



CITY COUNCIL AGENDA – Monday, May 21, 2018

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

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

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS

Police Chief introduction; Winneba trip review; National Public Works Week

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

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.

- 1. CONSENT AGENDA*:** (Items removed from consent agenda will be considered at the end of the regular agenda.)
 - a. Minutes for May 7, 2018
 - b. APPROPRIATION: Transfer of funds from School HVAC Operations to School HVAC Capital Improvement Program – \$130,000 (2nd of 2 readings)
 - c. APPROPRIATION: Funds for 2018-2019 Community Development Block Grant – \$389,291.49 (2nd of 2 readings)
 - d. APPROPRIATION: Funds for the 2018-2019 HOME fund – \$99,488.45 (2nd of 2 readings)
 - e. APPROPRIATION: Community Development Block Grant Reprogramming FY 18-19 Funds (2nd of 2 readings)
 - f. APPROPRIATION: HOME Investment Partnership Account Reprogramming FY 18-19 Funds (2nd of 2 readings)
 - g. APPROPRIATION: Spay and Neuter Program at SPCA – \$1,998.52 (2nd of 2 readings)
 - h. APPROPRIATION: Transfer of funds for new Salt Storage facilities – \$300,000 (2nd of 2 readings)
 - i. RESOLUTION: Appointment of the Chief of Police (1st of 1 reading)
 - j. RESOLUTION: Regional Hazard Mitigation Plan (1st of 1 reading)
 - k. RESOLUTION: Re-Allocation of Existing Funds – McIntire Skate Park – \$150,000 (1st of 1 reading)
 - l. RESOLUTION: Renewal of Sprint Franchise Agreement (1st of 1 reading)
 - m. ORDINANCE: Tree Designation (2nd of 2 readings)
 - n. ORDINANCE: Homeowner Tax Relief Grant Program – 2018 (1st of 2 readings)
- 2. PUBLIC HEARING** Police Civilian Review Board – **15 mins**
- 3. PUBLIC HEARING / ORDINANCE*:** Close Alley off Castalia Street (1st of 2 readings) – **15 mins**
- 4. PUBLIC HEARING / ORDINANCE*:** Proposed Conveyance of a portion of Water Street Right-of-Way for Charlottesville Technology Center at 230 West Main Street (1st of 2 readings) – **10 mins**
- 5. RESOLUTION*:** Downtown Mall Pedestrian Safety Project – Allocation of \$100,000 for Threat and Risk Assessment (1st of 1 reading) – **20 mins**
- 6. ORDINANCE*:** Land Bank Corporation Ordinance (2nd of 2 readings) – **20 mins**
- 7. REPORT:** Construction Impacts on Bikes, Pedestrians, and Enforcement – **20 mins**
- OTHER BUSINESS MATTERS BY THE PUBLIC** Request for allocation to Equal Justice Initiative community trip

*ACTION NEEDED

GUIDELINES FOR PUBLIC COMMENT

**We welcome public comment;
it is an important part of our meeting.**

**Time is reserved near the beginning and at the end of each regular
City Council meeting for Community Matters.**

Please follow these guidelines for public comment:

- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- Each speaker has **3 minutes** to speak. Please give your name and address before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them.
- Please **refrain from using obscenities**.
- If you cannot follow these guidelines, you will be escorted from City Council Chambers and not permitted to reenter.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 7, 2018
Action Requested:	Approve Appropriation
Presenter:	Gerry Martin, HVAC Manager, Facilities Maintenance Division
Staff Contacts:	Gerry Martin, HVAC Manager, Facilities Maintenance Division Ryan Davidson, Senior Budget and Management Analyst, Office of Budget and Performance Management
Title:	Transfer of funds designated for Buford Middle School automation system upgrades, from School HVAC Operations to the School HVAC Capital Improvement Program account - \$130,000

Background:

On December 18, 2017, City Council approved \$130,000 for upgrades to outdated building automation systems at Buford Middle School as part of the FY 2017 Year End Appropriation. These funds were appropriated to the School HVAC Operations cost center in the General Fund and now need to be transferred to the School HVAC Capital Improvement Program account.

Discussion:

It was anticipated that the building automation upgrades at Buford Middle School would take place during the summer of 2018 with a purchase order being issued prior to June 30, 2018 to encumber the funds; however, the timing is such that Facilities Maintenance currently does not have in-house resources to move forward with the project at this time. The updated time frame for the work to be performed is now the summer of 2019. In order to ensure that funding for this project will remain available after the end of FY 2018, this funding will need to be transferred from the General Fund to the Capital Improvement Fund, which will allow funding to automatically carry over each year until the work is completed.

Alignment with City Council's Vision and Strategic Plan:

The project supports City Council's "A Green City" vision. It contributes to Strategic Plan Goal 2: A Healthy and Safe City.

Community Engagement:

N/A

Budgetary Impact:

No additional funding will be required. The request is a transfer of previously appropriated funds from the General Fund to the Capital Improvement Fund.

Recommendation:

Staff recommends approval of the transfer of the funds.

Alternatives:

If the funding is not moved to the Capital Improvement Fund prior to June 30, 2018, Facilities Maintenance will no longer have access to the funding for the building automation upgrades at Buford during the time frame it is needed. This would result in either having to use other existing funds to do work meaning other project would not be done or would result in this project not being able to be accomplished.

Attachments:

Appropriation

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 7, 2018
Action Required:	Appropriation and Approval
Presenter:	Tierra Howard, Grants Coordinator, NDS
Staff Contacts:	Tierra Howard, Grants Coordinator, NDS
Title:	Approval and Appropriation of CDBG & HOME Budget Allocations for FY 2018-2019

Background:

This agenda item includes project recommendations, action plan approval, and appropriations for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD). To date, the City has not received its allocation letter from HUD. For the purpose of carrying out the FY 18-19 Action Plan on time, staff will estimate allocations using previous FY allocations.

Discussion:

In Fall 2017, the City of Charlottesville advertised a Request for Proposals (RFP) based on the priorities set by Council on September 18, 2017. The priorities were microenterprise assistance, workforce development, access to quality childcare, affordable housing, down payment assistance, and homeowner rehab. The City received two applications totaling \$218,520 for housing projects; four applications totaling \$154,865 for public service projects; one application totaling \$12,500 for economic development projects; and one application totaling \$29,650 for public facilities projects. A summary of applications received is included in this packet.

In January 2018, the CDBG/HOME Task Force reviewed and recommended housing and public service projects for funding and the Strategic Action Team reviewed and recommended economic development projects for funding.

On March 13, 2018, these items came before the Planning Commission and Council for a joint public hearing. The Planning Commission accepted the report and unanimously recommended the proposed budget for approval by City Council.

CDBG and HOME Project Recommendations for FY 2018-2019:

The CDBG program total has an estimated \$388,000 for the 2018-2019 program year. The

CDBG grand total reflects the \$388,000 Entitlement (EN) Grant, \$1,291.49 in Reprogramming, and \$0 in previous years' entitlement available after program income has been applied. The HOME total consists of an estimated \$57,100 which is the City's portion of the Consortium's appropriation, in addition to \$14,280 for the City's 25% required match, \$0 in Reprogramming and \$20,000 in program income. No new match will be appropriated to HOME projects, however, a surplus of match from previous years will be applied equally to all projects. Minutes from the meetings are attached which outline the recommendations made. It is important to note that all projects went through an extensive review by the CDBG/HOME Task Force as a result of an RFP process.

Priority Neighborhood – The FY 2018-2019 Priority Neighborhood are the Belmont and Ridge Street Neighborhoods. The Task Force for these neighborhoods will recommend priority neighborhood improvement projects to be carried out with CDBG funds. Staff will request that Council identify how the funds will be allocated to each neighborhood.

Economic Development – Council set aside FY 18-19 CDBG funding for Economic Development Activities. Members of the Strategic Action Team reviewed applications for Economic Development and made a recommendation via email.

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

Public Service Programs – The CDBG/HOME Task Force has recommended several public service programs. Programs were evaluated based on Council's priorities for workforce development, access to quality childcare, and affordable housing. Programs were also evaluated based upon metrics included in the RFP evaluation scoring tool. Funding will enable the organizations to provide increased levels of service to the community.

Estimated benefits include childcare scholarships for 6-7 families; basic literacy instruction for 20 beneficiaries; increased capacity of a coordinated entry system for homeless services which will benefit 27-28 homeless persons; and one major homeowner rehabilitation.

Administration and Planning: To pay for the costs of staff working with CDBG projects, citizen participation, and other costs directly related to CDBG funds, \$77,600 is budgeted.

HOME Funds: The CDBG/HOME Task Force recommended funding to programs that support down payment assistance. Estimated benefits include 9 - 10 newly supported affordable units.

Program Income/Reprogramming: For FY 2018-2019, the City has \$0 in previous CDBG EN that has been made available through the application of received Program Income (PI) to be circulated back into the CDBG budget. The City has \$22,906.59 in HOME available after PI was applied to be circulated back into the HOME budget. There are also completed projects that have remaining funds to be reprogrammed amounting to \$1,291.49 CDBG and \$5,557.86 HOME. These are outlined in the attached materials.

Adjusting for Actual Entitlement Amount: Because actual entitlement amounts are not known at this time, it is recommended that all recommendations are increased/reduced at the same pro-rated percentage of actual entitlement to be estimated. No agency will increase more than their initial funding request.

Community Engagement:

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

Alignment with City Council’s Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council’s vision for Charlottesville to have **Economic Sustainability and Quality Housing Opportunities for All.**

Budgetary Impact: Proposed CDBG projects will be carried out using only the City's CDBG funds. No new match will be appropriated to HOME projects, however, a surplus of match from previous years will be applied equally to all projects.

Recommendation:

Staff recommends approval of the CDBG and HOME projects as well as the reprogramming of funds. Planning Commission recommended approval of the proposed budget with any percent changes to the estimated amounts being applied equally to all programs. All Planning Commissioners present at the meeting voted. Staff also recommends approval of the appropriations. Funds included in this budget will not be spent until after July 1, 2018 when HUD releases the entitlement.

Alternatives:

No alternatives are proposed.

Attachments:

- 2018-2019 Proposed CDBG and HOME Budget
- Appropriation Resolution for CDBG funds
- Appropriation Resolution for HOME funds
- Appropriation Resolution for CDBG & HOME reprogrammed funds
- Summary of RFPs submitted
- Minutes from CDBG Task Force meetings

2018-2019 CDBG and HOME BUDGET ALLOCATIONS
RECOMMENDED BY CDBG/HOME TASK FORCE and SAT: 1/16/18 and 1/26/18
RECOMMENDED BY PLANNING COMMISSION: 3/13/2018
APPROVED BY CITY COUNCIL:

A. PRIORITY NEIGHBORHOOD		
A. Belmont and Ridge Street		\$200,000
B. ECONOMIC DEVELOPMENT PROJECTS		
A. Community Investment Collaborative - Scholarships		\$12,500
	ECONOMIC DEVELOPMENT TOTAL:	\$12,500
C. PUBLIC SERVICE PROJECTS		
A. Literacy Volunteers – Basic Literacy Instruction		\$8,300
B. United Way – Childcare Scholarships		\$24,900
C. TJACH – Coordinated Entry System		\$25,000
	SOCIAL PROGRAMS TOTAL:	\$58,200 (15% EN)
D. HOUSING PROJECTS		
A. AHIP – Homeowner Rehab		\$40,991.49
	HOUSING PROGRAMS TOTAL:	\$40,991.49*
E. ADMINISTRATION AND PLANNING:		
A. Admin and Planning		\$77,600 (20% EN)
	GRAND TOTAL:	\$389,291.49
	ESTIMATED NEW ENTITLEMENT AMOUNT:	\$388,000
	ESTIMATED EN AVAILABLE AFTER PI APPLIED:	\$0.00
	REPROGRAMMING:	\$1,291.49

* Funding includes reprogrammed funds

2018-2019 HOME BUDGET ALLOCATIONS

A. Habitat – Down payment Assistance		\$39,488.15*
B. PHA – Down payment Assistance		\$39,488.15*
C. AHIP – Homeowner Rehab		\$20,868.15*
	GRAND TOTAL:	\$99,844.45
	ENTITLEMENT AMOUNT:	\$57,100
	ESTIMATED EN AVAILABLE AFTER PI APPLIED:	\$22,906.59
	REPROGRAMMING:	\$5,557.86
REMAINING LOCAL MATCH FROM PREVIOUS ALLOCATIONS:		\$14,280**

* Includes estimated EN available after program income applied

** Match surplus allocated from previous grant years

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2018-2019
COMMUNITY DEVELOPMENT BLOCK GRANT - \$389,291.49**

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 2018-2019 fiscal year in the total amount of \$389,291.49 that includes new entitlement from HUD amounting to \$388,000, and previous entitlement made available through reprogramming of \$1,291.49.

WHEREAS, City Council has received recommendations for the expenditure of funds from the CDBG Task Force, the SAT, the Belmont and Ridge Street Priority Neighborhood Task Force (priorities to be determined at a later date) 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 and Ridge Street Priority Neighborhood	\$200,000
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ECONOMIC DEVELOPMENT

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

United Way – Childcare Scholarships	\$24,900
TJACH – Coordinated Entry System	\$25,000
Literacy Volunteers – Basic Literacy Instruction	\$8,300

HOUSING PROJECTS

AHIP – Homeowner Rehab	\$40,991.49
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ADMINISTRATION AND PLANNING:

Admin and Planning	\$77,600
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TOTAL	\$389,291.49
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$388,000 from the Department of Housing and Urban Development.

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

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are

authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2018-2019
HOME FUNDS \$99,488.45**

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 2018-2019 fiscal year;

WHEREAS, the region is receiving an award for HOME funds for fiscal year 18-19 of which the City will receive \$57,100 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 \$14,280. Project totals also include previous entitlement made available through program income of \$22,906.59. The total of the HUD money, program income, and the local match, equals \$99,844.45 and will be distributed as shown below.

PROJECTS	HOME EN	MATCH	OTHER	TOTAL
Habitat for Humanity-DPA	\$25,240	\$4,760	\$9,488.15	\$39,488.15
PHA-DPA	\$25,240	\$4,760	\$9,488.15	\$39,488.15
AHIP-Homeowner Rehab	\$6,620	\$4,760	\$9,488.15	\$20,868.15
Total	\$57,100	\$14,280	28,464.45	\$99,488.45

* includes Program Income which does not require local match.

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$57,100 from the Department of Housing and Urban Development.

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.

APPROPRIATION
AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT
Reprogramming of Funds for FY 18-19

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:

Program Year	Account Code	Purpose	Proposed Revised Reduction	Proposed Revised Addition	Proposed Revised Appropriation
16-17	P-00001-02-77	OAR Re-entry Services	\$1,287.03		
16-17	P-00001-02-81	CAYIP	\$4.46		
18-19		AHIP Homeowner Rehab		\$1,291.49	\$1,291.49
		TOTALS:	\$1,291.49	\$1,291.49	\$1,291.49

**APPROPRIATION
 AMENDMENT TO HOME INVESTMENT PARTNERSHIP ACCOUNT
 Reprogramming of Funds for FY 18-19**

WHEREAS, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the HOME Investment Partnership (HOME) 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 HOME 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:

Program Year	Account Code	Purpose	Proposed Revised Reduction	Proposed Revised Addition	Proposed Revised Appropriation
16-17	1900266	AHIP – Homeowner Rehab	\$5,380.39		\$0
	1900247		\$98.72		
18-19		Habitat – DPA		\$1,859.29	\$1,859.29
18-19		PHA – DPA		\$1,859.29	\$1,859.29
18-19		AHIP – Homeowner Rehab		\$1,859.29	\$1,859.29
		TOTALS:	\$5,577.86	\$5,577.86	\$5,577.86

Applicant	Score	Request	Operable Threshold	TF Recommendation - Public Services	TF Recommendation -Conditional PS	TF Recommendation Housing/Public Facilities
Lit Volunteers	93	\$8,300	\$5,000		\$8,300	\$8,300
AHIP	88	\$50,000				40991
TJACH	85	\$50,000		\$25,000		
UW	81	\$30,000		\$24,900		
COP	75	\$17,065	\$15,000		\$30,000	
Human Services	73	\$12,000			\$15,000	
PHAR	72	\$17,500	\$10,000		\$4,900	
GAR	71	\$20,000				
Arc	63	\$29,650				
Estimated Budget				\$58,200	\$58,200	\$40,991
				\$0	\$0	\$0
PHA	94	\$58,520		\$30,000		
Habitat	90	\$60,000		\$30,000		
AHIP	88	\$50,000		\$11,380		
				\$71,380		\$0.00

PY 2018-2019 APPLICANT SCORECARD

APPLICANT: PHAR	1	2	3	4	5	6	7	8	9	10	11(a)	12(a)	13	14	15	16
Sherry Kraft	9	3	3	3	5	2	1	2	2	4	0	0	0	4	0	4
Sarah Malpass	9	6	4	6	10	5	9	4	4	3	7	5	0	4	0	2
Kelly Logan																
Kelsey Cox	9	6	5	7	10	6	9	2	6	4	4	6	5	4	5	4
Howard Evergreen	9	6	5	5	5	4	9	2	6	6	0	0	0	0	0	4
Tanea Dowell	9	6	4	7	10	2	9	4	3	5	5	6	5	4	5	3
Kathy Johnson Harris																

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APPLICANT: Dept of Human Services	1	2	3	4	5	6	7	8	9	10	11(a)	12(b)	13	14	15	16
Sherry Kraft	9	6	5	7	6	6	4	6	6	7	6	5	4	5	4	
Sarah Malpass	9	6	5	7	8	5	5	5	5	7	6	5	4	5	4	
Kelly Logan	9	6	3	7	10	3	2	3	6	7	6	3	4	5	4	
Kelsey Cox	9	6	5	7	10	1	2	2	4	4	6	5	4	5	4	
Howard Evergreen	9	3	3	3	5	3	2	6	6	0	6	5	2	2	2	
Tanea Dowell	9	6	5	3	5	1	2	2	2	7	6	0	3	0	4	
Kathy Johnson Harris																

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APPLICANT: City of Promise	1	2	3	4	5	6	7	8	9	10	11(a)	12(b)	13	14	15	16
Sherry Kraft	9	6	5	7	9	6	5	6	5	0	6	5	4	5	4	
Sarah Malpass	9	6	5	7	8	6	5	6	5	0	6	5	4	5	4	
Kelly Logan	9	6	3	7	10	7	5	0	4	2	6	3	4	5	4	
Kelsey Cox	9	6	5	6	0	9	5	1	4	0	6	5	4	5	4	
Howard Evergreen	9	6	5	5	9	9	5	6	6	0	6	2	2	2	4	
Tanea Dowell	9	6	2	7	10	3	5	5	6	0	6	5	4	0	4	
Kathy Johnson Harris																

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APPLICANT: Literacy Volunteers	1	2	3	4	5	6	7	8	9	10	11(a)	12(a)	13	14	15	16
Sherry Kraft	9	6	5	5	5	6	9	5	6	5	7	6	5	4	5	
Sarah Malpass	9	6	5	7	10	6	8	5	6	6	6	6	5	4	5	
Kelly Logan	9	6	4	5	10	6	9	5	6	6	4	6	5	4	5	
Kelsey Cox	9	6	5	7	10	6	9	5	6	6	4	6	5	4	5	
Howard Evergreen	9	6	5	7	5	6	9	5	6	6	7	6	5	4	5	
Tanea Dowell	9	6	5	7	10	3	9	5	6	6	2	2	5	4	0	
Kathy Johnson Harris																

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APPLICANT: OAR	1	2	3	4	5	6	7	8	9	10	11(a)	12(b)	13	14	15	16
Sherry Kraft	9	6	0	5	3	9	4	6	6	0	6	5	4	5	4	
Sarah Malpass	9	6	4	7	3	9	3	6	6	0	6	4	4	5	4	
Kelly Logan	9	6	1	5	3	9	5	3	6	0	6	2	4	3	4	
Kelsey Cox	9	6	0	5	3	9	5	5	6	0	6	5	4	0	4	
Howard Evergreen	9	6	5	5	10	6	2	6	6	4	6	0	2	2	2	
Tanea Dowell	9	6	4	5	3	9	4	5	6	0	6	5	3	5	4	
Kathy Johnson Harris																

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APPLICANT: TACH	1	2	3	4	5	6	7	8	9	10	11(a)	12(a)	13	14	15	16
Sherry Kraft	9	6	5	7	5	6	9	5	6	6	0	6	5	4	5	
Sarah Malpass	9	6	5	7	10	6	9	5	5	6	4	6	5	4	5	
Kelly Logan	9	6	4	7	10	6	9	5	6	6	4	6	4	4	5	
Kelsey Cox	9	6	3	5	10	6	9	4	5	6	0	6	5	0	5	
Howard Evergreen	9	3	3	3	5	6	3	2	3	6	0	0	5	4	5	
Tanea Dowell	9	6	4	7	10	5	9	4	2	6	0	6	5	4	5	
Kathy Johnson Harris																

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APPLICANT: United Way	1	2	3	4	5	6	7	8	9	10	11(a)	12(b)	13	14	15	16
Sherry Kraft	9	6	0	7	6	8	4	6	6	4	6	3	4	4	4	
Sarah Malpass	9	6	0	7	0	9	5	6	6	2	6	5	4	5	4	
Kelly Logan	9	6	0	7	0	9	5	3	6	0	6	5	4	5	4	
Kelsey Cox	9	6	0	7	0	9	5	3	6	0	6	5	4	5	4	
Howard Evergreen	9	6	5	7	10	9	6	6	6	7	6	5	4	5	4	
Tanea Dowell	9	6	0	7	8	6	8	6	6	2	6	5	4	5	4	
Kathy Johnson Harris																

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APPLICANT: Arc of Piedmont	1	2	3	4	5	6	7	8	9	10	11(a)	12(a)	13	14	15	16
Sherry Kraft	9	3	3	3	5	2	0	2	1	2	0	6	5	4	0	
Sarah Malpass	9	6	4	7	8	6	5	5	6	5	4	6	5	4	5	
Kelly Logan	9	6	1	7	10	5	5	4	3	3	2	6	2	4	5	
Kelsey Cox	9	6	3	3	8	0	1	4	2	2	0	6	5	4	0	
Howard Evergreen	9	3	5	3	5	0	1	0	0	2	0	6	5	0	5	
Tanea Dowell	9	3	1	3	7	0	1	5	5	6	0	6	5	2	4	
Kathy Johnson Harris																

60
379

63

APPLICANT: AHP	1	2	3	4	5	6	7	8	9	10	11(b)	12(b)	13	14	15	16
Sherry Kraft	9	6	5	7	10	9	5	6	6	7	6	5	4	5	4	
Sarah Malpass	9	6	5	7	10	9	4	6	6	7	6	5	3	5	4	
Kelly Logan	9	6	5	7	8	6	2	5	6	6	6	3	4	5	4	
Kelsey Cox	9	6	5	7	3	1	5	5	4	7	6	5	4	5	4	
Howard Evergreen	9	6	5	7	5	9	5	6	6	7	6	5	4	5	4	
Tanea Dowell	9	6	5	7	9	9	5	6	7	7	6	5	4	5	4	
Kathy Johnson Harris																

94
92
82
76
89
94
107

88

APPLICANT: Habitat for Humanity	1	2	3	4	5	6	7	8	9	10	11(b)	12(a)	13	14	15	16
Sherry Kraft	9	6	5	7	10	6	9	5	6	6	7	6	5	4	5	
Sarah Malpass	9	6	5	7	5	6	9	4	6	6	7	6	5	4	5	
Kelly Logan	9	6	4	7	8	5	6	9	5	6	7	6	5	4	5	
Kelsey Cox	9	6	5	7	6	6	6	4	5	4	7	6	5	4	5	
Howard Evergreen	9	3	5	3	5	6	3	5	6	6	7	0	0	4	4	
Tanea Dowell	9	6	4	7	10	6	9	5	6	6	5	6	5	4	5	
Kathy Johnson Harris																

100
94
96
89
86
97
943

90

APPLICANT: PHA	1	2	3	4	5	6	7	8	9	10	11(b)	12(a)	13	14	15	16
Sherry Kraft	9	6	5	7	10	6	9	5	6	6	7	6	5	4	5	
Sarah Malpass	9	4	5	6	5	6	9	3	6	6	7	6	5	4	5	
Kelly Logan	9	6	3	7	10	5	9	3	6	6	7	6	3	3	5	
Kelsey Cox	9	6	5	7	10	6	9	2	5	4	7	6	5	4	5	
Howard Evergreen	9	6	5	7	5	6	9	5	6	6	7	6	5	4	5	
Tanea Dowell	9	6	3													

CDBG TASK FORCE

Minutes

Neighborhood Development Services Conference Room, City Hall

Tuesday, January 16, 2018

3:00pm – 5:00pm

Attendance:

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

The meeting began at 3:00pm. Staff (Tierra Howard – TH) mentioned that she had a few items to discuss prior to beginning the discussion. She mentioned that there was an error with #5 on the evaluation score sheet template. TH allowed Task Force (TF) members to correct the scores due to the error.

Tanea Dowell (TD) asked if she was missing the Community Investment Collaboration (CIC) application. TH explained that the CIC application is reviewed and approved by the Strategic Action Team since it is an economic development activity application.

TH introduced Kelsey Cox (KC), the TF representative for the Belmont Neighborhood.

Review of Average Scores for CDBG Proposals

TH reviewed the average CDBG scores as submitted to her (as shown on the attached excel spreadsheet).

TH explained that CIC and Offender Aid Restoration (OAR) forgot to submit their required supplemental materials. TH received the supplemental materials after the required application due date. TH asked the TF to decide whether or not each application should still be considered in the evaluation process.

Howard Evergreen (HE) mentioned that Habitat for Humanity did not include their Board addresses in their application, which makes an incomplete application. TH explained that the TF had the opportunity to revise the evaluation tool and include a scoring category for application completeness. TH explained that the TF can add a scoring category next year for application completeness. Kelly Logan (KL) also expressed that upon her review, some

of the applications did not provide local data, as requested, which is why she provided a score of zero for particular categories on some applications. Sarah Malpass (SM) suggested that the agency Board member addresses may not be critical information. TH explained that the reason why Board member information is requested is due to conflict of interest concerns.

TH explained that it is the Task Force's decision to decide how to account for incomplete applications. SM mentioned that the 990 documents seem more important to her than Board addresses. Sherry Kraft (SK) mentioned that she would hate to see the incomplete applications be removed from being considered from the process.

TH mentioned that CIC and OAR would both have to be considered in the decision to determine if each agency would be penalized for not submitting the supplemental materials by the deadline. HE asked if OAR's application could fall under the economic development category. Staff mentioned that OAR's application is considered a public service activity with a focus on workforce development.

SM asked about where the economic development set-aside would be allocated if they are not allocated to an economic development project. TH explained that there are federally mandated allocation percentage caps on administrative and public service activities. TH explained that unallocated funds can be allocated toward housing activities (such as AHIP's homeowner rehab project), public facility projects (such as the Arc of Piedmont's floor repair project), or the priority neighborhood set-aside.

KL asked if the Arc of Piedmont's application was a public facility or public service project. TH stated that it is a public facility project. There was discussion about whether or not to fund the public facility project or housing project if they are the only applicant in the category. TH explained that HE suggested that as a matter of fairness, just because one application is submitted for a given category, should not automatically allow for the agency to be funded.

On a motion by TD, seconded by SK, the CDBG Task Force unanimously approved the consideration of both OAR and CIC's application in the FY 18-19 evaluation process.

Public Service Projects

- Staff mentioned that the estimated budget for public service projects is \$58,200.
- SM mentioned that Thomas Jefferson Area Coalition for the Homeless (TJACH) did not provide an operable budget threshold, but it appears as though they would need the position to be fully funded. SM stated that she was unclear if it would make sense to provide a funding recommendation for half of TJACH's funding request. There was additional discussion about whether their funding request is meant to be fully funded or if it could operate with half funding. SM fully supports TJACH developing the position further, but she is not sure if CDBG would be appropriate for fully funding the position. SK stated that she does not feel comfortable fully funding the request because that would leave no funds for the other projects. KL mentioned that fully funding TJACH would fully fund the top two scorers (including Literacy Volunteers). HE brought up concerns about the sustainability of TJACH's position and the ability to fund the position after one year. TH reviewed the applicant's

response to the questions that were sent out. There was ongoing discussion about sustainability and the future of the TJACH position.

- There was discussion about United Way and why some TF members provided low scores. TF explained that the timeline and the outcomes were not clear. TD mentioned that the budget mentioned County beneficiaries; however, other members mentioned that they were clear about the funds benefitting City residents.
- KL stated that United Way's application mentions that City Department Social Services (DSS) funds are available for childcare assistance. KL mentions that there is no waiting list (there used to be). The TF had a discussion about the process and the requirements for the DSS program. KL mentioned that if the TF decided not to fund United Way, there is another funding source available for childcare, however, the group discussed that there are different requirements/process for accessing the funds, which could potentially turn people away from wanting to get DSS childcare assistance due to the child support enforcement requirement. The TF discussed the benefits of having an alternative funding source for childcare. TD mentioned that too many City services discourage fathers from being active in their child's life. KL mentioned that she is not aware of what the income requirements are for United Way to determine if they are higher than DSS. HE mentioned that if the TF decides not to fully fund United Way, it will only reduce the number of beneficiaries that it can serve, which is not similar to funding a position.
- HE suggested that the TF make a recommendation to offer TJACH half of their funding request. If they are unable to use the funds, the funds can be allocated to the other agencies.
- TD asked if the group decided whether or not to fully fund projects, which could help with the decision-making process.
- On a motion by TD, seconded by SK, the CDBG Task Force unanimously made a recommendation to fully fund Literacy Volunteers based on their score being the highest score for their full funding request at \$8,300.
- SK mentioned that if there are additional funds for childcare through DSS, she supports not fully funding United Way.
- SM mentioned that she's curious about the idea of partially funding TJACH.
- There was discussion about TJACH being able to fundraise for the other part of the funds if CDBG partially funds the project. HE suggested that the TF recommend funding TJACH for half, and then they can fund a half-time person which would serve about half of the beneficiaries. Staff suggested that the TF include conditional language in their motion/recommendation and then TJACH can then let staff know if they are willing to accept half of the funding prior to PC approving the TF funding recommendations. The TF can then provide a conditional budget if TJACH cannot utilize the funds.
- TD suggested that the group cut off funding considerations using the average score of 79. TD suggested that the TF will not be able to consider all of the applications and the purpose of the tool is to consider those applicants that scored higher.
- SK asked what the group thought about PHAR's application. There was discussion about the budget being unclear. There was also discussion about City of Promise's application scores. The TF mentioned that they did not score as high as usual (historically); however, the application is an improvement from the previous year. Staff mentioned that the TF should also consider other funding sources as listed on the application to assist with answering some of their questions.

- SM mentioned that if a previous applicant fell short of their projected outcomes, and did not make a compelling argument to explain why, then that should be considered by the TF.
- SM mentioned that she would be willing to make a motion to drop PHAR and OAR (the two lowest scores) off of the funding recommendation list.
- On a motion by SM, seconded by HE, the CDBG Task Force unanimously made a recommendation to omit the two lowest scorers, OAR and PHAR from consideration.
- SK mentioned that she has a hard time dropping City of Promise from the funding pool. She discussed that they have had a transition in leadership.
- TD reminded the group that in determining whether or not to fund the lowest scorers, City of Promise and CAYIP, the TF needs to rely on the scores and scoring mechanism in order to justify the funding recommendations. HE mentioned that COP score is below average and the operable threshold is high. TD mentioned that the CAYIP application is similar. HE suggested that the TF consider what TD suggested and that is to focus on the applicants that scored above average.
- HE suggested that the TF focus on the top scorers and fund United Way at about \$25,000 and if TJACH cannot utilize their funds at an operable threshold at \$25,000, then the funding can be allocated to City of Promise on a conditional basis. HE suggested that an applicant who scored the lowest should not get fully funded while an applicant who scored the highest also does not get fully funded (in regards to COP).
- KC asked if the TF wanted to consider fully funding TJACH. HE mentioned that the only way that the TF could get fully funded is if the TF decides that United Way does not get funded. HE mentioned that there is a need for childcare and that United Way provides an important service. SM mentioned that United Way could be serving families who are not getting assistance from DSS. KL mentioned that the income requirements could be different, which means that the families who do not qualify for DSS assistance, could potentially qualify for United Way assistance. KL recommended that the TF provide some level of funding to as United Way earmarks certain funding for partners that they work with. TD mentioned that if a single parent goes to DSS for childcare assistance, and DSS requires that the mother goes to the division of child support, this is a critical component to the decision making process. United Way could serve a need.
- HE suggested that TJACH should be funded at \$25,000, United Way should be funded with the amount leftover \$24,900, and if TJACH cannot support the position with half funding, then the remaining balance should go to COP at their full funding request and the remaining funds should go to human services at \$10,000. TD suggested that the remaining amount should go to United Way and not human services.
- Staff mentioned that since CAYIP's program is a government/City program, Department of Human Services (DHS) has to justify a quantifiable increase in the number of beneficiaries served, per CDBG requirements. The current application proposes that DHS will serve 6 additional youth with the CDBG funds. SM discussed the benefits of having a CAYIP internship. TD questioned where the proposed outcomes are outlined in the application. KL mentioned that the proposed outcomes are listed in another place of the application. HE expressed that it's not clear to him how \$8,000 would help give them something that they can't get somewhere else.

- Staff mentioned that she asked COP to provide more details in regards to the budget. Staff expressed that COP can't use funding for incentives and gift cards and she asked COP to explain how baby showers and celebrations connect to the program goals. COP did not elaborate further on how this ties to the goal of the program.

Housing and Public Facility Projects

Arc of Piedmont and AHIP Application

- KL mentioned that it was difficult to score Arc of Piedmont's application because the scoring tool was not as relative to the Arc of Piedmont project as the other applications. KL mentioned that Arc of Piedmont serves the very low-income population and the most underserved persons. SM mentioned that the project is important due to principles of dignity and safety and that their clients should be able to have the same living environment as others. KL mentioned that the flooring conditions are a safety hazard for clients who are wheel-chair bound.
- SK asked if there are other funding sources for projects like the Arc of Piedmont. Staff was unable to identify any other funding sources for similar projects. HE suggested that perhaps Building Goodness could assist the Arc with a project similar to what being proposed. HE suggested that perhaps the materials could be funded through CDBG and Building Goodness could do the labor.
- TD felt like what was being proposed did not fit within the criteria of the questions, which is why she scored the project low. This is the only time TD felt like someone with the lowest score should be considered.
- HE felt like the Arc didn't make the safety case strong enough in their application and the application appeared to highlight cosmetics versus safety. SM felt like the aesthetics of a living space is important and relates to community values. HE explained that if they could have provided pictures or a way to explain why the improvements were necessary, it would have been helpful. HE explained that they only provided one estimated cost and questioned if it was an accurate estimate of the funding that may actually be needed, however, he'd still like to support their application.
- SK stated that it wasn't a great application, they struggled to make the case, however, she still understands what the need is. The TF began discussing the number of bids that Arc could have potentially received for the project. Staff mentioned that the applicant is not required to submit three bids at this point in the process. Staff oversight at a later date is to ensure that the correct numbers of bids are submitted. Staff mentioned that perhaps that they did submit the lowest bid of three, however, at this point, the application process does not require them to submit bids.
- TD mentioned that none of the applications were great even though all of the applicants attended the workshop and the guidelines were presented clearly.
- SK felt like there were some good applications. SK had questions related to the Priority Neighborhood and the scoring tool and whether or not this question was fair to those agencies who serve those outside of the priority neighborhood. Staff mentioned that this is merely a preference question in line with Council's desires to target funds in the selected priority neighborhood. Staff mentioned that historically, there is a preference for each priority neighborhood each year and that

the 10th & Page neighborhood was once a priority neighborhood where an agency who served in that neighborhood had the opportunity to gain additional points.

- Kelsey Cox (KC) mentioned that it seems like the tool does a good job of ruling out deficits in the applications. With the Arc of Piedmont application, the scoring mechanism did a good job in scoring the application relative to what was submitted in the application.
- In regards to AHIP's application, staff mentioned that a substantial rehab typically ranges between \$30,000 and \$50,000.
- In relation to the Arc's application, HE mentioned that it appears as though \$20,000 for floor repairs is a bit high.
- HE mentioned it would be good if CDBG could finance the materials and if agencies like Building Goodness could install the materials. TH urged the TF to make funding recommendations based upon what is submitted in an application.
- HE mentioned that asbestos, lead, and other issues can be uncovered when doing a rehab project which adds extra cost to a project. HE questioned whether or not this was taken into account in the Arc's application.
- The TF discussed that Arc's proposal did not provide detail about what flooring is needed, how much flooring is needed and that the application omitted project details. The TF still felt like the project is still a worthy project. Arc's application did not meet the average score threshold and funding the project seems to be inappropriate. KC mentioned that it seems as though the dollars are going further with AHIP's project. KC mentioned that the scope of work in the Arc project is not provided and that there seems to be lot of unknowns due to the lack of detail in the submitted budget. The TF began to weigh the two projects during a discussion about fixing two homes versus fixing the flooring in one home. A TF member mentioned that the Arc project would serve more beneficiaries.
- On a motion made by TD, seconded by KC, the CDBG Task Force unanimously recommended that AHIP receive funding in the amount of \$40,991.
- The group continued to discuss concerns about the quality of the Arc application and the cost of the project.

HOME Applications

- The TF mentioned that PHA scored the highest. The TF mentioned that PHA uses different income limits than Habitat along with a different down payment assistance structure and serves folks at a higher income threshold. HE stated that Habitat does not have to require a set down payment amount that he is aware of. There was some discussion about Habitat's alternative funding sources.
- The TF agreed that Habitat had a good application.
- There was a discussion about funding persons who stay in the community long-term and the desire to fund projects that target the lower income population (persons who do not have a chance in homeownership versus funding persons at PHA, who serves a different need in the community. TD mentioned that PHA was the only applicant who mentioned that they use industry best practices.
- On a motion by HE, seconded by SK, the CDBG Task Force unanimously approved the HOME funding recommendations as follows:
 - Fund Habitat for Humanity at \$30,000; and
 - Fund PHA at \$30,000;
 - Fund AHIP at \$11,380; and

- Because actual entitlement amounts for CDBG and HOME are not known at this time, the Task Force recommended that all recommendations are increased/reduced at the same pro-rated percentage of actual entitlement to be estimated. No agency will increase more than their initial funding request.

The meeting adjourned at 5:00pm.

CDBG/HOME RFP SUBMISSIONS - FY 2018-19

Organization, (Program Title)	Project Contact	Program Description	Funding Requested
Public Housing Association of Residents	Brandon Collins	Employment and Redevelopment Readiness	\$17,500
City of Charlottesville Dept of Human Services	Misty Carpenter	Community Attention Youth Internship Program	\$12,000
City of Promise	Mary Coleman	Enroll to Launch/Baby Academy	\$17,065
Literacy Volunteers of Charlottesville/Albemarle	Ellen Osborne	Basic Literacy Instruction	\$8,300
OAR/Jefferson Area Community Corrections	Patricia Smith	Reentry Services	\$20,000
Thomas Jefferson Area Coalition for the Homeless	Anthony Haro	Coordinated Entry System for Homeless Services	\$50,000
United Way - Thomas Jefferson Area	Barbara Hutchinson	Childcare Scholarship Program	\$30,000
			\$154,865
Organization, (Program Title)	Project Contact	Program Description	Funding Requested
Community Invest. Collaboration	Stephen Davis	Entrepreneurship-training	\$12,500
			\$12,500
Organization, (Program Title)	Project Contact	Program Description	Funding Requested
The Arc of Piedmont	John Santoski	Shamrock House Floor Replacement	\$29,650
			\$29,650
Organization, (Program Title)	Project Contact	Program Description	Funding Requested
Albemarle Housing Improvement Program	Jennifer Jacobs	Block-by-Block Charlottesville (BXBC) - Belmont	\$100,000
Habitat for Humanity	Annie Stup	Project 20 - Downpayment Assistance	\$60,000
Piedmont Housing Alliance	Karen Reifenberger	Affordable Homeownership with Downpayment Assistance	\$58,520
			\$218,520
Social	Economic Development	Public Facilities	Housing Programs

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 7, 2018
Action Required:	Approval and appropriation
Presenter:	Leslie Beauregard, Assistant City Manager
Staff Contacts:	Leslie Beauregard, Assistant City Manager Maya Kumazawa, Budget and Management Analyst
Title:	State Assistance and Citizen Donation for Spay and Neuter Program at SPCA - \$1,998.52

Background:

The City has received State assistance in the amount of \$1,998.52 from the Department of Motor Vehicles for sales of license plates bought to support spay and neutering of pets. The amount received in Fiscal Year 2017 was \$1,012.62 and the amount received in Fiscal Year 2018 was \$985.90. These funds are appropriated to the local agency that performs the local spay and neutering program, which in this case is the Charlottesville/Albemarle Society for the Prevention of Cruelty to Animals (SPCA).

Discussion:

The City currently has a contractual obligation to support the SPCA to provide services that the City does not. Supporting the organization with additional funds will increase the level of service that SPCA can provide and potentially supplement the level of funding that is needed from the City each year.

Alignment with City Council's Vision and Strategic Plan:

By keeping animals healthy and their populations under control, this contributes to Council's vision to be "America's Healthiest City." In addition, by supporting a local community partner, this contributes Goal 2: A Healthy and Safe City, Objective 2.3 Improve community health and safety outcomes by connecting residents with effective resources.

Community Engagement:

N/A

Budgetary Impact:

These funds will be appropriated into the General Fund and distributed to the SPCA.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

Return funds to the state.

Attachments:

Appropriation

Appropriation

**State Assistance for Spay and Neuter Program at S.P.C.A.
\$1,998.52**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$1,998.52 is hereby appropriated to the Charlottesville / Albemarle SPCA in the following manner:

Revenues - \$1,998.52

Fund: 105 Cost Center: 9713006000 G/L Account: 430080

Expenditures - \$1,998.52

Fund: 105 Cost Center: 9713006000 G/L Account: 540100

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 7, 2018
Action Requested:	Approve Appropriation
Presenter:	Mike Mollica, Facilities Development Manager, Public Works
Staff Contacts:	Mike Mollica, Facilities Development Manager, Public Works Ryan Davidson, Senior Budget and Management Analyst, Office of Budget and Performance Management
Title:	Transfer of funds designated for new Salt Storage facilities, from Snow Removal Operations to the Facilities Lump Sum account- \$300,000

Background:

On December 18, 2017, City Council approved \$300,000 to be used to replace the City’s salt storage facilities as part of the FY 2017 Year End Appropriation. These funds were appropriated to the Snow Removal Operations cost center in the General Fund and now need to be transferred to the Facilities Lump Sum Capital account in the Capital Improvement Fund.

Discussion:

It is anticipated that the bid process for the new Salt Storage facilities will take place during summer/fall of 2018, with a purchase order being issued after June 30, 2018 to encumber the funds. Given this timeline, the project logistics, and the Albemarle County site plan review process, a more expansive timeline is necessary. It’s likely that the updated time frame for this work to be performed could even extend into 2019. In order to ensure that funding for this project will remain available after the end of FY 2018, this funding will need to be transferred from the General Fund to the Capital Improvement Fund, which will allow funding to automatically carry over each year until the work is completed.

Alignment with City Council’s Vision and Strategic Plan:

The project supports City Council’s “A Connected Community” vision. It contributes to Strategic Plan Goal 2: A Healthy and Safe City.

Community Engagement:

N/A

Budgetary Impact:

No additional funding will be required. The request is a transfer of previously appropriated funds from the General Fund to the Capital Improvement Fund.

Recommendation:

Staff recommends approval of the transfer of the funds.

Alternatives:

If the funding is not moved to the Capital Improvement Fund prior to June 30, 2018, Public Works will no longer have access to the funding necessary for the new salt storage facilities during the time frame it is needed. This would result in a loss of operating efficiency and safety for our snow operations team.

Attachments:

Appropriation

APPROPRIATION

Transfer of funds designated for new Salt Storage Facility, from Snow Removal Operations to the Facilities Lump Sum account- \$300,000

WHEREAS, City Council approved as part of the FY 2017 Year End Appropriation funding in the amount of \$300,000 in the Snow Removal Operations budget in the General Fund, for the new Salt Storage Facility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$300,000 is to be appropriated in the following manner:

General Fund:

Transfer From:

Expenditures - \$300,000

Fund: 105 Cost Center: 2443002000 G/L Account: 599999

Transfer To:

Expenditures - \$300,000

Fund: 105 Cost Center: 9803030000 G/L Account: 561426

Capital Projects Fund:

Transfer From:

Revenue - \$300,000

Fund: 426 Funded Program: CP-018 G/L Account: 498010

Transfer To:

Expenditures - \$300,000

Fund: 426 Funded Program: CP-018 G/L Account: 599999

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CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	May 21, 2018
Action Required:	Approve resolution of appointment
Presenter:	Maurice Jones, City Manager
Staff Contacts:	Maurice Jones, City Manager
Title:	Appointment of the Chief of Police

Background:

The Charlottesville Police Department (CPD) is comprised of 127 sworn police officers and 154 total employees. The largest division of the department is the Patrol Bureau. Its uniformed officers patrol City neighborhoods with walking beats, radio cars, motorcycles, mountain bikes, and trail bikes. The Patrol Bureau also maintains community service officers, full-time school resource officers, a highly trained SWAT team, animal control officers, and crossing guards.

The Department's Investigations Bureau has highly skilled detectives and certified forensic technicians. The Forensics Unit continues to lead the way for other Virginia law enforcement agencies in DNA evidence collection techniques and DNA matches or "hits." CPD is also a nationally accredited department.

The Chief of Police is an integral part of the City's management team, and:

- Is responsible for the planning, coordination, direction, and ultimately the execution of policing services in a manner that is consistent with evidence and constitutionally based policing practices.
- Researches, plans, coordinates, directs, and reviews any and all activities of personnel who are authorized to perform law enforcement activities that include, but that may not be limited to, uniform patrol, criminal investigations, large event planning, school safety and security, animal control, school traffic guard, and a host of other crime prevention and relational policing activities. The Chief shall also research, plan, program, direct, and evaluate each and every operational and administrative element of the Police Department that is not otherwise enumerated within this job description, but may from time to time become necessary in the performance of duty.

- Is responsible for the development of the annual budget proposal and shall monitor and control budgeted expenditures with the assistance of support staff and the City of Charlottesville Department of Finance and the Budget Office.
- Fosters departmental relationships and liaises with other City, County, and University of Virginia officials, community and business leaders, members of the clergy, and the general public with regard to law enforcement and relational policing activities with a view towards establishing and maintaining long-term and sustainable relationships and partnerships with those who live, work, and visit the City of Charlottesville.
- Is directly responsible for hiring personnel, disciplining personnel, and terminating employment in accordance with the City of Charlottesville's personnel policies and applicable law. In addition, the Chief is responsible for assigning personnel to the various elements throughout the police department and ultimately oversees the evaluation of the performance of police personnel.
- Is the custodian of any and all records associated with law enforcement activities or administration that are within the police department's actual custody and control, and shall administer those responsibilities in accordance with local, state, and federal laws.

Discussion:

The City Manager's Office began the search for a new Chief in December 2017. In March the City Manager re-advertised the position when several of the finalists for the position withdrew in the week before the interview panels. All together, the City received 169 applications for the position. Six candidates were invited to participate in interviews here in Charlottesville with four panels comprised of representatives from the City Manager's Office and Department Directors (also known as the LEADTEAM), staff from the police department, and two community panels. The six finalists also interviewed with the City Council on the same day.

At the conclusion of the interviews and following a series of reference checks, Mr. Jones chose Chief RaShall Brackney as his recommendation for formal appointment by the City Council. Chief Brackney was introduced to the public during a press conference on May 15.

Chief Brackney is a retired 30-year veteran of the Pittsburgh Bureau of Police and the former Chief of Police of the George Washington University. During her tenure as a law enforcement professional, she has been responsible for overseeing critical operations to include Uniform Crime Reports (UCR) to the Federal Bureau of Investigations, CALEA accreditation, Special Deployment Operations including SWAT, Mounted Patrol, Accident Investigation, Hostage Negotiations, River Rescue, Special Events, Traffic Division, Tow Pound and the "Bomb" Squad, the training Academy, Patrol Operations and Major Crimes.

Chief Brackney has continued to serve her communities and is an Executive Board member for the Homewood Children's Village (HCV). Additionally, she has served on Executive and Leadership Boards for Operation Better Block (OBB), The Heinz Endowments: African-American Men and Boys Initiative, Amachi Pittsburgh, A Giving Heart, Manchester Academic Charter School and the Alliance for Police Accountability.

Chief Brackney earned BS (2009) and Masters (2011) degrees from Carnegie-Mellon University and a Ph.D. (2017) from Robert Morris University. Additionally, she has earned numerous professional certificates from Penn State University, The University of Delaware, The Command Institute for Police Executives and the Police Executive Research Forum. Chief Brackney is also a graduate of the FBI National Academy in Quantico, Virginia; the United States Secret Service Dignitary Protection course in Washington, D.C.; Redstone Arsenal “Bomb School” for managers in Huntsville, Alabama; and, Leadership Pittsburgh XIX.

Awards received by Chief Brackney include:

- 50 Women of Excellence Award, New Pittsburgh Courier, 2014
- Community Peace Keeper of the Year Award, Northside Coalition for Fair Housing, 2014
- Community Police Officer of the Year Award, Alliance for Police Accountability, 2013
- Otto Davis Award for Social & Racial Justice, Carnegie Mellon University, 2011

Relevant Code Section:

Sec. 20-2. – Appointment of chief and other officers.

The city manager shall appoint a chief of police, such appointment to be approved by the city council. The city manager, with the advice of the chief of police, shall appoint such other officers as may be deemed necessary.

(Code 1976, § 21-1)

Alignment with the City Council Vision:

America’s Healthiest City

All residents have access to high-quality health care services. We have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools. We have a strong support system in place. Our emergency response system is among the nation’s best.

Smart, Citizen-Focused Government

The delivery of quality services is at the heart of Charlottesville’s social compact with its citizens. Charlottesville’s approach to customer service ensures that we have safe neighborhoods, strong schools, and a clean environment. We continually work to employ the optimal means of delivering services, and our decisions are informed at every stage by effective communication and active citizen involvement. Citizens feel listened to and are easily able to find an appropriate forum to respectfully express their concerns.

Budgetary Impact:

The proposed salary for the new police chief is \$140,000. The position is currently in the FY 2019 general fund budget, so the appointment will not have a significant impact on the budget.

Recommendation:

The City Manager recommends the appointment of Dr. Brackney as the new Chief of Police.

Alternatives:

The Council could choose not to make the appointment and ask the City Manager to initiate a new search.

Attachments:

Resolution of appointment
Dr. Brackney's Resume

RESOLUTION
Appointment of the Chief of Police

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville that Dr. RaShall M. Brackney be appointed Chief of Police effective June 18, 2018.

DR. RASHALL M. BRACKNEY

PUBLIC SAFETY EXECUTIVE & CHANGE AGENT

PROFILE

DEVOTED PUBLIC SERVANT WITH OVER 33 YEARS OF PROGRESSIVE LEADERSHIP IN INVESTIGATIONS, ADMINISTRATION, AND OPERATIONS WITHIN THE LAW ENFORCEMENT COMMUNITY. **EVIDENCE-DRIVEN CRIME REDUCTION STRATEGIST** WITH VAST EXPERIENCE IN COMMUNITY-BASED DATA COLLECTION, ANALYSIS, AND PROGRAM APPLICATIONS TO MITIGATE CRIME AND ENHANCE COMMUNITY WELLNESS. **ETHICAL AND COMPETENT LEADER** WITH EXTENSIVE DIRECT SERVICE, RESOURCE MANAGEMENT, AND SUPERVISORY EXPERIENCE, AS WELL AS A KEEN UNDERSTANDING OF PUBLIC POLICY THEORY AND MANAGEMENT. **PUBLIC SAFETY CHAMPION AND CHANGE AGENT** WITH A TRACK RECORD OF GAINING ENTRÉE INTO MARGINALIZED COMMUNITIES, DEVELOPING STRATEGIC PARTNERSHIPS, AND IMPLEMENTING MEANINGFUL PROGRAMS, LEADING TO A SEA CHANGE IN PUBLIC PERCEPTION AND TRUST OF THE BUREAU. EXPERTISE IN:

<i>PRINCIPLES & PRACTICES:</i>	LEADERSHIP & INFLUENCE • PUBLIC SAFETY/LAW ENFORCEMENT PRINCIPLES & APPLICATIONS • OPERATIONS MANAGEMENT • PROGRAM DEVELOPMENT • PROBLEM RESOLUTION • PRESS CONFERENCES & MEDIA RELATIONS PUBLIC POLICY & MANAGEMENT • SURVEILLANCE & CRIME ANALYSIS • STRATEGIC PLANNING • ETHICS SYSTEMS IMPROVEMENT • CURRICULUM DEVELOPMENT • CLASS INSTRUCTION • TRAINING & DEVELOPMENT DATA ANALYSIS • POLICY DEVELOPMENT • UNIT SUPERVISION • HR/PERSONNEL MANAGEMENT • PROGRAM EVALUATION • REGULATORY COMPLIANCE • INVESTIGATIONS • BUDGETS • COLLABORATIONS • INNOVATION COMMUNITY-BASED RESEARCH & ENGAGEMENT • INCIDENT COMMAND SYSTEMS • INTERPERSONAL COMMUNICATION • COMMUNITY STEWARDSHIP • CRISIS MANAGEMENT • EMERGENCY OPERATIONS • COUNTER-SURVEILLANCE • PUBLIC DEMONSTRATIONS
<i>SELECTED CERTIFICATIONS:</i>	LEADERSHIP PITTSBURGH XXIX • SENIOR MANAGEMENT INSTITUTE FOR POLICE • F.B.I. NATIONAL ACADEMY THE COMMAND INSTITUTE • CERTIFIED MPOETC STATE INSTRUCTOR • ADVANCED P.O.L.E.X. • NATIONAL INSTITUTE OF ETHICS • P.O.S.I.T. • HOSTAGE-CRISIS NEGOTIATIONS • BASIC PROFESSIONAL POLICE INSTRUCTOR • RED STONE ARSENAL BOMB SCHOOL FOR MANAGEMENT

HIGHLIGHTED ORGANIZATIONAL EXPERIENCE

CARNEGIE-MELLON UNIVERSITY • WASHINGTON, DC • JANUARY 2018 - PRESENT

ADJUNCT PROFESSOR

EXPERIENCED ADJUNCT PROFESSOR PRACTICED AT INSTRUCTING CLASSES AIMED AT STUDENTS CONCENTRATING IN PUBLIC AND MANAGEMENT. PERSONABLE CREATIVE PROFESSIONAL WITH EXPERTISE IN DEVELOPING CRITICAL THINKING, POLICY DEVELOPMENT AND IMPLEMENTATION THROUGH LECTURES, SEMINARS AND OTHER INSTRUCTIVE EDUCATIONAL METHODS.

THE GEORGE WASHINGTON UNIVERSITY • WASHINGTON, DC • JUNE 2015 - JANUARY 2018

CHIEF OF POLICE

WITH OVER 26,000 STUDENTS, GEORGE WASHINGTON UNIVERSITY HAS A STRONG INSTITUTIONAL COMMITMENT TO THE ACHIEVEMENT OF EXCELLENCE AND DIVERSITY AMONG ITS FACULTY, STAFF, AND GREATER GW COMMUNITY. THE CHIEF OF POLICE PROVIDES LEADERSHIP, STRATEGIC PLANNING AND ADMINISTRATIVE DIRECTION FOR A COMPREHENSIVE, FULL-SERVICE POLICE DEPARTMENT. SERVED AS THE SENIOR LAW ENFORCEMENT OFFICER FOR THE UNIVERSITY RESPONSIBLE FOR THE MANAGEMENT OF ADMINISTRATIVE AND OPERATIONAL AFFAIRS, AND OVERSAW SAFETY AND SECURITY FOR A WIDE VARIETY OF PROGRAMS AND FACILITIES. HIGH PUBLIC REPRESENTING THE UNIVERSITY POLICE, MAINTAINED A POSITIVE RELATIONSHIP WITH CONSTITUENTS, AND COLLABORATED WITH A BROAD ARRAY OF CAMPUS STAKEHOLDERS, MUNICIPAL POLICE DEPARTMENTS AND STATE/FEDERAL AGENCIES. ADMINISTERD CRIME PREVENTION

PROGRAMS/STRATEGIES, LEAD COMMUNITY POLICE EFFORTS, ENSURED THE ENFORCEMENT OF LAWS AND CODES, OVERSAW THE INVESTIGATION OF CRIMES AND COMPLAINTS, COORDINATED CRIME STATISTICS AND FEDERAL COMPLIANCE REPORTING, AND OVERSAW THE MAINTENANCE OF CALEA ACCREDITATION REQUIREMENTS FOR THE DEPARTMENT.

DEVELOPED, MANAGED AND LED APPROXIMATELY 140 SWORN POLICE OFFICERS, 6 CIVILIAN STAFF, AND 250 STUDENT ACCESS MONITORS, AND A FULLY STAFFED AND CERTIFIED AMBULANCE SYSTEM SUPPORTED BY AN 11 MILLION DOLLAR BUDGET. OVERSAW OFFICER RECRUITMENT, STAFFING, TRAINING, PROMOTIONS, AND RETENTION EFFORTS, WHILE ASSURING COMPLIANCE WITH ALL PROFESSIONAL STANDARDS/REQUIREMENTS FOR POLICE OFFICERS IN THE DISTRICT OF COLUMBIA AND THE COMMONWEALTH OF VIRGINIA.

IMPLEMENTED AND INSTITUTED BEST PRACTICES AND STANDARDS FOR COMMUNITY POLICING, HARM AND VIOLENCE REDUCTION, CAMPUS DEMONSTRATIONS, LARGE-SCALE EVENTS AND HIGH-PROFILE DIGNITARIES.

CITY OF PITTSBURGH BUREAU OF POLICE • PITTSBURGH, PA • 1984-2015

COMMANDER, OPERATIONS - ZONES 5, 3, & 1 AND MAJOR CRIMES • 2004-2015

DEVELOP AND SUPERVISE APPROXIMATELY 100-250 SWORN PERSONNEL. MANAGE DAILY PUBLIC SAFETY OPERATIONS OF PITTSBURGH'S DIVERSE COMMUNITIES. ANALYZE CRIME TRENDS AND PATTERNS; RESPOND TO COMMUNITY NEEDS VIA TARGETED PROGRAM DEVELOPMENT AND IMPLEMENTATION. OVERSEE FEDERALLY FUNDED WEED AND SEED SITES. LIAISE BETWEEN CITIZENS AND THE PITTSBURGH BUREAU OF POLICE. OVERSEE AND INVESTIGATE ALL MAJOR CRIMES TO INCLUDE HOMICIDES, SEXUAL ASSAULTS, ROBBERY, BURGLARY, ARSON, COMPUTER CRIMES, AND DIGNITARY/WITNESS PROTECTION. OVERSEE ALL CRIME SCENES AND EVIDENCE COLLECTION FOR INVESTIGATIONS AND PROSECUTION.

SELECTED ACCOMPLISHMENTS:

- SIGNIFICANTLY REDUCED CRIME ACROSS ZONE THROUGH IMPLEMENTATION OF VARIOUS COMMUNITY-DRIVEN INITIATIVES.
- INITIATED, DEVELOPED, AND IMPLEMENTED COMMUNITY-ORIENTED CRIME REDUCTION PROGRAMMING INCLUDING "WALK WITH A COP," "COPS & KIDS BASKETBALL PROGRAM," "T'WAS THE BIKE BEFORE CHRISTMAS," "EAST HILLS CRIME REDUCTION INITIATIVE," "ADOPT A GRANDMA," AND "ALLEGHENY DWELLINGS UNITY PROJECT."
- DEVELOPED, DISTRIBUTED, AND ANALYZED THE COMMUNITY PRIDE SURVEY, A CITIZEN-DRIVEN ASSESSMENT OF COMMUNITY CONCERNS AND PERCEIVED INTRINSIC ASSETS, WHICH INFORMED TAILORED APPROACHES TO FUTURE INTERVENTIONS FOR INDIVIDUAL NEIGHBORHOODS.
- THROUGH SUCCESSFUL PITTSBURGH FOUNDATION FUND PROCUREMENT, HIRED A SOCIAL WORKER TO ENHANCE CRIME REDUCTION PROGRAMS AS A FULLY-INTEGRATED RESOURCE FOR CRITICAL CASE MANAGEMENT.
- CONCEIVED AND INSTITUTED A LAW ENFORCEMENT DIVERSION PROGRAM, GUIDED BY HARM REDUCTION PRINCIPLES, WHICH INCLUDES MANDATORY OFFICER ENGAGEMENT WITH OFFENDERS, DELAYED CHARGES, CASEWORK MANAGEMENT, AND CONNECTIONS TO EMPOWERING AND HELPFUL COMMUNITY RESOURCES.
- IMPLEMENTED THE UNIFIED CRIME REDUCTION MODEL, COMPRISED OF COMMUNITY ENGAGEMENT AND SUBSEQUENT IDENTIFICATION OF PROBLEM HOUSEHOLDS FOLLOWED BY STRATEGIC DATA COLLECTION FROM PUBLIC WORKS ENTITIES AND SUBSEQUENT ENGAGEMENT AND DISCUSSION WITH INDIVIDUALS OF INTEREST.

COMMANDER, SPECIAL DEPLOYMENT & SUPPORT SERVICES • 2000-2004

DEVELOPED AND SUPERVISED 60-80 SWORN PERSONNEL. PROVIDED TACTICAL AND OPERATIONS MANAGEMENT FOR SPECIAL DEPLOYMENT AND SUPPORT SERVICES (I.E. SWAT TEAMS, BOMB SQUAD, RIVER RESCUE OPERATIONS, SPECIAL EVENTS, UNIFORM CRIME REPORTING, TRAFFIC AND CITY COURT PERSONNEL, WARRANT/ARREST PROCESSING). COORDINATED ALL MAJOR EVENTS HELD WITHIN THE CITY LIMITS TO INCLUDE THE PITTSBURGH MARATHON, NFL AND MLB SPORTING EVENTS, REGATTA CELEBRATIONS, AND FIRST NIGHT.

SELECTED ACCOMPLISHMENT:

- AS COMMANDER OF SUPPORT SERVICES, OVERHAULED THE UNIFIED CRIME REPORT SYSTEM BY ANALYZING JOB FUNCTIONS AND INSTITUTING A RECORDS DIVISION EMPLOYEE CROSS-TRAINING PROGRAM WHICH STIMULATED COLLABORATIONS, IMPROVED CACHED EXPUNGEMENT TURNAROUND FROM TWO YEARS TO TWO WEEKS, AND ULTIMATELY REDEFINED WORKPLACE CULTURE.
- AS COMMANDER OF SPECIAL OPERATIONS, OVERHAULED THE SWAT AND BOMB SQUAD UNITS EMPLOYING BEST PRACTICE STANDARDS FOR TRAINING, OFFICER SELECTION AND ACCREDITATION.

ADDITIONAL CIVIL SERVICE

CITY OF PITTSBURGH BUREAU OF POLICE • PITTSBURGH, PA

LIEUTENANT, TRAINING ACADEMY • 1998-2000

LIEUTENANT OPERATIONS • 1996-1998

SERGEANT, CHIEF OF POLICE • 1995-1996

PATROL OFFICER, PATROL DIVISION • 1984-1995

EDUCATION

PH.D. IN INSTRUCTIONAL MANAGEMENT & LEADERSHIP • ROBERT MORRIS UNIVERSITY • 2017

MASTER OF PUBLIC MANAGEMENT (MPM) • CARNEGIE MELLON UNIVERSITY • 2011

BS IN PUBLIC POLICY & MANAGEMENT (PPM) • CARNEGIE MELLON UNIVERSITY • 2009

CONTINUING PROFESSIONAL EDUCATION

FEDERAL BUREAU OF INVESTIGATIONS NATIONAL ACADEMY ASSOCIATION (FBINAA 212) • QUANTICO, VA

UNITED STATES SECRET SERVICE DIGNITARY PROTECTION COURSE • WASHINGTON, DC

SENIOR MANAGEMENT INSTITUTE FOR POLICE • BOSTON, MA

RED STONE ARSENAL BOMB SQUAD EXECUTIVE MANAGEMENT COURSE • HUNTSVILLE, AL

PROFESSIONAL AFFILIATIONS

MEMBER • NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES (NOBLE)

MEMBER • INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP)

MEMBER • INTERNATIONAL ASSOCIATION OF CAMPUS LAW ENFORCEMENT ADMINISTRATORS (IACLEA)

- Co-Chair: Government Relations Committee

MEMBER • CONSORTIUM OF UNIVERSITIES OF THE WASHINGTON METROPOLITAN AREA

- Chair: Campus Public Safety Institute Directors

MEMBER • NATIONAL FUSION CENTER ASSOCIATION

FORMER CHAPTER/NATIONAL PRESIDENT • NATIONAL ORGANIZATION OF BLACK WOMEN IN LAW ENFORCEMENT (NOBWLE)

MEMBER, AFRICAN-AMERICAN MEN & BOYS INITIATIVE • THE HEINZ ENDOWMENTS

BOARD MEMBER • AMACHI PITTSBURGH

EXECUTIVE BOARD & FOUNDING MEMBER • HOMEWOOD CHILDREN'S VILLAGE

BOARD MEMBER • A GIVING HEART

BOARD MEMBER • ALLIANCE FOR POLICE ACCOUNTABILITY

ADJUNCT PROFESSOR • CARNEGIE-MELLON UNIVERSITY

SELECTED AWARDS

50 WOMEN OF EXCELLENCE AWARD • NEW PITTSBURGH COURIER • 2014

COMMUNITY PEACE KEEPER OF THE YEAR AWARD • NORTHSIDE COALITION FOR FAIR HOUSING • 2014

COMMUNITY POLICE OFFICER OF THE YEAR AWARD • ALLIANCE FOR POLICE ACCOUNTABILITY • 2013

OTTO DAVIS AWARD FOR SOCIAL & RACIAL JUSTICE • CARNEGIE MELLON UNIVERSITY • 2011

SANKOFA AWARD • UNIVERSITY OF PITTSBURGH AFRICAN AMERICAN ALUMNI COUNCIL (AAAC) • 2010

COMMUNITY CHAMPION AWARD • CHAMPIONS • 2009

CITIZEN OF THE YEAR AWARD • OMEGA PSI PHI (PENNSYLVANIA, OHIO, NEW YORK REGION) • 2001

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



Agenda Date:	May 21, 2018
Action Required:	Consideration of a Resolution
Presenter:	Billie Campbell, Thomas Jefferson Planning District Commission
Staff Contact:	Brian Haluska, Principal Planner, Neighborhood Development Services
Title:	Regional Hazard Mitigation Plan

Background

Request

In order to comply with federal regulations set forth within 44 CFR 201.6, every local government is required to adopt a natural hazard mitigation plan, and to evaluate and update that plan every five (5) years. The local mitigation plan is the representation of the City's commitment to reduce risks from natural hazards, and to serve as a guide for funding decisions of City Council when asked to commit financial resources to reducing the effects of natural hazards. Local mitigation plans also serve as the basis for the Commonwealth of Virginia to provide technical assistance and to prioritize project funding. The Thomas Jefferson Planning District Commission, as a service to its member jurisdictions, prepares a Regional Natural Hazard Mitigation Plan, and coordinates the process for evaluating and updating that Plan every 5 years. This Regional Plan serves as a multi-jurisdictional plan, which satisfies each member locality's obligation to adopt a local plan if each member participates in the review/ updating process and each member locality officially adopts the Plan.

Standard of Review

All localities need to vote on a formal resolution of adoption of the Regional Hazard Mitigation Plan. A resolution for the City of Charlottesville is attached. The Council is requested to adopt the resolution at this meeting.

Discussion

TJPDC has been working with localities in the region to develop the five-year update of the Regional Natural Hazard Mitigation Plan (HMP). The City of Charlottesville has been represented on the HMP working group by Brian Haluska as well as staff from the Charlottesville-Albemarle-UVA Emergency Communications Center, Allison Farole and Kirby Felts (up to her departure on June 30, 2017).

FEMA has just approved the Regional Hazard Mitigation Plan pending adoption by local jurisdictions. Upon submission of Resolutions of Adoption to FEMA, the Regional Hazard Mitigation will become final, and will remain in effect for five years.

Alignment with City Council's Vision Areas and Strategic Plan

The City Council Vision statement on America's Healthiest City states "Our emergency response system is among the nation's best."

The City Council Strategic Plan Goal 2.1 is to "Reduce adverse impact from sudden injury and illness and the effects of chronic disease."

Community Engagement

The Planning District Commission held an open public comment period on the proposed plan from May 31 to June 30, 2017.

Budgetary Impact

No budgetary impact is anticipated from adopting the plan. The plan does serve as a guide for future funding decisions centered on mitigating hazards presented by natural disasters on the community.

Recommendation

Staff recommends the resolution of adoption be approved.

Attachment

- (1) Proposed Resolution Approving the Regional Hazard Mitigation Plan
- (2) Summary Plan for the City of Charlottesville

**RESOLUTION
ADOPTING A NATURAL HAZARD MITIGATION PLAN
FOR THE CITY OF CHARLOTTESVILLE, VIRGINIA**

WHEREAS, the Federal Disaster Mitigation Act of 2000, as amended (“The Act”), requires every local government to develop, adopt and update a natural hazard mitigation plan in order to receive certain federal assistance and grant funding, and requires every local government to evaluate and update its plan every five (5) years; and,

WHEREAS, the Thomas Jefferson Planning District’s Regional Natural Hazard Mitigation Plan has been prepared in accordance with FEMA requirements at 44C.F.R. 201.6 and the City of Charlottesville has actively participated in the process of developing this multi-jurisdictional plan; and,

WHEREAS, The City of Charlottesville’s participation in the preparation of the Regional Natural Hazard Mitigation Plan through representation on the Working Group by staff from the City government and by staff of the joint Charlottesville-Albemarle-UVA Emergency Communications Center, and,

WHEREAS, the Virginia Department of Emergency Management (VDEM) and the Federal Emergency Management Agency (FEMA) have deemed the submitted multi-jurisdictional plan satisfactory with no changes recommended; and,

WHEREAS, natural hazard mitigation is essential to protect life and property by reducing the potential for future damages and economic losses resulting from natural disasters; and,

NOW THEREFORE BE IT RESOLVED, to satisfy its obligations under The Act, the Charlottesville City Council does hereby adopt the Regional Natural Hazard Mitigation Plan prepared by the Thomas Jefferson Planning District Commission (2017 Update) .

ADOPTED by the Charlottesville City Council on this ____ day of _____, 2018.

SIGNATURE:

Mayor

ATTEST

Clerk of Council

Regional Natural Hazard Mitigation Plan

Summary: City of Charlottesville



Prepared By the:
Thomas Jefferson Planning
District Commission

401 East Water Street
Charlottesville, VA 22902
www.tjpd.org | info@tjpd.org

2017 Update
DRAFT

 *Thomas
Jefferson*
Planning District Commission

Natural Hazard Mitigation Plan: Introduction

► Hazard Mitigation Planning

The purpose of the Regional Natural Hazard Mitigation Plan is to prepare for natural disasters before they occur, thus reducing loss of life, property damage, and disruption of commerce.

The Federal Emergency Management Agency (FEMA) requires such a plan as a condition for eligibility in certain mitigation grant programs. The plan applies to all jurisdictions in the Thomas Jefferson Planning District – Albemarle County, the City of Charlottesville, Greene County, Louisa County, Fluvanna County, Nelson County, and the Towns of Stanardsville, Louisa, Mineral & Scottsville. The original plan was adopted by all jurisdictions in 2006, and the plan was further updated in 2012.

► Planning Process

The lead agency in the preparation of this plan is the Thomas Jefferson Planning District Commission (PDC). The PDC provides resources that ensure the plan takes an efficient regional approach and is supported by A Hazard Mitigation Working Group, consisting of representatives from local planning departments, emergency managers, and local administrators to help guide updates to the plan. Once adopted the Working Group members will help monitor and implement the plan.

► Hazard Identification and Analysis Process

The purpose of the hazard identification process is to describe all natural hazards that affect the Thomas Jefferson Planning district and provide an analysis on their location, extent, severity, and probability of occurrence. Each individual hazard was identified, including a description of the hazard in general written from a national perspective, followed by an in-depth analysis based on the particular impact the hazard has on the Thomas Jefferson Planning District.

The Hazard Assessment Tool was used to evaluate each identified hazard according to the probability of occurrence and the severity in terms of impact to human life, property, and business operations. Results of the 2016 assessment are outlined in the hazard vulnerability assessment matrix below.

Regional Natural Hazard Mitigation Plan

2012 UPDATE - Approved by FEMA, July 30, 2012



Prepared by the:
Thomas Jefferson Planning District Commission

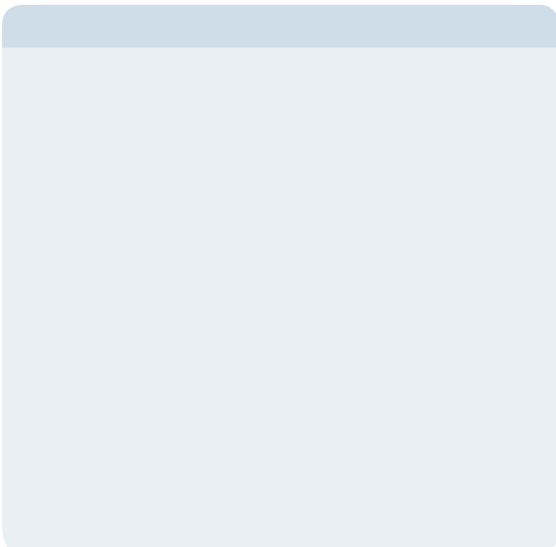
401 East Water Street • Charlottesville, VA 22902
(434) 979-7310 • info@tjgcd.org
Virginia Relay Users Dial: 711



extreme-heat/cold
Wildfire
Flooding
High-Wind
Tornado
Winter-weather
Earthquake
Lightning
Dam

► Hazard Vulnerability Assessment

EVENT	PROBABILITY	HUMAN IMPACT	PROPERTY IMPACT	BUSINESS IMPACT	RISK
	Likelihood this will occur	Possibility of death or injury	Physical losses and damages	Interruption of services	Relative threat*
SCORE	0=N/A 1=low 2=Moderate 3=High	0=N/A 1=low 2=Moderate 3=High	0=N/A 1=low 2=Moderate 3=High	0=N/A 1=low 2=Moderate 3=High	0 - 100%
Hurricane/high wind/windstorms	3	3	3	3	100%
Flooding	3	1	3	2	67%
Winter storms/ weather	3	1	1	3	56%
Wildfire	2	1	1	1	22%
Lightning	2	1	1	1	22%
Drought and extreme heat	2	1	1	1	22%
Dam failure	1	2	2	2	22%
Tornado	1	1	2	2	19%
Earthquake	1	1	2	2	19%
Landslide	1	1	1	1	11%
AVERAGE SCORE	1.19	0.81	1.06	1.13	7%



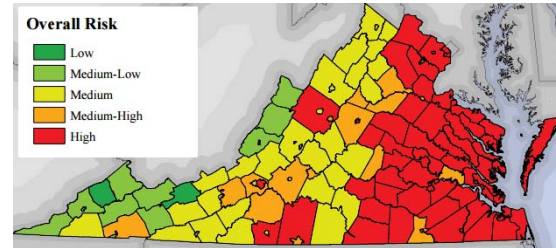
HIRA: Hurricanes, High Wind, Wind Storms & Lightning

Hurricanes, High Wind, Wind Storm

Wind associated with hurricanes, thunderstorms and other weather phenomena poses the most significant risk to area residents. Wind related weather has caused in excess of \$8.2 million in property and crop damage. These events have resulted in 85 injuries and 2 deaths since 1995. Significant past wind events include the 2012 Derecho, which caused significant regional damage and was a Federally declared disaster.

Wind events caused by thunderstorms can be especially dangerous because they develop quickly. Hurricane related winds tend to have a greater impact in the eastern part of Virginia. Few hurricanes have made a direct hit on the region. Note: Tornadoes are addressed on a separate poster.

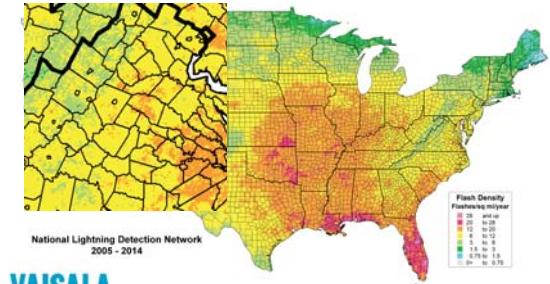
Hurricane Risk



Lightning Thunderstorms/Wind 1995-2015

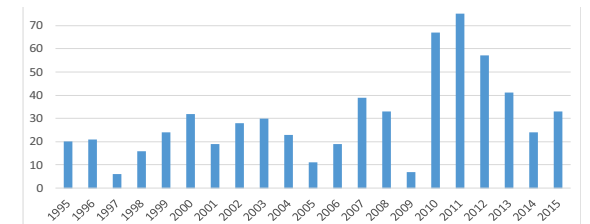
Locality	#	Death	Injuries	Property Loss	Crop Damage
Albemarle	233	2	15	\$1,128,800	\$24,250
Charlottesville	39		4	284500	
Fluvanna	58			\$650,000	
Greene	47			\$170,500	\$7,000
Louisa	100			\$871,000	
Nelson	93			\$585,100	\$18,250
Region	570	2	19	\$3,689,900	\$49,500

VAISLA Lightning Flash Density/Mile 2005-2014



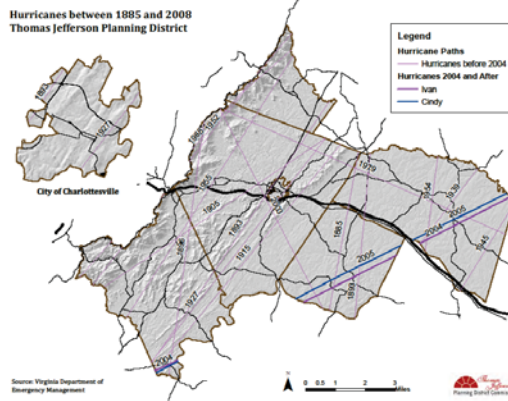
VAISALA

Number of Wind Events by Year 1995-2015



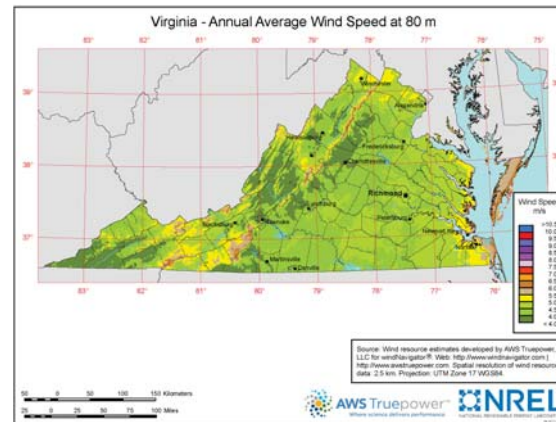
EVENT	PROBABILITY	HUMAN IMPACT	PROPERTY IMPACT	BUSINESS IMPACT	RISK
SCORE	Likelihood this will occur	Possibility of death or injury	Physical losses and damages	Interruption of services	Relative threat*
Hurricane/high wind/windstorms	0-3 NA-High 3	0-3 NA-High 3	0-3 NA-High 3	0-3 NA-High 3	0 - 100% 100%

Historic Hurricane Tracks 1885-2008



High/Strong Wind Events 1995-2015

Locality	#	Death	Injuries	Property Loss	Crop Damage
Albemarle	26		66	\$2,163,100	\$900,000
Charlottesville					
Fluvanna	1			\$2,000	
Greene	15			\$573,100	\$250,000
Louisa	4			\$8,000	
Nelson	24			\$226,600	\$370,000
Region	70	0	66	\$2,972,800	\$1,520,000



Hurricane/Tropical Storms 1995-2015

Locality	#	Death	Injuries	Property Loss	Crop Damage
Albemarle	2			\$5,000	
Charlottesville					
Fluvanna	1			\$36,000	
Greene	1			\$1,000	
Louisa	1				
Nelson	2			\$1,000	
Region	7	0	0	\$43,000	0

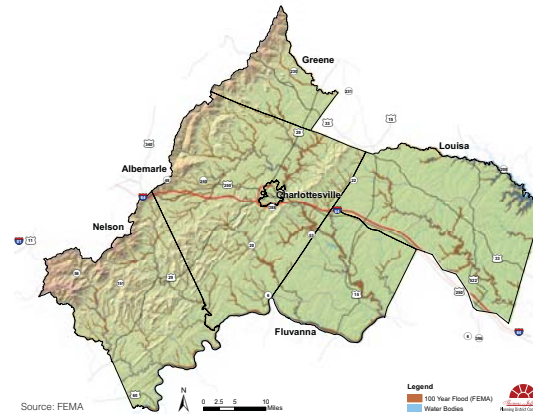
HIRA: Flooding and Dam Failure

Flooding and Dams

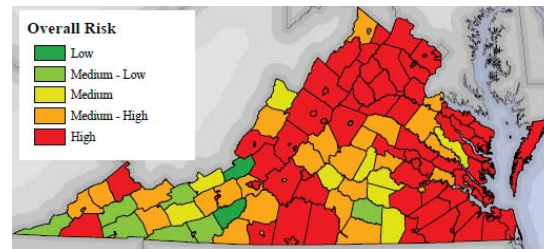
Flooding is considered one of the most significant risks to people and property statewide. Flooding is associated with heavy or extended rain events and may be locally constrained or occur far downstream from a weather event. Riverine flooding occurs along the regions larger river systems like the James or Rivanna Rivers. In the case of riverine flooding the storm event takes place upstream and causes floodwaters to travel downstream. Examples of this kind of flooding can be found in the towns of Scottsville and Columbia. All of which have suffered devastating floods.

Dam failure risk is evaluated based on a dam's hazard potential in terms of its threats to flooding people and property downstream. Dams are categorized into three risk classes low, significant and high. These categories factor in the dam size and the number of people in the floodway. It does not focus on the quality of the structure.

100 Year Floodplain (1% Chance of Flood)



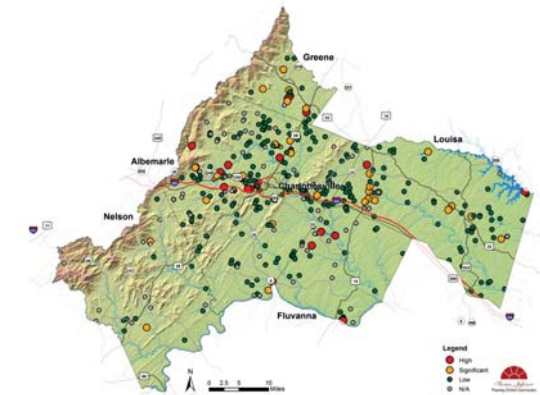
Flooding Risk



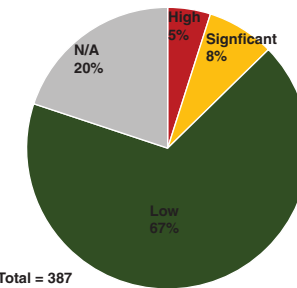
Number of Dams by Hazard Level

County	High	Significant	Low	N/A	Total
Albemarle County	10	12	166	47	235
Fluvanna County	5		19	13	37
Greene County	3	5	9	1	18
Louisa County	1	11	58	5	75
Nelson County		2	9	11	22
Total	19	30	261	77	387

Hazard Dams



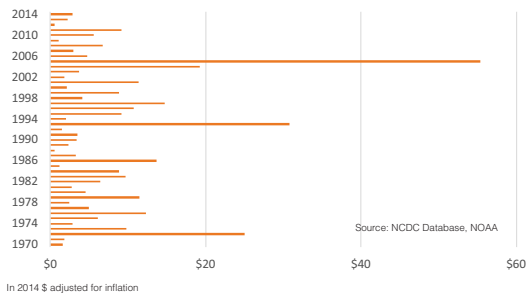
Percentage of Area Dams by Hazard Level



HIRA Assessment

EVENT	PROBABILITY	HUMAN IMPACT	PROPERTY IMPACT	BUSINESS IMPACT	RISK
	Likelihood this will occur	Possibility of death or injury	Physical losses and damages	Interruption of services	Relative threat*
SCORE	0-3 NA-High	0-3 NA-High	0-3 NA-High	0-3 NA-High	0 - 100%
Flooding	3	1	3	2	67%
Dam failure	1	2	2	2	22%

National Annual Flood Loss



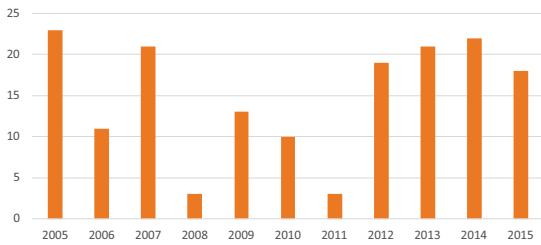
Floods 1995-2015

Locality	#	Death	Injuries	Property Loss	Crop Damage
Albemarle	89	1		\$240,000	\$900,000
Charlottesville	9			\$5,000	
Fluvanna	3				
Greene	44		1	\$435,500	\$80,000
Louisa	8				
Nelson	46			\$1,135,000	\$50,000
Region	199	1	1	\$1,815,500	\$1,030,000

HIRA: Winter Weather



Total Number of Winter Events by Year

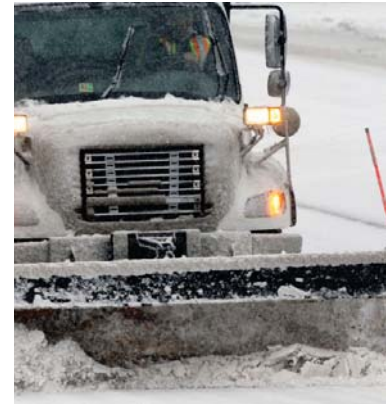


Winter Weather 1995-2015

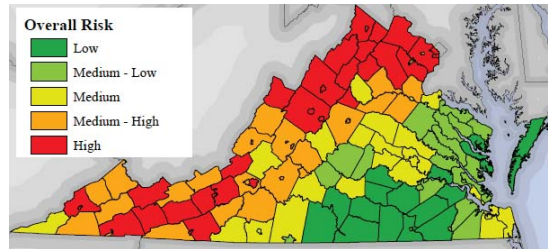
Year	Blizzard	Cold/Wind Chill	Freezing Fog	Heavy Snow	Ice Storm	Winter Storm	Winter Weather	Frost/Freeze
2005	2	1	1	5	6	30	65	21
2006	2	2		7	6	33	60	19
2007	2	2		5	6	29	46	18
2008	6	5	1	19	22	177	244	60

100 Year Floodplain (1% Chance of Flood)

Locality	Blizzard	Cold/Wind Chill	Freezing Fog	Heavy Snow	Ice Storm	Winter Storm	Winter Weather	Frost/Freeze
Albemarle	2	1	1	5	6	30	65	21
Charlottesville								
Fluvanna				1	2	41	34	1
Greene	2	2		7	6	33	60	19
Louisa				1	2	44	39	1
Nelson	2	2		5	6	29	46	18
Region	6	5	1	19	22	177	244	60



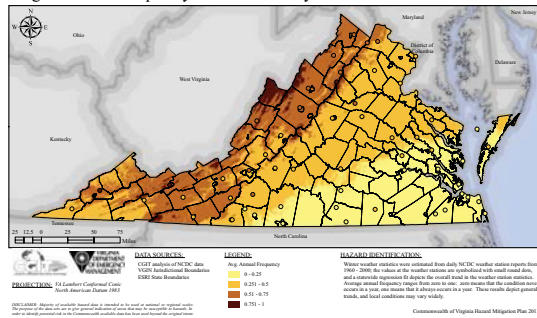
Winter Weather Risk



Source: VDEM, 2013 Hazard Mitigation Plan

Frequency of Snowfall Events

Figure 3.9-3: Frequency of 3 or more days with at least 3 inches of snow

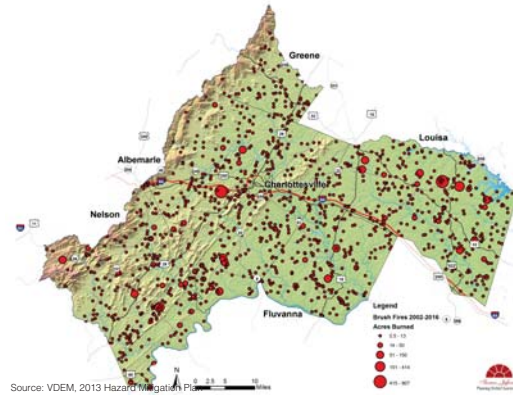


HIRA Assessment

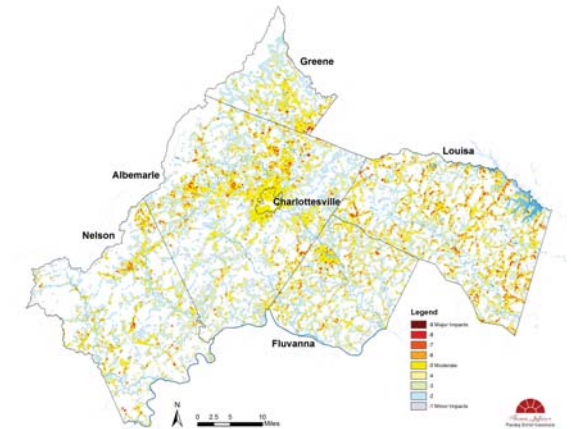
EVENT	PROBABILITY	HUMAN IMPACT	PROPERTY IMPACT	BUSINESS IMPACT	RISK
	Likelihood this will occur	Possibility of death or injury	Physical losses and damages	Interruption of services	Relative threat*
SCORE	0-3 NA-High	0-3 NA-High	0-3 NA-High	0-3 NA-High	0 - 100%
Winter storms/ weather	3	1	1	3	56%

HIRA: Wildfire

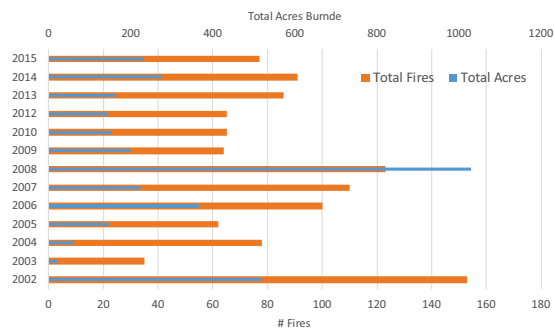
Wildfire Location and Acreage Burned



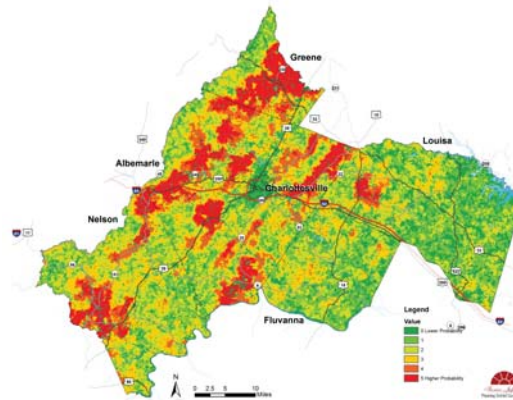
Wildfire Risk Index



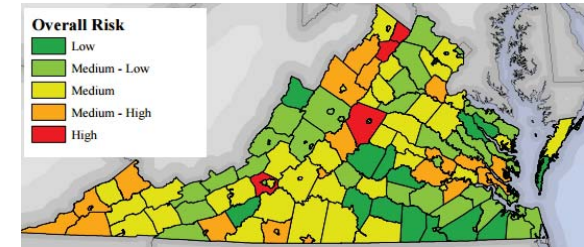
Wildfire Acreage and Number of Events



Burn Probability



Relative Fire Risk



Wildfires 2002-2015

Locality	#	Acres Burned
Albemarle	1,665	387.0
Charlottesville	0	1.0
Fluvanna	436	175.0
Greene	89	74.0
Louisa	2,383	319.0
Nelson	1,267	235.0
Region	5,840.9	1,191.0



HIRA Assessment

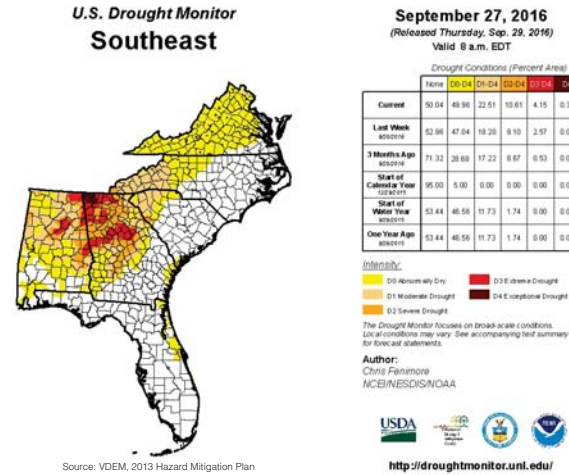
EVENT	PROBABILITY	HUMAN IMPACT	PROPERTY IMPACT	BUSINESS IMPACT	RISK
	Likelihood this will occur	Possibility of death or injury	Physical losses and damages	Interruption of services	Relative threat*
SCORE	0-3 NA-High	0-3 NA-High	0-3 NA-High	0-3 NA-High	0 - 100%
Wildfire	2	1	1	1	22%

HIRA: Temperature Extremes, Drought & Landslides

Temperature Extremes and Drought

Temperature extremes are considered to be those temperatures which are 10° above or below a baseline normal temperature. Both extreme cold and heat present hazards to vulnerable populations. The regions lowest recorded temperature was -1° (February, 2015) and the highest was 105° (July 2012). Drought is a natural climatic condition caused by extended periods of limited precipitation. Factors that influence drought severity include a prolonged lack of rainfall, human demands (water withdraws), high winds and low relative humidity (which increases evaporation). Prolonged droughts pose risks to people, agriculture and natural resources. Drought forecasts are produced by the U.S Drought Monitor. According to the USGS the eastern slopes of the Blue Ridge are characterized as having high susceptibility and a low incidence of landslide. Deforestation and the removal of vegetation greatly increase the chance of landslides.

US Drought Monitor (USGS) Snapshot

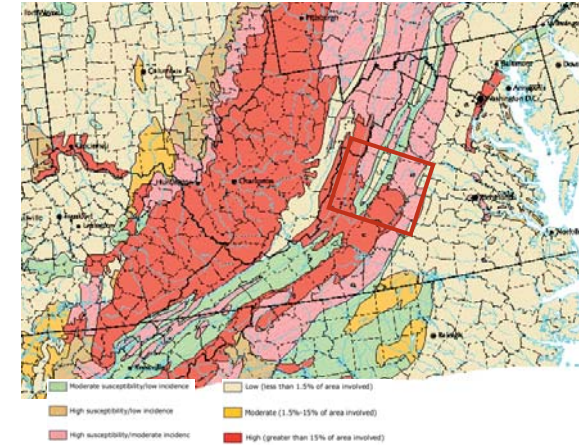


Source: VDEM, 2013 Hazard Mitigation Plan

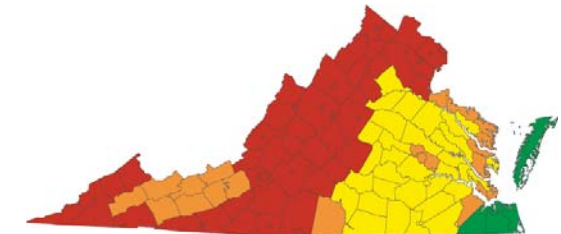
Virginia Historic Drought based on Percent Area



USGS Landslide Overview Map

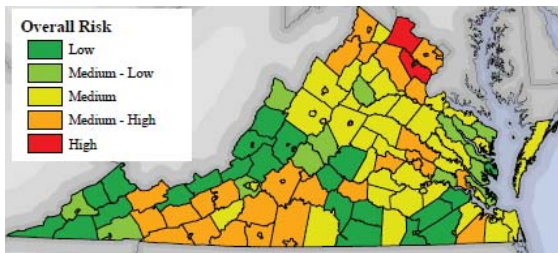


Landslide potential



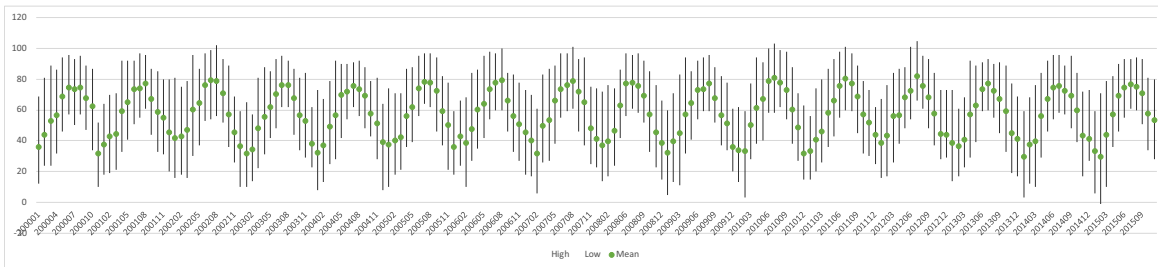
Red = high potential; orange = moderate potential; yellow = moderate to low potential; green = low potential.

Overall Drought Risk



Source: VDEM, 2013 Hazard Mitigation Plan

Monthly High, Low and Average Temperatures

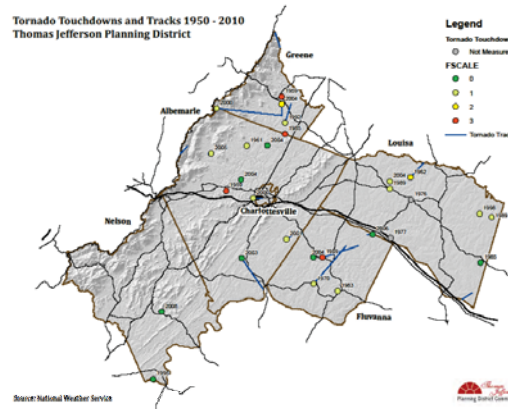


HIRA Assessment

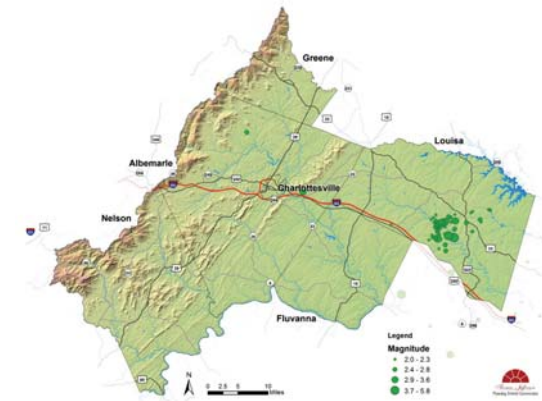
EVENT	PROBABILITY	HUMAN IMPACT	PROPERTY IMPACT	BUSINESS IMPACT	RISK
	Likelihood this will occur	Possibility of death or injury	Physical losses and damages	Interruption of services	Relative threat*
SCORE	0-3 NA-High	0-3 NA-High	0-3 NA-High	0-3 NA-High	0 - 100%
Drought and extreme heat	2	1	1	1	22%
Landslide	1	1	1	1	11%

HIRA: Tornado and Earthquake

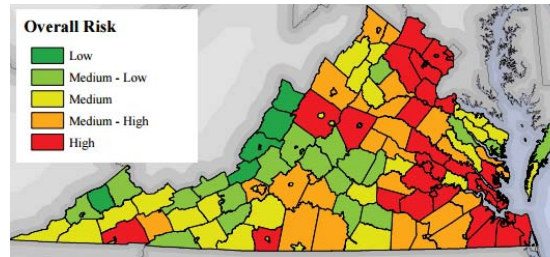
Regional Tornado Tracks



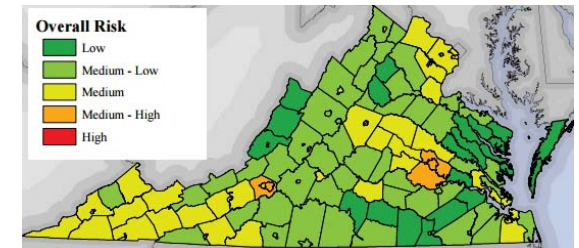
Earthquake Epicenters and Magnitudes



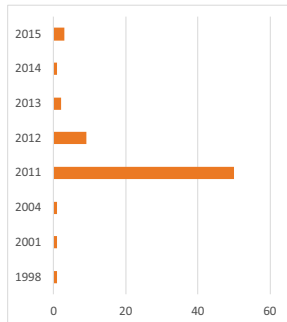
Overall Tornado Risk



Overall Earthquake Risk



Total Number of Earthquakes



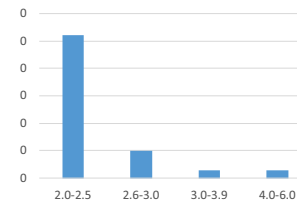
Tornados 1995-2015

Locality	#	Death	Injuries	Property Loss	Crop Damage
Albemarle	6			\$513,500	
Charlottesville	1		1	\$500,000	
Fluvanna	4			\$33,000	
Greene	2		3	\$3,001,000	
Louisa	5			\$206,000	
Nelson	2			\$58,000	
Region	20	0	4	\$4,311,500	

Number of Quakes

Locality	#
Albemarle	2
Charlottesville	
Fluvanna	
Greene	
Louisa	66
Nelson	
Region	68

Quake Intensity



HIRA Assessment

EVENT	PROBABILITY	HUMAN IMPACT	PROPERTY IMPACT	BUSINESS IMPACT	RISK
SCORE	Likelihood this will occur 0-3 NA-High	Possibility of death or injury 0-3 NA-High	Physical losses and damages 0-3 NA-High	Interruption of services 0-3 NA-High	Relative threat* 0 - 100%
Tornado	1	1	2	2	19%
Earthquake	1	1	2	2	19%

Hazard Identification and Analysis/Vulnerability Assessment

All hazards in the region are ranked by this plan according to overall relative threat, which combines the probability of occurrence with the impact of an event. The Working Group reviewed the HIRA data and assigned values for each hazard at their meeting on October 5, 2016.

EVENT	PROBABILITY	HUMAN IMPACT	PROPERTY IMPACT	BUSINESS IMPACT	RISK
	<i>Likelihood this will occur</i>	<i>Possibility of death or injury</i>	<i>Physical losses and damages</i>	<i>Interruption of services</i>	<i>Relative threat*</i>
SCORE	0 = N/A 1 = Low 2 = Moderate 3 = High	0 = N/A 1 = Low 2 = Moderate 3 = High	0 = N/A 1 = Low 2 = Moderate 3 = High	0 = N/A 1 = Low 2 = Moderate 3 = High	0 - 100%
Hurricane/high wind/windstorms	3	3	3	3	100%
Flooding	3	1	3	2	67%
Winter storms/weather	3	1	1	3	56%
Wildfire	2	1	1	1	22%
Lightning	2	1	1	1	22%
Drought and extreme heat	2	1	1	1	22%
Dam failure	1	2	2	2	22%
Tornado	1	1	2	2	19%
Earthquake	1	1	2	2	19%
Landslide	1	1	1	1	11%
AVERAGE SCORE	1.90	1.30	1.70	1.80	34%

*Threat increases with percentage.

RISK = PROBABILITY * SEVERITY
0.34 0.63 0.53

Mitigation Strategy

The following goals and objectives, grouped into five broad categories, are recommended by the plan:

Education and Outreach (E)

- GOAL: Increase awareness of hazards and encourage action to mitigate the impacts
 - OBJECTIVE: Educate families and individuals on disaster mitigation and preparedness
 - OBJECTIVE: Train key agency staff and volunteer groups in disaster mitigation and preparedness
 - OBJECTIVE: Train staff at schools and residential facilities in disaster mitigation and preparedness
 - OBJECTIVE: Encourage and equip employers to develop emergency action plans
 - OBJECTIVE: Protect sensitive areas through conservation practices

Infrastructure and Buildings (I)

- GOAL: Reduce the short and long-term impact of hazard events on buildings and infrastructure
 - OBJECTIVE: Diversify the energy system to provide multiple power source and fuel supply options
 - OBJECTIVE: Diversity the communications system to provide alternative lines for use during loss of capacity
 - OBJECTIVE: Diversify the transportation system by increasing connectivity and providing modal options
 - OBJECTIVE: Elevate, retrofit and relocate existing structures and facilities in vulnerable locations
 - OBJECTIVE: Construct or upgrade drainage, retention, and diversion elements to lessen the impact of a hazard

Whole Community (C)

- GOAL: Prepare to meet the immediate needs of the population during natural hazards
 - OBJECTIVE: Train staff to effectively communicate with and transport people regardless of their language proficiency and physical needs.
 - OBJECTIVE: Ensure that the population can access emergency shelters in a timely manner and have functional needs met, in the event of a natural hazard

Mitigation Capacity (M)

- GOAL: Increase mitigation capacity through planning and project implementation
 - OBJECTIVE: Reduce property risks through planning, zoning, ordinances and regulations
 - OBJECTIVE: Incorporate mitigation planning concepts into local plans and ordinances
 - OBJECTIVE: Pursue funding to implement identified mitigation strategies

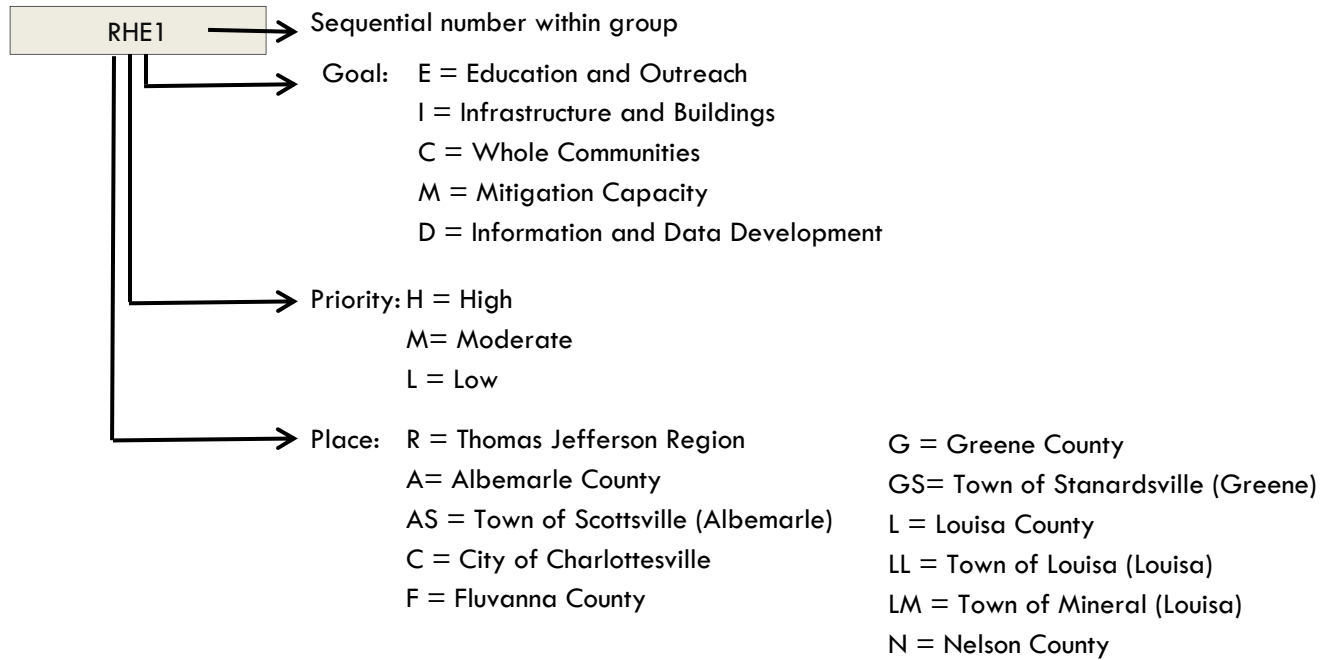
Information and Data Development (D)

- GOAL: Build capacity with information and data development to refine hazard identification and assessment, mitigation targeting and funding identification
 - OBJECTIVE: Identify data and information needs and develop methods to meet these needs
 - OBJECTIVE: Ensure that each critical facility has a disaster plan in place

Mitigation Action Items

A set of mitigation action items are designated for each locality to substantively further the objectives of the plan. The detailed list of action items includes the supporting goal, hazard to be mitigation, party responsible for implementation, timeframe of implementation, estimated cost, and potential funding sources. Furthermore, all action items are prioritized and listed in order from high, moderate, to low priority.

Activity Code Key



2017 Action Items for Regional Hazard Mitigation Plan

Activity Code Activity Description

City of Charlottesville	
CHE1	Provide training for building inspectors and code officials on mitigation techniques and hazard-resistant building
CHE2	Ensure that all schools have regular disaster response drills.
CHI1	Implement recommendations from the Community Water Supply Plan.
CHI2	Develop an integrated regional security and monitoring system, including access control and intrusion detection
CHM1	Incorporate hazard mitigation plan into community plans.
CHM2	Conduct Community Emergency Response Team (CERT) classes to equip individuals and groups to assist in the event of a disaster.
CHM3	Provide incentives to institutions and homeowners for use of low-flow appliances.
CHM4	Continue to expand use of citizen alert system.
CHM5	Implement recommendations from Drought Management Plan.
CHM6	Ensure that all shelters and public buildings have a battery-powered emergency radio and flashlight.
CHD1	Mitigate Water and Wastewater System Failure or Contamination through community coordination and information/equipment sharing. Provide planning support for operational and integrated security management (including communications plan and continuity plan, emergency exercises, coordinated committee)
CME1	Support purchase of rain barrels
CMI1	Build or repair bridges so as not to impede floodwaters
CMI2	Add signage to roads in locations that frequently flood.
CMI3	Retrofit emergency service buildings for hazard resistance.
CMI4	Carry out physical security improvements to water and wastewater systems, which may include fencing, door hardening, window hardening, locks, bollards, cameras, signage, lighting, access control and intrusion detection.
CMI5	Procure technology equipment for Water/Wastewater system component inspections.
CMM1	Support volunteer groups and encourage collaboration on public outreach and education programs on hazard mitigation.
CMM2	Create a strategy for using existing media outlets for communications during a hazard event.
CLE1	Provide citizens with literature about flood and drought-smart landscaping.
CLE2	Create educational campaign about the benefits of open space and sensitive area protection.
CLI1	Improve the maintenance of stormwater conveyance system.
CLI2	Reduce pollution discharge via stormwater systems.
CLI3	Retrofit stormwater management basins

CHE1 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Education and Outreach
Action Item Description:	Provide training for building inspectors and code officials on mitigation techniques and hazard-resistant building.
Hazard (s):	Multiple
Lead Party Responsible:	Neighborhood Development Services, Public Works
Estimated Cost:	\$10,000
Funding Method:	Hazard Mitigation Grant Program, General Revenue
Implementation Schedule:	1-3 years
Priority:	High

CHE2 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Education and Outreach
Action Item Description:	Ensure that all schools have regular disaster response drills.
Hazard (s):	Multiple
Lead Party Responsible:	Public School System, independent private schools
Estimated Cost:	N/A
Funding Method:	N/A
Implementation Schedule:	Ongoing
Priority:	High

CHI1 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Infrastructure and Buildings
Action Item Description:	Implement recommendations from the Community Water Supply Plan.
Hazard (s):	Drought, Flood
Lead Party Responsible:	RWSA
Estimated Cost:	\$140,000,000
Funding Method:	RWSA, Flood control and dam safety program funds
Implementation Schedule:	Ongoing
Priority:	High

CHI2 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Infrastructure and Buildings
Action Item Description:	Develop an integrated regional security and monitoring system, including access control and intrusion detection
Hazard (s):	Multiple (including outsider physical threat and terrorism)
Lead Party Responsible:	City Utilities, RWSA, Security lead for City
Estimated Cost:	\$4 Million
Funding Method:	Hazard Mitigation Grant Program, Utility Revenue, General Revenue
Implementation Schedule:	1-3 years
Priority:	High

CHM1 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Mitigation Capacity
Action Item Description:	Incorporate hazard mitigation plan into community plans.
Hazard (s):	Multiple
Lead Party Responsible:	Neighborhood Development Services
Estimated Cost:	None
Funding Method:	N/A
Implementation Schedule:	3-5 years
Priority:	High

CHM2 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Mitigation Capacity
Action Item Description:	Conduct Community Emergency Response Team (CERT) classes to equip individuals and groups to assist in the event of a disaster.
Hazard (s):	Multiple
Lead Party Responsible:	Emergency Services Coordinator
Estimated Cost:	\$10,000
Funding Method:	FEMA Community Emergency Response Teams, FEMA Emergency Management Performance Grant
Implementation Schedule:	Ongoing
Priority:	High

CHM3 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Mitigation Capacity
Action Item Description:	Provide incentives to institutions and homeowners for use of low-flow appliances.
Hazard (s):	Drought
Lead Party Responsible:	Neighborhood Development Services
Estimated Cost:	None
Funding Method:	N/A
Implementation Schedule:	Ongoing
Priority:	High

CHM4 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Mitigation Capacity
Action Item Description:	Continue to expand use of citizen alert system.
Hazard (s):	Multiple
Lead Party Responsible:	Emergency Services Coordinator
Estimated Cost:	\$5,000
Funding Method:	General Revenue
Implementation Schedule:	Ongoing
Priority:	High

CHM5 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Mitigation Capacity
Action Item Description:	Implement recommendations from Drought Management Plan.
Hazard (s):	Drought
Lead Party Responsible:	RWSA
Estimated Cost:	Linked to Water Supply Projects
Funding Method:	RWSA
Implementation Schedule:	Ongoing
Priority:	High

CHM6 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Mitigation Capacity
Action Item Description:	Ensure that all shelters and public buildings have a battery-powered emergency radio and flashlight.
Hazard (s):	Multiple
Lead Party Responsible:	Emergency Services Coordinator
Estimated Cost:	\$40/location
Funding Method:	General Revenue
Implementation Schedule:	Ongoing
Priority:	High

CHD1 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
	Information and Data Development
	Mitigate Water and Wastewater System Failure or Contamination through community coordination and information/equipment sharing. Provide planning support for operational and integrated security management (including communications plan and continuity plan, emergency exercises, coordinated committee)
	All
	City Utilities and Rivanna Water and Sewer Authority (RWSA)
	\$500,000
	Hazard Mitigation Grant Program, Utility Revenue
	1-2 years
	High

CME1 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Education and Outreach
Action Item Description:	Support purchase of rain barrels.
Hazard (s):	Drought
Lead Party Responsible:	Public Works
Estimated Cost:	\$10,000
Funding Method:	General Revenue
Implementation Schedule:	Ongoing
Priority:	Moderate

CM1 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Infrastructure and Buildings
Action Item Description:	Build or repair bridges so as not to impede floodwaters
Hazard (s):	Flood
Lead Party Responsible:	VDOT
Estimated Cost:	Unknown
Funding Method:	Hazard Mitigation Grant Program, 406 Public Assistance Program
Implementation Schedule:	When bridges are repaired/replaced
Priority:	Moderate

CM2 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
	Infrastructure and Buildings
	Add signage to roads in locations that frequently flood.
	Flood
	Virginia Department of Transportation, Public Works
	Unknown
	406 Public Assistance Program (following a disaster), Hurricane Local Grant Program, Hazard Mitigation Grant Program, Pre-Disaster Mitigation Grant
	3-5 years
	Moderate

CMI3 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Infrastructure and Buildings
Action Item Description:	Retrofit emergency service buildings for hazard resistance.
Hazard (s):	Structural
Lead Party Responsible:	Emergency Services Coordinator
Estimated Cost:	Unknown
Funding Method:	All hazards Emergency Operations Planning, Assistance to Local Firefighters Grant, Local Hurricane Grant Program, Pre-Disaster Mitigation Grant, Hazard Mitigation Grant Program
Implementation Schedule:	3-5 years
Priority:	Moderate

CMI4 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
	Infrastructure and Buildings
	Carry out physical security improvements to water and wastewater systems, which may include fencing, door hardening, window hardening, locks, bollards, cameras, signage, lighting, access control and intrusion detection.
	Multiple (including outsider physical threat)
	City Utilities and Rivanna Water and Sewer Authority (RWSA)
	\$1 Million
	Hazard Mitigation Grant Program, Utility Revenue
	1-3 years
	Moderate

CMI5 MITIGATION ACTION: ALBEMARLE COUNTY	
Goal:	Infrastructure and Buildings
Action Item Description:	Procure technology equipment for Water/Wastewater system component inspections.
Hazard (s):	Multiple (including natural disasters and contamination)
Lead Party Responsible:	City Utilities, RWSA, and UVA Facilities Management
Estimated Cost:	\$50,000
Funding Method:	Hazard Mitigation Grant Program, Utility Revenue
Implementation Schedule:	1-3 years
Priority:	Moderate

CMM1 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Mitigation Capacity
Action Item Description:	Support volunteer groups and encourage collaboration on public outreach and education programs on hazard mitigation.
Hazard (s):	Multiple
Lead Party Responsible:	All City Departments, Emergency Services Coordinator
Estimated Cost:	None
Funding Method:	N/A
Implementation Schedule:	Ongoing
Priority:	Moderate

CMM2 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Mitigation Capacity
Action Item Description:	Create a strategy for using existing media outlets for communications during a hazard event.
Hazard (s):	Flood
Lead Party Responsible:	Office of Communications
Estimated Cost:	None
Funding Method:	N/A
Implementation Schedule:	Ongoing
Priority:	Moderate

CLE1 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Education and Outreach
Action Item Description:	Provide citizens with literature about flood and drought-smart landscaping.
Hazard (s):	Drought
Lead Party Responsible:	Neighborhood Development Services, Public Works
Estimated Cost:	\$5,000
Funding Method:	Pre-Disaster Mitigation Grant, Hazard Mitigation Grant Program
Implementation Schedule:	3-5 years
Priority:	Low

CLE2 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Education and Outreach
Action Item Description:	Create educational campaign about the benefits of open space and sensitive area protection.
Hazard (s):	Multiple
Lead Party Responsible:	Neighborhood Development Services
Estimated Cost:	\$2,000
Funding Method:	Hazard Mitigation Grant Program, Pre-Disaster Mitigation Grant
Implementation Schedule:	Ongoing
Priority:	Low

CLI1 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Infrastructure and Buildings
Action Item Description:	Improve the maintenance of stormwater conveyance system.
Hazard (s):	Flood
Lead Party Responsible:	Public Works
Estimated Cost:	Unknown
Funding Method:	Environmental Protection Agency – Water Quality Cooperative Agreements, EPA-Nonpoint Source Grant Program, 406 Public Assistance (following a federally declared disaster), USDA-Watershed Protection and Flood Prevention Program, USDA-Environmental Quality Incentives Program, Stormwater Utility Fee
Implementation Schedule:	Ongoing
Priority:	Low

CLI2 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Infrastructure and Buildings
Action Item Description:	Reduce pollution discharge via stormwater systems.
Hazard (s):	Flood
Lead Party Responsible:	Public Works
Estimated Cost:	Unknown, based on need
Funding Method:	Environmental Protection Agency – Water Quality Cooperative Agreements, EPA-Nonpoint Source Grant Program, 406 Public Assistance (following a federally declared disaster), USDA-Watershed Protection and Flood Prevention Program, USDA-Environmental Quality Incentives Program, Stormwater Utility Fee
Implementation Schedule:	Ongoing
Priority:	Low

CLI3 MITIGATION ACTION: CITY OF CHARLOTTESVILLE	
Goal:	Infrastructure and Buildings
Action Item Description:	Retrofit stormwater management basins
Hazard (s):	Flood
Lead Party Responsible:	Public Works
Estimated Cost:	Unknown, based on individual projects
Funding Method:	EPA – Water Quality Cooperative Agreements, EPA-Nonpoint Source Grant Program, 406 Public Assistance (after a federally declared disaster), USDA-Watershed Protection and Flood Prevention Program, USDA-Environmental Quality Incentives Program, Stormwater Utility Fee
Implementation Schedule:	Ongoing
Priority:	Low

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 21, 2018
Action Required:	Approval of Resolution for Re-Allocation of Existing C.I.P. Funds – McIntire Skate Park
Presenter:	Brian Daly, Director, Parks and Recreation
Staff Contacts:	Brian Daly, Director, Parks and Recreation Doug Ehman, Parks Division Manager, Parks and Recreation
Title:	Re-Allocation of Existing C.I.P. Funds – McIntire Skate Park - \$150,000

Background:

The new skate park at McIntire Park is currently under construction, with a planned completion in November of 2018. During the initial phases of site work on the project, unsuitable subterranean soils were discovered in the area of the project where the skate bowl features will be located. These soils required removal as they were not suitable for construction, and to be replaced with suitable building soils and foundation material in order to continue construction of the facility. The amount of the change order for this additional unforeseen work will exceed the project contingency, requiring additional funding to complete the project and remain on schedule.

Staff proposes transferring the required funding from the existing McIntire Park Master Plan Implementation project funds, which were previously appropriated by Council as part of the annual Capital Improvement Program funding.

Discussion:

Total funding to cover the change order for unsuitable soils, as well as to provide additional potential contingency funding, is \$150,000. Available funding in the McIntire Park Master Plan Implementation project is \$ 423,767.

Staff recommends using existing C.I.P. funds from this project to complete the skate park project without the requirement of additional funding from other sources.

Community Engagement:

Extensive community engagement took place as part of the Master Planning of the east side of McIntire Park, as well as a separate and distinct design process for the skate park that also included extensive community engagement. The Conceptual design for the east side of the park was approved by City Council in March of 2015.

Alignment with City Council’s Vision and Strategic Plan:

This project aligns with City Council’s “Green City” vision and contributes to Goal 2 of the Strategic Plan: Be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

Budgetary Impact:

No additional funding is required to be appropriated. The funding sources recommended for use have been appropriated by City Council through prior actions. Upon completion of the skate park project, any remaining funds will be reallocated back to the primary McIntire Park capital account for future park renovation needs.

Recommendation:

Staff recommends approval of the resolution to utilize existing appropriated funds to augment contingency funds for the continued construction of the skate park within McIntire Park.

Alternatives:

Council can recommend alternative sources of funding for completion of the project or approve this funding recommendation.

Attachments:

Resolutions – Re-allocation of C.I.P. Funding

RESOLUTION

**Re-Allocation of Existing CIP Funds – McIntire Skate Park
\$150,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, is currently constructing the new skate park in McIntire Park;

WHEREAS, the City needs to provide additional local funds in the amount of \$ 150,000 from the McIntire Park Improvement CIP fund (P-00207); and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$ 150,000 is hereby transferred in the following manner:

Transfer From

\$ 150,000 Fund: 426 WBS: P-00207 G/L Account: 599999

Transfer To

\$ 150,000 Fund: 426 WBS: P-00733 G/L Account: 599999

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



Agenda Date:	May 21, 2018
Action Required:	Ordinance Approval (Consent Agenda – 1 st of 2 readings)
Presenter:	Lisa A. Robertson, City Attorney (Acting)
Staff Contacts:	Allyson Davies, Deputy City Attorney
Title:	Sprint Communications Company of Virginia Telecommunications Franchise Renewal

Background: Sprint Communications Company of Virginia, Inc. (“Sprint”) has requested a renewal of its current franchise to maintain its existing fiber lines and equipment. Sprint has had a franchise agreement with the City since 1987.

Discussion: The proposed franchise ordinance contains the same terms as the model telecommunications franchise ordinance developed by the City Attorney’s Office and used in other franchises granted by the City. The purpose of the franchise will not change. In accordance with the franchise terms, Sprint 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.

Alternatives: Council may decline to adopt the ordinance and decline to renew the franchise agreement with Sprint.

Attachment: Request Letter; Proposed CenturyLink Franchise Agreement Ordinance

James B. Farris
Manager, Real Estate
Sprint Communications Company L.P.

6391 Sprint Parkway
MS: KSOPHT0101-Z2040
Overland Park, KS 66251



works for me™

February 5, 2018

Sent via Certified Mail # 7016 1970 0000 9150 2176
Return Receipt Requested

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

RE: Ordinance granting a Telecommunications Franchise (“Franchise”) to Sprint Communications Company of Virginia, Inc., its successors and assigns (“Sprint”), to use the public rights of way of the City of Charlottesville, Virginia (“City”), adopted and effective August 19, 2013.

Dear Mr. Jones,

Please be advised that the above-referenced Franchise will expire on August 18, 2018. Pursuant to Article XI, Section 1102, if Sprint wishes to maintain its equipment and continue operations within the City beyond the term of the Franchise, Sprint shall give written notice to the City at least 120 days before the expiration of the Franchise granted by the Ordinance.

Please accept this letter as written notice of Sprint’s desire to maintain its equipment and continue operations by applying for a new Franchise. The purpose of the Franchise will not change and there are no plans to alter, expand, or improve the system. Sprint will continue to comply with the provisions of the Franchise.

Should you have any questions or concerns, please feel free to contact Rachel Neuer at (913) 315-6468 or via email at Rachel.Neuer@Sprint.com.

Sincerely,

James B. Farris
Manager, Real Estate

cc: Linda Miller, via email
miller@charlottesville.org

We work for the people who matter most, *our customers.*

SPRINT COMMUNICATIONS COMPANY OF VIRGINIA, INC.
TELECOMMUNICATIONS FRANCHISE

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**AN ORDINANCE
GRANTING A TELECOMMUNICATIONS FRANCHISE TO
SPRINT COMMUNICATIONS COMPANY OF VIRGINIA, 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 Sprint Communications Company of Virginia, 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 be and is hereby authorized and empowered to erect, maintain and operate certain telephone 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 Sprint Communications Company of Virginia, Inc., including its successors and assigns.

103.3 DIRECTOR means the Director of Public Works for the City of Charlottesville.

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

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

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

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

ARTICLE II

SECTION 201 INITIAL INSTALLATION

The initial installation of equipment, lines, cables or other Facilities by the Company, pursuant to the previous franchise agreement, was underground in rights-of-way owned by Norfolk & Southern Railroad, except at four locations where said equipment, lines, cables or other Facilities were placed below City streets. Any additional installation of equipment, lines, cables or other Facilities shall also be underground unless it shall be determined by the Director as set forth in Article III that it is not feasible to do so.

SECTION 202 SUBSEQUENT INSTALLATION

202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:

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

202.2 GENERAL PREFERENCE FOR UNDERGROUND FACILITIES:

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

202.3 INSTALLATION OF OVERHEAD FACILITIES:

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

202.4 FUTURE ORDINANCES:

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

202.5 CONDITIONS FOR RELOCATING UNDERGROUND:

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

SECTION 203 INSPECTION BY THE CITY

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

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION

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

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS

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

SECTION 206 OBSTRUCTION OF THE PROW

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

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

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

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

ARTICLE III

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY

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

SECTION 302 SUBMISSION OF PROW PLAN

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

SECTION 303 GOOD CAUSE EXCEPTION

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

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

If the City becomes aware of an emergency regarding the Company's facilities, the City will attempt to contact the 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, or of a proposed relocation of any City-owned utilities that necessitate relocation of some or all of the Facilities owned by the Company and lines to accommodate same, the Company shall relocate at its own expense any such Facilities within one hundred eighty (180) days of receipt of the notice. At Company's request, the city may

consent to a longer period, such consent not to be unreasonably or discriminatorily withheld, conditioned or delayed. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION

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

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

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

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

502.4 GUARANTEES: The Company guarantees its restoration work and shall maintain it for twenty-four (24) months following its completion. The previous statement notwithstanding, the Company will guarantee and maintain plantings and turf for twelve (12) months. During these maintenance periods, the Company shall, upon notification by the City, correct all restoration work to the extent necessary, using the method determined by the Director. Such work shall be completed after receipt of notice from the Director, within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure. Notwithstanding the

foregoing, the Company's guarantees set forth hereunder concerning restoration and maintenance, shall not apply to the extent another company, franchisee, licensee, permittee, other entity or person, or the City disturbs or damages the same area, or a portion thereof, of the Public Rights-of-Way.

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

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

502.7 DAMAGE TO OTHER FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY: The Company shall be responsible for the cost of repairing any Facilities existing within the Public Rights-of-Way that it or the Facilities owned by the Company damage. If the Company damages the City's Facilities within the Public Rights-of-Way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, the Company shall correct the damage within a prompt period after receiving written notification from the City. If the Company does not correct the City's damaged Facilities pursuant to the foregoing, the City may make such repairs as necessary and charge all of the reasonable, 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. 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 a general liability policy in a form satisfactory to the City Attorney, which at minimum must provide:

- (a) verification that an insurance policy has been issued to the Company by an insurance company authorized to do business in the State of Virginia, or a form of self insurance acceptable to the City Attorney;
- (b) verification that the Company is insured against claims for personal injury, including death, as well as claims for property damage arising out of (i) the use and occupancy of the Public Rights-of-Way by the Company, its agents, employees and permittees, and (ii) placement and use of Facilities owned by the Company in the Public Rights-of-Way by the Company, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground Facilities and collapse of property;
- (c) verification that the Certificate holder will be notified in writing 30 days prior to cancellation, or 10 days for non-payment of premium;
- (d) limits not less than:
 - 1. Commercial General Liability: \$2,000,000 per occurrence combined for bodily injury and property damage, \$10,000,000 aggregate;
 - 2. Auto Liability: \$2,000,000 combined single limit;
 - 3. Worker's Compensation with statutory limits;

4. Employer's Liability: \$1,000,000 each accident, \$1,000,000 each disease each employee, \$1,000,000 disease policy limit.

The policy shall include the City as an additional insured party, and the Company shall provide the City Attorney with a certificate of such coverage before execution of this franchise.

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

SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS

Nothing herein contained shall be construed to render the Company liable for or obligated to indemnify, 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, and/or
- (b) any other fee or payment that the City may lawfully impose for the occupation and use of the Streets.

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

SECTION 802 RESERVED

SECTION 803 NO CREDITS OR DEDUCTIONS

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

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

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

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

ARTICLE IX

SECTION 901 RESERVATION OF ALL RIGHTS AND POWERS

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

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

SECTION 902 SEVERABILITY

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

ARTICLE X

SECTION 1001 MAINTENANCE OBLIGATION

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

SECTION 1002 TREE TRIMMING

Should the Company install any overhead lines, it shall have the authority to trim trees upon or overhanging the streets, alleys, walkways or Public Rights-of-Way to prevent the branches of such trees from interfering with its lines or other Facilities. However, all such trimmings shall be performed in a safe and orderly manner under the general direction of the Director of Public

Works or his or her designee and in compliance with the pruning standards of the National Arborists Association as currently in effect.

ARTICLE XI

SECTION 1101 INITIAL TERM OF TELECOMMUNICATIONS FRANCHISE

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

SECTION 1102 APPLICATION FOR NEW TELECOMMUNICATIONS FRANCHISE

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

SECTION 1103 OPERATION OF FACILITIES OWNED BY THE COMPANY WHILE RENEWAL IS PENDING

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

ARTICLE XII

SECTION 1201 NOTICE

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

To the Company:

Sprint Communications Company L.P.
Attn: Manager, Real Estate
6391 Sprint Parkway

To the City:

City of Charlottesville
Attn: City Manager
605 East Main Street

MS: KSOPHT0101-Z2040
Overland Park, KS 66251-2040

Charlottesville, VA 22902

Copy to: Sprint Communications Company L.P.
Attn: Real Estate Attorney
6391 Sprint Parkway
MS: KSOPHT0101-Z2020
Overland Park, KS 66251-2020

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

SECTION 1202 EMERGENCY NOTIFICATION

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

To the Company:

Emergency contact for
afterhours/weekends/holidays:
Local Telecommunications Division,
Network Operations Center
1-888-230-4404, Option 2

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.

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

ARTICLE XIII

SECTION 1301 TERMINATION OF TELECOMMUNICATIONS FRANCHISE

The franchise granted by this Ordinance may be terminated:

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

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

ARTICLE XIV

SECTION 1401 REMOVAL OF FACILITIES FROM THE PUBLIC RIGHTS-OF-WAY

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

SECTION 1402 ABANDONMENT OF FACILITIES OWNED BY THE COMPANY IN THE PUBLIC RIGHTS-OF-WAY

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

ARTICLE XV

SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT

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

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

SECTION 1502 SUCCESSORS AND ASSIGNS

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

ARTICLE XVI

SECTION 1601 NONEXCLUSIVE FRANCHISE

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

ARTICLE XVII

SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES

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

SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED

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

ARTICLE XVIII

SECTION 1801 NO DISCRIMINATION

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

ARTICLE XIX

SECTION 1901 FORCE MAJEURE

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

ARTICLE XX

SECTION 2001 EFFECTIVE DATE

This Ordinance shall be effective upon its passage.

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

Paige Rice, Clerk of Council

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

SPRINT COMMUNICATIONS COMPANY OF VIRGINIA, INC.

By _____

Its _____

Date _____

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



Agenda Date:	May 7, 2018
Action Required:	Ordinance 2nd reading (May 21, 2018)
Presenter:	Mike Ronayne, Urban Forester, Parks and Recreation
Staff Contacts:	Mike Ronayne, Urban Forester, Parks and Recreation Brian Daly, Director, Parks and Recreation
Title:	Designation of Trees per the Tree Conservation Ordinance

Background:

On November 4, 2013 the City Council passed a tree conservation ordinance that permitted the designation of public or private trees as protected under one of four categories:

1. Heritage tree means any tree that has been individually designated by city council to have notable historic or cultural interest.
2. Memorial tree means any tree that has been individually designated by city council to be a special commemorating memorial.
3. Specimen tree means any tree that has been individually designated by city council to be notable by virtue of its outstanding size and quality for its particular species.
4. Street tree means any tree that has been individually designated by city council and which grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Attached are three trees forwarded for designation under this program. The first tree is a large southern red oak (*quercus falcata*) at the front right of the main entrance of Venable Elementary School. This tree is proposed for designation as a specimen tree. This large, spreading oak at Venable will be the subject of Charlottesville's Arbor Day celebration in 2018. Another proposed tree is the large shumard oak (*quercus shumardii*) in front of the Jefferson-Madison Regional Library proposed for designation as a specimen tree. This large tree resides to the front right of the historic library downtown and was celebrated for Charlottesville's Arbor Day in 2017. The last tree is a large basswood (*tilia americana*) in Emancipation Park proposed for designation as a heritage tree. This tree's "sister tree" was removed two years ago in Emancipation Park and this is now the largest diameter tree in the park residing near the corner E. Market St. and 1st St. N in the southwest corner of the park.

Pursuant to section 18-9(b)(2) Council is required to conduct a public hearing on these requests and pass an ordinance if the designation is to be given. The Tree Commission and City Arborist findings along with the original applications are included as attachments..

Discussion:

In 2012 the Tree Commission began to work, in earnest, on a tree conservation ordinance that would afford protection to trees that had a unique or unusual set of attributes or conditions. After working extensively with the City Attorney, individuals and organizations such as the Charlottesville Area Tree Stewards and a careful and thoughtful review of the Commonwealth enabling legislation a proposed ordinance was forwarded to City Council and approved November 4, 2013.

The program is voluntary in nature and requires that all public tree nominations originate with the Tree Commission while private trees may only be nominated only by the owner of the property on which the tree resides. The nomination then undergoes a review by the City Arborist as to condition and verification of species. The Tree Commission then considers all these findings and makes a determination whether or not to forward the nomination to the City Council on a quarterly basis. The nomination requested for consideration has been through this exhaustive process.

The provisions of this ordinance, pursuant to the enabling legislation, shall not apply to:

- (1) Work conducted on federal or state property;
- (2) Emergency work to protect life, limb or property;
- (3) Routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service;
- (4) Activities with minor effects on trees, including but not limited to, home gardening and landscaping of individual homes; and
- (5) Commercial, silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

Upon designation the ordinance notes that:

A property owner shall undertake reasonable efforts to preserve and protect any trees designated pursuant to this article. No heritage, memorial, specimen or street tree may be removed or intentionally damaged in a way that could destroy the tree unless authorized by city council. City council may authorize the removal or other action upon making a determination that: (i) there is an overriding need for public improvements which necessitate removal of the tree; or (ii) not removing the tree will cause severe hardship to the property owner.

Any person or entity that knowingly violates any provision of this article shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Civil penalties shall be imposed by the issuance of a civil summons returnable in the general district court

Alignment with Council Vision Areas and Strategic Plan:

The initiative supports City Council’s “Green City” vision. It contributes to Goal 3 of the Strategic Plan: A Beautiful and Sustainable Natural and Built Environment, objective 3.4, Be responsible stewards of natural resources, and objective 3.5, protect historic and cultural resources.

Community Engagement:

There has been no extensive community engagement on these proposed designations; however, during the submittal process there has not been public opposition.

Budgetary Impact:

There is no anticipated budgetary impact.

Recommendation:

The Tree Commission recommends and requests that these three trees be designated as requested and staff can find no reason that should not occur.

Alternatives:

Council could take no action on the designation of these trees.

Attachments:

Resolution

Tree Nomination Forms and Evaluative Documentation

ORDINANCE
DESIGNATING CERTAIN TREES AS PROTECTED TREES
UNDER THE CITY'S TREE CONSERVATION ORDINANCE

WHEREAS, the City of Charlottesville (the City) adopted a Tree Conservation Ordinance on November 4, 2013 to preserve certain significant trees within the City of Charlottesville; and

WHEREAS, per Section 18-5 *et seq.* of the City Code (Tree Conservation Ordinance), the City Arborist and Tree Commission may make recommendations to Council on a quarterly basis to consider designation of certain trees as Heritage, Memorial, Specimen, or Street trees; and

WHEREAS, the Tree Commission has nominated and recommends that the following trees be afforded protection through the Tree Conservation Ordinance:

- (1) At Venable Elementary School, a Southern Red Oak (*Quercus Falcata*) as a Specimen Tree;
- (2) At the main branch of the Jefferson-Madison Regional Library on Market Street, a Shumard Oak (*Quercus Shumardii*) as a Specimen Tree;
- (3) At Emancipation Park, a Basswood (*Tilia Americana*) as a Heritage Tree; and

WHEREAS, the City Arborist concurs with the recommendations of the Tree Commission; and

WHEREAS, City Council has considered the report and recommendation of the City Arborist and the Tree Commission, and conducted a public hearing on May 7, 2018; now, therefore,

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

1. The Southern Red Oak at Venable Elementary School and the Shumard Oak at the Jefferson-Madison Regional Library (Main Branch) are hereby designated as Specimen Trees; and
2. The Basswood tree located in Emancipation Park is hereby designated as a Heritage Tree.

City Arborist's Report prepared by Mike Ronayne

ISA Certified Arborist # MA-5342-A

March 26, 2018

Tree Nomination for Ordinance Protection: southern red oak (*Quercus falcata*) at
406 14th St. NW Venable Elementary School as a specimen tree

Nominated by: Caitlin King, Esther Wells, Lucas Vincent, Xan Pincham and Cindy
Cartwright

Considerations

Size- The southern red oak at Venable Elementary School was measured at diameter at breast height (4.5' above ground) and found to be 66" in diameter. The tree is estimated to be 75' in height with a 65' crown spread. The tree has a live crown ratio of approximately 70% which is excellent.

Species — Southern red oak is listed in the *Mid- Atlantic Species Rating Guide* which is used as the industry standard for Tree Appraisal as having a species rating of 50-90. Oaks in general are valuable to the landscape due to their longevity, strong wood and tolerance of urban environments. It is unknown how old the southern red oak is. Southern red oaks are native to Charlottesville and are generally tolerant of native insects but can be prone to a vascular disease called bacterial leaf scorch. Due to these factors I believe a species rating of 80 out of 100 is appropriate.

Condition – This tree has response growth from where the tree has healed over previous pruning cuts. The tree has generally good form with a large, expansive crown. The crown has only small deadwood (<1" diameter) and appears to be healthy. No visible cavities are observed from the ground. There are a few large seams along the trunk that indicate rot in the lower portion of the stem. Without further evaluation the extent of the rot cannot be determined. Response growth at base indicates decay and compensation for strength loss. Due to these factors the tree receives a condition rating of .85 out of 1 which is good.

Location – This tree is located alone in the front of Venable Elementary School and accents the building architecture. The tree shades a portion of the school, sidewalk, front entrance and playground. This tree has adequate soil volume in this location. Aside from the sidewalk and flower bed in the area, there appears to have been limited soil disturbance to the tree's root zone. Due to these factors the tree receives a location rating of .9 out of 1 which is excellent.

011 Venable School Southern Red Oak ^{1/2}

Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: **specimen, heritage, memorial, and street trees**. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to ehmand@charlottesville.org.

Application Number: _____

Date Received: _____

Nominator: Name (Print) Carlin King, Esther Wells, Lucas Vincent, Xan Pincham, Cindy Cartwright
with input from some 2nd, 3rd, 4th graders and graduates of Venable.

E-Mail: CartwrCI@charlottesvilleschools.org

Phone: 434-245-2618

Signature: G. Lees

Artist Sofie yoder
Spencer Madeline V. Mondschein

Tree to be nominated:

Address: 406 14th Street

Location description (if address unknown: Please include sketch below if needed) in front of Venable Elementary to the right of the stairs.

Common name or Latin name of tree (if known):

Southern Red Oak or Quercus Falcata

Category of Tree (check one): Public: Private (if selected see added requirements below)

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

011 2/2

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species. X

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government. ☐

Statement that supports requested designation (You may attach additional information)

Our Southern Red Oak grows along with Venable. The tree has a circumference of 17' 3 1/4". That is equal to four kids and an adult! The diameter is 66 inches, that's as wide as Ms. Cartwright is tall.

According to 2nd grader Ruby Hoer, "The tree is as tall as a skyscraper and as stiff as a brick. This tree is as big as Venable!" We used Venable's architectural plans to find out that from the bottom of the step to the peak of the roof, Venable is 62 feet tall. Our Southern Red Oak is taller than Venable School.

Our tree's root protection is about 160 feet long. One branch on the tree is 12 feet long.

We think the tree deserves to be protected!

If **Private Tree** the following information must also be received or the nomination cannot be processed:

Owner: Name (Print) _____
E-Mail: _____
Phone: _____

If Private Tree:	Requested	Received
Owner Affidavit :	_____	_____
NDS Review:	_____	_____
Public Works Review:	_____	_____

All Nominations:	Assigned	Returned
Arborist Report Received:	_____	_____
Commission Report Received:	_____	_____
Recommendation Formulated:	_____	_____
Action to Forward:	_____	_____
Council Action Date:	_____	

Nominator Notified: _____
Owner Notified: _____

Loaded in GIS: _____

Conclusion

The southern red oak in front of Venable School does have exceptional spread and diameter. While the extent of the internal rot is unknown the tree otherwise is in good general health. This tree is located ideally and invaluable to the property and landscape. Due to the proximity of other infrastructure and the building's historic nature, this tree would further be protected against future site disturbances and would benefit from ordinance protection.

Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: **specimen, heritage, memorial, and street trees**. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted sections, and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to ehmand@charlottesville.org.

Application Number: _____

Date Received: 3/26/18

Nominator: Name (Print) PAUL JOSEY, TREE COMMISSION
E-Mail: paul.josey@gmail.com
Phone: 434-270-3208
Signature: Paul Josey

Tree to be nominated:

Address: 406 14th St.

Location description (if address unknown: Please include sketch below if needed). In front of Venable Elementary

Common name or Latin name of tree (if known): Quercus falcata

Category of Tree (check one): Public: Private (If selected see added requirements below)

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

This tree is an exceptional, healthy species showing strong annual shoot growth, healthy branch connections and wonderful form. In addition to this, its age + size make it one of the oldest trees on city property. An exceptional city specimen!

If **Private Tree** the following information must also be received or the nomination cannot be processed:

Owner: Name (Print)
E-Mail:
Phone:

If Private Tree:	Requested	Received
Owner Affidavit:	_____	_____
NDS Review:	_____	_____
Public Works Review:	_____	_____

All Nominations:	Assigned	Returned
Arborist Report Received:	_____	_____
Commission Report Received:	_____	_____
Recommendation Formulated:	_____	_____
Action to Forward:	_____	_____
Council Action Date:	_____	
Nominator Notified:	_____	
Owner Notified:	_____	
Loaded in GIS:	_____	

16'
+ 15 1/4"
17' 3/4"
514 cm

Venable Elementary School



Legend

● Proposed Specimen Tree

Photograph – Southern Red Oak – Venable Elementary School



009-A Main Library Shumard

Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

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Instructions: Please complete and fill in (spaces expand) all applicable and highlighted sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to ehmand@charlottesville.org.

Application Number: 009-A

Date Received: _____

Nominator:

Name (Print)

Tree Commission (Paul Josey)

E-Mail: Paul.josey@gmail.com

Phone:

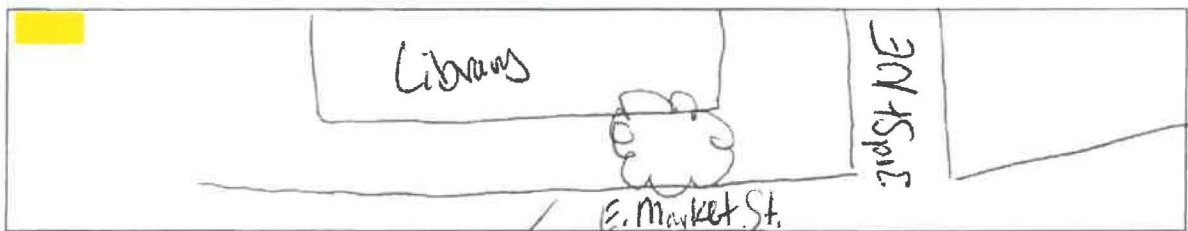
Signature:

Tree to be nominated:

Address: 201 E. Market St.

Location description (if address unknown: Please include sketch below if needed).

Common name or Latin name of tree (if known): Quercus shumardii



Category of Tree (check one): Public:

Private (If selected see added requirements below)

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

If **Private Tree** the following information must also be received or the nomination cannot be processed:

Owner: Name (Print)
E-Mail:
Phone:

If Private Tree:	Requested	Received
Owner Affidavit:	<input type="checkbox"/>	<input type="checkbox"/>
NDS Review:	<input type="checkbox"/>	<input type="checkbox"/>
Public Works Review:	<input type="checkbox"/>	<input type="checkbox"/>

All Nominations:	Assigned	Returned
Arborist Report Received:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commission Report Received:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation Formulated:	<input type="checkbox"/>	<input type="checkbox"/>
Action to Forward:	<input type="checkbox"/>	<input type="checkbox"/>
Council Action Date:	<input type="text"/>	<input type="text"/>

Nominator Notified:
Owner Notified:

Loaded in GIS:

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

_____The shumard oak located in front of the main public library on Market Street is the largest shumard oak in the city of Charlottesville. The fact that it is in a prominent location, is in excellent health and enhances the beautify of the street, makes it an excellent candidate for tree conservation.

If **Private Tree** the following information must also be received or the nomination cannot be processed:

Owner: Name (Print) _____
E-Mail: _____
Phone: _____

If Private Tree:	Requested	Received
Owner Affidavit:	_____	_____
NDS Review:	_____	_____
Public Works Review:	_____	_____

All Nominations:	Assigned	Returned
Arborist Report Received:	_____	_____
Commission Report Received:	_____	_____
Recommendation Formulated:	_____	_____
Action to Forward:	_____	_____
Council Action Date:	_____	
Nominator Notified:	_____	
Owner Notified:	_____	
Loaded in GIS:	_____	

009-B MAIN LIBRARY SHUMARD

Tree Conservation - Nomination Form

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Application Number: 009-B

Date Received: _____

Nominator: Name (Print) Rosanne Simon
E-Mail: rsimon_96@msn.com
Phone: 977-3562
Signature: Rosanne Simon

Tree to be nominated:

Address: Market Street in Front of the Main Library

Location description (if address unknown: Please include sketch below if needed). _____

Common name or Latin name of tree (if known): shumard oak

Category of Tree (check one): Public: Private (If selected see added requirements below)

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

City Arborist's Report prepared by Mike Ronayne

ISA Certified Arborist # MA-5342-A

November 27, 2017

Tree Nomination for Ordinance Protection: Shumard Oak (*Quercus shumardii*) at
201 E. Market St. Regional Library as a specimen tree

Nominated by: The Charlottesville Tree Commission

Considerations

Size- The shumard oak at the library was measured at diameter at breast height (4.5' above ground) and found to be 51" in diameter. The tree is estimated to be 75' in height with a 60' crown spread. The tree has a live crown ratio of approximately 65% which is excellent.

Species – Shumard oak is not listed in the *Mid- Atlantic Species Rating Guide* which is used as the industry standard for Tree Appraisal. Other oaks listed with similar characteristics have a species rating of 60-90 which would be applicable for this species as well. Oaks in general are valuable to the landscape due to their longevity, strong wood and tolerance of urban environments. Based on historical photographs of the Library this tree is believed to be approximately 80 years old. Due to the shumard oaks' resilient nature in the Charlottesville area and resistance to insect and disease, I believe a species rating of 85 out of 100 is appropriate.

Condition – This tree has response growth from where the tree has healed over previous pruning cuts. The tree has also been pruned away from the building throughout its life, while appropriate, has resulted in an asymmetrical crown. The tree has generally good form with the exception of the crown balance and some multiple branching structure. The crown has only small deadwood (<1" diameter) and appears to be healthy. No visible cavities are observed from the ground. Some small ribs are present indicating response growth on trunk. Small girdling roots are present at surface. Response growth at base indicates decay and compensation for strength loss. Due to these factors the tree receives a condition rating of .7 out of 1.

Location – This tree is located downtown in a Historical district and contributes to shade for approximately half a block and part of the library. The Paramount uses this tree to hang banners for events across E. Market St. This tree does have limited soil volume on the steep slope in front of the library. There are likely environmental disturbances that have taken place here within the lifetime of tree. Visibly, there has been a sign installed, landscape lighting installed and pavers and stone dust put down in the root zone of this tree. Due to these factors the tree receives a location rating of .8 out of 1.

Conclusion

The shumard oak in front of the library does have an exceptional spread and diameter. It could be argued that this tree is not exceptional and does not meet specimen quality nationally, but locally to the Charlottesville area, I feel this specimen designation is warranted. Due to the proximity of other infrastructure, this tree would then further be protected against future site disturbances and would benefit from ordinance protection.

Jefferson-Madison Regional Library



Legend

● Proposed Specimen Tree

Photograph – Shumard Oak Arbor Day 2017 – Main Library



OIO Emancipation Park Tilia

Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

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Instructions: Please complete and fill in (spaces expand) all applicable and highlighted sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to ehmand@charlottesville.org.

Application Number: OIO

Date Received: _____

Nominator:

Name (Print)

Tree Commission (Paul Josey)

E-Mail: Paul.Josey@gmail.com

Phone:

Signature:

Tree to be nominated:

Address:

Emancipation Park

Location description (if address unknown: Please include sketch below if needed).

Common name or Latin name of tree (if known): Tilia americana



Category of Tree (check one):

Public:

Private (If selected see added requirements below)

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

The Basswood located at the front corner of Emancipation Park and Market St. is an exceptional tree in both heritage and form. Possibly the oldest tree in the park, this tree has a unique connection to the beginnings of this local landmark. At first glance the basswood canopy may look sparse, but the tree has employed a deliberate strategy of energy investment into the more vital vascular cambium (ring outside the heartwood) that allows for better use of resources. The Basswood has a hollowed out center, but continues to exhibit healthy form for its age like many hollow-bearing trees. The exaggerated taper, large trunk and rapidly narrowing top, provides the tree with added stability for wind resistance. It is currently structurally sound (the cambium is completely intact and thriving) and due to the natural crown reduction over time, the size and health of its canopy show no pending structural concerns. Trees of all ages and sizes offer a variety of habitat, the basswood in particular with its hollowing out center offers habitat niches unlike other trees around it. This basswood is a rare and exceptional tree that should be prized for its graceful aging and considerable history in the city. It should be noted the failing retaining wall behind the tree needs to be inspected to ensure the health of the tree.

If **Private Tree** the following information must also be received or the nomination cannot be processed:

Owner: Name (Print)
E-Mail:
Phone:

If Private Tree:	Requested	Received
Owner Affidavit:	_____	_____
NDS Review:	_____	_____
Public Works Review:	_____	_____

All Nominations:	Assigned	Returned
Arborist Report Received:	<input checked="" type="checkbox"/>	_____
Commission Report Received:	<input checked="" type="checkbox"/>	_____
Recommendation Formulated:	_____	_____
Action to Forward:	_____	_____
Council Action Date:	_____	_____

Nominator Notified:	_____
Owner Notified:	_____
Loaded in GIS:	_____

City Arborist's Report prepared by Mike Ronayne

November 27, 2017

ISA Certified Arborist # MA-5342-A

Tree Nomination for Ordinance Protection: Basswood (*Tilia americana*) at
Emancipation Park as a heritage tree

Nominated by: The Charlottesville Tree Commission

Considerations

Size- The basswood at the Emancipation Park was measured at diameter at breast height (4.5' above ground) and found to be 76" in diameter. The tree is estimated to be 60' in height with a 35' crown spread. The tree has a live crown ratio of approximately 45% which is good.

Species – Basswood is listed in the *Mid- Atlantic Species Rating Guide* which is used as the industry standard for Tree Appraisal as having a species rating of 60-85. Basswood, along with other lindens, are softer-wooded trees and can be prone to breakage. The age of the basswood is unknown. Due to the basswoods' tendency to break in storm events and irregularity throughout the area, I believe a species rating of 70 out of 100 is appropriate.

Condition – This tree has lost the main central leader and has a large cavity in the main trunk and base. The tree has large cavities in major limbs. There are branches on the tree that have poor form and branches with poor attachment. The trunk has multiple cavities visible but has shown significant response growth to compensate for strength loss. The remaining crown is relatively balanced. There are some sunken locations in the ground where decay has occurred in major roots around the root plate. Due to these factors the tree receives a condition rating of .1 out of 1.

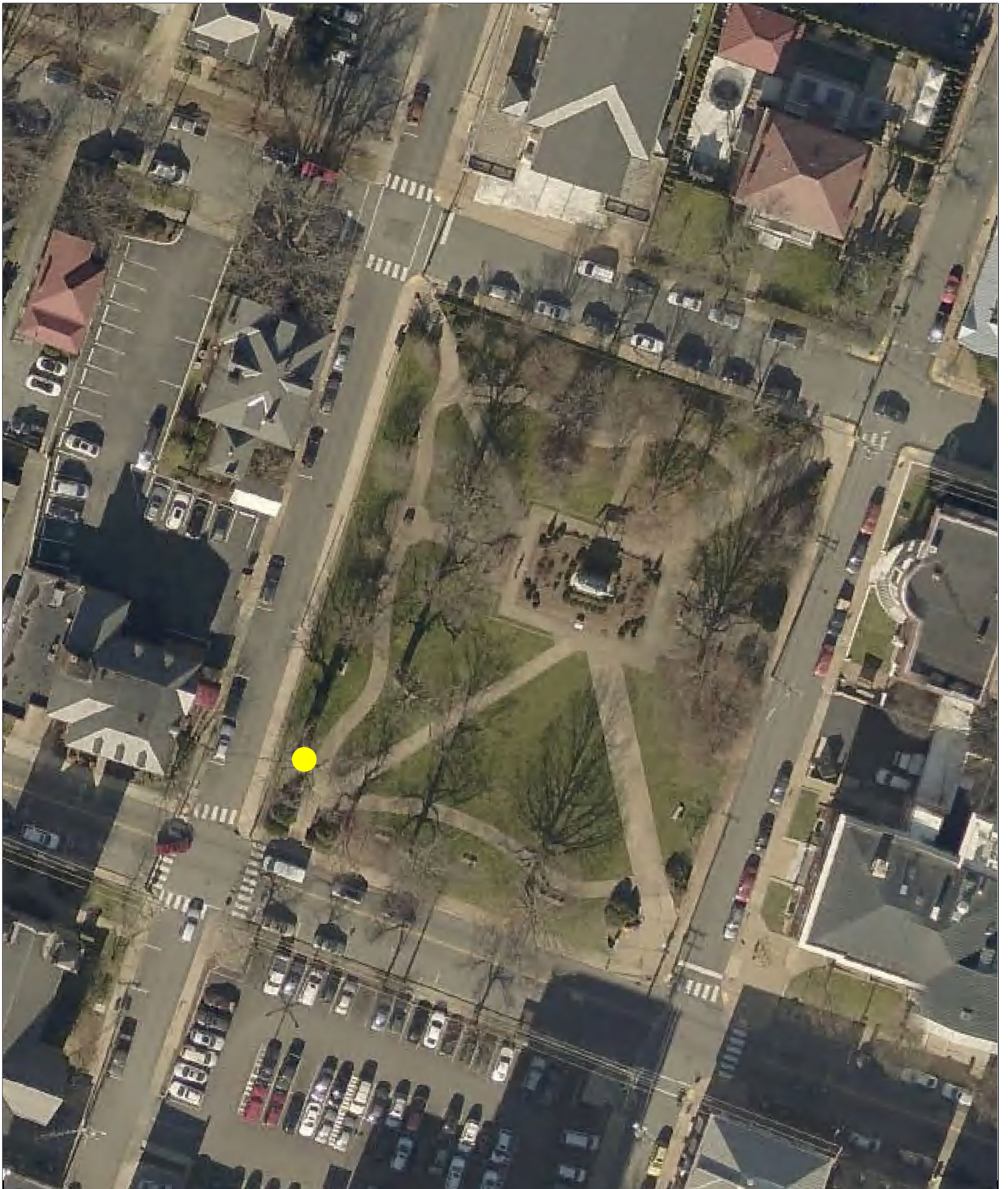
Location – This tree is located near downtown in a Historical district in planned park setting. Due to the tree's limited canopy and general decline, this tree has reduced benefits but still shades a corner of the park along with part of the intersection and sidewalk. This tree stands by itself and is unique to others in the park as it is the largest diameter. The tree is located near a slope, stairs and sidewalk. Due to these factors the tree receives a location rating of .9 out of 1.

Historical or Cultural Interest – This tree is the last originally planted tree from the park's original design from 1924. It is a very large diameter tree which gives this tree some prominence.

Conclusion

This particular tree has a very large diameter for any tree in this part of the country. Since it was also an originally planted tree of the park, it does have some historical interest. It is also in an ideal location in Charlottesville. Unfortunately due to the lack of structural integrity of this tree, I do not recommend that it be protected under ordinance. This tree has showed significant decline and is towards the end of its life cycle. Also being a park, it is generally protected from lawful things and procedures that would intentionally harm the tree, which would create redundancy by the ordinance.

Emancipation Park



Legend

● Proposed Heritage Tree

Photograph – Basswood – Emancipation Park



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



Agenda Date:	May 21, 2018
Action Required:	Approval of Homeowner Tax Relief Grant Program
Presenter:	Todd D. Divers, Commissioner of the Revenue
Staff Contacts:	Todd D. Divers, Commissioner of the Revenue
Title:	Homeowner Tax Relief Grant Program – 2018

Background:

As part of the FY 2019 Adopted Budget, City Council made several changes to the Homeowner Tax Relief Program, also known as the Charlottesville Housing Affordability Program or CHAP. Attached is an ordinance for Council’s consideration for the Homeowner Tax Relief grant program for low-and moderate-income homeowners for Calendar Year 2018 that is reflective of the changes made as part of the FY 2019 Adopted Budget. The program allows the owners of eligible homeowner-occupied properties grant amounts applied to real estate taxes due on the property for the second half of calendar year 2018.

Discussion:

Enabling language for the CHAP Program is found in Sec. 50.7 of the City’s Charter, which requires that in determining who are “low and moderate income persons” the City must apply the income guidelines issued by the VHDA for use in its single-family mortgage loan program. Those guidelines also contain limitations on the value of the home in question. Current VHDA guidelines stipulate a maximum income threshold of \$90,000 and a maximum home value of \$375,000. During this year’s budget discussions, Council made several adjustments to the parameters for the 2018 CHAP Program as follows:

1. Changes to grant values based on income limits

CHAP IN PRIOR YEARS		
Applicant Income	\$0 - \$25,000	\$25,001 - \$50,000
Grant Amount	\$525	\$375

2018 CHAP			
Applicant Income	\$0 - \$20,000	\$20,001 - \$35,000	\$35,001 - \$50,000
Grant Amount	\$1,000	\$750	\$500

2. Changes to home value
Maximum value for a qualifying home increased from \$365,000 to \$375,000
3. Finally, there is also a change regarding those with delinquent taxes. In previous years, homeowners were required to be fully paid by the December 5th billing. Going forward,

homeowners will only need to be in an active payment plan as determined by the City Treasurer.

Alignment with City Council's Vision and Strategic Plan:

This program aligns with the City's goal to be an inclusive community of self-sufficient residents and in particular, to increase affordable housing options.

Budgetary Impact:

Cost of this program is funded with the annual budget appropriation for Fiscal Year 2019 approved by Council. The total budget is \$569,500, an increase of \$179,500 from FY 2018.

Recommendation:

Approve proposed ordinance.

Attachments:

N/A

AN ORDINANCE TO ESTABLISH A GRANT PROGRAM TO PROMOTE AND PRESERVE HOMEOWNERSHIP BY LOW- AND MODERATE-INCOME PERSONS WITHIN THE CITY OF CHARLOTTESVILLE

WHEREAS, effective July 1, 2006, §50.7 of the Charter of the City of Charlottesville authorizes City Council to make grants and loans of funds to low- or moderate-income persons to aid in the purchase of a dwelling within the City; and

WHEREAS, this City Council desires to offer a monetary grant for Fiscal Year 2019, to aid low- and moderate-income citizens with one of the ongoing expenses associated with the purchase of a dwelling, *i.e.* real estate taxes; and

WHEREAS, public funding is available for the proposed grant;

NOW, THEREFORE, effective July 1, 2018 and for calendar year 2018, the Charlottesville City Council hereby ordains:

Grant—provided.

(a) There is hereby provided to any natural person, at such person's election, a grant in aid of payment of the taxes owed for the taxable year on real property in the city which is owned, in whole or in part, and is occupied by such person as his or her sole dwelling. The grant provided within this section shall be subject to the restrictions, limitations and conditions prescribed herein following.

(b) If, after audit and investigation, the Commissioner of Revenue determines that an applicant is eligible for a grant, the Commissioner of Revenue shall so certify to the City Treasurer, who shall implement the grant as a prepayment on the applicant's real estate tax bill due on December 5, 2018.

(c) The amount of each grant made pursuant to this ordinance shall be \$1,000 for taxpayers with a household income of \$0-20,000, \$750 for taxpayers with a household income of \$20,001-\$35,000, and \$500 for taxpayers with a household income from \$35,001-\$50,000, to be applied against the amount of the real estate tax bill due on December 5, 2018. Any remaining grant amount in excess of what is owed on the taxpayer's second half bill, but not to exceed the entire annual tax due, shall be remitted to the taxpayer.

Definitions.

The following words and phrases shall, for the purposes of this division, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Applicant* means any natural person who applies for a grant authorized by this ordinance.

(2) *Dwelling* means a residential building, or portion such building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is a part of the real estate for which a grant is sought pursuant to this ordinance.

(3)*Grant* means a monetary grant in aid of payment of taxes owed for the taxable year, as provided by this ordinance.

(4)*Spouse* means the husband or wife of any applicant who resides in the applicant's dwelling.

(5)*Real estate* means a city tax map parcel containing a dwelling that is the subject of a grant application made pursuant to this ordinance.

(6)*Taxes owed for the current tax year* refers to the amount of real estate taxes levied on the dwelling for the taxable year.

(7)*Taxable year* means the calendar year beginning January 1, 2018.

(8)*Household income* means (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, or (ii) for applicants for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year: of the applicant, of the applicant's spouse, and of any other person who is an owner of and resides in the applicant's dwelling. The Commissioner of Revenue shall establish the household income of persons for whom no federal tax return is required through documentation satisfactory for audit purposes.

Eligibility and restrictions, generally.

A grant awarded pursuant to this ordinance shall be subject to the following restrictions and conditions:

(1)The household income of the applicant shall not exceed \$50,000.

(2)The assessed value of the real estate owned by the applicant shall not exceed \$375,000.

(3)The applicant shall own an interest in the real estate that is the subject of the application (either personally or by virtue of the applicant's status as a beneficiary or trustee of a trust of which the real estate is an asset) and the applicant shall not own an interest in any other real estate (either personally or by virtue of the applicant's status as a beneficiary or trustee of a trust of which the real estate is an asset).

(4)As of January 1 of the taxable year and on the date a grant application is submitted, the applicant must occupy the real estate for which the grant is sought as his or her sole residence and must intend to occupy the real estate throughout the remainder of the taxable year. An applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration.

(5)An applicant for a grant provided under this ordinance shall not participate in the real estate tax exemption or deferral program provided under Chapter 30, Article IV of the City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) for the taxable year, and no grant shall be applied to real estate taxes on property subject to such program.

(6)An applicant for a grant provided under this division who is delinquent on any portion of the real estate taxes due on a property to which the grant is to be applied, must be in good standing on a payment plan with the Treasurer's office with the aim of paying off said delinquency.

(7) Only one grant shall be made per household.

Procedure for application.

(a) Between July 1 and September 1 of the taxable year, an applicant for a grant under this ordinance shall file with the Commissioner of Revenue, in such manner as the Commissioner shall prescribe and on forms to be supplied by the city, the following information:

(1) the name of the applicant, the name of the applicant's spouse, and the name of any other person who is an owner of and resides in the dwelling.

(2) the address of the real estate for which the grant is sought;

(3) the household income;

(4) such additional information as the Commissioner of Revenue reasonably determines to be necessary to determine eligibility for a grant pursuant to this ordinance.

(b) Changes in household income, ownership of property or other eligibility factors occurring after September 1, but before the end of the taxable year, shall not affect a grant once certified by the Commissioner of the Revenue, in which case such certified grant shall be applied to the subject real estate.

(c) Any person who willfully makes any false statement in applying for a grant under this division shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$500 for each offense.

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



Agenda Date:	May 21, 2018
Action Required:	Hold Public Hearing
Presenter:	Maurice Jones, City Manager
Staff Contacts:	Maurice Jones, City Manager Mike Murphy, Assistant City Manager
Title:	Civilian Review Board Public Hearing

Background:

At the November 20, 2017 Council meeting, Council considered a report by the Charlottesville Police Citizens Advisory Panel regarding a citizen review board for the City of Charlottesville's Police Department. Following the report and ensuing discussion, Council built consensus to form an independent Police Civilian Review Board ("Board"). In order to provide for the Board's operation as a truly independent entity, Council supported tasking the initial Board with drafting bylaws and defining their mission. Pursuant to Council's discussion at the November 20, December 4 and December 18, 2017 Council meetings, Council passed a resolution forming an initial Civilian Review Board for the City of Charlottesville's Police Department.

Discussion:

The Council resolution forming an initial Police Civilian Review Board reflected the intent of Council that the Board shall explore and outline their charge, including the ability to work with local law enforcement to address and investigate community complaints, and engage in community-focused process that regularly involve all segments of the public, inclusive of the City's minority and low-wealth communities.

Council has conducted an open application process, including four opportunities for input at regular Council meetings and a public Civilian Review Board Community Forum, which was held at the Jefferson School on April 24. Of the 25 initial applications received, Council selected the 17 applicants who are City residents to participate in the Civilian Review Board Community Forum. A total of 12 applicants attended the forum, with 5 applicants electing to withdraw themselves from consideration. More information, including a link to a feedback survey, which closes May 24, may be found at www.charlottesville.org/boards.

After hearing from the public, including the online feedback survey, Council will appoint the initial Board at the June 4, 2018 regular Council meeting. The initial Board will have seven members, to be appointed to a one-year term by vote of Council, and should include an engaged, diverse selection of members representative of the community on the whole, inclusive of the

City's minority and low-wealth communities, as well as those with personal experience with the Charlottesville Police Department's policing practices.

Following Council's appointments to the initial Board, the Board will convene public meetings and engage the community for a period of approximately six months, after which they will provide a written report with proposed mission and draft bylaws for Council's consideration, by no later than nine months after the appointments have been made.

Alignment with City Council's Vision and Strategic Plan:

The formation of a Civilian Review Board aligns with several of the [City Council Vision](#) areas, including a Community of Mutual Respect, and a Smart, Citizen-Focused Government. This initiative aligns with the [Strategic Plan](#) Goal 1: An Inclusive, Self-Sufficient Community, and Goal 2: A Healthy and Safe City.

Budgetary Impact:

Council has approved an allocation of \$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.

Attachments:

Approved Resolution – December 18, 2017

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.

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



Agenda Date:	May 21, 2018
Action Requested:	Public Hearing and First Reading of Ordinance
Presenter:	Lisa A. Robertson, Acting City Attorney
Staff Contacts:	Carrie Rainey, NDS Planner
Title:	Closing of Portion of Alley off Castalia Street

Background:

LBQ Properties LLC (Jeffrey Quinn) is the owner of the property at 928 Monticello Avenue. Mr. Quinn has submitted a petition to close a portion of the 12' wide alley (unaccepted) off Castalia Street which runs behind his property. There are 5 other adjoining property owners. The subject 12' wide alley was created by the Belmont Plat (1891) of record in the Albemarle County Clerk's Office in Deed Book 96, page 72. Mr. Quinn wants to close the subject alley because a large garage/shed on his property encroaches into the alley and has created title problems. In order to ensure clear title to the right-of-way, he is seeking adoption of a formal ordinance by City Council evidencing the vacation of any public interest in the subject alley.

Discussion:

Closing the alley will result in each adjoining property owner acquiring six feet (6') of the alley. Mr. Quinn's garage/shed encroaches 7.3 feet into the alley, but he has stated that the owner of 915 Bolling Avenue (directly behind Quinn's property) has agreed to grant him an easement for the additional 2 feet he needs to cure the encroachment. The alley is accessible by vehicle, according to one property owner who uses the alley to access the rear of her property at 917 Bolling Avenue. Two adjoining property owners have objected to closing the alley.

The adopted City Council policy for the closing and vacating of streets and alleys states that City Council should consider the following in making their decision as to whether a particular street or alley should be closed:

1. *Will vacating the street or alley impede any person's access to his property, or otherwise cause irreparable damage to the owner of any lot shown on the original subdivision plat?*

The requested alley vacation will impede access to the rear of the parcels located along the alley proposed for closure. Closing the alley will not result in any parcel becoming "landlocked".

2. *Are there any public utilities located in the area to be vacated?*

There are no public utilities located in the subject alley.

3. *Will vacation of the street or alley result in an adverse impact on traffic on nearby public streets, or result in undesirable circulation conditions for vehicular movements in and through the subdivision?*

Since the subject alley has never been accepted into the City street system for vehicular travel, there will be no adverse impact on general traffic as a result of the alley vacation.

Alignment with City Council's Vision and Strategic Plan: Not applicable.

Community Engagement:

A public hearing is being held, and has been advertised as required by law. A sign was posted in the alley to further notify the public about the public hearing. The adjoining property owners were also notified by letter, mailed first class, of the public hearing and the proposed alley closing. Two owners have expressed objections to the closing of the alley. Elizabeth Glover and Joy Pugh, owners of 917 Bolling Avenue, telephoned their objection that it would prevent them from accessing the rear of their property, and said they plan to attend the public hearing. The owner of 919 Bolling Avenue, Mr. and Mrs. Johnson, have submitted a letter (attached) expressing their reasons that the alley should not be closed.

Budgetary Impact:

None.

Attachments:

Request Letter and Petition
Tax Map; Google Photo
Letter from Johnsons with Objections to Closing Alley
Proposed Ordinance to Close a Portion of an Alley off Castalia Street

Staff Recommendation: There are several objecting adjacent owners. Council may take those objections into account, after which Council may:

- (1) defer making a decision, and tell the applicant to go work out an agreement with however many individuals he can persuade, and return to Council with that additional information, or
- (2) close just a portion of the alley, whatever portion nobody is objecting to, or
- (3) deny the application altogether

LBQ Properties LLC

RECEIVED

MAR 26 2018

NEIGHBORHOOD DEVELOPMENT SERVICES

March 26, 2018

City of Charlottesville
City Council
605 East Main Street
Charlottesville, VA 22902

Re: Abandonment of alley in BK 19 Belmont

To whom it may concern,

Upon doing a boundary survey of my property, located at 928 Monticello Ave., I discovered that a rear building on my property is encroaching onto the alley in BK 19 in the Belmont sub-division. Therefore, I am requesting the abandonment of a portion of the alley from my property to the cross street at Castalia St.

Abandoning the alley will in no way impede any person's access to their property or cause irreparable damage. The alley is mostly crossed by fences and has been treated as abandoned for many years by the surrounding owners.

There are no utilities located in the alley. Attached is a copy of a map and language from the City of Charlottesville Public Work showing that there are no utilities.

Abandoning the alley will have no impact to the local traffic patterns. Currently, the alley is completely covered in grass and is mostly crossed with fencing, so no traffic has used it in many years.

Thank you for your time and consideration.

Sincerely,



Jeffrey J Quinn
Manager
LBQ Properties, LLC

977 Seminole Trail #337
Charlottesville, Virginia 22901

LBQProperties@yahoo.com
Phone: (617) 388-8090



RECEIVED

PETITION TO CLOSE A STREET OR ALLEY

MAR 26 2018

Please Return To: Department of Neighborhood Development Services
PO Box 911, City Hall, Charlottesville, Virginia 22902
Telephone (434) 970-3182 Fax (434) 970-3359



FEE: A filing fee of \$100.00 made payable to the City of Charlottesville.

A. PETITIONER INFORMATION

Petitioner Name: LBC Properties Jeff Quinn

Petitioner Mailing Address: 977 Semrade Tr, #337 C-ville 22901

Does Petitioner currently own property adjacent to the area requested to be closed? yes If no, please explain _____

Petitioner Phone Number(s):
Work: 617-388-8090
Home: _____

Fax _____
Email: LBCproperties@yahoo.com

B. ADDRESSES OF PROPERTY OWNERS ADJACENT TO THE STREET/ALLEY (use back of form if necessary)

Property Owner Name	Mailing Address	City Tax Map and Parcel #
<u>see attached</u>	_____	<u>570067000</u>
_____	_____	_____
_____	_____	_____

C. PETITIONER'S REQUEST

- That, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia (1950), as amended, the said Petitioner(s) apply for the vacating, closing and discontinuance of a certain street or alley, situated in the City of Charlottesville, Virginia, as described below as follows: (Provide name, right-of-way width and length of streets or alleys being closed)
Alley between Monticello Ave and Bolling Ave (Block 19 of Belmont Plat) adjacent to Lots 17, 18, 19, 8 + 9
- Confirm that no inconvenience will result to any person by reason of said closing, vacation and discontinuance of the said street or alley. Include details in narrative.
- That land owners along and adjacent to said street or alley desire and request the street or alley to be closed. Attach letters of approval or signatures of approval from adjacent property owners.
- Attach a copy of the city real property tax map showing the portion of the street or alley to be vacated with the square footage clearly indicated.
- Applicant must provide copies of a title search and opinion performed by an attorney or licensed title company of the property in question and the alley to the original dedication of the alley or street. Highlight on the deed when the street or alley was created. The deed information is available at the City Circuit Courthouse (315 E. High Street).
- Applicant must review the attached closing policy prior to submission of this form and attach a narrative which addresses the objectives outlined in that policy to include specific information as to why an alley closing is being requested.

Respectfully Submitted,
[Signature]
Signature of Petitioner(s)

Jeffrey J Quinn
Print

The review process typically takes two months. Following the review, valid applications will be forwarded to a joint Planning Commission and City Council Public Hearing and then to City Council for two readings.

FOR OFFICE USE ONLY (Sign Posting)
I certify that the sign(s) as required by Section 31-271 of the City Code (Zoning Ordinance) as amended has been posted on the following date:

Signature _____
Date Paid: 3/26/2018 Amt. Paid: \$100⁰⁰ Check #: 110 Recorded by: B. A. B.

P18-0053

LBQ Properties LLC

Owners adjoining or contiguous

- 1) 928 Monticello Avenue
LBQ Properties, LLC
ID 570067000
Lot 8 & PT 7 BK 19 – Belmont

- 2) 932 Monticello Avenue
Hunter, Kurtis A
ID 570066000
Lot 9 BK 19 – Belmont

- 3) 913 Bolling Avenue
Mawyer, William I
ID 570082000
Lot 16 BK 19 – Belmont

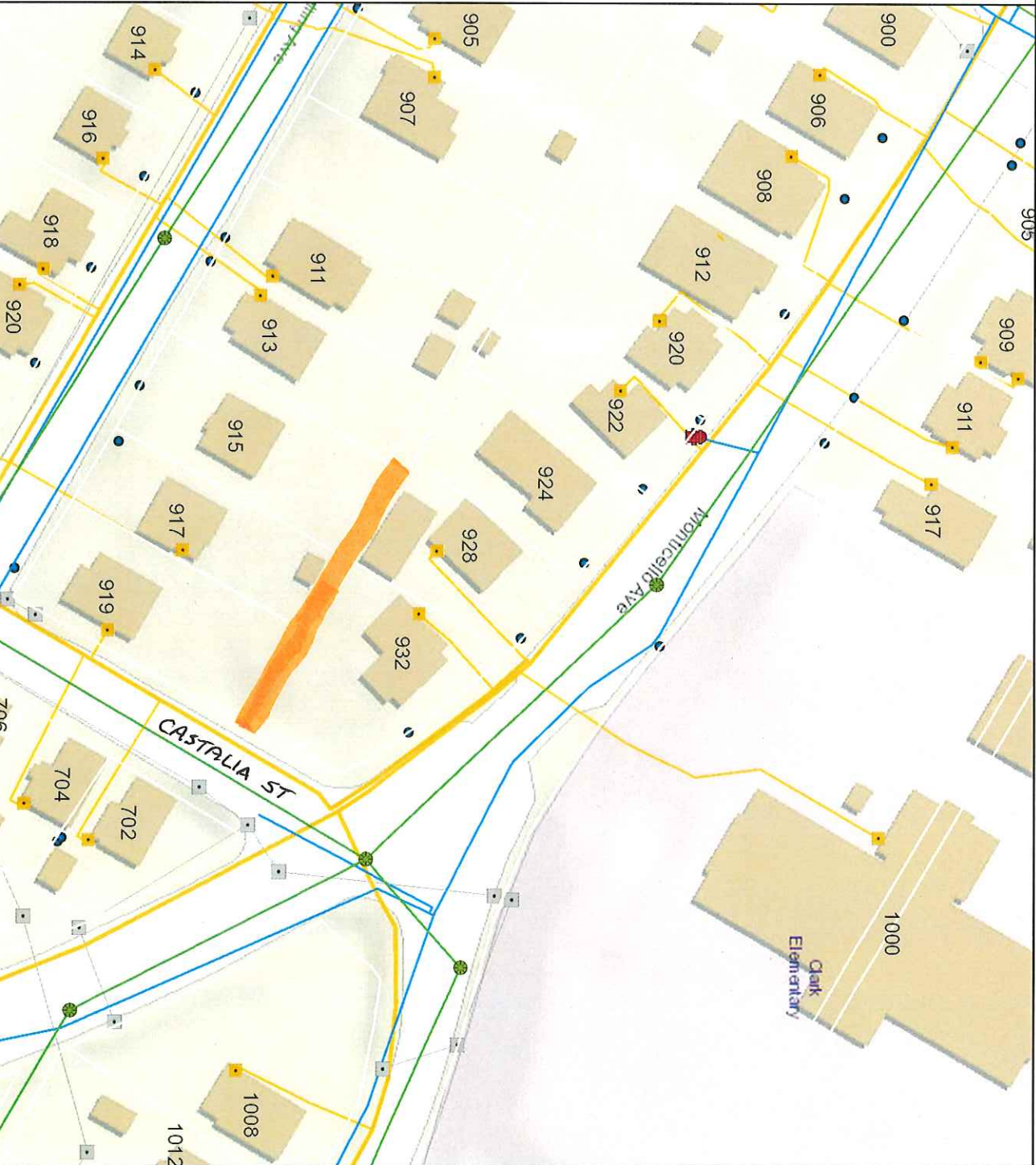
- 4) 915 Bolling Avenue
Ferrante, Elisa A
ID 570083000
Lot 17 BK 19 – Belmont

- 5) 917 Bolling Avenue
Glover, Elizabeth B & Pugh, Joy K
ID 570084000
Lot 18 BK 19 – Belmont

- 6) 919 Bolling Avenue
Johnson, Richard M & Dreama L
ID 570085000
Lot 19 BK 19 – Belmont



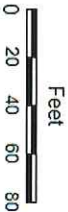
- Legend**
- Parcels
 - Addresses
 - City Limits
 - Sanitary Manhole
 - Sanitary Line
 - Storm Structure
 - Storm Line
 - Water Hydrant
 - Water Line
 - Water Meter
 - Gas Meter
 - Gas Main
 - Gas Service

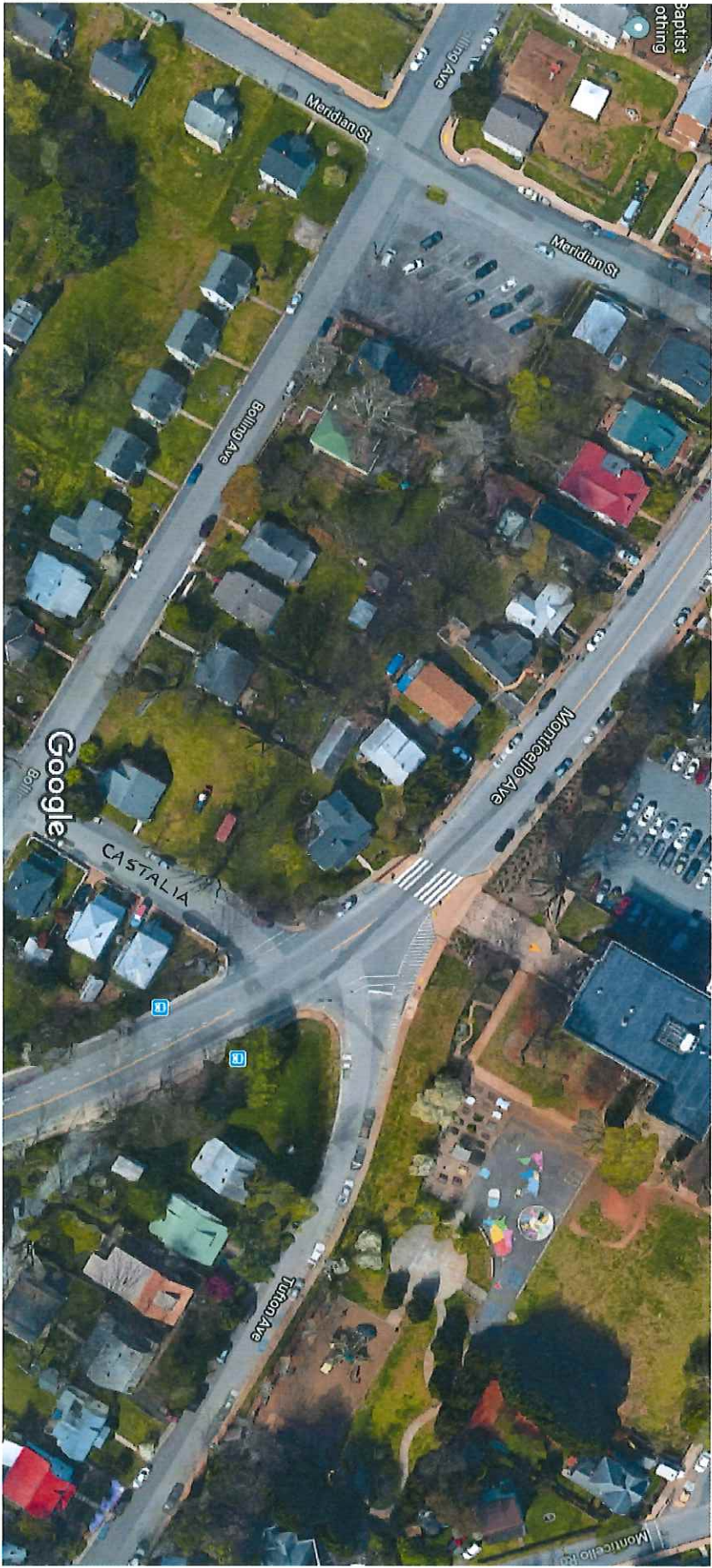


Title: Proposed Alley Closing

Date: 4/23/2018

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





Map data ©2018 Google 50 ft

Richard and Dreama Johnson
919 Bolling Ave.
Charlottesville, VA 22902

10 May 2018

To the City Council:

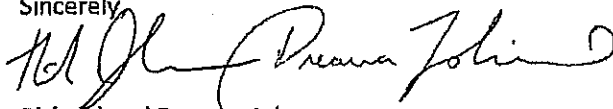
We are writing in regard to the proposed ordinance to close a portion of the Castalia Street alley between Monticello and Bolling Avenues. As owners of a property adjoining the alley, we are expressing our strong opposition to the closure of the alley.

Unfortunately, we are traveling out of the U.S. during the period of the hearing or we would be there to express these views in person. We hope that you will consider them and not take our inability to appear as a lack of interest in this issue. There are a few key reasons we are opposed to this ordinance closing the alley:

- The petitioner did not contact us as owners of the property adjacent to the alley prior to filing the petition. We are concerned that we were not contacted until the City Attorney's office notified us of the ordinance and believe it is appropriate to have expected the petitioner to discuss the proposal with us in advance.
- The alley provides access to the rear of our property for the delivery of lawn care and other materials and potentially provides access to future off-street parking on our property. Closing the alley would impede this permanently.

Overall, as property owners adjacent to the alley, we would prefer to have the option of maintaining and using the alley to access our property from the rear in the future. We hope that the City Council will decline to adopt this ordinance. We thank you for your time.

Sincerely,



Richard and Dreama Johnson

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING A
PORTION OF A 12' WIDE ALLEY OFF CASTALIA STREET
NEAR MONTICELLO AVENUE**

WHEREAS, LBQ Properties LLC, owner of the property at 928 Monticello Avenue, initiated a petition seeking to close a portion of the 12' wide alley adjoining its property (approximately 155 feet in length from its origin at Castalia Street), hereinafter "Subject Right of Way"; and,

WHEREAS, the Subject Right of Way was initially platted in 1891 as part of the Belmont Subdivision, and was never accepted by the City as part of the City's public street system; and

WHEREAS, there are no public utility lines located in the Subject Right of Way; and

WHEREAS, following notice to the public pursuant to Virginia Code §15.2-2272, a public hearing by the City Council was held on May 21, 2018, and comments from City staff and the public were made and heard; and,

WHEREAS, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on February 7, 2005, this Council finds and determines that the petitioner's request should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City hereby closes, vacates and discontinues the Subject Right of Way described as follows:

The portion of a 12' wide alley off Castalia Street, running a distance of approximately 155 feet, adjoining City Tax Map Parcels 570067000, 570066000, 570083000, 570084000, 570085000 and a portion of 570082000, shown as Lots 7, 8, 9, 16, 17, 18 and 19 of Block 19 on the Belmont subdivision plat, of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 96, Page 72.

BE IT FURTHER ORDAINED that unless an appeal from Council's enactment of this ordinance is made to the Charlottesville Circuit Court within thirty (30) days of the date of adoption, the Clerk of the Council shall send a certified copy of this ordinance to the Clerk of the Circuit Court for recordation in the current street closing book.

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



Agenda Date:	May 21, 2018
Action Requested:	Public Hearing and Ordinance (1 st of 2 readings)
Presenter:	Brian Haluska, Principal Planner, NDS
Staff Contacts:	Lisa Robertson, Chief Deputy City Attorney
Title:	Conveyance of Water Street Right of Way (64 sf) and Temporary Construction, Grading and Access Easement for Charlottesville Technology Center at 230 West Main Street

Background:

Brands Hatch LLC, the Owner of properties at 230 West Main Street (TMP 28-1), the former Main Street Arena (Ice Park), 215 W. Water Street (TMP 28-9), and 218-220 West Main Street (TMP 28-91) wants to exchange 430 square feet of TMP 28-1 on Water Street for 64 square feet of the Water Street right-of-way in order to facilitate the construction of a new building on the site. The final site plan calls for the three (3) parcels of land to be combined into one parcel.

Attached is a drawing dated May 3, 2018 showing the right-of-way to be conveyed (in green) and the land the City would acquire (in red) to add to the Water Street right of way. The Owner is also requesting a temporary construction, grading and access easement from the City on the mall side of the property (shaded in gray) to perform grading as required by the site plan, and to access and use the easement area for construction equipment and materials during the construction of the building. The construction, grading and access easement would expire upon completion of the grading work.

Discussion:

The Owner's attorney, Valerie Long, and the Owner's engineering team have been working with Brian Haluska and Marty Silman, City Engineer, on the proposed site plan for the project. There is an area on the southeast corner of the building on Water Street where the property line is irregular, making it challenging to construct a building that also meets streetwall requirements. The exchange of land would "square off" the property line for the project. The Owner is also asking the City to convey a temporary construction, grading and access easement to allow the required grading of a portion of the site and to provide vehicular access for construction vehicles. This easement will automatically expire as soon as the construction activity is completed. This easement is consistent with the site plan under review by the City.

In accordance with the City's Sale of City-Owned Property policy, the proposal was submitted to the City Assessor, NDS staff, Public Works, Public Utilities, and Parks and Recreation for review and comment.

Engineering – The City Engineer had no substantive issues with conveyance of the 64 square feet of Water Street right of way since it would have minimal impact on the width of Water Street.

Traffic Engineer - Brennan Duncan stated there are no traffic issues with the land exchange or granting the construction easement. The transit bus lane and bus stop will need to be reworked, but there are no traffic concerns or cost to the City for this work.

Utilities – Jason McIlwee confirmed there are no utilities in the land to be exchanged, but there is a gas line nearby and they cannot build within 10' of the gas line. He recommends that special attention be given to the location of the gas line when they begin excavation work on the underground parking garage. The Owner's engineers are aware of the concern and have addressed it in the site plan.

Assessor – The assessed value of the right of way owned by City is \$6,000; the assessed value of the land owned by Brands Hatch LLC is \$40,300. The Owner is not asking for any monetary compensation.

Zoning/Planning – Brian Haluska confirmed the property is currently zoned Downtown Corridor with Architectural Design Control and Urban Corridor Parking Overlays. The Owner's property is being considered for site plan approval. The proposed use is consistent with the City Comprehensive Plan and other applicable land use regulations, and the Owner will not accrue any additional development rights in the event that the Water Street right of way land is conveyed by the City to the Owner.

Staff had no objection to conveyance of the temporary construction easement to the Owner.

Alignment with City Council's Vision and Strategic Plan:

Approval of the exchange of land and conveyance of the temporary construction easement supports Economic Sustainability of the City Vision, and is consistent with Goal 4.3 (Grow and Retain Viable Businesses) of the Strategic Plan.

Community Engagement:

A public hearing is being held to give the public an opportunity to comment on the conveyance of City land and the easement. Notice of the public hearing was advertised as required under Virginia Code Sec. 15.2-2272.

Budgetary Impact:

None.

Recommendation:

Staff recommends approval of the Ordinance. The City will acquire 430 square feet of private land to expand the Water Street right of way, while losing only 64 square feet of public right of way that is not needed for sidewalk or street right of way in that location.

Alternatives:

The temporary construction easement is necessary for compliance with the site plan for this project. If the conveyance of land is not approved, the Owner will need to revise the design of the new building.

Attachments:

Request Letter

Drawing Showing Land to be Exchanged and Grading Easement (dated 5/3/2018)

Assessor's Valuation Letter

Proposed Ordinance

WILLIAMS MULLEN

Direct Dial: 434.951.5709
vlong@williamsmullen.com

May 11, 2018

Barbara K. Ronan
Paralegal, City Attorney's Office
P. O. Box 911
605 E. Main Street
Charlottesville, VA 22902

RE: **Request for Exchange of Real Property and Temporary Easement**

Dear Barbara,

On behalf of our client Brands Hatch LLC (the "Owner"), the owner of properties at 230 West Main Street (TMP 28-1) (the former Main Street Arena Ice Park), 215 West Main Street (TMP 28-9), and 218-220 West Main Street (TMP 28-91) (collectively, the "Property"), I would like to request the City Council's consideration of the Owner's request to exchange a 430-square foot portion of the Property along Water Street, for 64 square feet of Water Street right-of-way for the purpose of constructing a new building on the Property. Specifically, the Owner is proposing to construct an office building to be known as the Center of Developing Entrepreneurs. We would also like to request a temporary construction, grading and access easement to facilitate the grading and construction activity related to the development of the new building.

The 64-square foot area is needed due to the irregular Property line at the southwest corner and the challenge of satisfying streetwall requirements given the irregular Property line. Adding the requested 64 square foot area to the new building footprint will "square off" the building cleanly, without any adverse impact to the sidewalk or public.

In exchange for the 64-square foot area, we are proposing to donate a 430-square foot area of portions of the Property to the City to expand the public sidewalk adjacent to the project along Water Street. We are hoping that the donation of the larger 430-square foot area to the City, and the benefit to the public of the larger sidewalk area along Water Street, will be appropriate consideration for the boundary line adjustment and the requested temporary easement.

Enclosed with this letter is an Exhibit prepared by Timmons Group, which shows the City-owned 64-square foot area shaded in green and the 430-square foot area we are proposing to donate to the City shaded in red. The Exhibit also depicts the area needed for the temporary construction, grading and access easement.

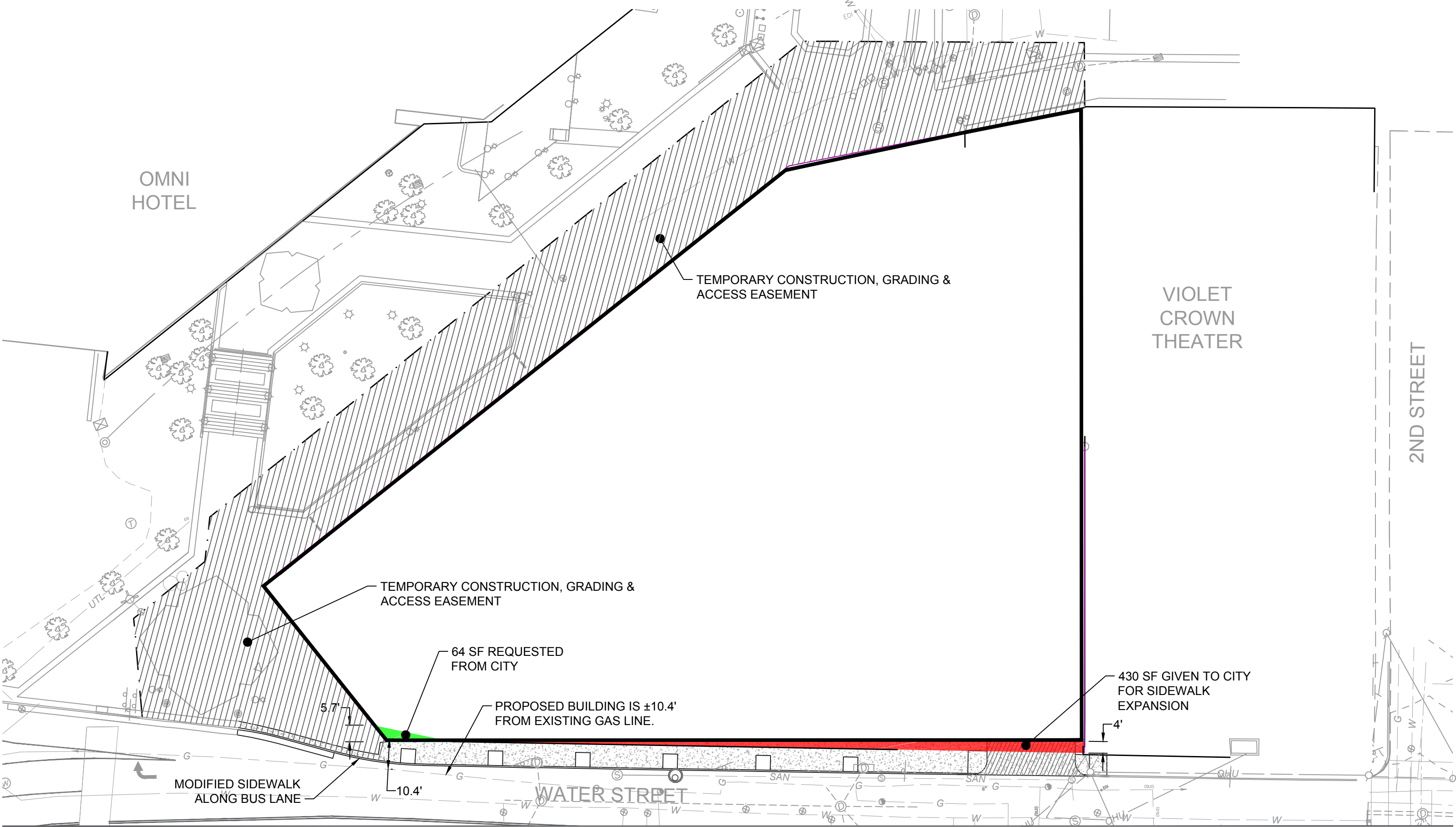
Please do not hesitate to contact us should you have any questions or need additional information, and thank you for all of your assistance and guidance with this request.

Sincerely,



Valerie W. Long

36185903_1.docx



OMNI HOTEL

VIOLET CROWN THEATER

2ND STREET

TEMPORARY CONSTRUCTION, GRADING & ACCESS EASEMENT

TEMPORARY CONSTRUCTION, GRADING & ACCESS EASEMENT

64 SF REQUESTED FROM CITY

PROPOSED BUILDING IS ±10.4' FROM EXISTING GAS LINE.

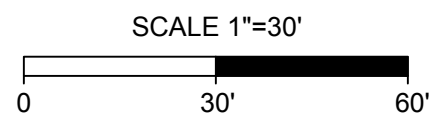
430 SF GIVEN TO CITY FOR SIDEWALK EXPANSION

MODIFIED SIDEWALK ALONG BUS LANE

WATER STREET

CHARLOTTESVILLE TECHNOLOGY CENTER

BOUNDARY LINE ADJUSTMENT & TEMPORARY CONSTRUCTION, GRADING & ACCESS EASEMENT EXHIBIT- 5/3/18



CITY OF
CHARLOTTESVILLE



Office of Real Estate Assessment
PO Box 911, City Hall
Charlottesville, VA 22902
Telephone: 434-970-3136
FAX: 434-970-3232
Website: www.charlottesville.org

March 7, 2018

Barbara Ronan
Paralegal, City Attorney's Office
P. O. Box 911
605 E. Main Street
Charlottesville, VA 22902

Re: Charlottesville Technology Center
Boundary line adjustment

Dear Barbara,

I have, according to the plat you furnished, assigned a value to 64 square feet of land requested from the City (shown in blue), and 430 square feet of land given to the City (shown in red).

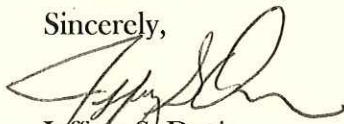
The land values were derived from the existing values allocated to both TMP 280001000 and 280009000 and are as follows:

64 square feet = \$6,000 (R)

430 square feet = \$40,300 (R)

Please let me know if you need further information or explanation.

Sincerely,



Jeffrey S. Davis
City Assessor

**AN ORDINANCE
AUTHORIZING THE EXCHANGE OF A PORTION OF THE WATER STREET
RIGHT-OF-WAY FOR PARCEL OF LAND
OWNED BY BRANDS HATCH, LLC ON WATER STREET**

WHEREAS, Brands Hatch, LLC (“Owner”) has submitted a site plan for a development project known as the Charlottesville Technology Center, encompassing three (3) properties: (i) 230 West Main Street (former Main Street Arena/Ice Park), designated as Parcel 1 on City Real Estate Tax Map 28; (ii) 218-220 West Main Street, designated as Parcel 91 on City Real Estate Tax Map 28; and (iii) 215 West Water Street, designated as Parcel 9 on City Real Estate Tax Map 28 (together, the “Property”); and

WHEREAS, the Owner proposes an exchange of land with the City in order to facilitate the construction of a new building and underground parking garage on the Property in accordance with the site plan submitted to Neighborhood Development Services; and

WHEREAS, the Owner proposes to dedicate a narrow strip of land from Owner’s Property (430 square feet adjacent to the Water Street sidewalk) in exchange for acquiring from the City a small parcel of land (64 square feet that is part of the Water Street right of way) and a temporary construction, grading and access easement, as shown on a drawing dated 5/3/2018 by the Timmons Group (“Exhibit Drawing”); and

WHEREAS, the site plan also requires significant grading activity for the project around the northern and western boundaries of the Property, requiring a temporary construction, grading and access easement from the City for grading activity and vehicular access to the construction site (shown on the Exhibit Drawing shaded in gray); and

WHEREAS, the conveyance of the City-owned right-of-way will promote certain elements of City Council’s Strategic Plan (Grow and Retain Viable Businesses); and

WHEREAS, in accordance with Virginia Code Section 15.2-2272, a public hearing was held to give the public an opportunity to comment on the proposed conveyance of the City right-of-way; and,

WHEREAS, the Departments of Neighborhood Development Services, Utilities Parks and Recreation, and Public Works were consulted and have no objection thereto; now, therefore,

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the Mayor is authorized to execute a Deed of Exchange and Temporary Construction, Grading and Access Easement, in form approved by the City Attorney, to convey the above-described portion of right-of-way (64 square foot parcel of land) to Brands Hatch, LLC, and a temporary construction, grading and access easement, which shall expire upon completion of the construction on the Property, and to accept on behalf of the City the above-described land (430 square foot parcel of land) to be dedicated as public right-of-way. The City Attorney is hereby authorized to take whatever steps are necessary to effect the closing of said property exchange and conveyance of the temporary construction, grading and access easement.

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CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date:	May 21, 2018
Action:	Approve Resolution to Allocate Funds
Presenter:	Paul Oberdorfer, Director of Public Works
Staff Contacts:	Paul Oberdorfer, Director of Public Works
Title:	Downtown Mall Pedestrian Safety Project – Allocation of \$100,000 for Threat and Risk Assessment

Background:

There has been a dramatic increase in vehicle pedestrian ramming attacks worldwide since 2011. On August 12, 2017, Heather Heyer was a tragic victim of such an attack on 4th Street at Water Street. Since then the City has taken several steps to better secure the vehicular crossings on the Mall during large events including placing City vehicles behind barricades to provide additional resistance to a possible vehicular attack. However, more can be done.

To protect the public in a large outdoor public gathering such as the Downtown Mall (DTM), staff is proposing the three-phase implementation of a pedestrian safety project. The three phases will be to identify risks, engineer solutions, and physical modifications to the Down Town mall access points:

- 1) Threat & Risk Assessment (TARA)
- 2) Architectural & Engineering Design
- 3) Construction

Staff is recommending an allocation of \$100,000 for Phase I - TARA. The security consultant will produce an all-hazards TARA for the DTM and its surrounding area as specified by the City. The consultant utilizes proven and industry-recognized assessment methodologies to determine a location-specific risk rating based on threat, vulnerability, and impact. The results of the TARA will include a threat profile and a review of both existing and planned security measures for the DTM to ascertain if they are commensurate with the assessed risk rating of the location and activities.

There will be a tour of the DTM and the surrounding area to become familiar with the current physical environment, mall layout and any security measures currently in place. The consultant will require participation by a knowledgeable City representative(s) to provide access where necessary and highlight any issues of concern.

A threat profile for the DTM will be developed based on natural disaster history, crime statistics and disorder history for the mall and surrounding area, threat intelligence information and previous terrorist incident history. The consultant will review, challenge and refine existing threat assumptions

and develop an analysis of situations that may affect this area and assign a level of probability (LOW, LOW- MODERATE, MODERATE, MODERATE-HIGH, or HIGH) to the various threat scenarios developed.

A Risk Matrix will be created that illustrates identified threat scenarios and relative ratings and defines the threats examined and the consultant's estimation of both probability and potential impact should the event occur.

High-level mitigation measures will be identified for the City to implement as recommended measures to reduce the assessed risk for each threat scenario. The Risk Matrix and mitigation measures are essential components for Phase II – Architectural & Engineering Design. If authorized, Phase I – TARA will take approximately eight weeks from a signed purchase order.

Community Engagement:

The consultant will meet with relevant project stakeholders, including elected and appointed officials and representatives of city, county, and agencies with jurisdiction and response requirements, and representatives of business owners within the DTM to gain a better understanding of the concerns that may affect the safety and security of the mall.

Alignment with City Council's Vision and Strategic Plan:

Goal 2: A Healthy and Safe City:

- 2.2 Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization
- 2.4 Reduce the occurrence of crime, traffic violations and accidents in the community

Budgetary Impact:

Estimated net expenditures of \$100,000 for Phase I –TARA in FY18. These will come from already appropriated funds in the Capital Improvement Program Contingency Fund.

Recommendation:

City staff agrees with the need to address pedestrian safety on the DTM. Therefore, staff recommends moving forward with Phase I – Threat and Risk Assessment.

Alternatives:

Take no action.

Attachments:

Resolution

RESOLUTION
Downtown Mall Pedestrian Safety Project
\$100,000

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

Transfer From

\$100,000 Fund: 426 WBS: CP-080 G/L Account: 599999

Transfer To

\$825,000 Fund: 426 WBS: P-00974 G/L Account: 599999

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



Agenda Date:	May 21, 2018
Action Requested:	Approve Ordinance – 2 nd Reading
Presenter:	Brenda Kelley, Redevelopment Manager
Staff Contacts:	NDS: Alex Ikefuna, Stacy Pethia City Manager’s Office: Brenda Kelley, Mike Murphy Finance Department: Chris Cullinan City Treasurer: Jason Vandever City Attorney’s Office: Lisa Robertson
Title:	Land Bank Corporation

Update following April 16, 2018 City Council meeting:

At its meeting on April 16, 2018, the City Council requested changes to this Ordinance prior to 2nd reading. The following revisions have been incorporated into the attached Ordinance:

- Delete reference to 4-member “initial Board” (and actions by that 4-member initial Board)
- Revise Board membership – total 9 voting members; 1 non-voting member
 - o City’s Finance Director or City’s Director of Office of Economic Development
 - o Add CEDA (City Economic Development Authority) member
- Revise language – Treasurer to be selected by the Board
- Revise language – Board officers to serve 2 years
- Revise language – Board members appointed by City Council to serve staggered terms to start
- Correct the required Board quorum to reflect 5 members (not 3)

Background:

At its meeting on November 20, 2017, the creation of a Land Bank Corporation (LBC) by the City to be used as one additional tool to assist with encouraging the development of affordable housing, as recently allowed by state law, was discussed. City Council requested that staff engage the Housing Advisory Committee (HAC) to obtain community input.

Also during that discussion on November 20, 2017, the Council requested information regarding the difference between regulations for the City and a land bank corporation regarding property acquisition and disposition abilities. That information and applicable Va. Code (for City regulations) are included as **Exhibit #1**.

In addition, subsequent to that request, Councilor Galvin requested specific information regarding a comparison of “entities” and their powers and abilities. Please find that information as **Exhibit #2**.

The HAC met on December 13, 2017, at which time they decided to appoint a Subcommittee to review and provide input. The HAC Subcommittee met publicly - on January 12th, January 24th and April 3rd.

Following the first 2 HAC Subcommittee discussions, staff met to review the recommendations coming from the Subcommittee. Agreeing with many of the recommendations, staff has incorporated those recommendations in the attached proposed Ordinance.

Staff met with the HAC Subcommittee co-chair and the HAC chair on March 27th to more specifically discuss those items that had still not reached consensus. Staff’s recommendation following these meetings is attached in the recommended Ordinance. The full revised final recommendation of the HAC Subcommittee is attached as **Exhibit #3**.

Discussion:

One notable collective outcome from the HAC Policy Subcommittee was the agreement by the community that the creation of a Land Bank Corporation would be a valuable tool to assist with the development of affordable housing.

While staff and the HAC agreed on many of the items discussed during this engagement process, consensus was not reached on the following items:

Item	Staff Recommendation	HAC Recommendation
Legislative Items – these are matters that the enabling legislation approved by City Council should address to define the City’s desires as to the creation of and governing of the Land Bank entity		
Make-up of Governing Board (See Ordinance Section 8(A)) Examples of Other Land Banks – Board of Directors is attached as Exhibit #4 .	<ul style="list-style-type: none"> - City Council member - City Manager, or Asst. City Mgr. designee - Member of HAC - 2 at-large members/residents who are participants in an assisted housing program - 1 at-large member with expertise in finance or real estate - 1 at-large member - City Finance Director - City Director of the Office of Economic Development - City Redevelopment Manager (non-voting) 	<ul style="list-style-type: none"> - City Council member - City Manager, or Asst. City Mgr. designee - Member of HAC - 2 at-large members/residents who are participants in an assisted housing program - 2 at-large members, one of whom shall be a subject matter expert, initial terms of 4 years - City Redevelopment Manager (Ex-Officio, Executive Director) - One member of CEDA
Initial Board Members (See Ordinance Section 8(B))	<ul style="list-style-type: none"> - City Council member - City Manager - City Finance Director - City Director of the Office of Economic Development 	No initial board members. Formation of a Virginia nonstock corporation is simple. Council should appoint a full board.

Terms of Officers (See Ordinance Section 8(E)(i))	City Finance Director to serve as Treasurer until 12/31/21. Officers shall serve terms of 1 year (may be re-elected to serve successive one-year terms)	Treasurer to be selected by board. Officers to serve terms of 2 years.
Operating Items – these are matters of operating policies and procedures and should be addressed in the bylaws of the Land Bank Corporation		
Real Property Retained by the LBC	Staff recommends no limitations on the operations of the Land Bank entity. The governing board should determine its role through its bylaws and policies and procedures.	property retained by the LBC be done only as part of a joint venture or partnership with the Charlottesville Redevelopment and Housing Authority, or designee
Dispose of Real Property	Staff recommends no limitations on the operations of the Land Bank entity. The governing board should determine its role through its bylaws and policies and procedures.	when the LBC acts to dispose of real property, it should solicit proposals from local affordable housing nonprofits to acquire the property before exploring other strategies for disposition
Right of First Refusal	Staff recommends no limitations on the operations of the City.	The LBC shall be provided a contractual right of first refusal to acquire that real property, or real property interest under the same (or more advantageous) terms and conditions as the city. When the City of Charlottesville acts to dispose of real property, the LBC be provided a right of first refusal to acquire the property
Affordable Housing Policy		The LBC should follow the priorities of Housing Policy 1 until a more comprehensive Strategy is in place. After the City adopts a Housing Strategy, the LBC board of directors should review those affordable housing priorities and, if necessary, revise them to include both qualitative and quantitative factors, such as the depth of affordability, location, and likely equity gain by families, in accordance with the Housing Strategy
Policy for Relationship Between LBC and the City		Develop a policy for City's relationship with the LBC designed to further affordable housing within a larger strategy. Policy come from Council, or same to direct the HAC to develop it.

Staff would like to remind the City Council that the Land Bank Act establishes an earmarking mechanism. The proposed Ordinance proposes that 50% of the real property taxes collected on real property conveyed from the Land Bank to a transferee shall be remitted by the City to the Land Bank. This allocation of City real estate tax revenue shall commence with the first taxable year following the date of conveyance from the Land Bank and shall continue for a period of ten (10) years

thereafter. Therefore, City Council needs to address use of the property in the enabling legislation. Once the Land Bank is created and set-up, it becomes a separate legal entity. Because of this, staff strongly recommends that no limitations be put on the City as to acquisition and disposition of property as this may limit the City's ability to conduct its necessary business. Likewise, the City should not put limitations on the operating policies and procedures of the Land Bank.

Alignment with City Council's Vision and Strategic Plan:

This project supports City Council's visions of Quality Housing Opportunities for All, and Smart, Citizen-Focused Government. It contributes to the following Goals and Objectives of the City's Strategic Plan FY2018-2020:

- Goal 1: An Inclusive Community of Self-sufficient Residents
 - 1.3: Increase affordable housing options

Community Engagement:

The HAC Subcommittee, following input from the HAC and community members, developed recommendations. All meetings were open to the public and included public comment.

Budgetary Impact:

No additional funds will be appropriated at this time. Funding was allocated through the FY 2017 Year End Appropriation process in an amount of \$120,000.

Recommendation:

Create the Charlottesville Land Bank Corporation (CLBC) in accordance with the attached staff recommendations (also via attached Ordinance) which includes many of the HAC Policy Subcommittee recommendations. If approved, the Land Bank Corporation will be a non-profit corporation, separate and apart from the City government, but subject to governance by public officials, community representation and private experts, in the nature of a type of public/private partnership.

Staff recommends approval of the attached Ordinance.

Alternatives:

The City Council may decide not to approve this item; however, this will limit the City's access to this available tool designed to spur and encourage more creation of affordable housing.

Attachments:

Exhibit #1 – Comparison of City of Charlottesville and Land Bank Corporation property acquisition and disposition.

Exhibit #2 - Comparison of “entities” and their powers and abilities

Exhibit #3 – Charlottesville Housing Advisory Committee Recommendations and Advice to City Council in Regards to the Establishment of a Land Bank Corporation.

Exhibit #4 – make-up of other Land Bank Corporation boards

Ordinance

EXHIBIT #1

Comparison of City of Charlottesville and Land Bank Corporation property acquisition and disposition

During the land bank corporation discussion at the November 20, 2017 City Council meeting, the Council requested additional information regarding the difference between regulations for the City and a land bank corporation regarding property acquisition and disposition abilities. Copies of applicable Va. Code (for City regulations) are included, following the information table.

Action	City of Charlottesville	Land Bank Corporation
Acquisition of Property	<p>Pursuant to Va. Code 15.2-1800(A) (see attached), the City is authorized to acquire real property “by <i>purchase, gift, devise, bequest, exchange, lease as lessee, or otherwise...</i>”</p> <p>City’s acquisition of property is authorized only “for any public use”. “Public use” is defined as having the same meaning as provided for in Va. Code 1-219.1(affordable housing is not listed as a public use in 1-219.1)</p>	<p>Va. Code §15.2-7507: land bank may acquire real property, or interests in real property, from any source, by “<i>gift, devise, transfer, exchange, purchase or otherwise....</i>” and by “<i>purchase contracts, lease purchase agreements, installment sales contracts, land contracts, and pursuant to the sale or other conveyance of real property [within a proceeding for the sale of tax delinquent property].</i>”</p> <p><i>Acquisition</i> is not limited to any particular purpose.</p>
Disposition of Property	<p>Va. Code 15.2-1800, a locality may “<i>sell, at public or private sale, exchange, lease as lessor, mortgage, pledge, subordinate interest in or otherwise dispose of its real property...</i>”</p> <p>Per Va. Code 15.2-953(B) a locality may make gifts and donations of real property to certain specifically listed nonprofit associations or organizations.</p>	<p>Va. Code §15.2-7508: a land bank entity is authorized to “<i>convey, exchange, sell, transfer, lease as lessee, grant and release</i>” any interests in real property...”</p> <p>The land bank is required to establish policies and procedures setting forth the consideration to be received when land is conveyed to a third party. “Consideration” might be cash, or it could be deed restrictions limiting things such as the subsequent uses of property, or specifications as to an affordability period, grant conditions, etc.</p>
	<p>Va. Code § 15.2-1800 prohibits the city from disposing of real property, until the governing body has held a public hearing concerning the proposed disposition. State law does not restrict the uses of land that may be sold by the City to a third party. Also: Va. Constitution, Article VII, Sec. 9, prohibits a locality from disposing of its interests in public</p>	<p>Va. Code §15.2-7508: no public hearing is required prior to disposition of property by a land bank; however, within the local ordinance creating a land bank entity, the locality may require that a land bank entity’s disposition of property would be subject to specified voting and approval requirements of the land bank governing board.</p>

	property, except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of its elected members (for City Council, ¾ of five elected members = 4 members).	
Lease Property	Va. Code 15.2-2100 requires that a lease or other right to use public property, if granted for more than 5 years, is subject to a public “bid” process prior to approval, and in no event can any such lease/ right be granted for a period longer than 40 years. (Leases for 5 or fewer years, are subject to public hearing requirements, but don’t require a bid process)	Va. Code 15.2-7508(D) (disposition of property) authorizes a land bank to “lease as lessee” any real property. Va. Code 15.2-7507 (acquisition of property) authorizes a land bank to enter into a “lease purchase agreement”. Although “lease as lessor” is not referenced within the authority to dispose of real property, a separate provision, Va. Code 15.2-7506(11) (general powers of a land bank) authorizes a land bank to enter into contracts for the management of, collection of rent from, real property of the land bank.

Is the City authorized to acquire property and then convey it to the Land Bank Corporation (pursuant to Va. Code 1-219.1(A)(i))? If so, does this then allow the Land Bank to use the land pursuant to the Land Bank state regulations (use only limited to City Ordinance uses)?

The City may acquire public property for any “public use” as authorized by Virginia Code 15.2-1800(A) and (G). Subsequent to the City’s lawful acquisition of property, if the City determines that the property is no longer needed or desirable for that public use, then the City may dispose of that property by conveyance to the Land Bank, or to anyone else.

Once the City creates a land bank, and identifies the prioritized uses to which land conveyed by the land bank to a third party must be put (e.g., affordable housing) then the land bank is supposed to implement policies and procedures to ensure that the land they convey out to others will in fact be put to those uses. One common means is the use of deed restrictions, which could require a parcel of land to be used as affordable housing for a period of X number of years.

Is the Land Bank Corporation a “public corporation”? Quasi-governmental authority? Or both?

If the ordinance adopted by city council creates the Land Bank as a corporation, then the corporation becomes formed as a nonprofit, non-stock corporation created under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1. In other words: it’s a private, non-profit corporation, just like many others. After adopting the ordinance that creates the entity, the City’s only influence over it would be through appointment of board members or through donation of public funding or transfer/ donation of public property.

Code of Virginia

§ 15.2-1800. Purchase, sale, use, etc., of real property.

- A. A locality may acquire by purchase, gift, devise, bequest, exchange, lease as lessee, or otherwise, title to, or any interests in, any real property, whether improved or unimproved, within its jurisdiction, for any public use. Acquisition of any interest in real property by condemnation is governed by Chapter 19 (§ 15.2-1901 et seq.). The acquisition of a leasehold or other interest in a telecommunications tower, owned by a nongovernmental source, for the operation of a locality's wireless radio communications systems shall be governed by this chapter.
- B. Subject to any applicable requirements of Article VII, Section 9 of the Constitution, any locality may sell, at public or private sale, exchange, lease as lessor, mortgage, pledge, subordinate interest in or otherwise dispose of its real property, which includes the superjacent airspace (except airspace provided for in § 15.2-2030) which may be subdivided and conveyed separate from the subjacent land surface, provided that no such real property, whether improved or unimproved, shall be disposed of until the governing body has held a public hearing concerning such disposal. However, the holding of a public hearing shall not apply to (i) the leasing of real property to another public body, political subdivision or authority of the Commonwealth or (ii) conveyance of site development easements, or utility easements related to transportation projects, across public property, including, but not limited to, easements for ingress, egress, utilities, cable, telecommunications, storm water management, and other similar conveyances, that are consistent with the local capital improvement program, involving improvement of property owned by the locality. The provisions of this section shall not apply to the vacation of public interests in real property under the provisions of Articles 6 (§ 15.2-2240 et seq.) and 7 (§ 15.2-2280 et seq.) of Chapter 22.
- C. A city or town may also acquire real property for a public use outside its boundaries; a county may acquire real property for a public use outside its boundaries when expressly authorized by law.
- D. A locality may construct, insure, and equip buildings, structures and other improvements on real property owned or leased by it.
- E. A locality may operate, maintain, and regulate the use of its real property or may contract with other persons to do so.

Notwithstanding any contrary provision of law, general or special, no locality providing access and opportunity to use its real property, whether improved or unimproved, may deny equal access or a fair opportunity to use such real property to, or otherwise discriminate against, the Boy Scouts of America or the Girl Scouts of the USA. Nothing in this paragraph shall be construed to require any locality to sponsor the Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from local policies governing access to and use of a locality's real property. The provisions of this paragraph applicable to a locality shall also apply equally to any local governmental entity, including a department, agency, or authority.

- F. This section shall not be construed to deprive the resident judge or judges of the right to control the use of the courthouse.
- G. "Public use" as used in this section shall have the same meaning as in § 1-219.1.

§ 15.2-2100. Restrictions on selling certain municipal public property and granting franchises.

- A. No rights of a city or town in and to its waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, or other public places, or its gas, water, or electric works shall be sold except by an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to the council, notwithstanding any contrary provision of law, general or special, and under such other restrictions as may be imposed by law. Notwithstanding any contrary provision of law, general or special, in case of a veto by the mayor of such an ordinance, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council to override the veto.
- B. No franchise, lease or right of any kind to use any such public property or any other public property or easement of any description, in a manner not permitted to the general public, shall be granted for a period longer than forty years, except for air rights together with easements for columns for support, which may be granted for a period not exceeding sixty years.

Before granting any such franchise or privilege for a term in excess of five years, except for a trunk railway, the city or town shall, after due advertisement, publicly receive bids therefor, in such manner as is provided by § 15.2-2102, and shall then act as may be required by law.

Such grant, and any contract in pursuance thereof, may provide that, upon the termination of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation become the property of the city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise. Any such plant or property acquired by a city or town may be sold or leased or, if authorized by general law, maintained, controlled, and operated by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for and shall make adequate provisions by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

- C. Any additional restriction now required in any existing municipal charter relating to the powers of cities and towns in selling or granting franchises or leasing any of their property is hereby superseded; however, nothing herein contained shall be construed as affecting the term of any existing franchise, lease or right. The requirement of an affirmative three-fourths vote of council shall apply only to the sale of the listed properties and not to their franchise, lease or use.
- D. The provisions of this section shall only apply to cities or towns and shall not apply to counties or other political subdivisions.

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EXHIBIT #2
Comparison of “entities” and their powers and abilities

	Land Bank Corporation	Land Trust	Community Development Financial Institution (CDFI)	Charlottesville Redevelopment and Housing Authority (CRHA)	Charlottesville Economic Development Authority (CEDA)	City of Charlottesville
What is this entity?	In 2016, the General Assembly approved legislation (Va. Code §§ 15.2-7500 et seq.) authorizing localities to create a land bank entity, to assist in addressing vacant, abandoned and tax delinquent properties. However, the land bank’s authority is not restricted to that purpose. A locality may require a land bank to restrict the use of land transferred to third parties by the land bank to certain prioritized uses, such as: affordable housing; public spaces; for retail, commercial, or industrial activities; for preservation or rehabilitation of historic properties within historic areas; and for such other	In 2010 the General Assembly adopted Va. Code §55-221.1, to identify a “community land trust”. A Land Trust is a nonprofit corporation that acquires land to be held in perpetuity, primarily for conveyance under long-term ground leases. Ownership of structures on the leased land is transferred to the “lessee” of the long-term (typically 90+ years) ground lease, and the land trust retains an option to purchase the structure at a price determined by formula, to ensure	A CDFI is a financial institution or organization created to expand economic opportunity in low-income communities by providing access to financial products and services for local residents and businesses. A CDFI Fund was established by federal law in 1994. The purpose of the fund is to promote economic revitalization and community development in low-income communities through investment in and assistance to CDFIs.	In 1938, the General Assembly enacted Va. Code §36-4, which is the enabling legislation for “redevelopment and housing authorities”. A redevelopment and housing authority is an independent political subdivision of the Commonwealth, but it does not become “activated” unless and until a locality determines (by public referendum) that there is a need to be served by an authority. As suggested by its name, this entity has very broad powers relevant to redevelopment and housing, including	In 1966, the State of Virginia approved legislation authorizing localities to create an industrial development authority. This entity may acquire, own, lease, and dispose of properties and make loans... to promote industry and develop trade by inducing manufacturing, industrial, government, nonprofit and commercial enterprises and institutions of higher education... and further the use of its agricultural products and natural resources...	The City of Charlottesville is a municipal corporation and political subdivision of the Commonwealth of Virginia. The City operates under enabling legislation known as a municipal “Charter”. The current City Charter was enacted in 1946, and has been revised/ amended from time to time. The City, as a municipality, derives its authority from the Charter, as well as general and special laws adopted by the General Assembly.

	uses and in such priority as determined by the participating locality.	that the structure remains affordable to low- and moderate-income families in perpetuity.		express authority to undertake housing projects. See Va. Code Sec. 36-19 et seq.		
Is this entity in Charlottesville?	No – state law passed in 2016; City Council currently exploring approving the creation of a Land Bank Corporation.	Yes – Thomas Jefferson Community Land Trust (TJCLT) is a 501(c)(3) created in 2008 with the mission to create and preserve a permanent supply of affordable homes (80% or less of AMI) in the Charlottesville area.	Yes - Piedmont Housing Alliance (PHA) is a certified CDFI.	Yes – the City Council approved creation of the Charlottesville Redevelopment and Housing Authority in approximately 1960 to provide federally subsidized housing and housing assistance to low-income families.	Yes – the City Council approved creation of the Economic Development Authority of the City of Charlottesville, Virginia in 1976. The name was changed to the Economic Development Authority in 2007.	Yes
Can this entity issue bonds?	Yes, if authorized by the City Council as part of the creating Ordinance	No	No	Yes	Yes	Yes
What has this entity done in Charlottesville?	N/A Not yet created.	Currently have 6 housing units in the City, with another 4 under development.	Piedmont Housing Alliance is the CDFI for the Charlottesville area. Virginia Community Capital is a statewide CDFI. The local CDFI has provided more than \$9 million in down payment assistance	The CRHA currently owns and manages: -12 properties -376 public housing units -533 Housing Choice Vouchers The CRHA has not, to date, undertaken redevelopment activities	These CEDA’s efforts can be summarized in the following five categories: Tax-exempt bond financing - the Authority has financed 63 separate projects, issuing debt totaling \$320,400,000. Examples include: City Center for Contemporary Arts (2001); UVA Foundation (2006) and Martha Jefferson House (2008). Real Estate Acquisition/	The City government has general taxing authority. Public tax dollars have been loaned, granted or donated to non-profit organizations and to CRHA for use in the planning and development of affordable housing. The City also makes

			<p>loans</p> <p>In terms of housing development, the most recent loan was for the site work for the Southern Development/Habitat project on Elliott</p>		<p>Disposition/Management – the Authority has participated in purchasing and selling property as well as managing long term leases on behalf of the City. Examples include: the former CSX property; the SNL Building and the Charlottesville Pavilion.</p> <p>Grants & Loans - the Authority has issued grants and loans at the request of the City. Examples include: Lewis & Clark Exploratory Center loan; the Downtown Business Association of Charlottesville Business Improvement District loan and the Jefferson School Foundation renovation loan.</p> <p>Performance Agreements & Reimbursement Agreements - the Authority has entered into two performance agreements in partnership with the City. These include the MJH/CFA project and the Waterhouse project. Together these agreements led to 900 jobs and an \$80M addition to the real estate tax rolls for the City. Reimbursement agreements, totaling \$4M, have been used to fund the private installation of public infrastructure that made possible the Whole Food Grocery on Hillsdale Drive, City Walk on Water Street Extended and the future 2nd West</p>	<p>grants and loans to low- and moderate-income families.</p>
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					<p>(formerly Market Plaza) on Water Street.</p> <p>Program Support – in recent years the Authority has expanded its role to include support of several key initiatives developed by the Office of Economic Development (OED). These include the Virginia Jobs Investment Program (VJIP) Match program for growing second stage City based companies, the Advancing Charlottesville Entrepreneurs (ACE) program for newly started enterprises and the GO Hire program which provides incumbent worker training and wage subsidy assistance for growing City businesses.</p>	
<p>Why their activities benefit or would benefit our citizens?</p>	<p>Typically, a land bank does not maintain any long-term interest in land it acquires. It may, for example, donate land to nonprofits, or assemble properties for larger development, thereby keeping land costs down for future housing development. It is common practice for a land bank to utilize deed covenants and restrictions to ensure that</p>	<p>Homes sold under the land trust model retain their affordability in perpetuity through a 90-year ground lease.</p> <p>Under this model, affordable homeownership is achieved by removing the cost of land from the home sale price (the land trust retains ownership of the</p>	<p>Lending activities support affordable housing financing – primarily down payment assistance loans for first-time homebuyers and also loans for affordable housing development.</p> <p>Certification as a CDFI by the US Treasury has enabled the leverage of local investment to attract \$3 million in</p>	<p>The CRHA provides federally-subsidized housing for citizens with low or moderate income.</p>	<p>EDAs provide a tool that enables access to tax-exempt financing for qualified non-profits and manufacturing entities and provides greater flexibility for localities to assist in the job creation process through loans, grants and performance agreements.</p>	<p>The purpose of the City government is to undertake governance in accordance with its Charter and general state laws, to promote the common good/ benefit of city residents.</p>

	<p>property conveyed to a third party will be used for affordable housing (or other specific uses).</p>	<p>land, leaving the homebuyer to purchase the structure).</p> <p>In the Charlottesville area, this reduces the purchase price of land trust homes by approximately 1/3.</p> <p>Future resale prices of land trust homes are restricted through the ground lease, offering affordable homeownership options well into the future.</p>	<p>grants for lending capital from the CDFI fund</p> <p>CDFIs are private financial institutions dedicated to expanding economic opportunity in low-income communities and revitalizing neighborhoods</p> <p>Provide access to financial products and services for local residents and businesses</p> <p>CDFI services include community credit unions; microloans for small businesses; first time homebuyer assistance, and financial support for local health centers, schools and community centers; investing in affordable housing projects; among others</p>			
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			The services provided by CDFIs have the potential to: support the creation of minority/women owned businesses in the City; help expand neighborhood service centers; and expand affordable housing options in the City			
How these entities should complement each other?	Under the right circumstances, a Land Bank Corporation could conceivably work with any of these other entities provided the task or project aligns with the enabling legislation.	Land trusts can benefit from the activities of land banks, via the transfer or sale (at a minimum price) of land banked properties, either vacant parcels for new housing construction or existing homes for rehab and resale at an affordable price. Offers an affordable homeownership option for households receiving assistance through CRHA programs that area ready to become	As a financial institution, the local CDFI can provide funding support for an array of programs and services which help low-income families achieve self-sufficiency, and increase neighborhood economic development Loans from a CDFI could support targeted affordable housing development activity	Under the right circumstances, the CRHA could conceivably work with any of these other entities provided the task or project aligns with the enabling legislation.	Under the right circumstances an EDA could conceivably work with any of these other entities provided the task or project aligns with the enabling legislation.	Arlington County’s Affordable Housing Program, and the comprehensive manner in which they have leveraged all of their local government financial and zoning tools, is the “gold-standard” in Virginia for how to undertake a coordinated approach to affordable housing. Arlington’s Affordable Housing Master Plan is adopted as one component of its Comprehensive Plan, and then Arlington purposefully, and mindfully looks for

		<p>homeowners.</p> <p>The City supports the Thomas Jefferson Community Land Trust (TJCLT) through the CAHF.</p> <p>Each home sold through the TJCLT increases the number of affordable housing units in the City, helping the City reach its affordable housing goals.</p>				<p>opportunities to layer resources in a manner that can easily (administratively) be implemented by staff.</p>
<p>What is their role and effectiveness in creating affordable housing and what can be done to make them more effective?</p>	<p>Using a range of special powers, such as ability to acquire and hold property tax free, clear title and back taxes, and dispose of property intentionally, not just to the highest bidder.</p> <p>They may, for example, demolish obsolete structures; remediate soil; give side lots to neighboring owners, donate land to nonprofits, or assemble properties</p>	<p>Provides affordable homeownership opportunities for households earning no more than 80% AMI.</p> <p>TJCLT is a small, volunteer driven nonprofit organization and, as a result, their impact in the City has been minimal to date.</p> <p>Continue to provide</p>	<p>The local CDFI has provided more than \$9 million in down payment assistance loans</p> <p>In terms of housing development, the most recent loan was for the site work for the Southern Development/Habitat project on Elliott</p> <p>More effectiveness could come from scale</p>	<p>The CRHA provides federally-subsidized housing for those citizens with low or moderate income</p> <p>The CRHA currently has authority pursuant to Federal and State law to redevelop and/or modernize its existing stock and to develop additional affordable housing through financially sustainable innovative</p>	<p>No specific role related to affordable housing. The state enabling legislation prohibits EDAs from engaging in housing if the locality has an existing housing authority.</p>	<p>Through its Charter powers, and through authority conferred by the state legislature, the City government can institute policies and can appropriate public funding to incentivize development of affordable housing by both private (for-profit) and non-profit entities, as the local government in Arlington County does</p>

	for larger development.	financial support through the CAHF, and potential technical assistance if appropriate.	and resources to support dedicated staff and attract additional loan capital	redevelopment efforts.		so effectively. Authority for the City to adopt an “Affordable Housing Program” is set forth within Virginia Code 15.2-2305. As part of a bona fide “Affordable Housing Program” a locality is supposed to include certain functionalities, including an “Affordable Dwelling Unit Advisory Board” that has a specific composition (see Va. Code 15.2-2306(E)(7)).
How these entities combine with other programs to increase social-economic mobility?	Typically, a land bank does not maintain any long-term interest in land it acquires. It may, for example, donate land to nonprofits, or assemble properties for larger development, thereby keeping land costs down for future housing development. It is common practice for a	Provides household wealth-building opportunities for low-income families through affordable homeownership opportunities. Provides safe, stable, affordable housing to support child development and	The combination of housing counseling and home purchase financing provides significant asset/wealth-building opportunities The local CDFI has also been the regional administration of state HOME funds for down	CRHA relies heavily on community partners to provide on-site and other opportunities for youth and adults in public housing in hopes that collective efforts will contribute to meaningful quality of life enhancements, and to support resident efforts towards success	EDAs assist and influence the job creation process for a community and thereby provide opportunities for citizens to participate in the economy at various levels.	

	land bank to utilize deed covenants and restrictions to ensure that property conveyed to a third party will be used for affordable housing (or other specific uses).	educational attainment, as well as the ability maintain stable employment.	<p>payment assistance and state IDA funds for home purchase, education, and small businesses</p> <p>Housing counseling is provided in collaboration with the TJCLT</p> <p>Down payment loans are provided to Habitat homebuyers</p> <p>Personal finance education is provided in CIC's curriculum</p>	and independence.		
Who should oversee and coordinate all their activities?	If created, the Land Bank Corporation will be governed by a Board of Directors. This is the most appropriate entity to oversee and coordinate the organization's activities.	The TJCLT is governed by a Board of Directors. This is the most appropriate entity to oversee and coordinate the organization's activities.	<p>The CDFI is governed by a Board of Directors. This is the most appropriate entity to oversee and coordinate the organization's activities.</p> <p>CDFI certification has specific requirements regarding accountability to target market and not being</p>	The CRHA is governed by a Board of Directors. This is the most appropriate entity to oversee and coordinate the organization's activities.	The CEDA is governed by a Board of Directors. This is the most appropriate entity to oversee and coordinate the organization's activities.	The City Charter (Sec. 5) specifies that the City organization operates as a City-Manager form of government. The City Council is the chief executive and administrative officer (see also Va. Code 15.2-1541). Administrative functions include most day-to-day operations

			controlled by a governmental entity.			of the City's departments and employees. Matters that are not administrative in nature (often referred to as governmental, legislative, or discretionary functions) are reserved to City Council.
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Why Charlottesville's government alone, can't directly develop affordable housing?

Within the state's "housing" law, the General Assembly has expressly stated that the provisions within Title 36 of the Virginia Code (Housing) have been adopted to serve the public purpose of promoting the availability of public housing, and undertaking the "construction, rehabilitation and operation of residential housing units for persons of low and moderate incomes" for which public money may be spent and private property acquired *as authorized within this chapter* (Chapter 1, Housing Authorities Law), *see* Virginia Code 36-2.

There is no comparable enabling legislation authorizing a city government (locality) to itself undertake the development of affordable housing. The City, as a municipality, must find authorization for its activities, either within its Charter, or within general/ special laws adopted by the General Assembly. Va. Code § 15.2-1800(A) authorizes a locality to acquire real property "for any public use", as the term public use is defined in Va. Code Sec. 1-219.1 (which does not reference affordable housing). No powers comparable to those expressly provided by the General Assembly to redevelopment and housing authorities are referenced within the City's Charter, or within the "uniform charter powers" referenced within Virginia Code §§ 15.2-1100 et seq. The General Assembly expressly contemplates that a locality will *cooperate* with its redevelopment and housing authority, by "aiding and cooperating in the planning, undertaking, construction and operation of housing projects". Va. Code 36-6. (the list of ways that a locality may "aid" and "cooperate" with a redevelopment and housing authority is set forth within Va. Code Sec. 36-6(a) through (i)). Primarily, the City's influence and authority is financial in nature (see, e.g., Va. Code 15.2-958 (by ordinance, a locality may offer grants or loans to private property owners, for production of low and moderate income rental property; *see also* City Charter sec. 50.7 (authorizing city government to make grants of funds to private landowners, for the purpose of subsidizing, in part, the rental payments due to the owner by a low- or moderate-income person) and 15.2-953 (authorizing donations to charitable institutions)).

EXHIBIT #3
Charlottesville Housing Advisory Committee Recommendations and Advice to City Council in Regards to the Establishment of a Land Bank Corporation.

Process

The Policy Sub-Committee of the HAC, acting on behalf of the Committee, met on January 12th and January 24th to review the proposed land bank corporation ordinance. The Sub-Committee produced a series of recommendations and proposed revisions to the ordinance based on that review and the extensive public comment at those meetings. On March 27th NDS, the City Attorney and City Manager's staff met with Sub-Committee Co-Chair Ridge Schuyler and HAC Chair Phil d'Oronzio to discuss the recommendations and a revised ordinance. The Sub-Committee held a special meeting with staff on April 2nd, to review the further revised ordinance.

In the interest of crafting an ordinance that most closely adheres to the language of the enabling legislation, the City Attorney requested the Committee re-categorize its recommendations into those having a direct bearing on the language of the ordinance itself, and recommendations that bore upon policy and strategy. The recommendations incorporate that model.

Recommendations

I. Creation

City Council create a land bank as a nonprofit, nonstock corporation pursuant to §15.2-7500 et seq. of the Code of Virginia (1950), as amended, to expand the tools available in the city of Charlottesville to address our affordable housing crisis and support other agencies and/or organizations in such pursuit

II. The Ordinance

Adopt the proposed revised ordinance as presented, subject to the following modifications:

- Appoint a member of the Charlottesville Economic Development Authority, in lieu of the City's Finance Director and Director of Economic Development to the board (Revise Section 8 (A) (vi) to read: "One member of the Charlottesville Economic Development Authority, such member to be designated by the authority. This member shall serve a term specified by said Authority, which shall not exceed the member's term as a member of the Authority, or four years, whichever is less.")

There has been very strong, consistent input from the public since the original ordinance was proposed that if a land bank were formed, it should be a community non-profit, with a diverse and publically accountable board. As presented, the ordinance calls for a board of 9 voting members, 3 of whom are City employees. As revised, 7 of the 8 voting members will be Council appointees. A board of, from, and directly accountable to the community is crucial to its mission, and securing the public's confidence in it.

- Strike Section 8 (B) in its entirety. There is no need for “Initial Board Members” to organize the corporation. The essential components of a Virginia Non-Stock Corporation are straightforward, as is the process of forming one, which itself isn’t time consuming. The entire board can be appointed in a very short period of time - 4 members nearly instantly (City Manager, CEDA Member, HAC Member, City Councilor) - and organize the Corporation as a body together. The entire board can begin immediately to form by-laws and develop policy.
- Revise present Section 8 (E) (Renumbered 8 (D) with the deletion of 8 (B)) “*Miscellaneous*” to read: “The governing board shall elect officers to serve as Chair, Vice-Chair, Treasurer and Secretary. The Secretary for the board need not be a member of the board. The Treasurer need not be a member of the board. . Officers shall serve two-year terms and may be re-elected to serve successive two-year terms. The duties of officers shall be established by the board within its bylaws.”

Two year terms for officers allow for the continuity of leadership and direction. One year terms make that much more difficult and hamper the organization’s ability to function effectively.

III. Direction and Guidance to the Land Bank Corporation

While the Land Bank will be an independent self-governing non-profit corporation, the HAC recommends Council provide the Corporation with a charge or guiding principles to incorporate when writing by-laws, establishing policies, and conducting its affairs. In accordance with the substantial public engagement, both at its own meetings and the November 20th City Council meeting when the ordinance was proposed, the HAC recommends this charge include the following:

- Use and disposition of real property by the land bank corporation for affordable housing follow the priorities established in Housing Policy 1, adopted by City Council on October 20, 2014, until City Council adopts a more comprehensive Housing Strategy.
- After the City adopts a Housing Strategy, the land bank corporation board of directors should review those affordable housing priorities and, if necessary, revise them to include both qualitative and quantitative factors, such as the depth of affordability, location, and likely equity gain by families, in accordance with the Housing Strategy
- Real property retained by the land bank to construct, develop or manage as affordable housing be done only as part of a joint venture or partnership with the Charlottesville Redevelopment and Housing Authority, or the CHRA’s designee. Under no conditions should the land bank corporation act in any way as a competitor with the CRHA and/or other local housing non- profit organizations.
- When the land bank corporation acts to dispose of real property, it should solicit proposals from local affordable housing nonprofits to acquire the property for affordable housing before exploring other strategies for disposition.

IV. The Land Bank and A Larger Strategy

The land bank can be an effective tool in furthering housing affordability, but it will be most effective as a considered component of a larger strategy. In review of the proposal, members of the Committee and the public raised matters that don't bear so much on the formation of the land bank, but on its potential role in a larger strategy. The HAC recommends Council enact policies to formalize the role of the bank:

- When the City of Charlottesville acts to purchase or otherwise acquire real property, the land bank corporation shall be provided a contractual right of first refusal to acquire that real property, or real property interest under the same (or more advantageous) terms and conditions as the city. When the City of Charlottesville acts to dispose of real property, the land bank be provided a right of first refusal to acquire the property.

While in the vast majority of cases, the land bank will not have either the interest in exercising such a right, or the ability (certainly not without the concurrence and funding from Council, in many cases), this provision would insert the housing affordability into all real estate transactions undertaken by the City. And there may be cases where on consideration, the land bank may be the more appropriate vehicle for the transaction, and the City would find it advantageous to contract to buy or sell with the intention of facilitating the exercise of that right.

- The City should develop a policy for its relationship with the land bank designed to further affordable housing within a larger strategy. This policy should come either directly from Council, or direct the HAC to develop it.

V. Summary

The Committee recommends:

- Council incorporate into the ordinance the changes outlined in II above, and establish the land bank per section I.
- Council make appointments to populate the board with all deliberate speed.
- Council formally charge the board to operate pursuant to the guidance provided in III above.
- Council direct the City Manager and City Attorney to develop a ROFR procedure for future acquisitions and dispositions by the City.
- Council direct the HAC and Staff to incorporate the tools provided by a land bank corporation into the larger affordable housing strategy.

EXHIBIT #4
Examples of Other Land Banks – Board of Directors

	Type / Governing Body	Board / Term	Other
Chatham County/City of Savannah Land Bank Authority, Inc. (Savannah, GA)	Authority Nonprofit corporation 501(c)(3) Board of Directors	4 Board members: 2 appointed by City of Savannah; 2 appointed by Chatham County (shall be either elected officials or represent the elected officials)	Advisory Members – 2 school board; 1 HA; 1 County Tax Commissioner; 1 Habitat for Humanity; 1 Homeless Authority; 1 Neighborhood Housing Services; plus others (advisory and liaison capacity)
Cook County Land Bank Authority (Chicago, IL)	Agency of and funded by Cook County Board of Directors	15 Board members: County Commissioner; representative of City Dept. of Housing & ED; 3 City Mayors; representative of Chicago Community Loan Fund; representative of Openlands; representative of County Bureau of ED; representative of Chicago Coalition for the Homeless; 6 appointments	Cook County holds title to all property controlled by the Land Bank
Cuyahoga County Land Reutilization Corp. (Cleveland, OH)	Non-profit, quasi-governmental corporation	5 Board members: County Treasurer; County Executive; County Council representative; 2 representatives from the municipality in the County with the largest population	
Detroit Land Bank (Detroit, MI)	Public authority	7 Board members: Director of the City Planning and Development Dept.; Director of the City Planning Commission; Executive Director of LISC; 4 appointees (appointed by Mayor and City Council)	
Fulton County/City of Atlanta Land Bank Authority (Atlanta, GA)	501(c)(3)	6 Board members: 3 appointed by City; 3 appointed by County	
Genesee County Land Bank Authority (Flint, MI)	Public body corporate Board of Directors	7 Board members: County Treasurer; 1 appointee to represent interests of Flint; 1 appointee to represent interest of other units of local govt. in County; 4 appointees at large (may be members of County Comm.)	Board may designate an Exec. Comm. – shall exercise authority in management of the corporation, except:

		County Treasurer is Chairperson of Board	sale, transfer all or substantially all assets; elect, appoint, remove or fill Board; adopt, amend, repeal bylaws or Articles
Greater Syracuse Property Development Corporation (Syracuse, NY)	Not-for-profit Corporation Board of Directors	5 Board members: 1 appointed by County Executive; 1 appointed by Chairman of County Legislature and confirmed by County Legislature; 1 appointed by Majority Leader and confirmed by City Council; 1 jointly appointed by County Executive, City Mayor and confirmed by City and County; 1 appointed by City Mayor	9 member Citizen Advisory Board (one appointed by each: 5 district Councilors, 2 Mayors and 2 at-large councilors)
Kalamazoo County Land Bank Authority (Kalamazoo, MI)	Board of Directors	7-9 Board members: County Treasurer (chair); Exec. Dir. ED Corp.(vice-chair); banking representative (sec/treas); 5 appointments; 2 County Commission liaisons	
Lucas County Land Reutilization Corporation (Land Bank) (Toledo, OH)	Board of Directors	9 Board members: City Mayor (chair); 2 County Commissioners; County Treasurer; Township Administrator; City Administrator; Adelante Toledo (Latino Resource Center) Exec. Dir.; 2 community representatives (1 in banking)	
Macon-Bibb County Land Bank		5 Board members: Professional backgrounds in government, law, business and education (not sure how appointed)	
Philadelphia Land Bank (Philadelphia, PA)	PA public body corporate and politic Board of Directors	11 Board members: 5 appointed by City Mayor; 5 appointed by majority vote of City Council; 1 appointed by majority vote of the Board Members shall have expertise in planning, real estate dev., open space, architecture; must live or have office in City; at least 4 in housing or community dev. or civic assoc.	
Pittsburgh Land Bank (Pittsburgh, PA)		9 Board members: 3 City Councilpersons; 4 residents of identified districts; City Director of Finance; State Senator (representation by those city council districts to be the most impacted by distressed and vacant parcels)	

<p>St. Clair County Land Bank Authority, Inc. (Port Huron, MI)</p>	<p>Public body corporate 501(c)(3)</p>	<p>5 Board members: County Treasurer; 1 appointed township or city official; 3 appointed at-large, must live in the County</p>	<p>Board may designate an Exec. Comm. – shall exercise authority in management of the corporation, except: authorize distributions; sale, transfer all or substantially all assets; elect, appoint, remove or fill Board; adopt, amend, repeal bylaws or Articles; Board may appoint Board of Advisors consisting of members of the community to advise the Board and be available for consultation</p>
<p>Suffolk County Landbank Corporation (Hauppauge, NY)</p>	<p>501(c)(3) Board of Directors</p>	<p>7 Board members: (Designee may be appointed by Director with limited attendance); 1 appointed by Majority leader of County Legislature; 1 appointed by Minority leader of County legislature; 1 is President of the County Supervisor’s Assoc.; 1 is Commissioner of the County Dept. of ED & Planning; 1 selected by the County Executive; 1 is County Director of Real Estate; 1 is a representative of a County ED organization</p>	<p>Chair, Vice Chair and Treasurer comprise an Executive Committee – may authorize expenditure (listed as eligible item) up to \$2500</p>

ORDINANCE
**CREATING THE CITY OF CHARLOTTESVILLE LAND BANK CORPORATION AS A
NONPROFIT, NONSTOCK CORPORATION; ESTABLISHING A BOARD OF DIRECTORS;
ESTABLISHING THE POWERS OF THE CORPORATION AND PROVIDING GENERAL
PROVISIONS RELATING TO THE OPERATION OF THE CHARLOTTESVILLE LAND
BANK**

Pursuant to authorizing legislation set forth within Virginia Code §§ 15.2-7500 et seq., and following a public hearing held pursuant to Virginia Code § 15.2-7502, **IT SHALL BE AND IS HEREBY ORDAINED AND ENACTED** the City Council for the City of Charlottesville as follows:

1. Findings

The Charlottesville City Council finds that the social and economic vitality of the City of Charlottesville is adversely affected by a deficit of affordable housing within the jurisdiction of the City, and by the existence of vacant, abandoned, blighted and tax delinquent properties. The purpose of this Ordinance is to serve a public necessity and the interests of the general welfare of City residents, by facilitating the return of vacant, abandoned, blighted and tax delinquent properties to productive use, and by establishing a legal entity whose sole purpose is to partner with the City government to facilitate the productive use of such properties, and the acquisition and transfer of these and other properties to individuals and entities who can create affordable housing and economic growth within the City.

2. Authority

This ordinance is adopted in accordance with the provisions of Virginia's Land Bank Entities Act, §§ 15.2-7500 et seq. of the Code of Virginia (1950), as amended ("Va. Code").

3. Authorization and Establishment

(A) The Charlottesville City Council hereby authorizes the creation of a nonprofit, nonstock corporation, created under Chapter 10 (§§ 13.1-801 et seq.) of Title 13.1 of the Va. Code, to be named the "Charlottesville Land Bank Corporation" and hereby establishes the same as a separate legal entity for the purposes of acting as a Land Bank under the provisions of Virginia's Land Bank Entities Act and implementing and administering the terms of this Ordinance. The Charlottesville Land Bank Corporation shall exist until terminated and dissolved in accordance with the terms of this Ordinance.

(B) Initially, the principal office of the corporation shall be at 605 East Main Street (P.O. Box 911), Charlottesville, Virginia, 22902. Thereafter, the governing board of the corporation may change the location of its principal office.

(C) Pursuant to the provisions of Virginia Code § 15.2-7510 the Charlottesville Land Bank Corporation shall not be required to pay any taxes upon any property acquired or used by the Land Bank under the provisions of this Ordinance.

4. Powers

The Charlottesville Land Bank Corporation shall have all of the powers enumerated and authorized within Va. Code § 15.2-7506, as amended.

5. Acquisition of Property

The Charlottesville Land Bank Corporation may acquire real property or interests in real property by any means and in any manner authorized by Va. Code § 15.2-7507 or other provisions of Virginia's Land Bank Entities Act. The Charlottesville Land Bank Corporation shall neither possess nor exercise the power of eminent domain.

6. Financing of Operations

(A) The Charlottesville Land Bank Corporation may receive funding, and may receive and retain payments, in accordance with the provisions of Va. Code § 15.2-7509.

(B) Fifty percent (50%) of the real property taxes collected on real property conveyed from the Land Bank to a transferee shall be remitted by the City to the Land Bank. This allocation of City real estate tax revenue shall commence with the first taxable year following the date of conveyance from the Land Bank and shall continue for a period of ten (10) years thereafter.

7. Use and Disposition of Property

(A) The Charlottesville Land Bank Corporation shall hold in its own name all real property acquired by it, regardless of the identity of the transferor of such property, and shall hold, use and dispose of such property in accordance with Va. Code § 15.2-7508 or other provisions of Virginia's Land Bank Entities Act.

(B) The governing board of the Charlottesville Land Bank Corporation shall adopt policies and procedures governing the use and disposition of real property interests. Real property or interests in real property shall be conveyed in accordance with the Virginia Land Bank Entities Act, this Ordinance, and the Land Bank's adopted policies and procedures, to be used for affordable housing.

Following a determination by the governing board of the Land Bank that specific real property, or an interest in real property, has no utility to be used for affordable housing, then such property or property interest may be conveyed by the Land Bank to be used for any of the following, as the governing board deems to be in the public interest: use for retail, commercial or industrial activities; preservation or rehabilitation of historic properties within a major design control district; use for public spaces and places; critical slope or stormwater management facilities.

(C) The policies and procedures adopted by the governing body of the Land Bank to govern the use and disposition of property shall specify the general terms and conditions for consideration to be received by the Land Bank for the transfer of real property and interests in real property.

(i) The board shall determine the amount and form of consideration necessary to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property. Consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of property, contractual commitments of the transferee, and other forms of consideration as determined by the board to be in the best interest of the Land Bank.

(ii) Market Value shall be determined by up-to-date data, and by using valuation method(s) that the governing board determines is most appropriate given the particular condition of a property and the surrounding real estate market. Nominal or reduced price disposition shall be an option for any property owned by the corporation; however, in calculating a reduced sales price:

- (a) Any discount shall take into account the substantiality of the benefit provided by the proposed use, and the amount of support needed to make a project both initially financially feasible and continually sustainable as indicated in financial *pro formas* provided to the Land Bank; and
- (b) For housing projects serving households at a mix of income levels, the Land Bank may count the number of low and moderate income households served and provide proportionate discounting.
- (iii) The Land Bank shall enforce any provisions agreed upon as conditions of sale between a transferee and the Land Bank, through legally binding mechanisms, including but not limited to deed restrictions, covenants, and mortgages.

(D) The Charlottesville Land Bank Corporation is authorized to discharge liens and other municipal claims, charges or fines, and may seek to enter into agreements with City officials for such discharges against the properties that it acquires. For the duration of time that a property is held by the Charlottesville Land Bank Corporation, the corporation may abate all real estate taxes, water and sewer charges and other municipal charges and, to the extent necessary, may seek abatement or non-taxable status from other government entities.

8. Governance

- (A) *Governing board*—the Charlottesville Land Bank Corporation shall be governed by a board of directors comprised of nine (9) voting and one (1) non-voting members, as follows:
- (i). One Charlottesville City Councilor chosen by City Council, for a term specified by City Council, but which shall not exceed such councilor’s elected term of office;
 - (ii). Two individuals appointed by City Council, at least one of whom shall be qualified as having an expertise in real estate or the construction or financing of real estate developments. Initially, the terms of these members shall be staggered, such that one member shall be appointed to a term of two (2) years and the other, a term of three (3) years; thereafter, successive appointments shall be for terms of four (4) years;
 - (iii). Two individuals appointed by City Council, who shall be qualified as being participants in an assisted housing program, and who shall serve a term specified by City Council, not to exceed four (4) years. Initially, the terms of these members shall be staggered, such that one member shall be appointed to a term of two (2) years and the other, a term of three (3) years; thereafter, successive appointments shall be for terms of four (4) years;
 - (iv). The city’s housing advisory committee (“HAC”), which shall be represented by a member designated by said advisory committee. This member shall serve a term specified by said advisory committee, which shall not exceed the member’s term on the advisory committee, or four years, whichever is less.
 - (v). The Charlottesville Economic Development Authority (CEDA), which shall be represented by a member designated by said Authority. This member shall serve a term specified by said Authority, which shall not exceed the member’s term on the Authority, or four years, whichever is less.

- (vi). The Charlottesville City Manager, or an assistant city manager designated by the City Manager to serve on the board as his or her representative (“designee”), in either case: this member’s term shall coincide with the term of employment of the City Manager;
- (vii). The City’s Finance Director or the City’s Director of Economic Development, for a term that coincides with his or her term of City employment; and
- (viii). The City’s Redevelopment Manager, who shall serve a term that coincides with his or her term of City employment, but who shall be a non-voting member of the board.

Each member shall continue to serve until his or her successor has been appointed. Successors shall be selected in the same manner as set forth within 8(A)(i) through (v), above .

(B) *Authorization of Initial Board actions*—the Initial Board Members shall have authority to take all actions as are necessary to create and activate the corporation as a nonprofit, nonstock corporation under Chapter 10 (§13.1-801 et seq.) of Title 13.1 of the Va. Code.

The Charlottesville Land Bank Corporation shall not acquire any right, title, or interest in any real property, until such time as the corporation has been duly organized and the full governing board has been duly constituted and has thereafter approved written bylaws for the regulation of the corporation’s affairs and the conduct of its business and written policies and procedures governing the acquisition and disposition of real property and interests in real property.

(C) *Quorum*—five (5) members shall constitute a quorum, and the vote of a majority of such quorum shall be necessary for any action taken by the land bank entity. No vacancy in the membership of the board shall impair the right of a quorum to exercise all of the rights and to perform all of the duties of the land bank entity.

(D) *Financial interests of board members and employees prohibited*—

- (i). No member of the board, nor any employee of the corporation, shall acquire any interest, direct or indirect, in any real property of the corporation, in any real property to be acquired by the corporation, or in any real property to be acquired from the corporation.
- (ii). No member of the board, nor any employee of the corporation, shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished to or used by the corporation.
- (iii). The board may, within its written bylaws, adopt supplemental rules and regulations, not in conflict with this ordinance or the Land Bank Entities Act, addressing potential conflicts of interest and ethical guidelines for members of the board and employees of the corporation.

(E) *Miscellaneous*—

- (i). The governing board shall elect officers to serve as Chair, Vice-Chair, Treasurer, and Secretary. The treasurer and secretary for the board need not be a member of the board. Officers shall serve two-year terms and may be re-elected to serve successive two-year terms. The duties of officers shall be established by the board within its bylaws.

- (ii). Members shall serve without compensation; however, a member may seek reimbursement for reasonable expenses incurred in performance of duties relating to the business of the Land Bank.
- (iii). The corporation shall obtain insurance to defend and indemnify it, its board members, officers, and its employees with respect to claims or judgments arising out of activities performed on behalf of the Land Bank.

9. Staffing

- (A) The Charlottesville Land Bank Corporation may employ individuals and may retain consultants, including, without limitation: an executive director, legal counsel, land planners, and technical experts.
- (B) The corporation may also enter into agreements with the City of Charlottesville, for the City to provide services or support to the Land Bank, and/or for the Land Bank to provide services or support to the City.
- (C) The City Manager and other city officials, as may be required by the City Manager, are hereby directed to take any and all actions necessary to effectuate the provisions of this Ordinance and the creation of the Charlottesville Land Bank Corporation.

10. Participation by other Jurisdictions

Other localities within the Thomas Jefferson Planning District may be added as participants in the Land Bank, by concurrent ordinances adopted by the Charlottesville City Council and the governing body(ies) of such other locality(ies), in accordance with Va. Code § 15.2-7501.

11. Dissolution

The Charlottesville Land Bank Corporation may be dissolved in accordance with the provisions of Va. Code § 15.2-7511.

12. Miscellaneous

- (A) The Charlottesville Land Bank Corporation shall not expend any public funds on political activities. Subject to the foregoing, the provisions of this paragraph are not intended to prohibit the Land Bank from engaging in activities authorized by applicable law.
- (B) No provision of this Ordinance is intended, nor shall it be construed, as a waiver by the City of any governmental immunity available to the City, its officials, officers or employees, or to the Charlottesville Land Bank Corporation, under any applicable law.
- (C) In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of this City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

(D) This Ordinance shall become effective on the date enacted, as provided by the laws of the Commonwealth of Virginia.

DULY ORDAINED AND ENACTED the _____ day of _____, 2018, by the Council of the City of Charlottesville, Virginia, in lawful session duly assembled.

ATTEST:

Paige Rice, Clerk of City Council

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



Agenda Date:	5/21/18
Action Required:	Report
Presenter:	Mike Murphy, Assistant City Manager
Staff Contacts:	Mike Murphy, Assistant City Manager Alex Ikefuna, Director, Neighborhood Development Services Brennen Duncan, Traffic Engineer, Neighborhood Development Services Amanda Poncy, Bike and Pedestrian Coordinator, NDS Captain Tito Durette, Charlottesville Police Department Lisa Robertson, Interim City Attorney
Title:	Construction Impacts on Bikes, Pedestrians, and Enforcement

Background:

Charlottesville is a growing City with significant private development activity and infrastructure improvements planned and underway. This growth presents a number of challenges in communication, coordination, planning, and implementation. Access for residents, businesses, and visitors can be difficult as development occurs. The City of Charlottesville has prioritized bike and pedestrian improvements for many years. While all modes of transportation can be impacted as streets and sidewalks require closures to facilitate safe construction conditions, often bike and pedestrian impacts are viewed as the most significant. The Traffic Engineer works to approve all traffic circulation plans for construction to minimize the impacts on all modes of transportation, while allowing for approved development to take place. A number of changes have been made to improve our notification and closure processes, but conflicts do continue to manifest as the built environment continues to change. Councilor Galvin, with Council support, requested this update be given covering the following points:

a.) strategies to immediately address the lack of enforcement of existing construction site compliance requirements and permits as required by our current laws and policies, including but not limited to new tools to penalize contractors when they are out of compliance with expectations and revisions and/or additions to our existing permits, policies, procedures and guidelines related to community impacts generated by construction activity and special events so as to be more responsive to the practical needs of residents and the business community when issuing permits for street closures, parking and other related issues.

b.) an outward facing map and email notification system for construction projects and public communication strategy that includes but is not limited to requiring input from neighbors PRIOR TO giving out long term permits, changing bus stops during construction, and other temporary but inconvenient changes caused by construction activity and special events;

c.) an update on the plan for West Main Street and the Downtown Mall (and other parts of the city) from the police department with regards to traffic law enforcement to protect pedestrians and cyclists during construction;

- d.) strategies for putting in place a temporary mid-block crossing at west Main Street, now; and
- e.) an explanation as to how a complaint tracking “phone app”, will solve problems that require pre-assessment, pre-planning and coordination between multiple departments. If it does not, then please provide the solution.
- f.) all of the above duties would fall under the responsibility of the new assistant city manager for the built environment. At this time however, who is the point person owning this problem, who has the knowledge, skills and authority to expeditiously resolve and stay on top of this chronic cross-departmental problem, in the meantime?

Discussion:

Responses to Councilor Galvin’s requests are detailed below.

- a.) *Staff are very responsive to issues raised by citizens and businesses about worksite conditions that create unwanted conditions. Staff resources are currently limited to call and response enforcement. A new inspector in Neighborhood Development Services to focus on this area would be helpful, however they will need tools to effectively manage this enormous task. To that end staff offers several observations for Council.*
- *While the General Assembly has adopted enabling legislation specifically authorizing a scheme of civil penalties for enforcement of certain infractions, no authority has been conferred in connection with temporary street closings.*
 - *No other local government has been found that undertakes direct enforcement (through court action or a scheme civil/ criminal penalties) of ADA requirements.*

THEREFORE, staff recommends the following be considered at a future Council meeting:

- (1) Revise the City’s Temporary Street Closing Permit (TSCP) Process, as follows:*
- Develop a Written Street closing policy and program, like the one used in Salt Lake City (attachment A) and/or a document that spells out contractors’ obligations within public rights of way during construction, as did Ada County, Idaho (attachment B)*
 - When issuing each TSCP, attach a set of written [material] conditions which, if violated, will result in a Temporary Stop Work Order/ Permit Revocation. To re-activate a permit, the violation would need to be immediately corrected, and a new fee for re-issuance of the permit would need to be paid*
 - Increase the fee for initial issuance of each TSCP, to cover the administrative costs of issuing TSCPs and tailoring conditions specific to a particular site and work to be performed. Charge a fee for each re-issuance/ re-activation of a permit following a violation of any of the conditions. Fees for re-issuances of TSCPs should cover administrative costs of reviewing remediation plans, enforcement/ inspections and anticipated re-inspections.*
 - Consider higher permit fees for individuals or contractors who have three or more instances of failures-to-comply with conditions of a permit*
 - Consider prosecuting repetitive scofflaws for criminal misdemeanor violations of Chapter 28 (the Code Chapter in which street closing permits are authorized)*
 - Consider any updates of City Code Sections 28-5 and 28-57 et seq., as may be necessary to implement recommendations of staff and/ or City Councilors*

b.) *The map is developed and ready for implementation. The tool is not ADA compliant and we have been working on a specific strategy to provide equivalent information for all our citizens. Staff is happy to provide a demonstration of the tool as part of the May 21 agenda or a future meeting. Neighbor input could be considered for closures that exceed a length that could be prescribed procedurally. However, we should carefully consider the expectation that is created in soliciting feedback that will not likely impact staff determinations on safety and compliances with numerous codes, regulations, and ordinances. Staff would submit that appropriate notification is the paramount concern and that this has improved greatly over time. While closures on 2nd Street have received criticism, the notification protocol worked, many site conditions and the circulation plan were changed on the date of complaint, and staff carefully monitored the conditions and required changes throughout the project. On occasion staff has required signed receipt of notification of closures. This strategy could be extended on future projects, staff would recommend that this requirement is best matched with projects of significant duration and impacts that change during the course of the work. Staff has initiated a new process to particularly address any impacts in the business corridor. Prior to issuance of any closure permit with a duration over 48 hours (Parking, sidewalk and/or street) a new group will convene including NDS: Traffic Engineer, Bike & Pedestrian Coordinator, Amanda Poncy, OED: Parking and Business Development and Parks and Recreation: Special Events Coordinator for comment. The ADA Coordinator position will also be included in this group when filled. OED will be reaching out to the businesses within these areas to 1)make sure they are aware of the upcoming permit and 2)get any feedback that they may have. The Business Corridor has been currently designated at Downtown, West Main Street and the Corner.*

c.) *We have a current law enforcement emphasis on enforcement to enhance bicycle and pedestrian safety throughout the City but particularly in the 400-1400 blocks of W. Main Street. Below are the ideas regarding enforcement noted by the Bicycle and Pedestrian Coordinator to keep bicyclists and pedestrians safe during construction:*

1. *3' Passing Law - § 46.2-839.*
2. *Drivers Stop for Pedestrians - § 46.2-924.*
3. *Following too closely § 46.2-816/Aggressive driving § 46.2-868.1*
4. *Parking too far from the curb such that it blocks the bike lane. - Sec. 15-136.*
5. *Red light running § 46.2-830*
6. *Monitoring 4th and 10th Street for "right hooks"*

Staff recommends that initial enforcement activities should first include safety awareness, education followed by the use of ticketing for dangerous behaviors by drivers, bicyclists and pedestrians.

d.) *Staff have revisited this on several occasions. The location that has been proposed for a mid-block crossing does not meet sight distance guidelines for installation and cannot be supported by staff. A mid-block crossing will eventually be installed as planned in the Standard project.*

e.) *The MyCville customer relationship management tool will meet a number of important customer service needs but is not intended for this purpose. Staff have implemented two new strategies since the construction projects that currently going on were started. First, we are requiring Maintenance of Traffic plans to be included with all site plans that address all modes of traffic. Second, we are implementing the business area traffic review team referenced in b.) above.*

f.) *Assistant City Manager Mike Murphy has been tasked with monitoring and resolving any issues that arise, along with continuing to develop process improvements coordinated across*

City Departments.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns directly with Council’s vision for Charlottesville to have **Economic Sustainability, America’s Healthiest City, A Connected Community, and Smart, Citizen Focused Government** and it aligns with the goals of the City’s Strategic Plan:

Goal 2: Healthy and Safe City

Goal 3: A Beautiful and Sustainable Natural Built Environment

Goal 4: Strong Diversified Economy

Goal 5: Responsive Organization

Community Engagement:

Councilor Galvin engaged residents in the formulation of this agenda item. Staff has engaged many residents in the creation of new protocols and to form the proposals that are contained in this report.

Budgetary Impact:

There is no budget impact proposed with this report. If Council entertains the recommendation for an additional inspector position, staff would request \$90,000 be set aside for that purpose at a future Council meeting.

Recommendation:

Staff offers the following recommendations for Council’s consideration at a future meeting:

- Direct staff to revise the Temporary Street Closing Permit Process (TSCP).
- Indicate to staff whether there is support for a new Development Site Inspector role.
- Advise staff whether a revised schedule of fees for TSCP is of interest to Council.
- Indicate support for enforcement to include criminal prosecution of permit violations.
- Endorse any code modification necessary for a revised TSCP.
- Provide staff feedback on the notification protocol and advise if further presentation on process or tools is necessary.
- Schedule a report from Charlottesville Police Department in six months on the product of any enforcement efforts.
- Support staff recommendation to refrain from instituting a temporary mid-block crossing on West Main Street.

Alternatives:

Council can request additional information, and decide to accept or reject the individual staff recommendations.

Attachments:

Salt Lake City construction document

Ada, Idaho Guide

Code Provisions re: temporary street closings and street cut permits

Salt Lake City
ADA Compliance Guide

Pedestrian Accessibility
In The Public Way
During Construction



January 2005

Salt Lake City

A Guide for Pedestrian Accessibility In The Public Way During Construction

Prepared by

Barry Esham
ADA Coordinator
Salt Lake City Mayor's Office
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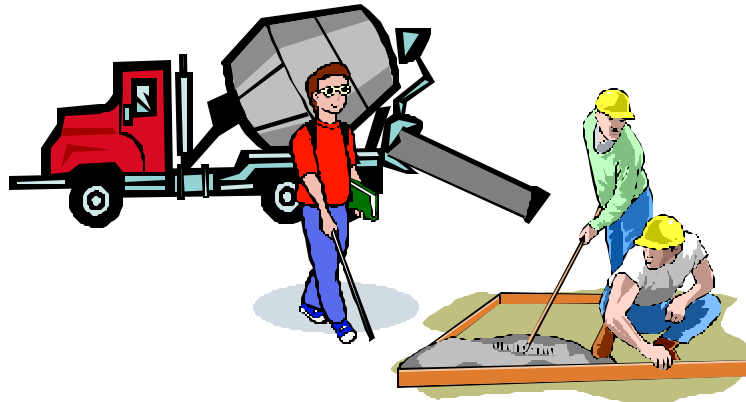
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INTRODUCTION

A permit to work in the public way is required whenever construction activities occur in the public rights-of-way of Salt Lake City. This guide is intended to give you a summary of what is required and what must be done to ensure pedestrian accessibility is maintained throughout the period of time construction is underway. This does not just apply to the final product, but accessibility must be maintained during the actual construction.

Construction in the public way can be particularly hazardous to pedestrians with either visual or mobility impairments. Therefore, it is critical that each construction site is properly and adequately protected with a barrier or barricade. Merely placing caution tape and traffic cones is not acceptable. The guidelines contained herein are based on the requirements of the MUTCD standards, chapter 6 (2003), the Access Board's Guidelines for Accessible Public Rights-of-Way (2002), and Salt Lake City's Traffic Control Manual (APWA 2001).

Here is a scene that may be all too frequent, but preventable:



Where is the advanced warning and appropriate barricading? Could some planning, use of proper barricades, warning and alternate routing prevent what may be about to happen?

Remember that pedestrian accessibility must be provided during construction for all people of all ages, including those with different types of disabilities.

Consider the following when laying out construction sites:

- Advanced warning and guidance signs
- Adequate illumination and reflectors
- Use of temporary walkways
- Channeling and barricading to separate pedestrians from traffic
- Adequate barricading to prevent visually impaired pedestrians from entering work zones
- Wheelchair accessible alternate pedestrian circulation routes with appropriate signage

The following photographs present examples of incomplete and inappropriate barricading, advanced warning, and signage:



The removal, even for only a short time, of a pedestrian access route, curb ramp, or pedestrian street crossing may severely limit or totally preclude a person with a disability from navigating in the public way. It may also preclude access to buildings, facilities, or sites on adjacent properties.



Can you count the number of violations? This is a very busy street with no marked crosswalk. There is no alternate circulation path, no barricading, and no provisions made for pedestrians.



Where's the advanced warning and alternate circulation route? This is far from being an acceptable warning. How does someone actually get to the "other side"?



Does this look safe? How would a person with a visual disability navigate this construction site?

GUIDELINES FOR ACCESSIBILITY DURING CONSTRUCTION

Alternate Circulation Path for Pedestrians

The alternate circulation path shall have a minimum width of 48 inches and parallel the disrupted pedestrian access route when practicable. Barricades and channelizing devices shall be continuous, stable, non-flexible, and shall consist of a wall, fence, or enclosure specified in section 6F of the MUTCD. A solid toe rail should be attached such that the bottom edge is 6 inches maximum above the walkway surface. The top rail shall be parallel to the toe rail and shall be located 36 inches minimum and 42 inches maximum above the walkway surface. If drums, cones, or tubular markers are used to channelize pedestrians, they shall be located such that there are no gaps between the bases of the devices in order to create a continuous bottom, and the height of each individual device shall be no less than 36 inches.

Barricade Locations

Barricades shall be installed at the following locations:

- Between the pedestrian access route and any adjacent construction site
- Between the alternate circulation path and any adjacent construction site
- Between the alternate circulation path and the vehicular way, if the alternate circulation path is diverted into the street
- Between the alternate circulation path and any protruding objects, drop-offs, or other hazards to pedestrians
- At the down curb ramp of an intersection, if the opposite up curb ramp is temporarily and completely blocked, and no adjacent alternate circulation path is provided

Warnings and Signage

Warnings shall be located at both the near side and the far side of the intersection preceding a temporarily, completely blocked pedestrian access route. Signage shall be located at the intersection preceding the blocked way. Where directional signage or warnings are provided, they should be located to minimize backtracking, especially if there is no safe refuge at a corner under construction. In some cases, this could mean locating a warning or sign at the beginning of a route, not just at the inaccessible site.

Additional Barricading Guidelines

The contractor shall require that no construction materials be stored or placed on the path of travel. The contractor shall maintain the construction barriers in a sound, neat and clean condition, and shall remove all graffiti during the life of the contract. The contractor shall clean public walkways adjoining the construction site of accumulated trash and debris.

The contractor's construction operations shall not occupy public sidewalks except where pedestrian protection is provided. The contractor shall not obstruct free and convenient approach to any fire hydrant.

The contractor shall remove barriers and enclosures upon completion of the work in accordance with applicable regulatory requirements and to the satisfaction of Salt Lake City Engineering Division.

Temporary Traffic Control Plans

Chapter 6 of the MUTCD addresses Temporary Traffic Control (TTC) plans. The following excerpt from this chapter emphasizes the importance of preparing a traffic control plan:

A TTC plan describes TTC measures to be used for facilitating road users through a work zone or an incident area. TTC plans play a vital role in providing continuity of reasonably safe and efficient road user flow when a work zone, incident, or other event temporarily disrupts normal road user flow. Important auxiliary provisions that cannot conveniently be specified on project plans can easily be incorporated into Special Provisions within the TTC plan.

TTC plans range in scope from being very detailed to simply referencing typical drawings contained in the MUTCD. The degree of detail in the TTC plan depends entirely on the nature and complexity of the situation.

The TTC will include provisions for effective continuity of accessible circulation paths for pedestrians.

Where existing pedestrian routes are blocked or detoured, information should be provided about alternate routes that are useable by pedestrians with disabilities, particularly those who have visual disabilities. This must include access to temporary bus stops, reasonably safe travel across intersections, and other routing issues. Barriers and channelizing devices that are detectable by people with visual disabilities must be provided.

Include provisions for effective continuity of transit service. Provide for features such as accessible temporary bus stops, pull-outs, and satisfactory waiting area for transit patrons, including people with disabilities.

Concluding Statement

It is the policy of Salt Lake City Corporation that a safe and accessible path of travel be provided for all pedestrians, including those with disabilities, around and/or through construction sites.

It is recognized that there are various types of construction activities, including both short-term and long-term projects. Some barricading systems are more appropriate for certain types of construction than others.

When erecting barricades, the contractor shall be conscious fo the special needs of pedestrians with physical disabilities. Contractors shall provide protection for pedestrians consistent with all local, state, and federal codes, including the Americans with Disabilities Act.

REFERENCE DOCUMENTS

APWA Traffic Control Manual (March 2001)
MUTCD (2003 Edition)
Accessible Public Rights-of-Way Guidelines (Access Board's 2002 Draft)

SALT LAKE CITY CONTACTS

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Carol A. McKee – President
Sherry R. Huber – 1st Vice President
Dave Bivens – 2nd Vice President
John S. Franden – Commissioner
Rebecca W. Arnold – Commissioner

Capital Projects Department

ADA DURING CONSTRUCTION

When traffic control plans are developed by the contractor

The needs and control of all road users (motorists, bicyclists, and pedestrians within the highway and/or public right-of-way, including persons with disabilities in accordance with the Americans with Disabilities Act of 1990 (ADA), Title II, Paragraph 35.130) through a temporary traffic control “TTC” zone shall be an essential part of highway construction, utility work, maintenance operations, and the management of traffic incidents. The primary function of TTC is to provide for the reasonably safe and efficient movement of road users through or around TTC zones while reasonably protecting workers, responders to traffic incidents, and equipment.

Temporary facilities, including reasonably safe pedestrian routes around work sites, are also covered by the accessibility requirements of the Americans with Disabilities Act of 1990 (ADA) (Public Law 101-336, 104 Stat.327, July 26, 1990. 42 USC 12101-12213 (as amended)). Implementation of TTC plans and installation and maintenance of devices shall be the responsibility of the contractor performing the construction, alteration and/or maintenance of the highway or public right-of-way. When an existing continuous sidewalk or street crossing route cannot be maintained for pedestrians because of construction, either temporary walkways with curb ramps are to be provided, or the construction shall be phased to maintain access to the affected addresses. **Contractors shall be allowed flexibility as long as the requirements are met.**

The location of the construction project and whether or not accessible facilities are present shall also determine the extent of the needed temporary facilities. **The contractor is only required to maintain practical continuity** where accessible facilities already exist. On low speed rural roads that do not have sidewalks and are used by bicyclists, no additional measures are needed as the bicycles can share the available travel lanes with other traffic. On moderate to higher speed rural roads, if a bike lane exists then it should be properly detoured, complete with signage, to provide a safe route through or around the work area. If a road or bridge project affects vehicular traffic to a business, residence, school or any other type of pedestrian generating location with existing accessible facilities, then pedestrian and handicapped access must be maintained.

A continuous route for all pedestrians, including the disabled and bicyclists, shall be maintained at all times. When existing pedestrian facilities are disrupted, closed, or relocated in a TTC zone, the temporary facilities shall be detectable and include accessibility features consistent with the features present in the existing pedestrian facility. The temporary route should enable pedestrians to bypass the construction site while minimizing the retracing of their steps or going significantly out of their way. Additional consideration must be given to the disabled since they may not have the physical or cognitive ability to improvise (e.g. balancing along the curb or a very narrow path) or use unofficial alternatives (e.g. using an adjacent grass surface). Temporary routes must meet the accessibility guidelines of the ADA for permanent facilities and shall be marked with the proper signage. Should existing crosswalks

at signalized intersections be closed or made inaccessible, temporary crosswalks should be painted in an accessible location. Temporary signals should include pedestrian phases.

Contractors shall not block temporary walkways with contractor parking, materials piles, signs, rubble or rubbish. Construction equipment and equipment operation must be separated from the temporary walkways. At work zones where higher volumes of pedestrian traffic or school children exist, pedestrian fences or other protective barriers may be needed to prevent access into the construction area.

Detour and diversion routes, when used for pedestrians and bicyclists, should be evaluated for the following items:

- Direct conflicts between pedestrians and vehicular traffic, work vehicles, and other work activities must be reduced with protective barriers or continuous high contrast fencing (min 36" high with a 6" high toe board). See MUTCD 6F.68 and 6D.02
- Temporary pedestrian facilities should provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility, and parallel the disrupted route whenever possible. A smooth, continuous hard surface should be provided throughout the entire length of the temporary pedestrian facility. There should be no curbs or abrupt changes in grade or terrain that could cause tripping or be a barrier to wheelchair use. The geometry and alignment of the facility should meet the applicable requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities. See MUTCD 6D.01 and 6D.02
- Advance information placed at appropriate distances before the work zone allowing pedestrians to make timely decisions about routes through or around the work zone. See MUTCD 6F.13
- Transition information allowing pedestrians to find a safe path through and around work zones, which is critical when the pathway is restricted, diverted or detoured. See MUTCD 6F.13
- Work area information assisting in safe passage of pedestrians through the work zone. This information is needed on all pedestrian routes except detours. See MUTCD 6F.13
- Exit information directing pedestrians back to the original route. See MUTCD 6F.13
- Crosswalk placement at intersections may need additional signage, temporary striping, traffic signal modification, pedestrian signals with audible alarms if justified, proper push button height, and ramps. See MUTCD 6H.29, 6F.80, and 4E.06
- Accommodations for other transit forms (busses, trains etc.) are made. See MUTCD 6D.02
- Requirements of the ADAAG and MUTCD are adhered to.
- Access is maintained to the affected businesses and residences.
- Frequent checks of the pedestrian and bicycle accommodations are made during construction to ensure that the temporary traffic control plan is followed, traffic control devices are maintained in good condition, and safe, accessible pedestrian and bicycle routes are available at all times.

CHAPTER 28 CITY CODE (STREETS AND SIDEWALKS)

Article I. In General.

Sec. 28-5. - Temporary street closings generally (aka “temporary street closing permits”).

[Note: this section applies to closures for special events as well as to closures to facilitate construction activities of private parties on adjacent property. Separately, Article II of this same Chapter references permits for excavations of public streets (“street cut permits”).]

- (a) **The city traffic engineer or city manager may permit the temporary use of any city right-of-way (including any street, on-street parking space(s), or sidewalk) for other than public purposes, and may close the rights-of-way to public use and travel during such temporary use, for a specified period of time, when he determines that such temporary closing will not be unduly injurious to the safety and convenience of the general public, that such closing is necessary because the event will impede traffic and/or pedestrian travel, and that, where any rights-of-way to be closed are extensions of the state primary highway system, adequate provision can be made to detour through traffic. Such temporary use shall be authorized by a written permit conditioned upon the temporary user's compliance with the following conditions:**
- (1) No matter advertising any thing or business shall be displayed in or on the public rights-of-way in connection with such temporary use; and
 - (2) The person so permitted to use the public rights-of-way shall furnish a public liability and property damage insurance contract insuring the liability of such person, firm, association, organization or corporation for personal injury or death, and for damages to property, resulting from such temporary use, in such amounts as shall be determined by the city manager. The city shall be named as an additional insured in the insurance contract.
 - (3) The person so permitted to use the public rights-of-way shall be liable for damages to persons or property arising out of or on account of such use.
 - (4) All objects and structures that will be located within a public right-of-way during an approved period of temporary use (including, without limitation, any equipment, vehicles, scaffolding, trailers, containers, etc.) must be specifically listed within the permit issued by the city traffic engineer or city manager.
 - (5) **Temporary use of public rights-of-way for other than public purposes shall be limited to a period of forty-eight (48) hours; however, where an application seeks such temporary use in connection with construction activities on property adjacent to the right-of-way, the city traffic engineer may authorize the temporary use of a public right-of-way under this section for a longer period of time, subject to the provisions of paragraph (d) of this section, below.**
 - (6) Compliance with any applicable permit requirement imposed by City Code section 5-57(b).
 - (7) **Such other reasonable conditions as are deemed necessary by the city traffic engineer or city manager to protect the public welfare, safety or convenience, as set forth in writing within an approved permit.**

Should a permittee fail, at any time, to comply with any conditions set forth within this section, or any applicable city regulations, then the permit-issuing authority may revoke the permit.

- (b) Application for a permit required pursuant to this section shall be made in writing to the city traffic engineer. Upon approval of any such permit, the following fees shall be charged for each day such permit is in effect:
- (1) Five dollars (\$5.00) per on-street parking space utilized; and
 - (2) Five dollars (\$5.00) per sidewalk utilized; and
 - (3) Five dollars (\$5.00) per city right-of-way utilized, and
 - (4) Any fee required for the issuance of a permit under the building code to authorize the erection of any temporary structure(s).
- (c) The city manager and the city traffic engineer, with the approval of the city manager, are authorized to promulgate regulations, including the establishment of reasonable fees, charges, and insurance coverages, as well as reasonable time, place and manner restrictions for and in connection with the temporary use of public rights-of-way as authorized by this section.
- (d) A decision of the city traffic engineer made pursuant to this section, authorizing the temporary closing of a public right-of-way for a period of longer than thirty (30) days, may be appealed by a city resident, or the owner of a business located within the city, pursuant to the procedure specified within section 15-4(e)(2).

State Law reference—Code of Virginia, §15.2-2013 (Temporary closing of rights of way).

Any city, any town which receives highway maintenance funds pursuant to § 33.2-319, or any county which receives highway maintenance funds pursuant to § 33.2-366 may permit the temporary use of public rights-of-way for other than public purposes and close the rights-of-way for public use and travel during temporary use, subject to the following conditions:

- 1. No matter advertising any thing or business shall be displayed in or on the public rights-of-way in connection with such temporary use.**
- 2. The person so permitted to use public rights-of-way shall furnish a public liability and property damage insurance contract insuring the liability of such person, firm, association, organization or corporation for personal injury or death and damages to property resulting from such temporary use in such amounts as shall be determined by the governing body of the locality; the locality shall be named as an additional insured in the contract.**
- 3. When any rights-of-way that are closed are extensions of the state primary highway system, adequate provision shall be made to detour through traffic.**

ARTICLE II. - STREET EXCAVATIONS (aka “street cut permits”)

Sec. 28-51. - Permit—Required; emergency excavations.

- (a) **No person shall dig up, break, excavate, tunnel, undermine or open the surface or subsurface of any sidewalk, curb, gutter or street without first obtaining a permit to do so from the director of public works; nor shall such work be performed after such permit shall have been revoked or shall have become ineffective.**
- (b) If an excavation is required in order to make emergency repairs, and the existing emergency requires that excavation operations commence within seventy-two (72) hours from the discovery of such emergency, a permit shall not be required to commence the excavation. Any person commencing an emergency excavation without a permit must:
 - (1) Give notice of the nature of the emergency and the need for an excavation by telephone or other means to the director of public works immediately following discovery of the emergency; and
 - (2) File an application, permit fee and bond, as required by this article, as soon as practicable following commencement of the excavation.
- (c) Any person commencing an emergency excavation without a permit as allowed herein thereby implies acceptance of all requirements and conditions as set forth in this article.

Sec. 28-52. - Same—Application, fee; indemnification for damages, etc.

- (a) **Application for a permit under this article shall be made on a form prescribed by the director of public works.** The application shall state the place where the work is to be performed; the purpose and nature of the work; the dimensions of the work, including the depth of the excavation; the amount of pavement or improved surface, in linear feet, which will be broken or cut; the time at which the work is to be commenced and the time at which it is to be completed; and such other information as may be required by the director of public works.
- (b) The applicant shall submit with each application a permit and inspection fee in the following amount:
 - (1) **A basic cut or excavation fee of sixty dollars (\$60.00);** and
 - (2) **Ten dollars (\$10.00) for each additional separate cut made pursuant to the permit;** and
 - (3) For any cut or excavation in excess of one hundred (100) linear feet, ten dollars (\$10.00) for each additional one hundred (100) linear feet, or fraction thereof.
- (c) The applicant for a permit shall agree to indemnify and save harmless the city, its citizens, residents and property owners against any and all loss by reason of failure to comply with the requirements of this article and the applicable standards, and from neglect or carelessness in performance of the work.

Sec. 28-53. - Bond or other guaranty required.

- (a) Prior to the issuance of a permit, the **director of public works** shall require the applicant to submit a performance bond with an acceptable surety, on a form pre-approved by the city attorney. If applicant chooses to submit an alternative form of financial guaranty, such as an irrevocable letter of credit or assignment of certificate of deposit, the city attorney shall approve the form of such surety prior to issuance of a permit. The bond, letter of credit or other guaranty shall be conditioned upon the restoration of the public way in accordance with the standards adopted by the director of public works, and upon compliance with the application and the requirements of this article.
- (b) If it appears that the applicant will in the future be making sidewalk, curb, gutter or pavement cuts in multiple locations within the city, the guaranty may be continuing in nature and shall be in the minimum amount of five thousand dollars (\$5,000.00). If the applicant will be making an excavation at only a single location within the city, the guaranty shall be in an amount, determined by the director of public works, as will enable the city to restore the public way properly if the applicant fails to do so.

- (c) Any guaranty for work at a single location shall be released by the director of public works one (1) year after the date of completion of the work in question, if the work has been completed and all requirements of the article satisfied, and that the condition of the work has not significantly deteriorated during the one (1) year since its completion.
- (d) A bond shall not be required for work done by city personnel under the supervision of the director of public works.

Sec. 28-54. - Duty to prosecute work without delay.

It shall be the duty of every person to whom a permit has been issued pursuant to this article to institute at once and complete without delay the work for which such permit was obtained and, promptly on its completion, give written notice thereof to the director of public works.

Sec. 28-55. - Standards.

The director of public works shall adopt and maintain for inspection comprehensive cutting, excavating, back-filling, compacting and patching standards for all repair and restoration work done in public ways. All work performed pursuant to a permit issued under this article shall be in compliance with all applicable standards.

Sec. 28-56. - Lights and barriers; responsibilities for damages caused by excavation.

Any person to whom a permit is granted under this article shall place guards or barriers around such excavation and shall protect it by warning lights at night, and shall be responsible for damages to persons or property caused by such excavations.

Sec. 28-57. - Notice and inspection; correction of defects.

- (a) The director of public works shall be notified prior to the time that the surfacing of the public way is replaced so that the work done preparatory to such surfacing may be inspected. The director of public works shall further be notified after the surfacing has been completed in order that the surfacing may be inspected.
- (b) If work done or being done pursuant to a permit issued under this article has not been done or is not being done in accordance with the permit, or a public way is not left in satisfactory condition, notice of such defect shall be given to the permittee. The permittee shall be required to correct the condition within the time specified in the notice.
- (c) Upon receipt of a notice given under this section, should the permittee refuse or fail to correct the condition referred to in such notice within the specified time, the director of public works may cancel the permit in question and cause the necessary work to be done, deducting the cost thereof from the bond or letter of credit.

Sec. 28-58. - Clean-up.

At the conclusion of the work in the public way, the work area shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at such site shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the director of public works.

Sec. 28-59. - Construction with franchises.

Nothing in this article shall be deemed to relieve any person of the obligation to obtain a franchise for the use of city streets when such franchise is required under other applicable provisions of city or state law. Neither shall the fact that a person has previously been granted a franchise relieve such person of the responsibility of complying with this article. In the event of a conflict between this article and any franchise provision, the more restrictive requirements shall control.

Sec. 28-60. - Excavations to be reported to fire department.

Whenever the department of public works shall cause an excavation to be made in the surface of any street for the laying or repairing of pipes and the like, the director shall notify the fire department of the location of such opening immediately upon the commencement of such work.

Secs. 28-61—28-80. - Reserved.

State Law reference—Code of Virginia, §15.2-2013 (Temporary closing of rights of way); also City Charter reference—Section 14(2) authorizes the city council to make such ordinances, orders and regulations as it may deem desirable to prevent the “cumbering” of streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatsoever; Section 14(12) authorizes the city to prevent persons from engaging in any employment in streets or public alleys, dangerous or annoying to the public; and Section 14(6) further authorizes city council to adopt such other and additional ordinances as it may deem necessary for the general welfare of the city.