

**CITY COUNCIL AGENDA**  
**Monday, August 5, 2019**



**5:00 p.m.** **Closed session as provided by Section 2.2-3712 of the Virginia Code**  
*Second Floor Conference Room (Personnel; Boards & Commissions)*

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

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

-Welcoming Week – Welcoming Greater Charlottesville  
-Resolution in Support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution

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

- a. MINUTES: May 20 Regular Meeting, June 3 Regular Meeting, June 6 Joint Meeting - Board of Supervisors
- b. APPROPRIATION: Highway Safety Improvement Program – Appropriation of funds for Pedestrian Connections within Hillcrest/Birdwood Neighborhood - \$708,932 (2nd of 2 readings)
- c. APPROPRIATION: Virginia Juvenile Community Crime Control Act Grant (VJCCCA) -\$452,704 (1st of 2 readings)
- d. APPROPRIATION: Study of Disproportionate Minority Contact in the Adult Criminal Justice System - \$55,400 (2nd of 2 readings)
- e. APPROPRIATION: Charlottesville Student Victim Outreach Program Department of Criminal Justice Services Victim of Crimes Act Grant - \$245,428 (2nd of 2 readings)
- f. APPROPRIATION: Virginia Department of Transportation Grants for Water Street Trail - \$115,257 (2nd of 2 readings)
- g. APPROPRIATION: Virginia Department of Transportation Primary Extension Paving Project Funds - \$633,442 (1st of 2 readings)
- h. APPROPRIATION: Welcoming Greater Charlottesville funding request - \$4,100 (1st of 2 readings)
- i. APPROPRIATION: Thomas Jefferson Area Crisis Intervention Team Training Grant - \$20,708 (1st of 2 readings)
- j. APPROPRIATION: Moving from Foster Care to Adulthood Rental Assistance Grant - \$300,000 (1st of 2 readings)
- k. ORDINANCE: Amending and Re-enacting City Code Chapter 18, Article III – Special events (2nd of 2 readings)
- l. ORDINANCE: Renewing Lumos Networks Inc. - Telecommunications Franchise (2nd of 2 readings)
- m. ORDINANCE: 750 Hinton Ave rezoning (2nd of 2 readings)
- n. ORDINANCE: Amending and Re-enacting City Code Chapter 11, Article IV-Director of Finance (1st 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. RESOLUTION\*:** 209 Maury Avenue Comprehensive Plan amendment - Future Land Use Map

**3. APPROPRIATION\*:** City Schools hiring of teachers for push-in gifted program - \$468,000 (2nd of 2 readings)

**4. ORDINANCES\*/ RESOLUTION\*:** Flint Hill Planned Unit Development  
(1) Consideration of an Ordinance granting the vacation of Keene Court and a portion of Flint Drive (2nd of 2 readings)  
(2) Consideration of an Ordinance granting a rezoning to allow development of the Flint Hill Planned Unit Development (2nd of 2 readings)  
(3) Consideration of a Resolution granting a Critical Slope Waiver to allow development of the Flint Hill Planned Unit Development (2nd of 2 readings)

**5. RESOLUTION\*:** Authorizing submittal of a Preliminary Information Form for River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area) (1st of 1 reading)

**6. REPORT:** Police Civilian Review Board presentation

**7. REPORT:** Unity Days report

**OTHER BUSINESS**

**MATTERS BY THE PUBLIC**

\*ACTION NEEDED

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## **Resolution in Support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution**

**WHEREAS**, equality under the law is a fundamental value of Americans and the people of the City of Charlottesville; and

**WHEREAS**, the United States Constitution does not explicitly guarantee equal rights and equal protection for the sexes; and the 14th Amendment to the United States Constitution and state constitutional statements of equality generally do not provide the strict scrutiny for sex-based classifications that is provided for classifications based on race, religion, and national origin; and

**WHEREAS**, state laws are not uniform and federal laws are not comprehensive, legislation can be repealed, and the Supreme Court may invalidate legislation or retreat from its own precedent; and

**WHEREAS**, the people of the United States continue to experience the negative effects of lack of political parity between men and women, workplace discrimination, health care inequities, disparate rates of poverty, rape and domestic violence assaults; and

**WHEREAS**, the Equal Rights Amendment (ERA) provides that “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex;” and the Amendment would help ensure women and men have the same constitutional protections; and

**WHEREAS**, the ERA was passed by Congress in 1972, and has been ratified by 37 states, the most recent being Nevada in 2017 and Illinois in 2018; requiring just one more state to ratify to satisfy the constitutional requirement that an amendment be ratified by three-fourths of the states to become valid; and

**WHEREAS**, the time limit for the ERA appears only in the preamble; and Congress presently is considering a bill that removes the time limit for ratification of the ERA; and

**WHEREAS**, for 48 years, the Virginia State Constitution has sought to protect Virginians from discrimination by the Commonwealth on the basis of sex; and

**WHEREAS**, The City of Charlottesville enforces principles of fair treatment in accordance with the Charlottesville Human Rights Ordinance (Article XV of the City Code) which prohibits gender discrimination,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Charlottesville supports the ratification of the Equal Rights Amendment; and

**BE IT FURTHER RESOLVED**, that the City Council of Charlottesville urges the General Assembly of the Commonwealth of Virginia to ratify the ERA to the U.S. Constitution, as proposed by Congress on March 22, 1972, during the 2020 legislative session.

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## COUNCIL CHAMBER - May 20, 2019

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

### ANNOUNCEMENTS

Ms. Walker, Ms. Hill and Dr. Bellamy thanked the public for participating in the City Manager hiring process.

Mr. Masamba Diop, drummer for the movie "Black Panther", performed a drum solo. He was in town to work with Charlottesville students.

Dr. Bellamy announced a Decoration Day activity sponsored by Daughters of Zion. He announced a bicycle ride through the City on May 22<sup>nd</sup>; Juneteenth celebrations on June 14 and 15; Unity Days - May events; and "Run These Streets" jogging dates in preparation for the 4-mile run on June 29<sup>th</sup>.

Ms. Hill read an announcement from the Voter Registrar regarding absentee voting.

Ms. Hill welcomed Dr. Richardson to the dais. She thanked staff members who stepped into new roles during staffing transitions: Brian Wheeler, Leslie Beauregard, Kaki Dimock and Mike Murphy, and presented each with a token of appreciation.

### PROCLAMATIONS

Ms. Galvin read a proclamation for National Public Works Week. She introduced Mr. Mark Zavicar, who presented the proclamation to Mr. Jermaine Rush of the Public Works Department, Facilities Maintenance Division.

### CONSENT AGENDA

Clerk of Council Kyna Thomas read the consent agenda items into the record.

**a. MINUTES: April 17, 2019 Special Meeting**

Minutes - April 17, 2019 Special Meeting

**b. APPROPRIATION: Appropriation of funding for CPA-TV from The Ryal Thomas Show, LLC - \$4,247.50 (carried)**

Funding appropriation -CPA-TV \$4,247.50

**c. ~~APPROPRIATION: 2019-2020 Community Development Block Grant funding-- \$395,052.82 (2nd of 2 readings) – Item moved to June 3, 2019 meeting following 4-0 vote (Signer absent)~~**

Appropriations - CDBG-HOME Items C, D & E

- d. **APPROPRIATION: 2019-2020 HOME Investment Partnership funding--  
\$120,382.75 (2nd of 2 readings) – Item moved to June 3, 2019 meeting following 4-0  
vote (Signer absent)**
- e. **APPROPRIATION: Amendment to Community Development Block Grant  
Account - Reprogramming of Funds for FY 2019-2020 - \$1,900.82 (2nd reading)**

**APPROPRIATION  
AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT  
Reprogramming of Funds for FY 19-20**

**WHEREAS**, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) funds; and

**WHEREAS**, it now appears that these funds have not been spent and need to be reprogrammed, and therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the CDBG fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby reappropriated to the respective accounts shown as follows:

<b>Program Year</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
16-17	P-00001-05-18	Seedplanters	\$25.82		
17-18	P-00001-05-20	Community Investment Collaborative	\$1,875.00		
19-20		Priority Neighborhood		\$1,900.82	\$1,900.82
		<b>TOTALS:</b>	<b>\$1,900.82</b>	<b>\$1,900.82</b>	<b>\$1,900.82</b>

- f. **APPROPRIATION: Local Emergency Management Performance Grant (LEMPG)  
- \$7,500 (2nd reading)**

APPROPRIATION: LEMPG - \$7,500

**APPROPRIATION**

**2018 Local Emergency Management Performance Grant (LEMPG) - \$7,500**

**WHEREAS**, the City of Charlottesville has received funds from the Virginia Department of Emergency Management in the amount of \$7,500 in federal pass through funds and \$7,500 in local in-kind match, provided by the Charlottesville-UVA-Albemarle Emergency Communications Center Office of Emergency Management; and

**WHEREAS**, the funds will be used to support programs provided by the Office of Emergency Management; and

**WHEREAS**, the grant award covers the period from July 1, 2018 through June 30, 2019;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$7,500 is hereby appropriated in the following manner:

**Revenue – \$7,500**

\$7,500 Fund: 209 I/O: 1900319 G/L: 430120 State/Fed pass thru

**Expenditures - \$7,500**

\$7,500 Fund: 209 I/O: 1900319 G/L: 510010 Salaries

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Emergency Management, and the matching in-kind funds from the Charlottesville-UVA-Albemarle Emergency Communications Center Office of Emergency Management.

- g. APPROPRIATION: Funding Requirements for SAP Integration for the FASTER Fleet Management Software - \$48,000 (2nd reading)**

Appropriation IT - SAP Integration FASTER \$48,000

**APPROPRIATION**

**Appropriation of Information Technology Fund Balance for SAP Integration for the FASTER Fleet Management Software - \$48,000**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of up to \$48,000 in Information Technology fund balance, will be transferred to the Equipment Replacement Fund to be used as funding for SAP integration cost for the FASTER Fleet Management software implementation and shall be hereby appropriated in the following manner:

**Revenues - \$48,000**

Fund: 106 Cost Center: 1631001001 G/L Account: 498010

**Expenditures - \$48,000**

Fund: 106 Cost Center: 1631001001 G/L Account: 599999

**BE IT ALSO RESOLVED** that the fund balance transfer from the Information Technology fund is hereby appropriated in the following manner;

**Expenditure - \$48,000**

Fund: 705 Cost Center: 2111001000 G/L Account: 561106

- h. APPROPRIATION: Virginia Housing Solutions Program Grant Award -\$16,500 (carried)**

FY2019 VHSP 2nd Additional Appropriation - \$16,500

- i. ORDINANCE: Amend Conditions for Closing a Portion of the Coleman Street Right of Way (Unaccepted ROW) (2nd reading)**

Ordinance Coleman St Closing

**AN ORDINANCE AMENDING AND REENACTING AN ORDINANCE PREVIOUSLY ADOPTED ON AUGUST 6, 2018 FOR THE PURPOSE OF CLOSING, VACATING AND DISCONTINUING AN UNACCEPTED PORTION OF COLEMAN STREET**

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote PASSED the consent agenda and moved items “c” and “d” to the next Council meeting: 4-0 (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Ms. Galvin; Noes: None; Absent: Mr. Signer).

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the following Boards and Commissions appointments: 4-0 (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Ms. Galvin; Noes: None; Absent: Mr. Signer).

- Charlottesville Redevelopment and Housing Authority – Laura Goldblatt and Michael Osteen
- Citizen Transportation Advisory Committee – T. Donna Chen
- Community Development Block Grant (CDBG) Task Force – Nancy Carpenter and Howard Evergreen. She noted five vacancies for the CDBG-designated neighborhoods.
- Historic Resources Committee – John C. Barren, Jr., William L. Clay III, and Margaret O’Bryant and Ellen Wagner
- Jefferson Area Board for Aging – J. Brian Jackson
- Minority Business Program Task Force – Anthony Derek LeCounte
- Monticello Area Community Action Agency Board – John C. Gallant
- Parks and Recreation Advisory Committee – Bridget Moss
- PLACE Design Task Force – Susan Perkins, Michael Stoneking, Andrea Ruedy Trimble, Frederick Wolf, Emily Wright

- Region Ten Community Services Board – Linda Hanson, John Kronstain
- Charlottesville Retirement Plan Commission – Al Elias
- Sister City Commission – Joan Clark, Amanda Folsom, Kate Kogge, Dave Norris, James Potter
- Towing Advisory Board – Edward Wayne Hayslett
- Tree Commission – Brian Paul Menard
- Vendor Appeals Board – Al Elias

On request of Ms. Galvin, Council considered the Community Policy and Management Team appointment separately, as she advised that Mr. Michael Costanzo is her husband. Dr. Bellamy encouraged community members to apply to boards as some boards had few applicants. On motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote appointed Mr. Michael Costanzo to the Community Policy and Management Team: 3-0 (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker; Abstained: Ms. Galvin; Noes: None; Absent: Mr. Signer).

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the following appointments to the Youth Council:

- Hans Bai, Olivia Bowers, Caroline Jaffe and Sabrina Hendricks.

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

Dr. Richardson asked for clarification from Council whether they would like to move forward with the six-month pilot program for the downtown trolley rerouting. After discussion, Council agreed to move forward.

Dr. Richardson followed up on an issue raised by Ms. Tanesha Hudson regarding parking at Rose Hill. He advised that the Traffic Engineer put up a 14-day notice for a change in parking because it is impacting neighborhood business.

Following up on a comment from Mr. Harold Folley about whether people can do community service to work off fines, Dr. Richardson advised that it is possible on a case-by-case basis, and that the judge requires that someone can verify the performance of those individuals and can certify the work that they have done. He explained a separate program verified by the Circuit Court judge for those who are incarcerated.

Dr. Richardson advised that staff is pursuing a climate vulnerability assessment in coordination with the University of Virginia.

Regarding Bike Month, Dr. Richardson advised that there will be a report on a future meeting to identify achievements.

## COMMUNITY MATTERS

Mr. Walter Heinecke, City resident, made comments about the Agency Budget Review Team report and suggested the use of an outside evaluator. He advised that the City has a chance to address equity through this process and he shared his view that the proposal in the Council packet was in need of improvement.

Mr. Peter Krebs, City resident, representing the Piedmont Environmental Council, spoke about the Jefferson Area Bicycle/Pedestrian plan on the agenda. He suggested that City Council should hear a presentation from the Planning District at a later time, perhaps during the summer. He advised that the plan was recently completed and it would be good to coordinate calendars with the County.

Mr. Chris Meyer, Fry's Spring neighborhood resident, and member of the Housing Advisory Committee, gave a personal account about the use of AirBnB and made several suggestions about tax on AirBnB and lodging tax to allocate funds for affordable housing. Ms. Galvin asked Dr. Richardson to look into short-term rental policies of other cities, including Blacksburg and Alexandria. Mr. Blair advised that the Commissioner of the Revenue has looked into this before and should be able to provide further insight.

Ms. Mary Carey, City resident, spoke in support of the trolley rerouting pilot program, and advised that the developer at a Water Street project was performing construction at irregular hours and being disruptive. Mayor Walker advised that she received a similar complaint about the construction noise.

Mr. Harold Folley ceded his time to Ms. Dorinda Johnson, City resident. Ms. Johnson gave an account of an interaction that she had with a particular police officer. She advised that in a conversation with officer she asked why his interactions with African-American males tends to be negative, and he became defensive. Ms. Olivia Patton, City resident, who was at the same neighborhood association meeting (Tonsler Park), gave her account of the incident. Ms. Johnson requested that someone look into the complaint that was filed with the Charlottesville Police Department that evening, and follow up with her.

Mr. Paul Long, City resident, spoke about the length of the May 6, 2019, City Council meeting. He asked that an effort be made to keep meetings to 2 ½ - 3 hours long.

Ms. Shantell Bingham, City resident, gave an update on the food equity initiative passed Oct. 15, 2018, addressing food insecurity in Charlottesville. Since then a number of non-profit organizations, City departments, healthcare institutions, and foundations in the City, have collaborated to better understand the root causes of food insecurity in Charlottesville. She outlined benefits, accomplishments and goals of the initiative. She highlighted five areas of advocacy: 1) healthy school meals, 2) strengthening transportation systems, 3) affordable housing, 4) urban agriculture, and 5) neighborhood access and markets. She advised Council to save the dates of July 16-17 as the City of Charlottesville and the Charlottesville Food Justice network have been selected for a national award. Ms. Galvin mentioned that this should be a future formal Council agenda item with policy recommendations.

Ms. Rosia Parker spoke about “over-policing” of black neighborhoods, police promotions, and transparency with the Civilian Review Board. She brought up an incident with Mr. Cyrus Tolliver. She advised that the light in the tunnel of 8<sup>th</sup> Street has not been done, and the street light at 8<sup>th</sup> & West Main is in need of reflectors if they cannot get a light.

Dr. Bellamy reiterated a point that he made in previous meetings that Council has the authority to make changes to streets and he would like to see that done sooner than later.

Mr. John Edward Hall, Fry’s Spring resident, asked that funds be allocated to lower by five feet the road at the intersection of 14<sup>th</sup> Street, West Main and University Avenue, to allow trucks to pass under the railroad overpass. Ms. Galvin advised Dr. Richardson of the background of the area discussed by Mr. Hall, and the clearance problem, and suggested that now would be a good time to look into solutions for this intersection.

Ms. Cherry Henley ceded her time to Ms. Angie Conn, who expressed disappointment with the promotion of a police officer who was photographed with a white supremacist. She asked for an investigation of the officer’s connection to white supremacy. She shared a social media feed on her phone with Council.

Ms. Katrina Turner shared that Ms. Lolita “Cookie” Smith passed away on May 3<sup>rd</sup>, and she asked for a moment of silence. She advised that the same officer mentioned by Ms. Dorinda Johnson is the officer of whom she has complained for the last several years. She ceded her time to Ms. Kayla Washington, who shared her complaint of Officer Pedro from May 2018, which is still unresolved and continues to receive 30-day extensions. Ms. Walker asked Dr. Richardson to provide an update.

Mr. Elliott Harding spoke in recognition of Mr. Chris Long, an ambassador of the City, who will be returning to the City upon his recent retirement. He read Mr. Long’s biography, including sports and philanthropic accolades in the areas of education equity, early education literacy and access, bringing clean water to East Africa and Tanzania, and fighting for criminal justice reform.

Mr. Caleb Evan spoke of the Charlottesville Police Department and the lack of definition of misconduct to hold police officers accountable from locality to locality. He asked that Council work with the Police Civilian Review Board and/or police department to enact a citywide definition of misconduct, making it a decertifying charge.

Mr. Michael Kelley, property owner on West South Street, spoke of disapproval of the trolley pilot and disappointment in the process, including lack of notification to neighbors and businesses. Ms. Galvin advised that the area is a public right of way; however, before the pilot begins, notices would be sent to private property owners. She advised that the purpose of the

pilot was to gather more information on how this public transit system will best serve the entire area.

Mr. John Gaines, resident, followed up from his visit on May 6, 2019. He presented petitions from Westhaven residents. He spoke of Charlottesville being in turmoil. He then advised of an unpleasant conversation with a Waste Management Department employee. He advised of parking problems on Rugby Avenue and asked whether slot machines are legal in the City. Mr. Blair advised that slot machines are not legal in the City. Mr. Gaines acknowledged individuals who passed away: Ms. Roberts, former Charlottesville Police Department employee and Norman Goins, who worked at Martha Jefferson hospital and was a waiter in the City. He spoke of three unsolved murders of African-Americans in the past 15 – 20 years.

Ms. Joan Fenton of the Downtown Business Association spoke of the trolley rerouting process, advising that it was flawed. She suggested that there needs to be a traffic study before implementing.

Mr. Blair responded to an earlier comment about the certification or decertification of law enforcement officers and advised that there is State Code provision and the State Department of Criminal Justice Services is responsible for certification and decertification.

Mr. Theodore Johnson, City resident, spoke about the lack of parking in the spaces in front of his house because university-permitted cars are parked in the spaces constantly. Dr. Bellamy asked for City staff to research permit parking and look into using funds from the Equity Fund to purchase permits or waive the fee for residential parking permits, and bring back for a future agenda. Ms. Galvin commented that UVa should be responsible if they are using the on-street parking. The studies have already been done.

The meeting recessed at 8:38 p.m.

The meeting reconvened at 8:57 p.m.

## **REPORT: Youth Council presentation**

### Youth Council Report to City Council 2019

Daniel Fairley, Youth Opportunity Coordinator, spoke of the Youth Council's focus on equity in Charlottesville City Schools. The Youth Council focus group findings were presented by members as follows:

- 1) Mr. Ben Yates: Strong Focus on Four-year Colleges, Course Knowledge and Registration, School Lunches;
- 2) Ms. Eve Keesecker: Demystifying College Admissions, Lack of Diversity in Advanced Classes;
- 3) Mr. Harrison Greenhoe: Standard Diploma versus Advanced Diploma, Standardized Testing, and the English As a Second Language student experience; and



4) Ms. Noelle Morris: QUEST Program, Algebra Functions and Data Analysis Course, and Black Student Union demands.

Students previously made this presentation to the School Board.

**APPROPRIATION: Greenstone on 5th Corporation Sponsorship Agreement for Enhanced Police Coverage - \$41,092 (carried)**

Greenstone on 5th FY19 - \$41,092

**RESOLUTION\*: Design Build construction procurement procedures for the City**

Design Build Construction Contracting Resolution

Ms. Jennifer Stieffenhofer, Procurement and Risk Manager, summarized the proposal.

Ms. Galvin asked about the "lowest qualified bidder" requirement. Ms. Stieffenhofer advised that the Public Procurement Act allows for enabling legislation at the local level. Ms. Galvin advised she is interested in a "local hiring" clause.

Ms. Walker asked how the program accounts for equity if three competitive bids are no longer required. She asked about notification of projects. Ms. Stieffenhofer advised that the process includes public advertisement as well as direct invitations to certified businesses that are part of the City's minority business program. Decisions for using the Design Build Construction Contracting method would be made on a procurement by procurement basis.

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the resolution: 4-0 (Signer absent).

### **RESOLUTION**

#### **APPROVING PROCEDURES TO GOVERN THE COMPETITIVE PROCUREMENT OF DESIGN-BUILD CONTRACTS**

**WHEREAS**, the City of Charlottesville procures goods and services in accordance with the requirements of the Code of the City of Charlottesville, Chapter 22, as well as the Virginia PublicProcurement Act (Code of Virginia, Title 2.2, Chapter 43); and

**WHEREAS**, the Code of Virginia also sets forth enabling legislation within §§2.2-4378 et seq., authorizing a local public body to procure and enter into contracts for construction on a designbuild basis, when the public body has, by resolution, implemented procedures consistent with those adopted by the [Virginia] Secretary of Administration for utilizing design-build contracts; and

**WHEREAS**, the Charlottesville City Council desires to authorize the procurement and award of construction contracts by the City on a design-build basis, and has received procedures prepared by the Purchasing Manager, and the Purchasing Manager has represented that the

proposed “City of Charlottesville Design Build (D/B) Procedures (5/1/2019)” contains provisions that are consistent with those adopted by the [Virginia] Secretary of Administration for utilizing design-build contracts and the City Attorney’s Office has likewise confirmed this consistency;

**NOW, THEREFORE**, be it resolved by the Council of the City of Charlottesville that it does hereby FIND that the City of Charlottesville Design Build (D/B) Procedures (5/1/2019) are consistent with those adopted by the [Virginia] Secretary of Administration for utilizing design-build contracts, and this Council hereby RESOLVES that the Charlottesville Design Build (D/B) Procedures (5/1/2019) are approved for implementation by the City administration for and in connection with the procurement and award of construction contracts. logistical assistance.

### **RESOLUTION\*: Revising A.B.R.T and Setting Funding Priorities**

#### ABRT Revisions Resolution

Ms. Kaki Dimock, gave background of the Agency Budget Review Team revision process and dates of previous meetings where this item was discussed. The most recent meeting was a May 8, 2019 worksession. Based on community feedback, Council asked the workgroup to identify alternative scenarios to the ABRT revision process.

Staff made several recommendations for process improvements.

Ms. Walker asked for further discussion around the name change of the process. She advised that she would like more time to review.

Ms. Galvin asked how the new resolution would foresee collaborating with University of Virginia efforts. She advised that she is not comfortable voting on this item until it has been publicly posted.

Ms. Hill agreed and emphasized the need for a quick turnaround. She asked for Council feedback to staff by Friday, May 24th.

Council agreed to bring the item back for review at the June 3, 2019 City Council meeting.

### **ORDINANCE: Repeal of Charlottesville City Code Section 17-8 (carried)**

#### Trick or Treat Memo and Ordinance

Police Chief RaShall Brackney gave a summary of the Ordinance and background, and advised that the Code does not align with City values or vision.

The item moved to the Consent agenda for the June 3 City Council meeting.

**REPORT: Bike Month - accomplishments/status update on Bicycle/Pedestrian Plan and TJPDC Bike/Ped Plan - written report only**

Bike Ped Plan 2019 Update

**OTHER BUSINESS**

Ms. Galvin spoke about the trolley pilot and asked for Dr. Richardson to bring a presentation of the structure of the pilot.

**MATTERS BY THE PUBLIC**

Mr. John Hall spoke about pay for gas line workers. He also spoke about streetscaping.

Ms. Molly Conger reiterated the difficulty in getting to the magistrate's office.

Dr. Bellamy advised that the City website needs updating or an overhaul for consistency.

The meeting adjourned at 10:05 p.m.

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**COUNCIL CHAMBER - June 3, 2019****ROLL CALL**

The Charlottesville City Council met in regular session on June 3, 2019, 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 6:30 p.m.

**ANNOUNCEMENTS / PROCLAMATIONS**

Ms. Hill announced that this is the last week of absentee voting for June 11<sup>th</sup> Democratic Primary to decide on the primary nominees for City Council and the House of Delegates for the fall elections. She provided the stipulations for absentee voting and advised anyone with questions to call the Registrar Office at (434) 970-3250.

Dr. Bellamy made an announcement on behalf of Ms. Maxine Holland, regarding Juneteenth events starting June 14, 2019, at the Jefferson School African American Heritage Center.

Dr. Bellamy announced a graduation ceremony held at Mt. Zion First African Baptist Church on Sunday, June 9, 2019, at 9:30 a.m. with keynote speaker Mayor Levar Stoney of Richmond, Virginia.

Dr. Bellamy announced the “Run These Streets” four-miler on Saturday, June 29<sup>th</sup>, with online registration at [www.wecodetooctown.com/runthesestreets](http://www.wecodetooctown.com/runthesestreets).

Ms. Walker announced the 2<sup>nd</sup> Annual “Get Your Healthy on with Mayor Walker”, a 13-week training program culminating with and race day on Saturday, August 31, 2019 at Foxfield at 8:00 a.m. Interested individuals were encouraged to email [getfitcville@gmail.com](mailto:getfitcville@gmail.com). She advised that Ragged Mountain Running Shop would be offering assistance to participants who need help purchasing athletic shoes and Red Light Management would be offering assistance with training and race fees.

Ms. Hill requested a moment of silence for those affected by the Virginia Beach municipal building tragedy.

Ms. Hill read a proclamation for National Gun Violence Awareness Day – June 7, 2019. She presented the proclamation to representatives from local group Moms Demand Action for Gun Sense In America.

Dr. Bellamy read a proclamation for the Delta Sigma Theta Sorority, Inc. - Charlottesville Alumni Chapter 50<sup>th</sup> Anniversary. Chapter President, Aleta Childs, accepted the proclamation and thanked City Council for honoring the chapter.

**CONSENT AGENDA**

Ms. Walker opened the floor for public comments on the consent agenda.

Maxicelia Robinson, Administrative Assistant to the Clerk of Council, read the following items into the record

- a. **MINUTES: May 6, 2019 special and regular meetings, May 8, 2019 worksession regarding the Agency Budget Review Team process**
  
- b. **APPROPRIATION: Appropriation of funding for CPA-TV from The Ryal Thomas Show, LLC - \$4,247.50 (2nd reading)**

Appropriation of funding for CPA-TV from The Ryal Thomas Show, LLC

**APPROPRIATION  
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.

- c. **APPROPRIATION: 2019-2020 Community Development Block Grant funding - \$395,052.82 (2nd reading)**

2019-2020 Community Development Block Grant funding - \$395,052.82

Upon request of Ms. Walker, this item was considered for a separate vote at the end of the Consent Agenda.

**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 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.

**d. APPROPRIATION: 2019-2020 HOME Investment Partnership funding - \$120,382.75 (2nd reading)**

Upon request of Ms. Walker, this item was considered for a separate vote at the end of the Consent Agenda.

2019-2020 HOME Investment Partnership funding - \$120,382.75

**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.

**e. APPROPRIATION: Virginia Housing Solutions Program Grant Award -\$16,500  
(2nd reading)**

Virginia Housing Solutions Program Grant Award -\$16,500

**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.

**f. APPROPRIATION: Greenstone on 5th Corporation Sponsorship Agreement for Enhanced Police Coverage - \$41,092 (2nd reading)**

Greenstone on 5th Corporation Sponsorship Agreement for Enhanced Police Coverage - \$41,092

**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

**g. ORDINANCE: Repeal of Charlottesville City Code Section 17-8 (2nd reading)**

Repeal of Charlottesville City Code Section 17-8

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

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the Consent Agenda less items “c” and “d”: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Mr. Signer, and Ms. Galvin; Noes: None).

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED Consent Agenda items “c” and “d”: 4-1 (Ayes: Ms. Hill, Dr. Bellamy, Mr. Signer, and Ms. Galvin; Noes: Ms. Walker).

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

Dr. Richardson provided responses on the following matters:

1. He announced a public discussion about the trolley pilot project on Tuesday, June 25, 2019, from 12:00 p.m. – 1:00 p.m. in the Neighborhood Development Services conference room.

2. In response to complaints about accessibility of the magistrate's office, he advised that the contact information on the webpage was updated, and the broken link was fixed.
3. He addressed concerns about parking on 10th Street and advised that residents are allowed a total of four permits per household and two guest permits, with the first two permits being free and \$25.00 for each additional permit. According to the City Code, in order to become a parking permit area, 75% of affected residents within a specific block would have to give consent to have parking permits, and the petitioner must complete a City issued petition and submit it between May 1st and February 28th.
4. He advised that the crosswalk at 10th and Main Streets was repainted, new signage would be placed at the intersection, and existing signage would be moved to make more visible. The speed trailer placed there captured the speed of vehicles between May 13th and May 27<sup>th</sup> and average speed of vehicles traveling there was 23 miles per hour in a 25 miles per hour zone.
5. Pertaining to the lights under the bridge, staff looked at the Amtrak parking lot. A contractor resolved the issues for the private property owner. He noted that the fixture was not a part of City property. He advised that staff notified Dominion Power of tunnel light outage on 8th Street, and a crew was assigned to assess conditions today.
6. In response to questions about the Police Department having no misconduct, he explained that the definition of "misconduct" is administered by the Department of Criminal Justice Services and the Chief of Police is required to report any violation to the Department of Criminal Justice Services within 48 hours if the officer in violation one of the six categories pertaining to misconduct within the state statute. There is no separate City of Charlottesville policy regarding misconduct as it is State law.
7. In response to construction permit concerns regarding a development on Main Street, staff has spoken to the contractor, and the permitted working hours are from 6:00 a.m. to 10:00 p.m. Recent feedback suggests that the developer has been working within the specified time frame; the City will periodically check in to ensure adherence.
8. Following up on a suggestion to use the Blacksburg/Alexandria model to collect taxes for AirBnB, the Commissioner of Revenue Office provided information that his office has collected \$1,000,000+ in transient occupancy tax since creating the separate licensing category, and received \$360,000+ in 2018 using current methodology. Only two of 189 jurisdictions in the Commonwealth signed tax collection agreements with AirBnB, and the Commissioner of the Revenue asked that anyone operating an untaxed AirBnB or Home Stay be reported. The requirements for operating an AirBnB and HomeStay are listed on Commissioner of the Revenue webpage.
9. Dr. Richardson is working to meet with individuals who came to the previous meeting who had complaints against the Police department to ensure follow-up.

Ms. Galvin thanked Dr. Richardson for his prompt response to concerns about the 8th and Main Street intersection.

Dr. Richardson advised that the trees in the 8th and Main area will also be trimmed for visibility in the near future.

## **COMMUNITY MATTERS**

Mr. David Swanson thanked City Council and City Treasurer Jason Vandever for their work on divestment. He encouraged approval of the divestment resolution. He also petitioned Council to divest the retirement fund.

Mr. Tray Biasioli, City resident, expressed support of divestment. He urged the City to align its investments with its values, and advised that divestment is financially prudent. He expressed concern that the City's goals in the resolution do not align with the City's policies which make it challenging to meet the purposed climate goals and will adversely affect the City. He asked Council to consider not using City funds to subsidize fossil fuel infrastructure in the City.

Mr. Tony Russell, City resident, provided Council with a hand out about fossil fuels. He discussed the effects of fossil fuel and suggested that emissions be cut by 50% to have any measureable effect on stabilizing CO2 levels. Mr. Russell asked that Council support the divestment resolution.

Ms. Katrina Turner, City resident, expressed discontent with how complaints about a particular officer was handled. She feels that complaints submitted by Caucasian people about this officer were handled much more thoroughly than complaints submitted by African Americans about the same officer. She asked that Council open an investigation into the complaints made against this particular officer.

Ms. Kate Fraleigh, City resident, asked that Council support a strong CRB with paid staff so that the oversight is thorough. She spoke about the complaint process in the police department and components that are less than transparent. A CRB will help instill trust with the community and provide an independent oversight function.

Ms. Cat McCue applauded the City's attempt to address the issues in the community with Unity Days. She commended all of the staff working on the events and asked Council to support Unity Days funding.

Mr. John Hall, Fry's Spring resident, asked for an inexpensive solution to government-subsidized affordable housing. He announced his solution PACE (People and Communities Engaged) in the city parks for overnight campers. He has shared his petition with Councilors and advised that he collected 500 signatures to support this initiative. Council denied Mr. Hall the opportunity to discuss his campaign run for City Council.

Ms. Kay Slaughter, City resident, provided Council with a handout referencing the Drewary J. Brown Bridge. Ms. Slaughter petitioned Council to re-design signage for the bridge as it is a local monument honoring citizens who worked for justice and equality. She presented ideas for more prominent signage and complained that other signs in the area overshadow the bridge signage.

Ms. Walker asked for clarification of whether the bridge was a part of West Main Street and in the consultant contract. Ms. Galvin confirmed.

Ms. Galvin asked Dr. Richardson to verify whether the input from the Bridge Builders was being incorporated in the design. Dr. Richardson said that he would check into it.

Mr. Tony Wasch, City resident, petitioned Council to place a yield sign in front of the Exxon Station on 5<sup>th</sup> Street. Mr. Wasch explained that not having a sign poses a traffic threat. Drivers exiting 64 onto 5<sup>th</sup> Street turning right toward Wegmans do not yield in the turn lane, which causes a traffic hazard.

Sarah Lanzman asked for Council's support on divestment and asked that Council also consider divesting the retirement fund.

Ms. Tanesha Hudson voiced concern about the complaint process with the police department. She voiced that Drewary J. Brown Bridge should go into West Haven, the low income neighborhood adjacent to it. She reported complaints that the residents of The Flats and The Standard are throwing their trash in to West Haven. She expressed that black monuments are not adequately commemorated. She spoke about inequity in traffic studies and expressed concerns about the effects of gentrification.

Dr. Bellamy asked Council to consider in the immediate future the use of Equity funds and/or Discretionary funds to address African-American historical commemorations, and he asked to have these items on a Council agenda in the coming months.

Mr. Cliff Hall read a Bible scripture and talked about obstacles preventing his fiancée from leaving Turkey for Charlottesville. He advised that he has outlined his agenda on Facebook if she does not return to Charlottesville.

Ms. Ang Conn petitioned the City of Charlottesville to establish an ordinance requiring gender segregated single stall bathrooms located in public spaces to be changed to gender inclusive single stall bathrooms in all City-owned and operated buildings in honor of PRIDE month.

Dr. Bellamy asked that this petition be brought forth as a future agenda item.

Mr. Blair remarked that he is not aware of any prohibition in Virginia. Additionally, City Council may present the request to the City Manager as the Manager is in charge of all City property and the decision rests with him.

Mr. Matthew Christensen commended Council on their support of Unity Days. As a committee member for Unity Days, he expressed that he was looking forward to the upcoming events. Mr. Christensen asked Council to support funding for Unity Days.

Ms. Mary Carey expressed her feelings for the disrespect of black monuments in Charlottesville. She voiced her concern with Council abstaining from a vote when Councilor Signor was absent, but choosing to vote when Councilor Bellamy was absent.

Mr. Don Gathers petitioned Council to honor persons of color and Native Americans who sacrificed for the Charlottesville community and at-large. He asked that Council review the recommendations from the Blue Ribbon Commission, and advised everyone to vote during the June primaries.

Ms. Tamika Durrett shared the story of her son's school bus attack and expressed the trauma that she and her son have faced since the attack. She explained that the child that attacked her son received minimal punishment, that school staff did not respond appropriately, and that she has filed two police reports.

Ms. Walker explained that she had received Ms. Durrett's message and that she has researched the incident and will be in contact with Ms. Durrett.

Ms. Galvin asked Dr. Richardson if City government is involved with school transportation. Dr. Richardson confirmed and said that communication has been made regarding the incident and there would need to be additional follow-up.

Mr. Signer advised that the City also indirectly funds the school bullying program.

The meeting went into recess at 7:50 p.m.

The meeting reconvened at 8:12 p.m.

## **PUBLIC HEARING/ ORDINANCE: Utility Rate Report FY2020 (carried)**

### PH-ORD Utility Rates City

Ms. Lauren Hildebrand, Director of Utilities, and Mr. Chris Cullinan, Director of Finance, came forward to introduce the item.

Ms. Walker asked how the funds from the 25% increase from UVA that started in 2019 are being utilized.

Mr. Cullinan responded that the contract with UVA was made in 1981 and rates set were less than the full City rates. Documentation from 1981 does not describe how the rates were set, and in the transition of UVA paying the full rate the initial proposal was for two years a 3-year phase-in in increments of 25% to 75% to 100% was agreed upon. With the increase in rates, UVA is paying more of their actual cost. Previously customers were subsidizing UVA's rates; the increase adds additional revenue to utilities and allows all customers to pay their proportionate share. The funds collected by the University are funding the water and waste water infrastructure.

Ms. Walker opened the Public Hearing.

Ms. Rebecca Quinn said that she has addressed utility rates in an email to Council and referenced a staff memo saying that utilities do not operate on a for-profit basis and that utilities rates are calculated annually to bring each fund to a break-even point. Ms. Quinn asked what accounts for the increase in the gas rate. She also asked if Council has seen a break-down of how much of the average residential bill goes towards operational costs. Her observation is that gas payers pay disproportionately more towards operations. She expressed discontent with the payments-in-lieu-of-taxes on the gas bill that is deposited into the general fund. She contended that gas and utilities is operating on a for-profit basis, stating that the deposits into the general fund are considered profits because they exceed operating costs, and disproportionately impact lower income households.

Ms. Dede Smith questioned the utility payment-in-lieu-of-taxes because the city charges taxes on utilities. She said that the combination of utility PILOT, taxes, and the monthly charge adds up to about 36% of actual charges. She expressed how this affects housing costs and residents. She said that PILOT goes into the general fund versus going into the water, sewer, and gas fund and makes utility bills unnecessarily high.

Mr. Jim Moore presented Council with a notice that he is giving to his tenants. He stated that he tries to keep his rental rate below market rates, and expressed discontent with the utility rate increase. Mr. Moore said Council indirectly raised the real estate tax on two of his units by 34 percent within the last two years. He asked Council to consider how the rate increase affects lower cost renters. He asked why sewer rates are higher than water rates and about some number discrepancies in the report. Mr. Moore suggested for cost savings to consider the LEAP programs and advertising for non-renewal fossil fuel source.

Ms. Walker closed the public hearing.

Dr. Bellamy asked for a response to Ms. Smith's "for-profit" question.

Mr. Cullinan responded that PILOT represents that if utilities were operated by a private firm in the City they would pay real estate tax, personal property tax, etc.; they would owe this to the City for their course of business. He advised that Utilities across the country and in Virginia charge PILOT. The City had this fee analyzed and the reviewers confirmed that the PILOT is a common practice. Mr. Cullinan said Council can choose not to include the PILOT, but it would create a six million dollar gap in the budget.

Ms. Walker asked if it was legal to tax certain areas or groups, for instance Albemarle County or UVA, and not City residents.

Mr. Blair advised that he does not believe there is any authority on how the PILOT is levied.

Following further discussion, at the request of Ms. Walker, Council agreed to move the Utility Rate Report to the June 17 consent agenda.

**APPROPRIATION: Appropriation of Human Services Balance for FY 2019 Expenses - \$400,000 (carried)**

Appropriation of Human Services Balance for FY 2019 Expenses - \$400,000

Ms. Kaki Dimock, Acting Assistant City Manager, came forward to introduce the item. She explained that the funds will go back into the fund balance and that in FY 2020 the funds will also go back into the fund balance; therefore, the appropriation will act as a loan.

Responding to a question from Ms. Walker, Ms. Dimock advised that the rise in foster care cases is a national trend despite foster care preventive services. She also noted that there are a disproportionate number of African American children in foster care. They are focusing on increasing the number of African American foster care families in the program.

**APPROPRIATION\*: Unity Days Planning and Funding Transfer - \$100,000**

Unity Days Planning and Funding Transfer - \$100,000

Mr. Brian Wheeler, Director of Communications, and Charlene Green, Manager for the Office of Human Rights, came forward to introduce the item.

Dr. Bellamy explained that the events of Unity Days do not necessarily appeal to his demographic, and he suggested that more funds will need to be allocated in order to bring high-profile Hip Hop artists to Charlottesville.

Ms. Green elaborated on the different types of Unity Days events and asked if any of the people interested in the events Dr. Bellamy mentioned have presented a proposal to the Unity Days committee.

Mr. Wheeler also shared information about the University of Virginia participation.

On a motion by Ms. Galvin, seconded by Ms. Hill, Council by the following vote APPROVED the Unity Days Planning and Funding Transfer of \$100,000: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer).



**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.

**RESOLUTION\*: Divestment - Operating Budget**

Divestment - Operating Budget

Mr. Jason Vandever, City Treasurer, came forward to introduce the item. In response to a question from Ms. Galvin, he affirmed that divestment would not affect the City's fiscal stability.

Mr. Signer expressed that he disagreed with the weapon systems aspect and of divestment.

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

**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.

**RESOLUTION\*: Transfer of FY 2020 City of Promise Funding to ReadyKids - \$81,837 (carried)**

City of Promise Funding

Ms. Kaki Dimock, Acting Assistant City Manager, came forward to introduce the item.

Ms. Walker asked if the amount being requested is going towards the salary of the Interim Director. Ms. Dimock explained that \$2,000-\$3,000 would be for programmatic funding, \$7,600 would be used toward utilities and maintenance for the City of Promise building, and the remainder would go toward the Interim Director salary.

Council agreed to place the item on the next consent agenda.

**RESOLUTION\*: Special Use Permit (SUP) 1617 Emmett Street drive-thru**

Special Use Permit (SUP) 1617 Emmett Street drive-thru Resolution

Mr. Joey Winter, City Planner – Neighborhood Development Services, came forward to introduce the item.

Ms. Hill verified that the bank that preceded the coffee house had a directive. Mr. Winter agreed.

Ms. Galvin expressed that the definition of commercial in the Hydraulic Small Area Plan is different than stated and more pedestrian-oriented and she advised that she opposes the resolution because it does not conform to the Hydraulic Small Area Plan, stating specifics.

On the motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote APPROVED the Resolution to adopt the Special Use Permit 1617 Emmett Street drive-thru: 4-1 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Mr. Signer; Noes: Ms. Galvin).

**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. maintain on the Subject Property a handicapped access lane that extends to and connects with the sidewalk along Angus Road.

### **RESOLUTION\*: Sunrise Planned Unit Development (PUD) Road Acceptance**

#### Sunrise PUD Road Acceptance-Habitat

Mr. John Blair, City Attorney, came forward to introduce the item.

Mr. Blair clarified that the resolution is to authorize the City Manager and City Attorney to negotiate with Habitat for Humanity to take over the permeable pavement stormwater management function under City control.

Ms. Walker verified that if preliminary negotiations do not work out with other entities involved then the City will not need to enter into negotiations. Mr. Blair agreed.

Dr. Richardson stated that this is an older project that lacked proper coordination across departments and that the City will have to incur certain costs because of the way the project was orchestrated.

Ms. Walker asked about the City approvals. Mr. Blair stated there has been three separate City approvals - Planned Unit Development in 2009, Site Plan and Subdivision approvals.

Mr. Blair cited the original terms of the agreement from 2009. He also said that staff has been acting based on the interpretation of the agreement in approving portions of the project.

Ms. Walker asked if Habitat was still collecting money from the homeowners. Mr. Blair affirmed. Ms. Walker asked that when negotiating with Habitat that the terms of the agreement include a plan to pay a portion of funds that Habitat is receiving from the project to help resolve problems of the project.

Ms. Galvin stated that the design features of the project are part of a City policy called The Streets That Work Plan of 2016.

Ms. Walker asked about the maintenance aspect to the policy.

Ms. Galvin proposed that the street in question become a public street. She said that the City would be responsible for the maintenance and assume the maintenance cost as City street.

Ms. Hill voiced that the City is now responsible to act on the agreement.

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the Resolution: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer).

Ms. Walker requested information on if the homeowners are paying any cost for the permeable pavers.

**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.
  - 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.
  - 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 into the City's public system for maintenance.

## **REPORT: Legislative update**

### Legislative Agenda Report

Ms. Lisa Robertson, Chief Deputy City Attorney, presented the report.

Ms. Robertson advised that there may be things in the report that will require local ordinances and tax codes that may need to be adjusted.

Ms. Robertson suggested that Council begin to meet with her in July/August 2019. She asked for a minimum of a two Council member committee. Councilors Bellamy and Galvin volunteered.



Mr. Blair asked Councilors if they would be interested in meeting with legislators for a work session to discuss Council's agenda. Ms. Galvin agreed.

Ms. Walker asked how the policies that Council presents to state legislators be handled with potentially newly elected officials. Mr. Blair said that whomever is elected in November has the authority to introduce the bill.

Ms. Hill voiced interest in working alongside local municipalities who share interest in certain bills being presented to state legislators.

Ms. Robertson explained that the Council subcommittee should discuss their interests and begin reaching out to other entities to discuss joint public meetings.

Ms. Walker said she is also interested in participating.

Ms. Robertson advised that she or David Blount of the Thomas Jefferson Planning District Commission would contact the Council subcommittee in July to schedule a meeting.

## **OTHER BUSINESS**

Ms. Hill asked that Council provide Ms. Dimock feedback for the Agency Budget Review Team process. Ms. Galvin preferred that Council discuss the information before providing it to Ms. Dimock. Council decided to provide Ms. Dimock with feedback by Friday, June 7th.

Ms. Galvin asked for an update for the historical slave block marker from the Preservation Planner.

Ms. Walker asked if the City holidays are on the fiscal year or calendar year. Mr. Blair responded that the holidays are in the ordinance and personnel policy. Ms. Walker expressed interest in changing the celebration of Thomas Jefferson's birthday on April 13<sup>th</sup> with Freedom and Liberation Day. Dr. Bellamy expressed support. Mr. Blair advised that he would prepare an agenda item within the next two Council meetings.

## **MATTERS BY THE PUBLIC**

Mr. John Hall explained that the Lewis and Clark statue inscription does not mention Sacajawea and commissioned Council to commemorate her appropriately.

Mr. Brad Slocum thanked Council for supporting Unity Days. He mentioned that the topic of engaging younger people for Unity Days is discussed frequently at committee meetings and that there is a need to explore other events and venues that will attract the younger demographic.

Mr. Cliff Hall spoke of a journalistic campaign against him and spoke about childhood friends in regards to race relations.

The meeting adjourned at 10:10 p.m.

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## NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Thursday, June 6, 2019, AT 2:00 p.m. AT THE County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

**BY ORDER OF THE CITY COUNCIL**

**BY Kyna Thomas**

### **County Office Building, 401 McIntire Road – June 6, 2019**

Vice Chair Rick Randolph called the Albemarle County Board of Supervisors meeting to order at 2:01 p.m. and requested a moment of silence in recognition of the 75<sup>th</sup> anniversary of D-Day.

Mayor Nikuyah Walker called to order the City Council meeting for the City of Charlottesville at 2:03 p.m., acknowledging that Councilor Signer would be absent and Dr. Bellamy would be joining the meeting later.

Dr. Jeff Richardson, Albemarle County Executive, welcomed attendees and introduced Dr. Tarron Richardson, Charlottesville City Manager, at his first joint meeting.

Mayor Walker recapped outcomes of the January joint meeting.

Meeting participants gave self-introductions:

- City Councilors and staff: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Councilor Kathy Galvin, City Manager Tarron Richardson, and City Attorney John Blair. Absent: Councilors Wes Bellamy and Mike Signer.
- County Supervisors and staff: Supervisors Ned Gallaway (Chair), Norman Dill, Ann Mallek, Diantha McKeel, Liz Palmer, Rick Randolph, County Executive Jeff Richardson, and County Attorney Greg Kamptner.

Mr. Gallaway highlighted the expected outcomes of the joint meeting.

Facilitators Emily Kilroy, County Director of Communications and Public Engagement, and Matthew Murphy, City Council Outreach Coordinator, gave an overview of the agenda and Mr. Murphy began review of the Memoranda of Understanding.

Dr. Bellamy joined the meeting at 2:17 p.m.

Mr. Murphy then reviewed the joint focus areas and related initiatives in the areas of:

- EDUCATION
  - Improvements in areas for early education and career center services
- ENVIRONMENT
  - Climate protection
  - Natural resource protection
  - Solid waste (landfill diversion)

- Parks and greenways
- REDEVELOPMENT AND AFFORDABLE HOUSING
  - Policy development
  - Rehabilitation
- TRANSPORTATION
  - Small area planning
  - Bike-pedestrian planning
  - Transit
- ECONOMIC DEVELOPMENT
  - Creating sites that are ready to accommodate businesses
  - Sharing business retention and visitation data, when practical
  - Ensuring that both parties are acting in good faith to honor the tenets of the Memorandum of Understanding
  - Joint focus on building upon the strength of shared target industry clusters
  - Partnering with the University of Virginia
  - Concerted efforts to support Region 9's growth and diversification plan

Mr. Chris Engel, Charlottesville Director for Economic Development, answered questions regarding Opportunity Zones

Dr. Bellamy advised that he would like to have City/County discussion around assisting minority businesses with training and resources.

Mr. Roger Johnson, County Economic Development Director, shared information about the County's strategy for helping small businesses. He advised that the Economic Development Office focuses on primary businesses, while providing funding to the Community Investment Collaborative (CIC) for help with small businesses.

Dr. Bellamy reviewed the City's efforts to assist minority businesses, including the Minority Business Equity Fund.

Councilors and Supervisors asked questions to clarify how the City, County and University of Virginia can work together to move items forward in a timely manner.

**ACTION ITEMS:**

- City and County staff agreed to bring information back in a month regarding collaboration with housing voucher programs.
- The County agreed to consider a Minority Business Task Force. Councilor Bellamy advised that he would send information to the Board of Supervisors about Minority Business Week and City efforts and programs.

Ms. Laurie Allshouse (County) and Mr. Ryan Davidson (City) gave a presentation showing Capital Improvement Programs (CIP) and other connections:

- Completed shared projects
- Shared efforts underway
- FY20-24 CIP City-County shared Capital Projects
- Other projects along the City-County border

The group broke out into small group discussions regarding small area CIP plans in four areas:

1. Hydraulic
2. Rio Road
3. Pantops
4. Avon/5<sup>th</sup> Street

Groups reported on overarching themes:

- The need for a comprehensive Bike-pedestrian plan sooner than later
- Affordable housing needs
- Access: vehicular, congestion, safety, environmental components, crosswalks
- Economic Development needed to help with funding
- Traffic issues: congestion, Hillsdale traffic calming

During the meeting recap Ms. Kilroy asked the group about their ideas of short-term success.

- Ms. McKeel mentioned boundary areas (points of connectivity) where the County does not have Public Works, that the City could provide services to the County through MOU.
- Ms. Palmer suggested combining funding on certain connectivity projects that benefit both City and County.
- Mr. Dill mentioned the potential for connection across the Rivanna River near Pantops, but mentioned that there is pushback from residents who do not want more bike, pedestrian or car traffic through the area. Ms. Galvin agreed that a connection is needed.
- Ms. Walker mentioned that she wants staff to have conversations about equity during the planning process.

As for long-term successes:

- Ms. Palmer advised that at the Solid Waste Authority meeting, they will get more information about a composting facility that both the City and County could consider.
- Ms. Hill advised that each locality in reviewing their CIPs could look for areas of opportunity for efficiency and collaboration.

- Ms. Walker mentioned potential housing partnerships, with a specified number of units over a period of years.

Ms. Kilroy reviewed the Action List to come back with more information for the two elected bodies:

- Understanding of how the housing voucher program works and what opportunities for collaboration might look like
- An update on the status of the Hydraulic Small Area Plan implementation
- Information on how Sunset Bridge maintenance might work and levels of service that City Public Works may be able to provide
- Understanding of how minority business support works in the City and what collaboration with the County might look like
- Themes across all areas about bike-pedestrian connectivity
- City and County budget staffs to work together to look at what the FY 20-21 budget might look like with areas of collaboration
- What a crossing of the Rivanna River would look like
- Understanding of what equity would look like if done jointly
- Ivy composting report when it becomes available
- Affordable housing across both communities and what collaboration might look like
- Congestion mitigation in areas of connectivity

Mr. Dill asked about legal agreements for affordable housing and the understanding of technical details surrounding affordable housing and vouchers.

Mr. Gallaway advised that the County is interested in moving forward on some transit projects and would like to know whether the City is interested in being involved, in the same way that Ms. Walker asked about affordable housing involvement from the County.

Ms. Mallek advised that the County will need to have its own conversation about the housing approach.

Dr. Tarron Richardson wrapped up the meeting with a summary, committing to work with Dr. Jeff Richardson on the initiatives set forth.

Ms. Mallek added that groups of veterans and descendants have raised funds for correcting the spelling of the name for Frank Peregoy on a historic marker in the City. City Attorney John Blair advised that a resolution would be required.

At the suggestion of Ms. Hill, both bodies agreed to meet in three months.

Both bodies adjourned at 4:06 p.m.

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



<b>Agenda Date:</b>	June 17, 2019
<b>Action Required:</b>	Appropriation
<b>Presenter:</b>	Jeanette Janiczek, UCI Program Manager
<b>Staff Contacts:</b>	Alex Ikefuna, NDS Director Tony Edwards, Development Services Manager Jeanette Janiczek, UCI Program Manager
<b>Title:</b>	Highway Safety Improvement Program – Appropriation and transfer of funds for Pedestrian Connections within Hillcrest/Birdwood Neighborhood - \$708,932

**Background:**

The City was awarded a grant in the amount of \$422,869 to implement pedestrian improvements within the Hillcrest/Birdwood neighborhood. An additional \$694,753 was reallocated to this project from remaining State funding from completed transportation projects. The previous grant appropriation was composed of state (10%) and federal (90%) allocations that are reimbursed once expended. This additional funding requires a City match of \$14,179 which will come from the remaining City funds that were previously appropriated to the JPA Bridge project. Total funding for the project will be \$1,131,801.

**Discussion:**

The Route 250 Bypass Interchange at McIntire Road (Interchange) project improved multi-modal access within its project limits. During numerous community meetings, citizens requested additional pedestrian/bicyclist improvements located outside of the project area. At two Hillcrest/Birdwood neighborhood meetings, citizens requested that their sidewalk network be completed and that an additional pedestrian access point connecting the neighborhood to the rest of the City.

A grant was pursued and awarded by VDOT to add sidewalk along Hillcrest Road, add/upgrade crosswalks/ADA ramps within the neighborhood to meet the latest ADA standards, and reconstruct a failing staircase for additional pedestrian access. While the majority of improvements are expected to be constructed within the existing right of way, staff will coordinate with neighboring property owners during the design and right of way process.

Project design plans have reached 60% in anticipation of entering the Right of Way Phase. Sidewalk will be constructed on the western side of Hillcrest Road with curb ramp improvements and crosswalks on Hillcrest Road and Birdwood Court. By constructing the sidewalk on the western edge of Hillcrest Road, right of way impacts will be limited to one private property owner who City Staff has consulted with to relocate the staircase from between two parcels owned by the same property owner to the far southern edge of the property. Even with the consultation the private property owner is resistant to re-establishing the staircase down to McIntire Road. A compensation offer will be made to this property owner in the Right of Way Phase and additional consultation efforts will be conducted with the property owner through formal negotiations.

Plans will be distributed to the adjacent property owners with an offer to meet one-on-one to discuss proposed improvements.

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

Approval of this agenda item upholds the City’s commitment to create “a connected community” by improving upon our existing transportation infrastructure. In addition, it would contribute to Goal 3 of the Strategic Plan, Beautiful Environment; 3.1 Engage in robust and context sensitive urban planning and implementation; 3.2 Provide reliable and high quality infrastructure and 3.3 Provide a variety of transportation and mobility options.

**Community Engagement:**

Previous public meetings related to the Interchange project resulted in the application of a grant to fund these improvements. Additional coordination with the adjacent property owners and neighborhood is being planned to provide design details and solicit feedback.

**Budgetary Impact:**

There is no impact on the general fund. The entire local match of \$14,179, will be transferred from previously appropriated Capital Improvement Program (C.I.P.) funding sources.

On-going maintenance will be required once improvements are constructed.

**Recommendation:**

Staff recommends approval and appropriation of the funds.

**Alternatives:**

Appropriate remaining state funding to another, existing transportation project.

**Attachments:**

Appropriation & Transfer

**APPROPRIATION**

**Highway Safety Improvement Program funds for Pedestrian Connections within Hillcrest/Birdwood Neighborhood - \$708,932**

**WHEREAS**, a total of \$694,753 in state funds for the Highway Safety Improvement Program requires appropriation; and

**WHEREAS**, \$14,179 in previously appropriated City funds require transfer to this project;

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

**Revenues**

**\$ 694,753**      Fund: 426                      WBS: P-00694                      G/L Account: 430080

**Expenditures**

**\$ 694,753**      Fund: 426                      WBS: P-00694                      G/L Account: 599999

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

**Transfer From**

**\$ 14,179**      Fund: 427                      WBS: P-00212                      G/L Account: 561425

**Transfer To**

Revenue

**\$ 14,179**      Fund: 426                      WBS: P-00694                      G/L Account: 498010

Expense

**\$ 14,179**      Fund: 426                      WBS: P-00694                      G/L Account: 599999

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



Agenda Date:	August 5, 2019
Action Required:	Appropriation
Presenter:	Hunter Smith, Human Services Department
Staff Contacts:	Hunter Smith, Human Services Department Kaki Dimock, Human Services Department
<b>Title:</b>	<b>Virginia Juvenile Community Crime Control Act Grant (VJCCCA) -\$452,704 (1st of 2 readings)</b>

**Background:**

In July 2010, the City of Charlottesville became the fiscal agent for the Virginia Juvenile Community Crime Control Act (VJCCCA) funds for both Charlottesville and Albemarle County. This funding stream was established by the 1995 Virginia General Assembly to create balanced, community-based systems of sanctions, programs and services for juvenile offenders. These funds are used to support the Community Attention programs. In Fiscal Year 2020, \$292,058 in VJCCCA funds will be received from the Virginia Department of Juvenile Justice with a required local maintenance of effort of \$52,231 from Albemarle County, and \$108,415 from the City for a total of \$452,704. The grant period is from July 1, 2019 through June 30, 2020.

**Discussion:**

The VJCCCA grant funds the delinquency prevention and youth development services provided by Community Attention for Charlottesville/Albemarle youth involved in the juvenile justice system. These services include the following programs: the Teens GIVE service learning program that provides community service opportunities during both the school year and the summer; the Community Supervision Program that provides pro-social skills training like anger management, individual and group counseling services and case management services for youth on electronic monitoring; the Community Attention Youth Internship Program (CAYIP) which provides paid internship opportunities; the Family Based Intervention Program which provides evidence-based, family centered intervention programs and the Juvenile Court Case Manager position providing supervision and case management services for youth identified by the court as truant.

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

The VJCCCA grant aligns with the City of Charlottesville's Strategic Plan - Goal 2: A Healthy and Safe City Objective 2.3: Improve community health and safety outcomes by connecting residents with effective resources.

Community Attention's VJCCCA funded programs provide community based services that prevent delinquency and promote the healthy development of youth. Expected outcomes include decreased delinquent behavior during and after program participation.

**Community Engagement:**

The VJCCCA funded programs engage local youth involved in the juvenile justice system and their families by providing delinquency prevention and youth development programs. The programs also engage and coordinate with other local agencies and organizations in the provision of services to the youth.

**Budgetary Impact:**

The funds will be expensed and reimbursed to the VJCCCA Fund. The required General Fund City contribution has already been appropriated as part of the Fiscal Year 2020 Council Adopted Budget so no new funds are required to cover the match.

**Recommendation:**

Staff recommends approval and appropriation of funds.

**Alternatives:**

If the VJCCCA funds are not appropriated, Community Attention would have to serve fewer youth and eliminate programs and staff.

**Attachments:**

Appropriation

**APPROPRIATION**  
**Virginia Juvenile Community Crime Control Act Grant (VJCCCA)**  
**\$452,704**

**WHEREAS**, the City of Charlottesville has been awarded \$292,058 from the Virginia Department of Juvenile Justice; and

**WHEREAS**, this grant requires local maintenance of effort funds in the amount of \$52,231 from Albemarle County and \$108,415 from the City; and

**WHEREAS**, the grant award covers the period from July 1, 2019 through June 30, 2020.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$452,704 is hereby appropriated in the following manner:

**Revenue – \$452,704**

\$292,058	Fund: 220	Cost Center: 3523001000	G/L Account: 430080
\$52,231	Fund: 220	Cost Center: 3523001000	G/L Account: 432030
\$108,415	Fund: 220	Cost Center: 3523001000	G/L Account: 498010

**Expenditures - \$452,704**

\$ 53,075	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$399,629	Fund: 220	Cost Center: 3523001000	G/L Account: 530010

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$292,058 from Virginia Department of Juvenile Justice, and \$52,231 from Albemarle County.

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



Agenda Date:	July 1, 2019
Action Required:	Appropriation
Presenter:	Kaki Dimock, Acting Assistant City Manager
Staff Contacts:	Kaki Dimock, Acting Assistant City Manager
<b>Title:</b>	<b>Appropriation of \$55,400 for the Study of Disproportionate Minority Contact in the Adult Criminal Justice System</b>

**Background:**

The Department of Human Services was awarded a grant from the Virginia Department of Criminal Justice Services to launch a study of disproportionate minority contact in the adult criminal justice system. The first year of this study process is coming to a close and a report from the M.G.T. Consultants is expected in late summer 2019. As one of the first communities in the country to undertake such an examination, city staff, consultants and the research planning team had to determine the best way to assess the extent of disproportionality and identify any potential points of disparity within this complex system. To that end, a master data set was created using data from multiple institutions within the criminal justice system for the years 2014-2016.

**Discussion:**

During the course of the creation of the master data set, the research team identified activities for analysis that had not been imagined in the original request for proposals created for our procurement process. As a result, M.G.T. Consultants has requested a change order in the amount of \$55,400 to cover the research team's time as follows:

Team Member	# of Hours	Hourly Rate	Cost
Andres Bernal (Data Manager)	200	\$190	\$38,000
Lara Opheim (Data Analyst)	116	\$150	\$17,400
<b>Total</b>	<b>316</b>		<b>\$55,400</b>

The Department of Human Services requests permission to use funds from the department's fund balance to cover the costs in this change order. M.G.T. Consultants has demonstrated significant flexibility over the course of this process which has positively benefitted the study's design and ensured that they were responsive to the local research team's evolving questions and needs.

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

The study of disproportionate minority contact in the adult criminal justice system is aligned with City strategic goals # 1.5 An inclusive community of self-sufficient residents – intentionally address issues of race and equity, and #2 a healthy and safe city.

**Community Engagement:**

The research and planning team and task force include representatives from City of Charlottesville Department of Human Services, Office of Human Rights, Sheriff, Commonwealth's Attorney, and Police Department; Albemarle County Police Department, Social Services, Office of Equity and Commonwealth's Attorney; Offender Aid and Restoration, Legal Aid Justice Center, Office of the Defender, University of Virginia, among others. M.G.T. Consultants has conducted over 35 community leader interviews in addition to focus groups and five community engagement meetings.

**Budgetary Impact:**

This appropriation has no impact on the general fund.

**Recommendation:**

Staff recommend approval of the appropriation request.

**Alternatives:**

Council could determine that another fund ought to be used to cover these expenses.

**Attachments:**

This section should list additional relevant supplemental material provided, such as appropriations, resolutions, ordinances, maps and drawings, reports, presentations, etc.

**APPROPRIATION**

**Appropriation of Human Services Fund Balance for FY 2020 Expenses**

**\$55,400**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of up to \$55,400 in department fund balance, is hereby appropriated in the following manner:

**Revenues - \$55,400**

\$55,400      Fund: 213      Cost Center: 3411001000      G/L Account: 498011

**Expenditures - \$55,400**

\$55,400      Fund: 213      Cost Center: 3411001000      G/L Account: 530670

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Required:	Approval and Appropriation
Presenter:	Kaki Dimock, Acting Assistant City Manager
Staff Contacts:	Kaki Dimock, Acting Assistant City Manager Misty Graves, Acting Director, Department of Human Services
Title:	<b>Charlottesville Student Victim Outreach Program Department of Criminal Justice Services Victim of Crimes Act Grant - \$245,428</b>

**Background:**

The City of Charlottesville's Department of Human Services received \$245,428 from Department of Criminal Justice Services Victim of Crimes Act Grant to provide services 30 child victims of crime at Walker Upper Elementary School and Buford Middle School. The grant period is from July 1, 2019 through June 30, 2020. The total grant is \$245,248 and includes a \$49,085 match from the Department of Human Services.

**Discussion:**

The City of Charlottesville's Department of Human Services' Student Victim Outreach Project will increase access to trauma-informed intervention for victims within schools, expand access to mental health services for victims in schools, and support behavioral interventionist positions serving victims of crime at school. The Project will hire two school-based behavioral interventionists, who will provide assessment, service planning and delivery, coordination with other providers, and case management to up to thirty child victims each year. Youth will be referred by school personnel, families, or community partners. In addition to these individualized services, the interventionists will offer the evidence-based Girls Circle and the research-based Council for Boys and Young Men curricula at least twice annually. These trauma-informed programs, from the One Circle Foundation, have proven effective in supporting child victims, by improving skills development, self-efficacy, school engagement, and positive school climate. The culturally responsible programs are suitable for youth of color and marginalized youth.

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

The Student Victim Outreach Program grant aligns with the City of Charlottesville's Strategic Plan – Goal 2: A Healthy and Safe City, Objective 2.2: Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization.

### **Community Engagement:**

In preparing the grant proposal, the Department of Human Services created awareness of the proposed program. The Department worked closely with School Superintendent Rosa Atkins to identify needs and design of the Program. Staff consulted with leaders in seven public and private victim serving organizations. The following organizations have agreed to collaborate, provide referrals to the Student Victim Outreach project, and provide trauma-informed services to child victims of Crime:

- Charlottesville Department of Social Services
- Charlottesville Victim-Witness
- Foothills Child Advocacy Center
- Piedmont CASA
- ReadyKids
- Sexual Assault Resource Agency
- Shelter for Help in Emergency

Upon approval of funding, the Program will create educational materials and referral protocols. Before the beginning of the 2019-2020 school year, Program staff and leadership will conduct in-service training for staff at Walker Upper Elementary and Buford Middle Schools to educate them about the Program.

### **Budgetary Impact:**

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

### **Recommendation:**

Staff recommends approval and appropriation of grant funds.

### **Alternatives:**

If the grant funds are not appropriated the Program will not be implemented.

### **Attachments:**

Appropriation

**APPROPRIATION**  
**Charlottesville Student Victim Outreach Program Department of Criminal Justice Services**  
**Victim of Crimes Act Grant**  
**\$245,428**

**WHEREAS**, the Human Services Department of the City of Charlottesville has been awarded \$245,248 from the Department of Criminal Justice Services Victim of Crimes Act, and

**WHEREAS**, the grant award covers the period from July 1, 2019 through June 30, 2020

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$245,428 is hereby appropriated in the following manner:

**Revenue – \$245,428**

\$196,343	Fund: 209	Cost Center: 3413018000	G/L Account: 430120
\$49,085	Fund: 209	Cost Center: 3413018000	G/L Account: 498010

**Expenditures - \$245,428**

\$165,111	Fund: 209	Cost Center: 3413018000	G/L Account: 519999
\$80,317	Fund: 209	Cost Center: 3413018000	G/L Account: 599999

**Transfer - \$49,085**

\$49,085	Fund: 213	Cost Center: 341300300	G/L Account: 561209
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$196,343 from the Virginia Department of Criminal Justice Services.



# COMMONWEALTH of VIRGINIA

## Department of Criminal Justice Services

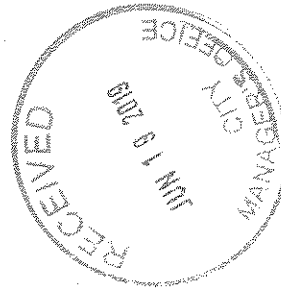
Shannon Dion  
Director

Megan Peterson  
Chief Deputy Director

Washington Building  
1100 Bank Street  
Richmond, Virginia 23219  
(804) 786-4000  
[www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)

June 5, 2019

Ms. Kaki Dimock  
Interim Asst. City Manager  
City of Charlottesville  
P. O. Box 911  
Charlottesville, VA 22902



RE: VOCA School-based Victims Services

Dear Ms. Dimock:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **20-A4736SB18** and was approved for a total award of **\$245,428** funded through Federal Grant **2018-V2-GX-0011**. The project period for this program is **07/01/2019** through **06/30/2020**.

Enclosed you will find the Statement of Grant Award (SOGA) and Special Conditions documents, along with Reporting Requirements and Projected Due Dates. To indicate your acceptance of the award and conditions, please sign the SOGA and return it electronically within the next 60 days to [grantsmgmt@dcjs.virginia.gov](mailto:grantsmgmt@dcjs.virginia.gov). Review the conditions carefully as some may require action on your part before we will disburse grant funds.

**Please provide copies of this Award Package to those contacts listed on your grant application.** We will be happy to assist you in any way we can to assure your project's success. If you have any questions regarding this award, please contact your Grant Monitor, Ed Holmes at (804) 786-4576 or via email at [Ed.Holmes@dcjs.virginia.gov](mailto:Ed.Holmes@dcjs.virginia.gov).

Sincerely,

Shannon Dion

Enclosures



## STATEMENT OF GRANT AWARD (SOGA)

Virginia Department of Criminal Justice Services  
1100 Bank Street, 12<sup>th</sup> Floor  
Richmond, Virginia

<b>VOCA School-based Victims Services</b>		
Subgrantee: Charlottesville		
DUNS Number: 074745829		DCJS Grant Number: 20-A4736SB18
Grant Start Date: 07/01/2019		Grant End Date: 06/30/2020
Federal Grant Number: 2018-V2-GX-0011		
Federal Awardee: OVC		
Federal Catalog Number: 16.575		
Project Description: To provide direct services for crime victims.		
Federal Start Date: 10/1/2017		
Federal Funds:	<b>\$196,343</b>	Indirect Cost Rate: _____%
State General Funds:	<b>\$0</b>	*If applicable
State Special Funds:	<b>\$0</b>	
Agency Match:	<b>\$49,085</b>	
Total Budget:	<b>\$245,428</b>	
Project Director	Project Administrator	Finance Officer
Ms. Misty Graves Program Supervisor City of Charlottesville 907 E. Jefferson Street Charlottesville, VA 22902 (434) 981-4014 graves@charlottesville.org	Ms. Kaki Dimock Interim Asst. City Manager City of Charlottesville P. O. Box 911 Charlottesville, VA 22902 (434) 970-3346 murphym@charlottesville.org	Mr. Christopher Cullinan Finance Director City of Charlottesville P. O. Box 911 Charlottesville, VA 22902-0911 (434) 970-3300 cullinan@charlottesville.org

**\*Please indicate your ICR in the space provided, if applicable.** As the duly authorized representative, the undersigned, having received the Statement of Grant Awards (SOGA) and Special Conditions attached thereto, hereby accepts this grant and agree to the conditions and provisions of all other Federal and State laws and rules and regulations that apply to this award.

Signature: \_\_\_\_\_

Authorized Official (Project Administrator)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## SPECIAL CONDITIONS

Virginia Department of Criminal Justice Services  
1100 Bank Street, 12<sup>th</sup> Floor  
Richmond, Virginia 23219

<b>VOCA School-based Victims Services</b>
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<p>Subgrantee: Charlottesville DUNS Number: 074745829 Grant Start Date: 07/01/2019</p>	<p>DCJS Grant Number: 20-A4736SB18 Grant End Date: 06/30/2020</p>
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Acceptance of this grant award by the subgrantee constitutes its agreement that it assumes full responsibility for the management of all aspects of the grant and the activities funded by the grant, including assuring proper fiscal management of and accounting for grant funds; assuring that personnel paid with grant funds are hired, supervised and evaluated in accordance with established employment and personnel policies; and assuring that all terms, conditions and assurances--those submitted with the grant application, and those issued with this award--are complied with.

By signing the Statement of Grant Award/Acceptance, the subgrantee agrees to:

- use the grant funds to carry out the activities described in the grant application, as modified by the terms and conditions attached to this award or by subsequent amendments approved by DCJS;
- adhere to the approved budget contained in this award and amendments made to it in accord with these terms and conditions; and,
- comply with all terms, conditions and assurances either attached to this award or submitted with the grant application.

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the subgrantee that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs (OJP) or the Department of Criminal Justice Services (DCJS) taking appropriate action with respect to the subgrantee and the award. Among other things, the OJP and DCJS may withhold award funds, disallow costs, or suspend

or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

## 2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the subgrantee is to contact DCJS promptly for clarification.

## 3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm> ) including any updated version that may be posted during the period of performance. The subgrantee agrees to comply with the DOJ Grants Financial Guide.

## 4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory

provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Requirements related to "de minimis" indirect cost rate

A subgrantee that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise DCJS in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

6. Requirement to report potentially duplicative funding

If the subgrantee currently has other active awards of federal funds, or if the subgrantee receives any other award of federal funds during the period of performance for this award, the subgrantee promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the subgrantee must promptly notify DCJS in writing of the potential duplication, and, if so requested by DCJS, must seek a budget-modification or change-of-project-scope to eliminate any inappropriate duplication of funding.

7. Requirements related to System for Award Management and Universal Identifier Requirements

The subgrantee must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/SAM/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The subgrantee must maintain a valid DUNS number (a unique nine-digit number used for identifying and keeping track of entities receiving federal funds). Subgrantees must be registered in SAM to receive an award and must maintain an active registration for the entire period of the award.

8. Requirement to report actual or imminent breach of personally identifiable information (PII)

The subgrantee must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it -- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (OMB Circular A-130). The subgrantee's breach procedures must include a requirement to report actual or imminent breach of PII to DCJS no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

9. All subawards ("subgrants") must have specific federal authorization

The subgrantee, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

10. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The subgrantee, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

11. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The subgrantee must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of

persons, whether on the part of subgrantees, or individuals defined (for purposes of this condition) as "employees" of any subgrantee.

The details of the subgrantee's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by subgrantees related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

12. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The subgrantee must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

13. Requirement for data on performance and effectiveness under the award

The subgrantee must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to DCJS as specified by DCJS in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

14. OJP Training Guiding Principles

Any training or training materials that the subgrantee develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

15. Effect of failure to address audit issues

The subgrantee understands and agrees that DCJS or the DOJ awarding agency may withhold award funds, or may impose other related requirements, if (as determined by DCJS or the DOJ awarding agency) the subgrantee does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform

Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

16. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 42

The subgrantee must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

17. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 54

The subgrantee must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

18. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 38

The subgrantee must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to subgrantee organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to subgrantees that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

19. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the subgrantee, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the subgrantee, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a subgrantee would or might fall within the scope of these prohibitions, the subgrantee is to contact DCJS for guidance, and may not proceed without the express prior written approval of DCJS and OJP.

20. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018, FY 2017, FY 2016)

The subgrantee must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at <https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm> and are incorporated by reference here.

Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2017, are set out at <https://ojp.gov/funding/Explore/FY17AppropriationsRestrictions.htm>, and are incorporated by reference here.

Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2016, are set out at <https://ojp.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a subgrantee would or might fall within the scope of an appropriations-law restriction, the subgrantee is to contact DCJS for guidance, and may not proceed without the express prior written approval of DCJS and OJP.

21. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The subgrantee must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subgrantee, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.



Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- mail directed to: Office of the Inspector General, U.S. Department of Justice,

(1) Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or

(2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

22. Restrictions and certifications regarding non-disclosure agreements and related matters

No subgrantee under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the subgrantee--

- a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the subgrantee does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

- (1) it has determined that no other entity that the subgrantee's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- (2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subgrantee, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

23. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The subgrantee must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The subgrantee also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the subgrantee is to contact DCJS for guidance.

24. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages subgrantees to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish

workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

#### 25. Access to Grant Records

The subgrantee must authorize DCJS, Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper, or documents related to the VOCA grant.

#### 26. VOCA Requirements

The grantee assures that the State and its subgrantees will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 34 U.S.C. 20103(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the State certifies that funds under this award will:

- a) be awarded only to eligible victim assistance organizations, 34 U.S.C. 20103(a)(2);
- b) not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 34 U.S.C. 20103(a)(2); and
- c) be allocated in accordance with program guidelines or regulations implementing 34 U.S.C. 20103(a)(2)(A) and 34 U.S.C. 20103(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.

#### 27. Demographic Data

The subgrantee will collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.

#### 28. Discrimination Findings

The subgrantee assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a recipient of victim assistance formula funds under this award, the subgrantee will forward a copy of the findings to the Office for Civil Rights of OJP.

#### 29. National Environmental Policy Act Compliance

The subgrantee understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related

Federal laws (including the National Historic Preservation Act), if applicable. The subgrantee agrees to assist OJP in carrying out its responsibilities under NEPA and related laws, if the subgrantee plans to use VOCA funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The subgrantee also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

### 30. Performance Measurement Reporting

The subgrantee agrees to submit quarterly performance reports on the performance metrics identified by DCJS and OVC and in a manner required by DCJS and OVC. This information on the activities supported by the award funding will assist in assessing the effects that VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction.

### 31. Documentation Requirements

The subgrantee agrees promptly to provide, upon request, financial or programmatic-related documentation related to this award, including documentation of expenditures and achievements.

### 32. Additional Monitoring Requirements

The subgrantee understands that it may be subject to additional financial and programmatic on-site monitoring, which may be on short notice, and agrees that it will cooperate with any such monitoring.

### 33. Record Retention and Access

Records pertinent to the award must be retained for a period of three (3) years from the date of submission of the final expenditure report. Subgrantee must provide access, including performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

### 34. Non-Supplanting Requirement

Funds made available through this award will not be used to replace state or local funds that would, in the absence of this grant, be made available for the same purposes. Guidance on the non-supplanting requirement is available here:  
[https://ojp.gov/archives/financial\\_guides/financialguide11/PreawardRequirements/chapter5page6.htm](https://ojp.gov/archives/financial_guides/financialguide11/PreawardRequirements/chapter5page6.htm)

### 35. ACORN

The subgrantee cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.

#### 36. VOCA Rule Compliance

The subgrantee agrees to comply with the “Victims of Crime Act Victim Assistance Program Final Rule, 28 CFR 94, effective August 8, 2016”, available here: <https://ecfr.io/Title-28/pt28.2.94#sp28.2.94.b>

#### 37. Civil Rights Training Requirement

The subgrantee agrees to meet the civil rights training requirements through viewing the online training modules offered through the Office on Civil Rights at <https://ojp.gov/about/ocr/assistance.htm> or online training offered by DCJS. The subgrantee must review these training modules at least once per grant cycle and must view the civil rights overview, standard assurances modules, and the module on the obligations to provide services to limited English proficient (LEP) individuals.

#### 38. Equal Employment Opportunity Plan (EEOP)

As a recipient of Department of Justice funding, the subgrantee agrees to comply with the requirements regarding Equal Employment Opportunity Plans (EEOP). In certain cases, subgrant recipients must develop an EEOP. Your organization is required to submit a Certification Report and/or the Utilization Report section of your plan to the Office of Civil Rights. Further guidance can be found at <https://ojp.gov/about/ocr/eeop.htm>. The Certification form required by OJP can be found at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

#### 39. Performance and Obligation Periods

Grant funds, including state and local match, may be expended and/or obligated during the grant award period of performance. Subgrantees may only charge to the award allowable costs incurred during this grant award period. All properly incurred obligations must be liquidated no later than 45 days after the end of the award period. No new obligations may be made during the liquidation period. The subgrantee agrees to submit a final financial report and return all received and unexpended grant funds to DCJS within 45 days of the end of the grant award period.

#### 40. Travel Policy

Subgrantees may follow their own established travel rates if they have an established travel policy. DCJS reserves the right to determine the reasonableness of an organization’s travel policy. If the subgrantee does not have an established

policy, then they must adhere to federal travel policy. DCJS allows reimbursement for actual reasonable expenses and meals according to per diem. Please refer to the following IRS website for the most current mileage rate: <https://www.irs.gov/tax-professionals/standard-mileage-rates>. Transportation costs for air and rail must be at coach rates.

#### 41. Project Initiation

Within 60 days of the starting date of the grant, the subgrantee must initiate the project funded. If not, the subgrantee must report to DCJS, in writing, the steps taken to initiate the project, the reasons for the delay, and the expected starting date. If the project is not operational within 90 days of the start date, the subgrantee must obtain approval in writing from DCJS for a new implementation date or DCJS may cancel and terminate the project and redistribute the funds.

#### 42. Budget Amendments

No amendment to the approved budget may be made without the prior approval of DCJS. No more than two (2) budget amendments will be permitted during the grant period. Budget amendments must be requested using the online Grants Management Information System (GMIS), accompanied with a narrative. The deadline for all budget amendments to be submitted will be 45 days prior to the end of the grant year.

#### 43. Financial Audits

The subgrantee agrees to forward a copy to DCJS of the subgrantee's scheduled financial statement audit for the fiscal year that covers the grant award period. If the subgrantee is a local government or non-profit organization and expends \$750,000 or more in federal awards (from all sources) during its fiscal year, the subgrantee is required to submit the appropriate single or program specific audit in accordance with the provisions outlined in 2CFR Part 200 Subpart F.

#### 44. Procurement

The subgrantee agrees to provide for fair and open competition when procuring goods and services with award funds and to maintain documented procurement policies and procedures. Permission to make a sole source procurement requires the prior approval of DCJS. Any request for exemption to this regulation must be filed in writing.

#### 45. Conflict of Interest

All subgrantees must have a written conflict of interest policy. The subgrantee certifies that it will disclose in writing any potential conflict of interest to DCJS in

accordance with applicable federal awarding agency policy as required in 2 C.F.R. Part 200, Subpart E § 200.112.

#### 46. Financial Management Systems

All subgrantees are required to establish and maintain adequate accounting systems and financial records and to accurately account for funds awarded to them. They must have a financial management system in place that is able to record and report on the receipt, obligation, and expenditure of grant funds. Subgrantees must properly track the use of award funds and maintain adequate supporting documentation including maintaining proper documentation for all paid grant and match staff and volunteer time reported. Further information is available in the DOJ Financial Guide at [https://ojp.gov/financialguide/doj/pdfs/DOJ\\_FinancialGuide.pdf](https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf)

#### 47. Project Income

Any funds generated as a direct result of DCJS grant-funded projects are deemed project income. Project income must be reported on the Subgrantee Financial Report for Project Income provided by DCJS. Instructions for the Project Income form can be downloaded at: <http://www.dcjs.virginia.gov/forms/grants/subgrantProjectIncomeInstructions.doc>. The Project Income form can also be downloaded from the DCJS website at: <http://www.dcjs.virginia.gov/forms/grants/subgrantProjectIncome.xls>. Examples of project income might include service fees; client fees; usage or rental fees; sales of materials; and income received from sale of seized and forfeited assets (cash, personal or real property included).

#### 48. Computer Equipment

All new Computer Processing Units (CPU's) purchased with grant funds must be protected by anti-virus software, which must be updated, as necessary.

#### 49. E-mail and Internet

Email and internet access funded through this grant must be for official program use only.

#### 50. Change in Personnel

The subgrantee agrees to submit the DCJS Program Change/Update form when there is a personnel change in the program. Available on the DCJS website at: <https://www.dcjs.virginia.gov/victims-services/forms>.

## 51. Required Reports

The subgrantee agrees to submit, on or before scheduled due dates, such reports as required by DCJS. This includes filing required reports using the online Grants Management Information System (GMIS). Failure to submit reports by the deadline dates may result in delay for reimbursement requests and/or cancellation of the subaward.

## 52. Delegation of Responsibility

Any delegation of responsibility for carrying out grant-funded activities to any entity must be pursuant to a written memorandum of understanding by which the implementing organization agrees to comply with all applicable grant terms, conditions and assurances. Any such delegation notwithstanding, the applicant acknowledges by its acceptance of the award its ultimate responsibility for compliance with all terms, conditions and assurances of the grant award.

## 53. Program Guidelines

The subgrantee agrees to comply with the applicable Grant Program Guidelines and Attachments, available here: <https://www.dcjs.virginia.gov/victims-services/grants/voca>

Costs, including staff time, associated with the preparation of subpoenas cannot be supported with grant funds.

In accordance with VOCA guidelines, grant funds may support membership in no more than three appropriate organizations. Memberships must be in the name of the organization, not the individual.

Unless otherwise stated, Special Conditions listed in item #54 must be met by August 31, 2019. If they remain unmet after this date, then the subgrantee must report to the DCJS, by letter, the steps taken to achieve compliance, the reasons for non-compliance, and the expected date of compliance. DCJS may terminate grant funding based upon unexplained or unreasonable failure to substantially comply with special conditions within reasonable specified timeframes.

## 54. Prior to DCJS disbursing funds, the subgrantee must comply with the following special conditions:



## REPORTING REQUIREMENTS AND PROJECTED DUE DATES

Virginia Department of Criminal Justice Services  
1100 Bank Street, 12<sup>th</sup> Floor  
Richmond, Virginia 23219

### VOCA School-based Victims Services

Subgrantee: Charlottesville  
DUNS Number: 074745829  
Grant Start Date: 07/01/2019

DCJS Grant Number: 20-A4736SB18  
Grant End Date: 06/30/2020

### ***REPORTING REQUIREMENTS***

By accepting the accompanying grant award, you are agreeing to submit online quarterly financial and progress reports for this grant throughout the grant period, as well as final reports to close the grant. No eligible current recipient of funding will be considered for continuation funding if, as of the continuation application due date, any of the required financial and progress reports for the current grant are more than 30 days overdue. For good cause, submitted in writing by the grant recipient, DCJS may waive this provision.

To submit reports, requests, and to view your grant award, refer to the Grants Management Information System (GMIS) at our website: [www.dcjs.virginia.gov/grants/gmis-online](http://www.dcjs.virginia.gov/grants/gmis-online). In order to use this web-based system, if you have not previously done so, you must obtain a user name and password set up by your Finance Officer.

- **FINANCIAL REPORTS** are due within 15 days after the end of each calendar quarter and must be approved by your locality's Financial Officer. Reports are required even if no expenditures occurred during the quarter. If the due date falls on a weekend or non-business day, the report is due on the next business day. For financial questions, contact Bill Dodd at (804) 371-0638 or via email at [Bill.Dodd@dcjs.virginia.gov](mailto:Bill.Dodd@dcjs.virginia.gov) or Mark Fero at (804) 225-2782 or via email at [Mark.Fero@dcjs.virginia.gov](mailto:Mark.Fero@dcjs.virginia.gov).
- **PROGRESS REPORTS** for most grant programs are due within 15 days after the end of each calendar quarter and must be approved by your DCJS Grant Monitor.
- **REQUEST FOR FUNDS** for most grant programs are processed quarterly. Requests must be preceded by the previous quarter's financial and approved progress reports. For request for funds questions, contact Bill Dodd at (804) 371-0638 or via email at [Bill.Dodd@dcjs.virginia.gov](mailto:Bill.Dodd@dcjs.virginia.gov) or Mark Fero at (804) 225-2782 or via email at [Mark.Fero@dcjs.virginia.gov](mailto:Mark.Fero@dcjs.virginia.gov).
- **BUDGET AMENDMENTS** can be submitted for most DCJS programs with prior approval through our online Grants Management Information System (GMIS). Please review your Special Conditions carefully to determine the requirements and procedures for amending budgets. For budget amendment questions, contact your assigned Grant Monitor.

- **GRANT CLOSEOUT:** The last quarterly financial report of a project using federal funds must indicate any unpaid obligations that may exist at the expiration of the grant award period. The subgrantee has up to 45 days from the end of the award period to liquidate any unpaid obligations and submit a final financial report. The liquidation period exists to allow projects time to receive final invoices and make final payments -- no new obligations may be incurred during this period. Closeout questions should be directed to Andrew Wooldridge (804) 225-1863 or via email at [Andrew.Wooldridge@dcjs.virginia.gov](mailto:Andrew.Wooldridge@dcjs.virginia.gov) or Mark Fero at (804) 225-2782 or via email at [Mark.Fero@dcjs.virginia.gov](mailto:Mark.Fero@dcjs.virginia.gov).

**REPORTING SCHEDULE**

CALENDAR QUARTER ENDING	REPORT DUE DATES
9/30/2019	10/15/2019
12/31/2019	1/15/2020
3/31/2020	4/15/2020
6/30/2020	7/15/2020
Final Report	8/15/2020

**GENERAL HELPDESK INFORMATION**

GMIS Online: Send an email to [grantsweb@dcjs.virginia.gov](mailto:grantsweb@dcjs.virginia.gov).

CIMS or VSDVVF Reporting Software: Call (804) 786-4576 or (804) 225-4868.

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



<b>Agenda Date:</b>	July 1, 2019
<b>Action Required:</b>	Appropriation
<b>Presenter:</b>	Chris Gensic, Parks and Recreation
<b>Staff Contacts:</b>	Chris Gensic, Parks and Recreation Brian Daly, Parks and Recreation Ryan Davidson, Office of Budget and Performance Management
<b>Title:</b>	<b>VDOT TAP grant appropriations – 250 Bypass and Water Street Trails - \$115,257</b>

**Background:**

The City of Charlottesville, through Parks and Recreation, has received two awards from the Virginia Department of Transportation (VDOT) Transportation Alternatives Program (TAP) to assist with efforts to construct a bicycle and pedestrian trail along the north side of the 250 bypass and to connect the existing Coal Tower Trail along Water Street to the Belmont bridge and downtown mall. Both grants require local match. Both projects have been bid. The 250 Bypass project bid came in much lower than expected, and the Water Street project bid came in much higher than expected. Through a combination of moving some funding from the 250 Bypass project to the Water Street project, the award of additional TAP funding from VDOT, and an increase of local match from the Trails Lump Sum CIP fund, funding will be available to move both projects into construction phase this summer.

**Discussion:**

The 250 Bypass Trail project came in approximately \$80,000 under bid, while the Water Street Trail project came in approximately \$115,000 over bid. The 250 Bypass project has been awarded and will begin construction soon. VDOT has awarded additional grant funding in the amount of \$74,317 to the Water street project. The City will be required to contribute the additional match required, as well as transfer \$17,888 (and the associated \$4,472 in already allocated local match) from the 250 Bypass Trail project. The Adopted FY 2020 Trails Lump Sum CIP budget will be used to fund the additional \$18,580 needed in local match. The approval of the transfer of these funds will enable this project to proceed to the construction phase.

**Community Engagement:**

The bicycle, pedestrian and trail master plan was developed with multiple public meetings and was approved by council to be an addendum to the City Comprehensive Plan.

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

Construction of this trail will further council goals of being a Connected City by establishing a portion of the bicycle and pedestrian trail system that enhances our residential neighborhoods.

**Budgetary Impact:**

There is no impact to the General Fund. Additional match funds will be transferred from previously appropriated funding in the Trails Lump Sum CIP account.

**Recommendation:**

Staff recommends appropriation of grant funds.

**Alternatives:**

If grants funds are not appropriated, Parks and Recreation will have to use local CIP funds for the additional required funding to complete the project, leaving less money for other potential parkland acquisitions.

**Attachments:**

Final Project Agreements  
Appropriation

**APPROPRIATION**  
**VDOT Grants for Water Street Trail**  
**\$115,257**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has been awarded an additional \$74,317 from the Virginia Department of Transportation, and reallocated \$17,888 from the Rt. 250 Trail project, to complete the funding required for the Water Street Trail; and require a 20% match for the new funding.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$115,257 is hereby appropriated in the following manner:

**Revenue**

\$74,317      Fund: 426      WBS: P-00925      G/L Account: 430120

**Expenditures**

\$74,317      Fund: 426      WBS: P-00925      G/L Account: 599999

**Transfer From**

**Revenue**

\$17,888      Fund: 426      WBS: P-00891      G/L Account: 430120

**Expenditures**

\$22,360      Fund: 426      WBS: P-00891      G/L Account: 599999

\$18,580      Fund: 426      Lump Sum: PR-001      G/L Account: 599999

**Transfer To**

**Revenue**

\$17,888      Fund: 426      WBS: P-00925      G/L Account: 430120

**Expenditures**

\$40,940      Fund: 426      WBS: P-00925      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$74,317 additional funding from the Virginia Department of Transportation.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 5, 2019
Action Required:	Appropriation of State Funds
Presenters:	Marty Silman, Public Works
Staff Contacts:	Marty Silman, Public Works Ryan Davidson, Office of Budget and Performance Management
Title:	<b>VDOT Primary Extension Paving Project Funds - \$633,442</b>

**Background:**

Based on a legislative change that was effective July 1, 2014, Virginia Code section 33.1-23.1 (B) authorizes funding for the reconstruction of interstate, primary, and primary extension routes. Funding for the reconstruction of primary extensions – routes that are both locally maintained and have a primary route number (e.g. Route 20) – is made available using a competitive application process. Awards are made based on a combination of road condition and traffic volume. Assessment of road condition is performed by the Virginia Department of Transportation (VDOT).

The City of Charlottesville has qualified to receive funds to perform two paving projects, requiring a local financial contribution and Appropriation of funds estimated for reimbursement.

**Discussion:**

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

Emmet St. South from Jefferson Park Ave. to Ivy Rd; estimated cost = \$290,995 – VDOT Grant award = \$290,995; total estimated local cost share = \$0.00; scope includes the upgrade of curb ramps and new marking.

Monticello Ave from Druid Ave to Levy Ave; estimated cost = \$342,447 – VDOT Grant award = \$334,083; total estimated local cost share = \$8,364; scope includes the upgrade of curb ramps and new marking.

This program is a promising relief for CIP funding sources dedicated to street paving projects. The high traffic volume of Charlottesville’s streets compared to others in the VDOT Culpepper District will continue to make paving projects in Charlottesville very competitive for the duration of this program.



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

It contributes to Goal 3 of the Strategic Plan, particularly objective 3.2, to “provide reliable and high quality infrastructure”.

**Community Engagement:**

N/A

**Budgetary Impact:**

No new local funding will be required. Local contribution will be funded through previously appropriated street paving CIP funds. Appropriation of state funds for these projects will result in an estimated net avoided cost of \$625,078.

**Recommendation:**

Staff recommends approval of the Resolution and Appropriation.

**Alternatives:**

Pay the full cost of these projects.

**Attachments:**

Appropriation

**APPROPRIATION**  
**Primary Extension Paving Funds - \$633,442**

**WHEREAS**, the Virginia Department of Transportation and the City of Charlottesville desire to execute a standard Project Administration Agreement for a state-aided project, referenced as Virginia Department of Transportation Project Numbers 6029-104-355 (UPC 115268) and 0020-104-356 (UPC 115270);

**WHEREAS**, the Virginia Department of Transportation has awarded the City of Charlottesville a Primary Extension Paving grant in the amount of \$633,442, with a required local match of \$8,364;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$633,442 is appropriated in the following manner:

**Revenue - \$625,078**

Fund: 426	WBS: P-00689-20-01 (SS-009)	G/L Account: 430120
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**Expenditures - \$625,078**

Fund: 426	WBS: P-00689-20-01 (SS-009)	G/L Account: 599999
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**Transfer From: \$8,364**

Fund: 426	WBS: SS-009	G/L Account: 599999
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**Transfer To: \$8,364**

Fund: 426	WBS: P-00689-20-01 (SS-009)	G/L Account: 599999
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$625,078 from the Virginia Department of Transportation.

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



<b>Agenda Date:</b>	August 5, 2019
<b>Action Required:</b>	** See Recommendation **
<b>Staff Contact:</b>	Leslie Beauregard, Assistant City Manager
<b>Presenter:</b>	Russ Linden, Welcome Greater Charlottesville, Task Force Chair Kari Miller, International Neighbors, Founder/Executive Director
<b>Title:</b>	Welcoming Week 2019 Off Budget Request for Funds - \$4,100

**Background:**

International Neighbors, on behalf of Welcoming Greater Charlottesville, is requesting \$4,100 from the City to help support Welcoming Week, an annual celebration of the community's diverse cultures. Their mission is to help equip refugee neighbors in the community with the network and skills to move them from surviving to thriving in Charlottesville. Welcoming Greater Charlottesville, formed in 2017, strives to form a welcoming community, one that: 1. provides tangible support for immigrants, refugees and others who are at risk, and 2. educates our residents about the needs and contributions of immigrants, refugees, and other minorities, especially those who are being vilified today. Since Welcoming Greater Charlottesville is not itself a nonprofit, International Neighbors applied for these funds on their behalf. International Neighbors will receive the funds, disperse them accordingly and keep records of funds spent.

**Discussion:**

Welcoming Greater Charlottesville was created in 2017, to help make our community open and welcoming to all, especially immigrants, refugees, and others who are sometimes marginalized. One of our major annual activities is the support and coordination of Welcoming Week, a celebration of our community's diverse cultures. Each year, over two dozen events take place that help people of all ages learn about the many cultures represented here - films, lectures and panel discussions, food demonstrations, music and dancing, stories for kids, and more.

The request for funds from the City is to support Welcoming Week publicity this year, in order to help people in all parts of the community learn about and enjoy the events. These funds will be used for the following:

Rental of banner over East Market St.	\$100
Radio ads	\$1,500
Printing posters	\$200
Social Media/Online advertising	\$500
Newspaper ads	\$1,800
<b>Total request:</b>	<b>\$4,100</b>

**Community Engagement:**

N/A

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

The annual Welcoming Week celebration supports Council's Goal 1: An inclusive community of self-sufficient residents.

**Recommendation:**

Staff has prepared a resolution that allocates up to \$4,100 Council's Strategic Initiatives Account should Council choose to fund this request. No new money is required since this is coming from already appropriated funds. The remaining funds in Council's Strategic Initiatives Account after this approval will be \$117,860.

**Budgetary Impact:**

Staff is recommending this come from Council's Strategic Initiatives Account.

**Alternatives:**

Council may choose to fund all, a portion or none of the requested funds.

**Attachments:**

N/A

**RESOLUTION**  
**Welcoming Week 2019 Off Budget Request for Funds**  
**\$4,100**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$4,100 is hereby paid from currently appropriated funds in the Council Strategic Initiatives Account in the General Fund to International Neighbors in support of Welcoming Week 2019.

\$4,100

Fund: 105

Cost Center: 10110010000

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



Agenda Date:	August 5, 2019
Action Required:	Appropriation of funding
Presenter:	Thomas von Hemert, Charlottesville Police Department
Staff Contacts:	Thomas von Hemert, Charlottesville Police Department
Title:	<b>Thomas Jefferson Area Crisis Intervention Team Training Grant - \$20,708</b>

**Background:**

The Department of Behavioral Health and Development Services (D.B.H.D.S.) is providing a one-time distribution to support the Crisis Intervention Team (C.I.T.) trainings with the Thomas Jefferson Area Crisis Intervention Team/Charlottesville Police Department. These funds from the D.B.H.D.S. to the Thomas Jefferson Area CIT program assist our local C.I.T. program by providing extra C.I.T. Trainings within its region. This will provide for the creation and expansion of other much needed C.I.T. trainings for our community.

**Discussion:**

This funding will provide ongoing technical assistance and consultation to developing C.I.T. programs. These programs will be identified in conjunction with the Department of Behavioral Health and Developmental Services and Thomas Jefferson Area C.I.T. program. This is a one-time grant with no required City match.

**Community Engagement:**

N/A

**Alignment with City Council's Vision and Priority Areas:**

Appropriation of this item aligns with Council's visions by providing additional funding to aid the Thomas Jefferson Crisis Intervention Team Program and the Police Department in delivering optimal CIT services to our City as a Smart, Citizen-Focused Government.

**Budgetary Impact:**

This has no impact on the General Fund. The grant funds do not require a City match and will be expensed and reimbursed to a separate internal order in a Grants Fund.



**Recommendation:**

Staff recommends approval and appropriation of funds.

**Alternatives:**

If the appropriation is not approved, the funds will be returned and fewer C.I.T. trainings for handling mental health crisis situation will be provided.

**Attachments:**

Appropriation

**APPROPRIATION**

**\$20,708**

**Department of Behavioral Health and Developmental Services, Thomas Jefferson Area Crisis Intervention Team Program Grant**

**WHEREAS**, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, has received from the Department of Behavioral Health and Developmental Services, funding to support the Crisis Intervention Team programs.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$20,708, received from the Department of Behavioral Health and Developmental Services is hereby appropriated in the following manner:

**Revenue**

\$ 20,708                      Fund: 209      IO: 1900225                      G/L: 430080 State Assistance

**Expenditure**

\$ 20,708                      Fund: 209      IO: 1900225                      G/L: 599999 Lump Sum

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$20,708 from the Department of Behavioral Health and Developmental.

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



Agenda Date:	August 5, 2019
Action Required:	Approval of Appropriation
Presenter:	Kaki Dimock, Director of Human Services
Staff Contacts:	Kaki Dimock, Director of Human Services Sue Moffett, Assistant Director of Social Services
<b>Title:</b>	<b>Moving from Foster Care to Adulthood Rental Assistance Grant - \$300,000</b>

**Background:**

The Moving from Foster Care to Adulthood rental assistance pilot program was created to provide up to three years of tenant-based rental assistance (T.B.R.A.) to Fostering Futures program participants for two high-cost markets (the City of Richmond and the Charlottesville/Albemarle area).

This pilot program was created to help stabilize housing options for young adults aging out of foster care. Charlottesville and Albemarle Departments of Social Services (D.S.S.), in collaboration with the Thomas Jefferson Area Coalition for the Homeless (T.J.A.C.H.) were selected to pilot this rental assistance program, funded with \$300,000 of Federal H.O.M.E. program dollars through Virginia Department of Housing and Community Development (V.D.H.C.D.).

**Discussion:**

The Charlottesville pilot is a tenant based rental assistance pilot program for Fostering Futures participants. Fostering Futures is a state program that provides transitional assistance (for up to 3 years) for those “aging out” of foster care. Virginia Department of Social Services (V.D.S.S.) works with local departments of social services to administer the Fostering Futures program. The pilot will utilize federal H.O.M.E. funds to demonstrate impact additional funds have on stabilizing housing for this population. The Virginia Department of Housing and Community Development (V.D.H.C.D.) is the state agency that allocates H.O.M.E. funds to projects throughout the Commonwealth. V.D.H.C.D. and V.D.S.S. have partnered on this pilot project.

The City of Charlottesville will serve as the Fiscal Agent for the administration of funds received under the Moving from Foster Care to Adulthood Rental Assistance Pilot. As the official grantee for the H.O.M.E. funds, the City of Charlottesville will provide fiscal and programmatic oversight for the implementation of H.O.M.E. programming.

The Thomas Jefferson Area Coalition for the Homeless (T.J.A.C.H.) serves as the leader of Charlottesville's Continuum of Care and as the organization responsible for coordinating services and tracking progress in meeting the goals of our Community Plan to End Homelessness. T.J.A.C.H. is the operational partner to the Virginia Department of Housing and Community Development (V.D.H.C.D.) for the Moving from Foster Care to Adulthood Rental Assistance Pilot.

This project will serve 10 or more youths in local D.S.S. Fostering Futures programs annually. City and County Fostering Futures programs will assess each existing participant for housing needs and eligibility for enrollment in this pilot project. Participants who have expressed interest and need for housing and rental assistance will be assessed for eligibility by their Fostering Futures case manager. Those who are found to be eligible will then complete the pilot project's participant agreement and complete T.J.A.C.H.'s Housing Barrier assessment with their Fostering Futures case manager. A subsequent referral will then be sent by the Fostering Futures case manager to T.J.A.C.H. and The Haven for housing navigation assistance. The Haven's Housing Navigator will work with the participant and the participant's Fostering Futures case manager to identify housing that the participant is interested in. The Haven will then ensure that the housing passes habitability standards and "rent reasonableness" standards as determined by H.U.D. before working with the landlord to sign a landlord agreement. Once the landlord agreement is signed, the participant can move into the unit and The Haven will begin processing rent assistance to the landlord. Participants will pay up to 30% of their income toward rent and utilities. Supportive services will be provided to the participant in housing by L.D.S.S. Fostering Futures staff.

If a homeless or housing instable youth who has previously aged out of foster care is identified by T.J.A.C.H. or any of its service provider partners, a referral will be made by the T.J.A.C.H. service provider partner to the L.D.S.S. for eligibility screening for enrollment in the Fostering Futures program and in the pilot project for T.B.R.A. If the referred youth is interested in the program and eligible for enrollment, the process for connection to housing navigation assistance and rent assistance will continue as described above.

This pilot project will employ a housing first approach; engagement in supportive services will not be required for continued service in the T.B.R.A. pilot project. Discharge from the program will occur if the participant desires to exit the program, or if the participant is found to have become ineligible for continued service due to increased income. In the event of discharge from the pilot project, 30-day notice of termination of rent assistance will be provided to the participant and landlord.

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

This grant aligns with City Council Strategic Goal # 1.3: Increase affordable housing options, Goal #2.2: Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization, and Goal #2.3: Improve community health and safety outcomes by connecting residents with effective resources.

**Community Engagement:**

The grant application submitted reflects a collaborative efforts between Charlottesville and Albemarle departments of social services and the local homelessness continuum of care. No additional community engagement was conducted prior to submission.

**Budgetary Impact:**

Appropriating this grant will have no impact on the general fund.

**Recommendation:**

Staff recommend approval of this appropriation as written.

**Alternatives:**

If grant funds are not appropriated, young people aging out of foster care will not have access to dedicated funding for housing or coordinated services.

**APPROPRIATION**

**Moving from Foster Care to Adulthood Rental Assistance Grant \$300,000**

**WHEREAS**, The City of Charlottesville, through the Department of Human Services, has received the Moving from Foster Care to Adulthood Rental Assistance Pilot Award from the Virginia Department of Housing and Community Development in the amount of \$300,000;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$484,785 is hereby appropriated in the following manner:

Revenues  
\$300,000      Fund: 209      IO: 1900336      G/L: 430120 Federal Pass-Thru State

Expenditures  
\$300,000      Fund: 209      IO: 1900336      G/L: 530550 Contracted Services

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon receipt of \$300,000 in funds from the Virginia Department of Housing and Community Development.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Requested:	Amendment of City Special Events Ordinance
Presenter:	John Blair, City Attorney
Staff Contacts:	Lisa Robertson, Chief Deputy City Attorney
<b>Title:</b>	<b>Amend City Special Events Ordinance</b>

**Background:**

In early 2018 the City Council adopted an ordinance to regulate special events (including demonstrations and other First-Amendment-protected assemblies) conducted on public property. Recently the City Attorney's office reviewed the provisions of the ordinance, reflecting on experiences and comments which have been received since its adoption.

**Discussion:**

The City Attorney's Office recommends that the Special Events Ordinance should be amended. It is desirable to provide clarification of certain defined terminology as well as of the applicability of specific requirements. One such issue: clarification that the Prohibited Items regulations apply to individuals actually participating in any event—regardless of whether or not the event requires a permit. The Prohibited Items section is separated out from other applicable requirements, and items are presented in a list format rather than a single paragraph. Also, we propose that violations of provisions pertaining to the requirement to obtain a permit should become punishable by a civil penalty, rather than as a criminal offense. Most, if not all, of the proposed amendments involve wordsmithing rather than changes in policy.

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

**Community Engagement:** N/A

**Budgetary Impact:** None

**Recommendation:** The City Attorney's Office recommends adoption of the attached Ordinance.

**Alternatives:** The City Attorney's Office has no alternatives to recommend at this time.

**Attachment:**

- (1) Ordinance Amending and Re-enacting City Code Chapter 18, Article III

**ORDINANCE**  
**AMENDING AND RE-ENACTING CHAPTER 18 (PARKS AND RECREATION), ARTICLE III**  
**(PERMITS FOR SPECIAL EVENTS AND DEMONSTRATIONS) OF THE CODE OF THE**  
**CITY OF CHARLOTTESVILLE (1990) AS AMENDED**

**1. The provisions of Chapter 18, Article III of the Code of the City of Charlottesville (1990), as amended, are hereby amended and re-enacted, as follows:**

~~ARTICLE III. - PERMITS FOR~~ REGULATION OF SPECIAL EVENTS AND  
DEMONSTRATIONS

**Sec. 18-21. - Purpose.**

The purposes of this article are to:

- (a) To establish procedures and standards governing the use of public property by non-city organizations and individuals for the purpose of conducting events, and to ensure the preservation of public convenience in the use of city streets and outdoor areas, the preservation of public order and safety, and the defraying of administrative expenses associated with certain types of uses; and,
- (b) To protect the right of persons and groups to organize and participate in peaceful assemblies to express their political, social, religious, or other views on city streets, sidewalks, and other public ways, in parks, and on other public lands, subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interest of persons not participating in such assemblies in not having their ability to use city streets, sidewalks, and other public ways to travel to their intended destinations, city parks for recreational purposes, and other city lands for their intended purposes unreasonably impaired.
- (c) The application of the provisions of this article, and any rules and regulations adopted pursuant to these provisions, shall be without regard to the content of the beliefs expressed or anticipated to be expressed during any permitted event.

**Sec. 18-22. - Definitions.**

~~*Community event* means the events listed in section 28 29(e) of this Code, and such other events designated by city council as "community events" from time to time.~~

~~*Demonstration* means any demonstration, rally, protest, counter-protest, picket, or other similar public assembly conducted on public property, at which one or more individuals are engaged in non-commercial expression protected by the First Amendment of the United States Constitution an event involving non-commercial expression protected by the First Amendment of the United States Constitution (such as picketing, political marches, speechmaking, vigils, walks, etc.) conducted on public property, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual activity by persons which does not have an intent or propensity to attract a crowd or onlookers. The term "demonstration" shall exclude:~~

- ~~(1) Any events conducted by tenant of the Economic Development Authority of the City of Charlottesville ("CEDA") under the Pavilion lease dated September 20, 2004 (i.e., all "operator events" as that term is defined within that Pavilion lease); and~~
- ~~(2) Any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument.~~

~~Event refers to any activity that is may refers either to a demonstration or a special event, a demonstration or special event or to demonstrations and special events, collectively.~~

*Open burning* and *open fire* have the same meaning as set forth in this Code section 12-2.

*Open flame* means fire whose flame is supported by a wick, oil or other slow-burning means to sustain itself. "Open flame" includes, but is not limited to, flame producing devices such as candles, torches, and juggling or other fire artist equipment; provided, however, that "open burning and open fire" and "open flame" shall not include handheld candles when used for ceremonial purposes, provided that they are not held or used in an intimidating, threatening, dangerous or harmful manner.

*Person* means an individual, or any legal entity, such as a corporation, association, limited liability company, or partnership.

*Public property* means any land or premises owned or leased by the City of Charlottesville.

*Prohibited items* shall mean:

- ~~(1) All items prohibited by law from being held, carried, displayed, worn or otherwise used in public;~~
- ~~(2) Items banned from public or park lands;~~
- ~~(3) Any BB guns, pellet guns, air rifles or pistols, paintball guns, pellet guns, nun chucks, tasers, stun guns, heavy gauge metal chains, lengths of lumber or wood, poles, bricks, rocks, metal beverage or food cans or containers, glass bottles, axes, axe handles, hatchets, ice picks, acidic or caustic materials, hazardous, flammable, or combustible liquids, dogs (except service dogs), skateboards, swords, knives, daggers, razor blades or other sharp items, metal pipes, pepper or bear spray, mace, aerosol sprays, catapults, wrist rockets, bats, sticks, clubs, drones, explosives, fireworks, open fire or open flames, or other item considered an "implement of riot";~~
- ~~(4) Any items capable of inflicting bodily harm when these items are held or used in an intimidating, threatening, dangerous or harmful manner; and~~
- ~~(5) Law enforcement or military like uniforms or uniform like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that when held, carried, displayed or worn tend to suggest or imply that the wearer is a current member of law enforcement, the military, a private militia, or other public safety organization, such as a fire department or emergency medical services agency.~~

*Special event* means any activity, such as a sports events, pageants, celebrations, historical reenactments, carnivals, music festivals or and other entertainments, exhibitions, dramatic presentations, fairs, festivals, races (i.e., runs/walks), any community events (as defined in city

code 28-29(c)), block party parties, movie filming, parades and any other, similar activity activities, conducted on public property conducted by a person other than the City of Charlottesville which (i) are not demonstrations, and (ii) are engaged in by fifty (50) or more persons on public property that is reserved, or is sought to be reserved, as the venue for such activity. The term "special event" shall be construed to include a community event or private organization celebration held in or on city owned property and is attended by more than fifty (50) people. The term "special event" shall *exclude* (i) any events conducted by the Charlottesville Economic Development Authority's CEDA's tenant under the Pavilion lease dated September 20, 2004 (i.e., all "operator events" as that term is defined within the Pavilion lease), and (ii) any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument; ~~and~~ (iii) a gatherings of ten (10) or more people in a park for general recreational or sports activities, and (iv) a demonstration, as defined above within this section.

*Sponsor* means any the person (as defined above) or persons who (i) conduct(s) an event, (ii) organizes an event, or who holds himself or herself out as being the organizer of an event, or (iii) who sign(s), or whose authorized representative(s) sign(s), an application for an event permit that is required for an event and who will be responsible under the permit, if issued, for ensuring that an the event will be conducted in accordance with these regulations. Where a purported sponsor is not a legal entity, the sponsor shall be the individual(s) signing the permit application.

#### **Sec. 18-23. - Permit required for certain events.**

- (a) The city manager is authorized to adopt standard operating procedures that establish a permit application process for events to be administered through the department of parks and recreation. The procedures shall also provide for the grant or denial of permit applications within specified times; establish the grounds for revocation of an approved permit; provide for the application of reasonable time, place and manner regulations for permitted events; and establish reasonable fees, charges, rentals and insurance and indemnification requirements for events; and restrict the possession or use of prohibited items, as defined herein, during the event.
- (b) Any person intending to ~~hold or sponsor~~ conduct an event ~~on any city owned or leased property~~ must first obtain a permit from the city through the department of parks and recreation, unless:
  - (1) The event is exempt from permitting requirements under the standard operating procedures promulgated by the city manager; or
  - (2) Such person is using public property in accordance with ~~holding or sponsoring such event pursuant to~~ a valid permit issued by the city ~~manager~~ pursuant to another chapter of this Code.
- (c) By accepting a permit issued by the city pursuant to this article, the sponsor represents that:
  - (1) All information included or presented as part of the permit application was, to the best of the sponsor's information and belief, complete and correct;

- (2) That the sponsor will comply with all terms and conditions of the permit and the sponsor will use reasonable means to ensure that persons participating in the event will comply with all terms and conditions of such permit ~~have been or will be complied with~~; and
- (3) That a copy of the permit will be made available for inspection by any city representative during the event.

(d) The following conduct is declared to be unlawful, and any person who engages in such conduct shall be subject to a civil penalty of up to five hundred dollars (\$500.00):

(1) Advertising, promoting or conducting an event for which a permit is required, without first obtaining a permit;

(2) Conducting an event for which a permit has been issued on any day(s), or at time(s), or location(s) not authorized by the permit, or advertising or promoting such event to take place on any day(s), time(s) or location(s) not authorized by the permit;

(3) Providing false, misleading or incomplete information within a permit application;

(4) Failing to comply with any terms or conditions placed on a permit, or failing to use reasonable means to ensure that persons participating in the event will comply with all terms and conditions of a permit.

**Sec. 18-24. - Insurance requirements.**

- (a) To further the goal of public safety and to protect the city and its officers, officials and employees from claims for damage to property or bodily injury occurring during the event, the sponsor of an event shall be required to furnish a general liability and property damage insurance contract insuring the sponsor's liability for personal injury and death and damages to property resulting from its use of public property. The required general liability and property damage insurance, unless waived in whole or in part, shall be provided in an amount not less than one million dollars (\$1,000,000.00), and the insurance policy shall name the city (including its officers, officials, employees and agents), as additional insured parties to the insurance contract.
- (b) This insurance requirement may be waived, in whole or in part, by the city manager or his or her designee because:
  - (1) The cost of the insurance will result in a documented financial hardship to the sponsor;  
or
  - (2) For an event that:
    - a. Does not pose a high level of liability risk to the city or a material risk to public safety; and
    - b. Does not involve any inherently dangerous activity.

A written request to waive or modify any insurance requirement must be made by the sponsor at the time a permit application is submitted. An approval or denial of the request will be made in writing to the event sponsor.

- (c) The decision on whether the insurance requirement will be waived in whole or in part will be based on the following factors:
- (1) Whether the event and planned activities present a risk of personal injury or property damage;
  - (2) Whether the event involves a large number of participants relative to the size of the event venue;
  - (3) Whether the event involves the preparation and sale of food;
  - (4) The duration of the event; and
  - (5) Whether the event involves transportation or installation of heavy equipment, or the installation of a stage or other temporary structures. Provided however, that, in deciding whether insurance will be required or waived for a demonstration the city manager or his or her designee shall not consider the number of anticipated onlookers or counterdemonstrators, the potential risk of property damage or bodily injury that may be caused by onlookers or counterdemonstrators, nor the possibility that the demonstration will be controversial in nature.

**Sec. 18-25. - ~~Violations and penalties~~ Prohibition on carrying or possessing specified items while attending or participating in an event.**

- (a) It shall be unlawful for any person to carry or possess any of the following items or articles while attending or participating in an event:
1. Any length of lumber, wood or wood lath unless that object is ¼ inch or less in thickness and 2 inches or less in width, or if not generally rectangular in shape, such object shall not exceed ¾ inch in its thickest dimension. Both ends of the lumber, wood or wood lath permitted by this subsection shall be blunt;
  2. Any length of metal or plastic pipe, whether hollow or solid; provided, however, that hollow plastic piping not exceeding ¾ inch in its thickest dimension, and not exceeding 1/8 inch in wall thickness, and not filled with any material, liquid, gas or solid, may be used solely to support a sign, banner, placard, puppet or other similar expressive display. Both ends of any plastic pipe permitted by this subsection shall be blunt;
  3. Signs, posters, banners, plaques or notices, whether or not mounted on a length of material permitted under subdivision 1 or 2 of this section, above, unless such sign, poster, banner, plaque or notice is constructed solely of soft material such as cloth, paper, soft plastic capable of being rolled or folded, or cardboard material no greater than ¼ inch in thickness;

4. Baseball or softball bats, regardless of composition or size, provided however that such items are permissible when configured of cloth, cardboard, soft plastic, foam or paper for expressive purposes;
  5. Any aerosol spray, tear gas, mace, pepper spray or bear repellent;
  6. Any projectile launcher or other device, such as a catapult or wrist rocket, which is used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;
  7. Weapons, such as knives, swords, sabers or other bladed devices; axes; hatchets; ice picks; razor blades; box cutters; nunchucks or other martial arts weapons of any kind; metal/composite/wooden knuckles; conducted electrical weapons (CEWs), including, but not limited to, tasers or stun guns; any chain greater than 20 inches in length or greater than ¼ inch in diameter; or pellet or BB guns. This subdivision also includes toy or replica firearms unless such toy or replica is florescent-colored or transparent;
  8. Balloons, bottles or any other containers, such as water cannons or super-soakers, filled with any flammable, biohazard or other noxious matter which is injurious, or nauseous, sickening or irritating to any of the senses, with intent to throw, drop, pour, disperse, deposit, release, discharge or expose the same in, upon or about any persons attending a public assembly;
  9. Glass bottles, whether empty or filled;
  10. Open flame torches, lanterns or other devices that utilize combustible materials such as gasoline, kerosene, propane or other fuel sources;
  11. Shields made of metal, wood, hard plastic or any combination thereof;
  12. Bricks, rocks, pieces of asphalt, concrete, pellets or ball bearings.
- (b) When feasible, except in exigent circumstances, a warning shall be issued before enforcement of the provisions of this section. Such warning shall be sufficient if provided orally, by a posted sign, or by amplified announcement.
- (c) Authorized employees, agents or representatives of the City, and any person providing public services in aid of or in cooperation with City forces, shall be exempt from the provisions of this section while engaged in the official business of the City.
- (d) Nothing in this section shall prohibit an individual from carrying a cane or using a walker or other device necessary for providing mobility so that the person may participate in a public assembly. Further, nothing in this section shall prohibit the imposition of specific conditions for activities authorized under a permit issued by the City.

~~Sec. 18-25. Violations and penalties.~~

~~The following conduct is declared to be unlawful and shall be, upon conviction, punishable as a class IV misdemeanor, unless a greater penalty is authorized and imposed in any other chapter of this Code or by the laws of the Commonwealth of Virginia:~~

~~Any person who engages in conduct prohibited by this article shall, upon conviction, be guilty of a class IV misdemeanor, unless a greater penalty is authorized and imposed in any other chapter of this Code or by the laws of the Commonwealth of Virginia:~~

- ~~(a) Sponsoring, holding or conducting an event for which a permit is required, without first obtaining a permit;~~
- ~~(b) Sponsoring, holding or conducting an permitted event for which a permit has been issued on days or at times not authorized by the permit;~~
- ~~(c) Intentionally providing false, misleading or incomplete information in a permit application;~~
- ~~(d) Failing to comply with any terms or conditions placed on a permit;~~
- ~~(e) The failure to comply during an event with any lawful directive of a law enforcement officer, or with any lawfully posted public sign, direction or instruction;~~
- ~~(f) Climbing, during an event, upon any tree, or any wall, fence, shelter, fountain, statue, or any other structure not specifically intended for climbing purposes;~~
- ~~(g) Rendering any part of an event venue dangerous, unsafe or unsuitable for use by others;~~
- ~~(h) Closing any street or public right of way during an event, or using any street or right of way in a manner that obstructs vehicular or pedestrian passage during an event, without first obtaining a street closing permit;~~
- ~~(i) Holding, carrying, displaying or using any prohibited item as defined herein within an area where an event is taking place with a permit, without the prior written consent of the city manager or his or her designee;~~
- ~~(j) Holding, carrying, displaying or using any prohibited item as defined herein within a restricted area established by police officers as a security measure for or in connection with any event;~~
- ~~(k) Throwing or propelling objects of a potentially dangerous nature during an event, including but not limited to rocks, bottles, sticks, staffs, glass objects or cans;~~
- ~~(l) Engaging in a course of conduct or committing any act that endangers the public welfare or safety of others during an event;~~
- ~~(i) Damaging landscaping, plantings, improvements, equipment or structures located on city property where an event is being held.~~

~~In addition to the criminal sanctions authorized herein, any person engaging in the unlawful conduct proscribed by this section, or who violates any section in this article, may also be held civilly liable for any damages or loss, and may be banned from the future use of city owned property for a specified period of time.~~

**Sec. 18-26. Other conduct prohibited while attending or participating in in an event**

- (a) It shall be unlawful for any person to engage in the following conduct while attending or participating in an event:
  - (1) Failure to comply with lawful directions or instructions set forth on a sign posted by the City for or in connection with the event;



- (2) Climbing upon, during an event, any tree, wall, fence, shelter, fountain, statue, or other structure not specifically intended for climbing purposes;
  - (3) Rendering any part of the event venue dangerous or unsafe for use by others;
  - (4) Closing any street or public right-of-way during the event, or using any street or right-of-way in a manner that obstructs vehicular or pedestrian passage during the event, without first obtaining a street closing permit;
  - (5) Damaging landscaping, plantings, improvements, equipment or structures located on the public property where the event is being held;
  - (6) Holding, carrying, displaying or wearing law enforcement or military-like uniforms or uniform-like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that, when held, carried, displayed or worn, tend to suggest or imply that the wearer is a current member of the military, a private militia, a law enforcement agency, or another public safety organization (such as a fire department or emergency medical services agency).
- (b) The provisions of this section shall be enforceable as provided within Sec. 18-27 of this article.

**Sec. 18-27. Violations and penalties.**

Any person who commits an act made unlawful under the provisions of sec. 18-25 or 18-26 of this article shall, upon conviction, be guilty of a class 3 misdemeanor punishable as set forth within sec. 1-11 of the City Code.

- 2. **Severability. If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.**
- 3. **Effective Date. This ordinance shall become effective upon adoption by City Council.**

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

Agenda Date:	July 1, 2019
Action Required:	Ordinance Approval (Consent Agenda – 1st of 2 readings)
Staff Contacts:	Allyson Davies, Deputy City Attorney
Presenter:	John C. Blair, II, City Attorney
<b>Title:</b>	<b>Lumos Networks Inc. - Telecommunications Franchise Renewal</b>

**Background:**

Lumos Networks, Inc. (“Lumos”) requested a renewal of its current franchise to maintain its existing fiber lines and equipment. Lumos has had a franchise agreement with the City since 2014. The current franchise agreement expires July 21, 2019.

**Discussion:**

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

**Budgetary Impact:**

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

**Recommendation:**

Approve the renewal of the franchise agreement. **Suggested motion: I move to adopt the Ordinance granting a telecommunications franchise to LUMOS Networks, Inc., as set forth within the written franchise included with the July 1, 2019 Council agenda materials.**

**Alternatives:**

Council may decline to adopt the ordinance and decline to renew the franchise agreement with LUMOS Networks, Inc.

**Attachments:**

Request Letter  
Proposed LUMOS Franchise Agreement Ordinance

May 15, 2019

**VIA U.S. FIRST CLASS MAIL**

John C. Blair, II  
City Attorney  
City Attorney's Office  
P.O. Box 911  
Charlottesville, VA 22902

RE: Lumos Networks Inc. – Requested Renewal of Telecommunications Franchise

Dear Mr. Blair:

By letter dated May 3, 2019, Barbara Ronan, on behalf of the City of Charlottesville (“City”), contacted Lumos Networks Inc. (“Lumos”) to inquire whether Lumos was interested in renewing its current Franchise Agreement (“Franchise”) for an additional five (5) year term. As you know, Lumos was originally granted this Franchise by the City to use its public rights-of-way for the placement of poles, wires, conduits, cables and fixtures. The Ordinance approving the Franchise was adopted by the City and became effective July 21, 2014 for a term of five (5) years.

Accordingly, pursuant to Article XI, Section 1102 of the current Franchise, please accept this letter as written notice of Lumos’ desire to maintain its equipment and continue operations within the City’s Public Rights-of-Way by formally applying for a new Telecommunications Franchise for an additional five (5) year term. In submitting this request for renewal of this Franchise, Lumos represents that the purpose of the Franchise regarding the continued utilization of the City’s Public Rights-of-Way will not change. In addition, Lumos represents that it has fully complied with the provisions of its current Franchise.

Please feel free to contact the undersigned at your convenience with appropriate next steps intended to facilitate the City’s adoption of Lumos’ new Franchise. In this regard, I may be reached directly by telephone at (304) 720-2159 or by e-mail at [steve.hamula@segra.com](mailto:steve.hamula@segra.com).

Sincerely yours,



STEVEN HAMULA  
Associate General Counsel  
Lumos Networks Inc.

Cc: City Manager, City of Charlottesville  
**Barbara Ronan, Paralegal, City of Charlottesville**  
Mary McDermott, General Counsel, Lumos Networks Inc.

**LUMOS NETWORKS, Inc.**  
**TELECOMMUNICATIONS FRANCHISE**

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

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

**ARTICLE I**

**Section 101. Purpose And Scope**

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

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

**Section 102. Authority to manage the right of way**

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

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

## **Section 103. Definitions**

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

**103.2 COMPANY** means LUMOS Networks, Inc., including its subsidiaries, successors and assigns.

**103.3 DIRECTOR** means the Director of Public Works for the City of Charlottesville, or other department head who may be designated by the City Manager to administer the provisions of this Franchise Ordinance.

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

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

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

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

## **ARTICLE II**

### **Section 201. Initial Installation**

Upon the effective date of this Ordinance, the Company either already has Facilities installed, or may install its Facilities in public rights-of-way, in accordance with this Franchise Ordinance. The location of major or significant installation of equipment, lines, cables or other Facilities by the Company is a mixture of overhead and underground in the Public Rights-of-Way as depicted in the Public Right of Way (PROW Plan) attached and incorporated herein as **Exhibit A**. The PROW Plan may have been or may hereafter be modified (see Section 304, *infra*), and upon



approval of a modification by the Director, the modified PROW Plan shall be deemed incorporated herein by reference, as if set forth herein verbatim.

## **Section 202. Subsequent Installation**

### **202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:**

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

**202.2 GENERAL PREFERENCE FOR UNDERGROUND FACILITIES:** As a matter of policy, the City prefers that the installation of any Facility within the PROW occur underground. Notwithstanding this preference, the City recognizes that in some circumstances the placement of Facilities underground may not be appropriate. Any substantial, additional installation of lines, cable, equipment, or other Facilities shall be underground unless it shall be determined by the Director, pursuant to Article III that it is not feasible to do so.

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

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

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

## **Section 203. Inspection by the City**

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

## **Section 204. Authority of the City to Order Cessation of Excavation**

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

## **Section 205. Location of Posts, Poles, Cables and Conduits**

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

## **Section 206. Obstruction of the PROW**

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

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

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

**206.3 PARKING, LOADING AND UNLOADING OF VEHICLES SHALL NOT OBSTRUCT THE PROW:** Private vehicles of those doing work for the Company in the PROW must be

parked in a manner that conforms to the City's applicable parking regulations. The loading or unloading of trucks must be done in a manner that will not obstruct normal traffic within the PROW, or jeopardize the safety of the public who use the PROW.

## **ARTICLE III**

### **Section 301. Administration of the Public Rights of Way**

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

### **Section 302. Submission of PROW Plan**

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

### **Section 303. Good Cause Exception**

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

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

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

### **Section 304. Decision on PROW Plan by the Director**

**304.1 DECISION:** The Director, or his or her authorized representative, shall, within thirty (30) days, either approve the Company's plans for proposed action as described in Section 302

or inform the Company of the reasons for disapproval. The Company shall designate a responsible contact person with whom officials of the Department of Public Works can communicate on all matters relating to equipment installation and maintenance.

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

### **Section 305. Mapping Data**

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

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

## **ARTICLE IV**

### **Section 401. Compliance with all Law and Regulations**

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

## **ARTICLE V**

### **Section 501. Relocation of Company Facilities within the Public Rights-of**

## Way

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

### **Section 502. Rights-of Way Patching and Restoration**

**502.1 RESTORATION STANDARD:** Where the Company disturbs or damages the Public Rights-of-Way, the Director shall have the authority to determine the manner and extent of the restoration of the Public Rights-of-Way, and may do so in written procedures of general application to all utilities or other parties who disturb the PROW. In exercising this authority, the Director will consult with any state or federal standards for rights-of-way restoration and shall be further guided by the following considerations:

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

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

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

**502.4 GUARANTEES:** The Company guarantees its restoration work shall meet industry standards and that such restoration work shall be of a standard free of any defects for at least 24 months following such restoration including sufficient restoration of plantings and turf such that these plantings shall be viable for a period of at least 12 months. Restoration work shall be completed after receipt of notice from the Director, within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure. Notwithstanding the foregoing, the Company's guarantees set forth hereunder concerning restoration and maintenance, shall not apply to the extent another company, franchisee, licensee, permittee, other entity or person, or the City disturbs or damages the same area, or a portion thereof, of the Public Right of Way.

**502.5 DUTY TO CORRECT DEFECTS:** The Company shall correct defects in patching, or restoration performed by it or its agents. Upon notification from the City, the Company shall correct all restoration work to the extent necessary and to a standard approved by the Director. Such work shall be completed after receipt of the notice from the Director within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure.

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

**502.7 DAMAGE TO OTHER FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY:** The Company shall be responsible for the cost of repairing any Facilities existing within the Public Rights-of-Way that it or the Facilities owned by the Company damage. If the Company damages the City's Facilities within the Public Rights-of-Way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, the Company shall correct the

damage within a prompt period after receiving written notification from the City. If the Company does not correct the City's damaged Facilities pursuant to the foregoing, the City may make such repairs as necessary and charge all of the reasonable, actual and documented costs of such repairs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within such thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative overhead, mobilization, material, labor, and equipment related to such repair.

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

## ARTICLE VI

### Section 601. Indemnification and Liability

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

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

**601.2 DUTY TO INDEMNIFY, DEFEND AND HOLD HARMLESS:** If a suit arising out of subsection (a), (b), (c) of Section 601.1, claiming such injury, death, or damage shall be brought or threatened against the City, either independently or jointly with the Company, the Company will defend, indemnify and hold the City harmless in any such suit, at the cost

of the Company, provided that the City promptly provides written notice of the commencement or threatened commencement of the action or proceeding involving a claim in respect of which the City will seek indemnification hereunder, and provided the suit or claim is not based upon the negligence of the City. The Company shall be entitled to have sole control over the defense through counsel of its own choosing and over settlement of such claim provided that the Company must obtain the prior written approval of City of any settlement of such claims against the City, which approval shall not be unreasonably withheld, conditioned or delayed more than thirty (30) days. If, in such a suit, a final judgment is obtained against the City, either independently or jointly with the Company, the Company will pay the judgment, including all reasonable costs, and will hold the City harmless therefrom.

## **Section 602. Waiver by the City**

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

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

## **Section 603. Insurance**

**603.1** The Company shall also maintain in force commercial general liability insurance in a form reasonably satisfactory to the City Attorney, which must provide:

- (a) evidence that an insurance policy has been issued to the Company by an insurance company licensed, permitted or authorized to do business in the State of Virginia;
- (b) evidence that the Company is insured against claims for bodily injury, including death and property damage arising out of (i) the use and occupancy of the Public Rights-of-Way by the Company and its employees including products/completed operations, and damage of underground Facilities and collapse of property;



- (c) verification that the policy has a combined single limit coverage of two million dollars (\$2,000,000) per occurrence for bodily injury and property damage and two million dollars (\$2,000,000) general aggregate.

The policy shall include the City as an additional insured party as their interest may appear under this Agreement, and the Company shall provide the City Attorney with a certificate of such coverage upon execution of this franchise.

The Company shall provide the City with thirty (30) days prior written notice of cancellation of any required coverage.

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

## **Section 604. Negligence and Intentional Acts**

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

## **ARTICLE VII**

### **Section 701. General Requirement of a Performance Bond**

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

### **Section 702. Changed Amount of the Performance Bond**

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

- (a) material changes in the net worth of the Company;
- (b) changes in the identity of the Company that would require the prior written consent of the City;

- (c) material changes in the amount and location of Facilities owned by the Company;
- (d) the Company's recent record of compliance with the terms and conditions of this Ordinance; and
- (e) material changes in the amount and nature of construction or other activities to be performed by the Company pursuant to this Ordinance.

### **Section 703. Purpose of Performance Bond**

The Performance Bond shall serve as security for:

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

## **Section 704. Fees or Penalties for Violations of the Ordinance**

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

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

## **ARTICLE VIII**

### **Section 801. Compensation/PROW Use Fee**

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

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

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

### **Section 802. Reserved**

### **Section 803. No Credits or Deductions**

The compensation and other payments to be made pursuant to Article VIII: (a) shall not be deemed to be in the nature of a tax, and (b) except as may be otherwise provided by Section 56-

468.1 of the Code of Virginia, shall be in addition to any and all taxes or other fees or charges that the Company shall be required to pay to the City or to any state or federal agency or authority, all of which shall be separate and distinct obligations of the Company.

### **Section 804. Remittance of Compensation/Late payments, Interest on Late Payments**

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

## **ARTICLE IX**

### **Section 901. Reservation of All Rights and Powers**

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

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

Also, nothing in this Ordinance or agreement is intended to alter, amend, modify or expand the taxes or fees that may be lawfully assessed on Company pursuant to existing statutes, regulations or ordinances. And nothing in this Ordinance or agreement is intended to waive or eliminate any right Company may have pursuant to statute, regulation, case law or contract for reimbursement of costs concerning relocation of facilities, or concerning public grants or funding.

## **Section 902. Severability**

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

## **ARTICLE X**

### **Section 1001. Maintenance Obligation**

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

### **Section 1002. Tree Trimming**

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

## **ARTICLE XI**

### **Section 1101. Initial Term of Telecommunications Franchise**

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

### **Section 1102. Application for New Telecommunications Franchise**

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

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

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

**ARTICLE XII**

**Section 1201. Notice**

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

**To the Company:**

Mary McDermott  
General Counsel  
Lumos Networks, Inc.  
One Lumos Plaza  
Waynesboro, VA 22980

**To the City:**

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

**Copy To:**

Anne Sarbin, Regulatory Manager  
Lumos Networks, Inc.  
One Lumos Plaza  
Waynesboro, VA 22980

**Copy to:** City of Charlottesville

Attn: City Attorney  
605 East Main Street  
Charlottesville, VA 22902

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

**Section 1202. Emergency Notification**

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

**To the Company:**  
Emergency contact for  
afterhours/weekends/holidays:

\_\_\_\_\_

**To the City:**  
Gas Dispatchers  
(434) 970-3800 (office)  
Emergency (434)293-9164 (leaks)  
(434) 970-3817 (facsimile)

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

### **Section 1203. Registration of Data**

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

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

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

## **ARTICLE XIII**

### **Section 1301. Termination of Telecommunications Franchise**

The franchise granted by this Ordinance may be terminated:

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

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

## **ARTICLE XIV**

### **Section 1401. Removal of Facilities from the Public Rights-of-Way**

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

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

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

## **ARTICLE XV**

### **Section 1501. Prior Written Consent For Assignment**

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

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



Ordinance.

### **Section 1502. Successors and Assigns**

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

## **ARTICLE XVI**

### **Section 1601. Nonexclusive Franchise**

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

## **ARTICLE XVII**

### **Section 1701. All Waivers in Writing and Executed by the Parties**

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

### **Section 1702. No Constructive Waiver Recognized**

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

## **ARTICLE XVIII**

### **Section 1801. No Discrimination**

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

## **ARTICLE XIX**

### **Section 1901. Force Majeure**

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

## **ARTICLE XX**

### **Section 2001. Effective Date**

This Ordinance shall be effective upon the date of its adoption, certified below:

Adopted by the Council of the City of Charlottesville on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

Kyna Thomas, Clerk of Council

ACCEPTED: This franchise is accepted, and we agree to be bound by its terms and conditions set forth within the Franchise Ordinance adopted by the Charlottesville City Council, effective as of the date certified by the Clerk of Council preceding above.

LUMOS NETWORKS, INC.

By \_\_\_\_\_

Its \_\_\_\_\_

Date \_\_\_\_\_



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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Requested:	Consideration of a Rezoning Application
Presenter:	Matt Alfele, Senior Planner
Staff Contacts:	Brian Haluska, Principal Planner
Title:	<b>ZM19-00001 Hinton Avenue United Methodist Church</b>

**Background:**

Sue Woodson of Hinton Avenue United Methodist Church, owners of Tax Map 58 Parcel 161 (“Subject Property”) has requested a zoning map amendment to reclassify the Subject Property to Neighborhood Commercial Mixed Use Corridor District (“NCC”), subject to proffered development conditions (“proffers”). The Subject Property is currently zoned R-1S and is the location of the Hinton Avenue United Methodist Church.

**Discussion:**

The Planning Commission discussed this matter at their June 11, 2019 meeting. Several Commissioners expressed support for the project and the additional housing in the neighborhood.

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

If City Council approves the rezoning request, the project could contribute to *Goal 3: Beautiful Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

**Community Engagement:**

On December 3, 2018, the applicant held a community meeting at the Subject Property. Neighborhood concerns gathered from the community meeting are listed below.

- The size of the proposed addition would be out of character with the surrounding low-density residential properties.

- The multi-family residential units will have HVAC systems that create a noise impact for the surrounding properties.
- The potential for commercial activity on the site is an extension of the commercial district beyond the current bounds of the NCC zone and downtown Belmont, which would present a host of impacts in terms of parking and traffic.
- The proposed reduction of on-site parking on the property will negatively impact on-street parking availability in the surrounding area.
- The minimum required parking under the Zoning Ordinance would not result in adequate parking for the surrounding area.

The applicant held an additional public meeting on June 6 at the Subject Property to review the changes that had been made to the application in the prior month

On June 11, 2019 the Planning Commission held a Public Hearing. Twenty-six members of the public spoke. The members of the public that indicated opposition to the project cited:

- ongoing problems the residents of the area have with businesses operating in the NCC zone, especially the impact of noise and traffic
- concerns about the City's ability to enforce proffers
- the expansion of NCC zoning beyond its current boundaries
- concerns about noise from the HVAC equipment necessary for the new facility
- concerns about traffic impact on Rialto Street,. Which is proposed to be the sole point of access for the Subject Property
- concerns about the applicant's vision of serving the developmentally disabled not being a guarantee.

Supporters of the project cited

- The City's need for housing overall, and especially housing for underserved populations
- The applicant's proffer to eliminate the possibility of all commercial uses

### **Budgetary Impact:**

This has no impact on the General Fund.

### **Recommendations:**

The Planning Commission took the following action:

Mr. Lahendro moved to recommend approval of **ZM19-00001** to rezone the Subject Property from R-1S to NCC, subject to proffered development conditions, to allow for the specific multifamily development described within the application, based on a finding that the rezoning is required by public necessity, convenience, general welfare, or good zoning practice.

Mr. Solla-Yates seconded the motion

Mr. Mitchell, Yes

Mr. Lahendro, Yes

Ms. Dowell, Yes  
Mr. Solla-Yates, Yes  
Mr. Heaton, Yes  
Mr. Stolzenberg, Yes

The motion passed 6 – 0 to recommend approval of the rezoning application to City Council.

**Alternatives:**

City Council has several alternatives following a public hearing:

- (1) by motion, approve the requested Rezoning as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Ordinance included in our agenda materials, rezoning land as requested within ZM19-00002, based on a finding that the proposed rezoning is required by public necessity, convenience, general welfare, or good zoning practice”

- (2) by motion, request changes to the attached ordinance, and then approve the Rezoning;
- (3) by motion, take action to deny the Rezoning;  
Or
- (4) by motion, defer action on the Rezoning.

**Attachments:**

- A. Ordinance
- B. Final Proffer Statement
- C. Link to the Staff Report and background information from the June 11, 2019 Planning Commission meeting:  
<https://www.charlottesville.org/home/showdocument?id=65433>  
(Staff Report begins on page 50)



**PROFFER STATEMENT**

May 14, 2019

Before the City Council of the City of Charlottesville, Virginia  
In re: Petition for Rezoning Petition by Hinton Avenue United Methodist Church

Project Name: Rachel's Haven

City of Charlottesville Rezoning Application No.: ZM-19-00001

Zoning: Neighborhood Commercial Corridor ("NCC") zoning district

**RECITALS**

WHEREAS, Hinton Avenue United Methodist Church is the owner of real property described as Lots 1 through 7 of Block 12 in the Belmont Subdivision, being located at 750 Hinton Avenue in the City of Charlottesville, Virginia and further described in the tax records of the City of Charlottesville as Tax Parcel Number 580161000 (the "Subject Property"); and

WHEREAS, Hinton Avenue United Methodist Church (the "Applicant") has petitioned for rezoning of the Subject Property to the Neighborhood Commercial Corridor ("NCC") zoning district with associated proffers;

NOW THEREFORE, the Applicant as owner of the Subject Property hereby proffers and agrees that if the Subject Property is rezoned as requested, the Subject Property shall be subject to, and the Applicant and all others as may be in legal possession of the Subject Property or any portion thereof shall abide by, the following conditions:

1. Residential Density: No more than 15 dwelling units shall be permitted on the Subject Property.
2. Affordable Housing: A minimum of four residential units within multifamily dwelling building(s) on the subject property shall be restricted to residents with income at 80 percent or less of area median income ("AMI") as defined by the United States Department of Housing and Urban Development for the Charlottesville Virginia Metro Area.
3. Resident Safety: Access to all interior common areas serving residential units shall be controlled through the use of entry locks.
4. Uses: All non-residential uses other than educational facilities (non-residential) and day care facilities, which are not accessory to a house of worship or to residential uses located on the Subject Property, shall not be permitted on the Subject Property.
5. Access: Permanent vehicular ingress and egress to the Subject Property shall be restricted to Rialto Street, provided that this restriction on vehicular access shall not take

effect until such time as a building permit is issued for construction of any multifamily building. The City may require any site plan for any multifamily building proposed on the Subject Property to adhere to the vehicular ingress and egress limitation under this condition.

6. Height regulations as follows: Maximum height: Thirty-eight (38) feet.
7. Streetwall regulations as follows: (b) Setbacks.
  - (1) Primary street frontage: Six (6) feet minimum required; ten (10) feet, maximum.

The Applicant stipulates and agrees that use and development of the Subject Property shall be in conformity with the conditions stated hereinabove, and that said conditions shall run with the land and be binding on the Applicant as landowner, and the Applicant's successors-in-interest, until such time as the conditions may be amended or removed by further legislative action of the City Council of the City of Charlottesville in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this eighteenth day of June, 2019

Hinton Avenue United Methodist Church, Applicant

By: 

Title: Chair of Trustees, Hinton Avenue United Methodist Church

**AN ORDINANCE  
APPROVING A REQUEST TO REZONE PROPERTY  
IDENTIFIED ON CITY TAX MAP 58 AS PARCEL 161 (750 HINTON AVENUE)  
FROM R-1S (SINGLE FAMILY RESIDENTIAL, SMALL LOT) TO NCC (NEIGHBORHOOD  
COMMERCIAL CORRIDOR MIXED USE DISTRICT)  
SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS**

**WHEREAS**, the Hinton Avenue Methodist Church ( “Landowner”), is the owner of land identified on City Tax Map 58 as Parcel 161 (the “Subject Property”) and the Landowner has made application to the Charlottesville City Council seeking to change the zoning district classification of the Subject Property from R1-S (Single Family Residential, Small Lot) to NCC (Neighborhood Commercial Corridor Mixed Use), subject to certain development conditions voluntarily proffered by the Landowner, as set forth within a final written proffer statement submitted pursuant to City Code §34-64(c) (hereinafter, the “Proposed Rezoning”); and

**WHEREAS**, the Landowner seeks the Proposed Rezoning in order to develop the Subject Property for a specific project containing a multifamily dwelling, containing 15 dwelling units, to be offered for rental to households of various income levels, with approximately one-third of such units planned to be offered for rental by developmentally disabled individuals (the “Project”); and

**WHEREAS**, a public hearing on the Proposed Rezoning was conducted by the Planning Commission on June 11, 2019, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

**WHEREAS**, public hearing on the Proposed Rezoning was conducted by this City Council on July 1, 2019, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44; and

**WHEREAS**, this City Council has considered the matters addressed within the Landowner’s application (ZM19-00002), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; that the Proposed Rezoning is consistent with the Comprehensive Plan; and that the proffered development conditions are reasonable, consistent with the Comprehensive Plan, and in accordance with the requirements of Virginia Code §15.2-2303; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning from R1-S (Single Family Residential, Small Lot) to NCC (Neighborhood Commercial Corridor Mixed Use) subject to proffered development conditions, all of the property identified on City Tax Map 58 as Parcel 161, consisting of approximately 0.758 acre (approximately 33,018 square feet), and

**BE IT FURTHER ORDAINED** by the Council of the City of Charlottesville that the use and development of the Subject Property for the Project shall, effective as of the date of approval of this Ordinance, be subject to the following proffered development conditions, in addition to the requirements of other applicable City ordinances:

1. No more than 15 dwelling units shall be permitted on the Subject Property.
2. A minimum of four (4) residential units within the multifamily dwelling on the Subject Property shall be restricted to residents with income at eighty percent (80%) or less of area median income ("AMI") as defined by the United States Department of Housing and Urban Development for the Charlottesville, Virginia Metropolitan Area.
3. For the safety of residents within the multifamily dwelling, access to all interior common areas serving residential units shall be controlled through the use of entry locks.
4. All non-residential uses (other than educational facilities (non-residential) and day care facilities) which are not accessory to a house of worship or to residential uses located on the Subject Property, shall be prohibited on the Subject Property.
5. Permanent vehicular ingress and egress to the Subject Property shall be restricted to Rialto Street, provided that this restriction on vehicular access shall not take effect until such time as a building permit is issued for construction of any multifamily building. The City may require any site plan for any multifamily building proposed on the Subject Property to adhere to the vehicular ingress and egress limitation under this condition.
6. The maximum height of buildings and structures shall be thirty-eight (38) feet.
7. Setbacks shall be provided along primary street frontage as follows: six (6) feet minimum required; ten (10) feet, maximum.

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



Agenda Date:	August 5, 2019
Action Required:	Ordinance Amendment
Staff Contacts:	John Blair, City Attorney
Presenter:	John Blair, City Attorney
<b>Title:</b>	<b>Amend City Code Section 11-91</b>

**Background:**

Section 5(g) of the Charlottesville City Charter of 1946 states, “Said council shall elect a director of finance who shall serve at the pleasure of the council and who shall superintend the fiscal affairs of the city, and shall manage the same in the manner required by the council.”

Section 11-91 of the Charlottesville City Code currently states, “The council shall appoint a director of finance, who shall hold office at the pleasure of the council and be removable at the will of the council.”

Neither the City Charter nor the Charlottesville City Code address the supervision of the Director of Finance.

The City’s recent practice is for the City Manager to supervise the day-to-day operations of the Director of Finance. Additionally, the City Manager provided extensive consultation and advice to the City Council in the hiring process for the current Director of Finance.

**Discussion:**

The proposed ordinance amendment codifies two current practices. The City Manager will be the Director of Finance’s day-to-day supervisor and will work with the City Council to provide an annual performance evaluation to the Director of Finance. Additionally, the ordinance codifies the practice of the City Manager providing the City Council with advice and consultation during the Director of Finance hiring process.

The proposed ordinance amendment conforms to the City Charter because the City Council retains the ultimate authority to hire or terminate the Director of Finance.

**Budgetary Impact:**

There will be no budgetary impact associated with this ordinance amendment.

**Attachments:**

Proposed Ordinance Amending Charlottesville City Code Section 11-91

**AN ORDINANCE  
AMENDING SECTION 11-91  
OF CHAPTER 11 (FINANCE), ARTICLE IV (DIRECTOR OF FINANCE)  
OF THE CHARLOTTESVILLE CITY CODE (1990)**

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

Section 11-91 of Chapter 11 of the Code of the City of Charlottesville (1990) is repealed as follows:

**Sec. 11-91. - Appointment; term.**

The city council, upon consultation with the city manager, shall appoint a director of finance, who shall hold office for an indefinite term ~~at the pleasure of the council and be removable at the will of the council.~~

The city manager shall supervise the day-to-day functions of the director of finance. The city council and city manager shall provide the director of finance with an annual performance evaluation. The city manager may provide the city council with recommended personnel actions regarding the director of finance.

The director of finance may be removed at any time upon a majority vote of the city council.



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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 5, 2019
Action Requested:	Consideration of a Comprehensive Plan Amendment
Presenter:	Matt Alfele, AICP, City Planner
Staff Contacts:	Matt Alfele, AICP, City Planner
Title:	<b>CP—19-00001 209 Maury Avenue</b>

**Background:**

On June 11, 2019 the Planning Commission provided a recommendation to City Council to rezone the Subject Properties from R-2U (Residential two-family University) to R-3 (Multifamily). By rezoning the Subject Properties, they no longer conform to the City's 2013 General Land Use Map. Under the current map the Subject Properties are Low Density Residential. This designation is not consistent with R-3 zoning. A High Density Residential designation on the Land Use Map is more consistent with R-3 zoning.

**Discussion:**

The Planning Commission held a Public Hearing on July 9, 2019 on this matter. During the discussion, Planning Commission focused on the following:

- Concern with changing portions of the City in a piece meal way. Any change to the Comprehensive Plan should be part of the upcoming holistic review of the Comprehensive Plan and Zoning Codes.
- This location is ideal for increased density that a change in the land use map would facilitate.

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

If City Council approves the comprehensive plan amendment, the project could contribute to **Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation**, and the City Council Vision of *Quality Housing Opportunities for All*.

**Community Engagement:**

On July 9, 2019 the Planning Commission held a Public Hearing on this matter. Six members of the public spoke and voiced the following:

- The existing home on the site needs to be respected and protected.
- Any change in the area should promote more community
- The change is happening too fast and more information is needed.
- This is a stable neighborhood and any change needs to respect that.
- Noise pollution could be a problem.
- We need more housing in the City.

Any emails regarding this project have been forwarded to Planning Commission and City Council.

**Budgetary Impact:**

This has no impact on the General Fund.

**Recommendations:**

The Planning Commission took the following action:

Commissioner Mitchell moves to recommend approval to amend the 2013 Comprehensive General Land Use Map for the Subject Properties from Low Density Residential to High Density Residential.

Mr. Solla-Yates seconded the motion

- Mrs. Dowell, No
- Mr. Lahendro, Yes
- Mr. Solla-Yates, Yes
- Mr. Stolzenberg, Yes
- Mr. Heaton, Yes
- Mr. Mitchell, Yes
- Mrs. Green, No

The motion passed 5 – 2 to recommend approval of the Comprehensive Plan Amendment.

**Alternatives:**

City Council has several alternatives after holding a Public Hearing:

(1) by motion:

I move to adopt the Resolution for Comprehensive Plan Amendment CP19-00001, as presented within our agenda materials.

(2) by motion:

I move to deny the Resolution for Comprehensive Plan Amendment CP19-00001, as presented within our agenda materials.

(3) by motion:

Request changes to the attached Resolution, and then approve the Comprehensive Plan Amendment CP19-00001.

(4) by motion:

Defer action on Comprehensive Plan Amendment CP19-00001.

**Attachments:**

A. Resolution (last page of this memo)

B. Link to the Staff Report and background information from the July 9, 2019 Planning Commission meetings:

<https://www.charlottesville.org/home/showdocument?id=65777>

(Staff's report starts on page 109)

**RESOLUTION**  
**AMENDING THE CITY’S COMPREHENSIVE PLAN TO CHANGE THE**  
**FUTURE LAND USE MAP DESIGNATION**  
**OF PROPERTY FRONTING ON MAURY AVENUE AND STADIUM**  
**ROAD, AS REQUESTED BY**  
**COMPREHENSIVE PLAN AMENDMENT APPLICATION No. CP19-00001**

WHEREAS, the City of Charlottesville Planning Commission initiated an amendment to the City’s Comprehensive Plan, its Future Land Use Map, to evaluate approximately 1.6 acres of land identified on City Tax Map (2019) as Parcels 18, 18.1, 18.2, 184, 185, and TMP 186 (collectively, “Subject Property”), evaluating whether the Subject Property is suitable for a higher intensity of use and increased density for residential development referenced within the Comprehensive Plan (2013) as High Density Residential development (areas suitable for residential development at more than 15 dwelling units per acre) (“LUP Amendment”); and

WHEREAS, the LUP Amendment was advertised and publicly noticed as required by law; and

WHEREAS, following a public hearing conducted by the Planning Commission on July 9, 2019, the Planning Commission voted to recommend approval of the LUP Amendment within the area of the Subject Property and certified the amendment to the City Council for its consideration; and

WHEREAS, this City Council has conducted its own public hearing on the LUP Amendment, following advertisement and notice to the public as required by law;

NOW THEREFORE, BE IT RESOLVED by the Charlottesville City Council that the LUP Amendment recommended by the City’s Planning Commission for the area within the Subject Property is hereby approved and adopted as an Amendment to the Comprehensive Plan for the City of Charlottesville (2013), and the Zoning Administrator is hereby directed to update the Comprehensive Plan Land Use Map to reflect this amendment.

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Attest: \_\_\_\_\_  
Clerk of City Council

## **RESOLUTION**

Be it resolved by the Council of the City of Charlottesville, Virginia that the Rezoning Application and the Comprehensive Plan Amendment pertaining to the property located at 209 Maury Avenue in the City of Charlottesville and designated on 2019 Charlottesville City Tax Map 17 as Parcels 180, 180.1, 180.2, 184, 185, and 186 are hereby referred back to the Charlottesville Planning Commission for reconsideration in light of new proffers presented by the applicant.

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



<b>Agenda Date:</b>	August 5, 2019
<b>Action Required:</b>	Approve Appropriation
<b>Staff Contact:</b>	Dr. Tarron Richardson, City Manager
<b>Presenter:</b>	Dr. Rosa Atkins, Charlottesville City Schools Superintendent
<b>Title:</b>	Appropriation of \$468,000 from the Council Strategic Initiatives Funds – Equity Allocation - and the Citywide Reserve Fund to the Charlottesville City Schools

**Background:**

This appropriation provides the Charlottesville City Schools (hereinafter “C.C.S.”) with additional funding in the amount of \$468,000 to hire 6 additional gifted certification teachers for grades K – 6 who will provide services for all students, including identified gifted students.

**Discussion:**

During fall/winter 2018 - 2019, Charlottesville City Schools held several Equity Community Forums. An issue that consistently rose to the top was the desire to change the current gifted services model to include a more equitable representation of brown and black students and to implement a service model that acknowledges and develops the gifts of all students. To that end, C.C.S. has worked with many internal and external stakeholders; faculty, staff, parents, students, University and School Board representatives to craft a new, more equitable program.

A draft of the new model was presented to School Board members on June 13th. The schools will retain the best parts of the current curriculum materials and incorporate strategies and tools from four nationally recognized gifted curriculum programs. They will discontinue services for a select group of “pull-out” students and start services for all students through a “push-in” approach. Regular classroom teachers and teachers for the gifted will work collaboratively to plan and deliver high quality, rigorous lessons in the classroom (push-in). This approach will provide a rich and challenging experience for both identified and non-identified students. The beauty of the model is the opportunity to, on a consistent schedule, develop in students, especially our black and brown students, cognitive processes that are essential to deep learning and complex problem solving. When students are equipped with these skills, higher levels of achievement are sure to follow.

To fully implement the program C.C.S. will need to increase the number of teachers with gifted certification in grades K-6 from 8 to 16. They currently have 1 teacher at each elementary school



and 2 at Walker. The additional 8 teachers will allow them to staff each elementary school with 2 teachers with gifted certification and increase Walker to 4; one teacher to serve grades k-2 and one teacher to serve grades 3-4; two additional teachers at Walker to support unlevelled classes.

The recommendation to add additional teachers will help ensure the success of the new model and provide an equitable opportunity for all students, brown, black and white to thrive in their areas of giftedness. The Charlottesville City School Board members are in support of the increase.

**Community Engagement:**

N/A

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

This appropriation supports Objective 1.1 which is to prepare students for academic and vocational success.

**Recommendation:**

Staff has prepared an appropriation in the amount of \$468,000. This will fund 6 new teachers rather than the 8 requested by the schools. No new money is required since this is coming from already appropriated funds.

**Budgetary Impact:**

Staff is recommending this come from Council's Strategic Initiatives Fund – Equity Allocation (\$156,000) and the Citywide Reserve Fund (\$312,000).

**Alternatives:**

N/A

**Attachments:**

Gifted Education Memo  
New Pathways in Gifted Education slide presentation

## **APPROPRIATION**

### **APPROPRIATION OF \$468,000.00 FROM THE COUNCIL STRATEGIC INITIATIVES FUND – EQUITY ALLOCATION - AND THE CITYWIDE RESERVE FUND TO THE CHARLOTTESVILLE CITY SCHOOLS**

BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia that the sum of \$468,000.00 is hereby appropriated from the Council Strategic Initiatives Fund – Equity Allocation and the Citywide Reserve Fund to the Charlottesville City Schools.

- \$312,000.00 will be appropriated from the Citywide Reserve Fund (105 –1631001000)
- \$156,000.00 will be appropriated from the Council Strategic Initiatives Fund – Equity Allocation (105-1011001000)

New Pathways for Gifted Education  
Charlottesville City Schools  
2019–2020

With equity as a top priority, Charlottesville’s gifted education staff will implement new pathways in 2019–2020. We begin with the conviction that giftedness is distributed equally among all groups, and when we, like other school divisions, fail to identify and nurture all expressions of giftedness, it is a loss to our entire community. With this in mind, we propose changes to both the process of identifying students as gifted and the service model for delivering gifted instruction.

Gifted Instruction

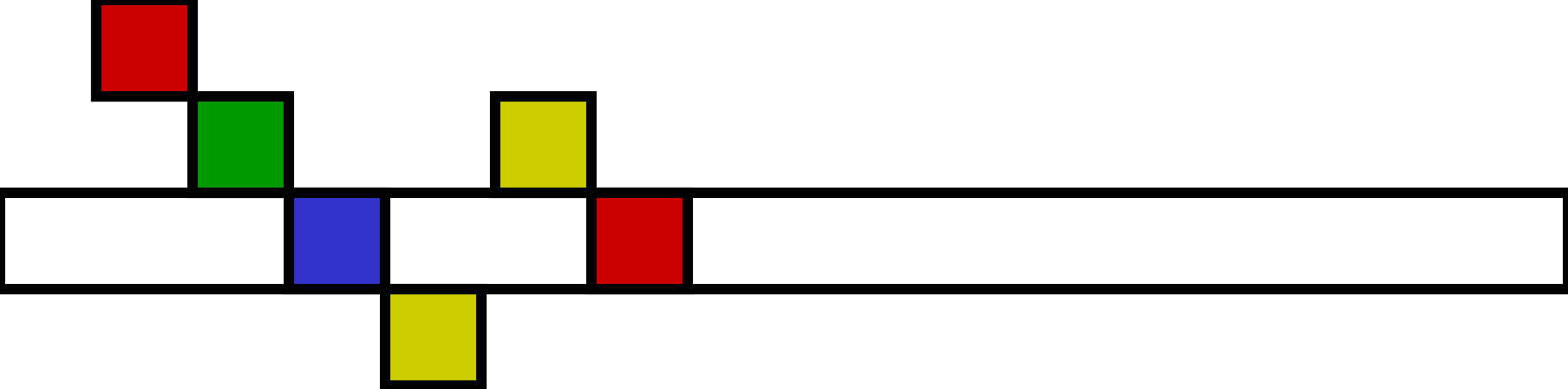
Historically, the primary mechanism for gifted instruction has been periodically pulling students who have been identified as gifted out of their elementary classrooms and offering enrichment opportunities in a small group with a specially trained gifted education specialist. In the past years, Charlottesville has modified this traditional model by including high-potential students who have not been formally identified as gifted, and also by having gifted education specialists periodically visit other teachers’ classes to lead special whole-class projects and activities. It is this model -- pushing gifted instruction into the whole class -- that we plan to expand so that all Charlottesville students will participate in these high quality experiences in their classrooms on a regular basis.

Shifting to this model will require additional staffing at the elementary schools. Having two gifted education specialists at each elementary (instead of one) will allow regular collaboration with classroom teachers. Gifted specialists can develop inclusive services in general education classrooms that are continual and sequential. Specialists will distribute their time across grade levels and content areas so they regularly collaborate with classroom teachers and work with all children. Collaboration will allow staff to develop and offer differentiated lessons and identify instructional materials that meet the needs of every learner and that develop creativity, critical thinking, and problem-solving skills in all students.

Identification

Moving forward, gifted education screening and identification processes will be revised. Starting in kindergarten, teachers and specialists will keep notes on the advanced thinking they observe in their classrooms, and they will collect work samples to add to each student’s portfolio. This information will be submitted for consideration during the identification process. In addition, the universal screening of all students will expand to two grade levels. All 2<sup>nd</sup> graders will take a nonverbal ability test, and all 3<sup>rd</sup> graders will take a nationally normed ability test and achievement test. Gifted identification will take place in 3<sup>rd</sup> grade.

With the changes ahead, the gifted education staff looks forward to focusing on enrichment, acceleration and differentiation that cultivates the talents of every learner, for the benefit of our entire community.



# New Pathways in Gifted Education



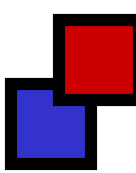
Charlottesville City Schools  
2019-2020



# Moving Forward



## ■ Student Benefits

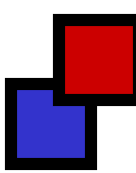
- Quality services in the classroom
  - Opportunities for enriched & extended learning
  - Flexible & differentiated interventions
  - Interests & talents identified and developed
  - All students gain from the lessons
  - Supports self-actualization
- 



# Moving Forward

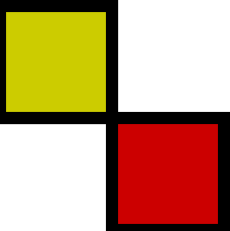
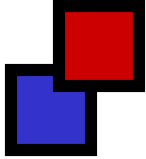


## ■ Teacher Benefits

- Collaboration to support planning & teaching
  - Increased differentiation of instruction
  - Lessons integrate with the core curriculum
  - Maximizes strengths of teachers & specialists
  - Recognizes and develops student talents
  - Shared responsibility for student growth
- 



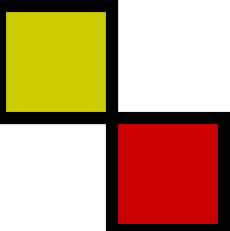
# What the Research Says

- 
- Programming options for gifted and talented students may occur in a variety of ways.
  - What matters are the strategies that allow students access to appropriate levels of challenge and complexity. “Almost any form of grouping (flexible, targeted, and not permanent) used will provide an academic or achievement gain to gifted learners with researchers reporting positive social and emotional gains as well.”
- 

*Source: National Association for Gifted Children*



# What the Research Says

- 
- Effective Components of Gifted Programs
    - A written curriculum
    - Clear student learning goals
    - Differentiated instruction
    - Acceleration
    - Enrichment
    - Assessment of student growth





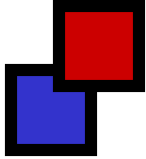
# Screening



## Currently Traditional

- 1<sup>st</sup> graders complete portfolio activities
- Teachers complete checklist of indicators of giftedness
- All 1<sup>st</sup> graders take an ability test

## Moving Forward Inclusive

- All 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> graders complete portfolio activities
  - Division develops observation protocols and revises checklists
  - K–3 teachers keep observation notes & collect student work
  - All 2<sup>nd</sup> graders take a nonverbal ability test
  - All 3<sup>rd</sup> graders take ability & achievement tests
- 



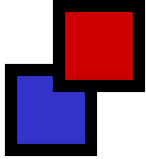
# Identification



## Currently Traditional

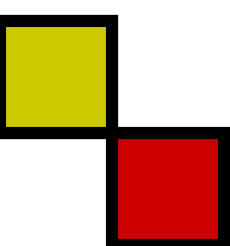
- Hold major identification meeting at end of 1<sup>st</sup> grade
- Have nomination forms available at schools

## Moving Forward Inclusive

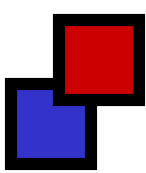
- Have major identification meeting at end of 3<sup>rd</sup> grade
  - Use culturally sensitive identification protocols
  - Review teacher observation notes & student portfolios
  - Have nomination forms online and at schools
- 



# Services

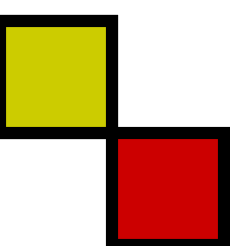


<b>Currently</b> Traditional	<b>Moving Forward</b> Inclusive
<ul style="list-style-type: none"><li>• Mostly pull out services</li><li>• Many isolated learning experiences</li><li>• Lessons for targeted students</li><li>• More isolated decision making</li><li>• Identify talent in some students</li></ul>	<ul style="list-style-type: none"><li>• Direct services in classrooms</li><li>• Lessons for all students</li><li>• In-class clustering of students</li><li>• Shared decision making</li><li>• Cultivate talent in all students</li></ul>

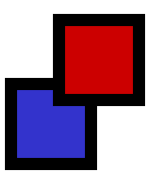




# Curriculum

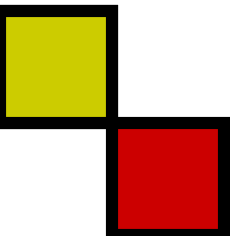


<b>Currently</b> Traditional	<b>Moving Forward</b> Inclusive
<ul style="list-style-type: none"><li>• Plan individually</li><li>• Develop lessons for targeted students</li><li>• Share instructional resources with teachers</li></ul>	<ul style="list-style-type: none"><li>• Plan &amp; collaborate as teams</li><li>• Develop differentiated lessons and resources for all students</li><li>• Use components of 4 models<ol style="list-style-type: none"><li>1. CLEAR Curriculum Model</li><li>2. Depth &amp; Complexity Model</li><li>3. Differentiated Instruction Model</li><li>4. Integrated Curriculum Model</li></ol></li><li>• Add lessons to CCS curriculum frameworks</li></ul>

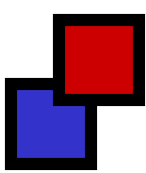




# Professional Learning (PL)



<b>Currently</b> <i>Traditional</i>	<b>Moving Forward</b> <i>Inclusive</i>
<ul style="list-style-type: none"><li>• Provide ongoing PL</li><li>• Attend PLCs when possible</li><li>• Make teachers aware of differentiated practices</li></ul>	<ul style="list-style-type: none"><li>• Have ongoing &amp; targeted PL</li><li>• Participate regularly in grade level &amp; content PLCs</li><li>• Model &amp; co-teach lessons that support differentiation</li><li>• Hire UVA expert as consultant</li></ul>





**Change is a  
journey, not  
a blueprint.**



Michael Fullan

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BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
IN RE: PETITION FOR REZONING (City Application No. ZM-18-00003)  
STATEMENT OF FINAL PROFFER CONDITIONS  
For the Flint Hill PUD  
Dated as of July 23<sup>rd</sup>, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned limited liability company is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan, pages 1 through 7, dated May 20<sup>th</sup>, 2019.

The Owner/Applicant hereby proffers and agrees that if the Subject Property is rezoned as requested, the rezoning will be subject to, and the Owner will abide by, the approved PUD Development Plan as well as the following conditions:

1. Density shall not exceed a maximum of 50 residential units.
2. At or prior to project completion, the Developer shall offer to donate, at no cost to the City, approximately 3 acres of land to the City of Charlottesville to be added to the adjacent Longwood Park.
3. Affordable Housing:
  - a. The Developer shall cause a minimum of 5 Affordable Dwelling Units (ADUs) accessible to residents between 25% and 60% of area median income to be built on site (as defined in City Code §34-12 (c) and §34-12 (g), with affordability provisions consistent with Charlottesville Housing Policy #1 to be ensured through 30+ year deed restrictions which include, at a minimum, a first right of refusal to repurchase the property, appreciation-sharing provisions, and forgivable and/or no-interest mortgages to the qualified home buyer.
  - b. During home construction ADUs shall be provided incrementally such that at least one (1) incremental ADU shall either:
    - i. be under construction prior to the issuance of every tenth certificate of occupancy, or
    - ii. at the Landowner's option, any ADU lot(s) may be conveyed by recorded deed to a non-profit affordable housing provider for construction of an ADU by the non-profit entity, and, if any ADU lot(s) are so conveyed to a non-profit entity in accordance with the timing requirement specified in 3.b.i., above, then the transfer of the lot shall be deemed to be "under construction" as of the date of the recordation of the deed of conveyance containing the required ADU restriction.

WHEREFORE, the undersigned Owner(s) stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 23<sup>rd</sup> day of July, 2019.

Owner:  
Belmont Station, LLC

Owner's Address:  
170 South Pantops Drive  
Charlottesville, VA 22911

By:   
Charles Armstrong, Member



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 1, 2019
Action Requested:	Consideration of a Rezoning Application, Critical Slope Waiver, and ROW realignment
Presenter:	Matt Alfele, AICP, City Planner
Staff Contacts:	Matt Alfele, AICP, City Planner
Title:	<b>Flint Hill PUD - ZM-18-00003, P19-00013 &amp; P19-0040</b>

**Background:**

Charlie Armstrong (of Belmont Station, LLC, landowner) has submitted an application pursuant to City Code 34-490 et seq., seeking a zoning map amendment to change the zoning district classifications of the following thirteen (13) parcels of land: 100 – 109 Keene Ct., 304 – 306 Flint Dr., and a portion of 306 Camellia Dr. (Tax Map 20-259.31, TMP 20-259.32, TMP 20-259.33, TMP 20-259.34, TMP 20-259.35, TMP 20-259.38, TMP 20-259.37, TMP 20-259.26, TMP 20-259.27, TMP 20-259.28, TMP 20-259.29, TMP 20-259.30, and a portion of TMP 20-196) (together, the “Subject Property”). The application proposes to change the zoning classification of the Subject Property from “R-1S” (Residential Small Lots) to “PUD” (Planned Unit Development) subject to proffered development conditions. In addition, the proposed improvements associated with the rezoning will impact critical slopes on-site as defined by Section 34-1120(b)(2). The PUD referred to as “Flint Hill PUD” would allow up to fifty townhouses at an approximate density of five dwelling units per acre (DUA) and the following proffered conditions:

- (i) Density:** the density shall not exceed a maximum of 50 residential units;
- (ii) New City Park:** prior to project completion, the developer shall offer (at no cost to the City) approximately 3 acres of land to be added to the adjacent Longwood Park;
- (iii) Affordable dwelling units:**
  - a) The Developer shall cause a minimum of 5 affordable dwelling units (ADUs) to be built on site (as defined in City Code §34-12(c) and §34-12(g), with affordability over a term of a minimum of 10 years. The ADU requirement shall be recorded as a deed restriction on each ADU lot.
  - b) During home construction ADUs shall be provided incrementally such that at least 1 incremental ADU shall be under construction prior to the issuance of every 10th Certificate of Occupancy.
  - c) As an alternative to the Developer building the ADUs as is contemplated in Proffer 3.b. above, the Developer may deed the ADU lots to a non-profit affordable housing provider for construction by the non-profit entity. If the required ADU lots are

deeded to a non-profit affordable housing provider in accordance with the incremental timing specified in 3.b. then the transfer of the lot shall be deemed to have satisfied the timing requirement specified in 3.b.

**Key Features and Material Representations** about the Specifics of the Proposed PUD Development: The PUD Development Plan for this proposed development includes the following key components and the applicant's representations as to the elements that will be included within the development:

- 8 rows of townhouses, in the general or approximate locations depicted within the PUD Development Plan, with architectural elements as follows: mix of two and three story townhouses with traditional and modern facades illustrated in the PUD application materials.
- A variety of housing sizes will be included, as follows: the development will primarily be single housing type to encourage density, but will promote inclusion of houses of various size, architectural styles, and price points with varying width and square footages, including some townhouses with rear-alley-loaded garages.
- An Architectural Review Board will be established by the homeowner association to create a coordinated architectural style.
- 5.1 acres of open space, in the general or approximate location(s) depicted with the PUD Development Plan. Among other specific promises, the applicant is promising to preserve 60% of existing tree, streams, and sensitive topography on site.
- New dedicated park land will account for approximately 3 acres of the 5.1 acres of open space.
- Sheltered 5' sidewalks located along Keene Court and Flint Drive; natural trails dedicated for public use within the development site to provide access to Longwood Park.
- On-street parking generally located as depicted within the PUD Development Plan. Rear loaded parking will be provided behind townhouses constructed on Flint Drive.
- A teardrop layout of Keene Court. This layout is not an option under the City's standards within the Standards & Design Manual.
- A preliminary landscape plan promising the following key features, which would not otherwise be required by the City's standard landscaping regulations:
  - Preservation of the wetlands and buffer along the tributary streams 1 and 2 and Moores Creek. The application contains no information about how the preservation will be accomplished, either through restrictive covenants, or otherwise.
- A use matrix that allows residential and related uses such as single-family attached, townhouses, family day home, and residential treatment facilities up to 8 residents; non-residential uses such as house of worship, ball fields, and swimming pools. The use matrix prohibits such uses as multifamily apartment, nursing homes, animal shelters, and gas stations.
- No phasing. The PUD is proposed to be developed all at once.

To develop the PUD as proposed, Belmont Station, LLC is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance). Improvements specific to areas where critical slopes would be impacted should the waiver be approved include portions of

lots 9 through 22, lots 24 and 25, lot 31, open space, future park land, and parking on Flint Drive. Existing critical slopes areas located on this Property include 2.65 acres or 27 percent of the site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, **and** (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, **and** (b) a portion of the slope is within 200 feet of a waterway. See City Code Sec. 34-1120(b)(2).

In addition, Belmont Station, LLC is requesting City Council vacate the ROW for Flint Drive and Keene Court. This vacation is requested to facilitate the replating of Flint Drive and Keene Court to match the layout within the PUD Development Plan. Under the current procedure for consideration of application for street or alley closings, these two streets would not be considered for closing due to scoring above 1.5 on the Scoring Rubric. The applicant is requesting City Council reconsider (**Attachment D**).

### **Discussion:**

The Planning Commission held a joint Public Hearing with City Council on May 14, 2019 on this matter. During the discussion, Planning Commission raised concerns with aspects of the proposed development. These concerns related to the safety of the road design, the stormwater design, affordability, and impact on the school system. The applicant requested, and was granted, a deferral to address some of the Commission’s concerns.

On June 11, 2019 the Planning Commission continued their discussion related to the PUD development. The applicant updated their materials, but only for clarification with no substantial changes. Super silt fence, protection of Moores Creek and the wetlands, and the administration of the affordable dwelling unit proffer were all areas of discussion. Planning Commission is concerned the wording of the affordable dwelling unit proffer will conflict with current City policies and will be difficult to administer.

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

If City Council approves the rezoning request, the project could contribute to **Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation**, and the City Council Vision of *Quality Housing Opportunities for All*.

### **Community Engagement:**

On December 13, 2018 the applicant held a community meeting at City Hall in the Neighborhood Development Services’ Conference Room. The applicant gave an overview of the project as it related to the need for a rezoning. Six members of the public attended the meeting and voiced the following concerns:

- The density is too high. The City does not have the infrastructure to support more development (roads, sidewalks...)
- Traffic will be a problem.
- The land that is being given to Parks also needs to be programmed and money provide

so it does not end up being just “land” like at the back of Longwood PUD.

- Need more pedestrian connectivity.
- This development could lower the quality of life for people in the area by increasing traffic and removing forest.
- Could the developer work with Habitat on the affordable units?
- Parking is always as problem with new developments.
- Would like to see more parking.
- The townhouses might be too close to the existing on Moseley Drive.

Other comments included:

- The number of units and type of development in this area is not appropriate. The development should include a mix of single family homes, duplexes and townhouses.
- Concerned about construction noise and environmental damage.
- 50 townhouses will add unwanted traffic

On May 14, 2019 the Planning Commission held a joint Public Hearing with City Council. Seven (7) members of the public spoke and expressed the following:

- The development will create more traffic and adversely impact the quality of life for existing residents.
- This area of the City lacks the infrastructure to support such a large development.
- The proposed townhouses will not be affordable.
- The development could adversely impact the schools.
- Sidewalks are not safe in this area and there is not enough public transportation.
- The Fry’s Spring Neighborhood Association is neutral to the proposed rezoning, but any development should be well thought-out.
- The development will be good for the area by adding additional housing.

Staff received a number of emails regarding this project and they have been forwarded to Planning Commission and City Council.

**Budgetary Impact:**

This has no impact on the General Fund.

**Recommendations:**

The Planning Commission took the following action:

Mr. Solla-Yates moves to recommend that City Council should approve ZM18-0003, including the critical slope waiver requested in P19-00013, subject to the following conditions that are necessary to mitigate the potential adverse impacts of development within the critical slope area:

- 1) In order to protect the sensitive on-site wetland features, and also to protect the waters of the adjacent Moore’s Creek and its stream buffer areas from the impacts of the proposed development: a) all stormwater quantity and quality requirements for the Flint Hill PUD Development will be satisfied through use of facilities of such types,

and generally in such locations, as are described and depicted within the stormwater management concept submitted for Application # ZM18-0003; b) all stormwater outfalls and associated energy dissipaters shall be located outside critical slope areas and wetlands; c) no critical slope area will be disturbed with borings for any sanitary sewer laterals; d. the on-site biofilter shall be designed and installed to offer opportunity for groundwater recharge, and the final stormwater management plan for the Flint Hill PUD development shall indicate the design standard for groundwater recharge associated with the particular biofilter that is utilized; e) the mature upland wooded area of the development site will be permanently preserved; f) the following shall be included as part of the erosion and sediment control measures for all construction activities within the development area for the Flint Hill PUD Development: i) use of super silt fence, as described or defined in City standards, to be detailed within the E&S Plan and SWPPP for the area within the PUD; ii) fixed, immovable barriers shall be installed as tree protection measures, in accordance with the City's standard tree protection detail, and the barriers shall be maintained in place throughout all periods of construction activities within the area Flint Hill PUD; this protection requirement shall apply to the protection of the root zones of existing trees within the mature upland wooded area; to existing native woody and herbaceous trees and plantings in the critical slope areas and wetlands; and to protection of other mature trees identified within the tree preservation plan component of the final site plan for the Flint Hill PUD.

- 2) This critical slope waiver is approved only for and in connection with the proposed Flint Hill PUD Development described in Application # ZM19-00003 and shall not apply to any other use or development proposed or conducted on the Subject Property.
- 3) Sec. 34-1120(b) of the City's critical slope ordinance states that a landowner requesting waiver of critical slopes requirements must address how the proposed waiver will satisfy the purpose and intent of the critical slopes ordinance; within materials submitted in support of waiver Application #P19-00013 the Landowner has stated that it is willing to undertake measures to reinforce existing eroded areas in the vicinity of its proposed development (the upper reaches of Stream 2), as a partner with other stream-adjacent landowners, if feasible. Landowner shall confirm at the time of final site plan approval whether or not any such work will be performed and: (i) if so, the Landowner shall describe in writing the extent of the work and the timing in which the working will be undertaken in relation to completion of construction activities within the PUD development, or (ii) if not, the Landowner shall summarize in writing its efforts to follow-up with landowners to develop a work plan, and shall describe any financial or other impediments render a joint effort infeasible. Landowner shall have no obligation for the off-site work, beyond the actions specified in clauses (i) and (ii) of this paragraph.

This recommendation is on the basis that the streets proposed within the PUD Development are laid out in a manner substantially in accord with the Comprehensive Plan, and approval of the proposed PUD Development is consistent with the Comprehensive Plan and will serve the public necessity, convenience, general welfare and good zoning practice. Although support for the application is qualified, there are concerns about clarity, affordable housing proffer language, and possible conflicts between the proffer as written and administrative

policy that applies to affordable units. Seconded by Commissioner Dowell. Motion is approved 6-0.

Ms. Dowell seconded the motion

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

The motion passed 6 - 0 to recommend approval of the rezoning and critical slope waiver application to City Council.

**Alternatives:**

City Council has several alternatives after holding a Public Hearing for the road closure request:

- (1) by motions, provide approvals as outlined in the attached Procedural Memo from the City Attorney's Office;
- (2) by motion, take action to deny the attached ordinance granting the Rezoning, Street Vacation and Critical Slope Waiver;
- (3) by motion, request changes to the attached ordinances, and then approve the Rezoning Street Vacation, and Critical Slope Waiver; or
- (4) by motion, defer action on the Rezoning, Street Vacation, and Critical Slope Waiver.

**Attachments:**

- A. Procedural Memo - City Attorney's office
- B. Rezoning Ordinance
- C. Street Closing Resolution
- D. Critical Slope Waiver Resolution
- E. Final Proffer Conditions dated June, 13, 2019
- F. Street Closing Request Letter from Applicant dated May 29, 2019
- G. Preliminary BMP Plan
- H. Link to the Staff Report(s) and background information from the May 14, 2019 and June 11, 2019 Planning Commission meetings:  
<http://www.charlottesville.org/home/showdocument?id=65435>

City Attorney's Office  
City of Charlottesville

## MEMORANDUM



TO: City Council  
FROM: Lisa Robertson, Chief Deputy City Attorney  
DATE: June 17, 2019  
RE: Flint Hill PUD --- Procedure for Decision

Councilors, please note that the proposed Flint Hill PUD requires two sets of actions from you, in order to move forward. Please address each of these requests, **in the following order**:

- (1) **A proposed waiver of the Street and Alley Closing Policy** you recently approved on May 6, 2019.  
On May 6, 2019, Council adopted an updated Street and Alley Closing Policy, which states that any application which receives a score of 1.5 or higher on a new Scoring Rubric **must** be administratively denied and may not be presented to Council for a decision. In adopting the new policy, staff did not propose, and Council did not include, any exceptions for applications filed prior to the effective date of the new policy. According to staff, Flint Drive and Keene Court have the potential to increase rear access, for potential ADU development, and by the calculations required by the Scoring Rubric, this alone would cause the application to score 1.5 or higher. The landowner's street closing application (Application P19-0040) predates 5/6/2019 and he is asking for the policy to **not** be applied in this case. **Possible motions:**
  - (i) **Approval:** I move to approve the landowner's request for waiver of the City's Street and Alley Closing Policy dated 5/6/2019, so that the new policy will not be applied to the proposed Flint Hill PUD
  - (ii) **Denial:** I move to deny the landowner's request for waiver of the City's Street and Alley Closing Policy dated 5/6/2019, as applied to the proposed Flint Hill PUD
- (2) **Flint Hill PUD-- [if waiver of the 5/6/2019 is granted]**—if you decide to approve the proposed Flint Hill Planned Unit Development ("PUD") three actions would be required: **(i)** approval of an Ordinance for Application P19-0040 (Street Closure request), following a public hearing, vacating Flint Drive and Keene Court in order to allow development as proposed within ZM18-00003, **(ii)** approval of a Resolution for Application P19-0013 granting a Critical Slope Waiver, and **(iii)** approval of an Ordinance for ZM18-00003 rezoning the Subject Property to allow development of the Flint Hill PUD. Please review these applications using the following process:
  - a. **Public Hearing:** First, open and conduct a public hearing on the proposed vacation of Flint Drive and Keene Court
  - b. **Close the Public Hearing, on the proposed street vacation. Then consider and vote on the entire PUD package all at once—possible motions:**
    - i. **Approval:** I move to approve the Ordinance for Application ZM18-00003, in order to rezone the Subject Property to allow development of the specific project known as the "Flint Hill Planned Unit Development", and I include as part of this PUD approval the approval of the Ordinance for Application P19-0040 vacating Flint Drive and Keene Court within the area of the Flint Hill PUD, as well as approval of the Resolution for Application P19-0013 granting a critical slope waiver for the Flint Hill PUD.
    - ii. **Denial:** I move to DENY the Landowner's request for approval of Application ZM18-00003 for the Flint Hill PUD, to DENY the related Applications P19-0013 (seeking a critical slope waiver) and P19-0040 (seeking to vacate a portion of Flint Drive and Keene Court).

**ORDINANCE**  
**TO AMEND AND RE-ENACT THE ZONING MAP FOR THE CITY OF CHARLOTTESVILLE,**  
**TO RECLASSIFY CERTAIN PROPERTY FROM R-1S TO PLANNED UNIT DEVELOPMENT**  
**(“FLINT HILL PUD”)**

**WHEREAS**, Belmont Station, LLC (“Landowner”), by its member Charlie Armstrong, has rezoning application ZM18-00003 (“Application”) seeking a change in the zoning district classification for certain land identified on the City of Charlottesville’s 2019 Tax Map 20 as Parcels 259.31, 259.32, 259.33, 259.34, 259.35, 259.38, 259.37, 259.26, 259.27, 259.28, 259.29, 259.30, and a portion of Parcel 196, having frontage on the unimproved portions of Flint Drive and Keene Court and, having, in the aggregate, an area of approximately 9.81 acres/ 427,323 square feet (collectively, the various parcels of land are referred to herein as the “Subject Property”), with such rezoning to be subject to certain proffered development conditions dated June 13, 2019 (“Proffers”) and submitted as part of the Application; and

**WHEREAS**, the purpose of the rezoning application is to allow a specific development project identified within: a written PUD Development Plan, dated April 17, 2019, (revision #1 dated May 20, 2019), the Proffers, and supplemental application materials dated May 20, 2019, describing details of a planned residential development named “Flint Hill PUD”—this development project will provide townhouse dwelling units, with accessory dwelling units allowed, up to a total of not more than 50 dwelling units within the PUD, in the aggregate—said townhouses to be provided in a variety of two- and three-story units, of various floor plans and sizes; 5.1 acres of open space, effectively preserving sixty percent (60%) of existing trees, streams and sensitive topography within the PUD, including preservation of wetlands and stream buffer areas along Moore’s Creek and tributary streams 1 and 2; rear loaded parking behind units constructed on Flint Drive; sheltered 5-foot-wide sidewalks along Keene Court and Flint Drive; natural trails providing access from the interior of the development to Longwood Park; and such development further subject to matters set forth within (i) a resolution of this Council granting a waiver of critical slopes regulations for the development under certain conditions, as requested in Application P19-0013, and (ii) an ordinance adopted by this Council vacating Keene Court and Flint Drive for the development under certain conditions, as requested within Application P19-0040 (collectively, the foregoing describe the specific “Project”); and

**WHEREAS**, a joint public hearing on the proposed rezoning of the Subject Property was held before the Planning Commission and City Council on May 11, 2019, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, on June 11, 2019, following the joint public hearing, the Planning Commission voted to recommend that City Council should approve the proposed rezoning for the Project; and

**WHEREAS**, City Council has considered the details of the specific development project represented within: the Landowner’s various application materials; the Staff Reports relating to the application materials; comments received from the public; and the Planning Commission’s recommendation; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the proposed rezoning; that both the existing zoning classification (R-1S) and the proposed PUD zoning classification (subject to the proffered development conditions) are reasonable; and that the proposed rezoning is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that, in order to allow the development of the Project described above within this Ordinance, the Zoning Map Incorporated in



Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, shall be and hereby is amended and reenacted as follows:

*Section 34-1.Zoning District Map.* Rezoning from R-1S to PUD, land identified on the City of Charlottesville’s 2019 Tax Map 20 as Parcels 259.31, 259.32, 259.33, 259.34, 259.35, 259.38, 259.37, 259.26, 259.27, 259.28, 259.29, 259.30, and a portion of Parcel 196, consisting, collectively, of 9.81 acres, or 427,323 square feet, subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowner in accordance with law and are hereby accepted by this City Council:

### **Approved Proffers**

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowner, which conditions shall apply in addition to the regulations otherwise provided within the City’s zoning ordinance:

1. Density shall not exceed a maximum of 50 residential units.
2. At or prior to project completion, the Developer shall offer to donate, at no cost to the City, approximately 3 acres of land to the City of Charlottesville to be added to the adjacent Longwood Park.
3. Affordable Housing:
  - a. The Developer shall cause a minimum of 5 affordable dwelling units (ADUs) to be built on site (as defined in City Code §34-12 (c) and §34-12(g)), with affordability to be maintained over a term of not less than 10 years. The ADU requirement shall be recorded as a deed restriction on each ADU lot.
  - b. During home construction ADUs shall be provided incrementally such that at least one (1) incremental ADU shall either:
    - i. be under construction prior to the issuance of every tenth certificate of occupancy, or
    - ii. at the Landowner’s option, any ADU lot(s) may be conveyed by recorded deed to a non-profit affordable housing provider for construction of an ADU by the non-profit entity, and, if any ADU lot(s) are so conveyed to a non-profit entity in accordance with the timing requirement specified in 3.b.i., above, then the transfer of the lot shall be deemed to be “under construction” as of the date of the recordation of the deed of conveyance containing the required ADU restriction.

**BE IT FURTHER ORDAINED THAT**, in the event the layout of the streets within the Flint Hill PUD, including, without limitation, the “teardrop” design of Keene Court (as depicted within the concept plan component of the Flint Hill PUD Development Plan) cannot be designed and constructed in accordance with provisions of applicable City ordinances and the City’s Standards and Design Manual, then the Landowner shall be required to obtain City Council’s approval of an amended PUD Development Plan, showing a different street layout, prior to obtaining any preliminary or final site plan or subdivision approval for the Project.

**AN ORDINANCE  
CLOSING, VACATING AND DISCONTINUING  
PORTIONS OF FLINT DRIVE AND KEENE COURT  
WITHIN THE AREA OF THE PROPOSED FLINT HILL PUD**

**WHEREAS**, as permitted by Virginia Code Sec. 15.2-2006, the owner of certain land adjacent to portions of Flint Drive and Keene Court has petitioned City Council to alter or vacate those public rights-of-way (Application P19-0040) in order to allow development of a specific development project described in rezoning application ZM18-00003, referred to as the proposed Flint Hill Planned Unit Development (together, hereinafter, the applicable portions of Flint Drive and Keene Court are referred to as the “Subject Rights-of-Way”); and,

**WHEREAS**, following notice to the public pursuant to Virginia Code §15.2-2006, a public hearing by the City Council was held on July 1, 2019; and,

**WHEREAS**, this Council finds and determines that Application P19-0040 should be conditionally granted in order to allow for development of the proposed Flint Hill PUD;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the City hereby authorizes the vacation of the following portions of Flint Drive and Keene Court described, to wit:

- (1) The portion of Flint Drive having frontage along the land referenced as City tax parcel identification numbers 200259380 and 200259350; and
- (2) Keene Court, from its intersection with Moseley Drive to its terminus at the cul-de-sac that currently forms the frontage of land referenced as City tax parcel identification numbers 200259320, 200259310, 200259301, and 200259290.

**PROVIDED, HOWEVER**, that the vacation of the Subject Rights-of-Way is hereby expressly conditioned upon approval of the Flint Hill Planned Unit Development (“PUD”) as proposed within rezoning application ZM18-00003, and upon commencement of development of the Flint Hill PUD, as evidenced by issuance of a building permit for construction of residential dwellings within the development, within thirty-six (36) months from the date this Ordinance is approved by City Council. The landowner’s failure to commence development of the Flint Hill PUD within this specified period of time shall render vacation of the Subject Rights-of-Way, at the option of City Council, void.

**RESOLUTION  
GRANTING A CRITICAL SLOPE WAIVER  
FOR A DEVELOPMENT PROJECT DESCRIBED IN  
REZONING APPLICATION ZM18-00003 (“FLINT HILL PLANNED UNIT  
DEVELOPMENT”)**

**WHEREAS**, Belmont Station, LLC (“Landowner”), by its member Charlie Armstrong, has filed three related applications (“Applications”): one seeking a rezoning (Application ZM18-00003) in order to change the zoning district classification for property identified on the City of Charlottesville’s 2019 Tax Map 20 as Parcels 259.31, 259.32, 259.33, 259.34, 259.35, 259.38, 259.37, 259.26, 259.27, 259.28, 259.29, 259.30, and a portion of Parcel 196 (collectively, the various parcels are referred to herein as the “Subject Property”); the second, a request for a critical slope waiver (Application P19-0013), to allow for the specific development project described in the rezoning application (“Project”); and the third (Application P19-0040), to request vacation of Keene Court and Flint Drive to accommodate the Project; and

**WHEREAS**, the purpose of the rezoning application is to allow construction of a specific planned residential development within the Subject Property, described and referred to within an Ordinance of City Council approving Application ZM18-00003, and this specific Project cannot be developed without City Council’s approval of the requested Critical Slopes Waiver; and

**WHEREAS**, on May 11, 2019, the Planning Commission considered the requested Critical Slope waiver at its June 11, 2019 regular meeting, and subsequently on June 11, 2019 the Planning Commission voted to recommend that the Critical Slopes Waiver be granted; and

**WHEREAS**, based on the representations, information, and materials included within the materials submitted by the Landowner with its various Applications, including its Application for a Critical Slopes Waiver; and upon consideration of the information and analysis set forth within the Staff Report(s), the factors set forth in City Code §34-1120(b), this City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d.)(i) that the benefits of allowing disturbance of critical slopes in connection with the Project outweigh the public benefits of the undisturbed slopes;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, **THAT** the request by the Landowner for a waiver of the critical slopes requirements (Application P19-0013) is **GRANTED** for and in connection with the above-referenced Project, subject to the Landowner’s compliance with the following conditions in its use and development of the Land for construction of the Project:

Critical Slope Waiver Conditions

1. In order to protect the sensitive on-site wetland features, and also to protect the waters of the adjacent Moore's Creek and its stream buffer areas from the impacts of the proposed development:
  - a. all stormwater quantity and quality requirements for the Flint Hill PUD Development will be satisfied through use of facilities of such types, and generally in such locations, as are described and depicted within the stormwater management concept submitted for Application ZM18-0003;
  - b. all stormwater outfalls and associated energy dissipaters shall be located outside critical slope areas and wetlands;
  - c. no critical slope area will be disturbed with borings for any sanitary sewer laterals;
  - d. the on-site biofilter shall be designed and installed to offer opportunity for groundwater recharge, and the final stormwater management plan for the Flint Hill PUD development shall indicate the design standard for groundwater recharge associated with the particular biofilter that is utilized;
  - e. the mature upland wooded area of the development site will be permanently preserved;
  - f. the following shall be included as part of the erosion and sediment control measures for all construction activities within the development area for the Flint Hill PUD Development:
    - i. use of super silt fence, as described or defined in City standards, to be detailed within the E&S Plan and SWPPP for the area within the PUD;
    - ii. fixed, immovable barriers shall be installed as tree protection measures, in accordance with the City's standard tree protection detail, and the barriers shall be maintained in place throughout all periods of construction activities within the area Flint Hill PUD; this protection requirement shall apply to the protection of the root zones of existing trees within the mature upland wooded area; to existing native woody and herbaceous trees and plantings in the critical slope areas and wetlands; and to protection of other mature trees identified within the tree preservation plan component of the final site plan for the Flint Hill PUD.
2. This critical slope waiver is approved only for and in connection with the proposed Flint Hill PUD Development described in Application ZM19-00003 and shall not apply to any other use or development proposed or conducted on the Subject Property.

3. Sec. 34-1120(b) of the City's critical slope ordinance states that a landowner requesting waiver of critical slopes requirements must address how the proposed waiver will satisfy the purpose and intent of the critical slopes ordinance; within materials submitted in support of waiver Application P19-00013 the Landowner has stated that it is willing to undertake measures to reinforce existing eroded areas in the vicinity of its proposed development (the upper reaches of Stream 2), as a partner with other stream-adjacent landowners, if feasible. Landowner shall confirm at the time of final site plan approval whether or not any such work will be performed and: (i) if so, the Landowner shall describe in writing the extent of the work and the timing in which the working will be undertaken in relation to completion of construction activities within the PUD development, or (ii) if not, the Landowner shall summarize in writing its efforts to follow-up with landowners to develop a work plan, and shall describe any financial or other impediments render a joint effort infeasible. Landowner shall have no obligation for the off-site work, beyond the actions specified in clauses (i) and (ii) of this paragraph.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
IN RE: PETITION FOR REZONING (City Application No. ZM-18-00003)  
STATEMENT OF FINAL PROFFER CONDITIONS  
For the Flint Hill PUD  
Dated as of June 13<sup>th</sup>, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned limited liability company is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan, pages 1 through 7, dated May 20<sup>th</sup>, 2019.

The Owner/Applicant hereby proffers and agrees that if the Subject Property is rezoned as requested, the rezoning will be subject to, and the Owner will abide by, the approved PUD Development Plan as well as the following conditions:


1. Density shall not exceed a maximum of 50 residential units.
2. At or prior to project completion, the Developer shall offer to donate, at no cost to the City, approximately 3 acres of land to the City of Charlottesville to be added to the adjacent Longwood Park.
3. Affordable Housing:
  - a. The Developer shall cause a minimum of 5 affordable dwelling units (ADUs) to be built on site (as defined in City Code §34-12 (c) and §34-12(g), with affordability to be maintained over a term of not less than 10 years. The ADU requirement shall be recorded as a deed restriction on each ADU lot.
  - b. During home construction ADUs shall be provided incrementally such that at least one (1) incremental ADU shall either:
    - i. be under construction prior to the issuance of every tenth certificate of occupancy, or
    - ii. at the Landowner's option, any ADU lot(s) may be conveyed by recorded deed to a non-profit affordable housing provider for construction of an ADU by the non-profit entity, and, if any ADU lot(s) are so conveyed to a non-profit entity in accordance with the timing requirement specified in 3.b.i., above, then the transfer of the lot shall be deemed to be "under construction" as of the date of the recordation of the deed of conveyance containing the required ADU restriction.

WHEREFORE, the undersigned Owner(s) stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 13th day of June, 2019.

Owner:  
Belmont Station, LLC

Owner's Address:  
170 South Pantops Drive  
Charlottesville, VA 22911

By:   
Charles Armstrong, Member

May 29, 2019

Charlottesville City Council  
City Hall – 610 East Market Street  
P.O. Box 911  
Charlottesville, VA 22902

**Re: Newly Adopted Street Closing Policy**

Dear Mayor Walker and City Councilors:

In early March this year Belmont Station, LLC submitted a request to close a portion of Flint Drive and Keene Court, two unimproved “paper” streets in the City. On May 6<sup>th</sup> City Council adopted a new street closing policy. In the staff report of our request you will see that our request is not to eliminate the paper streets. Our request is to vacate the streets as they are currently aligned and replat them in slightly modified locations so that we may actually build them.

The new street closure policy uses a scoring rubric to numerically evaluate the pros and cons of closing a street and thus inform City Council how much benefit a “paper” street has to nearby residents and the City for things like access, connectivity, and parking. The scoring rubric does not account for a situation like this, where the applicant owns all surrounding land and is requesting street closure so that the street may be re-platted in a slightly different location. In this situation the closure of the right of way in its current alignment will enable construction of the street that currently only exists on paper.

Looking at the 7 scoring rubric criteria it is clear that vacating, replatting, and building the streets in question will benefit all 7 criteria. By not factoring in newly platted street, the scoring rubric works in direct opposition to its stated goals in this scenario.

The City Attorney has advised that we may ask City Council for a waiver to the new policy. **We hereby request a waiver of the new Street Closing Policy.** To apply the new scoring rubric to this situation would be completely contrary to the stated intent of the policy.

Sincerely,



Charlie Armstrong  
Belmont Station, LLC



# Preliminary BMP/Stormwater Management Plan

Project Name: **Flint Hill**  
 Date: **6/14/2019**

CLEAR ALL

- data input cells
- constant values
- calculation cells
- final results

BMP Design Specifications List: 2013 Draft Stds & Specs

## Site Information

### Post-Development Project (Treatment Volume and Loads)

#### Land Cover (acres)

	A Soils	B Soils	C Soils	D Soils	Totals
Forest/Open Space (acres) undisturbed, protected forest/open space or reforested land	2.00	1.50			3.50
Managed Turf (acres) disturbed, graded for yards or other turf to be mowed/managed		2.18			2.18
Impervious Cover (acres)		1.82			1.82
<i>* Forest/Open Space areas must be protected in accordance with the Virginia Runoff Reduction Method</i>					7.50

#### Constants

Annual Rainfall (inches)	43
Target Rainfall Event (inches)	1.00
Total Phosphorus (TP) EMC (mg/L)	0.26
Total Nitrogen (TN) EMC (mg/L)	1.86
Target TP Load (lb/acre/yr)	0.41
Pj (unitless correction factor)	0.90

#### Runoff Coefficients (Rv)

	A Soils	B Soils	C Soils	D Soils
Forest/Open Space	0.02	0.03	0.04	0.05
Managed Turf	0.15	0.20	0.22	0.25
Impervious Cover	0.95	0.95	0.95	0.95

#### Post-Development Requirement for Site Area

TP Load Reduction Required (lb/yr)	2.06
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## Drainage Area A

### Drainage Area A Land Cover (acres)

	A Soils	B Soils	C Soils	D Soils	Totals	Land Cover Rv
Forest/Open Space (acres)					0.00	0.00
Managed Turf (acres)		0.54			0.54	0.20
Impervious Cover (acres)		1.20			1.20	0.95
<b>Total</b>					<b>1.74</b>	

### 6. Bioretention (RR)

6.a. Bioretention #1 or Micro-Bioretention #1 or Urban Bioretention (Spec #9)	40	0.54	1.20	0	1,812	2,718	4,530	25	0.00	2.84	1.56	1.28	
6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	80			0	0	0	0	50	0.00	0.00	0.00	0.00	

### STORMWATER NARRATIVE:

THE WATER QUANTITY PORTION WILL USE THE ENERGY BALANCE EQUATION TO PROVIDE CHANNEL PROTECTION AND FLOOD PROTECTION. THE TOTAL DISTURBED LAND AREA FOR THE PROJECT IS 4.60 AC WHICH INCLUDES THE ROADS TO BE BUILT TO MOSELEY DRIVE AND LONGWOOD DRIVE. THERE WILL BE THREE DISCHARGE POINTS FOR THIS DEVELOPMENT AND ALL POINTS WILL BE SHOWN TO PROVIDE AN ADEQUATE CHANNEL TO THE 100-YR FLOODPLAIN.

THE WATER QUALITY PORTION OF THE DEVELOPMENT WILL USE A LEVEL 1 OR LEVEL 2 BIOFILTER AT THE CENTER OF THE OPEN SPACE IN THE CUL-DE-SAC AREA AND/OR OTHER APPROVED PRACTICES AS NECESSARY. THE APPLICANT WILL TREAT AS MUCH OF THE STORMWATER ON SITE AS IS TECHNICALLY AND ECONOMICALLY FEASIBLE, AS DETERMINED BY THE APPLICANT, WITHIN REASON, BUT THE SWM CONCEPT DOES NOT PRECLUDE THE PURCHASE OF NUTRIENT CREDITS IF THAT BECOMES NECESSARY.

IN THE SCENARIO PROVIDED ABOVE WE WOULD BE PRODUCING 2.06 LBS/YR OF PHOSPHOROUS AND TREATING 76.2% ONSITE WHILE PURCHASING 0.49 LBS/YR (23.8%) OF PHOSPHOROUS. OTHER BMP METHODS WILL BE EXPLORED BY THE APPLICANT AND COULD RESULT IN HIGHER ONSITE TREATMENT.

## Site Results (Water Quality Compliance)

Area Checks	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	AREA CHECK
FOREST/OPEN SPACE (ac)	0.00	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER (ac)	1.20	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER TREATED (ac)	1.20	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA (ac)	0.54	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA TREATED (ac)	0.54	0.00	0.00	0.00	0.00	OK.
AREA CHECK	OK.	OK.	OK.	OK.	OK.	

Site Treatment Volume (ft<sup>3</sup>) **8,168**

### Runoff Reduction Volume and TP By Drainage Area

	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	TOTAL
RUNOFF REDUCTION VOLUME ACHIEVED (ft <sup>3</sup> )	1,812	0	0	0	0	1,812
TP LOAD AVAILABLE FOR REMOVAL (lb/yr)	2.85	0.00	0.00	0.00	0.00	2.85
TP LOAD REDUCTION ACHIEVED (lb/yr)	1.56	0.00	0.00	0.00	0.00	1.56
TP LOAD REMAINING (lb/yr)	1.28	0.00	0.00	0.00	0.00	1.28
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	13.02	0.00	0.00	0.00	0.00	13.02

### Total Phosphorus

FINAL POST-DEVELOPMENT TP LOAD (lb/yr)	5.13
TP LOAD REDUCTION REQUIRED (lb/yr)	2.06
TP LOAD REDUCTION ACHIEVED (lb/yr)	1.56
TP LOAD REMAINING (lb/yr):	3.57
REMAINING TP LOAD REDUCTION REQUIRED (lb/yr):	<b>0.49</b>

### Total Nitrogen (For Information Purposes)

POST-DEVELOPMENT LOAD (lb/yr)	36.71
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	13.02
REMAINING POST-DEVELOPMENT NITROGEN LOAD (lb/yr)	23.69





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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Date:	August 5, 2019
Action Required:	Vote on Resolution
Presenter:	Jeff Werner, Historic Preservation & Design Planner
Staff Contacts:	Jeff Werner, Historic Preservation & Design Planner Alex Ikefuna, NDS Director
Title:	<b>Resolution to authorize submittal of a Preliminary Information Form for River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area)</b>

**Background:**

Since 1978, the City and Albemarle County have co-owned the 219-acre Ivy Creek Natural Area, which covers much of what had been Hugh Carr's River View Farm. In 1870, the formerly enslaved Carr acquired 58-acres and by 1890 had expanded his farm to over 125 acres. Following his commitment to learning, Carr's descendants became teachers and leaders in the effort to educate African Americans.

In May 2019, the Ivy Creek Foundation (ICF) board sought the City's endorsement for nominating River View Farm and the Carr-Greer Farmhouse for listing on the Virginia Landmarks Register (VLR) and the National Register of Historic Places (NRHP). In a letter dated 17 May 2019, after consultation with the Interim City Manager, the Preservation and Design planner expressed support for the nomination.

The first step in nominating a site or structure for listing is submittal of a Preliminary Information Form (PIF) to the Virginia Department of Historic Resources (VDHR), which the ICF is currently preparing. The ICF is requesting that the City sign the PIF when it is completed. Being a signatory indicates to VDHR a property owner's support for nomination and subsequent historic designation, if granted.

Per the VDHR, a PIF "provides baseline information for evaluating a property's eligibility for the historic registers and is intended to allow a property owner to move forward on a preliminary evaluation without a lot of up front costs or investment of time." From the information provided in the PIF, VDHR staff makes a recommendation to VDHR's Review Board, which may determine that a site is eligible for listing. If River View Farm and the Carr-Greer Farmhouse are found eligible, ICF would next prepare and submit a formal nomination for VLR and NRHP listing; a process that far more detailed than for the PIF. That nomination is then considered at

the state level for listing on the VLR. If that listing is approved, the nomination is then reviewed at the federal level for listing on the NRHP.

**Discussion:**

Among the objectives of the Ivy Creek Foundation are to make Ivy Creek Natural Area a model of land, water, historical, and cultural resource management and to encourage and sponsor studies of the natural and cultural resources at Ivy Creek Natural area.

VLR and NRHP listing, if granted, will increase public awareness of not only the site and structures, but of the extraordinary accomplishments of Hugh Carr and his family. Such a listing is an honorary designation that is administered by the Virginia Department of Historic Resources. Benefits of listing include recognition, community pride, and providing qualification for certain grant funding, such as assistance with building maintenance and rehabilitation. Furthermore, this designation would impose no restrictions on future use, development or modification. VLR and NRHP designation is part of a broader, long-term effort to provide interpretive opportunities about River View Farm and the important elements of local history it makes available to the community and visitors.

Additionally, if the VDHR Review Board determines the River View Farm and the Carr-Greer Farmhouse are eligible for listing, even if formal listing is not pursued, the determination of eligibility alone requires that actions by the state or federal government—a road or highway project, for example—must take into consideration how that action will impact the historic resource.

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

From the City’s Comprehensive Plan, *Historic Preservation & Urban Design.*

Goal 2.3: Continue to interpret historic resources to the community through markers, publications, events and other means. Strive to include the narratives and resources of under-represented groups and areas significant in our local history. Coordinate this interpretation of historic resources with City improvement projects and other city initiatives.

Goal 4.5: Survey, evaluate all City-owned property, including schools and parks for historic and design significance and integrity.

From the City Council Vision Statement.

Cultural and creative capital of Central Virginia: Our community has world-class performing, visual, and literary arts reflective of the unique character, culture, and diversity of Charlottesville. Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources. Through City partnerships and promotion of festivals, venues, and events, all have an opportunity to be a part of this thriving arts, cultural, and entertainment scene.

From the City’s Strategic Plan.

Goal 3.5 Protect historic and cultural resources. The historic and cultural resources in the city are economic development and tourism assets. They also represent a testament to the community’s past. The preservation of these resources is critical to protect the character of the city. The strategies and policies to preserve and sustain these resources include education, urban design, resource inventory, neighborhood conservation, resource protection, entrance corridor and other

regulatory review, and technical assistance to property owners.

**Community Engagement:**

The property is jointly owned by the City and Albemarle County. The nomination is being pursued by the Ivy Creek Foundation, which maintains and operates the property.

**Budgetary Impact:**

No additional budgetary impacts. The Ivy Creek Foundation is preparing the nomination forms.

**Recommendation:**

Staff recommends that Council adopt the proposed resolution.

**Alternatives:**

Council can amend the proposed resolution or not adopt it.

**Attachments:**

- Proposed Resolution: In Support of Nominating River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area) for Listing on the Virginia Landmarks Register and the National Register of Historic Places
- 7 May 2019 Ivy Creek Foundation letter to City of Charlottesville
- 17 May 2019 staff letter to Marc Wagner, Virginia Department of Historic Resources
- 12 July 2019 letter of support from the Historic Resources Committee

## **RESOLUTION**

### **In Support of Nominating River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area) for Listing on the Virginia Landmarks Register and the National Register of Historic Places**

WHEREAS, the City Council of the City of Charlottesville, through its Vision Statement, the City's Comprehensive Plan and the City's Strategic Plan has recognized the value of preserving and protecting historic and cultural resources; and

WHEREAS, the City Council wishes to encourage such efforts; and

WHEREAS, the River View Farm and the Carr-Greer Farmhouse located at the Ivy Creek Natural Area are significant relative to their connection to local African-American history; and

WHEREAS, the City is a co-owner of the Ivy Creek Natural Area and thus a steward in the preservation and protection of the River View Farm and the Carr-Greer Farmhouse; and

WHEREAS, the Ivy Creek Foundation (IFC) is preparing and will submit to the Virginia Department of Historic Resources (VDHR) a Preliminary Information Form (PIF) in order to determine eligibility of River View Farm and the Carr-Greer Farmhouse for listing on the Virginia Landmarks Register and the National Register of Historic Places; and

WHEREAS, the IFC has requested the City's consent to prepare and submit the PIF;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Charlottesville, Virginia endorses this effort and authorizes the City Manager, after consultation with staff and the City Attorney's approval as to form, to sign the PIF prior to its submittal to VDHR.

Approved by Council  
August 5, 2019

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Clerk of Council

Ivy Creek Foundation  
P.O. Box 956  
Charlottesville, VA 22902

May 7, 2019

Mike Murphy  
Interim City Manager  
City of Charlottesville  
P.O. Box 911  
Charlottesville, VA 22902

Dear Mr. Murphy:

The Ivy Creek Foundation, in long term agreement with Albemarle County and City of Charlottesville Parks and Recreation Departments, stewards the Ivy Creek Natural Area. The Ivy Creek Natural Area property encompasses much of the former River View Farm, a historically significant property formerly owned by Hugh Carr and his family. The Ivy Creek Foundation currently seeks to call further attention to the significant heritage of the property and its residents through listing in the National Register of Historic Places and Virginia Landmarks Register. We are writing to request your support for this undertaking by authorizing the City and County Parks and Recreation Departments to sign the Preliminary Information Form, the first step in seeking National Register designation, as property owners.

River View Farm and the Carr-Greer Farmhouse present at Ivy Creek Natural Area appear eligible for the National Register of Historic Places and Virginia Landmarks Register due to the property's significance in American history as the farm built by emancipated slave, Hugh Carr, and the contributions of subsequent residents, Mary and Conly Greer, to our community in the areas of Education and Agriculture.

Former slave Hugh Carr established River View Farm during the post-Emancipation era, a period of dramatic change resulting from the transition from a culture of slavery to a new, often-contested order that continues to shape our society today. Against powerful odds and challenges, including racial prejudices and discrimination, Hugh Carr worked as both a share cropper and wage laborer following his Emancipation and was able to save enough money to begin buying property in Albemarle County circa 1870. Assembled over the course of about twenty years, Carr's River View Farm was part of a larger community of African American farmers, millers, craftsmen, laborers, educators, and ministers known as Union Ridge or Hydraulic Mills. Other than River View Farm, little else of the community survives today.

River View Farm was divided among Hugh Carr's children upon his death in 1914. Carr's eldest daughter Mary, and her husband, Conly Greer, eventually acquired River View Farm in its entirety and continued to live on, expand, and enhance the farm for the remainder of their lives. Mary and Conly Greer each contributed greatly to the broader community through their work. From 1930 to 1950, Mary served as principal of Albemarle Training School, the only school providing post-elementary education to African American children in the County during the segregation period. Conly served local African American farmers as the Agricultural Extension Agent for Albemarle County between 1918 and 1953. Each provided important tools to help local community members to better their odds in a society heavily influenced by Jim Crow laws. Greer Elementary School is named in honor of Mary Carr Greer.

The River View Farm property thus holds a special and significant place in Albemarle County history. Ivy Creek Natural Area continues to contain extensive evidence of its agricultural heritage associated with the Carr-

Greer family. This evidence is protected through the stewardship practices of the County, City, and Ivy Creek Foundation.

Friends of Ivy Creek Foundation are prepared to develop the materials needed to list the Carr-Greer Farmhouse and the River View Farm property in the National Register of Historic Places and Virginia Landmarks Register. Successfully listing the property will raise awareness about its importance and provide publicly-accessible information to local residents as well as other interested individuals and researchers. The National and State Landmarks Registers are an honorary designation that is administered by the Virginia Department of Historic Resources. Benefits of listing include recognition, public pride, and helping the property to qualify for certain grant funding. Contrary to widely held opinion, listing a property in these registers imposes absolutely no restrictions on future use, development, or modification. Ivy Creek Foundation seeks listing as a first step in a broader effort aimed at providing enhanced interpretive opportunities about River View Farm and the important aspects/chapters of local history it embodies to the public. It would also enable Ivy Creek Foundation to seek grant funding from certain sources that require designation that would be used to address repair and interpretation of the building to enhance public enjoyment and education.

Your support of this effort would signal your commitment to the stewardship of locally important African American heritage resources. Few properties of this type survive within our community. Listing the Carr-Greer Farmhouse and River View Farm on the National and State registers would signal your support for protection of a rare surviving example of post-Emancipation African American heritage, and serve as a model for others to consider pursuing National Register listing.

The Virginia Department of Historic Resources is available at any point in the process to address assistance in understanding the benefits of listing, and is available to answer questions.

As joint owners of the property, we need both Albemarle County and the City of Charlottesville to have an authorized representative sign the Virginia Department of Historic Resources application that they use to evaluate the eligibility of a property. As noted, Ivy Creek Foundation is prepared to take responsibility for completing all other aspects of the form and the subsequent nomination materials at no cost to the City or County.

We appreciate your support in this matter and ask for your authorization for the City Parks and Recreation Department or some other staff member to sign the initial form required by the Virginia Department of Historic Resources to evaluate the eligibility of the property for the National and State Registers.

Thank you for your time and consideration,

Lorna Werntz  
President  
Ivy Creek Foundation

Rochelle Garwood  
Interim Executive Director  
Ivy Creek Foundation

CITY OF CHARLOTTESVILLE  
"A World Class City"

Department of Neighborhood Development Services

City Hall Post Office Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
www.charlottesville.org



May 17, 2019

Marc C. Wagner, Director  
Eastern Region Preservation Office  
Virginia Department of Historic Resources  
2801 Kensington Avenue  
Richmond, Virginia 23221

RE: River View Farm and the Carr-Greer Farmhouse, Albemarle County, VA

Dear Marc,

Charlottesville's City Manager has authorized me to express the City's support for nominating *River View Farm and the Carr-Greer Farmhouse* for listing on the Virginia Landmarks Register (VLR) and the National Register of Historic Places (NRHP).

With Albemarle County, the City co-owns the 219-acre Ivy Creek Natural Area, which covers much of what had been Hugh Carr's River View Farm. In 1870, the formerly enslaved Carr acquired 58-acres and by 1890 had expanded his farm to over 125 acres. Following his commitment to learning, Carr's descendants became teachers and leaders in the effort to educate African Americans.

Charlottesville has long supported the designation of its historic resources. Almost 15% of the City's ten square miles lies within a VLR/NRHP-listed historic district, representing no less than 2,100 contributing sites and structures. After recent surveys of the Rose Hill and Starr Hill neighborhoods, an additional 198 properties were deemed eligible for listing.

The City is very proud to endorse the effort to seek such designation for River View Farm and the Carr-Greer Farmhouse

If you have any questions, please contact me at 434-970-3130 or [wernerjb@charlottesville.org](mailto:wernerjb@charlottesville.org).

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeff Werner".

Jeff Werner, AICP  
Historic Preservation and Design Planner





610 East Market Street, Charlottesville, Virginia 22902

July 12, 2019

Ms. Nikuyah Walker  
Mayor  
City of Charlottesville  
610 East Market Street  
Charlottesville, Virginia 22902

RE: River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area)  
Nomination for Virginia Landmarks Register and National Register of Historic Places

Dear Mayor Walker,

The City of Charlottesville Historic Resources Committee (HRC) encourages City Council to endorse the Ivy Creek Foundation's efforts to nominate River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area) for listing on the Virginia Landmarks Register and the National Register of Historic Places.

This site and these structures have significant connection to local African-American history. The 219-acre Ivy Creek Natural Area, co-owned by the City and Albemarle County, covers much of what had been Hugh Carr's River View Farm. In 1870, the formerly enslaved Carr acquired 58-acres and by 1890 had expanded his farm to over 125 acres. Following his commitment to learning, Carr's descendants became teachers and leaders in the effort to educate African Americans.

Charlottesville has long supported the designation of its historic resources. With the City's endorsement, the Ivy Creek Foundation can move forward with preparing and submitting the nomination application to the Virginia Department of Historic Resources.

If you have any questions, please contact me at (540) 535-9632 or [mdarcyhawks@gmail.com](mailto:mdarcyhawks@gmail.com).

Sincerely yours,

Madeleine Hawks  
Chair

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**CITY OF CHARLOTTESVILLE, VIRGINIA**  
**CITY COUNCIL AGENDA**  
**August 5, 2019**



# **Police Civilian Review Board**

## **Presentation**

July 2, 2019

Dear City Councilors:

Thank you for entrusting us with the important work of developing a permanent Police Civilian Review Board. The community called for increased transparency and accountability within the Charlottesville Police Department, and your commitment to a CRB is one important step toward meeting that demand. In this packet, you will find a proposal for the next steps of establishing a permanent CRB. The Initial CRB envisions that this will be an iterative process that will change and grow to meet the needs of the community and the CPD. Our work has been only the first step in that evolution. Here is our bottom-line conclusion: to demonstrate a long-term and comprehensive commitment to transparent police oversight, equitable policing, and accountability, the Initial CRB recommends that you establish a diverse and inclusive permanent CRB to be assisted and supported by two full-time staff members.

We have spent the past year researching boards around the country; learning about different models of oversight; seeking and obtaining personalized training; talking to police oversight practitioners from around the country; securing presentations from the Legal Aid Justice Center, the People's Coalition, and the Charlottesville Police Department; engaging in communications with City Council; meeting with the City Attorney and Commonwealth's Attorney; requesting police information and data directly relevant to our charge; determining how an oversight body could best address the problematic policing practices identified in the City Council's December 18, 2017 Resolution; meeting with the Chief of Police; engaging with the community; developing a model and mission statement; initiating the process of negotiating a Memorandum of Understanding with the CPD; and drafting the attached documents for your review and vote. We have listened to the community—from activists to officers—and have appreciated input from everyone. We have not accepted every suggestion or demand; some of those suggestions were not legally tenable or politically practical, others were inconsistent with genuine independent oversight. But, even though we could not please all stakeholders, we are confident that we have delivered on each element of our charge, as stated in your Resolution.

We began our work as a group of seven civilian volunteers. City Council added an eighth member to our Board and, over the course of the year, two Board members resigned their posts. Most of us did not know each other prior to our terms, but we came to learn that each one of us has unique skills, abilities, and perspective that served us well throughout the year. We are proud of the working relationship we developed and of the work-product we generated. After our first meeting, we hit the ground running by dividing into sub-specialties. Board Members focused efforts on: (1) research; (2) drafting; (3) community engagement; (4) liaisons with the CPD; and (5) liaisons with the City. We rotated chairperson and secretary in an effort to ensure that

all members were involved, engaged, and had an opportunity to lead. We rotated which Board members spoke with the media. We developed interim bylaws that were intended: (1) to define the parameters of how the Initial CRB would operate; and (2) to provide us access to the data and documents necessary for a CRB to meaningfully serve an oversight role. Unfortunately, those bylaws were never voted upon by City Council, but the process was informative and valuable nevertheless.

We were also fortunate to receive a one-day, tailored training session from the National Association for Civilian Oversight of Law Enforcement (NACOLE). And we appreciate the City's financial support to make that training a reality. With NACOLE's guidance, and our own research, we began the work of tailoring bylaws and an ordinance for a permanent CRB that could meet the specific needs of the City of Charlottesville and its community. We have shared our drafts and proposals with the public and the City throughout our drafting process—just as we share our final work product today.

As you know, the past year has not always been a smooth road. Yet, we would all willingly do it over again, because this work is larger than this Board or any individual member. In the end, this enterprise is about the crucial work of improving community-police relations through systemic change.

Through this process, we have identified the following elements as critical to successful oversight: (1) the need for a CRB with independent authority to review any and all complaints about police misconduct; (2) the need for a CRB with independent authority to conduct a parallel investigation into a complaint, at least, under limited circumstances; (3) the need for a CRB with independent authority to access fully relevant CPD documents and data; (4) the need for professional, experienced support staff and an appropriate corresponding budget (we have recommended 1% of the CPD's budget); and (5) the need for public engagement and public reporting. Without these critical elements, the CRB would risk creating more harm for this community, rather than less.

What follows are our suggestions for next steps. First, the Initial CRB has requested an opportunity to present our proposal to City Council at your earliest convenience. After our presentation, we expect that at least one member of the City Council will need to take this project under their wing (given that our terms end on July 2, 2019). But please know that all of us are available, in the future, to answer questions and provide assistance, even after our terms officially end.<sup>1</sup> Second, part of this packet is a draft ordinance, designed to authorize the CRB

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<sup>1</sup> We have voiced our concern that there will be a lag time between the end of our terms and the beginning of the next CRB's terms. If there is a lag time between appointed Boards, we believe it

and professional staff to conduct their work. We understand that the City Attorney will draft a final ordinance at Council's request, but we hope and expect that the City Attorney will use our draft as a template. Third, after enacting the ordinance, the City Council will need to approve and pass CRB bylaws—a draft of which are also included in this package, and ensure that an adequate monies are provided for in the next budget allocation cycle. Fourth, the City Council will need to appoint a new CRB, and the City Manager will need to hire experienced and skilled staff. Although it may be difficult for the new CRB to start its work prior to the hiring of oversight staff, it is critical that the City Council first appoint the new CRB, so its members may participate in the hiring of oversight staff. Fifth, each new class of CRB members will need to receive adequate training by support staff, City staff, the CPD, and outside entities. Sixth, the first iteration of the permanent CRB must be empowered to negotiate a Memorandum of Understanding with the CPD as soon as possible in an effort to develop the parameters under which all stakeholders can operate. Additional steps and substeps are described in this packet. And, of course, these last steps and substeps must be completed consistent with the CRB bylaws and the City's enabling ordinance.

Thank you for the opportunity to develop this important Board for our community.

Sincerely yours,

The 2018-2019 Initial Police Civilian Review Board  
Gloria Beard  
Josh Bowers  
Sarah Burke  
Rosia Parker  
Katrina Turner  
Guillermo Ubilla

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will be City Council's, the City Manager's, and the public's duty to ensure that this work is done seamlessly and efficiently.

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## **Purpose of a Proposed Ordinance**

The Initial Police Civilian Review Board has concluded that an ordinance must do the following, at a minimum, to create effective oversight:

- establish a volunteer Civilian Review Board, to be governed by this enabling ordinance and its own bylaws, policies, and procedures;
- hire a professional Oversight Staff, consisting of at least two full-time City employees;
- describe the duties, powers, and functions of the Board;
- describe the duties, powers, and functions of the Oversight Staff; and
- describe the manner by which the Board may and shall interact and collaborate with Oversight Staff, the Charlottesville Police Department, the City of Charlottesville, and the people of the City of Charlottesville.

The following is language that we propose to be included in the Ordinance.

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## **Proposed Ordinance**

By this ordinance, the City of Charlottesville (the “City”) establishes:

1. a Police Civilian Review Board (the “Civilian Review Board” or “Board”), consisting of seven volunteer voting members and two volunteer non-voting members; and
2. an Oversight Staff, consisting of at least two full-time City employees (“Oversight Staff”).

### **MISSION STATEMENT**

The City endeavors to provide objective and independent civilian-led oversight of the Charlottesville Police Department (the “CPD”) in an effort to enhance transparency and trust, to promote fair and effective policing, and to protect the civil and constitutional rights of the people of the City of Charlottesville.



To achieve its mission, a Civilian Review Board shall collaborate with and be assisted by a professional Oversight Staff in pursuit of the following principles and objectives:

- ensuring that police officers act with integrity and treat *every person* with equal dignity;
- empowering and inspiring self-governance and a culture of mutual respect;
- seeking social and racial justice;
- engaging in community outreach and amplifying the voices of the socially, politically and economically disenfranchised;
- listening to and building bridges between all stakeholders to find and develop common ground and public purpose;
- championing just, equitable, and legitimate policing policies and practices; and
- processing complaints, investigating incidents, reviewing police practices and internal investigations, identifying policing trends, analyzing data and policies, issuing findings, writing public reports, and making recommendations.

#### **OVERSIGHT STAFF -- GENERAL DUTIES, POWERS & FUNCTIONS**

The City authorizes and tasks at least one member of an Oversight Staff with providing administrative and technical support to the Civilian Review Board. The precise scope of the Oversight Staff's administrative duties and powers shall be defined by employment contract, but, generally, such duties and powers shall include:

- planning, organizing, and supervising Board activities, events, and trainings;
- developing and administering a process for receiving civilian complaints of police misconduct;
- developing and administering data-keeping procedures;
- communicating with City Staff to ensure compliance with Board bylaws;
- communicating with CPD officials to ensure compliance with commitments made by the CPD to the Board;
- communicating with the Commonwealth Attorney's Office;
- communicating with and disseminating information and reports to members of the public;
- coordinating community outreach events;
- acting as custodian of records for the Board and Oversight Staff;
- ensuring timely and effective compliance with established policies and procedures;
- preparing or assisting in preparation of public reports from the Board;
- actively participating in community outreach and engagement; and
- collaborating effectively with community members, the Board, other members of Oversight Staff, the CPD, City Officials, and City Staff.

The City authorizes and tasks at least one member of the Oversight Staff with evaluating and analyzing long-term issues and trends in the CPD's practices and policies. The precise scope of the Oversight Staff's auditing duties and powers shall be defined by employment contract, but, generally, such duties and powers shall include:

- auditing ongoing investigations of the CPD's Internal Affairs unit ("IA");
- analyzing data and identifying trends in IA complaint processing and disposition;
- analyzing data and identifying trends in CPD patterns and practices, including patterns of instances of use of force and officer-involved death, and practices of arrest and stop and frisk (termed "investigative detention" by the City and the CPD);
- evaluating CPD policies and training protocols;
- identifying evidence-based best policing practices and recommending policies and training to the City and the CPD;
- preparing or assisting in preparation of public reports from the Board;
- actively participating in community outreach and engagement; and
- collaborating effectively with community members, the Board, other members of Oversight Staff, the CPD, City Officials, and City Staff.

#### **OVERSIGHT STAFF -- HIRING & TERMINATION**

**Hiring:** The City Manager shall hire members of the Oversight Staff with substantial guidance from the Board. The hiring process for new Oversight Staff members shall include the creation of a search committee, which shall conduct a national search for qualified candidates. The search committee shall consist of no more than seven people, including the City Manager or designee, four voting Board members, and one non-voting Board member or designee. The search committee shall:

1. field candidate materials, select candidates for interview, and conduct interviews consistent with legally required City hiring practices;
2. conduct final interviews in a public forum (noticed no fewer than fifteen days prior to the date of the forum), with an opportunity for community members to submit questions and to comment upon and rank-order candidates through an anonymized hardcopy or online form or survey;
3. develop and publicize the aggregated results of the rank-ordering of candidates; and
4. make a hiring recommendation to the City Manager.

If the City Manager rejects the search committee's hiring recommendation, the City Manager shall publicly provide a reason in writing for rejecting the recommendation.

**Termination:** All members of the Oversight Staff shall report directly to and are fireable by the City Manager. The Board may recommend termination of a member of the Oversight Staff. The City Manager shall publicly provide a reason in writing for rejecting a termination recommendation of the Board or for terminating an Oversight Staff member without a Board recommendation to do so.

### **CIVILIAN REVIEW BOARD -- GENERAL DUTIES, POWERS & FUNCTIONS**

The City authorizes and tasks a Civilian Review Board with civilian oversight of the CPD. The precise scope of the Board's oversight duties and powers shall be defined by the specific provisions of this enabling ordinance (described below, under "Specific Duties, Powers & Functions"), but, generally, such duties and powers shall include:

- developing and administering a process for receiving civilian complaints;
- reviewing completed IA investigations;
- in limited circumstances, investigating civilian complaints;
- holding hearings and making findings and recommendations;
- producing public reports and issuing policy proposals; and
- collaborating effectively with community members, Oversight Staff, and the CPD, City Officials, and City Staff.

### **CIVILIAN REVIEW BOARD -- APPOINTMENT, TERMS OF SERVICE & REMOVAL**

**Appointment:** Subject to the membership restrictions (described below, under "Membership Restrictions"), the City Council shall appoint members of the Civilian Review Board and shall endeavor to create a fair, objective, independent, diverse, and representative body. The Board shall be composed of seven voting members and two non-voting members. All Board members must be City residents, except when a Board member moves outside the City to another city or county during a term, in which case the member may complete the term with Board approval.

Except in the event of a short-term vacancy (described below, under "Removal and Vacancy"), the City Council shall implement a selection system for voting Board members that includes the following:

1. a publicly announced application process with applications available online and by hardcopy in English and Spanish;
2. a publicly disseminated list of the names of all qualified applicants (defined as applicants who have submitted a complete application and are not disqualified as described below, under "Membership Restrictions");
3. at least one opportunity for current Board members to question and rank-order all qualified applicants;

4. at least one public forum (noticed no fewer than thirty days prior to the date of the forum), with an opportunity for community members to submit questions and to comment upon and rank-order all qualified applicants through an anonymized hardcopy or online form or survey; and
5. publication of the aggregated results of the rank-ordering of all qualified applicants by Board members and the public.

The City Counsel shall publicly provide a reason for:

1. rejecting a recommendation of the current Board to appoint or not appoint a qualified applicant; or
2. making or failing to make an appointment of a qualified applicant in a manner that deviates significantly from the aggregated results of the rank-ordering by Board members or the public.

The City Council shall appoint voting members who are representatives of the following groups (though one member may be representative of more than one group):

1. at least one member who is a resident of public housing;
2. at least four members who come from historically-disadvantaged communities that have traditionally experienced disparate policing; and
3. at least one member who represents an organization, office, or agency that seeks racial or social justice or that otherwise advocates on behalf of historically-disadvantaged communities, particularly communities that have experienced disparate policing.

If the applicant pool for a selection cycle would result in a Board composition that is not appropriately representative of the groups referenced immediately above, the City Council shall seek additional applicants, specifically requesting applications from applicants who represent the missing group or groups. The City Council shall leave Board positions open and shall continue diligently to process applications, as needed, until it appoints an appropriately representative board. If, for this or another reason, the City Council has failed to appoint a full complement of seven voting Board members, the Board nevertheless may continue to operate, subject to its bylaws.

At its discretion, the City Council shall appoint:

1. one non-voting Board member who is a current City Councilor; and
2. one non-voting Board member who has policing expertise or experience.

**Membership Restrictions:** Except the non-voting Board member who is a current City Councilor, no Board member may be:

1. a current employee of the City;
2. a current candidate for public office;
3. a current or former employee of the CPD;
4. an immediate family member (partner, spouse, child, parent, sibling, or former guardian) of a current employee of the CPD; or
5. a current employee of another law enforcement agency.

**Terms of Service:** Except as to the inaugural Board, the City Council shall appoint voting members for three-year terms with the possibility of renewal, but with no voting member serving more than two consecutive terms. The City Council shall stagger Board members' terms. To that end, the City Council shall appoint three voting members of the inaugural board to eighteen-month terms and four voting members to three-year terms.

The City Council shall determine the terms of non-voting members.

**Removal & Vacancy:** All Board members shall report directly to and are removable by the City Council. The Board may recommend removal of a Board member. The City Council shall publicly provide a reason in writing for rejecting a removal recommendation of the Board or for removing a Board member without a Board recommendation to do so.

In the event of a Board member's resignation, removal, or vacancy for another reason, the City Council may appoint immediately (not subject to the system described above, under "Selection") a new Board member for the remainder of the term of the vacated Board seat, except that the City Council shall endeavor to preserve a representative board, and shall give preference to a prospective appointee who represents a missing group or groups.

### **CIVILIAN REVIEW BOARD -- GOVERNANCE, TRAINING & SUPPORT**

**Self-Governance:** The Board, assisted by Oversight Staff, is authorized to develop and implement its own bylaws, administrative systems, and operating policies and procedures, consistent with existing federal, state, and municipal law and this enabling ordinance. .

The Board and the CPD shall enter into a memorandum of understanding (an "MOU"), defining the terms of their relationship and mutual obligations. The Board is authorized to negotiate the provisions of an MOU, assisted by Oversight Staff and the Board's legal advisor (described below, under "Support"). If a provision of an MOU conflicts with a provision of this enabling ordinance (as described below, under "Right of Access" and other provisions), the provision of the enabling ordinance shall govern.

**Training:** At least once every two years, and within six months of Board appointments, the City, assisted by Oversight Staff, shall provide new Board members with a training of at least eight hours, presented by the National Association for Criminal Oversight of Law Enforcement or a comparable professional organization. Unless impractical, the training should be tailored to the Board's mission, this enabling ordinance, an MOU, and the Board's bylaws and policies and procedures.

At least once every two years, and within six months of Board appointments, the City, assisted by Oversight Staff and other relevant city departments, shall provide new Board members with a training:

- explaining the legal and ethical obligations of members of a public board;
- explaining CPD procedures and policies;
- describing the substance of CPD personnel files and the scope of prevailing confidentiality rules;
- reviewing completely, at least one closed and anonymized CPD IA investigation; and
- educating the Board on relevant CPD and City databases, administrative systems, and operations.

As needed, the City, assisted by Oversight Staff, shall provide Board members with additional training, including relevant training by subject matter experts on mental health, trauma-informed policing, civil rights and constitutional law, race and racism, community organizing and outreach, mediation, investigation, and policing practices, policies, and administration.

**Support:** The City shall video- and audio-record all public Board meetings and, unless impractical, all public Board events. The City shall make the recordings available to the public.

The City shall host and administer the Board's website and shall provide each Board member with a city email address to be used exclusively for Board-related matters. The City shall not interfere unreasonably with the Board's decisions, assisted by Oversight Staff, to post materials to or remove materials from the Board's website.

The City Attorney, or its designee, shall serve as legal advisor to the Board. As to a particular matter, and in the event that there is a conflict of interest that precludes effective representation by the City Attorney's Office, the City of Charlottesville shall retain outside counsel to advise the Board. The City shall not use the budgets of the Board or Oversight Staff to pay outside counsel.

The City, including all city departments, boards, commissions, and staff shall endeavor to cooperate with and assist the Board, and shall comply with, or expeditiously provide a reason for rejecting, all reasonable Board requests.

**Stipend:** The City shall provide voting Board members with a minimum annual stipend of \$1,500 for Board service. A voting Board member may decline the stipend, but the City must offer it annually.

### **SPECIFIC DUTIES, POWERS & FUNCTIONS**

**Complaints:** The Board shall have the authority, assisted by Oversight Staff, to develop and administer a process for receiving civilian complaints against the CPD.

The City shall authorize the Board, to take the following actions, consistent with existing federal, state, and municipal law, as to any complaint against a member of the CPD, received by the Board or the CPD:

1. review the complaint;
2. review an IA or other internal CPD investigation into the complaint;
3. under limited circumstances, and independent of an existing IA or other internal CPD investigation, investigate the complaint (described below, under “Investigations”);
4. administer a public or private hearing to review an IA investigation or disposition (described below, under “Hearings”); and
5. make independent findings of fact and offer disciplinary or other recommendations to the Chief of Police and City Manager after a review, investigation, or hearing (described below, under “Findings, Recommendations & Public Reports”).

The Board may not review, investigate, or hold a hearing into a complaint concerning a matter that is the subject of a pending criminal investigation or proceeding. If the Board has commenced reviewing, investigating, or holding a hearing into a complaint and is thereafter made aware of a pending criminal investigation or proceeding, the Board shall:

1. immediately suspend its review, investigation, or hearing pending resolution of the criminal investigation or proceeding;
2. notify the complainant, in writing, of the suspension;
3. track the suspended matter; and
4. notify the complainant, expeditiously and in writing, that the criminal investigation or proceeding has ended or is on appeal, and that the Board’s review, investigation, or hearing thereby may recommence.

**Investigations:** The Board shall have the authority, assisted by Oversight Staff, to independently investigate civilian complaints in circumstances where an IA investigation was or is unsatisfactory or untimely.

An IA investigation shall be considered unsatisfactory upon a vote of a majority of current Board members. If the Board determines that an IA investigation is unsatisfactory, it shall provide the City and the CPD with written reasons for the determination.

An investigation shall be considered untimely where IA has not disposed of a complaint within 75 days of the date it received the complaint.

Even without a civilian complaint, the Board may initiate an investigation into any officer-involved death, defined as any police-civilian interaction that results in a death.

Before the Board may initiate an independent investigation, Board members or Oversight Staff shall meet with CPD Officials to determine whether a matter that qualifies for independent investigation may be resolved without an independent investigation. If CPD Officials are unavailable to meet within 30 days of a request to meet by Board members or Oversight Staff, the Board may initiate an independent investigation without further action. If a majority of current Board members remains unsatisfied with a proposed alternative resolution after meeting with CPD Officials, the Board may initiate an independent investigation without further action.

The Board, assisted by Oversight Staff, may only conduct an investigation consistent with existing federal, state, and municipal law, including the Virginia Law Enforcement Officers Procedural Guarantees Act.

**Hearings:** The Board shall have the authority, assisted by Oversight Staff, to administer public hearings about any policing matter of pressing public concern. If the subject of a hearing is a civilian complaint:

1. the complainant shall have a right to offer testimony and introduce relevant documents and physical and testimonial evidence; and
2. an IA representative and the Board's legal advisor shall attend and be available to answer questions from the Board.

The hearing shall be public, but, consistent with existing federal, state, and municipal law, the Board may enter into closed session to discuss:

1. personnel files or information;
2. information that could publicly identify, even contextually, a juvenile or a victim of sexual assault; or
3. another matter, legally recognized as confidential.



**Audits:** Oversight Staff shall have the authority, assisted by the Board, to conduct monthly audits, analyzing data and identifying trends in CPD patterns and practices. Oversight Staff has discretion to determine the scope and substance of audits, including examinations of:

1. the timing and processing of ongoing and completed IA and Board investigations;
2. the timing and substance of communications and collaboration between the CPD and the Board, as required by this enabling ordinance and any MOU;
3. the timing and substance of information-sharing, including disclosure of files, documents, evidence, and data between the CPD and the Board, as required by this enabling ordinance and any MOU;
4. trends in the findings and dispositions of completed IA investigations;
5. trends in patterns of instances of use of force and officer-involved death, particularly as to the presence of a discriminatory impact on historically-disadvantaged communities that have traditionally experienced disparate policing;
6. trends in practices of arrest and stop and frisk (termed “investigative detention” by the City and the CPD), particularly as to the presence of a discriminatory impact on historically-disadvantaged communities that have traditionally experienced disparate policing;
7. compliance by the CPD and the Board with applicable training, practices, and policies;
8. compliance by the CPD with its minority-recruitment and retention initiatives and policies; and
9. any other policing matter of pressing public concern.

At least quarterly, Oversight Staff, assisted by the Board, shall issue a public report (described below, under “Findings, Recommendations & Public Reports”), detailing the findings and conclusions of any audit and, at its discretion, recommending policy, systemic, or training reform.

**Policy Review:** The Board and Oversight Staff are authorized to serve as policy advisors on policing matters to City Council, the CPD, and other relevant governmental entities. Before the CPD may issue a new policy or general operating order, it shall transmit the draft document to the Board and Oversight Staff and shall provide the Board and Oversight Staff at least 30 days to review the proposed policy or order. By public report (described below, under “Findings, Recommendations & Public Reports”), the Board or Oversight Staff may comment upon the proposed policy or order and may evaluate its impacts, particularly on historically-disadvantaged communities that have traditionally experienced disparate policing. Before issuing a public report on a proposed policy or order, the Board or Oversight Staff shall seek community input.

At any time, and consistent with federal, state, and municipal law, the Board or Oversight Staff are authorized to issue a public report, making proposals:

1. to the CPD for policy, systemic, or training reform, including providing the CPD with draft policies or orders or recommending to the CPD particular training protocols or community-policing initiatives;
2. to the City Council, or another governmental entity, for policy reform on any policing matter of pressing public concern, including recommending legislative reform by statute or ordinance.

**Community Engagement and Community Relations:** The Board, supported by Oversight Staff, is authorized to engage in community outreach and to enlist the assistance and input of community members. At least quarterly, the Board, assisted by Oversight Staff, shall:

1. host public community listening sessions to discuss policing matters of pressing public concern, including the impacts of local policing on historically-disadvantaged communities that have traditionally experienced disparate policing; and
2. host public police-community relations meetings, in which Board members, supported by Oversight Staff, mediate discussions between CPD Officials and community members about policing matters of pressing public concern, including questions about transparency, availability, legitimacy, mutual respect and trust, equitable treatment, social and racial justice, equal rights, and community safety and order.

If the CPD plans to present documentation or other materials at a community listening session or police-community relations meeting, CPD Officials shall provide the materials to the Board and Oversight Staff no fewer than five days prior to the meeting. The Board, assisted by Oversight Staff, shall review the materials and, at its discretion, make them available to the public.

At least quarterly, the Board assisted by Oversight Staff, shall issue a public report (described below, under “Findings, Recommendations & Public Reports”), detailing the Board’s community outreach and engagement, public input, and any recommendations for community-policing initiatives or for improved police-community relations.

**Right of Access:** With respect to reviews of complaints, hearings, independent investigations, or audits, the City shall ensure that the Board and Oversight Staff have access, consistent with existing federal, state, and municipal law and confidentiality requirements (described below, under “Confidentiality”), to relevant CPD files, documents, data, and physical and testimonial evidence, including:

1. personnel files of the CPD subjects of complaints;
2. IA investigative files and accompanying documents and physical and testimonial evidence;
3. files and accompanying documents and physical and testimonial evidence, related to any police-civilian interaction that results in an officer-involved death;

4. raw and aggregated data on the timing, findings, and dispositions of IA investigations;
5. raw and aggregated data on arrest, stop and frisk (termed “investigative detention” by the City and the CPD), and instances of use of force, including data on the impacts of these practices on historically-disadvantaged communities that have traditionally experienced disparate policing;
6. raw and aggregated data and other materials on another policing matter of pressing public concern, including raw data and materials on the CPD’s handling of public demonstrations and other public events; and
7. any additional materials made accessible to the Board or Oversight Staff by an MOU (described above, under “Memorandum of Understanding”) between the Board or Oversight Staff and the CPD.

With respect to these files, documents, evidence, data, and testimony to which the Board has a right of access, the Board shall provide written notice to the City and the CPD of its demand for specific materials, and the City and the CPD shall comply expeditiously. If the Board demands information that could identify, even contextually, a juvenile or a victim of sexual assault, the City or the CPD may forward the information to the City Attorney’s Office for redaction, consistent with existing federal, state, and municipal law. If materials are available for review only on CPD premises, the CPD shall expeditiously provide a reason in writing for limiting access to the materials and shall expeditiously provide reasonable access to its premises for review of these materials on premises.

With respect to files, documents, evidence, data, and testimony outside the Board’s right of access, the Board may not compel production of such materials, subpoena a witness, nor place a witness under oath, including the subject of the complaint. However, the Board may provide written notice to the City and the CPD of a request for the production of relevant evidence or documentation or for the opportunity to interview or take testimony, not under oath, from any relevant witness, including the subject of the complaint. The City and the CPD shall expeditiously provide a reason in writing for rejecting a Board request for relevant documents, evidence, interviews, or testimony. Alternatively, the Board may request that the City Manager compel an interview or the taking of testimony, under oath, from a CPD employee, or the production of relevant documents or evidence in the possession of the CPD or another City department. The City Manager shall expeditiously provide a reason in writing for rejecting a Board request for the City Manager to act.

**Confidentiality:** All Board members must sign a notice of confidentiality, and no Board member may disclose publicly:

1. the contents of an IA file or any other personnel record if inconsistent with federal, state, or municipal law and without prior approval of the Chief of Police, the City Manager, or another authorized official; or

2. unless an officer consents to a statement's disclosure, any statement made by a CPD officer, pursuant to the officer's testimonial obligations under *Garrity v. New Jersey*, 385 U.S. 493 (1967), except that a board member may disclose an acknowledgement by a CPD Official or other authorized official that the officer admitted or denied an allegation.

**Findings, Recommendations & Public Reports:** Once the Board or Oversight Staff has concluded a complaint review, independent investigation, hearing, audit, policy review, or another Board-related matter, the Board or Oversight Staff may issue a written public report, including findings of fact and recommendations. If the subject of a review, investigation, or hearing is a civilian complaint, the Board, assisted by Oversight Staff, shall determine whether the complaint's allegations are sustained or unfounded, or whether another disposition is appropriate. The Board has no disciplinary authority, but, if a majority of current Board members determine that a complaint's allegation is sustained, the Board may recommend:

1. discipline,
2. reopening an IA investigation,
3. training,
4. mediation, and/or
5. policy or systemic reform.

The Board may issue a written public report at any time. Once the Board or Oversight Staff has issued a report for any reason, it shall expeditiously make the report public and transmit the report to the Chief of Police and the City Manager. Within 30 days, the CPD must respond publicly to the Board, Oversight Staff, and the City Manager. The CPD must indicate whether it:

1. agrees with any findings of fact;
2. plans to implement any recommendations;
3. plans to open or reopen an investigation; and/or
4. plans to take another action, and if so what.

If the CPD's response disagrees with a finding of fact or refuses to follow a recommendation by the Board or Oversight Staff, the response shall provide a reason in writing for its disagreement or inaction. Thereafter, the Board or Oversight Staff may publicly request reconsideration, by transmitting a written public request for reconsideration to the Chief of Police and the City Manager.

# PROPOSED BYLAWS

## I. NAME

The name of this Board is the **Police Civilian Review Board (the “Board”)** for the City of Charlottesville (the “City”).

## II. MISSION

**Mission Statement:** The Board aims to provide objective and independent civilian-led oversight of the Charlottesville Police Department (the “CPD”) in an effort to enhance transparency and trust, to promote fair and effective policing, and to protect the civil and constitutional rights of the people of the City of Charlottesville.

To achieve its mission, the Board shall collaborate with and be assisted by professional Oversight Staff in pursuit of the following principles and objectives:

- ensuring that police officers act with integrity and treat *every person* with equal dignity;
- empowering and inspiring self-governance and a culture of mutual respect;
- seeking social and racial justice;
- engaging in community outreach and amplifying the voices of the socially, politically, and economically disenfranchised;
- listening to and building bridges between all stakeholders to find and develop common ground and public purpose;
- championing just, equitable, and legitimate policing policies and practices; and
- processing complaints, investigating incidents, reviewing police practices and internal investigations, issuing findings, writing public reports, and making recommendations.

## III. ORGANIZATION

**Organization:** Within two months of its first meeting, the inaugural Board shall appoint at least the following officers: Chairperson and Vice Chairperson. Each officer shall serve an eighteen-month term, measured from the date of appointment of the inaugural board. Every eighteen months thereafter, the Board shall appoint new officers or renew appointment of current officers, except no officer may serve more than two consecutive eighteen-month terms.

The Chairperson shall run meetings, draft agendas, organize Board communications, and serve as a media point of contact for the Board. The Chairperson shall work closely with and receive assistance from Oversight Staff.

The Vice Chairperson shall act at the direction of the Chairperson and, as needed, assume the role of Chairperson. The Vice Chairperson shall take minutes at public meetings unless the Board votes for Oversight Staff to assume this task.

**Ad-hoc Tasks:** A Chairperson or Vice Chairperson may assign *ad-hoc* tasks to one or more Board members. An officer shall assign tasks as the officer deems necessary to fulfill the Board's mission and its bylaws. Board members may solicit outside volunteer assistance on a task from a member of the public. However, no outside volunteer may vote on a Board matter, including the task at issue. An officer may call upon a Board member at a regular meeting to report, orally or in writing, on an assigned *ad-hoc* task.

**Community Advisory Panels:** The Board may establish community advisory panels as it deems necessary. The Board shall determine the membership of a community advisory panel. No outside volunteer may vote on a Board matter, including a matter at issue before a community advisory panel. An officer may call upon a Board member at a regular meeting to report, orally or in writing, on the work of a community advisory panel.

**Selection, Removal & Resignation:** The City shall select and remove Board members and fill Board vacancies consistent with the terms of the Board's enabling ordinance. A voting or non-voting member may resign at any time by delivering written notice of termination to the City Council and a copy to the Board. Unless the notice specifies an effective date, the resignation is effective upon receipt by the Clerk of Council/Chief of Staff.

#### IV. MEETING & VOTING

**Meetings:** The Board may meet even without the appointment of a full complement of seven voting Board members. However, to meet, the Board requires the presence of a quorum of currently appointed voting members, where a quorum is defined as a majority of currently appointed voting members.

The Board shall hold regular meetings as necessary but at least once per month. All regular meetings shall be public meetings, as required by the Virginia Freedom of Information Act ("FOIA"). Va. Code § 2.2-3707. At least four days before each regular meeting, the Board shall provide city administrative staff with notice of the meeting, which city administrative staff shall publicly and prominently post at least three days before the meeting, as required by FOIA. Va. Code § 2.2-3707.

Notwithstanding the foregoing notice rules, but consistent with FOIA, the Board may hold, under special circumstances defined by law, "special, emergency, or continued meetings" with public

notice provided as “reasonable under the circumstance[s].” Va. Code § 2.2-3707(D). Likewise, “for certain limited purposes” and according to “closed meeting procedures,” the Board may hold closed meetings or enter into closed session during a public meeting. Va. Code §§ 2.2-3711-12.

During all regular meetings, the Board shall leave time for public comment. Upon majority vote of Board members present, the Board Chairperson may establish a reasonable time limit on the public-comment period.

Board members shall endeavor to attend all meetings. A Board member may participate in a meeting by teleconference or video-conference if: (1) a quorum of the Board is present in-person; (2) a majority of those present in person vote to permit remote participation; (3) the Board member states the remote location from which the Board member is participating, and the location is recorded in the Board’s minutes; and (4) the remote Board member’s comments are sufficiently audible to Board members and the public.

A Board member may participate remotely for an unlimited number of meetings due to the member’s temporary or permanent disability or medical condition.

The meeting minutes shall include the date, time, and location of each meeting; the Board members present and absent; a brief summary of the matters discussed; and a record of votes taken, including each member’s vote on each issue by name, unless unanimous. Unless impractical, the Vice Chairperson shall circulate meeting minutes to Board members no later than five days before the next regular meeting. The Vice Chairperson shall work with City staff to ensure that all approved minutes are posted prominently on the Board’s public website.

**Votes:** The Board shall vote publicly, orally, and not by proxy. Except as specified elsewhere, the Board may act upon the vote of a majority of the voting members present at a meeting, provided at least a quorum is present (defined above).

**Amendments:** At a regular meeting, a Board member may propose an amendment to the bylaws. The Board member must provide a written copy of an amendment to each Board member at least seven days before a vote on the amendment. The Board may amend the bylaws only upon the vote of a majority of currently appointed voting members. Unless the amendment specifies an effective date, the amendment is effective at the next Board meeting.

## V. ETHICS

**Ethics & Conflicts of Interest:** All members shall demonstrate a commitment to integrity, impartiality, and transparency. A Board member shall not allow personal interests to compromise these values. A Board member shall alert the Board to the existence and nature of a conflict and shall abstain thereafter from participating in a Board matter about which the member cannot maintain objectivity or upon which the member cannot work diligently.

Board members shall reasonably participate in Board trainings, including but not limited to bias training, police ride-alongs, and/or participation in a police academy. However, no Board member shall be required to participate in a training that adversely impacts the Board member's mental health or physical safety. If a Board member elects to opt out of a training on these grounds, professional Oversight Staff shall arrange alternative training opportunities.

The Board shall operate transparently to the extent consistent with existing federal, state, and municipal law; the Board's enabling ordinance; and any memorandum of understanding between the Board and the CPD. However, the Board shall also endeavor to protect the privacy, where ethically or legally required, of civilians and police officers.

## VI. ADMINISTRATION

The Board, assisted by Oversight Staff, shall develop and implement its own administrative systems and operating policies and procedures, consistent with existing federal, state, and municipal law; the Board's enabling ordinance; and any memorandum of understanding between the Board and the CPD. The Board shall responsibly collect, process, and maintain documents, data, and evidence.

At its discretion, but consistent with federal, state, and municipal law, the Board may use its budget to hire independent contractors to assist with the business of the Board or Oversight Staff.

The Board shall issue regular public reports, as described below (under "Powers, Duties & Functions") and in the Board's enabling ordinance. Additionally, the Board shall issue a public annual report, detailing all activities of the Board and Oversight Staff over the preceding year.

## VII. POWERS, DUTIES & FUNCTIONS

**Complaints:** The Board shall have the authority, assisted by Oversight Staff, to develop and administer a process for receiving civilian complaints against the CPD.



The City shall authorize the Board, to take the following actions, consistent with existing federal, state, and municipal law, as to any complaint against a member of the CPD, received by the Board or the CPD:

1. review the complaint;
2. review an Internal Affairs (“A”) or other internal CPD investigation into the complaint;
3. under limited circumstances, and independent of an existing IA or other internal CPD investigation, investigate the complaint (described below, under “Investigations”);
4. administer a public or private hearing to review an IA investigation or disposition (described below, under “Hearings”); and
5. make independent findings of fact and offer disciplinary or other recommendations to the Chief of Police and City Manager after a review, investigation, or hearing (described below, under “Findings, Recommendations & Public Reports”).

The Board may not review, investigate, or hold a hearing into a complaint concerning a matter that is the subject of a pending criminal investigation or proceeding. If the Board has commenced reviewing, investigating, or holding a hearing into a complaint and is thereafter made aware of a pending criminal investigation or proceeding, the Board shall:

1. immediately suspend its review, investigation, or hearing pending resolution of the criminal investigation or proceeding;
2. notify the complainant, in writing, of the suspension;
3. track the suspended matter; and
4. notify the complainant, expeditiously and in writing, that the criminal investigation or proceeding has ended or is on appeal, and that the Board’s review, investigation, or hearing thereby may recommence.

**Investigations:** The Board shall have the authority, assisted by Oversight Staff, to independently investigate civilian complaints in circumstances where an IA investigation was or is unsatisfactory or untimely.

An IA investigation shall be considered unsatisfactory upon a vote of a majority of current Board members. If the Board determines that an IA investigation is unsatisfactory, it shall provide the City and the CPD with written reasons for the determination.

An investigation shall be considered untimely where IA has not disposed of a complaint within 75 days of the date it received the complaint.

Even without a civilian complaint, the Board may initiate an investigation into any officer-involved death, defined as any police-civilian interaction that results in a death.

Before the Board may initiate an independent investigation, Board members or Oversight Staff shall meet with CPD Officials to determine whether a matter that qualifies for independent investigation may be resolved without an independent investigation. If CPD Officials are unavailable to meet within 30 days of a request to meet by Board members or Oversight Staff, the Board may initiate an independent investigation without further action. If a majority of current Board members remains unsatisfied with a proposed alternative resolution after meeting with CPD Officials, the Board may initiate an independent investigation without further action.

The Board, assisted by Oversight Staff, may only conduct an investigation consistent with existing federal, state, and municipal law, including the Virginia Law Enforcement Officers Procedural Guarantees Act.

**Hearings:** The Board shall have the authority, assisted by Oversight Staff, to administer public hearings about any policing matter of pressing public concern. If the subject of a hearing is a civilian complaint:

1. the complainant shall have a right to offer testimony and introduce relevant documents and physical and testimonial evidence; and
2. an IA representative and the Board's legal advisor shall attend and be available to answer questions from the Board.

The hearing shall be public, but, consistent with existing federal, state, and municipal law, the Board may enter into closed session to discuss:

1. personnel files or information;
2. information that could publicly identify, even contextually, a juvenile or a victim of sexual assault; or
3. another matter, legally recognized as confidential.

**Audits:** Oversight Staff shall have the authority, assisted by the Board, to conduct monthly audits, analyzing data and identifying trends in CPD patterns and practices. Oversight Staff has discretion to determine the scope and substance of audits, including examinations of:

1. the timing and processing of ongoing and completed IA and Board investigations;

2. the timing and substance of communications and collaboration between the CPD and the Board, as required by this enabling ordinance and any MOU;
3. the timing and substance of information-sharing, including disclosure of files, documents, evidence, and data between the CPD and the Board, as required by this enabling ordinance and any MOU;
4. trends in the findings and dispositions of completed IA investigations;
5. trends in patterns of instances of use of force and officer-involved death, particularly as to the presence of a discriminatory impact on historically-disadvantaged communities that have traditionally experienced disparate policing;
6. trends in practices of arrest and stop and frisk (termed “investigative detention” by the City and the CPD), particularly as to the presence of a discriminatory impact on historically-disadvantaged communities that have traditionally experienced disparate policing;
7. compliance by the CPD and the Board with applicable training, practices, and policies;
8. compliance by the CPD with its minority-recruitment and retention initiatives and policies; and
9. any other policing matter of pressing public concern.

At least quarterly, Oversight Staff, assisted by the Board, shall issue a public report (described below, under “Findings, Recommendations & Public Reports”), detailing the findings and conclusions of any audit and, at its discretion, recommending policy, systemic, or training reform.

**Policy Review:** The Board and Oversight Staff are authorized to serve as policy advisors on policing matters to City Council, the CPD, and other relevant governmental entities. Before the CPD may issue a new policy or general operating order, it shall transmit the draft document to the Board and Oversight Staff and shall provide the Board and Oversight Staff at least 30 days to review the proposed policy or order. By public report (described below, under “Findings, Recommendations & Public Reports”), the Board or Oversight Staff may comment upon the proposed policy or order and may evaluate its impacts, particularly on historically-disadvantaged communities that have traditionally experienced disparate policing. Before issuing a public report on a proposed policy or order, the Board or Oversight Staff shall seek community input.

At any time, and consistent with federal, state, and municipal law, the Board or Oversight Staff are authorized to issue a public report, making proposals:

1. to the CPD for policy, systemic, or training reform, including providing the CPD with draft policies or orders or recommending to the CPD particular training protocols or community-policing initiatives;

2. to the City Council, or another governmental entity, for policy reform on any policing matter of pressing public concern, including recommending legislative reform by statute or ordinance.

**Community Engagement and Community Relations:** The Board, supported by Oversight Staff, is authorized to engage in community outreach and to enlist the assistance and input of community members. At least quarterly, the Board, assisted by Oversight Staff, shall:

1. host public community listening sessions to discuss policing matters of pressing public concern, including the impacts of local policing on historically-disadvantaged communities that have traditionally experienced disparate policing; and
2. host public police-community relations meetings, in which Board members, supported by Oversight Staff, mediate discussions between CPD Officials and community members about policing matters of pressing public concern, including questions about transparency, availability, legitimacy, mutual respect and trust, equitable treatment, social and racial justice, equal rights, and community safety and order.

If the CPD plans to present documentation or other materials at a community listening session or police-community relations meeting, CPD Officials shall provide the materials to the Board and Oversight Staff no fewer than five days prior to the meeting. The Board, assisted by Oversight Staff, shall review the materials and, at its discretion, make them available to the public.

At least quarterly, the Board assisted by Oversight Staff, shall issue a public report (described below, under “Findings, Recommendations & Public Reports”), detailing the Board’s community outreach and engagement, public input, and any recommendations for community-policing initiatives or for improved police-community relations.

**Right of Access:** With respect to reviews of complaints, hearings, independent investigations, or audits, the City shall ensure that the Board and Oversight Staff have access, consistent with existing federal, state, and municipal law and confidentiality requirements (described below, under “Confidentiality”), to relevant CPD files, documents, data, and physical and testimonial evidence, including:

1. personnel files of the CPD subjects of complaints;
2. IA investigative files and accompanying documents and physical and testimonial evidence;
3. files and accompanying documents and physical and testimonial evidence, related to any police-civilian interaction that results in an officer-involved death;
4. raw and aggregated data on the timing, findings, and dispositions of IA investigations;

5. raw and aggregated data on arrest, stop and frisk (termed “investigative detention” by the City and the CPD), and instances of use of force, including data on the impacts of these practices on historically-disadvantaged communities that have traditionally experienced disparate policing;
6. raw and aggregated data and other materials on another policing matter of pressing public concern, including raw data and materials on the CPD’s handling of public demonstrations and other public events; and
7. any additional materials made accessible to the Board or Oversight Staff by an MOU (described above, under “Memorandum of Understanding”) between the Board or Oversight Staff and the CPD.

With respect to these files, documents, evidence, data, and testimony to which the Board has a right of access, the Board shall provide written notice to the City and the CPD of its demand for specific materials, and the City and the CPD shall comply expeditiously. If the Board demands information that could identify, even contextually, a juvenile or a victim of sexual assault, the City or the CPD may forward the information to the City Attorney’s Office for redaction, consistent with existing federal, state, and municipal law. If materials are available for review only on CPD premises, the CPD shall expeditiously provide a reason in writing for limiting access to the materials and shall expeditiously provide reasonable access to its premises for review of these materials on premises.

With respect to files, documents, evidence, data, and testimony outside the Board’s right of access, the Board may not compel production of such materials, subpoena a witness, nor place a witness under oath, including the subject of the complaint. However, the Board may provide written notice to the City and the CPD of a request for the production of relevant evidence or documentation or for the opportunity to interview or take testimony, not under oath, from any relevant witness, including the subject of the complaint. The City and the CPD shall expeditiously provide a reason in writing for rejecting a Board request for relevant documents, evidence, interviews, or testimony. Alternatively, the Board may request that the City Manager compel an interview or the taking of testimony, under oath, from a CPD employee, or the production of relevant documents or evidence in the possession of the CPD or another City department. The City Manager shall expeditiously provide a reason in writing for rejecting a Board request for the City Manager to act.

**Confidentiality:** All Board members must sign a notice of confidentiality, and no Board member may disclose publicly:

1. the contents of an IA file or any other personnel record if inconsistent with federal, state, or municipal law and without prior approval of the Chief of Police, the City Manager, or another authorized official; or
2. unless an officer consents to a statement's disclosure, any statement made by a CPD officer, pursuant to the officer's testimonial obligations under *Garrity v. New Jersey*, 385 U.S. 493 (1967), except that a board member may disclose an acknowledgement by a CPD Official or other authorized official that the officer admitted or denied an allegation.

**Findings, Recommendations & Public Reports:** Once the Board or Oversight Staff has concluded a complaint review, independent investigation, hearing, audit, policy review, or another Board-related matter, the Board or Oversight Staff may issue a written public report, including findings of fact and recommendations. If the subject of a review, investigation, or hearing is a civilian complaint, the Board, assisted by Oversight Staff, shall determine whether the complaint's allegations are sustained or unfounded, or whether another disposition is appropriate. The Board has no disciplinary authority, but, if a majority of current Board members determine that a complaint's allegation is sustained, the Board may recommend:

1. discipline,
2. reopening an IA investigation,
3. training,
4. mediation, and/or
5. policy or systemic reform.

The Board may issue a written public report at any time. Once the Board or Oversight Staff has issued a report for any reason, it shall expeditiously make the report public and transmit the report to the Chief of Police and the City Manager. Within 30 days, the CPD must respond publicly to the Board, Oversight Staff, and the City Manager. The CPD must indicate whether it:

1. agrees with any findings of fact;
2. plans to implement any recommendations;
3. plans to open or reopen an investigation; and/or
4. plans to take another action, and if so what.

If the CPD's response disagrees with a finding of fact or refuses to follow a recommendation by the Board or Oversight Staff, the response shall provide a reason in writing for its disagreement or inaction. Thereafter, the Board or Oversight Staff may publicly request reconsideration, by transmitting a written public request for reconsideration to the Chief of Police and the City Manager.

## Original Resolution

### **RESOLUTION Police Civilian Review Board**

**WHEREAS**, Council seeks to answer the call for a police civilian review board that places emphasis on independence, accountability, and transparency; and

**WHEREAS**, relationship building, community trust, and civilian engagement are as critical today for police as they have ever been; and

**WHEREAS**, staff believes a structured, independent civilian review of police matters will help build community trust in the work of the Charlottesville Police Department;

**NOW THEREFORE, BE IT RESOLVED**, that City Council does hereby authorize the creation of an initial Police Civilian Review Board (“Board”) and tasks the Board with drafting bylaws, which shall address matters including, but not limited to:

- Defining the Board’s proposed mission;
- Proposing Board membership, including number of members, representation, membership criteria, and length of term;
- Researching, documenting and incorporating best practices for independent civilian review boards, including but not limited to working with such groups as the National Association for Civilian Oversight of Law Enforcement (NACOLE);
- Creating guidelines or a Memorandum of Understanding for effectively interacting with the Chief of Police;
- Defining an effective and cooperative structure for Board review of police actions;
- Developing procedures for reviewing police matters, including but not limited to investigative detention reports, use-of-force incidents, and internal affairs appeals;
- Implementing mechanisms for reporting out findings, including a quarterly report delivered to Council;
- Seeking input from the City Attorney, Commonwealth’s Attorney, and the Chief of Police as to whether or not special enabling legislation and ordinances are required and to ensure legal constraints, liability concerns, and privacy issues are properly addressed;
- Providing appropriate Board member training; and
- Recommending level of City staff support for the Board; and

**BE IT FURTHER RESOLVED**, that the initial Board shall have seven members to be appointed to a one-year term by vote of Council, which shall include an engaged, diverse selection of members representative of the community on the whole, inclusive of members of minority and low wealth communities, and members who have had direct experience with past and current Charlottesville Police Department (CPD) policing practices; and

**BE IT FURTHER RESOLVED**, that current or former members of the CPD, City officials and employees, and immediate family members of either the CPD or City officials and employees, shall be prohibited from serving on the Board; and

**BE IT FURTHER RESOLVED**, that Council will make appointments based on a transparent and accountable application process that, in keeping with the current board application process, makes the application available on the City’s website and in paper form, and allows for a 30 day posting period; and

**BE IT FURTHER RESOLVED**, that the City will publish the names of all board applicants to the Civilian Review Board on the City's website on a rolling basis; and

**BE IT FURTHER RESOLVED**, that the City will host an applicant forum to give applicants the opportunity to speak to the community and Council about their interest and qualifications, as well as receive and answer questions from the community; and

**BE IT FURTHER RESOLVED**, that the Board will seek community input throughout the process of drafting their mission and bylaws by amply engaging with all sections of the Charlottesville community through public hearings, forums, etc.; and

**BE IT FURTHER RESOLVED**, that Council charges the initial Board with providing a written report with proposed mission and draft bylaws for Council's consideration no later than nine months after the Board is appointed; and

**BE IT FURTHER RESOLVED**, that Council will reserve \$2,500 from the Council Strategic Initiatives Fund for the operating costs of the initial Board, including community outreach events, with expenditures approved by the City Manager; and

**BE IT FURTHER RESOLVED**, that the Charlottesville City Council hereby directs the City Manager to dissolve the existing Charlottesville Police Citizens Advisory Panel, with appreciation for their service.



## Recommended Next Steps

We see the following as the necessary steps from the end of our charge on July 2, 2019 to the creation of oversight staff and the seating of a full oversight board.

### **To be completed before the end of the 2019 calendar year:**

- City Council to pass an enabling ordinance, establishing police oversight in Charlottesville
- City Council to pass the Board's bylaws
- City Council to publicly recruit and select Board members, consistent with the processes required by the enabling ordinance

### **To be completed in the 2020 budget cycle process:**

- City Council to allocate funds
- City to create job descriptions for professional oversight staff, and to recruit and hire oversight staff, consistent with the processes required by the enabling ordinance
- Board members to complete training

### **To be completed in first-half of the 2020 calendar year:**

- City to select physical location of intake/office
- City and oversight staff to organize and coordinate training for new Board members
- Board members to negotiate and enter into MOU with the Chief of Police
- Board members to decide on meeting dates/frequency and to create meeting and operating procedures
- Board to begin to hold regular meetings and conduct regular business

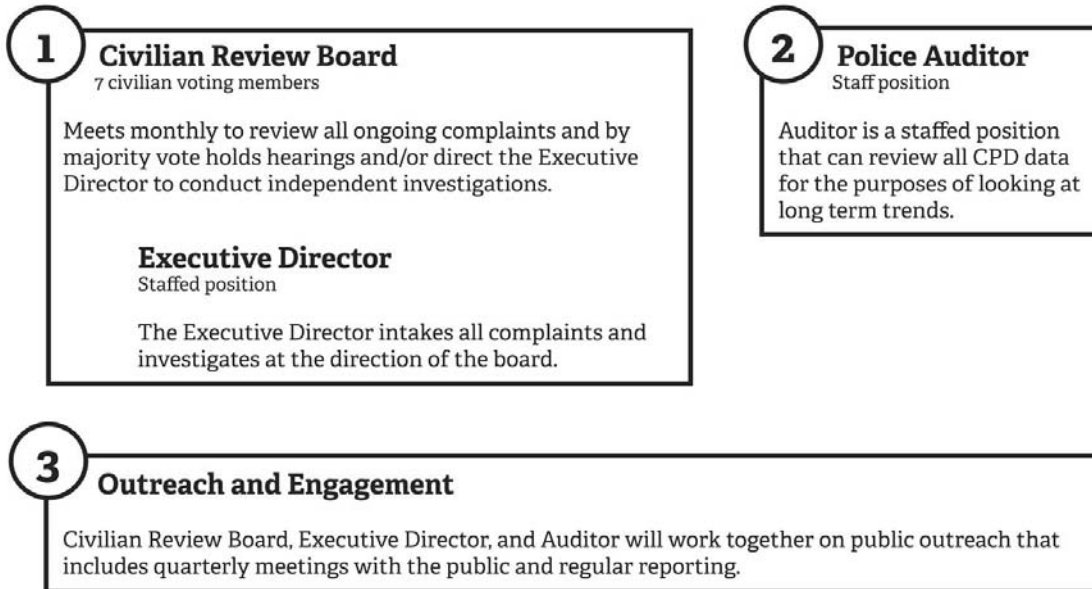
\*We recommend that this process begin as soon as possible once the CRB has been expressly authorized to conduct its work. The Initial CRB's terms expire on July 2, 2019 and the community (in conjunction with the Initial CRB) has expressed concern about having a long period without an appointed CRB.

## Overview of the Model

### **Police Civilian Oversight - Overview**

Proposed approach for a hybrid professional/volunteer Oversight Body:

1. Volunteer Civilian Review Board with staffed Executive Director
2. Auditor and Policy Advisor (staffed position that operates apart from but alongside the Review Board)
3. Community and Police Engagement (joint effort of volunteer Board, Auditor, and Executive Director)



# 1

## **Civilian Review Board**

7 civilian voting members

Meets monthly to review status of on-going complaints as presented by Executive Director.

For complaints in progress:

- The board may vote by majority to ask the Executive Director to conduct investigation of complaint at any time. The Executive Director shall involve the Board to the extent possible in this investigation.
- At any time, the board may vote to hold a hearing at which the Board takes testimony, invites the complainant, witnesses, and target officer to attend, receives information from Internal Affairs as needed, etc.

For review of a finalized Internal Affairs investigation:

- Review the entire Internal Affairs file
- Refer cases to mediation
- Request additional investigation by the Executive Director or Internal Affairs Investigators
- Hold a hearing at which the Board takes testimony, invites the complainant, witnesses, and target officer to attend, receives information from Internal Affairs as needed, etc.

For any case the board has chosen to investigate or hold a hearing:

- Board may make findings that differ from IA's findings. In that instance, Board will make findings known to City Staff and CPD, with the expectation of a response from the CPD
- The Board may make policy recommendations as part of each report

## **Executive Director**

Staffed position

- Executive Director intakes and tracks all complaints
- Executive Director Receives weekly update from Internal Affairs with any new complaints—internal or external—coming from CPD
- Executive Director maintains communication with complainants throughout and after the complaint process
- Executive Director presents to the Board at monthly meetings the status of all complaints in Internal Affairs process
- Executive Director will conduct independent investigation at the request of the board
- Executive Director will organize the logistics of holding a hearing at the request of the board

## 2

### **Police Auditor**

Staff position

Police Auditor - staff position

Auditor is a staffed position that looks at long-term trends in policing. She has the authority to review any item, data, or document of significant public interest. Specifically, she shall endeavor to look at the following data, policies, and documents:

- All use of force incidents
- Arrest data
- All stop-and-frisk data
- All officer-involved-deaths
- Internal Affairs policies and procedures
- Has complete access to CPD files
- Has the possibility to audit training records, diversity of staff, reports on minority officer recruitment and hiring, etc.

Reporting:

- Reports findings and progress to CRB on at least a quarterly basis at public meetings
- Also creates at least one report annually: complete reporting on CPD's handling of all complaints filed, all Use of Force incidents, and all Officer-involved deaths. Detailed reporting on any policy recommendations made, the reasons why, and the outcomes of those policy recommendations

## 3

### **Outreach and Engagement**

Review board and professional staff

The Executive Director, Auditor, and Board Member plan and execute robust quarterly community outreach to involve citizens in policing matters and records public input:

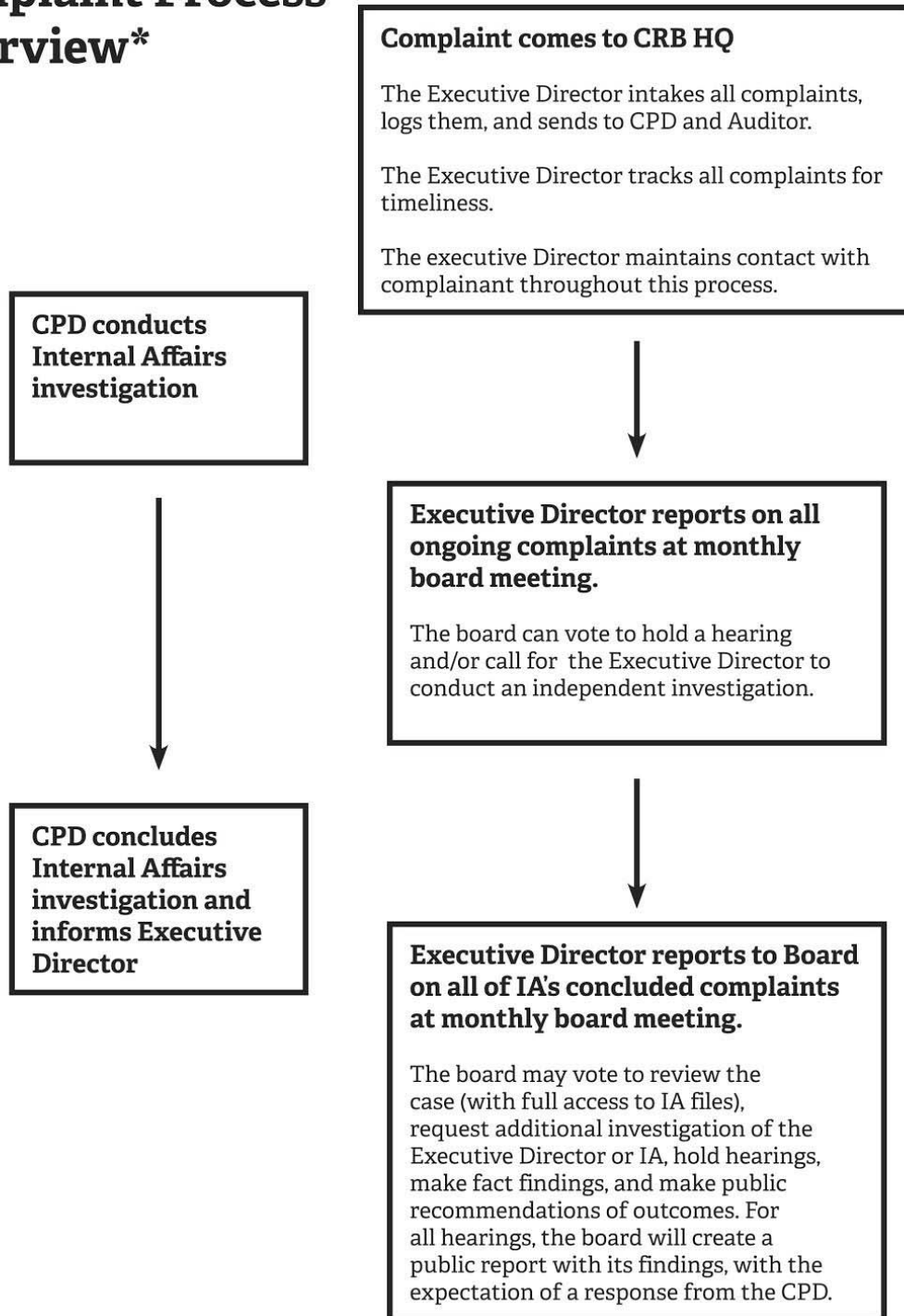
- Data Presentation, specifically: Stop and Frisk, Complaints, Use of Force
- Public comment is encouraged

*\*All CPD data and info is presented to the ED, Engagement Coordinator, and Auditor at least 3 weeks (?) prior to the Meeting for dissemination to public and review by the Oversight Body.*

ED, Auditor, and Board Members will prepare public reports:

- For every case the board voted to investigate or hold a hearing
- On all community engagement and CPD engagement.

# Complaint Process Overview\*



*\*Please see the drafted ordinance language for the complete complaint review process, including investigative authority in certain instances.*

## **Memo: The importance of a Memorandum of Understanding and access to data and documents**

The Initial CRB has met all of its deliverables as identified in Council's Resolution. However, at Council's request, the Initial CRB has not finalized a Memorandum of Understanding with the CPD. This document is critical to formalizing the relationship between the CRB (and office staff) and the CPD. An MOU is not an adversarial document or an indication that an adversarial relationship exists. Rather, it is a formal blueprint that lays out the expectations and intentions of each group so that the working relationship can be free of confusion or conflict.

Part of the Mission Statement of our proposed oversight model is to "enhance transparency and trust" and to "develop common ground and public purpose" by "listening to and building bridges between all stakeholders." To achieve these objectives, the oversight bodies (CRB and staff) must have open lines of communication with the Charlottesville Police Department and its leadership, as well as access to departmental data.

A detailed "Memorandum of Understanding" (MOU) is necessary to define the substantive and procedural contours of that collaboration and information-sharing. Of course, no MOU can adequately anticipate all relevant questions, and we anticipate that good-faith discussions should be sufficient to resolve any outstanding issues as our working relationship develops with the Charlottesville Police Department. But, as an initial matter, an MOU is critical to provide the formal framework to establish that working relationship.

Initially, we had hoped to participate more in the negotiation of the MOU, but we understand and accept City Council's decision to leave completion of that work to a future board. All the same, we have devoted substantial time researching and thinking about what an MOU ought to include and have held numerous meetings with the Chief of Police. In an effort to assist all stakeholders moving forward, we offer this memo to detail our preliminary conclusions and to provide draft provisions. We are aware that the CPD likely has its own provisions for this MOU and we encourage future CRBs to welcome that input to establish an effective and appropriate MOU.

For an MOU to be sufficiently comprehensive and effective, it must describe the following:

- Scope of information sharing between the oversight board and the Charlottesville Police Department
- Parameters of the relationship (and the means of communication) between board members and police officials
- Timelines for compliance with all obligations

- Definitions of the respective roles of the various stakeholders

With those general categories in mind, we developed a sketch of prospective MOU provisions, but this is not exhaustive. To keep future board members from having to reinvent the wheel, we share our draft provisions here:

### **Complaint Process/Intake**

- The Chief shall direct CPD to provide all complaints related to CPD conduct (both external and internally filed complaints, regardless of the terminology used by the CPD) to the CRB
- The Chief shall direct direct IA to maintain an open line of communication to CRB throughout the complaint review process, including copying the CRB (and staff) on all communications with the complainant
- The Chief shall direct the CPD to provide CPD files, data, and evidence related to the complaint and the investigation of all inquiries, internal, and civilian complaints.
- The Chief direct the CPD to provide access to City and CPD data, documents, and information it needs to investigate.
- Upon request, the Chief shall direct the CPD to (i) produce relevant physical evidence or documents or (ii) an interview of a relevant witness, including but not limited to the subject of the complaint.
- The Chief shall direct a member of CPD's IA staff shall attend all hearings and answer questions of the CRB.
- The Chief of Police must respond to any CRB finding or complaint resolution recommendation in writing within thirty (30) days of the date of the CRB's recommendation. The Chief's response must indicate whether the CPD will follow the recommendation, will conduct additional investigation or re-open the case, or whether the Department will not follow any of the recommendations and any reasons why they will not be followed.

### **Hearings**

- The CPD shall ensure that a staff member of IA is present at all hearings

### **Data**

- The Chief shall provide access to all CPD data regarding the ways in which the CPD (as an agency and as individual officers) enforces their policies and trains its officers.
- The Chief shall provide all data regarding the implementation of its policies including but not limited to record-keeping, supervisory review, Internal Affairs procedures and implementation of procedures, quantitative and qualitative data collection methods,

decisions to collect or not collect certain data, audits or internal investigations, the specific policy for the creation or modification of CPD policy, policy regarding the review of police training and implementation of new training policies, and other relevant materials.

- The Chief shall provide all data on detentions and arrests, specifically investigative detention data and Use-of-Force Incidents data

### **Policy**

- The Chief shall provide access to all CPD policies and procedures to develop CRB procedures for reviewing police matters.
- The Chief shall provide all proposed policy changes to the CRB at least one month prior to the date of the policy change
- The Chief must respond to any comment or concern regarding new or changing policies from the CRB in writing within forty-five (45) days of the date of the CRB's recommendation. The Chief's response must indicate whether the CPD will follow the recommendations through standing operating procedures, whether the recommendations should be adopted as policy, or whether the Department will not follow any of the policy recommendations and any reasons why they will not be followed.
- The Chief must engage with the CRB and its staff in a long-term policing analysis and planning process.
- The Board shall have a representative serve on any Charlottesville police hiring panels and shall serve on police promotion panels.

### **Public Outreach**

- The Chief or a designee shall attend the Community/Police Relations Meetings coordinated by the CRB

### **Training**

- The Chief shall partner with the CRB to provide training to its members according to the bylaws.



## **Memo: Professional Staffing for the Auditor position**

This memo is intended to describe the need for a full-time independent auditor to work alongside (and sometimes in collaboration with) a Civilian Review Board, as both entities strive to provide effective oversight over the Charlottesville Police Department.

The question has been raised whether certain of the department's own laudable recent reform efforts might have rendered the auditor position redundant or at least unnecessary. Specifically, the department has recently issued job postings for a part-time "Internal Affairs Investigator" and a full-time "Sensitive Data Specialist." These positions represent a welcome move in the right direction, but the scope of the work described in the job listings is not the work of an independent auditor. That is to say, the new positions are compatible with (but are no replacement for) our proposed independent auditor position.

We have researched dozens of auditor positions nationwide, and we have developed a sense of best practices. This memo details the touchstones of the proposed independent auditor position. Thereafter, it explains why the department's new positions cannot and should not be expected to do the same work or achieve the same objectives.

### **The Function of an "Independent Auditor"**

The proposed oversight model aims to: (1) ensure independent oversight and transparency, (2) promote legitimacy and respectful treatment, (3) combat the consequences of systemic and implicit bias, and (4) strengthen the relationship between the Charlottesville Police Department and the community it serves. To achieve these objectives, we need an independent auditor who is just that—independent from the departmental chain of command. Independence (with access) is critical not because we envision an adversarial relationship, but only because effective oversight depends upon a separation of powers and "checks and balances."

Moreover, we need an expert who is competent to do two very different things at once. The auditor must take a fine-grained look at raw data and a bird's-eye view of departmental policies, practices, and efforts. The broad sweep of the auditor's work is necessary to identify and root out problematic trends in *all facets* of local policing. This means that the auditor will analyze not only internal affairs' handling of civilian complaints but also raw data on instances of stop and frisk, use of force, officer-involved death, and other matters of pressing public concern.

Thereafter, the independent auditor can: (1) assist the department by proposing training, policy changes, and best practices; and (2) inform the public by issuing reports, collaborating with our proposed civilian oversight board, and participating in community outreach.

### **The Functions of the CPD “Internal Affairs Investigator” and “Sensitive Data Specialist”**

To understand why the independent auditor is needed, it is equally important to recognize what the department’s newly formed positions are, and what they are not. The posted position of “internal affairs investigator” calls for an in-house employee who will provide a measure of quality control to the department’s current internal affairs process. The investigator will work on a case-by-case basis, rather than analyzing trends across cases. And, although the investigator will be a civilian position, it still will be a civilian position that operates wholly within the department structure and chain of command. In this way, the investigator will do nothing to identify long-term trends or to promote independent oversight and transparency. To the contrary, the position will serve only as a supplement to the prevailing framework of “*confidential* administrative investigations into allegations of misconduct.” (See the City’s job posting, emphasis supplied.)

Turning now to the “sensitive data specialist”: this professional admittedly will work to identify long-term trends, but only with respect to one facet of policing work—specifically, investigative detentions (conventionally known as stop and frisk). The practice of stop and frisk demands such attention. But it is only one piece of a very big puzzle. As described in the previous section, our proposed independent auditor will analyze and evaluate much more. The auditor will strive to provide a fair and deliberative review of a broad scope of departmental policies, data, and practices, and will offer insights, reports, and proposals to police and city officials. All the while, the auditor will keep the public in the loop (with professional attention, of course, to maintain necessary confidentiality).

### **Conclusion**

There was a precursor to the current Civilian Review Board—a citizens’ advisory panel. The City disbanded that panel—principally because the advisory panel was considered insufficiently independent of the police department. Specifically, the panel operated entirely within the department. Moreover, a former panel member told us that the panel was unable to hold public hearings or maintain minutes for public review. Last year, when the city resolved to create the initial Civilian Review Board, it took that step precisely because it comprehended that the locus of effective oversight must be external and that its focus must be broad and public-facing. This

is why the auditor must remain situated always outside the department's structure, and its limitations.

As to this last point, it is important to emphasize that, even though the auditor is independent, we anticipate that there will be ample room for collaboration between the auditor and the police department. And, to that end, the newly formed departmental positions of data specialist and internal affairs investigator could be of integral assistance to the auditor. That is, we imagine that these new department staff members could serve as principal points of contact for the auditor. And, with that infrastructure in place, the auditor will be able to liaison effectively between the department and the people of Charlottesville, thereby promoting transparency and healthy relations.

As we see it, there are currently four positions on the table (two internal-departmental positions and two external-oversight positions)—specifically, the internal affairs investigator, the data specialist, the independent auditor, and the executive director of the proposed oversight board (discussed in the following memo). All four of these professionals have roles to play. And, with all four positions in place, the city will have demonstrated its commitment to meaningful policing reform and will have laid the groundwork for a productive working relationship that promotes shared goals of respectful, transparent, and equitable policing.

## **Memo: Professional Staffing for the Executive Director position**

The initial CRB feels strongly that the position of Executive Director is not only important, but critical to the work of effective oversight.

We have received the question whether there are, currently, enough civilian complaints to justify hiring an executive director. We are convinced that the number of complaints will increase with the creation of an oversight mechanism, as community members gain confidence that their concerns are being treated seriously and without resistance or retaliation. In any event, complaint count is simply the wrong metric for evaluating the need for an executive director. The position is bigger than that. There are many facets to an executive director's work, only some of which this memo outlines.

Recently, the Charlottesville Police Department released arrest data, indicating that, over the past five years (through the tenures of three Police Chiefs), police officers have arrested black residents at almost five times the rate of white residents. And stop-and-frisk data reveal similar disturbing patterns. These data reflect systemic racism which negatively impacts everyone in our community—but African-American residents most of all. As a call to address this and other pressing concerns, the people of Charlottesville asked for a civilian-driven oversight model. We have responded to that call. However, for our civilian volunteers to engage effectively in this work, they require significant support, training, and procedural guidance.

First, the executive director will be tasked with organizing board operations and developing and administering procedures and policies. The substance and scope of this managerial work promises to be not only technical in nature, but also time consuming. It entails a level of expertise and coordination that would otherwise be left to City Council and staff. Simply put, it would be too much and too hard to expect a volunteer board to develop and exercise this organizational and operational vision on its own. Just this year, many of us were overwhelmed by these tasks. Without an executive director, a fully functioning oversight board would be left to struggle with even more work than we faced this year. Moreover, the next board will be asked to do this work over a longer period of time; pursuant to our proposed bylaws, future board members will serve multi-year terms.

Second, the executive director will coordinate community outreach. As we see it, community engagement promises to be one of the executive director's most significant and time-consuming tasks. As an initial board, we wrestled often with the administrative difficulties of organizing community events. But we knew that these events had to happen. An oversight board cannot respond to popular will without public dialogue. We cannot simply expect the community to

come to the board's meetings; the board must go to the community. We firmly believe that this kind of outreach could be a full-time job on its own.

Third, the executive director will provide a necessary measure of quality control. We appreciate the concern that a lay board may not be able adequately to comply with state and municipal law and policy. To mitigate the concern, the executive director will serve as a kind of in-house board resource. This official will organize and develop necessary training(s) to ensure that board members avoid trouble—for themselves and for the city. For example, board members sometimes will be made privy to highly sensitive departmental files and personnel information. The board will need significant staff support to ensure that members handle these materials competently and with the requisite circumspection.

Fourth, there are aspects of the work of complaint intake and processing that a volunteer board cannot handle, operating alone. Intake and processing consist of much more than rote compliance with set procedures. As we learned firsthand this year, when people come to us with complaints about police misconduct, they are scared, frustrated, and confused. Many have suffered trauma. These conversations demand effort and expertise. For a board to do right by its community, an executive director is needed who can act as an intake coordinator—as an initial point of contact, ready and prepared to listen and respond. The executive director must be an expert who knows police processes inside and out. But, ideally, the executive director should be much more than that. We seek an expert with trauma-informed training—someone who is not only ready with accessible answers to technical questions, but also someone who knows how to engage compassionately with complainants and their family and friends. These discussions are time consuming and demand patience. More than that, they demand a dedicated safe physical space where the exchanges can take place. And that, in turn, demands a reliable and available individual who can staff that space. It is simply not feasible to expect volunteer board members to accomplish all of this. We fear that even the most intrepid set of do-gooders would pause before undertaking such Herculean service.

This is all to say that we are firmly of a mind that the executive director position is foundational and fundamental to our oversight mission.

## Memo: Budget Requests and Considerations

The Initial CRB has prepared and presented a budget spreadsheet (below), detailing the budgets for different oversight boards. Below, please find a detailed memo of our findings from that spreadsheet (and relevant notes on how we created the spreadsheet). Additionally, the Initial CRB proposes an annual budget for the Charlottesville CRB of **\$180,000+ per year** (or a rate of ~1% of the CPD budget), which we will explain below.

The source of the data on our budget spreadsheet come from data provided to us by National Association for Civilian Oversight of Law Enforcement (NACOLE), which included budget and staffing numbers for every oversight board for which NACOLE could find such information. The NACOLE spreadsheet included a fair amount of extraneous stuff and some gaps that we did our best to fill in through outside research. (*E.g.*, we used the Internet to fill in missing population numbers for some municipalities.)

NACOLE made clear to us that its data is only a work in progress, yet they were gracious enough to provide it to us given our limited timeframe to conduct this work. Their data on this subject is not currently online or available to the public. It is the product of a grant NACOLE received from the Department of Justice to produce a user-friendly database, comparing different oversight boards and models. NACOLE's spreadsheet included all of its findings to date. But, again, those findings were only somewhat complete, so we did what we could with them.

### **Findings**

Working off of our spreadsheet, we calculated the following:

- Average budget of oversight boards (~\$967,000)
- Average department size (~980 officers and staff)
- Average department budget (~\$162,338,000)
- Average population size of municipality (~417,000 people)

Using those averages and Charlottesville's department size (~ 165 officers and staff), department budget (at the time of drafting this memo, the proposed budget was ~\$18,000,000), and population size (~48,000 people), we calculated the following:

- Based upon average department size and oversight budget, a department of CPD's size corresponds with an oversight budget of **~\$163,000**.

- Based upon average department budget and oversight budget, a department of CPD’s size corresponds with an oversight budget of **~\$111,000**.
- Based upon average municipal population size and oversight budget, a city of Charlottesville’s size corresponds with an oversight budget of **~\$107,000**.

**An alternative metric:** Our NACOLE trainers indicated that it becoming more and more common to see oversight boards funded at a budget pegged to **1% of the department’s budget**, which corresponds with an oversight budget of **~\$180,000** for Charlottesville in 2020 and would likely change and grow over the years.

### **Summary**

According to the metrics described above, our budget should be somewhere in the range of **~\$107,000-\$180,000**.

However, there is a **very good reason why our budget needs to be at the top of that range or above**. There is a commonly understood financial concept called “economies of scale” which dictates that larger enterprises can do more with less money than smaller enterprises. For instance, if we were forming a bakery, we would need to build and staff a kitchen whether we were producing 100 or 1000 donuts per day. The bigger bakery needs a bigger oven but not an oven that cost ten times as much. The same is true for oversight boards. A board in a big city might be able to get away with a budget only five times our size, even if its civilian population and police department are ten times our size. By contrast a board in a very small town (much smaller than Charlottesville) may flounder without the permanence and expertise of a full-time staff member, even if its proportional budget would not seem to justify the expenditure. Again, bigger enterprises can do more with less. We are not a big city, and this is not a big enterprise, so we don’t have the luxury to do a lot with a little. With that economic logic in mind, our annual funding should be as follows:

- **PROPOSED BUDGET —\$180,000 or more.**

This budget would be used by the Oversight office to--among other discretionary possibilities--staff the Oversight office, pay any and all operating costs, pay Board members’ stipends, pay any subcontractors’ fees, host community engagement sessions, and any other financial needs.

### **Additional Notes**

In the interest of full disclosure, we wanted to provide additional notes about the NACOLE spreadsheet and the relevant changes we made to it:

- We removed all oversight boards that only provide oversight over specialized forces (like corrections officers and transit forces). Any comparison between our board and these boards would be apples to oranges.
- We removed one board for which no budget numbers were listed—that is, San Diego.
- We removed all boards for jurisdictions with a population over one million people (with the exception of Fairfax County, since it is one of the only two Virginia boards). Again, the logic is that it would be apples-to-oranges to compare our board to boards in very large jurisdictions, like New York City, Chicago, and Los Angeles.
- We included only the most recent year of data for jurisdictions with separate entries for multiple years of data.
- We assumed all budget numbers on the original spreadsheet were annual budget numbers. (Sometimes a specific year was not listed.)
- Some of the numbers on the initial spreadsheet were approximate, others were exact. We went with exact numbers where provided. However, I approximated my findings to avoid distracting decimals, etc. (rounding off to the nearest thousand dollars and hundredth of an employee).
- The NACOLE spreadsheet included no information or data for Virginia Beach—the other Virginia oversight board. Likely, this is because the Virginia Beach board is funded through its Human Resources Department on an as-needed basis, which means there are no set funding numbers. (At least, this is our understanding of the Virginia Beach model, based on our research and conversations.)



**Memo: NACOLE Budget Research**

<b>City &amp; State</b>	<b>Total sworn personnel under jurisdiction:</b>	<b>Civilian population under jurisdiction:</b>	<b>Total budget for oversight agency:</b>	<b>Please approximate the number of paid staff employed by your oversight agency:</b>	<b>Does your oversight agency have legal counsel?</b>	<b>Total budget for all law enforcement agencies overseen:</b>
Akron, OH	437	197,846	\$80,000	1	C	\$55,000,000
Albuquerque, NM	900	550,000	\$1,000,090	8	C	\$55,000,000
Austin, TX	1,900	900,000	\$1,300,000	12	C	\$442,000,000
Berkeley, CA	178	121,240	\$722,180	3	C	\$66,747,004
Burbank, CA	160	104,834	\$0	0	C	Unknown
Cambridge, MA	288	110,651	\$96,138	0.75	C	\$55,191,025
Cincinnati, OH	1,074	301,301	\$670,510	6	C	\$146,601,670
Denver, CO	2,266	680,000	\$1,616,911	16	C	\$375,751,391
Detroit, MI	2,550	680,250	\$3,682,410	35	C	\$312,756,405
Fresno, CA	830	527,438	\$268,100	2	C	\$180,875,300
Indianapolis, IN	1,600	855,164	\$266,000	3	C	\$276,000,000
Kansas City, MO	1,340	488,943	\$482,501	5	I	\$223,279,980
Knoxville, TN	300	187,000	\$52,500	2	C	Unknown
Miami, FL	1,100	450,000	\$1,170,000	6	I	\$200,000,000
New Orleans, LA	1,216	393,292	\$1,034,080	7	I	\$179,744,771
Oakland, CA	780	450,000	\$5,000,000	11	I	\$290,000,000
Portland, OR	950	639,863	\$2,095,887	14	C	\$211,271,126
Richmond, CA	178	109,813	\$553,000	3	C	\$67,000,000
Riverside, CA	372	327,728	\$271,746	3	C	\$75,240,522
Rochester, NY	728	210,500	\$145,500	2.5	No	\$118,490,286

Roxbury, MA	2,000	59,626	\$100,000	3	C	\$90,500,000
Sacramento, CA	751	466,488	\$339,838	4	C	\$100,000
Saint Paul, MN	626	302,398	\$4,483,517	1.5	C	\$132,200,000
Salt Lake City, UT	501	375,000	\$200,000	2	I	\$111,581,970
Santa Rosa, CA	454	484,000	\$496,106	2	C	Unknown
Sarasota, FL.	160	56,601	\$68,393	2	I	\$181,000,000
Seattle, WA	1,376	686,800	\$3,599,865	23	C	\$34,619,453
Spokane, WA	316	215,973	\$318,668	3	C	\$330,922,012
St. Louis, MO	1,328	308,000	\$319,000	4	C	\$58,005,618
St. Petersburg, FL	600	300,000	\$100,000	2	C	\$30,304,303
Syracuse, NY	375	143,378	\$140,077	2	I	\$103,000,000
Syracuse, NY	290	468,463	\$137,608	1	C	\$47,400,535
Tucson, AZ	950	600,000	\$301,950	2	C	\$51,433,702
Washington DC	4,000	690,000	\$2,400,000	24	I	\$188,594,000
Fairfax, VA	1,434	1,148,433	\$316,000	3	I	\$540,000,000
<b>AVERAGES:</b>	<b>980.2286</b>	<b>416,886</b>	<b>\$966,531</b>	<b>6.25</b>		<b>\$162,337,846</b>
<b>Charlottesville</b>	<b>165</b>	<b>48,000</b>	<b>X</b>	<b>Y</b>		<b>\$18,000,000*</b>

\*Note: this was the proposed budget as of the date of our original budget research conducted earlier this year

## **Memo: Other CRBs to Review**

In the course of our work over the past year, we've researched approximately 120 other police review and oversight boards and departments across the country. We'd like to highlight the following boards for City Council, the public, and future iterations of the Board to examine for guidance, as their work of establishing effective oversight of the Charlottesville Police Department continues, after our terms of service have ended.

We will make available the complete spreadsheet of notes for all of the 120 boards and departments we reviewed. We will include that spreadsheet in a set of electronic files we will give to Council as a supplement to this packet.

### **Fairfax County, VA**

One of two review boards in Virginia, used as a framework of what is allowed by law in a Dillon rule state.

<https://www.fairfaxcounty.gov/policecivilianreviewpanel/>

### **Virginia Beach, VA**

One of two review boards in Virginia, used as a framework of what is allowed by law in a Dillon rule state.

<https://www.vbgov.com/government/departments/human-resources/Pages/investigation-review-panel.aspx>

### **Pittsburgh, PA**

Often cited as a good model for a review board by Chief Brackney. Note that in many ways, the Pittsburgh ordinance gives substantial powers to the board, including: investigative and subpoena powers; access to any documents, including personnel files and all other relevant documents; and the ability of the board to hire and consult with outside counsel.

<https://cprbpggh.org>

### **Riverside, CA**

An oversight department with an all-volunteer Community Review Police Commission, supported by a full-time staff person and an independent contractor with policing experience. The board has the ability to subpoena witnesses and documents.

<https://www.riversideca.gov/cityclerk/boards-commissions/community-police-review-commission/about/>

**Albany, NY**

A unique board structure in a municipality twice the size of Charlottesville. The board is supported by students and faculty from the local law school.

<https://www.albanyny.gov/Government/CityOfficials/BoardsAndCommissions/CitizensPoliceReviewBoard.aspx>

**Indianapolis, IN**

The Citizens' Police Complaint Office (CPCO) intakes all police complaints and sends them to the police department's internal affairs unit. This allows them to track the complaint process and respond with updates. When the IA investigation is complete, the final decision is sent to CPCO, so CPCO can communicate with the complainant.

<https://www.indy.gov/activity/police-officer-complaint-process>



June 28, 2019

The Honorable Mayor Nikuyah Walker  
Charlottesville City Councilors  
Dr. Tarron Richardson, City Manager  
P.O. Box 911  
Charlottesville, VA 22902

**SENT via email ([council@charlottesville.org](mailto:council@charlottesville.org))**

To the Honorable Mayor Walker, Charlottesville City Councilors, Manager Richardson:

We are representatives of the National Association of Civilian Oversight of Law Enforcement (NACOLE). Established in 1995, NACOLE is a nonprofit organization that works to enhance accountability and transparency in policing and build community trust through civilian oversight. NACOLE provides support for developing and establishing civilian oversight, as well as ongoing education and technical assistance; serves as a national forum and an informational and educational clearinghouse and a publication resource of educational information for the public and organizations in the field of civilian oversight of law enforcement. NACOLE also advocates the highest ethical standards in civilian oversight; educates the public and law enforcement agencies, develops mechanisms to enhance police and community relations, educate, and encourages law enforcement to respond with sensitivity to citizens' issues and complaints. In addition, NACOLE encourages full racial and ethnic representation and participation in civilian oversight and law enforcement.

Combined, we have over 30 years of experience in the field of civilian oversight of law enforcement. Cameron McElhiney, NACOLE Director of Training and Education, has practical experience as a former member of the Civilian Review Board in Indianapolis, Indiana. Liana Perez, NACOLE Director of Operations, is the Independent Police Auditor for the City of Tucson, Arizona. We also work together to conduct NACOLE trainings for new and established police review boards across the country.

We have had the pleasure of working alongside Charlottesville's initial Police Civilian Review Board (CRB) over the past year. We have been in contact with members of the Board since September 2018, when we identified ourselves as a support network for the difficult task of establishing police oversight in Charlottesville. We worked directly with Guillermo Ubilla to establish a personalized agenda for an eight-hour training, which we facilitated in February 2019. And finally, we have been in ongoing communication with the CRB providing research support as they have developed their oversight model and supporting documents.

We are inspired by Charlottesville's leadership in establishing this initial board and in entrusting the process of the creation of meaningful police oversight to its citizens. Civilian oversight of law enforcement is a critical aspect of any well-founded effort to strengthen the relationship between police and communities and to build public trust, while also promoting effective policing. It is one of the only mechanisms proven to ensure sustainable reforms. As recent incidents throughout the United States and around the world have demonstrated, cities and police departments have found themselves unprepared to face the consequences of a lack of public trust, community confidence, or sense of legitimacy, particularly within communities of color. Historically, these cities and police departments have only reacted to crises and have rarely acted in a proactive manner to implement robust internal and external accountability mechanisms necessary to build public trust and reduce the likelihood of these breakdowns occurring in the future. We commend your efforts to address police oversight in a proactive way.

There is no one-size-fits-all model that works for every community or for all time. To begin, each community must identify its needs and goals. We heard Charlottesville's CRB say that its goals are to create a more trusting environment between the community and the police, to increase transparency and accountability in the Police Department in an effort to build public confidence, to better understand and make visible the Police Department's policies and practices, and to make sure all members of Charlottesville are being treated equitably (particularly people of color). The model that the CRB has developed is a clear attempt to address these concerns, while also meeting one of the most critical elements of oversight: independence.

It is imperative that those involved in oversight are outside the sworn chain of command of a police department. Contrasted with internal accountability mechanisms commonly found in law enforcement (i.e., internal affairs), independent oversight offers a way for the citizens and community to be involved in accountability, which is critical to trust-building. True independence from the Police Department allows an oversight body to address a wide range of concerns without any actual or perceived bias, and ensures that policing is responsive to the needs of the community. It is also common for civilian oversight agencies to be both an independent source *and* a repository of qualitative and quantitative data. The key to successful oversight is developing a system that is sufficiently independent—in terms of political, professional, and financial independence—to do

what is needed and carry out its oversight responsibilities. It is important to understand that different levels of authority and independence will strongly impact the oversight agency's credibility and perceptions of its value and impact.

All successful civilian oversight entities need sufficient staffing and funding. The oversight agency's mission and budget should bear some relationship to the size of the police department, the department's funding levels, and the level of trust or mistrust within the community—particularly among those segments of the community that have historically been the subjects of over-, under-, or biased policing. During the training we presented in February we shared with the board the 1% of the police department budget as a useful guide that some cities are using as a budget for their oversight department.

While we are inspired by your city's swift efforts, we also want to inform you that the process of establishing civilian oversight of law enforcement can take years. We are impressed with your CRB's work in just one year, but this will be an ongoing process in your community that will necessitate political leadership, community engagement and involvement, and the collaboration between stakeholders—particularly the police department and the CRB.

We support the work of the CRB and stand by you in this critical period while your city makes a real commitment to meaningful police oversight.

Kind Regards,



Cameron McElhiney  
Director of Training & Education



Liana Perez  
Director of Operations

## CRB Letter of Support

To Council,

My name is Zyahna Bryant and I am a resident of Charlottesville and recent graduate of Charlottesville High School. I am writing to you to express my full support of the Civilian Review Board in its many efforts to create a source of oversight and accountability for the Charlottesville Police Department. With the long and complex history that the department has in terms of transparency and community relations, it is pertinent that the CRB is fully supported in its efforts. Much of the trust that members of our community should have in law enforcement has been long lost, and in efforts to “rebuild” there must be a new way of having conversations about areas where the department is continuing to miss the mark. We need a strong independent oversight commission, and I believe that it will be very beneficial for those who have felt unheard and underrepresented in this facet of our local government. I strongly support the work that the CRB has been doing and I will continue to support them in the future. Please leverage your positions and your accessible platforms to make the Civilian Review Board and its vision a ***priority***.

Kind Regards,

Zyahna Bryant  
Charlottesville, VA



June 28, 2019

Charlottesville City Council  
City Hall  
605 E. Main Street  
Charlottesville, VA 22901

Dear City Council,

Your receipt of the initial Civilian Review Board's (CRB) final report marks the beginning of the final phase of a process that could usher in a new era in Charlottesville's history. There exists no better opportunity than the creation of a permanent civilian oversight body for the Charlottesville Police Department (CPD) for the City to acknowledge the hard truth about longstanding racial inequity in Charlottesville, and to decisively commit to addressing it. Make no mistake – with studies showing that policing is a critically important determinant for key social indicators like health<sup>1</sup> and educational<sup>2</sup> outcomes – how people are policed unquestionably affects their ability to thrive.<sup>3</sup> *We believe a strong, independent and fully funded oversight body for CPD is necessary to put Charlottesville firmly on the path to becoming a safe, healthy place for all.*

For almost two years, Legal Aid Justice Center has closely followed the effort to create a civilian oversight body for the City's police department. Our organizer has supported concerned community leaders in various actions designed to let City officials know why this endeavor is deeply important. Our attorneys and legal interns have spent hours researching the community's questions about how a civilian oversight body might function under existing state and local law. Because of that work we know two things.

First, that the members of the initial CRB have more than lived up to the considerable task of educating themselves on the legal, policy and practical considerations that factor into civilian oversight of the police. They have used that knowledge to expertly fashion a proposal that is responsive to the call for civilian oversight in the specific context of Charlottesville. Their recommendations deserve deference such that the City should implement a permanent oversight body with (1) authority to investigate certain complaints prior to CPD's internal affairs completing its investigation, (2) dedicated staff that is committed to supporting a civilian membership largely hailing from directly impacted communities, and (3) a budget capable of

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<sup>1</sup> "Public Health and the Policing of Black Lives." *Harvard Public Health Review*, Vol. 7 (July 2015) <http://harvardpublichealthreview.org/public-health-and-the-policing-of-black-lives/>

<sup>2</sup> "Aggressive Policing and the Educational Performance of Minority Youth." *American Sociological Review*, Vol 84(2) (February 2019) <https://journals.sagepub.com/doi/pdf/10.1177/0003122419826020>

<sup>3</sup> Policing practices are "inextricably bound to bedrock issues affecting the community such as poverty, education, and public health." *Final Report of The President's Task Force on 21st Century Policing*, pg. 19, (May 2015) [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

supporting the needs of a city body engaged in sophisticated decision-making that will affect generations of residents.

Second, that meaningful civilian oversight of CPD will require the City to give the permanent oversight body both the independence and political support it needs to overcome decades of community mistrust of police and city government.<sup>4</sup> One critical aspect of this is ensuring that any oversight staff have autonomy from the City and that future CRB members are selected in a transparent and community-accountable process. Beyond that, the success of all future iterations of the oversight body will turn on City Council and all city officials prioritizing community input and being prepared to fundamentally alter decision-making in response to it.

It's time for Charlottesville to counter its history of glaringly disproportionate policing of black and brown residents with bold action. We urge you to be so bold in empowering a permanent civilian oversight body.

Sincerely,

A handwritten signature in cursive script, appearing to read "A Cioffi".

Angela Cioffi  
Executive Director

Harold Folley  
Kim Rolla  
Adeola Ogunkeyede  
Civil Rights & Racial Justice Program

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<sup>4</sup> We will not go into detail about the history of that mistrust, as we expect City Council to be aware of those issues already; also, we know that community groups are detailing that history in their own letters of support.

The People's Coalition on Criminal Justice  
c/o Harold Folley  
Legal Aid Justice Center  
1000 Preston Ave. #A  
Charlottesville, VA 22903

Charlottesville City Council

Charlottesville City Hall  
605 E. Main St.  
Charlottesville, VA 22901

June 26, 2019

Dear Members of Council,

The People's Coalition supports the bylaws and ordinance proposed and submitted to Council by the Police Civilian Review Board and urges you to adopt them. This is a critical moment in the arc of justice in Charlottesville and the enactment of a strong PCRFB is a crucial component of institutional transformation in the City. In this letter of support, we describe why, after a long history of distrust with the police department, a strong CRB is essential to the progress of this City. Additionally, we explain why it is essential that the CRB is independent of the police department, has paid staff to provide expertise and continuity, and is representative of the communities most impacted by policing.

For decades before the passage of the CRB resolution in 2017, the City had ignored the community's complaints about racial disparities in policing. This is a national problem with manifestations in Charlottesville. The Kerner Commission report, in its analysis of the sources of civil disorders, listed among the causes of black hostility toward the police "the almost total lack of effective channels for redress of complaints against police conduct."

The community's lack of trust in the police in Charlottesville is longstanding and justified. It is grounded in a myriad of historical and continuing failures, specifically toward the black community. Recent Police Chiefs have repeatedly engaged with black civilians in a discriminatory manner. For instance, a former Chief searched for a serial rape suspect by sending officers into black communities to collect oral DNA samples without cause. The disproportionate use of resources used to find a white female UVA student, Hannah Graham, versus the resources used to find a black trans woman, Sage Smith, is a stark example of unequal priorities and civil protections based on race. In addition, in the summer of 2017, police did not act to protect the community from racist, violent alt-right protestors. Instead, they did the exact opposite—targeting activists of color while simultaneously ignoring violent acts committed by white supremacists.

Statistics showing unequal treatment of members of the community repeatedly indicate that black citizens are the targets of discriminatory policing. In a report presented to Charlottesville City Council in 2011, minority overrepresentation, specifically for black youth,

was found at nearly each of the decision points in the juvenile justice system. In 2014, the Charlottesville Task Force Report on Disproportionate Minority Contact in the Juvenile Justice System reported, in a study of data from 2009-2014, “The majority of youth arrested were, black males, 15–17 years old. Results of the stop with and without frisk (search) show that black youth were disproportionately represented for stops without a search.” The Report also found that black children were more likely to be re-arrested compared to white children. While there is some disproportionality among black and white youth arrested once, we see a larger degree of disproportionality when we examine youth who are arrested 2 or more times.

According to a new study on disproportionate contact of adults with the justice system, African-Americans are booked at significantly higher rates than whites at the Albemarle-Charlottesville Regional Jail, and the greatest disproportionality occurs during felony arrests (Cville Weekly, Samantha Baars, 4/30/19). In a recent report of Charlottesville Police Department data on investigative detentions (“Stop and Frisk”) for February-April of 2019, “black people are nearly six times more likely to be stopped” and “African-Americans are much more likely to be stopped in the first place given that they account for about 17% of the city population” and “Since September , 439 people have been stopped in 341 encounters with police. More than half of those people, 53%, were black.” The report states: “the total monthly average is 29 black people, or 0.32% of the city’s black population, compared with 25 white people, or 0.07% of the city’s white population” (Daily Progress, May 27, 2019). The problem has not subsided.

Previous attempts at civilian review through the City’s Police Citizen Advisory Panel failed to stem the problem related to discriminatory stop and frisk as well as ineffective complaint resolution. Attempts inside the Panel to change and enhance its effectiveness failed. The need for a CRB with a much stronger mandate and authority was evident.

This problem reached a breaking point in the 2017 Charlottesville Summer of Hate. Under the leadership of Chief Thomas, the City failed to protect a predominantly black neighborhood - Friendship Court- despite repeated requests for protection from community members. Police harassed and brutalized black and brown community members in addition to protecting white supremacists. In so doing, a young woman lost her life.

The demand for a civilian oversight body with significant authority and enforcement ability (“with teeth”) rose to a fever pitch in the months after that senseless tragedy, and the City Council responded by passing a resolution to create a CRB just four months later. To community members that action signaled a watershed moment, as it seemed as if the City was finally listening to what Charlottesville communities of color had to say about their own safety. We want to remind the Council of the promise it made to this community when the CRB Resolution was unanimously passed by City Council in December 2017. The CRB represents the living promise from the City to openly acknowledge the suffering that its institutions have inflicted upon communities of color and to meaningfully address the longstanding failures of the Charlottesville Police Department. The City has publicly pledged to listen to what communities of color have to say about how to protect them. This Civilian Review Board is our City’s promise to do better. This is a matter of racial justice in Charlottesville.

It is imperative that you enact a PCRB that is strongly independent. Civilian police review boards require autonomy and adequate resources in order to do the job they are asked to do. In a recent Pew Research survey, “only 27% of police reported that poorly performing officers are held accountable. Existing internal mechanisms tend to be weakly enforced and are susceptible to racial bias... The key to their success, however, is independence from law enforcement- which is necessary to ensure unbiased reviews of cases. Boards need to have the authority to either discipline officers or recommend discipline of officers that department leaders will enforce.” (Ajilore, 2018, Center for American Progress). Similarly, the National Association for Civilian Oversight of Law Enforcement (NACOLE) asserts: “The key question is whether the oversight system is sufficiently independent— in terms of political, professional and financial independence and authority— to do what is needed and what is asked of it.” (National Association for Civilian Oversight of Law Enforcement, FAQs, (<https://www.nacole.org/faqs>)). Marion Francis Berry, Professor of American Social Thought and Professor of History at the University of Pennsylvania, and former chair of the U.S. Commission on Civil Rights asserts that civilian review boards should be supported “but only with independent authority to investigate complaints. Better yet, boards should have the power to recommend remedies directly to the mayor and city council members and not just to the police.”

Given the level of historical discrimination against communities of color in Charlottesville as well as continuing discrimination as demonstrated by unequal policing on August 11 & 12, 2017, the need for independence of the Charlottesville CRB is crucial. Thus, the CRB will require significant independence for ongoing review or audit of the complaint process and police data. This is also a matter of accountability.

The level of independence is also a significant factor for building trust with the affected community. In Charlottesville we hear repeatedly from the community that the likelihood of the City creating such a strong and independent CRB is slim or that if such an entity is created it may be co-opted by the city bureaucracy. For instance, citizens in the community have come forward to council and made comments such as:

“A lot of people didn’t want to come forward because of being harassed..... we all know we have to have checks and balances..... everyone has to be accountable for their actions and if you are wrong you have to be accountable for such actions.....That’s why I support the civilian review board..... we want to make sure that all people are treated fairly in the city” (Cherry Henley, quoted at Charlottesville City Council meeting, May 6, 2019 1:45:58)

“If I have to hold myself accountable on the lines the police should be held accountable as well” (Richard Koonce, quoted at Charlottesville City Council meeting, May 6, 2019 1:35:23 min.)

Simply put, there exists extremely low levels of trust by people of color in local government due to policing based on historical patterns of racial discrimination. This mistrust is reasonable and justified because it is informed by the repeated lived experiences of themselves, family members, and friends. Therefore, the city will need to demonstrate that the CRB is truly independent and has authority to follow through with civilian complaints for the trust to be repaired. This will increase the likelihood that citizens from affected communities will actually submit complaints. In the current climate, most affected citizens do not believe in the efficacy of

such government agencies. To build that trust, community members will need to see clearly that the CRB has independent complaint review authority, including access to CPD data related to complaints and overall policing practices. In other similar areas of government intervention (e.g., housing discrimination complaints, human rights complaints) potential complaints are underestimated due to a perception of a lack of efficacy held by community members who are traditionally underserved.

Specifically, the auditor function of the proposed CRB must be independent and have access to police data in order to function effectively. The Auditor should not be a shared position with CPD lest the community perceive it to be co-opted. The auditing function as described in the proposed CRB bylaws and ordinance should report directly to the Executive Director and not to the City Manager or the Police Chief.

If the Auditor is not independent, we run the risk of allowing favoritism and special treatment, or the perception of such, being given to the institution the CRB is supposed to be holding accountable. In dealing with issues as serious as discrimination, police misconduct, or brutality, impartiality and complete independence is vital to ensure actual justice can be attained in the community. The community has already decided that a CRB is necessary because of the manner in which the police department wields the power it currently has and concentrating more power in the department would only serve to further undermine whatever trust the community has left in the police.

Independence is one of the most vital components which will determine the success of the CRB. Therefore, independence must be imbued in as many structural and cultural aspects as possible. That is, the way in which the CRB is structured in terms of its authority to conduct parallel investigations of complaints, its access to CPD data, adequate staffing, and an adequate budget, ability to consult outside counsel, hold hearings, etc. are essential to its independence. But the way in which the Executive Director and Auditor are hired and the way in which the appointments to the CRB are made comporting with the original intentions of the mission, are also critical to its independence and the perceptions of its independence by the affected community. The transparency with which these processes are conducted is essential to trust building.

The People's Coalition on Criminal Justice urges you to adopt the PCRJB proposed bylaws and ordinance as submitted to you. At the time of its constitution, Council, through its origination resolution, was very clear on the level of authority it is expected to see in the final initiating documents. News reports indicate there was significant support among counselors for a strong and effective CRB at the time. You appointed a capable PCRJB, and they engaged in significant work to design the type of CRB with maximum authority given both state regulations and the context of Charlottesville. The community stands behind these bylaws as they are written and urges Council to fulfill the promise that was made to us.

Sincerely,  
The People's Coalition on Criminal Justice

## **Our Mission Statement**

The People's Coalition on Criminal Justice organizes in the Charlottesville/Albemarle area in opposition to our unjust and racist criminal-legal system.

We raise our voices in community to combat oppressive criminal justice practices through public education, public pressure, and public action.

The People's Coalition works toward this mission in a number of ways:

- We advocate for community-driven policy changes at the City and County level.
- We put pressure on governmental bodies to address oppressive practices in their criminal "justice" processes.
- We push for transparency and accountability from local bodies working on criminal justice issues

### Members of the People's Coalition:

Legal Aid Justice Center  
Showing Up for Racial Justice  
Lending Hands  
CLICH  
National Lawyers Guild  
Black Law Students Association  
Democratic Socialists of America

# Recommended Next Steps

We see the following as the necessary steps from the end of our charge on July 2, 2019 to the creation of oversight staff and the seating of a full oversight board.

## **To be completed before the end of the 2019 calendar year:**

- City Council to pass an enabling ordinance, establishing police oversight in Charlottesville
- City Council to pass the Board's bylaws
- City Council to publicly recruit and select Board members, consistent with the processes required by the enabling ordinance

## **To be completed in the 2020 budget cycle process:**

- City Council to allocate funds
- City to create job descriptions for professional oversight staff, and to recruit and hire oversight staff, consistent with the processes required by the enabling ordinance
- Board members to complete training

## **To be completed in first-half of the 2020 calendar year:**

- City to select physical location of intake/office
- City and oversight staff to organize and coordinate training for new Board members
- Board members to negotiate and enter into MOU with the Chief of Police
- Board members to decide on meeting dates/frequency and to create meeting and operating procedures
- Board to begin to hold regular meetings and conduct regular business

*\*We recommend that this process begin as soon as possible once the CRB has been expressly authorized to conduct its work. The Initial CRB's terms expire on July 2, 2019 and the community (in conjunction with the Initial CRB) has expressed concern about having a long period without an appointed CRB.*



## Police Civilian Oversight - Overview

Proposed approach for a hybrid professional/volunteer Oversight Body:

1. Volunteer Civilian Review Board with staffed Executive Director
2. Auditor and Policy Advisor (staffed position that operates apart from but alongside the Review Board)
3. Community and Police Engagement (joint effort of volunteer Board, Auditor, and Executive Director)

### 1 Civilian Review Board

7 civilian voting members

Meets monthly to review all ongoing complaints and by majority vote holds hearings and/or direct the Executive Director to conduct independent investigations.

#### Executive Director

Staffed position

The Executive Director intakes all complaints and investigates at the direction of the board.

### 2 Police Auditor

Staff position

Auditor is a staffed position that can review all CPD data for the purposes of looking at long term trends.

### 3 Outreach and Engagement

Civilian Review Board, Executive Director, and Auditor will work together on public outreach that includes quarterly meetings with the public and regular reporting.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 5, 2019
Action Required:	Report for Council Feedback
Presenter:	Brian Wheeler, Director of Communications Charlene Green, Office of Human Rights RaShall Brackney, Chief of Police
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
Title:	<b>Report on Unity Days Planning</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. This year's community-driven planning effort has resulted in more than 80 events during May to August 2019.

Unity Days will be every second weekend of August as a time to mark the anniversary of the events of August 11-12, 2017. 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.

**Discussion:**

**Public Safety Planning**

Police Chief RaShall Brackney will be available at the Council meeting to describe the public safety process. 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 the meetings. Lt. Tony Newberry has been assigned as a liaison to the faith-based community.

Planning meetings have been held with the City's state and regional public safety partners. The group is ready to support the community-driven Unity Days events in a posture similar to how the City would support other concerts, festivals and parades downtown.

## Program Planning

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

Month	Focus area	City staff liaison
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

## August 2019 Unity Days Activities

### EXHIBIT (August-September)

- Inside Out Cville: This Is What Community Looks Like! Installation on the exterior wall of the Violet Crown Theater featuring large-scale black & white portraits of 120 local activists.

#### Friday, August 9:

- Ballet performances on Downtown Mall (5<sup>th</sup> St NE/SE at Mall)

#### Saturday, August 10:

- Quaker worship service in Market Street Park, 9 a.m. to 10 a.m.
- Brass ensemble in Market Street Park, 11 a.m. to Noon
- Monticello to Main Street Tour (starts at the Slave Auction Block in Court Square and continues on Downtown Mall), 11 a.m. to 1 p.m.
- Reception following brass ensemble at First United Methodist Church, Noon
- No Small Matter film screening & discussion, Vinegar Hill, 1:30 p.m.
- Interactive art at Central Place on Downtown Mall, Noon to 6 p.m.
- C'ville Sing Out at the Pavilion, 4 p.m. to 6 p.m.

#### Sunday, August 11:

- Conversations on biblical idols on the steps of First United Methodist Church, 7 a.m.
- Call to Action Resource Fair in Market Street Park, 1 p.m. to 5 p.m.

#### Monday, August 12:

- Fourth Street mall crossing closed all day for solemn remembrance
- Clergy Collective's Interfaith service at First Baptist Church on West Main Street, 7 p.m.

#### Saturday, August 17:

- Family friendly block party at Washington Park, 1 p.m. to 5 p.m.
- *The Overcomer* - Screening and discussion at Stonefield Stadium 14 & IMAX, 3:30 p.m.

#### Sunday, August 18:

- Made in Charlottesville – Reclaim Concert at Tonsler Park 1 p.m. to 9 p.m.

The **Call to Action Resource Fair** was specifically developed by the Action Committee as a program to encourage residents to seek educational information and to become engaged in community efforts focused on economic and racial justice.

The following organizations are expected to participate in the resource fair on Sunday, August 11, 2019 from 1 p.m. to 5 p.m. in Market Street Park:

- |   |   |
|---|---|
| • Moms Demand Action For Gun Sense                | Libraries                                 |
| • Legal Aid Justice Center                        | • BeHeardcva                              |
| • The Women's Initiative                          | • Sin Berraras                            |
| • We Code Too                                     | • Welcoming Greater Charlottesville       |
| • Charlottesville Free Clinic                     | • Donor Diapers                           |
| • International Rescue Committee                  | • Computers for Kids                      |
| • Food Justice Network and City Schoolyard Garden | • The Bridge PAI                          |
| • Habitat for Humanity                            | • Front Porch                             |
| • Voter Registrar's Office                        | • Computers for Kids                      |
| • JMRL-Library and Laundromat                     | • Heather Heyer Foundation                |
|   | • Latino Health Initiative / Dr. Max Luna |

## **Budget**

City Council allocated \$100,000 towards program and marketing expenses on June 3, 2019.

### **Unity Days 2019 Budget**

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>

The Action Committee has welcomed the inclusion of existing community events that share the goals of Unity Days. However, they had a strong preference for providing financial support primarily to new endeavors. Twenty-eight projects were allocated program funds ranging from \$100 to \$15,000. All expenses are being managed and approved by the City's Director of Communications.

### **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 for Unity Days was transferred from previously appropriated funding in the Citywide Reserve account.

### **Recommendation:**

Staff is seeking any feedback from Council as it completes the Unity Days programming in 2019.

**Alternatives:**

See recommendation.

**Attachments:**

- August Unity Days calendar

# AUGUST CALENDER OF EVENTS

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<p>Visit the “Inside Out C’ville: This is what Community Looks Like” Art Installation of 120 black and white portraits of local activists on side of Violet Crown on 2<sup>nd</sup> Street SW during August - September</p>				<p>1 <b>Heyer Voices Informational Session</b> 7pm Heather Heyer Foundation</p>	<p>2 <b>Gone But Not Forgotten Exhibit</b> 5:30pm City Space</p>	<p>3 <b>Heyer Voices Informational Session</b> 7pm Heather Heyer Foundation</p> <p><b>Monticello to Main St.</b> 11am Court Square</p> <p><b>Historic Barn Tour at Ivy Creek Natural Area</b> River View Farm 2pm-4pm</p>
<p>4 <b>Historic Barn Tour at Ivy Creek Natural Area</b> River View Farm 2pm-4pm</p>	<p>5</p>	<p>6</p>	<p>7</p>	<p>8</p>	<p>9 <b>Charlottesville Ballet</b> 5<sup>th</sup> Street Mall Crossing 5pm</p>	<p>10 <b>Quaker Worship Service</b> 9am Market St. Park</p> <p><b>Monticello to Main St.</b> 11am Court Square</p> <p><b>C'ville Resonates</b> Market St. Park 11am</p> <p><b>Unity Days Arts Activities</b> Downtown Mall 12-6pm</p> <p><b>“No small Matter” Film Screening</b> 1:30pm Vinegar Hill Theatre</p> <p><b>Historic Barn Tour at Ivy Creek Natural Area</b> River View Farm 2pm-4pm</p> <p><b>The C'ville Sing Out</b> Sprint Pavilion 4pm</p>



<p>11 <b><u>Call to Action Fair</u></b> 1pm Market St. Park</p> <p><b><u>Historic Barn Tour at Ivy Creek Natural Area</u></b> River View Farm 2pm-4pm</p> <p><b><u>Idolatry in the Bible and how it relates to historic symbols in our community Discussion</u></b> 7am First United Methodist Church</p>	<p>12 <b><u>Interfaith Service</u></b> The Haven 7pm</p>	13	14	15	<p>16 <b><u>Heyer Voices Opening Workshop</u></b> 5:30pm Heather Heyer Foundation</p>	<p>17 <b><u>Heyer Voices Workshop Day 2</u></b> 9am Heather Heyer Foundation</p> <p><b><u>Family Block Party</u></b> 1pm Washington Park</p> <p><b><u>Film Screening of “The Overcomer”</u></b> 3:30pm Regal Stonefield Theatre</p>
<p>18 <b><u>Made in Charlottesville Reclaim Concert</u></b> 1pm Tonsler Park</p>	19	20	21	22	23	24
25	26	27		<p>29 <b><u>Film Screening “3rd Street-Best Seats in the House” and Public Art Project</u></b> 6pm The Paramount</p>	30	31

**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!

**EXHIBITS:**

- Permanent exhibits at the Jefferson School African American Heritage Center: “Pride over Prejudice”; Vinegar Hill photo Exhibit; John Henry James Exhibit
- Monticello: “Plantation and Slavery”
- Montpelier: “Mere Distinction of Colour”
- Pop Up Exhibits at York Place