### *Impact on Average Customer*

Utility customers continue to conserve water and natural gas, which is both good for the environment and for their utility bill. The average residential water customer is using 400 cubic feet (cf) per month. Similarly, the average residential gas customer is using 4,600 cf. Based on these usage figures and the proposed utility rates, the average residential customer is projected to spend the following per month:

<u>Service</u>	<u>Current</u> <u>(based on rates adopted</u> <u>7/1/18)</u>	<u>Proposed</u> <u>(Effective 7/1/19)</u>	<u>Change</u>	<u>Percent</u>
Water <sup>1</sup>	\$27.38	\$27.61	\$0.23	0.84%
Wastewater <sup>1</sup>	\$36.43	\$37.06	\$0.63	1.73%
Natural Gas <sup>1</sup>	\$47.81	\$50.85	\$3.04	6.36%
Stormwater <sup>2</sup>	\$5.86	\$5.86	\$0	0%
<b>TOTAL</b>	<b>\$117.48</b>	<b>\$121.38</b>	<b>\$3.90</b>	<b>3.32%</b>

(1) Rates include monthly service charge.

(2) The budget impact shown reflects a residential monthly average fee and provides consistency with other utilities. Stormwater fees are rounded to the next whole billing unit and are billed to property owners biannually.

For City residential customers who receive water, wastewater, stormwater and natural gas (approximately 87% of City residents), their total utility bill is projected to rise by \$3.90 per month, or 3.32%. For residential customers who receive just water, wastewater and stormwater service, their utility bill will increase by \$0.86 per month, or 0.1%. The proposed rate report can be found at [www.charlottesville.org](http://www.charlottesville.org).

**Alignment with City Council’s Vision and Strategic Plan:**

City Utilities operations supports City Council’s “A Green City” vision. It contributes to the Strategic Plan’s Objectives:

- 3.2, To provide reliable and high-quality infrastructure,
- 3.4, Be responsible stewards of natural resources,
- 5.1, Integrate effective business practices and strong fiscal policies.

**Community Engagement:**

The public hearing is being held at the Council meeting, June 3, 2019, to establish the rates for City utility services (water, sanitary sewer and natural gas). These rates would be effective July 1, 2019, if approved by Council June 17, 2019. The notice for the public hearing was advertised in the newspaper May 20, 2019 and May 27, 2019.

**Budgetary Impact:**

The Utility Funds (water, wastewater, and natural gas) are self-sustaining enterprise funds that are supported by the revenues from customers’ usages.

Note: The approval of the utility rates has no impact on the General Fund.

**Recommendation:**

Staff recommends approval of the proposed rates.

**Alternatives:**

Maintaining existing rates for water and wastewater would result in a loss within the Water and Wastewater Funds. Keeping FY2019 gas rates will also result in a loss within the gas utility. This would deplete available fund balances for water, wastewater and natural gas, which would violate the City's long term financial policies by not meeting the working capital requirements. If the utilities are not self-sustaining, the funds would either require subsidies from other City funds to maintain levels-of-service or reduced reliability and performance of the utility systems.

**Attachments:**

Ordinance  
At a Glance  
Utilities Operations Overview



**AN ORDINANCE  
AMENDING AND REORDAINING CHAPTER 31 (UTILITIES) OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES  
FOR CITY GAS, WATER AND SANITARY SEWER.**

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

**1. Sections 31-56, 31-57, 31-60, 31-61, 31-62, 31-153, 31-156 and 31-158 of Chapter 31, of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:**

**CHAPTER 31. UTILITIES**

**ARTICLE II. GAS**

**DIVISION 2. TYPES OF SERVICE; SERVICE CHARGES**

**Sec. 31-56. Rates - Generally.**

The firm service gas rates based on monthly meter readings shall be as follows:

Basic Monthly Service Charge	\$ 10.00	
First 3,000 cubic feet, per 1,000 cubic feet	<del>\$8.3944</del>	<u>\$9.0706</u>
Next 3,000 cubic feet, per 1,000 cubic feet	<del>\$7.8907</del>	<u>\$8.5264</u>
Next 144,000 cubic feet, per 1,000 cubic feet	<del>\$7.0513</del>	<u>\$7.6193</u>
All over 150,000 cubic feet, per 1,000 cubic feet	<del>\$6.8834</del>	<u>\$7.4379</u>

**Sec. 31-57. ~~Same~~ Air conditioning.**

(a) Gas service at the rate specified in this paragraph (“air conditioning rate”) shall be available to customers who request such service in writing and who have installed and use air conditioning equipment operated by natural gas as the principal source of energy. The air conditioning rate will be ~~\$7.3471~~ \$7.4271 per one thousand (1,000) cubic feet of gas used per month.

(b) The director of finance may, when it is impracticable to install a separate meter for air conditioning equipment, permit the use of one (1) meter for all gas delivered to the customer, in which instance the director of finance shall estimate the amount of gas for uses other than air conditioning and shall bill for such gas at the rates provided in applicable sections of this division.

...

**Sec. 31-60. Interruptible sales service (IS).**

(a) *Conditions. . . .*

(b) *Customer's agreement as to discontinuance of service. . . .*

(c) *Basic monthly service charge.* The basic monthly charge per meter for interruptible sales service ("IS gas") shall be sixty dollars (\$60.00).

(d) *Rate.* For all gas consumed by interruptible customers the rate shall be ~~\$6.1065~~ \$7.3874 per one thousand (1,000) cubic feet for the first six hundred thousand (600,000) cubic feet, and ~~\$5.1210~~ \$6.5720 per one thousand (1,000) cubic feet for all volumes over six hundred thousand (600,000) cubic feet.

(e) *Annual Minimum Quantity.* Interruptible rate customers shall be obligated to take or pay for a minimum quantity of one million two hundred thousand (1,200,000) cubic feet of gas annually. Each year, as of June 30, the director of finance shall calculate the total consumption of each interruptible customer for the preceding twelve (12) monthly billing periods, and shall bill any customer that has consumed less than the minimum quantity for the deficient amount at the rate of ~~\$6.1065~~ \$7.3874 per one thousand (1,000) cubic feet. Any new customer shall be required to enter into a service agreement with the City prior to the start of service. If an interruptible customer terminates service the annual minimum requirement shall be prorated on the basis of one hundred thousand (100,000) cubic feet per month for each month the customer has received service since the last June 30 adjustment.

(f) *Contract required. . . .*

### **Section 31-61. Interruptible Transportation Service (TS).**

(a) *Generally. ...*

(b) *Rates.* The rates for interruptible transportation service ("TS gas") shall be as follows:

(1) ~~\$3.4853~~ \$3.2293 per decatherm for a customer receiving only TS gas, and

(2) ~~\$2.0379~~ \$1.8842 per decatherm, for customers who transport 35,000 or more decatherms per month ("large volume transportation customers"), regardless of whether such large volume transportation customer receives only TS gas, or also receives IS service.

(c) *Basic Monthly Service Charges. ...*

(d) *Special terms and conditions. ...*

(e) *Extension of facilities. . . .*

- (f) *Billing month. . . .*
- (g) *Lost and unaccounted-for gas. . . .*
- (h) *Combined IS and TS customer using more than provided or scheduled by customer....*
- (i) *TS Customer providing more gas, or less gas, than customer's usage. ...*
- (j) *Other terms and conditions. . . .*

**Section 31-62. Purchased gas adjustment.**

In computing gas customer billings, the basic rate charges established under sections 31-56, 31-57, 31-60 and 31-61 shall be adjusted to reflect increases and decreases in the cost of gas supplied to the city. Such increases or decreases shall be computed as follows:

(1) For the purpose of computations herein, the costs and charges for determining the base unit costs of gas are:

- a. Pipeline tariffs;
- b. Contract quantities; and
- c. Costs of natural gas, in effect or proposed as of March 1, ~~2016~~ 2019.

(2) Such base unit costs are ~~\$4.4128~~ \$4.2810 per one thousand (1,000) cubic feet for firm gas service and ~~\$2.7710~~ \$2.8498 per one thousand (1,000) cubic feet for interruptible gas service.

(3) In the event of any changes in pipeline tariffs, contract quantities or costs of scheduled natural gas, the unit costs shall be recomputed on the basis of such change in accordance with procedures approved by the city manager. The difference between the unit costs so computed and the base unit costs shall represent the purchased gas adjustment to be applied to all customer bills issued beginning the first billing month after each such change.

**ARTICLE IV. WATER AND SEWER SERVICE CHARGES**

...

**Sec. 31-153. Water rates generally.**

(a) Water rates shall be as follows:

(1) Monthly service charge.

Meter Size (inches)	Fee
5/8	\$ 5.00
3/4	5.00
1	12.50
1 1/2	25.00
2	40.00
3	80.00
4	125.00
6	250.00
14	1,637.50

May-September

October-April

(2) Metered water consumption, per 1,000 cu. ft.    ~~\$64.66~~ \$65.31            ~~\$49.74~~ \$50.24

(b) This section shall not apply to special contracts for the consumption of water which have been authorized by the city council.

...

**Sec. 31-156. Sewer service charges generally.**

(a) Any person having a connection directly or indirectly, to the city sewer system shall pay therefor a monthly charge as follows:

(1) Monthly service charge

Meter Size (inches)	Fee
5/8	\$ 5.00
3/4	5.00
1	12.50
1 1/2	25.00
2	40.00
3	80.00
4	125.00
6	250.00
14	1,637.50

(2) An additional charge of ~~seventy eight dollars and fifty seven cents (\$78.57)~~ eighty dollars and fourteen cents (\$80.14) per one thousand (1,000) cubic feet, of metered water consumption.

(b) Any water customer not discharging the entire volume of water used into the city's sanitary sewer system shall be allowed a reduction in the charges imposed under this section,

provided such person installs, at his expense, a separate, City-approved water connection to record water which will not reach the City sewer system. The cost and other terms of City Code section 31-102 shall apply. For customers with monthly water consumption in excess of thirty thousand (30,000) cubic feet, where the director of finance considers the installation of a separate meter to be impracticable, the director may establish a formula which will be calculated to require such person to pay the sewer charge only on that part of the water used by such person which ultimately reaches the city sewers.

**2. The foregoing amendments shall become effective July 1, 20189.**

# At A Glance

## City of Charlottesville

# Utility Rate Report



The following material provides a brief summary of the rate and fee recommendations for water, wastewater, stormwater, and natural gas for FY2020. All rates will go into effect July 1, 2019. For a thorough explanation and details of the recommendations, please consult the Utility Rate Report FY2020.

The table below illustrates the monthly impact on an average City residential customer using 400 cubic feet (cf) of water and wastewater, owning a property with approximately 2,440 square feet of impervious surface, and using 4,600 cf of gas per month. This information is based on utility rates and charges adopted July 1, 2018 and proposed rates and charges. Specific changes to each utility's rate are discussed in this report.

	Current Based on rates adopted 7/1/18	Proposed Effective 7/1/19	Change	Percent
Water <sup>1</sup>	\$27.38	\$27.61	\$0.23	0.84%
Wastewater <sup>1</sup>	\$36.43	\$37.06	\$0.63	1.73%
Gas <sup>1</sup>	\$47.81	\$50.85	\$3.04	6.36%
Stormwater <sup>2</sup>	\$5.86	\$5.86	\$0	0%
<b>Total</b>	<b>\$117.48</b>	<b>\$121.38</b>	<b>\$3.90</b>	<b>3.32%</b>

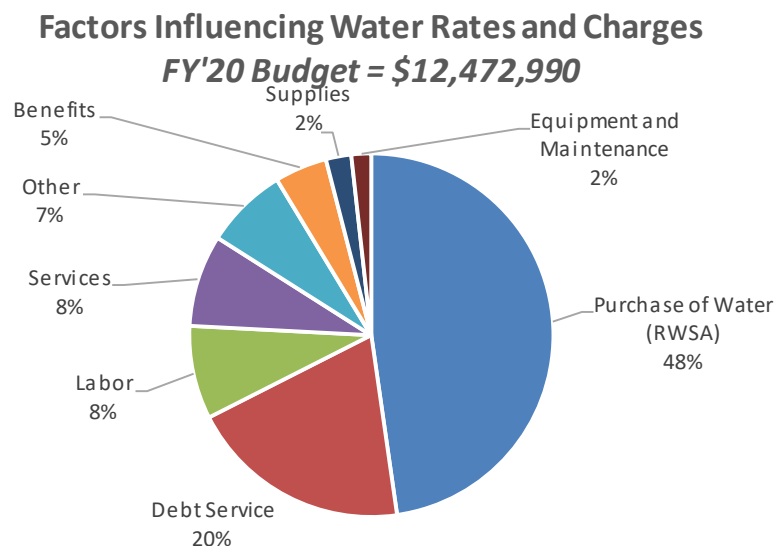
(1) Rates include monthly service charge

(2) The budget impact shown reflects a residential monthly average fee and provides consistency with other utilities. Stormwater fees are rounded to the next whole billing unit and are billed to property owners biannually.

## Water Rates

### Revenue Requirements to operate and maintain the City's Water System

The chart below depicts the expenses that impact the water rate.



### Usage Rate

Water rates are proposed to increase by \$0.57 per 1,000 cf based on the amount of water used which is a 1.0% increase



## Impact on the Customer

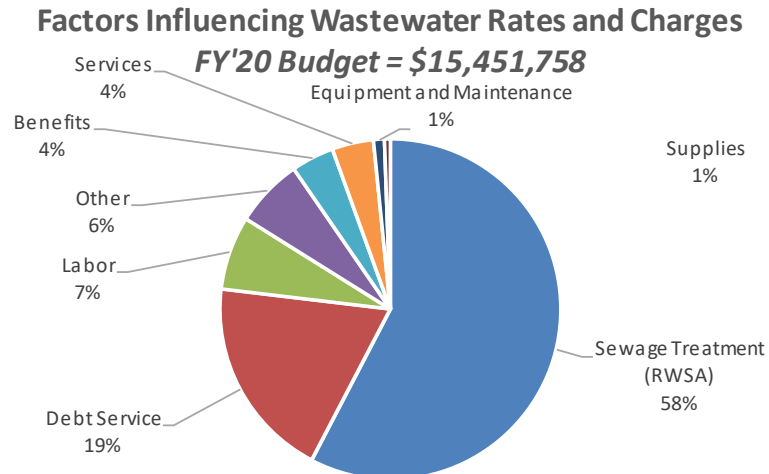
The impact on a customer's bill will depend on how much water is consumed. The average single-family household uses 400 cf/month (2,992 gallons/month; approximately 100 gallons/day). To the extent an individual customer's usage differs from the average will determine the impact of the proposed rate on their bill. The table below shows the monthly impact on water customers at different amounts of usage.

	Water Used/Month (cf)	Current Composite Water Rate/1,000 cf	Current Water Usage Charge/month	Proposed Composite Water Rate/1,000 cf	Proposed Water Usage Charge/month	\$ Change	% Change
Minimal User (10 <sup>th</sup> Percentile)	140	\$55.95	\$7.83	\$56.52	\$7.91	\$0.08	1.02%
Small User (25 <sup>th</sup> Percentile)	250	\$55.95	\$13.99	\$56.52	\$14.13	\$0.14	1.00%
Median User (50 <sup>th</sup> Percentile)	400	\$55.95	\$22.38	\$56.52	\$22.61	\$0.23	1.03%
Large User (75 <sup>th</sup> Percentile)	610	\$55.95	\$34.13	\$56.52	\$34.48	\$0.35	1.03%
High Volume User (90 <sup>th</sup> Percentile)	880	\$55.95	\$49.24	\$56.52	\$49.74	\$0.50	1.02%

## Wastewater Rates

### Revenue Requirements to operate and maintain the City's Wastewater System

The chart below depicts the expenses that impact the wastewater rate.



## Usage Rate

Wastewater usage rates are proposed to increase by \$1.57 per 1,000 cf based on the amount of water used which is a 2.0% increase.



## Impact on the Customer

The impact on a customer's bill will depend on how much water is consumed. The average single-family household uses 400 cf/month (2,992 gallons/month; approximately 100 gallons/day). To the extent an individual customer's usage differs from the average will determine the impact of the proposed rate on their bill. The table below shows the monthly impact on wastewater customers at different amounts of usage.

	Water Used/Month (cf)	Current Wastewater Rate/1,000 cf	Current Wastewater Usage	Proposed Wastewater Rate/1,000 cf	Proposed Wastewater Usage	\$ Change	% Change
Minimal User (10 <sup>th</sup> Percentile)	140	\$78.57	\$11.00	\$80.14	\$11.22	\$0.22	2.00%
Small User (25 <sup>th</sup> Percentile)	250	\$78.57	\$19.64	\$80.14	\$20.04	\$0.40	2.04%
Median User (50 <sup>th</sup> Percentile)	400	\$78.57	\$31.43	\$80.14	\$32.06	\$0.63	2.00%
Large User (75 <sup>th</sup> Percentile)	610	\$78.57	\$47.93	\$80.14	\$48.89	\$0.96	2.00%
High Volume User (90 <sup>th</sup> Percentile)	880	\$78.57	\$69.14	\$80.14	\$70.52	\$1.38	2.00%

# Water & Wastewater

## Monthly Service Charge

The monthly service charge for water and wastewater will not change. The proposed combined monthly service charges for water and sewer are as follows:

Water Meter Size (in inches)	Current	Proposed
5/8	\$ 10.00	\$ 10.00
1	\$ 25.00	\$ 25.00
1 1/2	\$ 50.00	\$ 50.00
2	\$ 80.00	\$ 80.00
3	\$ 160.00	\$ 160.00
4	\$ 250.00	\$ 250.00
6	\$ 500.00	\$ 500.00
14	\$ 3,267.00	\$ 3,267.00

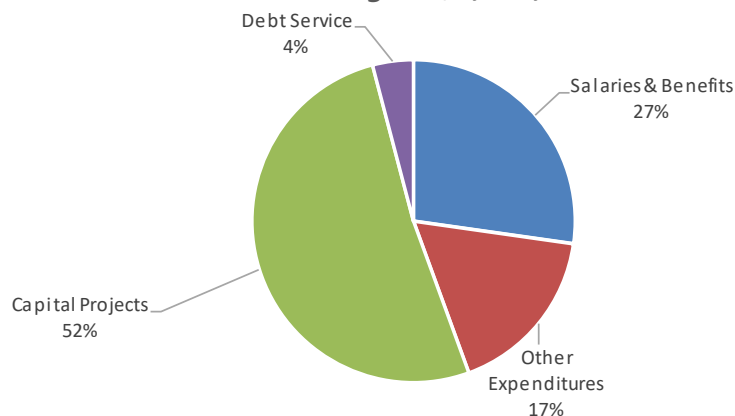
# Stormwater Rates

## Revenue Requirements to operate and maintain the City's Stormwater System.

The chart below depicts the expenses that impact the stormwater rate.

### Factors Influencing Stormwater Rates and Charges

**FY'20 Budget = \$2,931,611**



Stormwater rates are proposed to remain constant for the coming year at \$1.20 per 500 square feet of impervious surface (or part thereof) per month. Stormwater fees are billed concurrently with real estate tax assessments and are due in June and December.

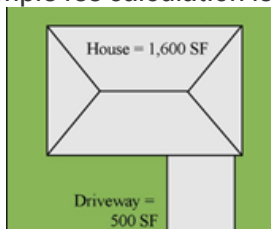
## Modernize and maintain infrastructure integrity while pursuing environmental stewardship.

As part of the larger Water Resources Protection Program (WRPP), the City has adopted a stormwater utility fee to provide a dedicated and stable source of funding for stormwater management activities. Funds received are used to help the City comply with federal and state stormwater regulations, rehabilitate the City's aging stormwater infrastructure, address drainage and flooding problems, and pursue environmental stewardship.

## Impact on the Customer

The stormwater utility fee is charged to property owners based on the amount of impervious area on their property (areas covered by hard surfaces, such as: buildings, concrete, gravel, etc.).

An example fee calculation is provided below:



### Example Fee Calculation

- Total impervious area (house and driveway): 2,100 SF
- Divide by 500 square feet:  $2,100 / 500 = 4.2$  billing units
- Round to the next whole number: 4.2 rounds to 5 billing units
- Multiply the number of billing units by the rate (\$1.20 per billing unit per month) to determine annual fee:  $5 \times \$1.20 \times 12 = \$72$  annual fee, billed \$36 due in June and December



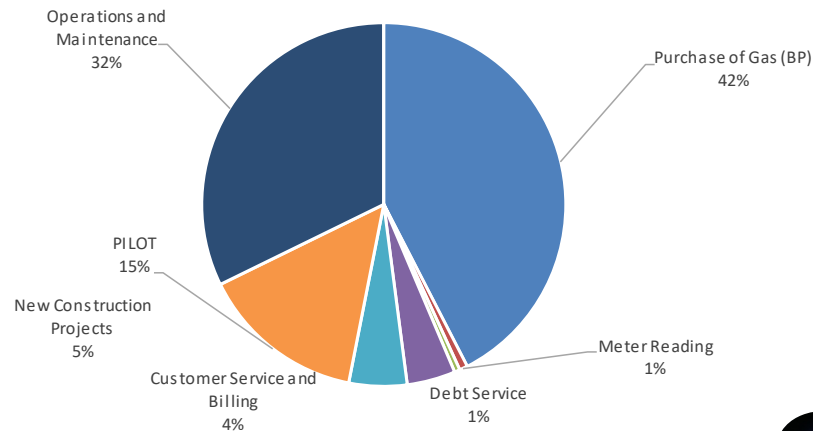
# Gas Rates

## Revenue Requirements to operate and maintain the City's Natural Gas System

The chart below depicts the expenses that impact the gas rate.

### Factors Influencing Natural Gas Rates and Charges

**FY'20 Budget = \$27,155,399**



### Usage Rate

Gas usage rates are proposed to increase by an average of 7.00% for firm customers. Most of the increase is due to the cost of gas.



### Impact on the Customer

In addition to a change to the usage rate, the impact on a customer's bill will depend on how much gas is consumed. The average single-family household uses 4,600 cf of gas monthly. The table below shows the monthly impact on gas customers at different amounts of usage.

	Gas Used/Month (cf)	Current Monthly Gas Bill (based on rates adopted 7/1/18) <sup>1</sup>	Proposed Monthly Gas Bill <sup>1</sup>	\$ Change	% Change
<b>Minimal User</b>	4,000	\$43.07	\$45.74	\$2.67	6.20%
<b>Average User</b>	4,600	\$47.81	\$50.85	\$3.04	6.36%
<b>Large User</b>	20,000	\$157.57	\$169.46	\$11.89	7.55%
<b>High Volume User</b>	60,000	\$439.63	\$474.23	\$34.60	7.87%

The base gas rate is set as of July 1 each year. Gas is purchased throughout the year and that price changes monthly due to a variety of factors (weather, economics, etc.) which are hard to predict. The purchased gas adjustment (PGA) is an adjustment that acts as a "true up" to account for differences between the market rate of purchasing gas and the base rate. This ensures that customers are not over or underpaying and that the City is not over or under collecting.

	Gas Used/Month (cf)	Recent Monthly Gas Bill with 3/1/19 PGA <sup>2</sup>	Proposed Monthly Gas Bill <sup>1</sup>	% Change
<b>Minimal User</b>	4,000	\$45.27	\$45.74	1.04%
<b>Average User</b>	4,600	\$50.34	\$50.85	1.01%
<b>Large User</b>	20,000	\$168.58	\$169.46	0.52%
<b>High Volume User</b>	60,000	\$472.63	\$474.23	0.34%

(<sup>1</sup>) Include monthly service charges (<sup>2</sup>) Include monthly service charges and PGA adjustment

# Utilities Operations Overview



FY20

*The Charlottesville Department of Utilities provides the Charlottesville community with safe and reliable natural gas, drinking water, wastewater and stormwater services at a reasonable cost in an environmentally responsible manner.*

## Water Distribution



The City's water distribution system serving over 15,000 customers contains over 1,100 fire hydrants, 3,400 water valves and 183 miles of water main line ranging in size from 2 inch to 18 inch in diameter.

### Water Distribution System Improvements

A Water Prioritization Study was completed in 2009, which identified 48 projects to be completed. Since 2009, additional projects were identified and added to the list and work has been completed on 73 water projects.

These projects aim to improve fire protection, reduce main breaks, improve overall water quality and address the undersized lines. Total length of pipe replaced to date for water projects is approximately 14.8 miles (78,313 linear feet) averaging about two miles per year. To date, \$16 million has been spent. This work is continuing in FY2020.

Additional supplemental water main projects include the following:

1. Rugby Road Water Meter Replacements/ Gentry Lane Water Main Installation
2. Emmet Street/ Ivy Road Water Main Replacement
3. High Street Water Main Replacement
4. West Main Street Water Main Replacement

### Backflow / Cross-Connection Prevention

Cross-contamination presents a serious hazard to our water supply. The situation in which water flows in a direction that is opposite from the intended flow is called backflow, and can potentially put the drinking water supply in danger by allowing the undesirable reversal of flow, such that non-potable water moves into the potable water system. The location at which this backflow occurs, where a customer's water line and the main supply line are joined, is called a point of cross-connection. As part of the City's strategy, certain businesses, such as medical facilities, laboratories, food processing plants, chemical plants, high-rise buildings, or other facilities where a potential for backflow or cross-connection hazard may exist, are required to install and maintain cross-connection or backflow prevention devices. The City's Department of Utilities currently inspects over 1,200 backflow devices in an effort to maintain and provide the highest quality water to the City residents.



### System Improvements to Prevent Water Loss

Replacing water distribution mains and service lines is an important component in water loss prevention and conservation. Aging pipes are a primary cause of lost water in a system. Since FY2009, the City has been replacing aged water lines and service lines, which reduces leaks and supports improving infrastructure. The City has also performed annual system-wide leak detection surveys. With over 238 miles of water lines (mains

and services), 10 leaks were detected and repaired during the 2018 testing, resulting in an estimated loss of 68,000 gallons per day. The City aims to respond and repair leaks expeditiously to minimize water loss and service impacts. Leak audit surveys were completed in 13 of the past 15 years and will continue annually. The next survey is scheduled for Fall 2019 and will be consistent with past years covering 100% of the distribution system.



The American Water Works Association (AWWA) recommends that all utilities perform a water audit every year. This audit is intended to identify sources of non-revenue water and to focus efforts in reducing those water losses. Based on the water audit recommendations, the City continues to minimize water loss by outreach, system repair and replacement, and improved leak detection technologies.

The water audit also recommended a water meter calibration and replacement program be implemented starting in FY2014. The meter replacement program replaced 84 large water meters in 2018 and over 231 since the program's inception. The success of the program has led to increased momentum with approximately 80 meters projected to be replaced in FY2020. Because conventional water meters less accurately measure low flow rates, starting in 2017 highly-sensitive "low-flow" ultrasonic meters are being installed in all applications.

## Wastewater Collection



Charlottesville's sanitary sewer system extends to most areas of the City and consists of about 171 miles of pipe and 5,700 manholes.

### Wastewater Collection Improvements

In 2009, Utilities awarded a multi-year, multi-million dollar contract utilizing a "find-and-fix" approach for sewer repair and rehabilitation. The work encompasses the rehabilitation of sewer manholes and sewer lines. In addition, crews have been performing CCTV (closed-circuit televising) and smoke testing throughout the City system. Any deficient pipes or structures found are immediately added to the list for rehabilitation/replacement under the same contract.

"Find-and-Fix" rehabilitation projects are unique construction projects. The exact work is not known at the time of bidding, so all potential work items must be included in the bid form (bid form includes over 200 bid items). The Contractor performs the evaluation work during construction, primarily TV inspections, submits the evaluation to the Engineer for review, and the Engineer then decides on the final rehab work within seven days. The work is fast-paced and allows for emergency situations to be addressed within 48 hours. The City estimates savings of over \$2 million following this find-and-fix approach. To date, 44.1 miles or 232,915 linear feet of sewer lines have been replaced or rehabilitated and \$19 million has been spent.



### Staffing Needs

Due to the increase of development throughout the City, and the demand for increased infrastructure capacity, the Department is creating a new position and will hire an additional Utilities Construction Inspector. This position will be responsible for overseeing all aspects of the installation of public utility lines by private contractors to ensure that they are installed in compliance with local, state, and federal standards. This position will also assist in the inspection of capital improvement projects.



## Fats Oils and Grease

The City of Charlottesville prohibits the discharge of fats, oils, and grease (FOG) down the drain. In excessive amounts, these contaminants will cause or contribute to a blockage in the sanitary sewer collection system. FOG accumulates in sewer pipes, and over time, can build up and restrict the flow in the pipe, causing untreated wastewater to back up into businesses or homes, or cause manholes to overflow in the street (commonly referred to as sanitary sewer overflow or SSO). This SSO can potentially enter a storm drain and contaminate local waters. In an effort to prevent these events, the City of Charlottesville maintains an active FOG program that routinely inspects and advises best management practices to over 300 city restaurants on an annual basis on how to properly dispose of FOG.

## Stormwater



Charlottesville's stormwater conveyance system is integrated throughout the City's municipal boundary and consists of approximately 130 miles of pipe and 8,250 structures.

The City owns roughly 54% of the stormwater pipes and 28% of the stormwater structures within the municipal boundary. Approximately 13 miles of the stormwater conveyance system carry streams that have been piped. The Stormwater Utility is the dedicated funding source for the City's Water Resources Protection Program (WRPP). The WRPP is designed to rehabilitate the City's aging stormwater conveyance system, comply with federal and state stormwater regulations, address drainage problems, and pursue environmental stewardship. The proposed stormwater utility rate for FY2020 remains unchanged at \$1.20/month per 500 square feet of impervious surface on a property. Stormwater utility fees are billed twice a year to property owners and are received with real estate tax bills due in June and December.



## Stormwater Improvements

Utilities have had an active Stormwater Conveyance System Rehabilitation Program since 2010. The City has integrated the sanitary and storm sewer rehab into a single "find-and-fix" construction project with the same contractor completing the work. The work encompasses the rehabilitation, replacement, and repair of pipes and associated structures. In addition, non-routine repairs are completed in a timely manner as they arise, often in response to subsidence in City streets and sidewalks. Approximately 10 miles of pipe and 250 structures have been rehabilitated. To date, \$7 million has been spent.

The City-wide Water Resources Master Plan, published in 2017, includes both a drainage improvement and water quality capital improvement plan (CIP). Each individual plan ranks and prioritizes projects in reference to available funding. Projects included in the drainage improvement CIP address a combination of both historic and more recently identified drainage issues. Projects in the water quality CIP focus on stormwater management retrofits to achieve water quality improvement and nutrient runoff reduction.

## Staffing Needs

In order to continue proper maintenance of the stormwater conveyance system and keep up with the increased workload of the Stormwater Utility, three (3) new positions will be created in FY2020. These positions will provide an additional maintenance crew which will be responsible for the day-to-day routine maintenance of the stormwater conveyance system. In FY2020, the Utilities Department will be able to move all operating expenses, including an additional four (4) positions currently paid from the General Fund, to the Stormwater Utility Enterprise Fund. This move is accomplished by reducing cash funding to the capital improvements budget to a level that is more in line with actual annual expenditures. This move ensures that adequate staffing is available to meet regulatory requirements under the City's MS4 permit while maintaining a high level of service to the system.



# Gas System



Charlottesville Gas has provided residents of Charlottesville and urban areas of Albemarle County with safe, efficient, reliable, and economical service for over 150 years. Charlottesville Gas has over 20,200 customers and maintains 333 miles of gas lines and 275 miles of gas service lines.

Charlottesville Gas is required by the Pipeline & Hazardous Materials Safety Administration (PHMSA) to maintain an Operator Qualification Plan that adheres to federal regulations. These regulations require Charlottesville Gas employees to demonstrate their competence in regards to a variety of different tasks that are performed on any Charlottesville Gas pipeline. The typical Charlottesville Gas employee must satisfactorily pass over 40 Operator Qualification (OQ) tests. Charlottesville Gas is required, by code, to retain these training and test records for a minimum of five years. In December 2018, the State Corporation Commission (SCC) on behalf of PHMSA audited the Charlottesville Gas Operator Qualification Plan and testing records. The Commission found no probable violations or recommendations in regards to the Plan or the associated OQ records. The Charlottesville Gas Utility takes pride in staffing a trained and informed workforce, and the State Corporation Commission's inspection only validated the City's efforts.

Charlottesville Gas is required by PHMSA to monitor and address any potential leak threats to the natural gas system through a Distribution Integrity Management Program (D.I.M.P.). Examples of potential threats include excavator damages, corrosion and material defects. Included in the City's D.I.M.P. Plan are procedures that have been put in place to mitigate potential threats to the gas system. Not only must this plan be in place, but operators must demonstrate that the procedures are being implemented and that potential threats are being reduced. As part of the Program, Utilities have been working with the City's IT Department to develop an application to track and survey risks and threats to the natural gas system. Using the Utility GIS Viewer and tablets, Gas employees are able to track and document the location, cause, severity and response time associated with each leak. In March 2019, the State Corporation Commission on behalf of PHMSA performed a thorough audit of the City's D.I.M.P. The Commission found no pipeline safety violations in regards to the documentation or implementation of the City's D.I.M.P.

The Gas Utility works closely with the Local Energy Alliance Program (LEAP), a local community-based nonprofit that offers a variety of energy efficiency resources. Since 2014, a Home Energy Check-Up (HECU) is available to residential gas customers. This program is funded through a combination of a Charlottesville Gas contribution and a small fee of \$45 from the residents. During the HECU, a LEAP Energy Coach performs direct installs of energy saving measures. For 2019, the Gas Utility and LEAP have developed a new pilot program offering energy efficiency upgrades at no cost to income-qualified households. This program has the primary goal of reducing greenhouse gas emissions by saving energy. These improvements will also enhance low-income household conditions while reducing living expenses for residents.

There has been a 53% reduction in gas line damage caused by third party excavators in the last six years (from 2.83/100 Miss Utility tickets in 2013 to 1.32/1000 Miss Utility tickets in 2018). This is due to the implementation of the outreach program "Dig with Care" and outsourcing the natural gas location operation to improve its accuracy. The program includes a series of "Marty's Minute" radio spots, annual VA811 Day celebrations, excavation safety training workshops, and distributing VA811 kits to local contractors. In association with the Charlottesville Gas mascot, Flicker the Flame, a Flicker Sing-a-long Jingle Contest was held in conjunction with CBS19. Utilities asked the participants to help us promote gas safety in our community by submitting a video singing Flicker's jingle for a chance to win a \$1000 prize. This user-generated campaign had over 213,000 views on Flicker the Flame Facebook page and 4,258 engagements. 2,378 people voted for their favorite video which is more participation than CBS19 has received before for a single contest.



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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	June 3, 2019
Action Required:	Approve Appropriation
Presenter:	Kaki Dimock, Acting Assistant City Manager
Staff Contacts:	Kaki Dimock, Acting Assistant City Manager Ryan Davidson, Sr. Budget & Management Analyst
Title:	<b>Appropriation of Human Services Balance for F.Y. 2019 Expenses \$400,000</b>

**Background:**

The Department of Human Services is seeking approval to appropriate into the current fiscal year budget, \$400,000 of the department's existing fund balance, in order to cover expenses beyond what was initially approved as part of the Adopted F.Y. 2019 budget. Expenses in the department are higher than anticipated in the area of foster care payments. This is a result of a significant increase in the number of youth in foster care placed in Community Attention Foster Families through our regional collaboration with area departments of social services. These expenses are paid out by the department and reimbursed at a rate of 100% by Children's Services Act (C.S.A.) funds. As is always the case, reimbursement for such expenses is delayed by as much as 60 days, resulting in the occasional need to access the fund balance.

**Discussion:**

Staff in the Department of Finance, Office of Budget Performance Management, and Human Services Department, discussed this issue to identify the recommended course of action, establishing the legitimate need for use of the fund balance and ensuring that no larger financial concern exists within the department's operations. Through the collection of revenue from fee for service activities (from which the department generates 94% of its annual revenue), and through other savings in the department's operational budget, the Human Services fund has over time accumulated a fund balance of approximately \$2 million, which is available for usage by the department. It should be noted that \$772,579 of this fund balance will be transferred to the general fund in F.Y. 2020 based on the adopted budget. Based on the nature of this fund, being roughly 94% dependent upon fee for service revenue, staff recommend that the target fund balance for this fund is to have at least 90 days of working capital in reserve. The use of the available fund balance requires approval of a supplemental appropriation by City Council.

**Alignment with City Council's Vision and Strategic Plan:**

The Department of Human Services has a direct impact on the strategic goals of #1: *An inclusive community of self-sufficient residents* and of #2: *a healthy and safe city*. The Community

Attention Foster Families program particularly impacts #2.2: *Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization.*

**Community Engagement:**

N/A

**Budgetary Impact:**

This has no financial impact on the General Fund. The department's existing fund balance will see a reduction, which is expected to only be temporary until the pending reimbursement for C.S.A. expenses are received.

**Recommendation:**

Staff recommend approval of the use of \$400,000 from the department's fund balance in F.Y. 2019.

**Alternatives:**

N/A

**Attachments:**

Appropriation



**APPROPRIATION**

**Appropriation of Human Services Fund Balance for FY 2018 Expenses**

**\$400,000**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of up to \$400,000 in department fund balance, is hereby appropriated in the following manner:

**Revenues - \$400,000**

Fund: 213                      Cost Center: 3413002000                      G/L Account: 498011

**Expenditures - \$400,000**

Fund: 213                      Cost Center: 3413002000                      G/L Account: 599999

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	June 3, 2019
Action Required:	Approval of Resolution and Report for Council Feedback
Presenter:	Brian Wheeler, Director of Communications Charlene Green, Office of Human Rights
Staff Contacts:	Brian Wheeler, Director of Communications Charlene Green, Office of Human Rights Matt Murphy, Council Outreach Coordinator Joe Rice, Deputy Director of Communications Lachen Parks, Marketing and Social Media Coordinator
<b>Title:</b>	<b>Report on Unity Days Planning and Funding Transfer - \$100,000</b>

**Background:**

In February, City Council approved Unity Days as a new recurring community event. City staff have supported a 19-person citizen planning committee identifying programs intended to educate, inspire, and honor people in our community to create movement towards healing and unity on a path for economic and racial justice.

Unity Days will be every second weekend of August as a time to mark the anniversary of the events of August 11-12, 2017. When August 12 does not fall on the second weekend, such as in 2019 when it falls on a Monday, the City of Charlottesville shall also observe the anniversary of the that day during the week. Activities shall be scheduled by the City of Charlottesville in locations to include the Downtown Mall, McGuffey Park, Market Street Park, Court Square Park, and Fourth Street.

This year's community-driven planning effort is scheduling events during May to August 2019. While initial start-up costs have been minimal for May's events, City staff are providing in this memo an update on events that have already occurred in May as well as anticipated events for June to August that will require financial support for programming needs, marketing, and outreach efforts. Staff presents these planning and funding recommendations on behalf of the Action Committee.

## Discussion:

A diverse group of community members has been meeting since February to plan this year's Unity Days activities. They have contributed a significant amount of time, energy and talent to the planning effort. Numerous sub-committee meetings have also been held to prepare marketing materials and to review each month's event proposals.



## **Planning Calendar**

- February 3, 2019 – City Council approves Unity Days recurring community event
- February 28, 2019 – Unity Days kick off planning event
- March 13, 2019 – Unity Days Action Committee formed
- March 27, 2019 to May 22, 2019 (five bi-weekly Action Committee meetings)
- June 3, 2019 – Update to community and City Council
- June 5, 2019 – Action Committee selects proposals for July and August events
- Action Committee's bi-weekly meetings continue through August

## **Unity Days Action Committee**

Lawren Bellamy-Boykin	Susan Bro	Alex Bryant	Matthew Christensen
Lisa Draine	Chris Eure	Joan Fenton	Don Gathers
Gary Heaton	Dan Hennicke	Tanisha Hudson	Cat McCue
Henry D. McHenry, Jr.	Richard Morris	Rosia Parker	Gloria Rockhold
Brad Slocum	Katrina Turner	Curtis White	

## **2019 Theme: Summer of Unity**

<b>Month</b>	<b>Focus area</b>	<b>City staff liaison</b>
May	Our community's history of race relations. <i>Key dates: May 11-12, 2019</i>	Charlene Green
June	Breaking down institutions of oppression; Building approaches to a civically-engaged community working towards economic and racial justice.	Charlene Green & Lachen Parks
July	Honoring community and neighborhood leaders making change. <i>Key dates: July 6-7, 2019</i>	Brian Wheeler
August	Four days of activities focusing on education, honor, inspiration, and solemn remembrance. <i>Key dates: August 9-12, 2019</i>	Brian Wheeler & Joe Rice

### *May 2019 Activities*

The May calendar, with a focus on our community's history of race relations, included more than 20 separate events. Some of these were existing and previously planned events (e.g. Festival of Cultures) that wanted to be under the Unity Days umbrella. Numerous lectures by local experts and University of Virginia faculty were coordinated by Charlene Green. Others were organized by citizens and nonprofits in the community.

The short timeline of the planning effort, less than two months between the formation of the committee and the first event, meant we needed to rely on our existing networks and knowledge while the Action Committee continued to organize and solicit proposals for future months.

The marketing committee has created a logo, press kit, website resource page, social media sites, and an online calendar. The committee has developed a budget of \$20,000 for additional investments in promotional items, and direct advertising (print, online, radio).

### *June – August 2019 Activities*

The June Unity Days calendar will include about a dozen different events, some of which are repeat walking tours. Our partners at Thomas Jefferson’s Monticello staffed an exhibit in York Place on the Downtown Mall throughout the month of May and Charlene Green is making arrangements to make the exhibit area available for other Unity Days activities in June and July. The Office of Human Rights and the Office of Communications will have summer interns to assist with community outreach at this venue.

Included as an attachment to this report is a summary of all proposals submitted (or anticipated to be submitted) for June-August which are under review by the Action Committee. The following selection includes key events expected to draw larger audiences or require some financial support.

Juneteenth at the Jefferson School African American Heritage Center	June 15
Equal Justice Initiative marker installment in Court Square	July
Two separate arts, music and food festivals at IX Art Park	July 20-21
Charlottesville Ballet performances on Downtown Mall	August
Cville Culinary Experience on the Downtown Mall	August 10
Brass ensembles at Market Street Park	August 10
C’ville Sing Out at the Pavilion	August 10
Sunday service at Market Street Park	August 11
Remembrance on Fourth Street	August 12
Family-friendly block party at Washington Park	August 17

The Unity Days Action Committee will meet June 5 to review a number of the proposals above. City staff will coordinate with venue hosts and the City’s Special Events Committee to secure appropriate approvals once an event has been recommended for support.

### **Budget**

The start-up expenses for Unity Days have been kept to a minimum as many of the initial events held in May were tours and lectures. Graphic design expertise was donated to the City to create the Unity Days logo. The only major expense thus far has been for T-shirts and event tablecloths (\$6,000).

The Action Committee has welcomed the inclusion of existing community events that share the goals of Unity Days. However, they have a strong preference for providing financial support primarily to new endeavors.

The Action Committee will continue to review and recommend specific events for inclusion in Unity Days and those requiring use of City parks or road closures will be submitted to the City’s Special Events Committee by City staff for review. All expenses will be managed and approved by the City’s Director of Communications.

Staff recommends the transfer of funds to support marketing and programming as follows:

May 2019	\$6,000 (Marketing)
June 2019	\$15,000 (Marketing, \$5,000; Programming \$10,000)
July 2019	\$45,000 (Marketing, \$10,000; Programming \$35,000)
August 2019	\$34,000 (Marketing, \$5,000; Programming \$29,000)
<b>TOTAL</b>	<b>\$100,000</b>

As part of the FY 2018 Year End Appropriation City Council approved the appropriation of \$1 million to go towards covering costs from the first anniversary in August 2018 and toward any unexpected costs that may occur during FY 2019. Staff is proposing the transfer of \$100,000 of these funds to cover the project costs for Unity Days marketing and programming.

### **Public Safety Planning**

The Charlottesville Police Department has assigned Sgt. Joshua Manzano as the liaison to the Unity Days Action Committee and he has been a regular attendee at meetings. Another officer has been assigned as a liaison to the faith-based community.

Preliminary planning meetings have been held involving the City's state and regional partners. The group is preparing to support the community-driven Unity Days events in a posture similar to how the City would support other concerts, festivals and parades downtown. Based upon the current event proposals for July and August, a number of Unity Days events will be held on private property and thus road closures in the immediate vicinity of downtown parks are expected to be limited.

### **Alignment with City Council's Vision and Strategic Plan:**

The Unity Days community event programming directly supports City Council's vision and mission: "To Be One Community Filled With Opportunity" and to "provide services that promote equity and an excellent quality of life in our community." It specifically addresses Goal 1 of the Strategic Plan, to be an inclusive community of self-sufficient residents and objective 1.5 to intentionally address issues of race and equity. Further, a community-driven approach to the event planning and implementation supports Goal 5, to be a well-managed and responsive organization, and objective 5.4 to foster effective community engagement.

### **Community Engagement:**

Since Council's approval of Unity Days as a recurring community event, City staff has held bi-weekly public meetings with the 19-member Unity Days Action Committee and other citizens interested in holding Unity Days events. All planning meetings have been open to the public, well-attended and engaged a regular group of other citizens who contribute to the discussion.

### **Budgetary Impact:**

There is no impact on the General Fund. Funding will be transferred from previously appropriated funding in the Citywide Reserve account.

**Recommendation:**

Staff is seeking any feedback from Council as it proceeds with Unity Days programming in 2019 and the approval of the attached resolution.

**Alternatives:**

See recommendation.

**Attachments:**

- Unity Days Flyer
- May Unity Days calendar
- June-August 2019 proposal grid
- Resolution

MAY • JUNE • JULY • AUGUST

MARKET STREET PARK COURT SQUARE PARK DOWNTOWN MALL FOURTH STREET



**CITY SPONSORED. COMMUNITY DRIVEN.**

MUSICAL PERFORMANCES • SPEAKERS • CONVERSATIONS  
CHILDREN'S ACTIVITIES • FILMS • EXHIBITS • FESTIVALS  
FAITH-BASED GATHERINGS • AND MORE!

We, the community members of Charlottesville, come together this summer in a spirit of healing and unity for a variety of events that **educate**, **inspire**, and **honor** people in our community to move towards economic and racial justice.

JOIN US THIS SUMMER, VISIT:

[charlottesville.org/unitydays](http://charlottesville.org/unitydays)

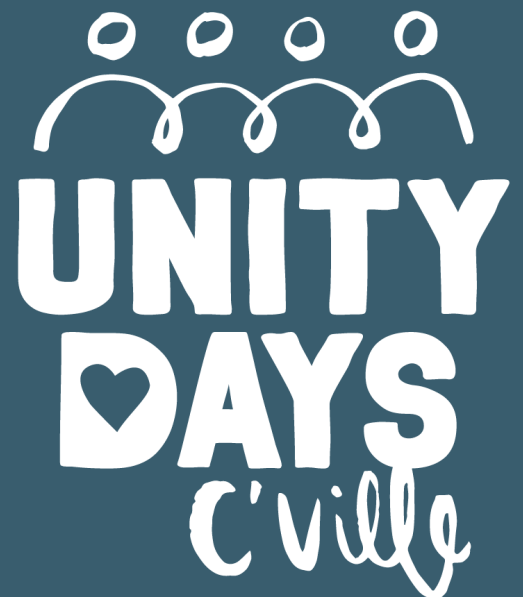
CHECK BACK OFTEN FOR EVENT UPDATES!



@UNITYDAYSCVILLE



@UNITYDAYSCVILLE







# MAY CALENDER OF EVENTS

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3 <u>Charlottesville's Attic</u> Historical Society	4
5 <u>Confederate Statues</u> <u>Walking Tour</u> Jalene Schmidt Court Square 2pm	6	7	8	9	10	11 <u>Festival of Cultures</u> Washington Park 10am-4pm <u>Monticello to Main St.</u> Court Square 11am
12	13 <u>Jewish History</u> Phyllis Leffler City Space 7pm	14	15 <u>History of Blackface</u> <u>at UVA</u> Kirt von Daacke City Council Chambers 7pm	16 <u>"Slavery at UVA"</u> Louis Nelson 7pm City Council Chambers	17	18
19 <u>Queen Charlotte Day</u> <u>Celebration &amp;</u> <u>Exhibition</u> Bridge PAI 2pm – 5pm  <u>Music of Queen</u> <u>Charlotte's Band</u> <u>Presents, The Queen</u> <u>on her Birthday</u> City Space 7:30pm	20	21 <u>Racial and Ethnic</u> <u>History of</u> <u>Charlottesville</u> Charlene Green Heritage Center 6pm	22	23 <u>Performing History:</u> <u>Sally Hemings in the</u> <u>Artist's Imagination</u> Common House 5pm	24 <u>Monacan History</u> Jeff Hantman City Space 7pm	25 <u>Monticello to Main St.</u> Court Square 11am  <u>Sally on West Main</u> Multimedia performance of Sally Hemings life Music Resource Center 7:30 \$25
26 <u>Decoration Day</u> 2pm – 3pm DOZ Cemetery Following the ceremony; light refreshments at the nearby Barrett Early Learning Center	27 <u>Irish and Enslaved</u> <u>Peoples History and</u> <u>the Railroad in</u> <u>Charlottesville</u> Mary Lyons City Space 7pm	28	29	30 <u>"African American</u> <u>Men in the Union</u> <u>Army"</u> Liz Varon Heritage Center 7pm	31 <u>Eugenics and</u> <u>Segregation at UVA</u> Preston Reynolds and Dan Cavanaugh Council Chambers 7pm	

## ABOUT UNITY DAYS:

Unity Days is a series of FREE events and programs that educate, inspire, and honor people in our community to move towards economic and racial justice. Follow us on Twitter & Facebook at @unitydayscville to stay up to date with event programming and information or visit our website [www.charlottesville.org/unitydays](http://www.charlottesville.org/unitydays). Use hashtag #unitydayscville and tag us in your photos at events!

	Proposals IN for June-August	Month	Venue	Budget ask	Individual & Group Name
<b>JUNE</b>	Monticello to Main Street tour	June	Court Square Area		Brandon Dillard, Thomas Jefferson's Monticello
	Workshop	June	thesum.org	\$150	J. Elliott Cisneros, Sheron Sinclair
	Juneteenth	Saturday, June 15	Jefferson School	\$6,500	Jefferson School African American Heritage Center
<b>JULY</b>	Workshop	July	TBD - pick a park		Edward Strickler
	Workshop	July	thesum.org		J. Elliott Cisneros, Sheron Sinclair
	Panel discussion	July	CitySpace		Charlottesville Tomorrow - Dan Hennieke
	Monticello to Main Street tour	July	Court Square Area		Brandon Dillard, Thomas Jefferson's Monticello
	Change Makers	Friday, July 5	CitySpace		CitySpace Art Gallery - Dan Hennieke
	EJI Marker	Friday, July 12	Court Square (Albemarle)	\$5,000	Jefferson School African American Heritage Center
	Maupintown Film Festival	Friday, July 12	Jefferson School		Maupintown Film Festival - Lorenzo Dickerson
	Concert / festival	Saturday, July 20	IX Art Park	\$10,000	Jawara "Jaewar" King / Jaewar & Vibe Riot
	Positive Kulture Festival	Sunday, July 21	IX Art Park	\$10,000	Antwon Brinson, Culinary Concepts AB
	<b>AUGUST</b>	Interactive art project	August	TBD - pick a park	
Monticello to Main Street tour		August	Court Square Area		Brandon Dillard, Thomas Jefferson's Monticello
Workshop		August	thesum.org		J. Elliott Cisneros, Sheron Sinclair
Talent Showcase		August	CitySpace, Carver Rec, Haven	TBD	Myra Anderson ( Brave Souls on Fire)
Charlottesville Ballet		August	Downtown Mall		Caitlin Lennon, Charlottesville Ballet
Solomon's Knot		August	TBD - pick a park		Eric Ramirez-Weaver
C'ville Sing Out		Saturday, August 10	Pavilion	TBD	Alvin Edwards
Cville Resonates - Brass ensemble		Saturday, August 10	Market Street Park		First United Methodist Church Charlottesville
<b>Proposals Anticipated</b>					
<b>AUGUST</b>	Inside Out: The People's Art Project	August	Violet Crown	TBD	Lisa Draine (Unity Days Action Committee)
	Call to Action Resource Fair	August	TBD - pick a park	TBD	Unity Days Action Committee
	Multi-Day music festival	Saturday, August 10	Pavilion	TBD	Tanesha Hudson (Unity Days Action Committee)
	Cville culinary experience	Saturday, August 10	Downtown Mall	TBD	Joan Fenton (Unity Days Action Committee)
	Remembrance	Monday, August 12	Fourth Street		Unity Days Action Committee
	Family block party	Saturday, August 17	Washington park	TBD	Rosia Parker (Unity Days Action Committee)

**RESOLUTION**  
**Fund Transfer to Support Unity Days Marketing and Programming**  
**\$100,000**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$100,000 is hereby transferred from currently appropriated funds in the Citywide Reserve account in the General Fund for the support of marketing and programming of Unity Days activities.

**Transfer From:**

Fund 105                      Cost Center: 1631001000      I/O: NONE                      G/L Account: 599999

**Transfer To:**

Fund 105                      Cost Center: 1611001000      I/O: 2000147                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation of funds shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuring fiscal year unless altered by further action of City Council.

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



Agenda Date:	June 3, 2019
Action Required:	Approval of Resolution
Presenter:	Jason Vandever, City Treasurer
Staff Contacts:	Jason Vandever, City Treasurer
<b>Title:</b>	<b>Charlottesville Operating Funds Divestment Resolution</b>

**Background:**

At its May 6, 2019 meeting City Council received a presentation regarding sustainable investment practices and possible divestment actions the City might be authorized to take. Out of that meeting both the City Treasurer and Council expressed a desire and willingness to discuss a resolution at a future date regarding divestment from companies engaged in the production and extraction of fossil fuels or the production or upgrading of weapons or weapons systems within the City's investment portfolio because of the danger those activities present to our environment and well-being. This memo and accompanying resolution address potential divestment from these sectors within the City's operating fund investment portfolio. The Retirement Plan Commission continues to discuss sustainable investment practices, and plans on presenting its progress and findings to Council later this fall.

**Discussion:**

The City's Core Investment Portfolio ranges from \$50-\$100 Million throughout the year, and is comprised of operating funds used in the course of conducting City business. Investment decisions related to these funds are made by the City's elected Treasurer, who is charged with safeguarding City funds with the primary objectives of safety, liquidity, and yield.

The attached resolution expresses City Council's support and encouragement of any and all persons acting on behalf of City investment activity in regards to City operating funds, to divest all City operating funds from direct security investments in any entity involved in the production of fossil fuels or the production or upgrading of weapons and weapons systems within 30 days.

Because the current exposure to these sectors within the City's operating fund investment portfolio is already minimal, this action can be achieved with little to no financial impact to the City while still achieving the stated investment policy goals of safety, liquidity, and yield.

**Alignment with City Council's Vision and Strategic Plan:**

This proposal aligns with the following City Council Strategic Plan Goals:

- 3.4 Be Responsible Stewards of Natural Resources

- 5.1 Integrate Effective Business Practices and Strong Fiscal Policies

**Community Engagement:**

Council has received input from several individuals both at Council meetings and through email regarding potential divestment. Additionally, the City Treasurer has met with representatives of Divest Cville to gather further input and ideas.

**Budgetary Impact:**

Divestment in the City's operating fund investment portfolio of individual securities of the magnitude discussed in this memo would not have a significant budget impact.

**Recommendation:**

Approval of the resolution.

**Alternatives:**

Council could elect to not approve a resolution at this time.

**Attachments:**

Resolution

A RESOLUTION  
SUPPORTING THE DIVESTMENT OF CITY OPERATING FUNDS  
IN ANY COMPANY INVOLVED IN THE PRODUCTION OF FOSSIL FUELS  
OR THE PRODUCTION OR UPGRADING OF WEAPONS AND WEAPONS SYSTEMS

WHEREAS, the Charlottesville City Council formally declares its opposition to investing City funds from the General Operating Fund in any entities that are involved in the production of fossil fuels or the production or upgrading of weapons and weapons systems, whether conventional or nuclear, and including the manufacture of civilian arms; and,

WHEREAS, pursuant to City Code Section 11-64 and the Virginia Security for Public Deposits Act ( Virginia Code Section 2.2-4400 et seq.), and the Virginia Investment of Public Funds Act (Virginia Code Section 2.2-4500 et seq.), the City Treasurer has sole discretion over the investment of City operating funds; and,

WHEREAS, the City Treasurer has a duty to invest all City funds with the primary objectives of safety, liquidity, and yield; and,

WHEREAS, the primary investment objectives for operating funds of safety, liquidity, and yield can be achieved while supporting the Council's opposition to investing City funds in direct security investments of any entity involved in the production of fossil fuels or the production or upgrading of weapons and weapons systems; and,

WHEREAS, the City Treasurer has publicly expressed his support for the divestment of City operating funds from direct securities of any entity involved in the production of fossil fuels or the production or upgrading of weapons and weapons systems.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia that it declares its support and encouragement of any and all persons acting on behalf of City investment activity in regards to City operating funds, to divest all City operating funds from direct security investments in any entity engaged in the production of fossil fuels or the production or upgrading of weapons and weapons systems within 30 days.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	June 3, 2019
Action Required:	Approval of Resolution
Presenter:	Kaki Dimock, Acting Assistant City Manager
Staff Contacts:	Kaki Dimock, Acting Assistant City Manager
Title:	<b>Transfer of FY 2020 City of Promise Funding to ReadyKids - \$81,837</b>

**Background:**

The Department of Human Services in coordination with ReadyKids has supported the development of City of Promise since its inception. The city has hired and supported a full-time director for the program. In 2017, the City of Promise Advisory Board determined that the most sustainable course of action for the program was to pursue an I.R.S. 501(c)3 designation as a nonprofit and move towards independence. City of Promise has completed the process for incorporation with the Virginia State Corporation Commission and has been notified by the I.R.S. of approval for nonprofit designation.

The City of Promise Advisory Board recently voted to rely on ReadyKids as their formal fiscal agent until July 2020 to ensure continuity of administrative functions.

In addition, the current director, Denise Johnson, has notified the program of her resignation to assume a position at Charlottesville City Schools.

**Discussion:**

The Department of Human Services seeks approval to transfer a portion of the funding for City of Promise (\$81,837), which was previously appropriated as part of the FY2020 budget, from the Human Services fund to ReadyKids, which is serving as City of Promise's fiscal agent. These funds could then be used to hire an interim or permanent director for the program based on the Advisory Board's direction. Making this administrative shift in the funding mechanism allows the program, ReadyKids and the city to take advantage of the transition of staff before the beginning of the fiscal year and avoid the potential of a mid-year disruption.

While \$89,437 was appropriated in the FY2020 budget, if approved, \$81,837 will be transferred to ReadyKids, and the remainder (\$7,600) will be retained to support actual expenses associated with building, which remains property of the city,

**Community Engagement:**

City of Promise is a community-based program, historically supported by the city, with an Advisory Board largely made up of community members. This change is not intended to impact services and, therefore, no specific community engagement has occurred around this administrative change in funding mechanism.

**Alignment with City Council’s Vision and Strategic Plan:**

City of Promise advances the City of Charlottesville’s Strategic Plan Goal #1 of enhancing the self sufficiency of our residents. City of Promise specifically works on Objective 1.1: To prepare students for academic and vocational success.

**Budgetary Impact:**

There is no budgetary impact to the City. Funding was previously appropriated as part of the FY2020 Adopted Budget.

**Recommendation:**

Staff recommends approval of the transfer of funds to support City of Promise.

**Alternatives:**

Council may elect not to approve this change and request that the department continue to support City of Promise by hiring a program director as a city employee, despite the program’s pursuit of independence.

**Attachments:**

Resolution

**RESOLUTION**  
**Transfer of FY 2020 City of Promise Funding to ReadyKids**  
**\$81,837**

**WHEREAS,** The City of Charlottesville, through the Department of Human Services, in coordination with ReadyKids has supported the development of City of Promise since its inception;

**WHEREAS,** the City of Promise has completed the process for incorporation with the Virginia State Corporation Commission and has been notified by the I.R.S. of approval for nonprofit designation;

**WHEREAS,** the City of Promise Advisory Board voted to have ReadyKids serve as their formal fiscal agent until July 2020 to ensure continuity of administrative functions;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the Department of Human Services is hereby authorized to transfer \$81,837 in previously appropriated funding for the City of Promise to ReadyKids for the administration of the City of Promise program.

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



Agenda Date:	June 3, 2019
Action Required:	Consideration of a Special Use Permit Application
Presenter:	Joey Winter, City Planner – NDS
Staff Contacts:	Joey Winter, City Planner – NDS
<b>Title:</b>	<b>SP-19-00001 - 1617 Emmet St. Drive Through Special Use Permit</b>

**Background:**

Riverbend Development, represented by Ms. Ashley Davies, is requesting a Special Use Permit (SUP) to authorize a specific land use – a drive through window for a restaurant. The applicant’s proposal is to convert the existing structure at 1617 Emmet Street - a former Wells Fargo bank-into a coffee shop with a drive through window. The 0.5-acre property is zoned “HW” (Highway Corridor Mixed Use District) with Entrance Corridor Overlay and has frontage on Emmet Street North and Angus Road. The Comprehensive Land Use Map for this area calls for Mixed Use development.

This SUP application is for a drive through window only – NOT the coffee shop itself. The proposed use of the building (“restaurant”) is allowed by-right in the HW zoning district. City Council approved an ordinance to authorize restaurants with drive through windows in the HW zoning district with a special use permit on August 20, 2018. Prior to that, drive through windows were not authorized in the HW zoning district under any circumstance.

**Discussion:**

After reviewing the application, staff recommended this SUP request be approved with two proposed conditions. Condition one was proposed to ensure that no work modifying existing buildings or structures will take place until Entrance Corridor review has taken place (the Subject Property is subject to Entrance Corridor review). Condition two was proposed to address concerns from traffic engineering about two-way vehicle circulation at the site.

The Planning Commission discussed this matter at their May 14, 2019 meeting. Commissioners were generally supportive of the SUP request. Mr. Solla-Yates expressed a desire to mitigate the proposed drive through window’s impact on pedestrian traffic in the area. Condition three was proposed by Mr. Lahendro to provide for safer pedestrian access to the site. The Planning Commission voted unanimously to recommend approval of this SUP request to City Council.

### **Application Changes after Public Hearing:**

On May 22, 2019, after the Planning Commission took action on this SUP request, the applicant submitted a new exhibit to NDS staff showing a modified site layout. The new exhibit proposes to designate the parallel parking spots to the rear of the building as employee parking and add a landscape screen to physically separate drive through and non-drive through traffic. The modified layout also proposes a circulation pattern for on-site vehicle traffic that allows two way traffic to the front and north side of the building - directly contradicting a condition recommended by the Planning Commission.

After review of the new exhibit, staff supports designating the parallel parking spots to the rear of the building as employee parking. Staff also supports the addition of a landscape screen to physically separate drive through and non-drive through traffic. However, staff does not support the new proposed circulation pattern for on-site vehicle traffic which allows two way traffic to the front and north side of the building. It is important to note that the new exhibit was never reviewed or recommended by the Planning Commission.

### **Alignment with City Council's Vision and Strategic Plan:**

The project contributes to **Goal 3: Beautiful Environment - Objective 3.1 Engage in robust and context sensitive urban planning and implementation** and aligns with the Hydraulic Small Area Plan.

### **Community Engagement:**

As required by Sec. 34-41(c)(2), the applicant held a community meeting for this SUP application on March 21, 2019 at the site (1617 Emmet Street North). At the request of the neighborhood association, a second community meeting was held on March 28, 2019 at the same location. No major concerns were raised at either community meeting.

No written public comment was received during the application process.

On May 14, 2019, the Planning Commission held a joint Public Hearing with City Council. No members of the public spoke for or against the proposal.

### **Budgetary Impact:**

This has no impact on the General Fund.

### **Recommendation:**

The Planning Commission took the following action:

Mr. Lahendro moved to recommend approval of SP-19-00001 subject to the following conditions:

1. A Certificate of Appropriateness shall be obtained from the Entrance Corridor Review Board prior to any alteration of the existing structure or canopy.
2. The final site plan shall include additional signing and pavement markings, including both lane lines and text, to designate the travel ways for drive through and non-drive through traffic and specify that all traffic is one way.
3. That the handicap access lane be extended so that it connects with the sidewalk on Angus Road.

Ms. Dowell seconded the motion.

Mr. Lahendro, Yes  
Mr. Solla-Yates, Yes  
Ms. Dowell, Yes  
Mr. Heaton, Yes  
Mr. Stolzenberg, Yes  
Mr. Mitchell, Yes  
Ms. Green, Yes

The motion passed 7 – 0 to recommend approval of the SUP application to City Council.

**Alternatives:**

City Council has several alternatives following a public hearing:

- (1) By motion, approve the requested SUP as recommended by the Planning Commission;
- (2) By motion, request changes to the attached resolution, and then approve the SUP; or
- (3) By motion, refer the modified SUP request back to the Planning Commission for review; or
- (4) By motion, take action to deny the SUP; or
- (5) By motion, defer action on the SUP.

**Attachments:**

- A. Resolution
- B. Exhibit from applicant showing modified site layout (submitted May 22, 2019)
- C. Link to the Staff Report and background information from the May 14, 2019 Planning Commission meeting: <http://www.charlottesville.org/home/showdocument?id=65250>  
(Staff Report begins on page 241)

**RESOLUTION  
APPROVING A SPECIAL USE PERMIT  
TO AUTHORIZE THE ESTABLISHMENT AND OPERATION OF A  
RESTAURANT WITH A DRIVE-THROUGH WINDOW  
AT 1617 EMMET STREET (RT. 29) NORTH**

**WHEREAS**, Riverbend Development, Inc. (“Applicant”), as contract purchaser with authorization of current landowner Wells Fargo Bank, N.A., has requested City Council to approve a special use permit pursuant to City Code § 34-796, specifically to authorize the establishment of a coffee shop restaurant with a drive-through window (the proposed “Special Use”) at 1617 Emmet Street, identified on City Tax Map 40C as Parcel 2 (Tax Map Parcel Id. # 40C002000) (“Subject Property”). The Subject Property is within the City’s Highway Corridor Mixed Use (“HW”) zoning district, subject to Entrance Corridor Overlay; and

**WHEREAS**, the proposed Special Use is described and depicted within the Application materials submitted in connection with zoning application number SP19-00001, and the proposed Special Use is allowed by special use permit within the HW zoning district, pursuant to City Code 34-796; and

**WHEREAS**, the Planning Commission has reviewed the Application materials, and the City’s Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on May 14, 2019, the Planning Commission voted to recommend that City Council should approve the requested Special Use, subject to certain conditions recommended for Council’s consideration; and

**WHEREAS**, upon consideration of the comments received during the public hearing, and of the Planning Commission’s recommendations, the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, and additional site layout materials submitted by the Applicant after the public hearing for review by City Council, this Council finds and determines that granting the requested special use permit subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §34-796, a special use permit is hereby approved and granted to authorize a drive-through window to be established and operated on the Subject Property for and in connection with the coffee shop restaurant described and depicted within the Application materials for SP19-00001, subject to the following conditions:

1. No alteration of any existing building, structure or canopy on the Subject Property shall be commenced prior to the landowner obtaining a certificate of appropriateness from the City’s entrance corridor review board as required by City Code §§34-306 et seq.
2. The final site plan for the Special Use shall depict the type, size and location of additional signage and pavement markings (to include both lane lines and text) to designate the vehicular travelways for the drive-through window as well as non-drive-through vehicular traffic. All vehicular traffic within the Subject Property shall be one-way traffic.
3. The landowner shall establish and maintain on the Subject Property a handicapped access lane that extends to and connects with the sidewalk along Angus Road.



# 1617 Emmet Street N Drive-Through Exhibit 5/22/19

TMP 40C-1  
N/F ANGUS INVESTORS, LLC  
DB 1006 PG 306

EXISTING LIGHT POLE  
TO BE RELOCATED.  
SURVEY REQUIRED  
TO CONFIRM

EXISTING LIGHT POLE  
TO BE RELOCATED.  
SURVEY REQUIRED  
TO CONFIRM

PROPERTY LINE

R WITH  
BUCKS' USE

Proposed Employee Parking Area

ATM / BYPASS LANE

EXISTING ENTRANCE

EXISTING FULL ACCESS. FURTHER  
INVESTIGATION NEEDED TO CONFIRM  
DOT WILL PERMIT ENTRANCE IN  
PROPOSED CONDITION

CURB & GUTTER

PROPOSED LANDSCAPE  
SCREEN FOR DRIVE-THRU

DRIVE-THRU  
DIRECTIONAL SIGN

EXISTING  
ATM MACHINE

50'X60' ACCESS EASEMENT  
DB 360 PG 50

PROPOSED  
COFFEE SHOP  
2,371 SF

ORDER BOARD

ORDER POINT  
CANOPY

CONCRETE MEDIAN  
TO BE REMOVED

CONC. SIDEWALK

CLEARANCE BAR

PROPOSED ADA RAMP

RESTRIPE ADA  
CROSSWALK

EXISTING ENTRANCE

20' WATER EASEMENT  
DB 929 PG 133

EXISTING FULL  
ACCESS FROM BEST  
BUY INTERNAL  
DRIVEWAY

PROPOSED ADA RAMP

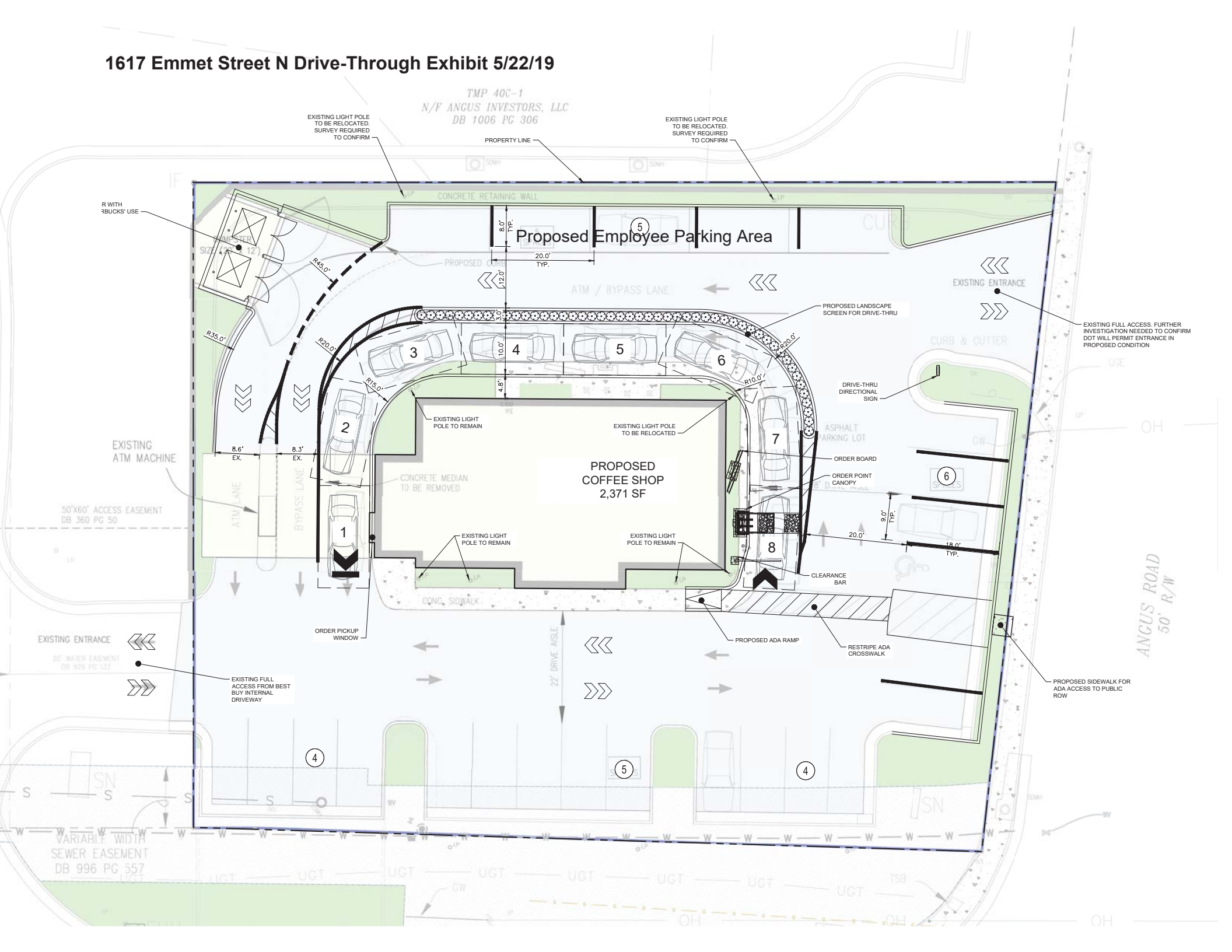
RESTRIPE ADA  
CROSSWALK

PROPOSED SIDEWALK FOR  
ADA ACCESS TO PUBLIC  
ROW

ANGUS ROAD  
50' R/W

22' DRIVE AISLE

VARIABLE WIDTH  
SEWER EASEMENT  
DB 996 PG 557



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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	June 3, 2019
Action Requested:	Adoption of a Resolution
Presenter:	John Blair, City Attorney
Staff Contacts:	Lisa A. Robertson, Chief Deputy City Attorney
<b>Title:</b>	<b>Resolution Expressing Conditions For City Council's Acceptance of Streets within the Sunrise PUD into the Public Street System</b>

**Background:**

In 2009 the Charlottesville City Council approved the Sunrise Planned Unit Development (“PUD”). The streets proposed by Habitat, acting through an LLC (Sunrise Park, LLC, the “Developer”) within the PUD Development Plan were narrower than the standard width, included on-street parking lanes to satisfy the required number of parking spaces for the units within the development, and proposed pervious paving materials within the parking lanes. These three design features conflicted with the City’s parking requirements and standard public street specifications; therefore, the streets were not to be dedicated for public use.<sup>1</sup> The PUD Development Plan included the following statement: *“Nothing in the PUD Development Plan will be interpreted to prohibit the design team from working with the City Engineer to modify the City’s street standards to allow internal streets to be dedicated for public use.”*

The City’s street standards have not been modified since 2009. (Notwithstanding the statement within the 2009 PUD Ordinance, the Engineer cannot do that himself; modification of the City’s standards and design specifications must be done via a Council update of the City’s Standards and Design Manual, which has been pending for some time). Notwithstanding this: Habitat now is asking the City to accept the constructed streets into the City’s public street system, so that the City will be financially and otherwise responsible for maintenance, repair and replacement of all of the street improvements, including the permeable paving within the on-street parking areas.

**Discussion:**

Legally the City is not required to accept any street into its public street system, or to maintain street improvements, even after the street has been officially dedicated for public use. Unless and until the City officially accepts the improvements for public maintenance, the City is not financially responsible for the costs of construction, maintenance/repair, or replacement. On the other hand: despite the fact that the streets don’t meet City design standards, City staff approved the subdivision and site plans for the Sunrise PUD as presented, and City Council may determine that there are now

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<sup>1</sup> We note, however, that private streets are not authorized under the city’s zoning and subdivision ordinances for any type of development other than a townhouse development.

appropriate reasons for accepting the streets into the public system for maintenance despite the fact that they don't meet City standards.

This situation is further complicated by the following facts:

- (i) Habitat and City NDS staff informally agreed several years ago that, as a means to satisfy Habitat's responsibilities under state regulations for stormwater management, a "pilot project" would be implemented, under which, if Habitat utilized permeable paving materials within on-street parking areas, they could claim credit for purposes of their stormwater compliance and the City would later agree to accept the pavement and maintain it. To our knowledge, City personnel did not undertake analysis, in conjunction with Public Works, of the costs associated with ongoing, perpetual maintenance of the permeable paving. Ongoing maintenance will be necessary in order for the larger development area to remain compliant with state stormwater regulations in the future. (In other words: the City won't be able to replace the permeable paving with regular asphalt or concrete).
- (ii) Construction activities within the Sunrise PUD have not yet been completed, so Habitat's state stormwater permit cannot yet be closed out. Originally, Habitat was to have been the land disturber/developer of all of the land within the PUD, and the permeable pavement was supposed to be installed only AFTER all construction activity was completed. However, Habitat installed the pavement out of sequence (after it finished its own construction activities, but before all construction has been completed) and then transferred vacant Lot 15 within the PUD to a private company for development.

The permeable pavement is easily damaged and clogged by dirt and sediment. Because Habitat's Stormwater Management Plan did not contemplate early construction of the permeable paving (prior to completion of construction on Lot 15), Habitat's E&S Bond was not set at an amount that would protect the pavement during construction activities taking place post-installation of the pavement. As you will note in this Resolution, City staff are requiring a supplemental E&S Bond in relation to the development of Lot 15, and the developer who will be conducting the construction activities on Lot 15 has reviewed the Resolution and has agreed to post that supplemental bond.

- (iii) Because this permeable paving is a stormwater management feature, what staff should have done when the "Pilot Program" was agreed to was put the details of the program into writing and specify what level of effectiveness would need to be achieved prior to acceptance into the public street system. No prior metrics were discussed or agreed to. The City Engineer has reviewed the existing condition of the permeable paving with a representative of Habitat, and the language in Paragraph (6) of the Resolution will allow for these issues to be worked through with Habitat prior to your consideration of a future resolution transferring ownership of the Right-of-Way and responsibility for maintenance of all improvements (including the pavement). We would anticipate that future resolution coming back to you within 30-60 days after you establish conditions of acceptance within this agenda item.

### **Alignment with City Council's Vision and Strategic Plan:**

This street closing application supports Council's Vision for **Quality Housing Opportunities for All: Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities.** It also is consistent with the Strategic Plan, Goal 1.3 (Increase Affordable Housing Options).

### **Community Engagement:**

None. (None required by law as to this issue).

### **Budgetary Impact:**

There will be some impact on the Public Works budget (within one or more of its divisions) as a result of adding responsibility for maintenance, repair and replacement of the permeable paving following acceptance by the City, but no analysis of this has been done by staff. Staff is generally aware that this type of paving material is expensive to clean and replace, and requires more frequent attention. However, as noted previously, NDS staff agreed to allow the use of this type of material as a "Pilot Project" years ago. (Since the original PUD approval did not contemplate public streets, it is unclear as to whether or not staff's agreement to the "Pilot Project" was with the understanding that the maintenance of the pavement would at some point be a public responsibility).

### **Recommendation:**

City NDS staff does not deny the "Pilot Program" agreement, and therefore does not oppose the proposed Resolution.

### **Alternatives:**

City Council can choose to deny the Resolution, or to approve the Resolution with revisions.

### **Attachments:**

Proposed Resolution

**RESOLUTION**  
**ACCEPTING RESPONSIBILITY FOR MAINTENANCE OF CERTAIN**  
**STORMWATER MANAGEMENT FACILITIES WITHIN THE SUNRISE PLANNED**  
**UNIT DEVELOPMENT**

**WHEREAS**, in 2009 the Charlottesville City Council approved the Sunrise Planned Unit Development (“PUD”). Streets proposed by Sunrise Park LLC within the PUD Development Plan were narrower than the standard width, included on-street parking lanes to provide the required number of parking spaces for the units within the development, and proposed pervious paving materials within the parking lanes; these three design features conflicted with the City’s parking requirements and standard public street specifications. The PUD Development Plan included the following statement: “Nothing in the PUD Development Plan will be interpreted to prohibit the design team from working with the City Engineer to modify the City’s street standards to allow internal streets to be dedicated for public use.”

**WHEREAS**, the City’s Subdivision Agent granted final approval for a subdivision plat which dedicated the streets within the Sunrise PUD for public use, and that Subdivision Plat was recorded in the City’s land records several years ago. However, recordation of a subdivision plat does not create any obligation upon the City to pay for any paving, improvements or construction, and the City has not, to date, accepted the improved (paved) PUD streets into the City’s public street system for maintenance.

**WHEREAS**, under the ordinances, standards and specifications in effect as of the date this Resolution is adopted, the streets within the Sunrise PUD do not meet public street standards; however, Sunrise Park LLC is now asking the City to accept the constructed streets into the public street system for maintenance; and

**WHEREAS**, state law required the PUD Development to be constructed in accordance with a Stormwater Management Plan approved in accordance with state and local laws, which require provision of facilities for management and treatment of the quantity and quality of stormwater. Following completion of the development, all such stormwater management facilities must be maintained by the owners of land within the development. Sunrise Park LLC obtained approval of a Stormwater Management Plan which identified the permeable pavement within the PUD street parking lanes as one of the stormwater management facilities to be permanently maintained by a responsible party—generally, the owner(s) of land within the development.

**WHEREAS**, the City’s Water Protection Ordinance requires that, in the event a person desires to cede or transfer responsibility for maintenance, repair and replacement of a stormwater management facility to the City, that person and the City must enter into a written contract, and prior to execution of that contract, the City Council must, by resolution, accept the responsibility proposed to be ceded or transferred; the purpose of this resolution is to set forth the terms under which City Council will accept responsibility for maintenance of the pervious paving within the street right of way proposed to be transferred.

**WHEREAS**, this Charlottesville City Council is willing to accept responsibility for maintenance of the pervious pavement within the parking lanes and sidewalks within the Sunrise PUD, but only if: **(i)** Sunrise Park LLC remains bound to complete the entire PUD Development in accordance with the approved stormwater management plan for the PUD, **(ii)** the City is held harmless from all impacts of construction activities within uncompleted portions of the PUD on the permeable pavement, within a written indemnification agreement satisfactory to the City Attorney, and **(iii)** following a formal offer dedicating the streets and sidewalks within the Sunrise PUD right-of-way for public use, the City accepts the streets and sidewalks and title is transferred to the City of Charlottesville;

**NOW THEREFORE, BE IT RESOLVED** by the Charlottesville City Council that it will accept responsibility for maintenance, repair and replacement of the permeable pavement

within the parking lanes and sidewalks of the right-of-way within the Sunrise PUD Development, effective on the date on which all of the following conditions have been satisfied:

1. All erosion and sediment control (E&S) plans, and any agreement-in-lieu-of-a plan, required pursuant to Chapter 10 of the City Code for construction activities within Phase 4 of the Stormwater Management Plan (Lot 15 as designated within the site plan for the PUD Development), shall include measures specifically designed to protect the permeable pavement from damage, silt, sedimentation, oil/ petroleum spills, hazardous materials spills, and other reasonably foreseeable impacts of construction activities.

2. The Stormwater Management Plan and/or the Stormwater Pollution Prevention Plan for the Sunrise PUD shall be modified or amended, as may be necessary: **(i)** to reflect the fact that the permeable pavement has been installed prior to completion of all construction activities within the Sunrise PUD and to correctly identify the numbered phases of construction activity, **and (ii)** to reflect any change in legal responsibility for completion of all requirements of the Stormwater Management Plan, the Stormwater Pollution Prevention Plan, or Virginia State Construction General Permit coverage, so that at no time will there be any lapse in coverage under the Construction General Permit and there will at all times be and remain a person that is legally responsible for compliance with and completion of all requirements of the Stormwater Management Plan or the Stormwater Pollution Prevention Plan for the Sunrise PUD. The City shall not be required to approve any final release of stormwater management or erosion and sediment control bonds posted by Sunrise Park LLC in accordance with VSMP/ VESCP regulations, until a Notice of Termination of construction general permit coverage has been approved in accordance with state regulations and city ordinances.

3. The City shall be provided with a supplemental E&S bond, in the form of a cash bond or letter of credit (“Supplemental Bond”) in an amount deemed by the City Engineer to be sufficient to cover the cost of repairing, replacing and/or cleaning the permeable pavement in the event that the protective measures are insufficient under any circumstances, or otherwise fail, in whole or in part, prior to final completion of all requirements of the Erosion and Sediment Control Plan for the Sunrise PUD (“Final Completion”). The Supplemental Bond shall be provided by the person (including, without limitation, any corporation or limited liability company) who is permitted to conduct land disturbing activity within Lot 15 of the PUD Development.

- a. If the E &S measures are insufficient under any circumstances, or otherwise fail, in whole or in part, to protect the permeable pavement, then the City shall have the right, following reasonable written notice to the land disturber, to repair or replace the damage or clean the permeable pavement, as may be necessary, at the sole expense of the land disturber. Funds from the Supplemental Bond shall be released to the City upon request to pay the cost thereof. Thereafter, the Land Disturber shall immediately replenish the line of credit, so that the full amount of funds required to be posted as the Supplemental Bond will remain available to the City for subsequent use prior to Final Completion.
- b. No action by the City to replace, repair or clean the permeable pavement prior to Final Completion shall preclude the City from taking any action(s) to enforce the

requirements of the E&S Plan, or the Stormwater Management Plan for the Sunrise PUD.

4. Sunrise Park LLC and the permitted land disturber engaging in construction activities within Lot 15 of the Sunrise PUD shall each execute a written agreement satisfactory to the City Attorney, indemnifying and holding the City of Charlottesville harmless from and against all claims, contributions and responsibilities, financial or otherwise, for maintenance, operation or repair of any stormwater management facility(ies) within the Sunrise PUD (other than the permeable pavement within the on-street parking lanes and sidewalks, following City Council's acceptance of the Sunrise PUD streets and sidewalks into the public system for maintenance).

5. Sunrise Park LLC shall prepare a formal offer of dedication of the land within the boundaries of the platted right-of-way within the Sunrise PUD to the City. The formal offer of dedication shall be in a form approved by the City Attorney, and shall be accompanied by a deed and plat suitable for recordation within the City's land records which can be recorded in the land records of the Circuit Court and will transfer clear title to the City, as indicated by a title report and binding title commitment issued by a title company satisfactory to the City Attorney.

6. Within 90 days prior to the date of any City Council meeting at which Council will be requested to authorize the City Attorney to accept conveyance of title to the land and improvements located within the Rights of Way of the Sunrise PUD, the City Engineer shall verify in writing that the permeable paving within the street right-of-way proposed to be dedicated for public use and conveyed to the City has been permanently installed and is functioning to a level of effectiveness mutually agreed to by the Engineer and Sunrise Park LLC.

**BE IT FURTHER RESOLVED THAT**, when all of the conditions referenced above within this Resolution have been satisfied, Sunrise Park, LLC may submit a written request to the City Attorney's Office for a certification of compliance. Following certification of compliance by the City Attorney, the City Manager is authorized to place on a City Council agenda a resolution authorizing the City Attorney to accept conveyance of title to the streets and sidewalks within the Sunrise PUD, and a resolution accepting the improved streets and sidewalks within the Sunrise PUD into the City's public system for maintenance.



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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	June 3, 2019
Action Requested:	Establishment of Schedule for Development of 2020 Legislative Agenda
Presenter:	David Blount, Thomas Jefferson Planning District Commission Lisa Robertson, Chief Deputy City Attorney
Staff Contacts:	Lisa Robertson
Title:	<b>Review of 2019 General Assembly Session and Schedule for Development of 2020 Agenda</b>

**Background:**

The 2019 General Assembly Session resulted in only one item of legislation requested by the City of Charlottesville (enabling legislation authorizing courthouses to be located on property owned jointly by a county and city). We thought you might like a report on other matters that arising out of the Session, of interest from a regional (planning district) perspective as well as a local (city) perspective.

**Discussion:**

We would also like to discuss with you how you would like us to work with you in developing your legislative priorities and agenda for the 2020 session. We have always recommended that Council begin contemplating a legislative agenda as early as August or September each year, so that legislators may be contacted and public engagement may be explored when required or desirable.

In years past, Council has designated one or two of its members to be a “legislative committee” and we have worked directly with that committee on preliminary exploration and agenda drafting. However, knowing that only two current members of council will remain on council as of January 1, 2020, Council may wish to consider some alternative procedure and schedule for development of its 2020 legislative priorities.

**Alignment with City Council’s Vision and Strategic Plan:** N/A

**Community Engagement:** N/A

**Budgetary Impact:** None

**Recommendation:** N/A

**Alternatives:** N/A

**Attachments:**

- (1) TJPDC 2019 General Assembly Summary;
- (2) City Attorney List of 2019 Legislation of Interest

# 2019 GENERAL ASSEMBLY SUMMARY



*Thomas  
Jefferson*

Planning District Commission

P. O. Box 1505, Charlottesville, VA 22902

**Representing the Local Governments of:**

**Albemarle County  
City of Charlottesville  
Fluvanna County  
Greene County  
Louisa County  
Nelson County**

**Rick Randolph, *Chair***  
**Chip Boyles, *Executive Director***  
**David Blount, *Director of Legislative Services***

**May 2019**

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# OVERVIEW

The 2019 General Assembly finished its work on February 24, one day past its scheduled adjournment, adopting changes to the current biennial budget for FY19 and FY20 as its final act. In all, the legislature passed 883 bills that were sent to the governor for his action.

This report highlights 1) major budget provisions of interest to local governments that were adopted by the legislature and signed by the governor, and 2) summaries of dozens of bills of interest to local governments that were approved by the General Assembly and signed into law.

## BUDGET SUMMARY

The adopted budget package provides a biennial, general fund spending plan totaling nearly \$44.2 billion for FY19/FY20. The total state budget, including general and nongeneral funds, is projected to be \$120.57 billion for the biennium.

Overall, the budget is highlighted by creation of a Taxpayer Relief Fund to consist of revenues generated as a result of federal tax reform, estimated to be approximately \$450 million annually beyond revenues expected to be collected due to general economic growth.

The plan sets aside dollars in both the Rainy Day Fund and the Revenue Reserve Fund. The Reserve Fund is expected to total nearly \$725 million by the end of FY20; coupled with balances in the Rainy Day Fund, total reserves should be close to \$1.4 billion by that time. It also appropriates \$97.5 million for an anticipated mandatory deposit to the Rainy Day Fund in FY 2022.

Of interest to localities, the compromise budget includes a bump in the salary increase slated to be effective this summer for state-supported local employees, to provide a 3% rather than a 2% increase. The budget also includes \$72.7 million to increase teacher salaries by providing an additional 2% pay raise effective September 1, on top of the 3% approved last year to take effect in July; accompanying language is included to provide some flexibility for localities/school divisions to meet local match requirements.

The budget also provides an increase of \$15 million in FY20 for the Virginia Telecommunication Initiative (VATI) to accelerate broadband deployment in unserved areas of the state, for a total of \$19 million available next year.

Following is an analysis of other key provisions of interest to local governments included in the approved state budget for FY19 and FY20.

### Education

The budget increases biennial spending for K-12 education by about \$50 million (net of expenditures minus savings) over the previously-adopted levels. In addition to the salary increase noted above, \$10.6 million in FY19 and \$14.3 million in FY20 is included to increase At-Risk Add-on funding, while \$12 million is included in FY20 for additional school counselors in elementary, middle and high schools.

The supplemental lottery funds per pupil amount will increase from \$336 to \$364 per pupil in FY19, and from \$342 to \$367 per pupil in FY20. The budget directs Literary Fund dollars for school construction loans (\$30 million) and for an interest rate subsidy program, per [SB 1093](#), targeted to the school divisions with composite indices of local ability to pay of .4000 or less (\$5 million).

Significant action was taken in the area of school security and safety, where the following initiatives are included in the budget:

- The School Resource Officer Incentive Grant Fund is increased by \$3 million in FY20, to a total of \$4.7 million.
- The budget doubles the School Security Equipment Grant allocation from \$6 million to \$12 million beginning in FY20.
- Over \$427,000 in FY20 is provided for additional training to school resource officers and school security officers.
- The plan includes nearly \$728,000 in FY20 to expand training provided to local threat assessment team members.
- Nearly \$872,000 in FY20 is targeted to enhance school safety training provided to school personnel, to include hosting live trainings and conferences, developing online training and curricula, and developing Virginia-specific school safety resources.
- The plan includes 280,000 in FY20 for the Department of Criminal Justice Services (DCJS) to provide annual active shooter trainings to schools and communities.

## **Environment and Agriculture**

Though the \$73.8 million in funding from the FY18 revenue surplus, as required, is targeted for water quality improvement (deposited to the Water Quality Improvement Fund, or WQIF), proposed new funding for a number of programs in the environment area was pulled back.

- The compromise plan reverses the proposed supplemental deposit of \$35 million to the WQIF.
- It removes \$50 million in FY20 proposed for the Stormwater Local Assistance Fund (SLAF). budget does authorize \$10 million in Virginia Public Building Authority bond proceeds for the SLAF local reimbursement program.
- It deletes proposed new funding for additional positions in the Department of Water Quality's (DEQ) water permitting area to support regulatory review and permit writing.
- It removes \$11 million in proposed additional dollars for the Land Conservation Fund. The approved budget does provide funding within the DMME to assist localities with siting, procurement, land use concerns and other solar-energy related issues. A language amendment directs DEQ to update its 2018 report on ammonia criteria to include existing or potential permitting procedures and practices that are not prohibited by the Clean Water Act, but which would provide relief to permitted dischargers.

## **Health and Human Services**

The major driver in this area of the state budget continues to be Medicaid. For the remainder of the biennium, \$424 million is added for increased Medicaid expenditures (base program utilization, not expanded).

As the budget adopted last year reduces Community Services Board (CSB) funding by \$36 million over the biennium, with the expectation that federal Medicaid expansion dollars would make up the difference, new language allows funding from special fund balances of the Department of Behavioral Health and Developmental Services to be provided to CSBs prior to the end of the fiscal year so that the provision of critical services is not disrupted.

The approved budget maintains the introduced budget reduction of \$11.8 million over the biennium in the Children's Services Act (CSA), reflecting a reduction in anticipated growth in CSA Services. It maintains a \$1.1 million increase over the two years for children served in the state's Part C Early Intervention programs.

The budget adds \$851,000 in FY20 for training and associated costs to begin implementing evidenced-based programs required by the new federal Family First Prevention Services Act; funding shall be used for training, consultation and certification costs to help agencies begin to implement the programs.

The budget adds nearly \$5.1 million for permanent supportive housing units for individuals with serious mental illness. It provides \$1.6 million over the biennium for the purchase and distribution of additional REVIVE! kits and naloxone spray used for the reversal of opioid overdose.

Finally, budget language delays, from July 1 to October 1, the due date for a report on private day, special education rates, directing that the final report list those programs that did not provide information for the study. Language also directs the Department of Social Services to develop a plan and make recommendations to ensure TANF block grants funding is being used effectively to support low income families.

## **Transportation**

The budget removes the proposed \$75 million for the Transportation Infrastructure Bank that was contained in the introduced budget.

It provides 1) a one-year transition for mass transit providers to prepare for a new allocation methodology that is based on performance metrics; and 2) up to \$3 million in Department of Rail and Public Transportation supplemental operating funds to be used in FY20 for any transit provider negatively impacted by a loss of operating funds as a direct result of the performance-based allocation process.

Language also directs the Virginia Department of Transportation to establish a working group to evaluate 1) the impact of increased fuel efficiency and use of hybrid and electric vehicles on transportation revenues; and 2) potential options to provide a sustainable funding stream for transportation infrastructure. The working group shall include, at a minimum, representatives of local government associations and regional transportation authorities.

## **Miscellaneous budget provisions and budget language**

- The budget contains nearly \$1.5 million in FY20 to fund additional positions (20% of identified staffing needs) within Commonwealth's Attorneys (CA) offices.
- Budget language provides guidelines for staffing CA offices, to require hiring of one CA for every 75 body worn cameras employed by local law enforcement officers. As an alternative, localities and the CA offices can reach an agreement as to funding assistance for the additional workload resulting from the use of body worn cameras. The language expands the scope of the existing workgroup examining workload issues created by the use of body-worn cameras, to include that CA offices in localities using such cameras report on the number of hours of footage received from law enforcement and the number of hours spent redacting videos.
- The spending plan maintains funding levels of \$184.5 million in FY19 and \$191.7 million in FY20 for localities with police departments that receive HB599 dollars.
- The budget includes an additional \$7 million over the biennium for the Housing Trust Fund, bringing total funding to \$11 million in FY19 and \$7 million for FY20.
- The budget targets \$3 million in FY20 in federal Help America Vote Act funds for election security; also \$261,000 is targeted to help any locality that lacks in-house capacity to develop GIS maps for local redistricting. It also includes just over \$400,000 for the development and expansion of local election official training programs.
- It restores the planned FY20 transfer of \$2 million from the Communications Sales and Use Tax Trust Fund to the state general fund (the introduced budget had eliminated the transfer).
- The budget removes \$10 million in FY19 that had been proposed for a revolving loan and loan-loss reserve fund to incentivize private investments in energy efficiency, renewable energy, alternative fuels, and similar public and private conservation projects.
- It also removes \$1.5 million in FY19 that had been proposed for census outreach.
- Funding is provided to the Joint Legislative Audit and Review Commission (JLARC) for studies of legalized gaming and workers' compensation issues.
- Language amendments provide for the following:

>That the Department of Elections and Compensation Board examine General Registrars' salaries in relation to other local constitutional officers' salaries between 1981 and 2018; the Department also is to prepare an analysis of the duties and job responsibilities for the registrars.

>Continuing the study by the Joint Subcommittee to Evaluate Tax Preferences examining options for cigarette taxes and possible reforms to tobacco products taxation that will provide fairness and equity for local governments. A report is due in November.

>That beginning January 1, 2019, certain installations of solar panels shall be considered eligible investments for the purposes of the real property improvement grants.

>Facilitating the eligibility of regional Virginia Growth and Opportunity Boards to develop business-ready sites through access to state funds once the participating local governments within the region have entered into a revenue-sharing agreement.

→ No changes are made to current funding levels for Planning District Commissions and for the *GO Virginia* initiative.

→ The spending plan does not fund a proposed increase in the retiree healthcare credit for public safety employees.

## APPROVED LEGISLATION

**Following are highlights of approved legislation in the areas of environment, finance, human services, land use, local government, public safety and transportation. A number of other bill topics are included under the “Miscellaneous” section. Bills take effect July 1, unless otherwise noted. Approved studies and resolutions also are listed.**

### Environment

[HB 1614](#) (*Cole*) and [SB 1248](#) (*Reeves*) allow any locality to create a local Stormwater Management Fund with local funds in order to provide grants to property owners for stormwater management projects on property that is already developed.

[HB 1822](#) (*Bulova*) authorizes the DEQ to award grants to small sewage treatment plants so that the facilities can divert their partially-treated sewage to a larger plant for advanced treatment. The bill also directs DEQ to consult with stakeholders annually to estimate the amount of grant funding that local governments will request during the upcoming year from the WQIF and SLAF, and to submit those estimates to the governor as part of a biennial funding report.

[HB 2485](#) (*Hodges*) authorizes an industrial development authority to facilitate and support landowner access to carbon markets through aggregation of landowners to reach a size that attracts the investment of private capital.

[HB 2637](#) (*Webert*) allows for the issuance of grants from the Virginia Water Facilities Revolving Fund for renovation, improvement or equipping of facilities or structures to implement agricultural best management practices to improve water quality; current law authorizes only loans for the construction of such facilities. The bill also includes riparian buffers among the types of facilities or structures for which a loan or grant may be issued.

[HB 2792](#) (*Tran*) and [SB 1779](#) (*Ebbin*) direct the State Corporation Commission to establish a six-year pilot program that allows any locality to participate in net energy metering, if it is a retail customer of certain investor-owned electric utilities. To qualify for the program, the locality must own and operate a renewable generating facility with a generating capacity of not more than two megawatts, that is located on the municipality's premises and intended primarily to offset all or part of the locality's own electricity requirements.

### Finance

[HB 1634](#) (*Edmunds*) authorizes Halifax County to impose additional local sales and use tax of up to one percent, if approved by county voters in a referendum, with revenue from the tax to be used solely for school construction and renovation projects.



[HB 1655](#) (*Miyares*) and [SB 1270](#) (*Stuart*) enact the Constitutional amendment approved by voters last November that applies the real property tax exemption for the surviving spouse of a disabled veteran to such spouse's principal place of residence, regardless of whether such spouse moves to a different residence; the provisions of the bill apply to taxable years beginning on and after January 1, 2019.

[HB 1679](#) (*Orrock*) clarifies the taxation of all-terrain vehicles, mopeds and off-road motorcycles, and provides that vehicles that qualify as farm equipment exempt from sales and use tax, also shall be exempt from the motor vehicle sales and use tax.

[HB 1722](#) (*Bloxom*) and [SB 1083](#) (*Ruff*) address the 2018 U.S. Supreme Court's *Wayfair* decision that stipulated that states could enact legislation authorization the collection of remote sales taxes. The bills require a remote seller or "facilitator" hosting multiple sellers to collect sales and use tax if the seller has more than \$100,000 in annual gross revenues from sales in Virginia or at least 200 sales transactions.

[HB 1838](#) (*Marshall*) requires the Department of Taxation's calculation of true values of real property, in calculating the composite index of local ability-to-pay of public education, to recognize an arrangement by localities entered into pursuant to the Virginia Regional Industrial Facilities Act, whereby a portion of real property tax revenue is initially paid to one locality and redistributed to another locality. The bill takes effect July 1, 2021.

[HB 1937](#) (*Krizek*) provides that if a locality has established a real estate tax exemption for the elderly and handicapped and enacted an income limitation related to the exemption, the locality may exclude, for purposes of the limitation, any disability income received by a family member or nonrelative who lives in the dwelling and who is permanently and totally disabled.

[HB 2150](#) (*Ingram*) and [SB 1196](#) (*Dance*) clarify the definition of "dwelling" for purposes of the real property tax exemption for the elderly and disabled, to include improvements to the exempt land used to house certain motor vehicles or household goods.

[HB 2354](#) (*S. C. Jones*) provides that the combined funds in the state's Revenue Stabilization Fund and Revenue Reserve Fund shall not exceed 15% of average income and sales tax revenues for the past three years. Currently, the amount in the Revenue Stabilization Fund is not to exceed 15% of such revenues, and the amount in the Revenue Reserve Fund is not to exceed two percent of general fund revenues for the prior year.

[HB 2365](#) (*Knight*) authorizes localities that require use value assessment and taxation to provide that the annual increase in the assessed value of eligible property shall not exceed a specified dollar amount per acre.

[HB 2440](#) (*Campbell*) classifies as intangible property, and exempts from taxation, personal property that is employed in a trade or business, has an original cost of less than \$25, and is not classified as machinery and tools, merchants' capital or short-term rental property.

[HB 2529](#) (*Hugo*) and [SB 1372](#) (*Norment*) advance conformity of the State's tax code with the federal tax code to December 31, 2018, effective starting in taxable year 2018. Beginning in taxable year 2019, the bill deconforms from the provisions of the federal Tax Cuts and Jobs Act (TCJA) that limit the deduction for state and local taxes and that suspend the overall limit on itemized deductions. The bills provide a 50% increase in the standard deduction, to \$4,500 for single individuals and \$9,000 for married persons filing jointly, for taxable years 2019 through 2025. The bills also provide for \$420 million in tax refunds to Virginia taxpayers in October of 2019 (based on tax year 2018), of up to \$110 for individuals and \$220 for married persons filing jointly. Finally, a Taxpayer Relief Fund is created for FY19 through FY25 for any additional revenues attributable to the TCJA, to be used for any additional tax reform measures. The bills took effect February 15.

[HB 2733](#) (*Webert*) provides that for purposes of the optional, local personal property tax exemptions for motor vehicles, trucks and tractors, the exemption shall apply if the vehicle is used primarily (currently exclusively) for agricultural purposes; it also provides that, for purposes of the optional exemption for farm vehicles, such exemption shall apply to equipment used by a nursery for the production of horticultural products and to any farm tractor.

**SB 1301** (*Edwards*) allows a local treasurer to employ private collections agents to also collect delinquent amounts due; current law allows only for the collection of delinquent taxes by such agents.

**SB 1371** (*Norment*) adds definitions for new products for purposes of the cigarette tax, but does not make them subject to the tobacco products tax. The bill extends until November 2019 the study by the Joint Subcommittee to Evaluate Tax Preferences of options for the modernization of cigarette taxes and possible reforms to the taxation of tobacco products.

**SB 1425** (*Dunnavant*) provides that an owner of a new business that operates a mobile food unit and who pays a license tax to the locality in which the unit is registered, is not required to pay a license tax, for a period of two years, to any other locality for conducting business from the unit in such locality. During that two-year period, the owner could exempt up to three units from license taxation in other localities, but still would be required to register with any locality in which he conducts business from the unit.

**SB 1588** (*Lewis*) codifies the Constitutional amendment approved by voters last year that authorizes localities, by ordinance, to partially exempt any real estate subject to recurring flooding upon which flooding abatement, mitigation or resiliency efforts have been undertaken.

## **Human Services**

**HB 1671** (*Mullin*) requires local departments of social services to inquire if an alleged abuser in a Child Protection Services (CPS) investigation has resided in another state within the last five years, and if so, to request a search of the child abuse or neglect registry in that state. The bill allows such departments to obtain and consider statewide criminal history records on an individual who is the subject of a family assessment (currently allowed for those under CPS investigation).

**HB 1918** (*Stolle*) and **SB 1598** (*Dunnavant*) direct the Board of Corrections to establish minimum standards for health care (including medical, dental, pharmaceutical and behavioral health services) in local and regional jails. The standards are to require such facilities to submit a standardized, quarterly quality improvement report documenting delivery of health care services.

**HB 1933** (*Hope*) establishes a process for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner who is incapable of giving informed consent for such treatment.

**HB 1942** (*R. Bell*) directs the Board of Corrections to create new standards for mental health treatment in local and regional jails. Such standards would include requirements for behavioral health screening and assessment of individuals committed to the facility and for discharge planning and implementation for inmates with a serious mental illness. The Board is to convene a workgroup to analyze the fiscal impact of new standards and requirements. The bill contains a delayed effective date of July 1, 2020, related to the discharge planning requirement.

**HB 1953** (*Campbell*) and **SB 1416** (*Mason*) provide that whenever an appeal of a finding by a local department of social services is made and a related criminal investigation commenced, the appeal process shall be stayed until the criminal investigation is closed or, in the case of a criminal investigation not completed within 180 days of the appellant's request for an appeal, for 180 days.

**HB 2014** (*Peace*), **SB 1678** (*Mason*) and **SB 1679** (*Mason*) all revise the *Code of Virginia* to align with the Federal Family First Prevention Services Act (FFPSA), which makes significant changes to the Title IV-E program, including optional funding for prevention services. Provisions of HB 2014 and SB 1678 concerning background checks for employees of, volunteers at, and contractors providing services to juveniles at children's residential facilities took effect earlier this year.

**HB 2560** (*Pillion*) and **SB 1224** (*Chafin*) authorize local departments of social services to foster the creation, maintenance and coordination of hospital and community-based multidisciplinary

teams focused on the abuse, neglect and exploitation of adults 60 years of age or older, or 18 years of age or older who are physically or mentally incapacitated.

[SB 1339](#) (*Reeves*) makes numerous changes to the laws governing the provision of foster care services, including, among other things, allowing the Commissioner of Social Services to develop and implement a corrective action plan for or assume temporary control over the foster care services of a local board of social services, under certain circumstances.

[SB 1644](#) (*Boysko*) directs the Department of Behavioral Health and Developmental Services (DBHDS) to convene a workgroup to develop a plan for sharing protected health information of individuals with mental health treatment needs who have been confined to a local or regional jail and who previously received mental health treatment from a community services board or behavioral health authority. A report is due by October 1.

## Land Use

[HB 1913](#) (*Bulova*) and [SB 1663](#) (*Barker*) allow localities to have subdivision ordinance provisions requiring the dedication of land for, and construction of, a sidewalk on property being subdivided or developed, in cases when a lot being subdivided or developed fronts on an existing street and the provision of a sidewalk, the need for which is substantially generated and reasonably required by the proposed development, is in accordance with the locality's comprehensive plan.

[HB 2139](#) (*Thomas*) allow localities to expand transfer of development rights programs by expanding receiving areas beyond just urban development areas, or by designating certain receiving areas to receive rights only from certain sending areas.

[HB 2342](#) (*Thomas*) and [SB 1373](#) (*Favola*) make extensive changes to conditional zoning provisions enacted in 2016. These include, among other things, the addition of provisions stating that no local governing body shall require any unreasonable proffer; under current law, no locality may request or accept any unreasonable proffer. They deem proffers to be reasonable if there is an essential nexus between the proffer and the impact it is intended to address, and they create a safe harbor for discussions and suggestions about proffers. The provisions are effective for any application for a rezoning filed on or after July 1, 2019. Applicants with a pending rezoning application for a rezoning or proffer condition amendment have some flexibility to operate under either the existing or new provisions.

[HB 2569](#) (*LaRock*) and [SB 1094](#) (*Favola*) provide that zoning administrators authorized to issue zoning permits for family day homes shall issue a permit if there are no written objections from adjacent property owners; they also may, upon receiving a written complaint, issue or deny the permit sought or, if required by ordinance, refer it to the local governing body for action.

## Local Government

[HB 1698](#) (*Fariss*) provides localities with the option to use certified mail (rather than just registered mail) for sending zoning appeal orders.

[HB 1786](#) (*Hurst*) clarifies that any locality or other public entity may allow power-driven mobility devices to be ridden or driven on sidewalks in accordance with the Americans with Disabilities Act and other state and federal laws.

[HB 1818](#) (*Delaney*) and [SB 1044](#) (*Black*) authorize any county or town over 40,000 in population to enact parking, stopping and standing ordinances that allow summonses and tickets for violations of such ordinances to be issued by law-enforcement officers, other uniformed city employees, or uniformed personnel under contract with such county or town.

[HB 1866](#) (*Peace*) requires localities to submit their annual local audit to the Auditor of Public Accounts (APA). Towns with a population of less than 3,500 that voluntarily prepare an audit

also are to submit the results of their audit to the APA. [SB 1312](#) (*Hanger*) contains only the provision related to the small towns.

[HB 1966](#) (*Yancey*) requires any fees levied by a local governing body to defray the cost of Building Code enforcement and appeals, with the exception any imposed to support the Building Code Academy, be used to support the functions of the local building department. The bill also requires the departments, when denying an application for the issuance of a building permit, to provide the applicant a written explanation of reasons for the application's denial. It also provides that the applicant may submit a revised application addressing such reasons, and if so, the local department is encouraged to limit its review of the revised application to those portions previously deemed inadequate.

[HB 2060](#) (*Carr*) increases the required assessed value of property for the purpose of a locality appointing a special commissioner to convey property with delinquent taxes or liens to the locality in lieu of sale at public auction from \$50,000 to \$75,000.

[HB 2229](#) (*Bagby*) allows a locality, by ordinance, to provide for the waiver of building permit and other local fees associated with the construction, renovation or rehabilitation of housing by a private-sector entity that is pursuing an affordable housing development; current law allows such waiver for non-profit entities providing affordable housing.

[HB 2239](#) (*R. Bell*) allows courthouses to be located on property owned jointly by a county and city, and in the case of Albemarle County, it allows the County to locate its general district courts immediately across the street from the county courthouse. The bill also clarifies certain jurisdictional issues in cases where a county general district court is established in a city.

[HB 2263](#) (*Krizek*) and [SB 1494](#) (*Edwards*) provide that any evidence gathered through the conduct of an interrogation that violates the provisions of the Firefighters and Emergency Medical Technicians Procedural Guarantee Act shall not be admissible in any case against a firefighter or emergency medical services personnel.

[HB 2375](#) (*Roem*) requires a local governing body to hold at least one public hearing when it proposes to reduce the time period to less than 100 days in which the planning commission is to review a proposed zoning ordinance amendment.

[HB 2621](#) (*Ingram*) and [SB 1091](#) (*Reeves*) provide that a locality, as part of its local approval process, require an owner, lessee or developer of real property to enter into a written agreement to decommission any solar energy equipment, facilities or devices upon certain terms and conditions, including right of entry by the locality and financial assurance.

[HB 2752](#) (*Pillion*) authorizes localities to regulate the operation of companies providing motorized skateboards or scooters for hire. The bill enables localities to regulate such scooters under a demonstration project or pilot program, including requiring licensure on or after January 1, 2020, and enables localities to adopt ordinances prohibiting driving on sidewalks (also effective January 1, 2020).

[HB 2805](#) (*LaRock*) prohibits parking any vehicle in any striped access aisle adjacent to a parking space reserved for persons with disabilities, and allows a local governing body to adopt an ordinance containing such prohibition.

[SB 1304](#) (*Edwards*) authorizes any locality, by ordinance, to designate reasonable no-smoking areas within an outdoor amphitheater or concert venue owned by the locality.

[SB 1336](#) (*Edwards*) provides that the notice for property to be sold pursuant to a mechanics' lien shall be posted in certain areas, which could include a public place in the county or city, or a website operated by the State, the county or city, where the property is located.

[SB 1358](#) (*Wagner*) allows localities to establish and operate a primary care health care facility for its employees and covered dependents, the services of which may include vision and dental care.

[SB 1367](#) (*Norment*) provides that any local ordinance prohibiting dogs running at large shall exempt dogs used for hunting. The bill also requires any such ordinance to include a civil penalty not exceeding \$100 per dog for the owner or custodian of any dog found running at large in a pack; such civil penalties shall be deposited in a fund to be used to support animal control.

**SB 1400** (*Petersen*) allows localities to authorize contracts for loans for the initial acquisition and installation of stormwater management improvements with property owners of both existing properties and new construction; current law authorizes such contracts only for clean energy improvements.

**SB 1510** (*Carrico*) provides that only towing requests made by local law-enforcement officers are subject to local ordinances regulating towing of unattended, abandoned or immobile vehicles.

**SB 1559** (*Lewis*) allows localities to authorize contracts for loans for initial acquisition and installation of certain resiliency improvements with property owners of both existing properties and new construction; current law authorizes such contracts only for clean energy improvements.

**SB 1634** (*Boysko*) allows towns, by ordinance, to establish one or more economic revitalization zones; counties and cities already have this authority.

## **Public Safety**

**HB 1804** (*Hugo*) and **SB 1030** (*Cosgrove*) add cancers of the colon, brain or testes to the list of cancers presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure will become effective if reenacted by the 2020 Session of the General Assembly, which must consider findings of an upcoming JLARC review of the Virginia Workers' Compensation program.

**HB 2344** (*R. Bell*) and **SB 1520** (*Carrico*) specifically authorize the Department of Motor Vehicles to release to a private vendor contracting with a school division, vehicle owner information about the registered owners of vehicles that improperly pass stopped school buses.

**HB 2656** (*Collins*) includes law enforcement officers in departments having three or more officers under the provisions of the Law-Enforcement Officers Procedural Guarantee Act; currently, such a department is required to have at least 10 law-enforcement officers for purposes of this definition.

**SB 1407** (*Mason*) allows local law enforcement agencies to process and submit requests for national fingerprint background checks required for child day programs operated by a local government, effective July 1, 2020.

**SB 1507** (*Carrico*) allows law enforcement to deploy an unmanned aircraft system in certain situations involving the search for a person sought for arrest.

## **Transportation**

**HB 1983** (*Stolle*) provides that federal funds for freight rail projects may be used to satisfy the requirement that any project funded by the Rail Enhancement Fund include at least 30% matching funds from a private source; under current law, this requirement may be met using funds from private businesses, railroads, regional authorities and local governments.

**HB 2313** (*Hodges*) requires that any official who approves any highway access project shall certify that he has applied due diligence in approving such project.

**HB 2553** (*Thomas*) and **SB 1680** (*Mason*) provide that a mass transit provider that incurs a loss in operating funds as a direct result of the performance-based allocation process adopted last year may be eligible for supplemental operating funds in FY20. The maximum amount of supplemental funds available shall not exceed \$3 million from nongeneral fund amounts available to the Department of Rail and Public Transportation.

**HB 2578** (*Plum*) and **SB 1684** (*Petersen*) limit the requirement that a governing body with a six-year secondary road plan advertise for and hold a public meeting on the plan to only those years in which a new funding allocation greater than \$100,000 is proposed.

**HB 2718** (*Landes*) and **SB 1716** (*Obenshain*) create an Interstate 81 Corridor Improvement Fund, to consist of revenues generated through the creation of a new registration fee (for non-passenger vehicles weighing over 10,000 pounds), a diesel tax, a regional gas tax and a roads tax. The bills

also establish an Interstate 81 Committee to develop and update a program related to Interstate 81 corridor safety and improvements.

**HB 2800** (*Garrett*) and **SB 1775** (*Carrico*) require the Commissioner of Highways to report annually to the Governor, the General Assembly and the Commonwealth Transportation Board (CTB) regarding overweight trucks; the bill expires on January 1, 2021.

**SB 1749** (*McDougle*), among other things, directs the CTB to undertake a comprehensive review of the current and future condition of pavements and bridges in the state.

### **Miscellaneous**

**HB 1649** (*Fowler*) and **SB 1594** (*Dunnivant*) allow all localities (current law lists certain ones), in adopting a voluntary boundary agreement, to attach to their petitions to the circuit court a GIS map depicting the boundary change.

**HB 1853** (*Bulova*) provides that if a property owners' association is located in a locality classifying home-based child care services as an accessory or ancillary residential use, the provision of such services in a personal residence shall be deemed a residential use unless (i) expressly prohibited or restricted by the declaration, or (ii) restricted by the association's bylaws or rules.

**HB 2182** (*Austin*) and **SB 1681** (*Mason*) provide that prior to offering surplus real property for sale to the public, the Department of General Services shall notify the chief administrative officer and any economic development entity of the locality within which the property is located of the pending disposition of such property. The locality shall have up to 180 days to submit a proposal to the Department for use of such property in conjunction with a bona fide economic development activity.

**HB 2252** (*Head*) allows a landowner whose property spans two or more localities to elect to have the firearms ordinances of the locality in which the largest portion of the contiguous parcel lies apply to anyone hunting on the property; a landowner making such an election shall notify the Department of Game and Inland Fisheries, which also is directed to study issues related to the inconsistent ordinances. The bill must be approved again next year in order to be effective.

**HB 2482** (*Hodges*) provides that a donation of land would not be disqualified for purposes of the Land Preservation Tax Credit if the State or a political subdivision, or certain third-party contractors, operate or manage a facility on such land.

**HB 2665** (*Stolle*) and **SB 1655** (*Cosgrove*) require the Office of the Executive Secretary of the Supreme Court to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local specialty dockets. The bills require an annual report of these evaluations to the General Assembly.

**HB 2726** (*James*) requires local workforce development boards to develop strategies for engaging certain individuals and placing them on pathways to education, training and careers; they also must develop performance measures to evaluate implementation of such strategies.

**HB 2786** (*Ingram*) and **SB 1355** (*Wagner*) require the owner or operator of an electric utility's coal ash pond or landfill within the Chesapeake Bay watershed, to include Bremono Power Station, to remove the coal ash by recycling it or by depositing it into a permitted and lined landfill.

**SB 1025** (*Spruill*) expands the definition of adequate shelter for animals in conditions of hot and/or cold weather. It also provides that a tether meets the requirement that an animal be given adequate space if the tether is at least 10 feet in length or three times the length of the animal, whichever is greater, and does not, by its material, size or weight, cause injury or pain to the animal. Walking an animal on a leash shall not constitute tethering on an animal, and the bill exempts agricultural animals from existing provisions related to tethering.

**SB 1171** (*McPike*) creates a local special events license, issued by the Virginia Alcoholic Beverage Control Board, to allow a locality or nonprofit organization to permit the consumption of alcoholic beverages within a designated area for a special event, provided that such beverages

are purchased from a permanent retail, on-premises licensee located within the designated area, and are contained in disposable containers that clearly display the selling licensee's name or logo. The bill limits local special events licensees to 12 events per year.

**SB 1421** (*Obenshain*) makes various changes to provisions related to entry upon private property in an eminent domain proceeding and provides the method by which just compensation for the taking of property in an eminent domain proceeding is calculated.

**SB 1432** (*Obenshain*) allows for immobilization of a trespassing vehicle by use of a device in a manner that prevents its removal or lawful operation, provided the device used does not damage the vehicle; current law limits immobilization devices to those, such as a boot, that prevent a vehicle from being moved by preventing a wheel from turning.

**SB 1625** (*McPike*) changes, for purposes of the Statewide Fire Prevention Code, the definition of permissible fireworks.

**SB 1638** (*Boysko*) revises the requirements for newspapers to be a “newspaper of record” that may be used for legal notices and publications; the bill requires that any such newspaper also print such notices and publications in a prominent location in the newspaper, that it post the notice on its website and also on a searchable, statewide repository website.

**SB 1686** (*Peake*) permits attorneys for the Commonwealth to appoint volunteer assistants in any jurisdiction; under current law, such volunteers could only be appointed in certain cities.

#### ***Broadband:***

**HB 2141** (*Thomas*) allows local governing bodies to use service districts for expanding broadband in certain defined unserved areas, when contracting with a nongovernmental broadband service provider.

**HB 2541** (*Byron*) and **SB 1618** (*Edwards*) amend provisions related to the Broadband Advisory Council (BAC) by adding three members to the panel (an additional senator and one representative each of a wireless service authority and the electric cooperatives association), and three Cabinet secretaries, to be appointed by the governor, who will serve ex officio. The bills also extend the work of the BAC until July, 2021.

**HB 2691** (*O’Quinn*) establishes a three-year pilot program, under the State Corporation Commission, for Dominion and Appalachian Power to own and lease broadband capacity to nongovernmental broadband providers in unserved areas of the state. The pilot will be capped at \$60 million annually per utility for three years and the utilities could recover from customers the net costs of the pilot through rate adjustment.

#### ***Education:***

**HB 1652** (*Robinson*) and **SB 1005** (*Chase*) permit local school boards to set school calendars so the first day students are required to attend school is no earlier than 14 days before Labor Day; schools with a pre-Labor Day start must close from the Friday before Labor Day through Labor Day. The Board of Education may waive this requirement for schools providing year-round instruction. Previously granted waivers also will be continued.

**HB 1729** (*Landes*) renames guidance counselors as school counselors and requires such counselors to spend at least 80 percent of their staff time in the direct counseling of individual students or groups of students. Meanwhile, **SB 1406** (*Dance*) renames guidance counselors as school counselors and revises required school counselor/student ratios at the elementary, middle and high school levels for the 2019-2020 school year. However, the approved budget includes the state share of funding for greater ratios than prescribed in the bill.

**HB 2192** (*Rush*) and **SB 1331** (*Stanley*) create the Public School Building and Facilities Modernization Act, establishing the intent of the General Assembly that new school buildings and improvements and renovations to existing buildings be designed, constructed, maintained and operated to generate more electricity than consumed. The bills allow for 1) a local school division to enter into a lease agreement with a private entity to meet such standards; 2) for energy

generation in public school buildings and facilities; and 3) industrial development authorities to assist in activities related to the modernization of public school buildings.

**SB 1093** (*Ruff*) directs the Board of Education to establish a program to subsidize interest payments on certain Virginia Public School Authority loans to local governing bodies and school boards for the construction/modernization of new/existing school buildings and facilities. Loans shall be targeted to school divisions with a composite index of local ability-to-pay less than 0.4000.

**SB 1195** (*Dance*) directs the Virginia's Children's Cabinet to establish a school-based health centers joint task force to assess the current landscape of school-based services and mental health screening, evaluation and treatment in school settings, and to evaluate options for billing public and private insurance for school-based health services.

***Elections:***

**HB 1719** (*Hurst*) makes provisions of the Campaign Finance Disclosure Act applicable to any candidate for a town office in a town with a population of less than 25,000, if such candidate accepts contributions or makes expenditures in excess of \$25,000; currently, the Act does not apply to town elections in a town with a population of less than 25,000, unless a town ordinance provides otherwise.

**HB 2178** (*Sickles*) requires development of State Board of Elections (BOE) regulations and standards for security of the state's voter registration system and supporting technologies utilized by counties and cities to maintain and record registrant information. Local electoral boards are to develop and annually update, and report to the Department of Elections (DOE), security plans and procedures to ensure the security and integrity of the supporting technologies. The BOE is to utilize a workgroup in adopting security standards, and must establish a standing advisory group of local government technology staff and general registrars to assist and consult on updates to security standards.

**HB 2760** (*Sickles*) and **SB 1018** (*Chase*) require localities, when redistricting local election districts or making any changes to the local election districts or precincts, to send a GIS map, along with the ordinance containing a description of the boundaries, to the local electoral board and various state entities. The bills require the DOE to review the map and ordinance, compare the boundaries contained in such information in the voter registration system to ensure voters have been assigned to the correct districts, and to notify localities of any corrections that may be necessary.

**HB 2790** (*Rush*) and **SB 1026** (*Spruill*) allow no excuse, absentee voting for eight days, starting on the second Saturday prior to an election and continuing through the following Saturday, beginning with the November 3, 2020 election; the State Board of Elections is to produce procedures and instructions for such voting and to recommend further legislation that may be necessary for implementation.

***Freedom of Information (FOIA)/Conflict of Interest Act (COIA):***

**HB 1772** (*Mullen*) states that any officer, employee or member of a public body alleged to have willfully and knowingly violated the FOIA statute, who acted in good faith relying upon an advisory opinion issued by the FOIA Council, may introduce such opinion as evidence that the alleged violation was not made willfully and knowingly.

**SB 1182** (*Stuart*) clarifies that certain requirements of current law regarding participation in public meetings via electronic communication do not apply to meetings held to address a state of emergency declared by the governor.

**SB 1184** (*Stuart*) provides that FOIA shall not apply to sexual assault response teams and to multidisciplinary child sexual abuse response teams.



**SB 1430** (*Obenshain*) requires COIA training by local elected officials, including school board members, effective July 1, within two months of taking office and then once every two years. Such training is be provided or may be made available online by the Virginia Conflict of Interest and Ethics Advisory Council. Local officials in office on July 1, 2019, are to complete the training by the end of the year. The clerk of the governing body or school board is to maintain records concerning completion of such training sessions.

**SB 1431** (*Obenshain*) requires FOIA training by local elected officials, effective July 1, 2020, within two months of taking office and then once every two years. Such training can be done online or by the local government attorney. Local officials in office on July 1, 2020, are to complete the training by the end of 2020. The clerk of the governing body or school board is to maintain records concerning completion of such training sessions.

**SB 1492** (*Chafin*) excludes from mandatory disclosure requirements under FOIA, certain information supplied to the Department of Housing and Community Development as part of an application for grants administered by the Department, or pursuant to the Virginia Growth and Opportunity Board or the Virginia Telecommunication Initiative, if such disclosure would be harmful to the competitive position of the applicant.

**SB 1554** (*Surovell*) adds an additional civil penalty that may be imposed for 1) persons who intentionally destroy required records prior to the expiration of the record retention period, or 2) a public body which votes to certify a closed meeting that was improper.

#### ***Procurement:***

**HB 1629** (*Fowler*) removes the requirement for newspaper publication of Requests for Proposals (RFP) for professional services. The bill requires a local public body to post an RFP on the state's electronic procurement website when it elects not to publish in a newspaper. The bill will not apply to local governments that have exempted themselves from the VPPA as authorized by the Code.

**HB 2071** (*J. Bell*) and **SB 1153** (*Black*) change the maximum allowable sum of all jobs performed in a one-year contract term for job order contracts from \$5 million to \$6 million. The bills also provide an exception to allow job order contracting for safety improvements or traffic calming measures for individual job orders up to \$250,000.

**HB 2198** (*Gilbert*) requires all counties, cities and school divisions, and all towns having a population greater than 3,500, that are exempt from provisions of state procurement laws because they have adopted alternative policies and procedures, to procure professional services through competitive negotiation when the cost of such service is expected to exceed \$80,000 (an increase from the current \$60,000) in the aggregate or for the sum of all phases of a contract or project.

#### ***Safety at Schools:***

**HB 1725** (*Knight*) requires school boards to consult with their building and fire officials to develop a plan to ensure that all security enhancements to school buildings are in compliance with the Uniform Statewide Building Code and Statewide Fire Prevention Code. Meanwhile, **SB 1755** (*Hanger*) directs the Department of Housing and Community Development to convene stakeholders to develop proposals for changes to the Uniform Statewide Building Code and Statewide Fire Prevention that would assist in providing safety and security measures for public or private schools in the state.

**HB 1732** (*O'Quinn*) and **SB 1215** (*Newman*) require school boards to develop training, to be delivered to students and employees once a year, on safety procedures in the event of an emergency situation on school property. The Board of Education is to develop guidelines for the development and delivery of such training.

**HB 1733** (*Gilbert*) and **SB 1214** (*Newman*) require school boards in school divisions in which the local law-enforcement agency employs school resource officers, to enter into a memorandum of understanding with the law-enforcement agency that sets forth the powers and duties of the

school resource officers. The Center for School and Campus Safety is to develop a model memorandum.

**HB 1737** (*Wright*) and **SB 1220** (*Newman*) require school boards to include various local emergency management officials in the development and review of school crisis, emergency management, and medical emergency response plans.

**HB 1738** (*Rush*) requires that the plans and specifications for any public school building, addition or alteration be reviewed by an individual or entity with professional expertise in building security and crime prevention through building design.

**HB 2609** (*J. Jones*) and **SB 1130** (*Locke*) require law-enforcement officers employed as a school resource officer, after July 1, 2020, to comply with compulsory minimum training standards to be established by the Department of Criminal Justice Services. The bills also require every public school to have at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety, unless such training is not available online.

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## STUDIES AND RESOLUTIONS

\***HJ 591** (*Cole*) is a proposed Constitutional amendment that would allow the General Assembly to make technical adjustments to legislative districts subsequent to decennial redistricting in order to fix split precincts.

\***HJ 615** (*Cole*) and \***SJ 306** (*Barker*) are proposed Constitutional amendments that require establishment of an independent redistricting commission of eight legislators and eight citizens.

\***HJ 676** (*Filler-Corn*) and \***SJ 278** (*Reeves*) are proposed Constitutional amendments that would exempt one motor vehicle of a veteran who has a 100% service-connected, permanent, and total disability from all state and local taxes.

**HJ 687** (*Keam*) directs the Small Business Commission to study models and streamlined procedures for appealing tax assessment decisions. As part of the study, the Commission is to seek input from various stakeholders, including local governments.

**HJ 736** (*Landes*) commends Virginia's 21 planning district commissions on the occasion of their 50th anniversary.

**SJ 277** (*Sturtevant*) designates the first week of September, in 2019 and in each succeeding year, as Resiliency Week in Virginia.

**SJ 301** (*Deeds*) continues the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century for two additional years, through December 1, 2021.

\*Proposed Constitutional amendments must be passed again next year before being submitted to voters for approval.

CITY ATTORNEY LIST OF 2019 LEGISLATION OF INTEREST

<i>Legislation Enacted</i>	<b>Impact on City operations and budget</b>
	<b>FOIA, COIA AND VPRA</b>
<i>Va. Code §2.2-3121</i>	All elected officials must take training on COIA at least once every 2 years. Officials in office on 7/1/2019 must complete training no later than 12/31/2019
<i>Va. Code §2.2-3704.3</i>	All elected officials must complete a FOIA training at least once every 2 years while in office—delayed effective date is 7/1/2020
<i>Va. Code §2.2-3714</i>	New FOIA provision imposes a civil penalty of up to \$100 per record destroyed or altered by an member of a public body, or by an officer or employee, <b>IF</b> that individual altered or destroyed the records with the intention of avoiding FOIA prior to the expiration of the applicable record retention period under the Virginia Public Records Act
<i>Va. Code §2.2-3714</i>	New FOIA provision imposes a civil penalty of up to \$1,000 upon a public body, if any of its members makes a certification of a closed meeting that is not in accordance with FOIA requirements
	<b>LAW ENFORCEMENT</b>
<i>Va. Code §9.1-184</i>	City and School board must enter into written MOAs setting forth the powers and duties of school resource officers (SROs) employed by CPD
<i>Va. Code §15.2-926.4</i>	<b>\$\$</b> Enabling legislation allows the City by ordinance to designate no-smoking areas within an outdoor amphitheater or concert venue owned by it and authorizes LEOs to issue summonses for violations. \$25 civil penalty, max.
	<b>ENVIRONMENTAL/ STORMWATER MANAGEMENT</b>
<i>Va. Code §15.2-958.3</i>	<b>\$\$</b> Enabling legislation allows the City by ordinance to authorize contracts to provide loans for initial acquisition and installation of SWM improvements by owners of existing property as well as new construction
<i>Va. Code §15.2-2114</i>	<b>\$\$</b> Enabling legislation allows the City by ordinance to create a local Stormwater Management Fund, and appropriate funding to a private property owner or common interest community for stormwater management and erosion prevention on previously-developed lands

Dollar sign symbols (**\$\$**) indicate items that may impact the City’s budget in years to come

CITY ATTORNEY LIST OF 2019 LEGISLATION OF INTEREST

**PUBLIC AUDIT AND ACCOUNTING**

*Va. Code §15.2-2511* City must post a notice on its website if it does not complete its annual audit and timely submit it to the Auditor of Public Accounts. The notice must give the reasons for delay, the ETA, and must be periodically updated. (Currently, an audit contract must be in place by April 1, and the CPA auditor must present a written audit report to council at a public session by December 31)

**EMERGENCY PLANNING**

*Va. Code §22.1-279.8* **\$\$** School board is now required to include the City’s Chief of Police and Fire Chief in the process of its development and review of school crisis, emergency management and medical emergency response plans

**ELECTIONS**

*Va. Code §24.2 (several sections)* **\$\$** Extends time periods for voting by absentee ballot, effective for the November 3, 2020 general election. Also, general registrars are now required to verify name, DOB, SSN provided on voter registration application match information in the SSA database

**BUILDING CODE**

*Va. Code §36-105* **\$\$** Any fees collected by the City in connection with building permit applications may be used only to support the functions of the building official’s functions

*Va. Code 15.2-958.4* **\$\$** Enabling legislation allows localities, by ordinance, to waive building permit fees, and other local fees associated with construction, renovation, or rehabilitation of housing by a §501(c)(3) corporation having a primary purpose of assisting with the provision of affordable housing

**TAXATION\*\***

*Va. Code §58.1, several sections* Va. Dept. of Taxation must require “remote sellers” and “marketplace sellers” to collect sales and use taxes, if the seller has more than \$100,000 annual revenue from sales in Virginia or at least 200 sales transactions

*Va. Code §58.1-3212* Locality may exclude, for purposes of the real estate tax exemption for elderly and handicapped, any disability income received by a family member or nonrelative who lives in the dwelling and is permanently and totally disabled

*Va. Code §58.1-3715.1* New law provides that when the owner of a mobile food truck pays a license tax in the locality where the mobile unit is registered, the owner is exempt from licensing for a period of 2 years in other localities. During the 2-year period the owner may exempt up to 3 units from licensing in

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CITY ATTORNEY LIST OF 2019 LEGISLATION OF INTEREST

other localities. Regardless of the license TAX exemption, the mobile unit owner is still required to register with the Commissioner of Revenue in each locality where doing business.

\*\*Note: there may be other changes to the state tax laws that will require modification of our local tax code; the Commissioner of Revenue is in the process of reviewing that.

**ZONING**

*Va. Code §15.2-2316.2*

Amends existing enabling legislation for transferable development rights ordinances, to allow localities to designate receiving areas or receiving properties that shall receive development rights only from certain sending areas or sending properties specified by the locality, so long as the development rights permitted to be attached in the receiving areas are equal to or greater than the development rights permitted to be severed in the sending areas

*Va. Code §15.2-2285*

Amends existing legislation, imposing a new requirement that, if City Council wants to **reduce** the time period for the Planning Commission to review and report on a proposed zoning application (currently 100 days), then City Council must hold a public hearing on whether or not to reduce that time period and must publish notice both in the newspaper and on its website.

**COURTS**

*Va. Code §§15.2-1638, 16.1-69.35, 16.1-69.35:01; 16.1-77, and 16.1-123.1*

Allows courthouses to be located on property owned jointly by a county and city, and allows Albemarle County to locate its general district courts immediately across the street from the county [circuit] courthouse.

*Title 46.2 Va. Code (DMV)*

Authorizes localities to regulate the operation of companies providing motorized skateboards or scooters for hire. Includes some requirements for operation, including requirements for operators to give hand signals and to have lights on the devices. Some provisions have a delayed effective date of January 1, 2020.

Dollar sign symbols (\$\$) indicate items that may impact the City’s budget in years to come

**List of Failed Legislation:**

**Delegate Toscano:**

- HB 1956 (authorizing localities by ordinance to prohibit the possession or carrying of firearms in a public space during a permitted event or an event that would require a permit; never got out of the House Committee on Militia, Police and Public Safety)
- HB 2010 (makes it a Class 6 Felony for a person who, with the intent of intimidating any person or group, uses a flame producing device; never got out of the House Committee for Courts of Justice)
- HB 2377 (authorizing a locality to either remove or maintain, or contextualize, a monument or memorial for war veterans; never got out of the House Committee on Counties, Cities and Towns)
- HB 2751 (authorizing elections of city councilors to be conducted by ranked choice voting; never got out of House Committee on Privileges and Elections)
- HB 1654 (prohibiting the carrying of a loaded shotgun or rifle in places open to the public in certain cities and counties; never got out of the House Committee on Militia, Police and Public Safety)
- HB 1992 (authorizing localities to regulate the possession of firearms in a building owned and used by a locality for governmental purposes; never got out of the House Committee on Militia, Police and Public Safety)

**Senator Deeds:**

- HB 1473 (authorizing localities, by ordinance, to prohibit the possession or carrying of firearms in a public space during a permitted event or an event that would require a permit; never got out of the Senate Committee for Courts of Justice)
- SB 1482 (adding the County of Albemarle and the City of Charlottesville to the list of localities in which it is unlawful for a person to carry certain firearms in public places; never got out of the Senate Committee for Courts of Justice)
- SB 1210 (co-patron; chief patron was L. Louise Lucas of Portsmouth)(providing that a person is guilty of unlawful paramilitary activity if such person assembles with another person with the intent to intimidate the other person by drilling, parading or marching with a firearm or explosive/ incendiary device; this was reported out of the Senate Committee for Courts of Justice, but died in the Senate Finance Committee).

Dollar sign symbols (\$\$) indicate items that may impact the City's budget in years to come