

CERTIFICATIONS

**CITY COUNCIL AGENDA**  
**Monday, September 16, 2019**



**6:00 p.m.** **Closed session as provided by Section 2.2-3712 of the Virginia Code**  
*Second Floor Conference Room (Personnel)*

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

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

Introductions - Directors of CACVB and CAT

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

- a. MINUTES: August 15 Form Based Code joint worksession; August 19 Special meeting
- b. APPROPRIATION: Funding for Virginia Temporary Assistance to Needy Families Employment and Training (VTET) pilot program - \$50,000 (1st of 2 readings)
- c. APPROPRIATION: Charlottesville/Albemarle Adult Drug Treatment Court Substance Abuse and Mental Health Services Administration Grant Award - \$300,548 (1st of 2 readings)
- d. APPROPRIATION: Refund of Tax Payment to East Market Street LLC - \$16,173.30 (1st of 2 readings)
- e. APPROPRIATION: Virginia Department of Historic Resources (VDHR) 2019-2020 Certified Local Government grant funding for 10th and Page Neighborhood Historic Resources Survey - \$31,590 (1st of 2 readings)
- f. APPROPRIATION: Albemarle County funding for Albemarle County Resident Workforce Development Training - \$13,395 (1st of 2 readings)
- g. APPROPRIATION: FY 2020 Fire Programs Aid to Locality Funding (Firefund) - \$158,343 (2nd reading)
- h. APPROPRIATION: Safe Routes to School Non-Infrastructure Grant Award - \$93,125 (2nd reading)
- i. APPROPRIATION: Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) - \$240,642 (1st of 2 readings)
- j. APPROPRIATION: Virginia Housing Solutions Program Grant Award - \$484,785 (1st of 2 readings)
- k. RESOLUTION: Amendment to Alley Policy (1st of 1 reading)
- l. RESOLUTION: Authorize Transit Director to Sign Federal Transit Administration Documents on Behalf of the City (1st of 1 reading)
- m. ORDINANCE: Amend Charlottesville-Albemarle Convention and Visitors Bureau Operating Agreement (2nd reading)
- n. ORDINANCE: Release of Portion of a Gas Line Easement - Shops at Stonefield (2nd reading)
- o. ORDINANCE: Valley Road, Monroe Avenue and Jefferson Park Avenue Easements (2nd reading)
- p. ORDINANCE: Amendment to the text of the City's Zoning Ordinance, City Code Section 34-896, to modify access requirements for various uses. (2nd reading)

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

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

**2. PUBLIC HEARING/ RESOLUTION\*:** Review of Program Performance and Setting Priorities for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for Program Year 19-20 (1st of 1 reading)

**3. ORDINANCE:** Rental Relief for Elderly and Disabled (1st of 2 readings)

**4. ORDINANCE:** Changes to Real Estate Tax Relief Program for Elderly and/or Disabled (1st of 2 readings)

**5. ORDINANCE\*:** Amending and Re-enacting City Code Chapter 18, Article III – Special events (3rd reading)

**6. REPORT:** Public Comfort Station for downtown – Oral report only

**OTHER BUSINESS**

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

**APPROPRIATION**

**Fiscal Year 2020 Fire Programs Aid to Locality Funding (Firefund)**

**\$158,343**

**WHEREAS**, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$158,343.00 be appropriated in the following manner:

**Revenues - \$158,343**

\$158,343      Fund: 209                      I/O: 1900010                      G/L Account: 430110

**Expenditures - \$158,343**

\$158,343      Fund: 209                      I/O: 1900010                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$158,343 from the Virginia Department of Fire Programs.

**APPROPRIATION**

Safe Routes to School Program (SRTS) Non-Infrastructure Grants

**\$89,900**

**WHEREAS**, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for **education, encouragement, evaluation and enforcement** programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$74,500;

**WHEREAS**, the SRTS program is a 80% reimbursement program requiring a 20% match from the City, of which \$15,400 will come from Neighborhood Development and the remainder will be in-kind contributions;

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

**REVENUE**

\$74,500	Fund: 209	Cost Center: 3901008000	G/L Account: 430120
\$15,400	Fund: 209	Cost Center: 3901008000	G/L Account: 498010

**EXPENDITURES**

\$67,400	Fund: 209	Cost Center: 3901008000	G/L Account: 519999
\$22,500	Fund: 209	Cost Center: 3901008000	G/L Account: 599999

**TRANSFER FROM**

\$15,400	Fund: 105	Cost Center: 3901001000	G/L Account: 561209
----------	-----------	-------------------------	---------------------

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$74,500 from the Virginia Department of Transportation.

**RESOLUTION**  
**APPROVING UPDATED PROCEDURES FOR THE ALTERATION OF**  
**STREETS, ALLEYS, PUBLIC RIGHTS-OF-WAY AND PUBLIC EASEMENTS**

**WHEREAS**, on July 16, 2018, the Charlottesville City Council (hereinafter “Council”) directed City staff to evaluate the City’s existing policies and procedures that address requests to alter or vacate certain streets, alleys, public rights-of-way and public easements; and

**WHEREAS**, City staff completed its evaluation and presented a report to City Council on April 15, 2019 and on May 6, 2019 Council voted by motion to approve staff’s recommendations as set forth within the April 15, 2019 report; and

**WHEREAS**, the Department of Neighborhood Development Services (NDS) has identified procedural clarifications that are necessary in order to assure the most expeditious resolution of applications seeking the alteration or vacation of certain streets, alleys, public rights-of-way and public easements, and recommends that Council consider and approve revisions to the procedures previously approved on May 6, 2019;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the attached updated “*City Council Procedures for Consideration of Applications Seeking Alteration or Vacation of Public Easements, or of Certain Public or Private Streets/ Alleys or Public Rights of Way*” are hereby approved, and shall be implemented by staff effective as of the date of approval of this Resolution; and

**BE IT FURTHER RESOLVED** that adoption of this Resolution shall serve as the vote required by City Code §2-97, authorizing the approval of certain ordinances upon one reading of City Council, as set forth within the Procedures (2019).

**BE IT FURTHER RESOLVED** that any application proposing to alter or vacate a street, alley, or public right-of-way subject to these approved procedures, where the proposed alteration or vacation receives 1.75 or more points on the Scoring Rubric attached to the approved Procedures will be deemed denied by City Council.

**CITY COUNCIL PROCEDURES FOR CONSIDERATION OF APPLICATIONS  
SEEKING ALTERATION OR VACATION OF PUBLIC EASEMENTS, OR OF  
CERTAIN PUBLIC OR PRIVATE STREETS/ ALLEYS, OR  
PUBLIC RIGHTS OF WAY**

**CATEGORY (A):**

ALTERATIONS OR VACATIONS OF PUBLIC RIGHTS-OF-WAY (PREVIOUSLY DEDICATED TO AND ACCEPTED BY THE CITY);

**CATEGORY (B):**

VACATION OF STREETS OR ALLEYS CREATED BY SUBDIVISION PLAT—(i) PRIVATE STREETS/ALLEYS, OR (ii) PUBLIC STREETS/ ALLEYS (DEDICATED, BUT NOT ACCEPTED BY THE CITY), OR

**CATEGORY (C):**

ALTERATION OR VACATION OF EASEMENTS DEDICATED FOR PUBLIC USE.

**Part One: Application Requirements**

(1) Any person seeking Council’s consideration of one of the above-referenced application categories may present an application form and supporting materials to the Department of Neighborhood Development Services (“NDS”). The application shall be accompanied by all of the following:

- a. Application Fee, in such amount as may be specified within the most recent fee schedule approved by City Council, payable to the City of Charlottesville;
- b. Copy of the Subdivision Plat or other recorded instrument by which the right-of-way, easement, street or alley (“Area Proposed to be Vacated”) was originally created, including Deed Book/Page Reference and date of recordation, and copies of any related deed(s) and plat(s);
- c. A narrative description of why the application is being proposed, and of what benefit(s) the Applicant is seeking to obtain;
- d. List of all lots adjoining the Area Proposed to be Vacated, and for each adjoining lot, the applicant shall provide: street address, City parcel identification number; name and mailing address of current landowner; and documentation of the applicants request for the the adjoining landowner’s endorsement, as follows:

The Applicant must demonstrate that each of the adjoining landowners was contacted at least ten (10) days prior to the Application date with a request for endorsement; if the Applicant fails to demonstrate this, the Application will be rejected. *(If some adjoining landowners do not endorse the Application, or do not respond to the landowner’s*

*contact(s), the Application may move forward for review and consideration so long as the Applicant provides evidence that each of the landowners whose signature does not appear on the endorsement Form was previously contacted by the Applicant regarding the proposed closing). NDS will provide a Landowner Endorsement Form, approved by the City Attorney's Office, for use by applicants.*

(2) NDS will reject any application that does not contain all required information and materials. Furthermore:

a. No rezoning application or special use application which includes an Area Proposed to be Vacated shall be scheduled for a public hearing, until all such information and materials have been received, and

b. If, during staff's review of a rezoning or special use permit application, staff determines that development of a specific project would require the alteration or vacation of any areas within Categories (A), (B) or (C), above, then the applicant shall be notified and the rezoning or special use permit shall not be scheduled for a public hearing until an application seeking approval of the alteration or vacation of any such area(s) has been received.

(3) ***Exemptions: Council action is NOT required for the following areas***—The following areas are excluded from Application Categories (A)-(C), and City Council review/approval under this policy is NOT required for alteration or vacation of the following:

a. Easements on private property, previously dedicated to the City for public use for public utilities, public storm sewers or other public drainage facilities; or

b. Easements on private property, established for use by franchised cable operators furnishing cable television, or public service corporations furnishing cable television, gas, telephone, electric service, or fiber for communications services to private property. Alteration or vacation of these easements shall be handled by deeds and plats reviewed in accordance with the City's Subdivision Ordinance and/or other applicable law.

(4) ***Timing of Applications***—

a. *When an Area Proposed to be Vacated is requested to facilitate the development of a specific Project,<sup>1</sup> and that Project requires City Council approval following a public hearing process (e.g., a rezoning (including, without limitation, a PUD) or a special use permit), then the application required by these procedures shall accompany the landowner's zoning application. The purpose of this requirement is so that City Council can hold one public hearing for consideration of all project-related matters which require a public hearing.*

---

<sup>1</sup> This includes applications that seek vacation, and that propose a vacation with replacement of a new street/alley/ROW in a different location

b. *When the Area Proposed to be Vacated is within the boundaries of a development for which a site plan or subdivision plat approval is required,*<sup>2</sup> then the application shall accompany the first site plan or subdivision plat presented for consideration by the City. No site plan or subdivision plat, whether preliminary or final, shall be approved by the City's Site Plan or Subdivision Agent, unless and until City Council has acted upon the application submitted in accordance with these procedures.

### **Part Two: Staff Review**

- (1) When the Application is complete, NDS will arrange an appropriate City staff person to have responsibility for guiding the Application through the Staff Review and City Council process. This assigned staff member will be the single point of contact for the Applicant as well as all other City departments regarding the Application.
- (2) City Council has established a Scoring Rubric to be used by Staff in its review of applications in Categories (A) and (B). A completed Scoring Rubric form shall be part of each staff report that is prepared for or in connection with an application. For each application within Category (A) or (B), NDS will circulate the application to all of the following, each of whom shall provide written comments to be included within the Council Agenda Memo Form, and will provide the calculation required by the Scoring Rubric, for his or her area of expertise:
  - a. City Housing Coordinator
  - b. City Traffic Engineer
  - c. City Bicycle Pedestrian Coordinator
  - d. City Planner
  - e. Director of Parks and Recreation
  - f. Director of Utilities
- (3) After staff has completed its review of the Application:
  - a. **If the Application receives a score of 1.75 or higher on the Scoring Rubric:** then the assigned Staff member will notify the Applicant, on behalf of City Council, that the Application is denied. No related rezoning or special use permit application shall be scheduled for a public hearing unless and until the application materials are amended to reflect the denial. No site plan or subdivision plat, preliminary or final, shall be approved, until the plan or plat has been amended to reflect the denial.
  - b. **If the Application receives a score of less than 1.75 on the Scoring Rubric:**

---

<sup>2</sup> This includes applications that seek vacation, and that propose a vacation with replacement of a new street/alley/ROW in a different location.

- i If the Area Proposed to be Vacated is within the area of a development project that requires City Council to approve a rezoning or special use permit following a public hearing, then all of the applications related to that proposed development project (including the application submitted under these procedures) may be scheduled for a single public hearing and may proceed through all required reviews. *(Note: any Ordinance approving an application subject to this paragraph shall be subject to the same number of Council readings as the rezoning ordinance or special use permit application).*
- ii If the Area Proposed to be Vacated is within the area of a development project that requires the City's Site Plan or Subdivision Agent to approve a site plan or subdivision plat (preliminary or final) then the application submitted under this policy shall be referred to the Clerk of Council for scheduling of a public hearing date and to the City Attorney's Office for completion of final Council Agenda packet materials. No site plan or subdivision plat shall be approved unless and until City Council has acted on the application submitted under these procedures. *(Any Ordinance approving an application subject to this paragraph shall require only one reading by Council.)*
- iii If the provisions of (i) or (ii), above do not apply, then the application submitted under these procedures shall be referred to the Clerk of Council for scheduling of a public hearing date and to the City Attorney's Office for completion of final Council Agenda packet materials. *(Any Ordinance approving an application subject to this paragraph shall require only one reading by Council.)*
- iv The assigned NDS staff member will prepare the necessary Council Agenda Memo, and will incorporate into the Council Agenda Memo any detailed comments or concerns of the staff whose input was required for completion of the Scoring Rubric along with any other matters to be provided with the NDS staff member's report, analysis and recommendation.

### **Part Three: City Council Consideration of an Ordinance**

(1) Once a Category (A), (B) or (C) application has been scheduled for a public hearing per Part Two § 3(b)(i), (ii) or (iii), above, the City Attorney's Office will prepare a proposed Ordinance.

- a. Public notice of the scheduled public hearing shall be given in accordance with Virginia Code §15.2-2204. Staff will provide the Applicant with signs giving notice of the public hearing date for the Application. The Applicant shall post the signs and provide verification to Staff that the posting was done at least seven (7) days prior to the public hearing date.

- b. Any person may appear at the public hearing to speak in support of, or to object to, the proposed Ordinance.
- c. NDS Staff shall prepare a staff report, which shall include the completed Rubric Form as well as information and analysis relevant to the issue(s) set forth in subparagraphs (i)-(vi), below. In its consideration of an Ordinance during its first reading (following the public hearing) City Council will give consideration to the following [in addition to any other matters Council may deem relevant]:
  - i. 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?
  - ii. Are there any public utilities currently located in the area proposed to be vacated? If so, is the applicant offering to allow the City to reserve a public utility easement?
  - iii. 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?
  - iv. ***Only for applications presented per Part Two, § 3(b)(iii), above***—is the Area Proposed to be Vacated part of an established street that is owned by the City, or is a street depicted within the City’s Comprehensive Plan as part of a public street network?

If the answer to either question is “yes”, then before a public hearing is scheduled for Council’s consideration of an Ordinance under these procedures, Application must be referred to the Planning Commission for a Comprehensive Plan review in accordance with Virginia Code §15.2-2232. The Commission will act on the referral within 60 days of Council’s first reading of the ordinance. (The Planning Commission is not required to conduct a public hearing).

*Note: for applications presented per Part Two, § 3(b)(i) or (ii), above, review for consistency with the Comprehensive Plan, when required, shall be conducted by the planning commission and city council as part of their review of the related rezoning or SUP application, or in accordance with Va. Code §15.2-2232(D).*

- v. If the street or alley is currently owned by the City, and if the purpose of the proposed closing/ vacation is to accommodate expansion or development of an existing or proposed business, does City Council wish

to condition the vacation upon commencement of the expansion or development within a specified period of time?

- vi. If the street or alley is currently owned by the City, does City Council desire staff to negotiate a purchase price with the Applicant and other adjoining property owners?

(2) Prior to acting upon an application submitted under these procedures, City Council will verify that the following have been completed:

- a. If Council has indicated a desire for the area to be purchased by adjoining landowner(s), then the City Attorney's office shall contact the Applicant to negotiate a sales price prior to any second reading of the Ordinance;
- b. If Council has indicated a desire to condition the vacation upon commencement of a development within a specified period of time, then prior to any second reading of the Ordinance Staff shall confer with the Applicant as to what amount of time is anticipated prior to commencement of the development activity;
- c. Prior to scheduling an Ordinance for final action by City Council, the Clerk of Council shall verify with the City Attorney's Office that all matters contemplated to be set forth within a final Ordinance have been incorporated into a final proposed Ordinance for Council's consideration.

### Appeals

Va. Code §15.2-2272: when an Application presents matters within the scope of Virginia Code §15.2-2272, then an appeal may be taken to the Charlottesville Circuit Court from a City Council decision to **adopt** an Ordinance vacating a street or alley. Any such appeal must be filed within 30 days after City Council's final decision on the Application.

Va. Code §15.2-2206 when an Application presents matters within the scope of Virginia Code §15.2-2006, then an appeal may be filed within the Charlottesville Circuit Court within 60 days of the adoption of an Ordinance.

Attachment:

Scoring Rubric Form

Approved by Council: May 6, 2019  
Revised: 9/\_\_/2019

**City of Charlottesville - Alley, Paper Street, and ROW Scoring Rubric**

Alley:

Criteria	3	2	1	Raw Score	Weight	Weighted Score
<b>Increase rear access for potential ADU</b>	[(Number of ADU* Possible or Existing) / (Number of Parcels) x 100] greater than 66%	[(Number of ADU* Possible or Existing) / (Number of Parcels) x 100] Greater than 33% but less than 66%	[(Number of ADU* Possible or Existing) / (Number of Parcels) x 100] less than 33%		x 0.25 =	
<b>Reduction of driveways from primary street</b>	Street that alley will act as an alternate route to has sidewalks and 30+% of properties have driveways	Has driveways and sidewalks on street that alley will act as an alternative route	No sidewalks or driveways on street that alley will act as an alternative route		x 0.2 =	
<b>Bicycle and Pedestrian Circulation</b>	Provides alternative route to existing route on street with AADT** > 1000	Alley acts as parallel route to existing route on street	Walkable		x 0.15 =	
<b>Vehicular access to rear of lot</b>	Through type alley	Dead end but drivable	Not drivable		x 0.1 =	
<b>Reduction of on-street parking demand</b>	Reduce 2 or more cars per block	Reduce 1 car per block	No reduction		x 0.1 =	
<b>Greenway Connectivity</b>	Alley connects to pedestrian route within 350' of recreation areas, parks, and trails	Alley connects to pedestrian route within 700' of recreation areas, parks, and trails	Alley does not connect with or route is greater than 700' of recreation areas, parks, and trails		x 0.1 =	
<b>Utility route</b>	Existing utilities	Through type alley without existing utilities or has overhead utilities crossing alley	Dead end alley without existing utilities		x 0.1 =	
<b>Closure is part of a proposed development or replatting</b>	If an alley, paper street, ROW, or street, is to be closed as part of proposed development requiring a site plan; and/or replatted in a different configuration <b>(-1.5 points)</b>					
<b>Final Score (Sum of all weighted scores)</b>						

ADU\* Accessory

Dwelling Unit

AADT\*\* Average Annual

Daily Traffic

## **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City Manager, or his designee, is hereby authorized to sign the following document, in form approved by the City Attorney or his designee.

Designation of Signature Authority for the Transit Award Management System (TRAMS), authorizing the City Transit Director to execute applications and grant awards, and other transit-related documents on behalf of the City of Charlottesville.

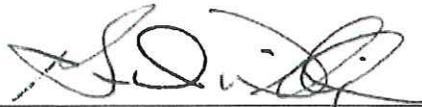


www.CatchTheCAT.org  
434-970-3649

**Downtown Transit Station**  
615 East Water Street  
**CAT Administrative Office**  
VA 22902

RE: Designation of Signature Authority for FTA Assistance Awards

The City of Charlottesville hereby designates Garland Williams, Director of Transit as authorized to access the Federal Transit Administration's (FTA) Electronic Application/Award Management System, also referred to as the Transit Award Management System (TRAMS), and use a Personal Identification Number (PIN) to execute the annual Certifications and Assurances issued by the Federal Transit Administration (FTA), to transmit and submit all applications to FTA for Federal assistance on behalf of the officials named below, thus binding the Applicant/Recipient's compliance with FTA Requirements.

  
\_\_\_\_\_  
Director of Charlottesville Area Transit

9/6/19  
\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager for the City of Charlottesville

\_\_\_\_\_  
Date



**AN ORDINANCE TO AMEND THE AGREEMENT  
TO OPERATE A JOINT CONVENTION AND VISITORS' BUREAU**

**WHEREAS**, the City of Charlottesville (hereinafter "City") and Albemarle County (hereinafter "County") adopted, by ordinance, an Agreement to Operate a Joint Convention and Visitors' Bureau (hereinafter "Agreement") on June 28, 2018; and

**WHEREAS**, the City and County amended the Agreement on February 4, 2019; and

**WHEREAS**, the City and County desire to amend the Agreement by removing the Charlottesville-Albemarle Convention and Visitors' Bureau (hereinafter "CACVB") Executive Director from the CACVB Executive Board; and

**WHEREAS**, the City and County further desire to amend the Agreement by designating the President or Chief Executive Officer of the Charlottesville Regional Chamber of Commerce as the Chamber of Commerce's representative on the CACVB Executive Board; and

**WHEREAS**, the City and County further desire to amend the Agreement by permitting the CACVB Executive Director to purchase alcoholic beverages for tourism-related promotional or appreciation events with the consent of the CACVB Executive Board, the County Executive, or the County Chief Financial Officer; and

**WHEREAS**, the City and County further desire to amend the Agreement by removing all references about the transition of the fiscal agency and legal representation functions from the City to the County effective January 1, 2019.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville that pursuant to Virginia Code Section 15.2-1300, the Agreement is amended as described above and as further detailed in the amendments attached hereto as Exhibit A; and

**BE IT FURTHER ORDAINED** that the City Manager is hereby authorized to execute the Agreement on behalf of the City, after the City Attorney approves the Agreement as to form.

This ordinance shall be effective immediately.

**FIRST SECOND AMENDED AGREEMENT TO OPERATE  
A JOINT CONVENTION AND VISITORS' BUREAU**

THIS AGREEMENT is entered into this \_\_\_ day of ~~January~~ October, 2019, by and between the County of Albemarle, Virginia (the "County") and the City of Charlottesville, Virginia (the "City"). This agreement may be referred to as the "CACVB Agreement" and "this Agreement." The County and the City may be referred to collectively as the "Parties."

**RECITALS**

- R-1** The County and the City are each enabled by Virginia Code § 15.2-940 to "expend funds from the locally derived revenues of the locality for the purpose of promoting the resources and advantages of the locality"; and
- R-2** The County is enabled by Virginia Code § 58.1-3819 to expend Transient Occupancy Taxes collected by it (amounts in excess of two percent of the total five percent authorized to be collected) solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with tourism industry organizations, including representatives of lodging properties located in Albemarle County, attract travelers to the County, increase occupancy at lodging properties, and generate tourism revenues within the County; and
- R-3** The County and the City are each enabled by Virginia Code § 15.2-1300 to jointly exercise the authority granted to them pursuant to Virginia Code § 15.2-940, and they desire to enter into an agreement with one another to continue to jointly fund and operate the local convention and visitors' bureau; and
- R-4** The County and the City desire to promote the resources and advantages of the County and the City, and to do so through the Charlottesville-Albemarle Convention and Visitors' Bureau as provided in this Agreement.

**STATEMENT OF AGREEMENT**

The County and the City agree to the following:

**1. Convention and Visitors' Bureau Established and Authorized.**

The Charlottesville-Albemarle Convention and Visitors Bureau (the "CACVB") is re-established and re-authorized.

**2. Purpose of the CACVB.**

The purpose of the CACVB is to promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, including marketing of tourism, as well as marketing of initiatives that: attract travelers to the City and County, increase lodging at properties located within the City and County, and generate tourism revenues within the City and County.

**3. Organization of the CACVB.**

The CACVB shall be organized to have an Executive Board, an Executive Director, and staff serving the CACVB.

**A. Executive Board.** An Executive Board is hereby established, and its composition and powers and duties are as follows:

- 1. Composition.** The Executive Board shall be composed of the following fifteen voting members ~~and one non-voting member~~:
  - a. Two members of the County Board of Supervisors.
  - b. Two members of the Charlottesville City Council.
  - c. The County Executive or his designee.

- d. The Charlottesville City Manager or his designee.
  - e. The County Director of Economic Development or his designee.
  - f. The City Director of Economic Development or his designee.
  - g. The Executive Vice President of the University of Virginia or his designee.
  - h. One tourism industry organization representative appointed by the County Board of Supervisors as provided in Section 3(A)(2)(b).
  - i. One tourism industry organization representative appointed by the Charlottesville City Council as provided in Section 3(A)(2)(b).
  - j. One representative of the arts community jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(c).
  - k. One representative of the recreation community jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(c).
  - l. ~~One representative of the Chamber of Commerce jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(e)~~ The President or Chief Executive Officer of the Charlottesville Regional Chamber of Commerce or designee.
  - m. The President or Chief Executive Officer of the Thomas Jefferson Foundation or his designee.
  - n. ~~The Executive Director of the CACVB (non-voting member).~~
2. **Appointments to the Executive Board.** Appointments to the Executive Board shall be made as follows:
- a. **Appointment of Members of the County Board of Supervisors and the Charlottesville City Council; Alternates.** The members of the County Board of Supervisors and the Charlottesville City Council who serve on the Executive Board shall be appointed by their respective governing bodies for terms determined by the respective governing bodies. The County Board of Supervisors and the Charlottesville City Council may appoint alternates to attend any meeting(s) that the regular appointees cannot attend. An alternate attending a meeting in place of the regular member may vote on behalf of the Board or Council at any such meeting.
  - b. **Appointment of Representatives of Tourism Industry Organizations; Term.** The tourism industry representatives identified in Sections 3(A)(1)(h) and (i) shall be appointed by a majority vote of the members of the County Board of Supervisors or the Charlottesville City Council, respectively, present and voting. Each appointment shall be for a two-year term; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.
  - c. **Appointment of Representatives of the Arts and Recreation Communities and the Chamber of Commerce; Term.** ~~The arts and recreation community representatives and the Chamber of Commerce representative identified in Sections 3(A)(1)(j) and (k), and (l)~~ shall be made by a majority of the four members of the County Board of Supervisors and the Charlottesville City Council appointed to the Executive Board. Each appointment shall be for a two-year term; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.

3. **Powers and Duties of the Executive Board.** The Executive Board shall:
- a. **Adopt a Strategic Plan.** Adopt a strategic plan for the CACVB that is consistent with the purposes of the CACVB.
  - b. **Adopt By-laws.** Adopt by-laws, which shall include procedures and rules for electing a chair, a vice-chair, the conduct of its meetings, and regulating the business of the Executive Board.
  - c. **Adopt Policies and Plans.** Adopt any policies or plans consistent with the purposes of the CACVB and that may provide direction to the CACVB.
  - d. **Marketing Strategies, Performance Measures, and Indicators.** Approve general marketing strategies and programs, and establish performance measures and indicators.
  - e. **Hold Meetings; Quorum; Voting.** Hold a regular meeting at least once every two months. Each meeting shall be conducted in compliance with the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*). Eight voting members of the Executive Board physically present at the meeting constitute a quorum. The Executive Board shall act only by a majority vote of those voting members present and voting at a lawfully held meeting.
  - f. **Adopt a Budget.** Adopt a budget for the CACVB's operations and activities each fiscal year.
  - g. **Contracts.** Acting through its Executive Director, arrange or contract for (in the name of the CACVB) the furnishing by any person or company, public or private, of goods, services, privileges, works or facilities for and in connection with the scope of Section 2 of this Agreement and the administrative operations of the CACVB and its offices. The contracts may include any contracts for consulting services related to tourism marketing and to promoting the County, the City, and the region.
  - h. **Appoint the Executive Director; Performance; Termination.** Appoint the Executive Director, who shall serve at the pleasure of the Executive Board, and evaluate the Executive Director's performance each year. If the CACVB does not have an Executive Director or an interim Executive Director on July 1, 2018, until the Executive Board appoints an interim or permanent Executive Director, the County shall provide an employee currently on its payroll to serve as an interim Executive Director for the CACVB, commencing July 1, 2018 and continuing only until such time as the newly constituted Executive Board has appointed an interim or permanent Executive Director.
  - i. **Offices.** Provide regular staffed visitor services at one location within the City of Charlottesville and one location within the County of Albemarle. Additional locations may be approved by the Executive Board. The Executive Board shall approve the location and terms and conditions for purchasing or leasing any CACVB office(s), and may, by recorded vote or resolution, authorize the Executive Director to execute any required instrument pertaining thereto.
  - j. **Official Seal.** Establish and maintain an official seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it, or in any other manner reproducing it.
4. **Attendance.** Members of the Executive Board or their designees are expected to attend all regular meetings of the Executive Board. The Executive Board may request the County Board of Supervisors or the Charlottesville City Council, as the case may be, to replace any Executive Board Member appointed by that body, or the designated members thereof, to replace any Member who is absent, or whose designee is absent, from more than three regular meetings during a calendar year.

**B. Executive Director.** The position of Executive Director is hereby established. The powers and duties of the Executive Director are as follows:

1. **Promotion.** Promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, the Strategic Plan, and other policies and plans adopted by the Executive Board within the scope of Section 2 of this Agreement, subject to the following:
  - a. **Services Provided Until Executive Board Directs Otherwise.** Beginning July 1, 2018, and until the Executive Board directs otherwise, the Executive Director and the persons hired to provide services for the CACVB shall provide the services identified in **Attachment A**, incorporated by reference herein.
  - b. **Services Identified by the Executive Board to be Provided.** When the Executive Board identifies different or additional services to be provided by the CACVB, the Executive Director and the persons hired to provide services for the CACVB shall provide those services. The different or additional services may include, but are not limited to, expanding destination packages focusing on the arts, wineries, breweries, and distilleries; promoting heritage and cultural tourism and including this area's African-American heritage; promoting agritourism; promoting outdoor recreational tourism for activities such as hiking, bicycling, kayaking, and canoeing; and developing and promoting events and activities related to the arts, local resources, and local businesses.
2. **Budgeting.** Recommend an annual budget to the Executive Board.
3. **Contracting.** Execute contracts on behalf of the CACVB; perform the duties of purchasing officer on behalf of the Executive Committee, subject to compliance with Albemarle County procurement ordinances and procedures. The Executive Director shall procure all goods and services in compliance with the County's procurement laws and procedures, or may delegate procurement responsibilities to the County's purchasing agent. As an exception to the County's procurement laws and procedures, the Executive Director or the County's purchasing agent, if delegated procurement responsibilities under this section, may contract for or purchase alcoholic beverages for tourism-related promotional and appreciation events and familiarization tours with the advance written approval of (i) the Executive Board or (ii) the County Executive or (iii) the County Director of Finance/Chief Financial Officer.
4. **Reports.** The Executive Director shall provide to the Executive Board any reports required by this Agreement or requested by the Executive Board.
5. **Distribute the Budget and Provide a Balance Sheet.** The Executive Director shall provide the CACVB's adopted annual budget to the County and the City and a balance sheet showing the CACVB's revenues and expenditures for the prior fiscal year and the fund balance, if any, from the prior fiscal year. The budget and the balance sheet shall be provided by December 31 each year.
6. **Employees.** The Executive Director shall recruit, hire, and manage persons to be employed to perform services for the CACVB, subject to Section 8 of this Agreement.

**4. Funding the CACVB.**

The CACVB shall be funded as follows:

- A. **Funding Cycle.** The County and the City agree to fund the activities and responsibilities of the CACVB during each Fiscal Year (July 1 through June 30 of each calendar year) in which this Agreement remains in effect, beginning with the Parties' Fiscal Year 2019.
- B. **Funding Levels.** Subject to Subsection 4(F), the County and the City shall provide funding for the CACVB in each Fiscal Year in an amount equal to 30 percent of its Transient Occupancy Tax

revenues collected by it in the most recent Fiscal Year (“Actuals”). This specified percentage and obligation is based on, and specifically limited to, a Transient Occupancy Tax of five percent in each locality. If either the County or the City enacts a Transient Occupancy Tax greater than five percent, that Party’s funding obligation under the formula in this subsection is not changed by the increase in the tax rate for the Transient Occupancy Tax.

- C. **Payments to the Fiscal Agent.** Annual funding provided pursuant to Subsection 4(B) shall be delivered by the Party that is not the Fiscal Agent to the Party that is the Fiscal Agent in equal quarterly payments, payable on July 1, October 1, January 1, and April 1 each year, due upon receipt of an invoice from the Fiscal Agent.
- D. **Budget.** The budget prepared and recommended by the Executive Director shall be presented to the Executive Board, and the recommended budget shall use the Actuals provided by the County and the City and referenced in Subsection 4(B), and any other revenue sources. Following receipt of a recommended budget from the Executive Director, the Executive Board shall take action to approve an annual budget, no later than May 1 each calendar year.
- E. **Documenting Costs.** All costs incurred and expenditures made by the CACVB in the performance of its obligations under this Agreement shall be supported by payrolls, time records, invoices, purchase orders, contracts, or vouchers, and other documentation satisfactory to the County and the City, evidencing in proper detail the nature and propriety of the costs. Records shall be maintained in accordance with Virginia law. Upon request by either the County or the City, the Executive Director shall allow City or County officials to inspect the documentation and records pertaining in whole or in part to this Agreement, or the Executive Director may, if acceptable to the requesting party, provide reports summarizing information within CACVB’s records.
- F. **Appropriations.** Notwithstanding any other provisions of this Agreement, the County’s and the City’s obligation to fund the CACVB is expressly contingent upon the availability of public funds derived from Transient Occupancy Tax revenues and the annual appropriations of those funds thereof by the Parties. The City’s appropriations of funds for the promotion and advertisement of the City are and shall be further subject to the provisions of Section 21 of the City’s Charter.

**5. Permitted and Prohibited Uses of Funds, Goods, and Services by the CACVB.**

The CACVB shall expend revenues and use its funds, goods, and services only as follows:

- A. **Purposes for Which Tax Revenues May be Spent.** Revenues appropriated by the County and the City to the CACVB shall be expended only for the purposes for which their respective Transient Occupancy Tax revenues may be spent, as may be governed by state enabling legislation, the City’s charter, and local ordinances.
- B. **Prohibited Use of Funds, Goods, and Services for Political Purposes.** The CACVB shall not expend its funds, use its materials or property, or provide services, either directly or indirectly, for any partisan political activity, to further the election of, or to defeat, any candidate for public office.

**6. Duration of this Agreement; Termination.**

This Agreement shall be effective ~~on July 1, 2018~~ as of October 2, 2019, and remain in effect until it is terminated by the Parties, or either of them, as follows:

- A. **Termination by One Party.** Either the County or the City may terminate this Agreement by giving at least six months’ written notice to the other Party.
- B. **Termination by Mutual Agreement.** The County and the City may mutually agree to terminate this Agreement under any terms and conditions they agree to.

- C. **Termination by Non-appropriation.** If either the County or the City fails to appropriate funds in the amount required to support its obligations under this Agreement for a subsequent fiscal year, then this Agreement shall automatically terminate at the end of the then-current fiscal year.

7. **Performance.**

The performance of the CACVB shall be measured as follows:

- A. **Until New Performance Measures and Performance Indicators are Adopted.** From July 1, 2018, until the Executive Board adopts new performance measures and performance indicators, the CACVB shall:
  - 1. **Return on Investment.** Meet a return on investment ratio of 7:1 annually that is based on seven dollars of total direct visitor expenditures for every one dollar of funding provided to the CACVB by the County and the City pursuant to the formula in Attachment A.
  - 2. **Performance Measures.** Measure performance using the specific measures in Attachment A.
  - 3. **Performance Indicators.** Track the performance indicators identified in Attachment A.
- B. **Adopted Performance Measures and Performance Indicators.** When the Executive Board adopts a new required return on investment, new performance measures, and new requirements to track performance indicators, the CACVB shall meet and perform those new measures and requirements.
- C. **Audits.** The County and the City may, at their option, request an independent audit of the CACVB's books and records. The cost of the audit shall be shared equally by the County and the City.

8. **Fiscal Agent Designation; Services.**

The County and the City will provide the following fiscal services for the CACVB:

- A. **Fiscal Agent.** ~~The City will continue to serve as Fiscal Agent for the CACVB through December 31, 2018. Effective January 1, 2019, the~~ County shall serve as Fiscal Agent for the CACVB. The Fiscal Agent shall be entitled to a fee of two percent of the Actuals referenced in Section 4(B) as compensation for acting as Fiscal Agent. This fee may be deducted from the Fiscal Agent's funding contribution pursuant to Section 4 each year.
- B. **Insurance.** The County will provide liability insurance coverage to the CACVB.
- C. **Legal Services.** ~~The City Attorney will continue to provide legal services to the CACVB through December 31, 2018. Commencing on January 1, 2019, the~~ County Attorney shall provide legal services to the CACVB, provided that representation does not create a conflict of interest under any rules of professional responsibility or other ethical rules of conduct. In the event any such conflict arises, the County Attorney shall so advise the Executive Board, so that the Executive Board may make necessary arrangements to obtain legal services. ~~If the County Attorney anticipates any such conflict(s), he shall advise the Executive Board prior to January 1, 2019.~~
- D. **Other Services.** The County shall act as the CACVB's accounting and disbursing office; provide personnel administration services; maintain personnel and payroll records; provide information technology services; provide procurement services and maintain purchasing accounts and monthly statements; and contract for annual audits. Personnel administration shall include the matters referenced in paragraph E, following below.
- E. **Personnel Administration.** The employment of the Executive Director and any other persons hired to perform services for the CACVB are subject to the following:

1. **County Employees.** Any Executive Director or other person hired on or after July 1, 2018 to perform services for the CACVB shall be hired as an employee within the County's personnel and payroll systems.
  - a. **Transition of Employees Hired Prior to July 1, 2018.** Effective January 1, 2019, or as soon thereafter as the County and the City have created and funded an Employee Transition Plan, any person who was hired prior to July 1, 2018 to perform services for the CACVB shall be transitioned to become an employee of the County and shall be classified within the County's pay system and shall be paid in accordance with the County's payroll system and policies and its personnel policies. Until January 1, 2019, all such employees shall remain within the City's personnel/payroll system.
  - b. **Pay and Benefits for Transitioning Employees.** Within their Employee Transition Plan, the City and the County shall provide benefits and funding, as necessary to assure, to the fullest extent practicable, that no employee will lose pay or retirement benefits as a result of making the transition from City to County employment. With respect to retirement benefits, it is the intention of the Parties to keep each person transitioning from City to County employment whole, and to ensure that they neither lose retirement credit for time employed nor monetary contributions made to the City's retirement plan.
2. **Duty Owed to Both the County and the City.** The Executive Director and any other persons hired to perform services for the CACVB owe a duty of good faith and trust to the CACVB itself as well as to both the County and the City as the localities which provide public funding for the CACVB.

~~F. **Sooner Transfer of Fiscal Agency.** Notwithstanding the January 1, 2019 date for fiscal agency to transfer from the City to the County as provided in this section, fiscal agency may transfer sooner if the County and the City have created and funded the Employee Transition Plan as provided in subsections 8(F)(1)(a) and (b) and the County and the City are otherwise prepared for fiscal agency to transfer.~~

## 9. **Disposition of Property Upon Termination or Partial Termination.**

Upon the expiration or earlier termination of this Agreement, all personal property of the CACVB shall be and remain the joint property of the County and the City for disposition, and the proceeds of disposition shall be pro-rated between the County and the City in accordance with the ratio of the amounts provided by each of them to the CACVB: (i) as capital contributions since 1979; and (ii) as contributions of operating funds during the 10 years preceding the date of termination, as compared with the aggregated contributions of the County and the City during that same 10-year period.

## 10. **Liability.**

Any liability for damages to third parties arising out of or in connection with the operations and activities of the CACVB and any persons employed to provide services for the CACVB shall be shared jointly by the County and the City, to the extent that any liability is not covered by funding within the CACVB's budget or liability insurance proceeds, and only to the extent that the County and the City may be held liable for damages under the laws of the Commonwealth of Virginia.

## 11. **Miscellaneous.**

- A. **Ownership of Materials; Copyright; Use.** Any materials, in any format, produced in whole or in part pursuant to this Agreement are subject to the following:
  1. **Ownership.** The materials are jointly owned by the County and the City.

- 2. **Copyright.** The materials are copyrightable only by the County and the City. Neither the CACVB, the Executive Board, nor any of its members, the Executive Director, any CACVB employee, nor any other person or entity, within the United States or elsewhere, may copyright any materials, in any format, produced in whole or in part pursuant to this Agreement.
  - 3. **Use.** The County and the City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared by or for the CACVB pursuant to this Agreement.
- B. **Amendments.** This Agreement may be amended in writing as mutually agreed by the County and the City.
  - C. **Assignment.** The CACVB shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement, whether by assignment or novation, without the prior written consent of the County and the City.
  - D. **Severability.** If any part of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect the validity or enforceability of any other part of this Agreement.
  - E. **Entire Agreement.** This Agreement contains the entire agreement of the County and the City and supersedes any and all other prior or contemporaneous agreements or understandings, whether verbal or written, with respect to the matters that are the subject of this Agreement.
  - F. **Applicable Law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the Commonwealth of Virginia.
  - G. **Approval Required.** This Agreement shall not become effective or binding upon the County and the City until it is approved by ordinances of the Charlottesville City Council and the Albemarle County Board of Supervisors.

**IN WITNESS WHEREOF**, and as authorized by duly adopted ordinances of the Albemarle County Board of Supervisors and the Charlottesville City Council, the County and the City each hereby execute this Agreement as of the date first above written, by and through their respective authorized agents or officials:

**CITY OF CHARLOTTESVILLE, VIRGINIA**

By: \_\_\_\_\_  
City Manager

Approved as to Form: \_\_\_\_\_  
City Attorney

**COUNTY OF ALBEMARLE, VIRGINIA**

By: \_\_\_\_\_  
County Executive

Approved as to Form: \_\_\_\_\_  
County Attorney

**AN ORDINANCE  
AUTHORIZING THE RELEASE OF  
A PORTION OF A NATURAL GAS EASEMENT GRANTED TO THE CITY BY  
OCT STONEFIELD PROPERTY OWNER, LLC**

**WHEREAS**, OCT Stonefield Property Owner, LLC is the current owner of property located at 3924 Lenox Avenue in The Shops at Stonefield shopping center in the County of Albemarle (Albemarle Tax Map Parcel No. 61W-3-19A); and

**WHEREAS**, OCT Stonefield Property Owner, LLC has requested release of a portion of the permanent natural gas easement granted to the City by deed dated January 8, 2015, of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 4576, page 428, in order to cure an existing encroachment of their building into the easement area, as shown on a plat made by W/W Associates, dated July 18, 2019; and

**WHEREAS**, the Director of Utilities has reviewed the request and determined that the City has no objection to releasing said portion of the above described easement; and

**WHEREAS**, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the partial release of this easement; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Release of Easement, in form approved by the City Attorney, to release a portion of the above-described natural gas easement.



**AN ORDINANCE  
TO VACATE CERTAIN EASEMENTS NEAR VALLEY ROAD  
AND TO GRANT EASEMENTS FOR FIBER OPTIC AND WATER LINES  
IN JEFFERSON PARK AVENUE AND MONROE LANE TO THE  
UNIVERSITY OF VIRGINIA**

**WHEREAS**, the University of Virginia (“UVA”) has developed a Master Plan to redevelop multiple properties along Brandon Avenue, Jefferson Park Avenue, Monroe Lane and Valley Road (“Brandon Avenue Project”); and

**WHEREAS**, the Brandon Avenue Project requires installation of new fiber optic lines, utility lines, bike and pedestrian trails, and other facilities, some of which will be located in the public rights-of-way and require easements from the City; and

**WHEREAS**, the proposed easements to be granted by the City to UVA have been reviewed and found acceptable by Neighborhood Development Services, Public Utilities and Public Works, and are shown on the attached plat dated March 5, 2019 (fiber optic lines), and the attached plat dated May 8, 2019 (water line); and

**WHEREAS**, the City’s Department of Utilities has reviewed the request to release the utility and pedestrian access easements, shown on the attached plat dated June 28, 2019, granted by UVA to the City in 2014, and has no objection to the release because new easements for such purposes are being granted by separate deeds of easement; and

**WHEREAS**, in accordance with Virginia Code Sec. 15.2-1800(B), an advertised public hearing was held to give the public an opportunity to comment on the release of the 2014 easements and the grant of the fiber optic and water line easements to UVA; now, therefore,

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

- (1) Release the existing 2014 public utility and pedestrian access easements located near Valley Road on UVA property, as shown on the plat dated June 28, 2019, conditioned upon UVA simultaneously granting the City of Charlottesville utility and pedestrian access easements in substantially the same area;
- (2) Grant an easement for fiber optic lines in the Jefferson Park Avenue and Monroe Lane rights-of-way, as shown on the plat dated March 5, 2019; and
- (3) Grant an easement for water lines in the Jefferson Park Avenue right-of-way, as shown on the plat dated May 8, 2019.

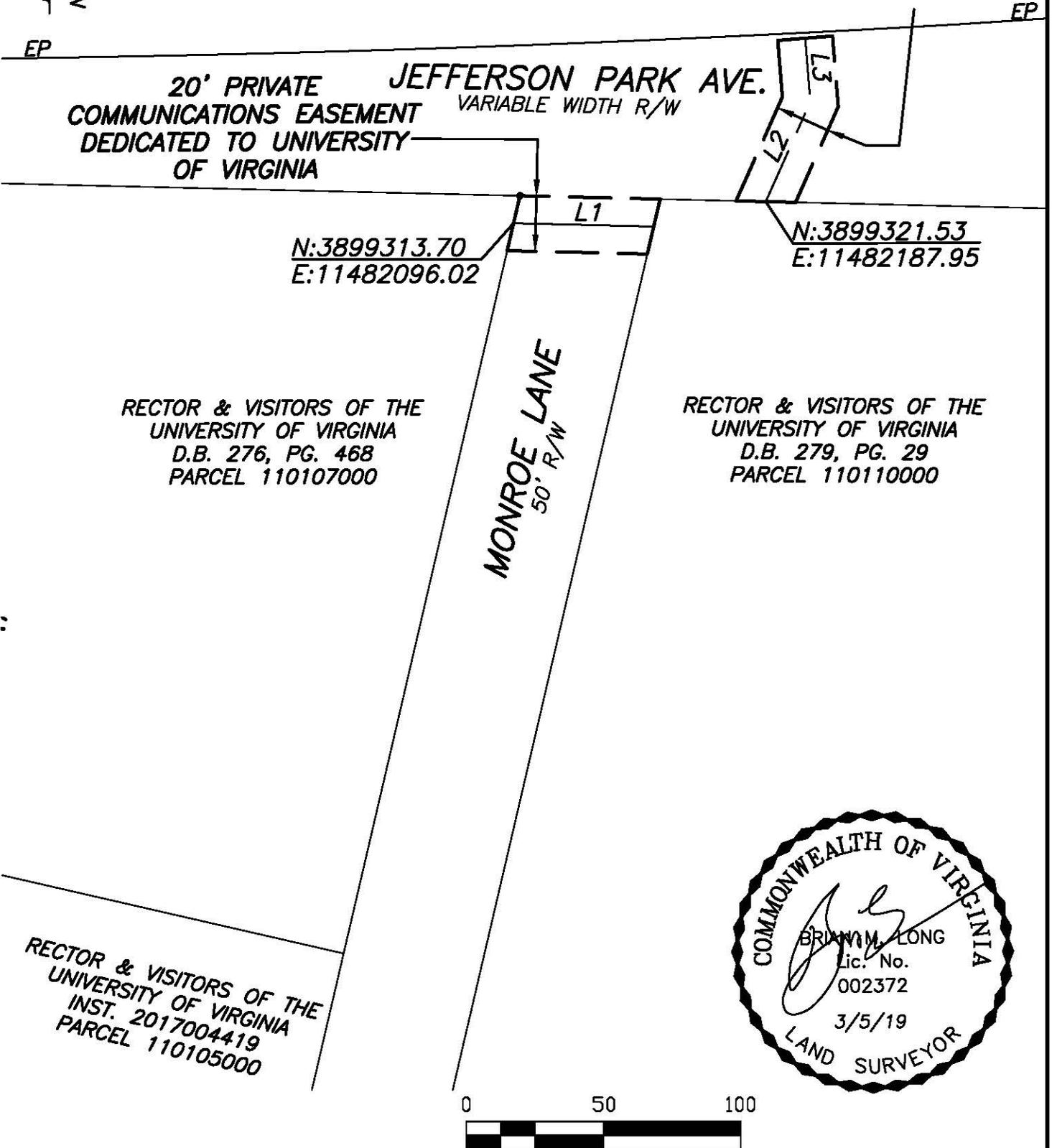
**BE IT FURTHER ORDAINED** that the Mayor is hereby authorized to execute: (1) Deed of Release of Easement, in form approved by the City Attorney, to vacate and release the public utility and pedestrian access easement acquired by the City by deed dated September 11, 2014, of record in the Charlottesville Circuit Court Clerk’s Office as Instrument No. 2014004270; and (2) Deed of Easement granting easements for fiber optic lines in the Jefferson Park Avenue and Monroe Lane rights-of-way, and a water line in the Jefferson Park Avenue right-of-way.

1) PROPERTY INFORMATION FROM DEEDS AND PLATS OF RECORD.  
THIS IS NOT A BOUNDARY SURVEY



LINE	BEARING	DISTANCE
L1	S 88°38'49" E	51.08'
L2	N 24°08'12" E	39.64'
L3	N 04°38'47" W	23.14'

20' PRIVATE COMMUNICATIONS  
EASEMENT DEDICATED TO  
UNIVERSITY OF VIRGINIA



PLAT OF  
20' PRIVATE COMMUNICATIONS  
EASEMENTS  
TO BE DEDICATED TO RECTOR  
& VISITORS OF THE  
UNIVERSITY OF VIRGINIA  
CITY OF CHARLOTTESVILLE, VIRGINIA

JN 50090099

DATE: 3/5/19



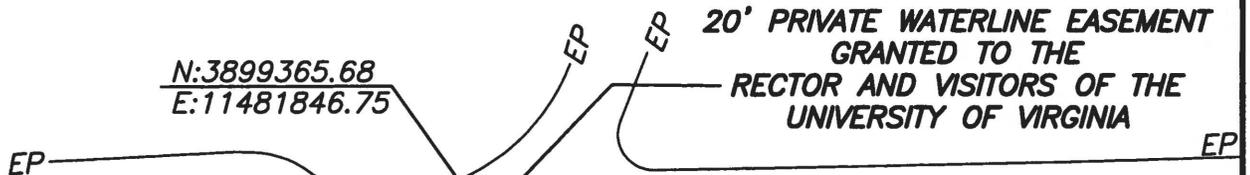
**Dewberry**®

Dewberry  
Engineers Inc

4805 Lake Brook Drive  
Glen Allen, VA 23060  
PHONE: 804.290.7957  
FAX: 804.290.7928  
www.dewberry.com

1) PROPERTY INFORMATION FROM DEEDS AND PLATS OF RECORD.  
THIS IS NOT A BOUNDARY SURVEY

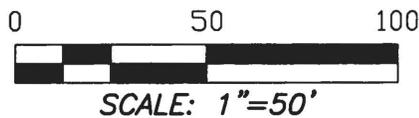
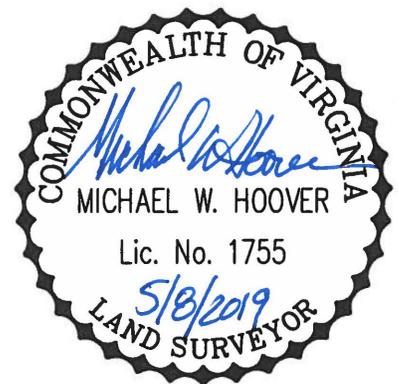
VCS MAD 83 SOUTH ZONE



JEFFERSON PARK AVE.  
VARIABLE WIDTH R/W

LINE	BEARING	DISTANCE
L1	N 34°23'05" E	40.78'
L2	N 00°02'57" E	41.85'

RECTOR & VISITORS OF THE  
UNIVERSITY OF VIRGINIA  
D.B. 276, PG. 468  
PARCEL 110107000



PLAT SHOWING A  
20' PRIVATE  
WATER LINE EASEMENT  
GRANTED TO THE  
RECTOR AND VISITORS OF THE  
UNIVERSITY OF VIRGINIA  
CITY OF CHARLOTTESVILLE, VIRGINIA

JN 50090099

DATE: 5/8/2019



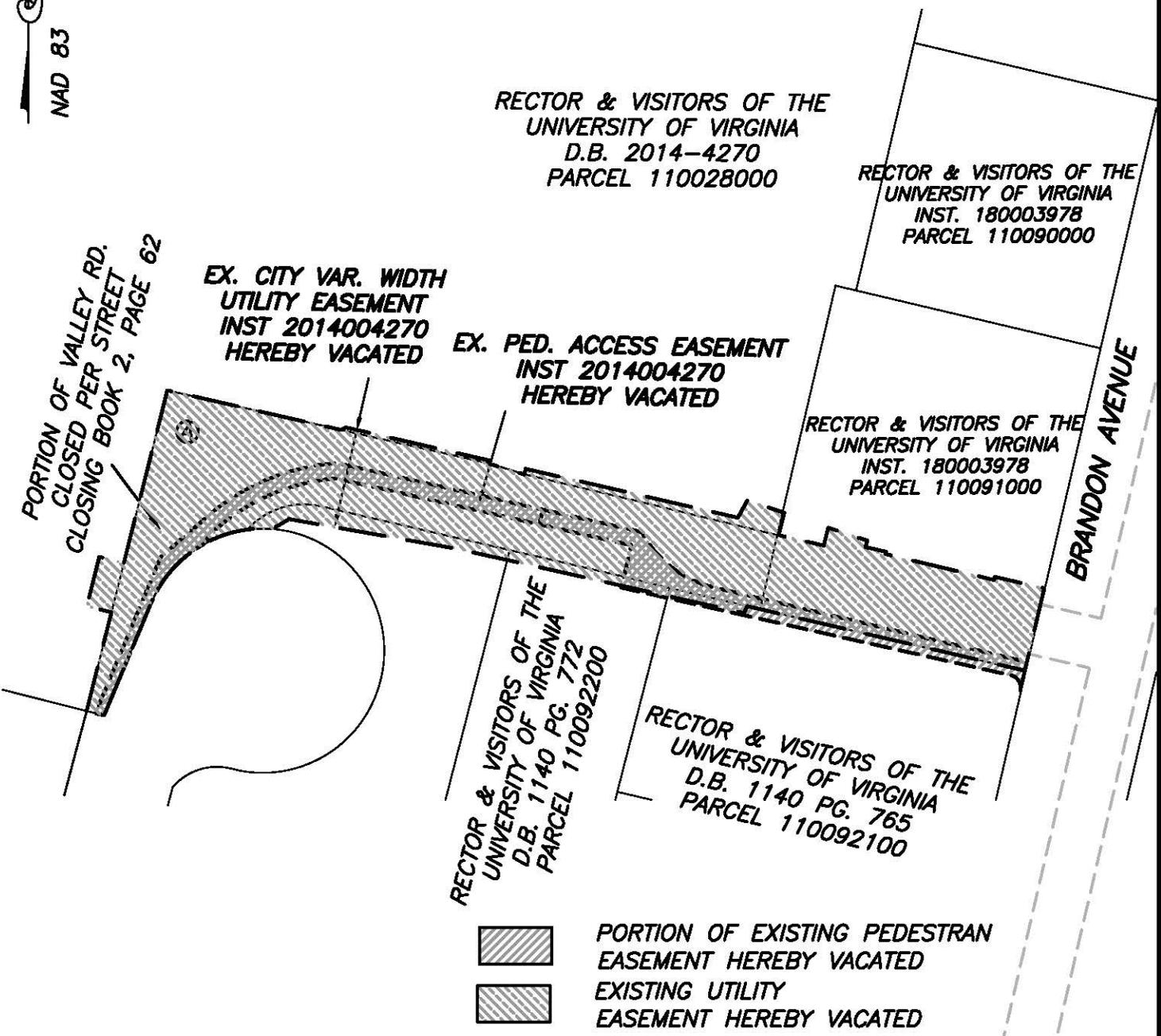
**Dewberry**®

Dewberry  
Engineers Inc

4805 Lake Brook Drive  
Glen Allen, VA 23060  
PHONE: 804.290.7957  
FAX: 804.290.7928  
www.dewberry.com

1) PROPERTY INFORMATION FROM DEEDS AND PLATS OF RECORD.  
THIS IS NOT A BOUNDARY SURVEY

NAD 83



RECTOR & VISITORS OF THE  
UNIVERSITY OF VIRGINIA  
D.B. 2014-4270  
PARCEL 110028000

RECTOR & VISITORS OF THE  
UNIVERSITY OF VIRGINIA  
INST. 180003978  
PARCEL 110090000

EX. CITY VAR. WIDTH  
UTILITY EASEMENT  
INST 2014004270  
HEREBY VACATED

EX. PED. ACCESS EASEMENT  
INST 2014004270  
HEREBY VACATED

RECTOR & VISITORS OF THE  
UNIVERSITY OF VIRGINIA  
INST. 180003978  
PARCEL 110091000

PORTION OF VALLEY RD.  
CLOSED PER STREET  
CLOSING BOOK 2, PAGE 62

BRANDON AVENUE

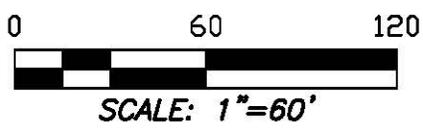
RECTOR & VISITORS OF THE  
UNIVERSITY OF VIRGINIA  
D.B. 1140 PG. 772  
PARCEL 110092200

RECTOR & VISITORS OF THE  
UNIVERSITY OF VIRGINIA  
D.B. 1140 PG. 765  
PARCEL 110092100

 PORTION OF EXISTING PEDESTRIAN  
EASEMENT HEREBY VACATED

 EXISTING UTILITY  
EASEMENT HEREBY VACATED

Ⓐ RECTOR & VISITORS OF THE  
UNIVERSITY OF VIRGINIA  
INST. 2014-004270



PLAT SHOWING VACATION OF  
EXISTING PEDESTRIAN  
EASEMENT AND EXISTING  
VARIABLE WIDTH UTILITY  
EASEMENT RECORDED IN INST.  
2014004270  
CITY OF CHARLOTTESVILLE ~ VIRGINIA

SHEET 1 OF 1

JN 50090099	DATE: 6/28/19
-------------	---------------

 **Dewberry**®

Dewberry  
Engineers Inc

4805 Lake Brook Drive  
Glen Allen, VA 23060  
PHONE: 804.290.7957  
FAX: 804.290.7928  
www.dewberry.com

**AN ORDINANCE AMENDING AND RE-ENACTING THE CODE OF THE CITY OF CHARLOTTESVILLE, CHAPTER 34 (ZONING), ARTICLE , DIVISION 4 (ACCESS AND PEDESTRIAN WAYS), SECTION 34-896 (ACCESS), AS AMENDED, TO REMOVE PROVISIONS THAT CONFLICT WITH THE STATE FIRE CODE, THE CITY’S STANDARDS AND DESIGN MANUAL AND THE PROVISIONS OF CITY CODE 34-975 ([PARKING] ACCESS AND CIRCULATION)**

**WHEREAS**, upon the recommendation of City staff, the Planning Commission initiated a zoning text amendment proposing amendments to the City’s zoning ordinance, §34-896 (“Proposed Zoning Text Amendment”) to remove provisions that address matters that are governed by the Fire Code, such as the number and dimensions of access that will serve as fire apparatus lanes; to remove provisions that preclude applicants’ and city engineers from designing access in a manner consistent with generally-accepted traffic engineering and safety standards or the City’s Standards and Design Manual; and/or that conflict with other provisions of the zoning ordinance, such as §34-975, which regulates access to and circulation within parking areas.; and

**WHEREAS**, a joint public hearing on the Proposed Zoning Text Amendment was held by the Planning Commission and City Council on August 13, 2019, after notice to the public as required by law, and, following conclusion of the public hearing, the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment for the public necessity, convenience, general welfare or good zoning practice; and

**WHEREAS**, after consideration of the Planning Commission’s recommendation, the City staff report and recommendations therein given, and the public comment received, this Council is of the opinion that that the Proposed Zoning Text Amendment, as recommended by the Planning Commission, has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Zoning Text Amendment; now, therefore,

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

**1. Amend the provisions of 34-896 as follows:**

Sec. 34-896. - Access.

- (a) Each development shall provide for safe and convenient ingress from and egress to one (1) or more public roads. Each entrance onto any street for vehicular traffic to and from a development shall be , designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street, and on-site; minimize conflict with all of the various modes of traffic, including, without limitation,

pedestrian traffic (“multimodal traffic”); and provide continuous and unobstructed access for emergency purposes, such as police, fire and rescue vehicles. To these ends the City’s Traffic Engineer~~director or the commission~~, in the review of a site plan, may specify the number, type, and location ~~and design~~ of access points to a public street, together with such measures as may be deemed appropriate to insure adequate functioning of such access points, and may require related facilities to be provided and constructed, such as travel lanes or driveways to serve adjoining properties. The design of entrances, driveways and travel lanes shall take into account standards and design specifications referenced within the City’s Standards and Design Manual as well as any other mandatory engineering and safety requirements.

- (b) ~~Each entrance onto any public road for vehicular traffic to and from a development shall be subject to approval of the director or commission. All such entrances shall be designed and constructed in accordance with the requirements and specifications set forth within the most recent version of the City of Charlottesville Standards and Design Manual. For a development of fifty (50) or more dwelling units, reasonably direct vehicular access shall be provided from all residential units to two (2) public street connections. For other residential developments, the commission may require two (2) points of access to a public street where such access is deemed warranted due to the character of the residents of such development, including but not limited to: the elderly, handicapped and developmentally disabled.~~
- (c) Where discharge waters of the one hundred-year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct the principal means of access to a **residential** development, or a portion thereof: the principal means of access shall be designed and constructed so as to provide unobstructed access at time of flooding, subject to requirements of the flood hazard overlay district; and/or alternative vehicular access available to all dwellings and not subject to flooding shall be provided.
- (d) ~~The commission or director may require provision for, and/or construction of, travel lanes or driveways to serve adjoining properties.~~
- (e) ~~On-site parking and circulation shall be designed and constructed in accordance with off-street parking and loading requirements, subject to city engineer approval in accordance with sound engineering practices, including but not limited to grade, drainage and paving specifications and subject to the director’s determination that the vehicular circulation patterns provided are safe and convenient.~~
- (f) Developments containing Mmultifamily dwellings developments having a density greater than 43 DUA must have (i) access on a public collector or arterial street, (ii) or have access to a collector or arterial street within two hundred (200) feet along a fifty six foot right-of-way developed to city street standardspublic street, or (iii) access to a street which meets minimum engineering and safety criteria for two-way vehicular travel with sidewalks. The provisions of this subparagraph shall not apply to developments for which a traffic study has been conducted and provided to the City Traffic Engineer and the City Traffic Engineer confirms that the results of the traffic study show that, based on traffic projections for the development the capacity of adjacent street(s) will not be increased beyond acceptable engineering and safety standards set forth within the City’s Standards and Design Manual.

**A RESOLUTION  
COUNCIL PRIORITIES  
FOR CDBG and HOME FUNDS FY 20-21**

**WHEREAS**, the City of Charlottesville is a U.S. Department of Housing and Urban Development (HUD) Entitlement Community for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs and as such expects to receive an award of funding July 1, 2020; and

**WHEREAS**, in accordance with the City of Charlottesville's Citizen Participation Plan for HUD funding, the CDBG Task Force composed of citizen and community representatives will need to review potential projects and make recommendations for funding in Spring 2020;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the priorities and spending allowances for FY 2020-2021 shall be as follows:

- Council's priorities for the CDBG and HOME program for FY 20-21 shall be access to affordable housing (including but not limited to low income housing redevelopment), workforce development (including but not limited to efforts to bolster Section 3 training opportunities and partnerships with the City's GO programs), microenterprise assistance, access to quality childcare, homeowner rehabilitation, and down payment assistance.
- For FY 20-21, \$45,000 CDBG entitlement shall be set aside for Economic Development
- For FY 20-21, the Priority Neighborhood shall be Ridge Street and the allocation shall be \$150,000 of the total CDBG entitlement. If the CDBG entitlement received is less than the estimate amount of \$150,000 this amount will be decreased accordingly. The next Priority Neighborhood shall be Ridge Street.
- The CDBG Admin and Planning budget shall be set at 20% of the total CDBG entitlement.
- The Public Services budget shall be set at 15% of the total CDBG entitlement.

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

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

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

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

The purposes of this article are to:

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

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

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

~~*Demonstration* means any activity including any demonstration, picketing, speechmaking, marching, vigils and all similar forms of conduct that involve the communication or expression of views or grievances, the conduct of which is reasonably likely to attract a crowd or onlookers. The term does not include the casual use of parks or sidewalks, when such use is not reasonably likely to attract a crowd or onlookers. an event involving non-commercial expression protected by the First Amendment of the United States Constitution (such as picketing, political marches, speechmaking, vigils, walks, etc.) conducted on public property, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual~~

activity by persons which does not have an intent or propensity to attract a crowd or onlookers. The term "demonstration" shall exclude:

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

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

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

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

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

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

*Prohibited items* shall mean:

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

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

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

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

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

- (1) All information included or presented as part of the permit application was, to the best of the sponsor's information and belief, complete and correct;
- (2) That the sponsor will comply with all terms and conditions of the permit and the sponsor will use reasonable means to ensure that persons participating in the event will comply with all terms and conditions of such permit ~~have been or will be complied with~~; and
- (3) That a copy of the permit will be made available for inspection by any city representative during the event.

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

(1) Action taken by a Sponsor to advertise, promote, or conduct an event for which a permit is required, without first obtaining a permit;

(2) Action taken by a Sponsor to conduct an event for which a permit has been issued on any day(s), or at time(s), or location(s) not authorized by the permit, or to advertise or promote such event to take place on any day(s), time(s), or location(s) not authorized by the permit.

When feasible, except in exigent circumstances, a warning shall be issued before enforcement of the provisions of this subsection (d).

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

- (a) To further the goal of public safety and to protect the city and its officers, officials and employees from claims for damage to property or bodily injury occurring during the event, the sponsor of a special event ~~event~~ shall be required to furnish a general liability and property damage insurance contract insuring the sponsor's liability for personal injury and death and damages to property resulting from its use of public property. The required general liability and property damage insurance, unless waived in whole or in part, shall be provided in an amount not less than one million dollars (\$1,000,000.00), and the insurance policy shall name the city (including its officers, officials, employees and agents), as additional insured parties to the insurance contract.

The sponsor of a demonstration which requires a street closure or a structure as defined in the standard operating procedures adopted by the city manager shall be required to furnish a general liability and property damage insurance contract insuring the sponsor's liability for personal injury and death and damages to property resulting from its use of public property. The required general liability and property damage insurance, unless waived in whole or in part, shall be provided in an amount not less than one million dollars (\$1,000,000.00), and the insurance policy shall name the city (including its offices, officials, employees, and agents), as additional insured parties to the insurance contract.

- (b) This insurance requirement may be waived, in whole or in part, by the city manager or his or her designee because:

- (1) The cost of the insurance will result in a documented financial hardship to the sponsor;  
or
- (2) For an event that:
  - a. Does not pose a high level of liability risk to the city or a material risk to public safety; and
  - b. Does not involve any inherently dangerous activity.

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

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

**Sec. 18-25. - ~~Violations and penalties~~ Prohibition on carrying or using specified items while attending or participating in a demonstration.**

- (a) It shall be unlawful for any person to carry or use any of the following items or articles while attending or participating in a demonstration:
  1. Any length of lumber, wood or wood lath unless that object is ¼ inch or less in thickness and 2 inches or less in width, or if not generally rectangular in shape, such object shall not exceed ¾ inch in its thickest dimension. Both ends of the lumber, wood or wood lath permitted by this subsection shall be blunt;
  2. Any length of metal or plastic pipe, whether hollow or solid; provided, however, that hollow plastic piping not exceeding ¾ inch in its thickest dimension, and not exceeding 1/8 inch in wall thickness, and not filled with any material, liquid, gas or solid, may be used solely to support a sign, banner, placard, puppet or other similar

expressive display. Both ends of any plastic pipe permitted by this subsection shall be blunt;

3. Signs, posters, banners, plaques or notices, whether or not mounted on a length of material permitted under subdivision 1 or 2 of this section, above, unless such sign, poster, banner, plaque or notice is constructed solely of soft material such as cloth, paper, soft plastic capable of being rolled or folded, or cardboard material no greater than ¼ inch in thickness;
  4. Baseball or softball bats, regardless of composition or size, provided however that such items are permissible when configured of cloth, cardboard, soft plastic, foam or paper for expressive purposes;
  5. Any aerosol spray, tear gas, mace, pepper spray or bear repellent;
  6. Any projectile launcher or other device, such as a catapult or wrist rocket, which is used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;
  7. Weapons, such as knives, swords, sabers or other bladed devices; axes; hatchets; ice picks; razor blades; box cutters; nunchucks or other martial arts weapons of any kind; metal/composite/wooden knuckles; conducted electrical weapons (CEWs), including, but not limited to, tasers or stun guns; any chain greater than 20 inches in length or greater than ¼ inch in diameter; or pellet or BB guns. This subdivision also includes toy or replica firearms unless such toy or replica is florescent-colored or transparent;
  8. Balloons, bottles, or any other containers, such as water cannons or super-soakers, filled with any flammable, biohazard or other noxious matter which is injurious, or nauseous, sickening or irritating to any of the senses, with intent to throw, drop, pour, disperse, deposit, release, discharge or expose the same in, upon or about any persons attending a public assembly;
  9. Open flame torches, lanterns or other devices that utilize combustible materials such as gasoline, kerosene, propane or other fuel sources;
  10. Shields made of metal, wood, hard plastic or any combination thereof;
  11. Bricks, rocks, pieces of asphalt, concrete, pellets or ball bearings.
- (b) When feasible, except in exigent circumstances, a warning shall be issued before enforcement of the provisions of this section. Such warning shall be sufficient if provided orally, by a posted sign, or by amplified announcement.

- (c) Authorized employees, agents or representatives of the City, and any person providing public services in aid of or in cooperation with City forces, shall be exempt from the provisions of this section while engaged in the official business of the City.
- (d) Nothing in this section shall prohibit an individual from carrying a cane or using a walker or other device necessary for providing mobility so that the person may participate in a public assembly. Further, nothing in this section shall prohibit the imposition of specific conditions for activities authorized under a permit issued by the City.

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

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

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

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

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

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

(a) It shall be unlawful for any person to engage in the following conduct while attending or participating in an event:

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

(b) The provisions of this section shall be enforceable as provided within Sec. 18-27 of this article.

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

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

**2. Severability. If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.**

**3. Effective Date. This ordinance shall become effective upon adoption by City Council.**