



CITY COUNCIL AGENDA
October 19, 2015

6:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (CRHA Board Interviews; Boards and Commissions Appointments, City Manager Review, Acquisition of utility easement along McIntire Road)

7:00 p.m. **Regular Meeting**

CALL TO ORDER *Council Chambers*
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS ANNOUNCEMENTS VML Award; Gold Status for HEAL; EPA WaterSense Partner of the Year

MATTERS BY THE PUBLIC Public comment permitted for the first 12 speakers who sign up before the meeting (limit 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

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

- a. Minutes for October 5
- b. APPROPRIATION: Virginia Juvenile Community Crime Control Act Grant (VJCCCA) – \$452,704 (2nd of 2 readings)
- c. APPROPRIATION: Adult Drug Treatment Court Grant Award – \$205,000 (2nd of 2 readings)
- d. APPROPRIATION: State Criminal Alien Assistance Program 2015 Grant – \$7,697 (2nd of 2 readings)
- e. APPROPRIATION: Charlottesville Area Transit FY2016 Grants – \$480,486 (2nd of 2 readings)
- f. APPROPRIATION: Runaway Emergency Shelter Program Grant – \$212,000 (1st of 2 readings)
- g. RESOLUTION: Sidewalk Waiver Request for 219 Lankford Avenue (1st of 1 reading)
- h. RESOLUTION: Initiate ZTA for Microbreweries (1st of 1 reading)
- i. RESOLUTION: VDOT Transportation Alternative Program Grant Application for Water Street Shared Use Path (1st of 1 reading)
- j. ORDINANCE: Short Term Rental Tax amendment (2nd of 2 readings)
- k. ORDINANCE: Increase Limit of Maximum Financial Worth for Rent Relief Program (2nd of 2 readings)
- l. ORDINANCE: Franchise Agreement with Intellifiber (formerly Dominion Telecom) (2nd of 2 readings)

2. PUBLIC HEARING / RESOLUTION* McGuffey Art Center Lease (1st of 2 readings)

3. PUBLIC HEARING / ORDINANCE* Specimen Tree Designation in McIntire Park (1st of 2 readings)

4. PUBLIC HEARING / ORDINANCE* Ragged Mountain Natural Area Rules of Use (2nd of 2 readings)

5. PUBLIC HEARING / ORDINANCE* Easement to RWSA for Water Line in Towe Park (1st of 2 readings)

6. RESOLUTION* Market Plaza Utility Agreement between City and CEDA (1st of 1 reading)

7. RESOLUTION* Market Plaza Lease for City Market (1st of 1 reading)

8. ORDINANCE* Sale of City Property at 200 2nd Street SW (Market Plaza) (2nd of 2 readings)

9. ORDINANCE* Development Code Changes for Application Review Process (2nd of 2 readings)

10. REPORT ONLY Solar Energy (*written report only*; no verbal presentation)

OTHER BUSINESS
MATTERS BY THE PUBLIC
COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

Persons with disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434)970-3182.

GUIDELINES FOR PUBLIC COMMENT

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

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

Please follow these guidelines for public comment:

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

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



Agenda Date:	October 5, 2015
Action Required:	Appropriation
Presenter:	Rory Carpenter, Community Attention
Staff Contact:	Rory Carpenter, Community Attention Leslie Beauregard, Assistant City Manager
Title:	Virginia Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.) - \$452,704

Background:

In July 2010, the City of Charlottesville became the fiscal agent for the Virginia Juvenile Community Crime Control Act (V.J.C.C.C.A.) funds for both Charlottesville and Albemarle County. This funding stream was established by the 1995 Virginia General Assembly to create balanced, community-based systems of sanctions, programs and services for juvenile offenders. These funds are used to support the Community Attention programs. In F.Y. 2016, \$292,058 in V.J.C.C.C.A. funds will be received from the Virginia Department of Juvenile Justice with a required local maintenance of effort of \$52,231 from Albemarle County, and \$108,415 from the City. The grant period is from July 1, 2015 through June 30, 2016.

Discussion:

The V.J.C.C.C.A. grant funds the delinquency prevention and youth development services provided by Community Attention for Charlottesville/Albemarle youth involved in the juvenile justice system. These services include the following programs: The Attention Home that provides residential treatment services; the Teens GIVE service learning program that provides community service opportunities during both the school year and the summer; the Community Supervision Program that provides pro-social skills training like anger management, individual and group counseling services and case management services for youth on electronic monitoring; the C.A.Y.I.P. paid internship program; and the Juvenile Court Case Manager position providing supervision and case management services for youth identified by the court as truant.

Alignment with City Council's Vision and Strategic Plan:

The VJCCCA grant aligns with the Council Vision Areas including **America's Healthiest Cities** and a Community of Mutual Respect and it aligns with Goal 2, Objective 2.1 as follows:

Goal 2: Be a safe, equitable, thriving and beautiful community

Objective 2.1: Provide an effective and equitable public safety system

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

Community Engagement

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

Budgetary Impact:

The required contribution has already been appropriated as part of the F.Y. 2016 Council Adopted Budget so no new funds are required to cover the match.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

If the V.J.C.C.C.A. funds are not appropriated, Community Attention would have to serve less youth and eliminate programs and staff.

Attachments: N/A

APPROPRIATION.
Virginia Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.)
\$452,704.

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

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

WHEREAS, the grant award covers the period from July 1, 2015 through June 30, 2016.

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

Revenue – \$452,704

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

Expenditures - \$452,704

\$ 52,035	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$400,669	Fund: 220	Cost Center: 3523001000	G/L Account: 530010

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

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



Agenda Date:	October 5, 2015
Action Required:	Approve and appropriate grant funds
Presenter:	Susan Morrow, Offenders Aid and Restoration
Staff Contact:	Susan Morrow, Offenders Aid and Restoration Leslie Beauregard, Assistant City Manager
Title:	Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$205,000

Background:

The City of Charlottesville, on behalf of the Charlottesville/Albemarle Adult Drug Treatment Court, has received the Byrne Grant from the Supreme Court of Virginia in the amount of \$205,000 for operations of the drug court program, which is operated by Offender Aid and Restoration (O.A.R.). The City of Charlottesville serves as fiscal agent for the Drug Court Byrne Grant.

Discussion:

In its eighteenth year of operation, the Charlottesville/Albemarle Adult Drug Treatment Court is a supervised 12 month drug treatment program that serves as an alternative to jail time for offenders. Drug Court is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving non-violent adult felony offenders who are addicted to drugs. The program uses the power of the court to assist non-violent drug offenders to achieve recovery through a combined system of intensive supervision, drug testing, substance abuse treatment, and regular court appearances.

The total program budget is **\$326,316** and includes three funding sources:
Supreme Court of V.A. - \$205,000
City of Charlottesville: \$68,179, which has already been appropriated
Albemarle County: \$53,137, which has already been appropriated

Alignment with City Council Vision and Strategic Plan:

This program supports the Council's Goal C2: Be a safe, equitable, thriving and beautiful community and Objective C2.1: Provide an effective and equitable public safety system. The drug court is a valuable, less expensive alternative to incarceration for certain substance dependent criminal offenders which utilizes a blend of court-ordered supervision, drug testing, drug and mental health treatment services, court appearances, and behavioral sanctions and incentives to reduce recidivism and drug use among participants beyond what is observed after incarceration alone.

Community Engagement:

The Drug Treatment Court is a direct service provider and is engaged daily with non-violent criminal offenders with drug driven crimes who are at a high level of risk for reoffending due to active addictions and long standing patterns of criminal behavior. By collaborating with the Court system, Region Ten Community Services Board, and the Sheriff's department, the Drug Treatment Court provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Drug Treatment Court through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the Circuit Court. If they successfully complete the program which takes a minimum of 12 months and requires a minimum of 12 months substance free, participants may have their pending charges reduced or dismissed. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Drug Treatment Court participants return the community's investment in them by maintaining full time, tax paying employment, providing for and taking care of their children and families including paying off back child support, behaving as good role models in the community, and supporting the recovery community in Charlottesville.

Budgetary Impact:

The City's match for this grant, \$68,179, was appropriated as part of the F.Y. 2016 Council Approved Budget and is part of the City's contribution to Offender Aid and Restoration.

Recommendation: Staff recommends approval and appropriation.

Alternatives: N/A

Attachments: N/A

APPROPRIATION.
Charlottesville/Albemarle Adult Drug Treatment Court Grant Award
\$205,000.

WHEREAS, the Supreme Court of Virginia awarded the Byrne Grant in the amount of \$205,000 for the Charlottesville/Albemarle Drug Court Treatment Court in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$121,316; and

WHEREAS, the grant award covers the period July 1, 2015 through June 30, 2016.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$205,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$205,000 Fund: 209 Internal Order: 1900255 G/L Account: 430120

Expenditures

\$205,000 Fund: 209 Internal Order: 1900255 G/L Account: 530550

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$205,000 from the Supreme Court of Virginia.

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



Agenda Date:	October 5, 2015
Action Required:	Approval and Appropriation
Staff Contacts:	Leslie Beauregard, Assistant City Manager Gail Hassmer, Grants Accountant
Presenter:	Leslie Beauregard, Assistant City Manager
Title:	State Criminal Alien Assistance Program (S.C.A.A.P.) Grant for 2015- AP-BX-0450 - \$7,697

Background: The City of Charlottesville has received the State Criminal Alien Assistance Program Grant (S.C.A.A.P.), on behalf of the Charlottesville Albemarle Nelson Regional Jail, in the amount of \$6,629. These are federal funds to reimburse the Charlottesville Albemarle Nelson Regional Jail for F.Y. 2014 expenses of housing alien inmates. Albemarle County is appropriating funds received under the same program that will also be passed through to the Regional Jail.

Discussion: The State Criminal Alien Assistance Program (S.C.A.A.P.) provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating certain undocumented criminal aliens. The award amount is based on the number of undocumented persons incarcerated at the Charlottesville Albemarle Nelson Regional Jail. As this is not a one-time grant, the Jail will receive future payments from the City as they are granted.

Community Engagement: N/A

Alignment with City Council Vision and Strategic Plan: Smart, Citizen-Focused Government -- Acceptance of these funds will support quality services at our Regional Jail and will help ensure that services are provided in the most efficient and cost effective way to citizens.

Recommendation: Approve and Appropriate funds to the Regional Jail.

Budgetary Impact: There is no budgetary impact as 78% of these funds will be passed through directly to the Regional Jail. The remaining 22% will be sent to Justice Benefits, Inc., which provides administrative support for the regional jail.

Alternatives: N/A

Attachments: N/A

APPROPRIATION.
State Criminal Alien Assistance Program (S.C.A.A.P.) Grant for 2015
\$7,697.

WHEREAS, the State Criminal Alien Assistance Program (S.C.A.A.P.) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville-Nelson Regional Jail, in the amount of \$7,697.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$6,004 be appropriated and passed through to the Albemarle-Charlottesville-Nelson Regional Jail and \$1,693 be appropriated and passed through to Justice Benefits, Inc.

Revenues

\$7,697	Fund: 211	Internal Order: 1900241	G/L Account: 431110
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Expenses

\$6,004	Fund: 211	Internal Order: 1900241	G/L Account: 530550
\$1,693	Fund: 211	Internal Order: 1900241	G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$7,697 from the U. S. Bureau of Justice Assistance.

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



Agenda Date:	October 5, 2015
Action Required:	Appropriation of Project Funding for Transit Division
Staff Contact:	John Jones, Transit Manager
Presenter:	John Jones, Transit Manager
Title:	Appropriation of F.Y. 2016 Transit Grants - \$(480,486)

Background: With its February 17, 2015 Resolution Authorizing the Application for State Aid to Public Transportation, City Council authorized the Transit Division to apply for Federal and State grants to fund Charlottesville Area Transit (C.A.T.) Division Operating and Capital expenses. The final award amounts for F.Y. 2016 from Virginia Department of Rail and Public Transportation (D.R.P.T.) and Federal Transit Administration (F.T.A.) were not announced until six months later. Since the final award amounts are different from the budgeted amounts in these categories, a supplemental appropriation of the change is necessary.

A supplemental appropriation is requested for project revenues/expenses which include:

Transit Grants by Type	F.Y. 2016 Budget	Grants Awarded	Change to Appropriate
State operating assistance	\$1,366,366	\$1,481,019	\$114,653
Federal operating assistance	\$1,881,095	\$1,630,775	\$(250,320)
Federal Job Access - Night Routes 1, 3, 4, 5,6,7, 10, 11, T	\$0	\$138,781	\$138,781
TOTAL OPERATING CHANGE	\$3,247,461	\$3,250,527	\$3,114
TOTAL JAUNT OPERATING CHANGE	\$0	\$488,332	\$488,332
State capital award	\$265,164	\$103,175	\$(161,989)
Federal capital award	\$1,325,818	\$515,875	\$(809,943)
Local C.I.P. match P-00334	\$66,291	\$66,291	\$0
TOTAL CAPITAL CHANGE	\$1,657,273	\$685,341	\$(971,932)
TOTAL APPROPRIATION REQUEST			\$(480,486)

Discussion: The final D.R.P.T. Operating award is \$114,653 greater than appropriated in the F.Y. 2016 budget. The final F.T.A. Operating award is \$250,320 less than appropriated in the F.Y. 2016 budget. However, the F.T.A. provided \$138,781 in Job Access Reverse Commute (J.A.R.C.) grant funding in another award, which was not previously budgeted. Additionally, the F.T.A. awarded \$488,332 to JAUNT, with the City acting as pass-through fiscal agent.

The Capital portion of the award is for the purchase of one <30-foot B.O.C. bus, two C.A.T. support vehicles, a new Automatic Vehicle Locator System (A.V.L.), and various bus stop amenities and improvements. When budget planning started in the fall of 2014, C.A.T. had

planned to include the purchase two replacement buses with the F.Y. 2016 award. However, it was found that the replacement of these particular buses had been budgeted in the prior year. Therefore, the F.Y. 2016 Capital Award application did not include replacing the buses, so the final award amount was \$971,932 less than originally planned last fall. It was an oversight that this reduction in the Capital Award request was not communicated last February when the City's budget was still being determined.

Community Engagement: Charlottesville Area Transit published its capital and operating Program of Projects in the Daily Progress which included an opportunity for members of the public to request a public hearing on the matter. No public hearing was requested.

Alignment with City Council's Vision and Strategic Plan: Approval of this agenda item aligns directly with Council's vision for Charlottesville as a *Connected Community*, where the City is part of a comprehensive, transportation system that enables citizens of all ages and incomes to easily navigate our community.

Recommendation: Approve appropriations.

Budget Impact: The City's contribution from general funds and Albemarle County's contribution as already budgeted cover the local match requirement for Operating Assistance and J.A.R.C. for F.Y. 2016. There is no need to change the C.I.P. match for Capital Assistance.

The pass through of grant funds for JAUNT has no budget impact.

Alternatives: City Council may choose not to appropriate funds for these Transit Division projects. Without an appropriation these projects will not be implemented and staff will work with the Federal Transit Administration and the Virginia Department of Rail and Public Transportation to de-obligate the grants.

Attachments: N/A

APPROPRIATION

Appropriation of F.Y. 2016 Transit Grants \$(480,486)

WHEREAS, a Federal Operating Grant of \$1,630,775 and State Operating Grant of \$1,481,019 have been awarded to the City of Charlottesville, and the previously unbudgeted Federal J.A.R.C. Operating Grant of \$138,781 has been awarded, the combined amounts of operating grants are \$3,066 more than previously budgeted; and

WHEREAS, a Federal Grant has been awarded to JAUNT in the amount of \$488,319 and these funds must pass through the City of Charlottesville; and

WHEREAS, a Federal Capital Grant of \$515,875 and a State Capital Grant of \$103,175 have been awarded to the City of Charlottesville, and the combined amounts of capital grants are \$971,932 less than the amount budgeted; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner, contingent upon receipt of the grant funds:

Revenue (Operating)

\$ 114,653	Fund: 245	Cost Center: 2801001000	G/L: 430080 St Assist.
\$(250,320)	Fund: 245	Cost Center: 2801001000	G/L: 431010 Fed Assist.
\$ 138,781	Fund: 245	Cost Center: 2801001000	G/L: 431505 JARC Asst.

Expenditures (Operating)

\$ 3,114	Fund: 245	Cost Center: 2801001000	G/L: 599999 Lump Sum
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Revenue (JAUNT)

\$488,332	Fund: 245	Cost Center: 2821002000	G/L: 431010 Fed Assist.
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Expenditures (JAUNT)

\$ 488,332	Fund: 245	Cost Center: 2821002000	G/L: 540365 JAUNT Pymt
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Revenue (Capital)

\$(161,989)	Fund: 245	Cost Center: 2804001000	G/L: 430110 St Grant
\$(809,943)	Fund: 245	Cost Center: 2804001000	G/L: 431110 Fed Grant

Expenditures (Capital)

\$(971,932)	Fund: 245	Cost Center: 2804001000	G/L: 541040 Acq. Com-Veh.
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$1,584,194 from the Virginia Department of Rail and Public Transportation and \$2,773,702 from the Federal Transit Administration.

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CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.



Agenda Date:	October 19, 2015
Action Required:	Appropriation
Presenter:	Rory Carpenter, Community Attention
Staff Contact:	Rory Carpenter, Community Attention Leslie Beauregard, Assistant City Manager
Title:	Runaway Emergency Shelter Program Grant - \$212,000

Background: Community Attention, in partnership with Ready Kids, applied for and received a continuation grant from the Department of Health and Human Services Administration for Children and Families in the amount of \$200,000 in federal funds and \$22,222 in local matching funds. The local match will be met with a transfer of \$12,000 from Community Attention for a total appropriation of \$212,000. An in-kind match of \$10,222 from Ready Kids, to provide Runaway Emergency Shelter Program services will be applied to the grant as well. This is the fifth grant year of the partnership.

Discussion: The funds support services that provide emergency shelter, counseling and after care services for youth in crisis for the purpose of keeping them safe and off the streets, with a goal of reunification with family. Funded services will include: emergency shelter available 24 hours per day, 7 days a week; individual and family counseling to help resolve conflict and develop new communication skills to facilitate reunification with the family; and additional support services that help youth build meaningful connections with their community and encourage positive youth development.

Alignment with City Council's Vision and Strategic Plan: Approval of this agenda item aligns directly with Council's vision for Charlottesville to be **America's Healthiest City** and contributes to their 2012-2014 priority to *Provide a comprehensive support system for children* and it aligns with the goals and objectives of the City's Strategic Plan:

Goal 2: Be a safe, equitable, thriving and beautiful community

- 2.4. Ensure families and individuals are safe and stable

Community Attention's programs, including the Runaway Emergency Shelter Program, provide residential and community based services that prevent delinquency and promote the healthy development of youth.

Community Engagement: In order to increase prevention services, R.E.S.P. staff dramatically increased outreach efforts, particularly in area schools. Since September

30, 2011, R.E.S.P. reached 773 youth through a variety of outreach activities including presentations to health classes and tabling's during lunch.

Budgetary Impact: There is a local match that Community Attention and Ready Kids will provide (cash match of \$12,000 – Community Attention and in-kind match \$10,222 – Ready Kids). This grant will be appropriated into a grants fund.

Recommendation: Staff recommends approval and appropriation of funds.

Alternatives: If the funds are not appropriated, the grant would not be received and the Runaway Emergency Shelter Program services would not be provided.

Attachments: N/A

APPROPRIATION.
Runaway Emergency Shelter Program
\$212,000.

WHEREAS, the City of Charlottesville has been awarded \$200,000 from the Department of Health and Human Services Administration for Children and Families with cash match of \$12,000 provided by Community Attention and in-kind match of \$10,222 provided by Ready Kids;

WHEREAS, the funds will be used to operate the Runaway Emergency Shelter Program through a partnership between Community Attention and Children, Youth and Family Services/Ready Kids. The grant award covers the period from September 30, 2015 through September 29, 2016;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$212,000 is hereby appropriated in the following manner:

Revenue – \$212,000

\$200,000	Fund: 211	Internal Order: 1900256	G/L Account: 431110
\$ 12,000	Fund: 211	Internal Order: 1900256	G/L Account: 498010

Expenditures - \$212,000

\$ 99,026	Fund: 211	Internal Order: 1900234	G/L Account: 519999
\$ 92,000	Fund: 211	Internal Order: 1900234	G/L Account: 530010
\$ 20,974	Fund: 211	Internal Order: 1900234	G/L Account: 599999

Transfer - \$12,000

\$ 12,000	Fund: 213	Cost Center: 3413001000	G/L Account: 561211
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$200,000 from the Department of Health and Human Services Administration for Children and Families.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	October 19, 2015
Action Required:	Vote on a request for a sidewalk waiver
Presenter:	Carrie Rainey, Planner, Neighborhood Development Services
Staff Contact:	Carrie Rainey, Planner, Neighborhood Development Services
Title:	Sidewalk Waiver Request for 219 Lankford Avenue

Background:

Donald Martin has applied for a sidewalk waiver for property located at 219 Lankford Avenue. The property is a vacant lot upon which a single family home was recently built, and is zoned for single-family residential development. The applicant is requesting a waiver of the City's requirement for the construction of sidewalk on a previously undeveloped lot.

Discussion:

The following ordinance pertains to the waiver of sidewalks, noted in *Section 34-1124 Vacant lot construction- Required sidewalks, curbs and gutters.*

Section 34-1124(b)

For the protection of pedestrians and to control drainage problems, when not more than two (2) dwelling units are to be constructed upon a previously unimproved lot or parcel, or when any single-family detached dwelling is converted to a two-family dwelling, sidewalk, curb and gutter (collectively, "sidewalk improvements") shall be constructed within public right-of-way dedicated along the adjacent public street frontage for that purpose. No certificate of occupancy shall be issued for the dwelling(s) until the sidewalk improvements have been accepted by the city for maintenance, or an adequate financial guaranty has been furnished to the city conditioned upon completion of the sidewalk improvements within a specific period of time. The requirements of this paragraph shall not apply, if (i) the owner of the lot or parcel obtains a waiver of the required sidewalk improvements from city council, or (ii) the owner of the lot or parcel, at the owner's sole option, elects to contribute funds to a sidewalk improvement fund in an amount equivalent to the cost of dedication of land for and construction of the required sidewalk, curb and gutter.

Please note that the applicant qualifies for both option i: to seek a waiver from Council and option ii: to contribute to the sidewalk improvement fund in lieu of building a sidewalk. The applicant has indicated to staff that he does not elect to contribute to the sidewalk improvement fund at this time.

The justification for a sidewalk waiver from the applicant cites that there are no immediately adjacent sidewalk sections and that the existing topography would make a sidewalk unsafe and unsightly.

City staff evaluates sidewalk waiver requests based on factors which include whether any engineering challenges exist that would require an undue financial burden on the applicant as well as increase the cost of the City to maintain the sidewalk in the future (i.e. the need for retaining walls). City engineering staff examined the subject lot and found that while a retaining wall and rail may be required this did not place any undue cost to the applicant. Staff does not agree that a sidewalk at this location would be unsafe.

In addition, the City's Bicycle and Pedestrian Coordinator comments on all requests for sidewalk waivers. Lankford Avenue is not on the current sidewalk priority list. There are no ADTs (Average Daily Traffic counts) available for Lankford Avenue or 1st Street S, but the count on Ridge Street is considered low volume at 1,700 (2013 VDOT). Lankford Avenue only spans 3 blocks between Ridge Street and 1st Street S and likely has a lower traffic volume.

Citizen Engagement:

No input has been received at this time regarding the waiver request.

Alignment with Council Vision Areas and Strategic Plan:

The City Council Vision of a Connected Community states that "bike and pedestrian trail systems, sidewalks, and crosswalks enhance our residential neighborhoods." Requiring that the sidewalk be constructed would be in keeping with the City Council's vision.

Strategic Plan Goal 2 is to be a safe, equitable, thriving and beautiful community. Specifically, Goal 2.3 specifies to provide reliable and high quality infrastructure. Requiring that the sidewalk be constructed would be in keeping with this goal.

Alignment with City Council's Comprehensive Plan:

The first goal in the Transportation Chapter of the Comprehensive Plan states "Increase safe, convenient and pleasant accommodations for pedestrians, bicyclists and people with disabilities that improve quality of life within the community and within individual neighborhoods."

The Ridge Street Neighborhood Plan from 2006 contains the following statements pertaining to pedestrian connections in the neighborhood:

- Improve neighborhood walkability.
- Provide more pedestrian crossings, especially west and east connection.

Budgetary Impact:

This item has a small impact on the budget as a new sidewalk will require City maintenance once completed.

Recommendation:

Following a review of the request, staff has made the following findings:

1. Lankford Avenue has a complete sidewalk on the other side (south side) of the street that connects Ridge Street to the west with 1st Street S to the east. However, most of the sidewalk on the north side of Lankford Avenue (the applicant side of the street) is complete, and installation at the applicant property would assist with closing a gap of approximately 240 feet between Ridge Street and Burnet Way. Completion of this sidewalk section will minimize the existing sidewalk gap by approximately 50-feet.
2. Approximately twelve (12) feet of City right-of-way space is available between the parcel and the existing road edge. Therefore, waiving the sidewalk requirement at this time would not preclude the construction of a sidewalk in the future.
3. The parcels along Lankford Avenue are low-density residential. Few parcels are undeveloped. It is unlikely that other sidewalk sections will be completed in the near to medium term. However, adequate space is available for completion of the remaining sidewalk gaps should the street become a priority for sidewalk funding and installation.
4. There is no concern from the Engineering staff regarding the ability to construct a sidewalk on the property, or with regards to the future maintenance of the sidewalk.

Staff does not believe a waiver is appropriate given the items listed above and the option of contribution to a sidewalk improvement fund described in Section 34-1124(b). Staff recommends the waiver request be disapproved.

Alternatives:

Council could chose to approve this request and the applicant would not be required to install sidewalk in order to develop the lot.

Attachments:

Application
Applicant's Narrative
Area Maps

RESOLUTION
Denying a Sidewalk Waiver Request for
219 Lankford Avenue

WHEREAS, application has been made by Donald Martin, owner of property located at 219 Lankford Avenue, identified on City Tax Map 25 as Parcel 72 (“Subject Property”), seeking a waiver of the sidewalk requirement set forth within City Code Sec. 34-1124(b) with respect to development of the single family lot at 219 Lankford Avenue, upon which a new single family home was built; and

WHEREAS, City staff has submitted to Council comments and a recommendation to deny the sidewalk waiver request, and Council has reviewed the staff recommendations and the information and materials submitted with the application;

WHEREAS, City Council has considered the factors set forth within Sec. 34-1124(b) and has determined that the sidewalk waiver request should be denied; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the requested sidewalk waiver is denied.

RECEIVED



WAIVER REQUEST FORM

SEP 23 2015

NEIGHBORHOOD DEVELOPMENT SERVICES

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

For a Critical Slopes Waiver Request, please include one of the following application fees: \$75 for single-family or two-family projects; \$500 for all other project types. *additional application form required
For all other Waiver Requests, please include one of the following application fees: \$50 for single-family or two-family projects; \$250 for all other project types.

Project Name/Description SIDEWALK Parcel Number 250072000
Address/Location 219 LANKFORD AVENUE
Owner Name DONALD MARTIN Applicant Name DONALD MARTIN

Applicant Address: 108 LANDIN CIRCLE CHARLOTTESVILLE, VA 22902
Phone (H) 434-979-5928 (W) (F)
Email: donsplace2415@gmail.com

Waiver Requested (review Zoning Ordinance for items required with waiver submissions):

- X Sidewalk
*Contact Staff for Supplemental Requirements
___ Drainage/Storm Water Management
___ Off-street Parking
___ Site Plan Review
___ Lighting
___ Landscape
___ Signs
___ Setbacks
___ Critical Slopes *additional application form required
___ Communication Facilities
___ Other
___ Stream Buffer Mitigation Plan

Description of Waiver Requested: PLEASE WAIVE THE REQUIREMENT FOR A NEW SIDEWALK TO BE CONSTRUCTED AT THE STREET FRONTAGE OF THIS PROPERTY

Reason for Waiver Request: INCONSISTENT WITH THE ADJOINING PROPERTIES AS TO SLOPE. WOULD CREATE AN UNSIGHTLY DROP OFF THAT COULD POTENTIALLY BE DANGEROUS

Applicant Signature Donald Mark Date 9/23/2015

Property Owner Signature (if not applicant) Date

For Office Use Only: Date Received: 9/23/15
Review Required: Administrative Planning Commission City Council
Approved: Denied: Director of NDS
Comments:

OT15-00457

RECEIVED

SEP 23 2015

NEIGHBORHOOD
DEVELOPMENT SERVICES

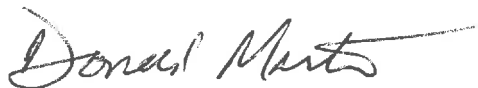
Charlottesville City Council
City Hall
Charlottesville, Va.
%Ms Carrie Rainey,

I am writing to request a waiver of the requirement to build a sidewalk at 219 Lankford Avenue, the site of a new single family residence. There is no sidewalk currently at this property or the adjoining properties east and west of it. Also, the slope of this property and the property immediately east of it makes the addition of a sidewalk an unsightly and potentially dangerous dropoff situation. I have attached pictures to illustrate this.

Also a 10 foot wide swath of the street frontage of this property was acquired by the City in 2004, I'm told by my neighbors, in anticipation of a much needed widening of the street. I would not at his juncture be able to build a sidewalk that would conform with this effort.

I appreciate any consideration you give to this request and I would be happy to assist where I can.

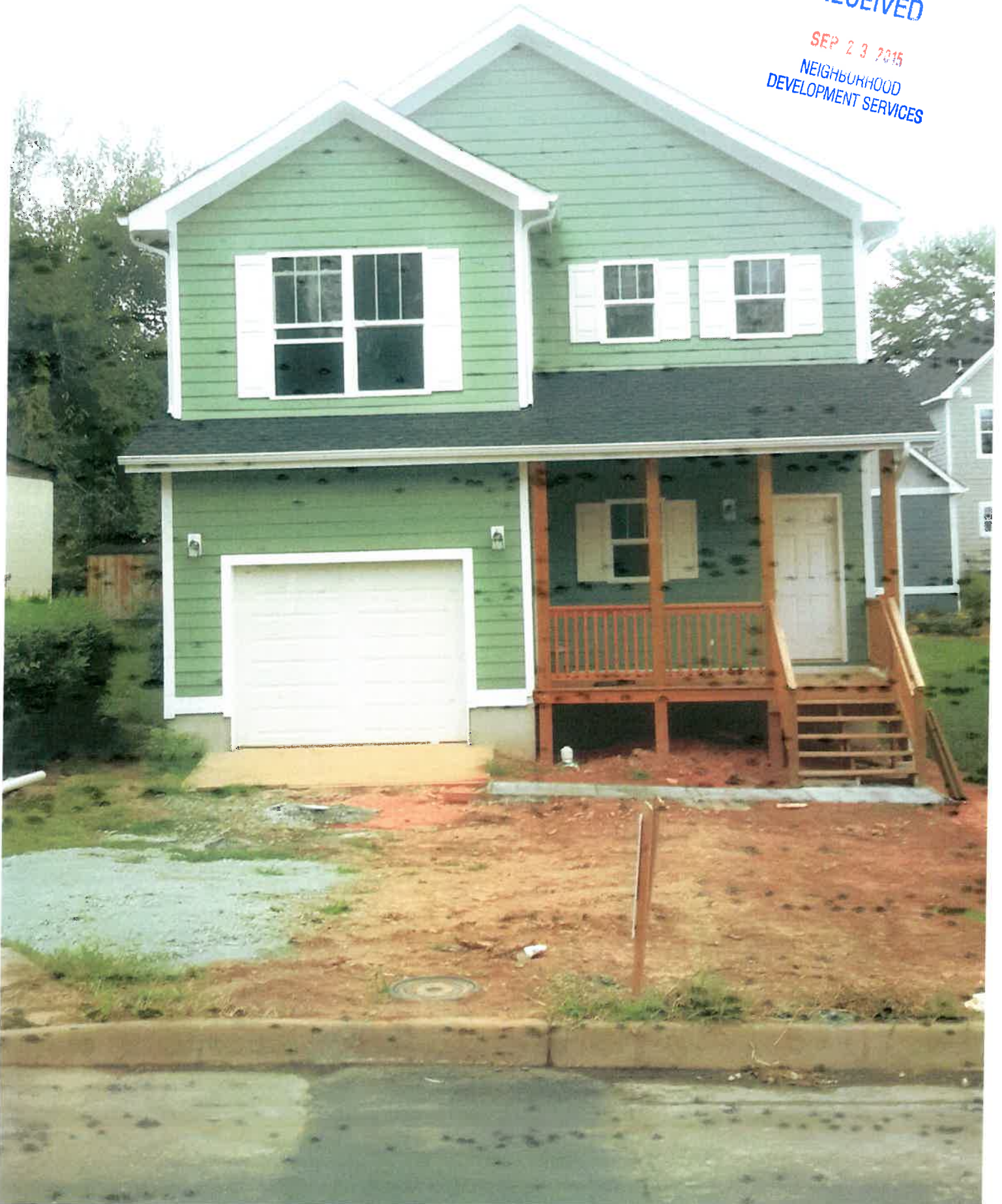
Thank you,



Donald Martin

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DEVELOPMENT SERVICES



219.00

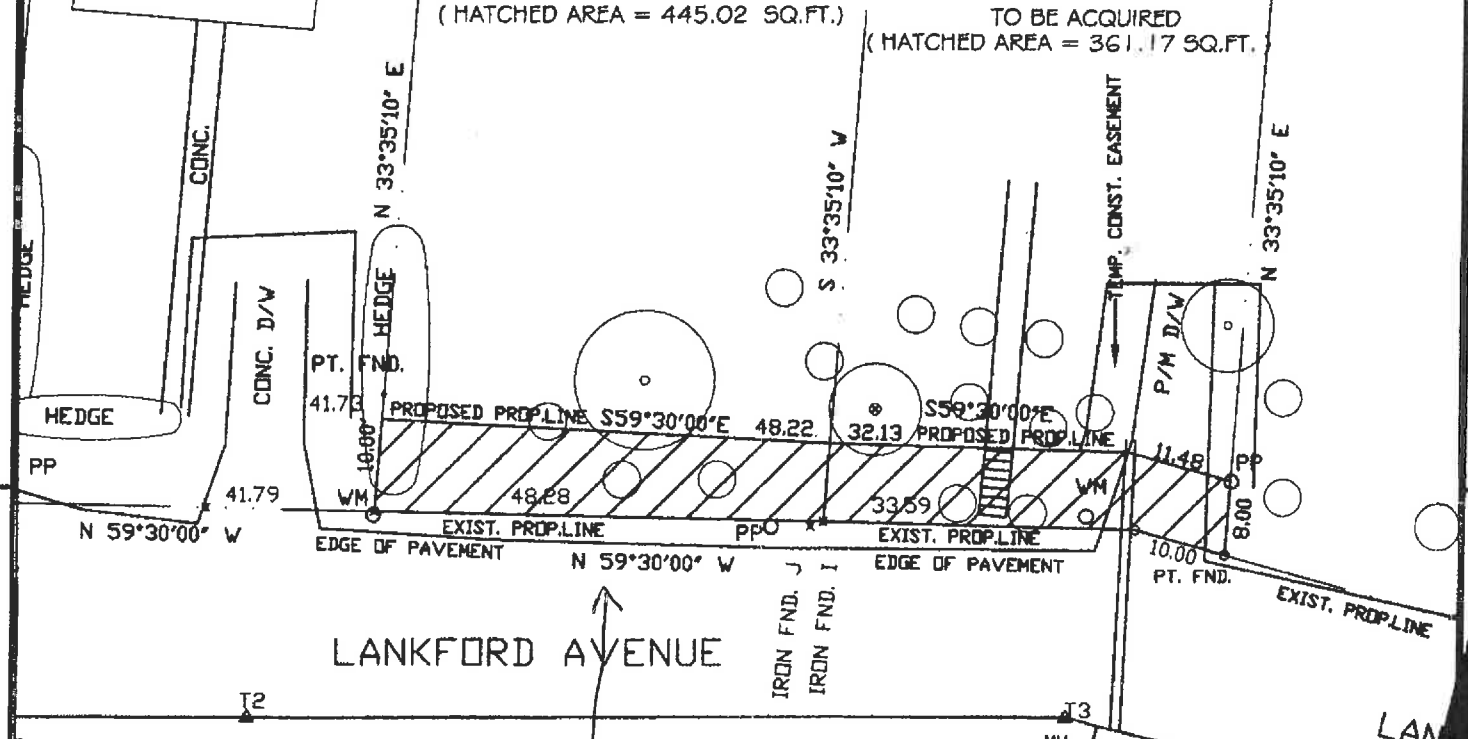
GLADYS ANN BARBOUR
TMP 25 - 73
DB 609 - 425
221 LANKFORD AVENUE

MASON C. ALLEN, TRUSTEE
TMP 25 - 72
DB 947 - 030
VACANT LOT

MASON C. ALLEN, TRUSTEE
TMP 25 - 71
DB 947 - 030
217 LANKFORD AVENUE

PARCEL OF LAND
TO BE ACQUIRED
(HATCHED AREA = 445.02 SQ.FT.)

PARCEL OF LAND
TO BE ACQUIRED
(HATCHED AREA = 361.17 SQ.FT.)



LANKFORD AVENUE

LOCATION OF SIDEWALK
WAIVER REQUEST

TMP 25 - 82



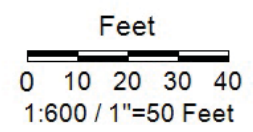
Vertical text on the right edge of the page, likely a scale or title, partially obscured and difficult to read.

Legend

- Parcels
- Addresses
- Sidewalks
- Driveways
- Elevation Contour Lines - 2ft (2006)



Applicant Parcel



10/8/2015



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



Agenda Date: October 19, 2015

Action Required: Approval of Resolution

Staff Contacts: Missy Creasy, Neighborhood Development Services
Chris Engel, Office of Economic Development

Presenter: Chris Engel, Office of Economic Development

Title: **Initiation of Study of Zoning Ordinance Provisions for
Microbreweries**

Background: Section 34-41 of the City of Charlottesville Code of Ordinances provides that a change to zoning may be initiated by resolution of the City Council.

Discussion: As a result of changes in federal and state laws beginning in the 1980s there has been rapid growth in the number and type of brewing operations throughout the country. According to the Brewers Association the number of craft brewers nationwide has gone from 8 in 1980 to over 2,800 in 2013. There is clear evidence of this trend in the greater Charlottesville area and in the city itself.

The Office of Economic Development was recently contacted by a city based brewer that is concerned about potentially being in violation of the zoning code as their business grows. They are also considering a relocation and expansion of their operation and want to clarify the city's rules and regulations on breweries before making a significant capital investment.

Currently the City's zoning code definition of a microbrewery is a facility that produces less than 15,000 barrels per year. Microbreweries are permitted by-right in the mixed-use districts and the business and industrial zoning classifications. The current code considers anything over 15,000 barrels to be a brewery and bottling facility which are permitted by-right in business and industrial areas only.

Given the growth in the industry and significant changes in technology since the adoption the current code in 2003, staff believes it is prudent to initiate a review of the zoning code related to breweries.

Additionally, staff has received interest in very small-scale wine and distilling operations within the City, operations typically referred with the “nano-“ prefix. The City zoning ordinance does not specifically address these uses, and staff recommends providing some guidance in zoning ordinance regarding the suitability of these uses in particular areas of the City.

If Council desires to step back and take a look at this issue we suggest that they initiate study of the zoning questions. This will give staff a chance to work with the brewers and our neighborhoods to review our codes to determine if there are changes we might want to consider to make sure that our regulations are up to date and the best that we can have.

Alignment with City Council Vision and Strategic Plan: This effort aligns with the City Council’s vision for economic sustainability, in which a business-friendly environment, and access to small business opportunities, are provided. It serves Goal 2.6 of the Strategic Plan (engage in robust and context-sensitive urban planning); 3.3 (attract and cultivate a variety of new businesses); 3.3 (grow and retain viable businesses) and 3.4 (promote diverse cultural tourism)

Citizen Engagement: There have not yet been any citizen engagement efforts. Any proposed code changes will be the subject of a joint public hearing in front of the Planning Commission and City Council.

Budgetary Impact: The study will not impact the budget.

Recommendation: Staff recommends approval of the resolution to initiate the zoning study.

Alternatives: The alternative is to not institute study of the ordinance and to continue to operate under existing codes.

Attachments: Resolution
Discussion Draft

**RESOLUTION
INITIATING A ZONING TEXT AMENDMENT
TO UPDATE PROVISIONS FOR SMALL BREWERIES AND
MICRO-PRODUCTION OF OTHER ALCOHOLIC BEVERAGES**

WHEREAS, the Director of Economic Development has asked this City Council to consider a zoning text amendment that would facilitate a successful local business's desire to expand and remain within the City of Charlottesville; and

WHEREAS, it appears that the trend across the country is for localities to take advantage of the retail and tourist opportunities created by small-scale production of beer and distilled alcohol brewing and distilling, as well as small-batch wine production;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville that the zoning text amendments attached to this Resolution are hereby initiated by City Council, and the Planning Commission is directed to review the proposed text amendments, conduct a joint public hearing, and then report its findings and recommendations back to City Council within 100 days of the date of this Resolution.

DISCUSSION DRAFT ZONING TEXT AMENDMENTS

FOR PLANNING COMMISSION'S CONSIDERATION, MODIFICATIONS AND RECOMMENDATIONS:

Use Matrix

- ***Current:*** **Microbrewery** is currently **excluded** from: all residential zoning districts; B1, ES, CH, AND NCC. **BUT allowed by right**, as a “general and commercial” use, **in all other zoning districts**
Proposed: In each Use Matrix, **substitute “Brewery (small) and micro-producers”**. Allow these facilities by right, in the same districts where “Microbrewery” is currently allowed.
- ***Current:*** **beverage or food processing, packaging and bottling plants** are currently **allowed in M-1 and I-C**, BUT are excluded from all other zoning districts.
Proposed: no change
- ***Current:*** **brewery and bottling facility** is currently **allowed in the M-1 and I-C districts**, BUT are excluded from all other zoning districts
Proposed: no change

DEFINITIONS—PROPOSED TEXT AMENDMENTS

Beverage or food processing packaging and bottling plants—means a ~~business/industrial~~ manufacturing facility where foods and/or beverages are processed and packaged for local, regional or national distribution. This definition does not include a facility engaged in the brewing ~~and~~ bottling of beverages (see brewery and bottling facilities)

Brewery—means a facility in which beer is manufactured by a person licensed by the Commonwealth of Virginia as a brewery.

Brewery (small)—means a brewery (i) that produces **fewer than X barrels per year of beer**, and (ii) the brewery sells directly to the consumer on-site within a retail shop, bar, tap- room, or restaurant.

Brewery and bottling facility—means a ~~business/industrial~~ manufacturing facility where beverages are brewed and bottled for local, regional or national distribution. Samples may be offered to individuals visiting the premises, for on-site consumption, but there are no retail or other sales directly to consumers within any tap-rooms, bars, restaurants, or similar facilities.

Microbrewery—means a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels¹ per year. ~~The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.~~

Micro-producers—means a facility in which wine or distilled alcohol is manufactured and bottled for sale, where (i) the area devoted to the manufacturing, bottling and warehouse/ distribution functions, collectively, is is 3,000 square feet (GFA) or less, and (ii) 25% or more of such production is sold directly to the consumer on-site, within a bar, tasting room, or restaurant.

¹ Examples of “regional” breweries, with production of over 15,000 barrels per year, include Devil’s Backbone (Lexington) and Starr Hill (Crozet).

CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.



Agenda Date:	October 19, 2015
Action Required:	Approve Resolution
Presenter:	Chris Gensic, Parks and Recreation
Staff Contacts:	Chris Gensic, Parks and Recreation
Title:	V.D.O.T. Transportation Alternative Program (T.A.P.) Grant Application Resolution for Water Street Shared Use Path

Background: The City of Charlottesville, via the Parks and Recreation Department, is applying for assistance through the Transportation Alternatives Program grant fund to supplement local funding for construction of the section of Shared Use path along Water Street between the Coal Tower Trail and the Belmont Bridge. This grant is administrated through the Virginia Department of Transportation. The grant funding being sought is in the amount of \$248,000, of with \$62,000 as the required local match for a total project cost of \$310,000. This agenda item is approval of a supporting resolution for the City to apply for the grant. If grant funds are awarded, an appropriation will be presented to Council to approve the funds.

Discussion: With the Meade Avenue Trail being recently completed and the Coal Tower trail about to be opened for public use, the Water Street project will complete the last link of this trail to the downtown mall. Meade Avenue was funded with a grant from the same V.D.O.T. program. The Water Street Trail has been designed to include stormwater management and street trees, and is “shovel-ready” once funding is secured

Alignment with City Council’s Vision and Strategic Plan: The project supports both City Council’s “Green City” and “Healthy City” visions by creating an outstanding transportation and recreational amenity for many users while enhancing tree canopy in this area of the City. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship, 2.6, engage in robust and context sensitive urban design, as well as objective 5.3 supporting community engagement.

Community Engagement: Charlottesville Parks and Recreation as well as Neighborhood Development Service have provided multiple opportunities for the public to provide input into the planning process. The project is listed in the 2003 Bicycle, Pedestrian and Greenways Plan, the 2015 Bicycle/Pedestrian Plan Update, and the City Comprehensive Plan.

Budgetary Impact: This has no impact on the General Fund. \$62,000 is the required local match and will be allocated as follows if the grant is awarded:

\$32,000 from the Trails fund, PR-001/P-00662-04

\$20,000 from the BikePed fund P-00671

\$10,000 from urban forestry fund. P-00428

In FY 2016 there are not adequate funds to cover this match. When and if funding is added in FY 2017, those funds can be used as a match. Otherwise, an alternative source would be identified or the grant not accepted. The funds will be expensed and reimbursed to a Grants Fund. The match requirement will come from already appropriated funds in the capital budget.

Recommendation: Staff recommends approval of the resolution to apply for grant funds.

Alternatives: If grants funds are not pursued, construction of the trail will have to be funded entirely with local funds.

Transportation Alternatives Project Endorsement Resolution

Whereas, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in the City of Charlottesville.

Now, Therefore, Be It Resolved, that the City of Charlottesville, requests the Commonwealth Transportation Board to establish a project for the improvement of the Water Street Shared Use Path.

Be It Further Resolved, that the City of Charlottesville hereby agrees to provide a minimum 20 percent matching contribution for this project.

Be It Further Resolved, that the City of Charlottesville hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

Be It Further Resolved, that the City of Charlottesville will be responsible for maintenance and operating costs of any facility constructed with Transportation Alternatives Program funds unless other arrangements have been made with the Department.

Be It Further Resolved, that if the City of Charlottesville subsequently elects to cancel this project the City of Charlottesville hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Charlottesville also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this 19th day of October, 2015, Virginia

By: _____

Attest

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	October 5, 2015
Action Required:	Approval of Ordinance
Presenter:	Todd Divers, Commissioner of the Revenue
Staff Contacts:	Todd Divers, Commissioner of the Revenue Andrew Gore, Assistant City Attorney
Title:	Change in Return/Payment Dates for Quarterly Short-term Rental Property Tax

Background:

The City of Charlottesville currently requires those engaged in a short-term rental business to submit a quarterly tax return and payment by the 20th of the months of April, July, October and January, based upon gross receipts collected for each of the respective preceding quarters. This proposed amendment to Sec. 30-320 of the City Code is necessary to align with the applicable provisions of the Code of Virginia.

Discussion:

Va. Code §58.1-3510.6 specifies that these tax returns are to be filed with the commissioner of revenue no later than the 15th day of each month following a quarter, with payment of the assessed tax due no later than the last day of the month. Although the City's current return date was likely implemented to coincide with the provision for the assessment and collection of meals tax, lodging tax, etc., Sec. 30-320 must be revised to align with Va. Code §58.1-3510.6.

Alignment with City Council's Vision and Strategic Plan:

This code change is necessary in order to bring our practices in-line with State Code. It contributes to Goal 4 of the Strategic Plan, to be a well-managed and successful organization.

Community Engagement:

N/A

Budgetary Impact:

The proposed changes will have no budgetary impact. Assessment rates will remain the same and only a change in the dates for filing the returns and remitting payment are being sought.

Recommendation:

Approve the proposed changes to align Sec. 30-320 of the City Code with the provisions of Va. Code §58.1-3510.6.

Alternatives:

There are no alternatives available as local ordinances must align with state statutes.

Attachments:

Proposed Ordinance

**AN ORDINANCE AMENDING AND RE-ORDAINING
SECTION 30-320, ARTICLE XI, CHAPTER 30
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATING TO SHORT-TERM RENTAL TAX**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Section 30-320, Article XI, Chapter 30 of the Charlottesville City Code, 1990, as amended, is hereby amended and re-ordained as follows:

Section 30-320. Collection, return and remittance generally.

Any person engaged in the short-term rental business shall collect the rental tax levied by this article from the lessee of the property at the time of the rental. The lessor of the daily rental property shall transmit a quarterly return to the commissioner of revenue, indicating the gross proceeds derived from the short term rental business ~~and shall remit therewith the payment of such tax as is due for the quarter. The quarterly returns and payment of tax shall be filed with the commissioner of revenue~~ on or before the ~~twentieth~~ fifteenth day of each of the months of April, July, October and January, representing, respectively, the gross proceeds and taxes collected during the preceding calendar quarters ending March 31, June 30, September 30 and December 31. The return shall be upon such forms and setting forth such information as the commissioner may require, showing the amount of gross receipts and the tax required to be collected. The commissioner of the revenue shall assess the tax due, and the short-term rental business shall pay the tax so assessed to the treasurer no later than the last day of the month following the end of the calendar quarter. The taxes required to be collected under this article shall be deemed to be held in trust by the person required to collect such taxes until remitted as required in this article.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	October 5, 2015
Action Required:	Ordinance Approval
Presenter:	Todd Divers, Commissioner of the Revenue
Staff Contacts:	Todd Divers, Commissioner of the Revenue
Title:	Proposed Change in Maximum Financial Worth for Rent Relief Program

Background:

Under the authority of Va. Code §63.2-802, the City of Charlottesville administers a program of rent relief to eligible elderly and/or disabled citizens. Currently the maximum combined financial worth of a household qualifying for rent relief is \$100,000.

Discussion:

Va. Code §63.2-802 gives localities broad discretion in determining eligibility for general relief. Currently, the maximum financial worth of a household qualifying for real estate tax relief is \$125,000. Increasing the threshold for rent relief to the same amount would create a more equitable program that would be easier to administer.

Alignment with City Council’s Vision and Strategic Plan:

This ordinance change aligns with the City Council Vision by helping to provide quality housing opportunities for all and delivering smart, citizen-focused government.

It also aligns with the Strategic Plan goal of “Enhancing the self-sufficiency of our residents” by increasing affordable housing options.

Community Engagement:

N/A

Budgetary Impact:

This change will have virtually no budgetary impact. There will be no changes in the process for administering the program and those who qualify for rent relief do not reach the proposed maximum financial worth level.

Recommendation:

Approve the proposed change to the financial worth limit.

Alternatives:

Keep the maximum financial worth level at \$100,000.

Attachments:

Proposed Ordinance

**AN ORDINANCE AMENDING AND RE-ORDAINING
SECTION 25-58, ARTICLE III, CHAPTER 25
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATING TO QUALIFICATIONS FOR GRANTS FOR RENTAL RELIEF
FOR ELDERLY AND DISABLED PERSONS**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Section 25-58, Article III, Chapter 25 of the Charlottesville City Code, 1990, as amended, is hereby amended and re-ordained as follows:

Section 25-58. Qualifications for Grant.

Grants pursuant to this article shall be made to persons complying with the following provisions:

- (1) The applicant has paid rent for his dwelling within the city during the grant year and was a resident of the city on December thirty-first of the grant year;
- (2) The applicant, or his spouse if they reside together, is sixty-five (65) years of age or older, or permanently and totally disabled, as of December thirty-first of the grant year;
- (3) The dwelling for which the rental relief grant is sought was occupied as of December thirty-first of the grant year as the sole dwelling place of the applicant.
- (4) The gross combined income during the grant year from all sources of such applicant and all relatives of the applicant living in such dwelling does not exceed the sum of fifty thousand dollars (\$50,000.00); provided that the first seven thousand five hundred dollars (\$7,500.00) of any income, (a) received by the applicant, or the applicant's spouse if they reside together, and classified as permanent disability compensation, or (b) received by any applicant who is at least sixty-five (65) years of age, is permanently and totally disabled, and can show that he or she did receive permanent disability compensation for at least twenty-four (24) consecutive months immediately prior to his or her sixty-fifth birthday, shall be excluded from such total; and provided, that the first eight-thousand five hundred dollars (\$8,500.00) of income of each relative other than spouse of such applicant who is living in such dwelling and does not qualify for rent relief shall be excluded from such total. If the applicant has been a resident of the city for less than the full grant year, the gross combined income for such year and the maximum allowable income shall be prorated for the period of actual residency.
- (5) The net combined financial worth of such applicant and relatives of such applicant living in such dwelling as of December thirty-first of the grant year does not exceed one hundred twenty-five thousand dollars (~~\$100,000.00~~ 125,000.00). Net combined financial worth shall include all assets, including equitable interests.

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



Agenda Date: October 5, 2015

Action Required: Ordinance Approval (Consent Agenda – 1st of 2 readings)

Presenter: S. Craig Brown, City Attorney

Staff Contacts: Andrew Gore, Assistant City Attorney

**Title: Intellifiber Networks, LLC
Telecommunications Franchise Renewal**

Background: Intellifiber Networks, LLC, successor to Dominion Telecom, Inc., has requested a renewal of its current franchise to maintain its existing fiber lines and equipment. The locations of these existing lines are reflected on the attached map. Intellifiber is not seeking to install additional telecommunications lines at this time.

Discussion: The proposed franchise ordinance contains the same terms as the model telecommunications franchise ordinance developed by the City Attorney's Office and used in other franchises granted by the City. The purpose of the franchise will not change. In accordance with the franchise terms, Intellifiber is prepared to comply with the bonding and insurance requirements set forth in the agreement.

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

Recommendation: Approve the renewal of the franchise agreement.

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

Attachments: Letter requesting Franchise renewal
Proposed Intellifiber Franchise Agreement Ordinance

Approved by City Council on _____

**INTELLIFIBER NETWORKS, LLC
TELECOMMUNICATIONS FRANCHISE**

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

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

ARTICLE I

SECTION 101 PURPOSE AND SCOPE

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

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

SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY

This Ordinance granting a telecommunications franchise is created to manage and regulate the Company’s use of the City’s Public Rights-of-Way along city roads pursuant to the authority

granted to the City under Sections 15.2-2015, 56-460, and 56-462(A) of the Virginia Code and other applicable state and federal statutory, administrative and common law.

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

SECTION 103 DEFINITIONS

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

103.2 COMPANY means Intellifiber Networks, LLC, including its successors and assigns.

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

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

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

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

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

ARTICLE II

SECTION 201 INITIAL INSTALLATION

The initial installation of equipment, lines, cables or other Facilities by the Company shall be a mixture of overhead and underground in Public Rights-of-Way as depicted in Exhibit A, attached hereto, and as may have been or may hereafter be modified, and incorporated by reference.

SECTION 202 SUBSEQUENT INSTALLATION

202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:

Additional Facilities installed within the PROW may be placed overhead or underground

pursuant to an approved request by the Company made pursuant to Article III, and in accordance with such generally applicable ordinances or regulations governing such installations that have been adopted by the City from time to time.

202.2 GENERAL PREFERENCE FOR UNDERGROUND FACILITIES: As a matter of policy, the City prefers that the installation of any Facility within the PROW occur underground. Notwithstanding this preference, the City recognizes that in some circumstances the placement of Facilities underground may not be appropriate.

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

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

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

SECTION 203 INSPECTION BY THE CITY

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

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION

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

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS

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

SECTION 206 OBSTRUCTION OF THE PROW

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

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

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

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

ARTICLE III

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY

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

SECTION 302 SUBMISSION OF PROW PLAN

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

SECTION 303 GOOD CAUSE EXCEPTION

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

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

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

SECTION 304 DECISION ON PROW PLAN BY THE DIRECTOR

304.1 DECISION: The Director, or his or her authorized representative, shall, within thirty (30) days, either approve the Company's plans for proposed action as described in Section 302 or inform the Company of the reasons for disapproval. The Company shall designate a responsible contact person with whom officials of the Department of Public Works can communicate on all matters relating to equipment installation and maintenance.

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

SECTION 305 MAPPING DATA

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

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

ARTICLE IV

SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS

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

ARTICLE V

SECTION 501 RELOCATION OF COMPANY FACILITIES WITHIN THE PUBLIC RIGHTS-OF WAY

Upon written notice from the Director of a planned and authorized improvement or alteration of City sidewalks, streets or other property, or of a proposed relocation of any City-owned utilities that necessitate relocation of some or all of the Facilities owned by the Company and lines to accommodate same, the Company shall relocate at its own expense any such Facilities within one hundred eighty (180) days of receipt of the notice. At Company's request, the city may consent to a longer period, such consent not to be unreasonably or discriminatorily withheld, conditioned or delayed. Notwithstanding the foregoing, the City shall reimburse Company for

any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION

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

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

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

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

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

maintenance, shall not apply to the extent another company, franchisee, licensee, permittee, other entity or person, or the City disturbs or damages the same area, or a portion thereof, of the Public Rights-of-Way.

- 502.5 DUTY TO CORRECT DEFECTS:** The Company shall correct defects in patching, or restoration performed by it or its agents. Upon notification from the City, the Company shall correct all restoration work to the extent necessary, using the method determined by the Director. Such work shall be completed after receipt of the notice from the Director within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure.
- 502.6 FAILURE TO RESTORE:** If the Company fails to restore the Public Rights-of-Way in the manner and to the condition required by the Director pursuant to Section 502.5, or fails to satisfactorily and timely complete all restoration required by the Director pursuant to the foregoing, the City shall notify the Company in writing of the specific alleged failure or failures and shall allow the Company at least ten (10) days from receipt of the notice to cure the failure or failures, or to respond with a plan to cure. In the event that the Company fails to cure, or fails to respond to the City's notice as provided above, the City may, at its election, perform the necessary work and the Company shall pay to the City its reasonable costs for such restoration within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within the thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative, overhead mobilization, material, labor, and equipment related to such restoration.
- 502.7 DAMAGE TO OTHER FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY:** The Company shall be responsible for the cost of repairing any Facilities existing within the Public Rights-of-Way that it or the Facilities owned by the Company damage. If the Company damages the City's Facilities within the Public Rights-of-Way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, the Company shall correct the damage within a prompt period after receiving written notification from the City. If the Company does not correct the City's damaged Facilities pursuant to the foregoing, the City may make such repairs as necessary and charge all of the reasonable costs of such repairs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within such thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative, overhead mobilization, material, labor, and equipment related to such repair.
- 502.8 DIRECTOR'S STANDARD:** All determinations to be made by the Director with respect to the manner and extent of restoration, patching, repairing and similar activities under the franchise granted by this Ordinance, shall be reasonable and shall not be unreasonably

conditioned, withheld, or delayed. The Company may request additional time to complete restoration, patching, repair, or other similar work as required under the franchise granted by this Ordinance, and the Director shall not unreasonably withhold, condition, or delay consent to such requests.

ARTICLE VI

SECTION 601 INDEMNIFICATION AND LIABILITY

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

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

601.2 DUTY TO INDEMNIFY, DEFEND AND HOLD HARMLESS: If a suit arising out of subsection (a), (b), (c) of Section 601.1, claiming such injury, death, or damage shall be brought or threatened against the City, either independently or jointly with the Company, the Company will defend, indemnify and hold the City harmless in any such suit, at the cost of the Company, provided that the City promptly provides written notice of the commencement or threatened commencement of the action or proceeding involving a claim in respect of which the City will seek indemnification hereunder. The Company shall be entitled to have sole control over the defense through counsel of its own choosing and over settlement of such claim provided that the Company must obtain the prior written approval of City of any settlement of such claims against the City, which approval shall not be unreasonably withheld or delayed more than thirty (30) days. If, in such a suit, a final judgment is obtained against the City, either independently or jointly with the Company, the Company will pay the judgment, including all reasonable costs, and will hold the City harmless therefrom.

SECTION 602 WAIVER BY THE CITY

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

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

SECTION 603 INSURANCE

603.1 The Company shall also maintain in force a comprehensive general liability policy in a form satisfactory to the City Attorney, which at minimum must provide:

- (a) verification that an insurance policy has been issued to the Company by an insurance company licensed to do business in the State of Virginia, or a form of self insurance acceptable to the City Attorney;
- (b) verification that the Company is insured against claims for personal injury, including death, as well as claims for property damage arising out of (i) the use and occupancy of the Public Rights-of-Way by the Company, its agents, employees and permittees, and (ii) placement and use of Facilities owned by the Company in the Public Rights-of-Way by the Company, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground Facilities and collapse of property;
- (c) verification that the City Attorney will be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;
- (d) verification that comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the City Attorney in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Ordinance; and
- (e) verification that the policy has a combined single limit coverage of not less than two million dollars (\$2,000,000).

The policy shall include the City as an additional insured party, and the Company shall provide the City Attorney with a certificate of such coverage before beginning installation of any lines, cable or equipment.

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

SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS

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

ARTICLE VII

SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND

Prior to the Effective Date of this Ordinance, the Company has deposited with the City a Performance Bond made payable to the city in the amount of one hundred thousand dollars (\$100,000). The Performance Bond is to guarantee that the project is done in a proper manner without damage to the PROW. The bond shall be written by a corporate surety acceptable to the City and authorized to do business in the Commonwealth of Virginia. Upon completion of construction of the Facilities, the Company may reduce the Performance Bond to the amount of twenty-five thousand dollars (\$25,000) and made payable to the City, and the Performance Bond shall be maintained at this amount through the term of this Agreement.

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND

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

- (a) material changes in the net worth of the Company;
- (b) changes in the identity of the Company that would require the prior written consent of the City;
- (c) material changes in the amount and location of Facilities owned by the Company;
- (d) the Company's recent record of compliance with the terms and conditions of this Ordinance; and
- (e) material changes in the amount and nature of construction or other activities to be performed by the Company pursuant to this Ordinance.

SECTION 703 PURPOSE OF PERFORMANCE BOND

The Performance Bond shall serve as security for:

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

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE

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

704.2 APPEAL: The Company may, upon written request within thirty (30) days of the City's decision to assess a fee or penalty and for reasons of good cause, ask the City to reconsider its imposition of a fee or penalty pursuant to this Ordinance unless another period is provided for in applicable law. The City shall schedule its review of such request to be held within forty-five (45) days of receipt of such request from the Company. The City's decision on the Company's appeal shall be in writing and supported by written findings establishing the reasonableness of the City's decision. During the pendency of the appeal before the City or any subsequent appeal thereafter, the Company shall place any such fee or penalty in an interest-bearing escrow account.

Nothing herein shall limit the Company's right to challenge such assessment or the City's decision on appeal, in a court of competent jurisdiction.

ARTICLE VIII

SECTION 801 COMPENSATION/PROW USE FEE.

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

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

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

SECTION 802 FRANCHISING COSTS

Prior to the execution of this Ordinance, the City incurred costs for the services of third parties (including, without limitation, attorneys and other consultants) in connection with the award of this telecommunications Franchise. Within thirty (30) days after receipt from the City of an invoice for such costs, the Company shall pay at such time and in such manner as the City shall specify to the City or, at the direction of the City, to third parties an amount equal to the costs the City incurs for the services of such third parties. Payment by Company of such franchising costs shall not in any way be offset nor deducted from applicable PROW use fees required pursuant to Section 801 herein. In the event of any renewal, renegotiations, transfer, amendment or other modification of this Ordinance or the Franchise, the Company will reimburse the City in the same manner for such third party costs, if any are incurred. The Company's obligations under this Section shall not exceed two thousand five hundred dollars (\$2500.00).

SECTION 803 NO CREDITS OR DEDUCTIONS

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

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

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

ARTICLE IX

SECTION 901 RESERVATION OF ALL RIGHTS AND POWERS

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

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

SECTION 902 SEVERABILITY

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

ARTICLE X

SECTION 1001 MAINTENANCE OBLIGATION

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

SECTION 1002 TREE TRIMMING

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

ARTICLE XI

SECTION 1101 INITIAL TERM OF TELECOMMUNICATIONS FRANCHISE

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

SECTION 1102 APPLICATION FOR NEW TELECOMMUNICATIONS FRANCHISE

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

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

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

ARTICLE XII

SECTION 1201 NOTICE

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

To the Company:

Intellifiber Networks, LLC.
Attn: Franchises & Easements
11101 Anderson Drive
Little Rock, AR 72212

To the City:

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

With a copy to:

Intellifiber Networks, LLC.
Attn: Legal
4001 N. Rodney Parham Road
Little Rock, AR 72212

With a copy to:

S. Craig Brown, City Attorney
City Attorney's Office
P.O. Box 911
Charlottesville, VA 22902

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

SECTION 1202 EMERGENCY NOTIFICATION

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

To the Company:

Jerry Richardson
(804) 422-4258 (office)
(804) 641-0240
(804) 422-4506 (office
fax)

Glen Esenwein, Manager
– OSP Engineering
(610) 404-6239 (office)
(610) 587-3653 (cell)
(610) 404-6366 (office
fax)

To the City:

Gas Dispatchers
(434) 970-3800 (office)
Emergency (434)293-9164 (leaks)
(434) 970-3817 (facsimile)

Judith Mueller, Director of Public Works
(434) 970-3301 (office)
(434) 970-3817 (facsimile)
(434) 971-6645 (home)

SECTION 1203 REGISTRATION OF DATA

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

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

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

ARTICLE XIII

SECTION 1301 TERMINATION OF TELECOMMUNICATIONS FRANCHISE

The franchise granted by this Ordinance may be terminated:

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

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

ARTICLE XIV

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

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

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

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

ARTICLE XV

SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT

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

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

SECTION 1502 SUCCESSORS AND ASSIGNS

Notwithstanding Section 1501, the Company may assign, transfer, or sublet its rights, without the consent of the City, to any person or entity that controls, is controlled by or is under common

control with the Company, any company or entity with which or into which the Company may merge or consolidate, to any lender of the Company provided the City is advised of the action prior to enactment. Any successor(s) of the Company shall be entitled to all rights and privileges of this franchise granted by this Ordinance and shall be subject to all the provisions, obligations, stipulations and penalties herein prescribed.

ARTICLE XVI

SECTION 1601 NONEXCLUSIVE FRANCHISE

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

ARTICLE XVII

SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES

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

SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED

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

ARTICLE XVIII

SECTION 1801 NO DISCRIMINATION

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

ARTICLE XIX

SECTION 1901 FORCE MAJEURE

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

ARTICLE XX

SECTION 2001 EFFECTIVE DATE

This Ordinance shall be effective upon its passage.

Adopted by the Council of the City of Charlottesville on the ____ day of _____, 2015.

Paige Rice, Clerk of Council

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

INTELLIFIBER NETWORKS, LLC

Date: _____, 2015

By: _____

Its: _____

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



Agenda Date: *October 19, 2015*

Action Required: *Approval of McGuffey Art Center Lease*

Presenter: *Lance Stewart, Public Works*

Staff Contacts: *Lance Stewart, Public Works*

Title: *McGuffey Art Center Lease*

Background:

The City of Charlottesville and McGuffey Arts Association formed a dynamic relationship in 1975, whereby this co-operative non-stock, taxable corporation leases from the City the former McGuffey Elementary School. In return for the use of the building as studio space for the Association's nearly 150 visual and performing artist members, the Association provides community outreach services, educational programs, and hosts a variety of events benefiting the local arts and cultural scene. This organization and the services it provides have proven to be of great benefit to the thriving Downtown business corridor and local art scene.

Discussion:

The City and the McGuffey Arts Association board of directors have for several years been in discussions regarding the future of our business relationship and the Association's role in the community. While that relationship has remained fundamentally static for 39 years, the Association's mission has matured. The continuing utilization of the McGuffey Art Center property by the McGuffey Arts Association is assumed, however both parties wish to fully explore any alternatives that might assure the enduring stability of this community resource. The Association's 2014 Annual Report highlights their efforts in the past year to define their vision and to consider alternative corporate structures that may empower the Association to realize that vision. These efforts have included outreach to other local arts groups, as well as extensive internal dialog.

The proposed lease is consistent with the spirit of past agreements in terms of the fiscal and legal relationship between our organizations, over a five-year lease period.

Alignment with City Council's Vision and Priority Areas:

A Center for Lifelong Learning – The McGuffey Arts Association 2014 Annual Report details the many efforts of the organization to provide and facilitate arts educational programs for citizens of all ages.

C'ville Arts and Culture – In addition of the direct artistic contribution of its members, the McGuffey Art Center hosts exhibitions of the art of non-member and community programs.

Budgetary Impact:

The proposed lease would continue the historically neutral budgeting approach for the upcoming year. The approved 2015-2016 fiscal year operating budget assumed that maintenance/operations costs would be offset by rent consistent with that received in the previous fiscal year.

Recommendation:

Approval of lease.

Alternatives:

Allow current lease to expire.

Attachments:

Lease – McGuffey Art Center (2015)
McGuffey Arts Association 2014 Annual Report

RESOLUTION

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

Lease Agreement between the City of Charlottesville and the McGuffey Arts Association, Inc. for the lease of property at 201 2nd Street, N.W. from November 1, 2015 to October 31, 2020.

THIS LEASE AGREEMENT is made as of this ____ day of October, 2015, by and between the **CITY OF CHARLOTTESVILLE** (hereinafter, "Landlord" or "City"), whose address is P. O. Box 911, Charlottesville, Virginia 22902, and the **McGUFFEY ARTS ASSOCIATION, INC.** (hereinafter, "Tenant").

1. DEMISED PREMISES; LEASE TERM.

A. In consideration of the promises and covenants herein, Landlord hereby leases to Tenant that property located in the City of Charlottesville, Virginia and known as 201 2nd Street N.W. (hereinafter, the "Premises").

B. The Term of this Lease shall commence at 12:01 AM on November 1, 2015 ("Commencement Date") and shall end, if not sooner terminated, five (5) years thereafter, expiring automatically at midnight on October 31, 2020 ("Expiration").

2. **RENT.** During the lease term, Tenant agrees to pay to the Landlord rent in the annual amount of Twenty-Four Thousand Five Hundred and Sixty-Four Dollars (\$24,564) ("Rent"). The Tenant shall pay the Landlord the Rent, in advance, in twelve (12) equal monthly installments on the fifteenth day of each calendar month for the duration of the term of this lease. The Landlord may increase the amount of rent, effective beginning November 1st of any year subsequent to the Commencement Date, provided the Landlord notifies the Tenant, on or before July 15th preceding the proposed November 1st effective date, of the amount of such increase and offers the Tenant the option to terminate its lease or begin paying such increased rent as of the November 1st effective date. The rent increase in any given year shall not exceed three percent (3%) of the current rent.

This provision shall continue in effect throughout any renewal term of this lease.

3. SUBLET; USE OF PREMISES FOR PUBLIC PURPOSE.

A. The Premises shall be used by the Tenant primarily as an art center, with spaces within the building subleased to individual artists and organizations promoting works of art. No such sublease shall extend beyond the term of this lease. The Tenant shall have no right to assign or sublet the Premises, with the exception of spaces to individual artists/organizations noted above, to any other party without prior written consent of the Landlord, which consent shall be entirely within the discretion of the Landlord.

B. Tenant may occasionally rent space on the Premises to private parties for special functions, with the proceeds from such rental kept by Tenant to sustain original purpose of Art Center and/or for leasehold improvements; provided, however, that the City shall be allowed to use space within the building and on the Premises for special functions at no cost, at times agreed to in advance by both parties.

4. **TENANT ALTERATIONS.** Any permanent alterations, additions and improvements to the Premises must be approved by Landlord prior to the commencement of construction. All such alterations, additions, and improvements to the Premises shall inure to the benefit of and shall be the property of the Landlord.

5. **LANDLORD INSPECTIONS; RIGHT OF ENTRY.** Landlord shall have the right to enter the Premises at reasonable times to make inspections of the condition of the Premises, repairs, alterations or improvements, and to show the Premises to prospective purchasers, tenants, workers and/or contractors. Except in emergencies or when circumstances otherwise render advance notice

impractical the Landlord will give Tenant reasonable notice of Landlord's intent to exercise this right of entry.

6. LANDLORD'S COVENANTS.

A. Landlord covenants and agrees to:

1. Comply with the requirements of applicable building and housing codes materially affecting health and safety;
2. Make, coordinate and pay for all routine repairs and maintenance of the exterior premises, including but not limited to, exterior painting and roof repairs.
3. Maintain in good and safe working order and condition all of the electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other utility or mechanical systems located within the Premises.
4. Maintain the grounds of the Premises, to include mowing, leaf removal, landscaping and tree maintenance.
5. Remove snow and ice from all walks and steps.

B. Landlord further covenants that the Tenant, on paying the rent and performing the covenants and conditions contained in this Lease, may peaceably and quietly have, hold and enjoy the leased Premises, subject to the other terms of this Lease.

7. TENANT'S COVENANTS.

Tenant covenants and agrees to:

A. Pay any and all utilities.

B. Keep and maintain the Premises in good, clean and safe condition, including:

1. Tenant shall comply with obligations imposed upon tenants by applicable building and housing codes materially affecting health and safety;
2. Tenant shall use all appliances, and all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other systems, in a reasonable and safe manner;
3. Tenant agrees to pay all costs resulting from the intentional or negligent destruction, damage or removal of any part of the Premises by the Tenant or by any sublessee of the Tenant.

C. Tenant shall make an annual report to City Council about the progress of Tenant's various programs.

D. Tenant shall immediately notify the Landlord of any condition on the Premises that constitutes a fire hazard or other serious threat to the life, health or safety of the occupants of the Premises. Additionally, the Tenant shall provide prompt written notice to the Landlord of any defects or malfunctions in the Premises or in any of the equipment, appliances or parts

thereof, as soon as the Tenant becomes aware of them.

- E. Tenant covenants and agrees that upon the expiration or termination of this Lease: (i) the Tenant will deliver the Premises in the same condition in which they were received, ordinary wear and tear excepted; and (ii) the Premises shall be thoroughly cleaned. In the event any of the above conditions have not been met by Tenant prior to its vacation of the Premises, the Tenant agrees to pay all costs and expenses incurred by the Landlord to do so.
- F. Tenant agrees to release, indemnify, protect, and hold the City, its officers, agents and employees harmless from any loss, liability or obligation of any nature whatsoever, which may occur by reason of the Tenant's use of the Premises. This indemnification shall continue in full force and effect notwithstanding the termination of this Agreement. The Tenant shall maintain in force comprehensive public liability insurance coverage in a minimum amount of \$1,000,000, with an insurer authorized to do business in Virginia. Such policy shall name the City as an additional insured and shall provide that such coverage shall not be cancelled without thirty (30) days written notice to the City. The Tenant shall submit evidence of such insurance coverage to the City Attorney for approval prior to the commencement date of this lease.
- G. The Tenant shall not deliberately or negligently destroy, deface, damage, impair or remove any part of the Premises or permit any other person to do so. Tenant shall be liable for all costs and expenses necessary to repair or replace the Premises, or any portion thereof, as a result of such deliberate or negligent acts.
- H. Tenant shall not commit or permit any waste or nuisance on or about the Premises, nor do anything that might create a hazard of fire on or within the Premises.

8. DAMAGE TO PREMISES

- A. In the event the Premises are destroyed or substantially damaged by fire or other casualty, and thereby rendered unfit for occupancy, the Term of this lease shall, at the option of either party upon reasonable notice to the other, terminate as of the date of such damage. Under those circumstances, accrued rent shall be paid up to the time of such damage. If neither party desires to terminate the Lease, the Landlord shall enter and repair the Premises with reasonable speed and rent shall be waived during any period in which the Premises remain unfit for occupancy. Once the Premises have been restored to a condition which is suitable for occupancy, the Tenant's rental obligation shall re-commence, but may be reduced by a reasonable amount for any period during which repairs continue, until such repairs have been completed.
- B. The Landlord shall maintain fire and extended coverage insurance on the Premises in an amount deemed adequate by the Director of Finance for the City of Charlottesville.
- C. The Tenant shall, at its own cost and expense, obtain adequate coverage for insuring the contents of the building against fire, theft or other peril, and the City expressly disclaims any liability for damages or loss of any nature whatsoever which may occur to the property of the Tenant, its members, sublessee or others while such property is located on the Premises.

9. HOURS OF OPERATION. Tenant shall establish regular hours during which the Premises will be open to the public. At a minimum, the Premises shall be open to the public six (6) days per week, forty-eight (48) weeks per year. For this purpose, a full day shall be deemed to be at least six (6) hours. Each studio shall be open a minimum of 17 ½ hours per week during public hours.

10. DEFAULT; TERMINATION.

- A. The following shall constitute events of Default by Tenant: (i) any material breach of this Lease by Tenant, including, without limitation, any breach that substantially affects the health or safety of any person; (ii) Tenant's abandonment of the Premises; (iii) Tenant's failure to make any payment of rent under this lease for a period of fifteen (15) days after written notice; (iv) use of the Premises by Tenant or others for any illegal purposes; (v) Tenant's denial of any right reserved in this Lease to the Landlord; (vi) filing by the Tenant or against the Tenant in any court pursuant to any statute of a petition of bankruptcy or insolvency or for reorganization or for the appointment of a receiver or trustee of all or a portion of Tenant's property or an assignment by the tenant for the benefit of creditors, provided that such proceedings are not dismissed within 90 days after the commencement of same; (vii) failure by the Tenant to maintain its status as a non-profit, non-stock organization, and (viii) the institution of legal proceedings by or against Tenant to levy upon or dispose of Tenant's leasehold interest in the Premises.
1. If Tenant is in default for non-payment of rent, and such default continues for thirty (30) days following written notice from the Landlord demanding possession of the Premises or the payment of rent, then the Tenant shall thereby forfeit its right to possession of the Premises. In such case, Tenant's possession may, at the Landlord's option, be deemed unlawful and the Landlord may proceed to recover possession through all lawful means and proceedings.
 2. In the event of a default for reasons other than failure to pay rent, the Landlord shall serve Tenant with a written notice stating the acts or omissions constituting the default and stating that the Lease will terminate, as set forth within the notice, upon a date not less than 30 days after Tenant receives the notice, unless the default is remedied within 21 days. If the breach is remediable by repairs or the payment of damages, and Tenant adequately remedies the breach within 21 days or such longer period of time as Landlord may specify in writing, the Lease shall not terminate. However, if a particular default is not remediable, Landlord's written notice to Tenant may state the acts and omissions constituting the default and state that the Lease will terminate upon a specific date, which date shall not be less than 30 days after Tenant receives the notice.
 3. In the event the Landlord pursues any remedies referenced above, the Tenant shall be liable as follows: (a) for all installments of rent and other charges that are past due, and those that are due and owing for the remainder of the Term of this Lease which shall immediately become due and payable; (b) for all expenses that may be incurred by the Landlord for re-letting the Premises, including, without limitation: brokerage, advertising, cleaning, repairing, redecorating and refurnishing expenses; (c) for any court costs incurred by the Landlord for possession of the Premises and for collection of unpaid rent or other charges under this Lease agreement; and (d) for reasonable attorney's fees incurred by the Landlord to obtain possession of the Premises or to collect rent, damages, or other charges under this Lease agreement.
- B. The following shall constitute events of Default by Landlord: (i) any material breach of this Lease by Landlord, including, without limitation, any breach that substantially affects the health or safety of any person; and (ii) Landlord's failure to comply with any laws pertaining to this Lease agreement.

1. In the event of a Default by Landlord the Tenant shall serve a written notice to the Landlord specifying the acts or omissions constituting the Default and stating that this Lease agreement will terminate on a specific date not less than 30 days after receipt of the notice if such breach is not remedied within 21 days. If the breach can be remedied by repairs, and the Landlord adequately remedies the breach prior to the date specified in the notice, this Lease agreement shall not terminate.
 2. The Tenant may not terminate this agreement for a condition caused by the deliberate or negligent act of the Tenant, sublessees or invitees.
 3. The Tenant may recover damages and reasonable attorney's fees and may obtain any other action or remedy permitted by law for Landlord's failure to abide by the provisions of this Lease agreement. The Tenant's recourse to any particular remedy shall not deprive him of any other action or remedy.
- C. Prior to Expiration, if the Tenant deserts the Premises, the Landlord may deem the Lease in default and the Premises to be abandoned. The Landlord shall post in a conspicuous area on the Premises a notice declaring the Premises abandoned. Thereafter, the Landlord may enter and secure Premises and, after compliance with any applicable provisions of state law, the Landlord shall be entitled to possession.
- D. Upon termination or expiration of this lease, Landlord shall have the right to reenter and repossess the Premises and may dispossess the Tenant and remove the Tenant and all other persons and property from the Premises. Tenant shall leave the Premises in good and clean condition, ordinary wear and tear excepted.

11. **NOTICES.** All notices required by this Lease, and all correspondence concerning this Lease, shall be sent by United States mail (postage prepaid), to the following individuals:

- A. To Landlord: to the attention of the City Manager for the City of Charlottesville, addressed as follows: P. O. Box 911, Charlottesville, Virginia 22902.
- B. To Tenant, to the address for the Premises, or such other address as the Tenant may designate in writing from time to time.

12. **HEADINGS.** The headings of the sections of this Lease are inserted for convenience only and do not alter or amend the provisions that follow such headings.

13. **GOVERNING LAW.** This Lease shall be construed, interpreted and applied in accordance with the laws of the Commonwealth of Virginia.

14. **SEVERABILITY.** Any provision of this Lease which is prohibited by, or declared by a court of competent jurisdiction to be unlawful or unenforceable under Virginia law shall be ineffective only to the extent of such prohibition or declaration; the remaining provisions of this Lease shall remain in full force and effect.

15. **NO WAIVERS.** Failure of the Landlord to insist, in any one or more instances, upon a strict performance of the covenants of this lease, or to exercise any option herein contained, shall not be construed as a waiver or a relinquishment of such right, but the same shall continue and remain in full force and effect. No waiver by the landlord of any provision hereof shall be deemed to have been made unless expressed in writing and signed by the Landlord.

16. **AMENDMENTS.** This lease may not be amended or modified except by written agreement signed by both parties.

17. **BENEFITS.** This agreement is binding upon and shall inure to the benefit of all the respective parties hereto, their respective successors, legal representatives and assigns.

18. **ENTIRE AGREEMENT.** This lease shall constitute the full and complete agreement between the parties, and no other prior or contemporaneous writings or statements shall be of any consequence or have any legal effect.

WITNESS the following signatures and seals.

LANDLORD
CITY OF CHARLOTTESVILLE

TENANT
McGUFFEY ARTS ASSOCIATION

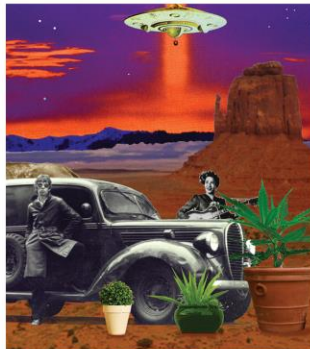
Maurice Jones, City Manager

Rebekah Wostrel, President

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MAC

M E R G I N G A R T & C O M M U N I T Y
M C G U F F E Y A R T C E N T E R



2014 Annual Report

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McGuffey Arts Association 2014

*The McGuffey Arts Association is a community of artists
dedicated to practicing their arts and to passing on the creative spirit.*

In 2014, this newly defined Mission Statement reaffirmed our identity and strengthened our course. The previously crafted statement included multiple objectives and two lengthy sentences. It was intentionally complex to satisfy all opinions within while simultaneously seeking to fulfill supposed outside expectations: "The art center is an artist-run cooperative supporting the artistic growth of emerging and professional artists in both visual and performing arts. McGuffey is equally dedicated to providing opportunities for the community to participate in these creative processes through access to open studios, exhibitions and performances, classes, tours, and outreach projects." Obscured by its all-inclusiveness and good intention is the clarity of purpose that by definition any mission statement should offer. Our new mission statement clearly articulates our identity, focus, and intent.

The McGuffey Arts Association is a community of artists... This part of our new statement distinguishes us from the historic building and the art center.

...dedicated to practicing their arts... Shedding light on what we have in common as separate artists, this declaration of individual devotion unites us as a collective. We are all serious about honing our skills and each one of us, no matter the medium, seeks flawlessly executed expression.

...and to passing on the art spirit. Passion for this pursuit of the perfect art piece is what we share with each other and with the greater community. This is our mission.

As we approach our 40th Anniversary we celebrate our unique and central role in the life of Charlottesville and look forward to growing in new ways. In 2014, we expanded our jury process, established our Incubator Studio Program, raised funds for new public programming and upgraded lighting in our public galleries, added a fourth weekly session to our community drawing groups, and enjoyed new collaborations with area arts organizations. Most significantly, we voted to hire a director to help drive and promote our mission for the next 40 years.

APPLICATION PROCESS EXPANDED



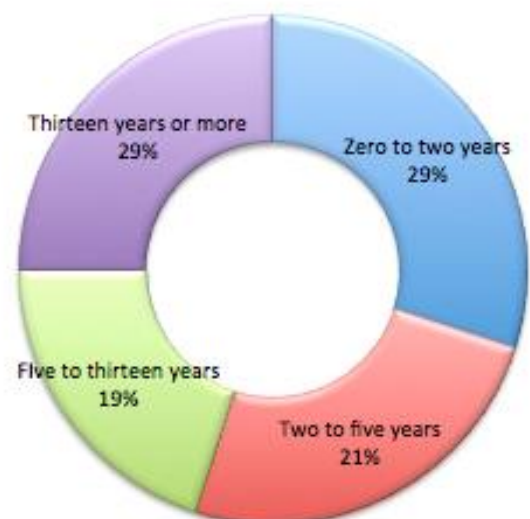
Advertised in area newspapers, through social media and with posters placed around the community, McGuffey's application process takes place three times a year, in January, June and September. Applications are available at the gallery desk and on the website. Acceptance to membership is based solely on artistic merit. Although judging art is subjective by nature, McGuffey's jury process is uniquely fair and thorough.

Rather than digital images which can be expensive and visually limiting, four to six original pieces of artwork are submitted to be carefully considered in person. The artwork is available to view for over two weeks, rather than flashed on a screen for a brief moment. Performance artists turn in video or sound recordings and audition in person. A discussion is held to help jurors formulate their individual opinions.

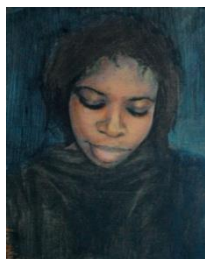
Instead of a single judge or small panel, the number of McGuffey jurors is much larger. Years ago, the jury was comprised of McGuffey's five-member Executive Council, but later was expanded to include all resident artists. In 2014 the jury number grew again with an invitation to associate members and selected guests from the Charlottesville arts community and City Council to join the jury discussion and cast ballots.

Applicants receive notice of acceptance in less than two weeks. Artists who are declined may request a letter of critique, essentially a compilation of juror comments. This feedback usually offers directions for development and often encourages re-applying.

McGuffey's resident membership is ever-changing. This graph shows the range of longevity of our current artists.



NEW MEMBERS 2014



Bolanle Adeboye

As a painter and mixed media artist, I wanted to be part of a community of artists.



Fenella Belle

As a new resident at McGuffey Fenella built a 12' long printing table to facilitate printing large scale fabric and paper projects.



Rose Csorba

A returning member to McGuffey, Rose is mixed media artist, sculptor, illustrator, and maker of marionettes.



Stephen T. Endres

Known for his commissioned portraits in graphite or oil, Steve is now working on large, abstract paintings in Studio 16.



Jill Kerttula

I was anxious to find a new 'family' of artists in the community, and have found that at the McGuffey.



Marcia Mitchell

I'm making plans for new work in different media and subjects. Now that I'm here, I'm happy to explore future possibilities for art with McGuffey members and the Charlottesville arts community.



Hina Naeem

I moved to Charlottesville in 2011 from Pakistan. It is here that I started painting in 2013. My first ever art showing was at McGuffey...so far it has been an amazing journey!



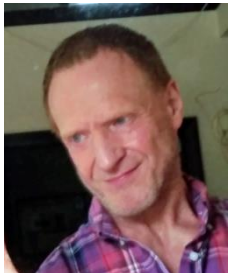
Charles Peale

I began to experiment with the idea of creating collages as art after many years of working as a commercial illustrator using pen and ink. Before becoming a member, I participated in some of the collaborative exhibits at McGuffey such as the Exquisite Corpse Show.



Guillermo Ubilla

I participate in McGuffey's figure drawing sessions and was encouraged to become a member. My primary mediums are photography and digital art, emphasizing portraits and the figure. I lean toward abstraction without a clear narrative.



Steve Wolf

I think my work can be briefly summed up as an ongoing investigation of the visual characteristics of trees under a variety of atmospheric and light conditions. I am returning to McGuffey after six years.

Also New Members in 2014:

Dominique Anderson, Painter
Big Blue Door, Performing Arts Group
Kurt Kindermann, Mixed Media
Ashley Florence, Photographer & Conceptual Artist

Grey McLean, Painter
Steve Fishman, Drawing & Printmaking
Brigitte Turquoise - Freeman, Painting
Visualabs Collective, Multimedia

A YEAR'S EXHIBITS

McGuffey's most visible achievements are its monthly rotating exhibits. Every first Tuesday our hall galleries and large Sarah B. Smith Gallery are filled with new art. Every First Friday we host an opening reception with hundreds of visitors in attendance. This year five guest artist groups had their exhibits at McGuffey: The Central Virginia Watercolor Guild, University of Virginia Art Majors, Area High Schools, Charlottesville C2D, and new this year, the Artisan's Center of Virginia. We also had five collaborative group shows in which McGuffey artist members invited area artists to join them. There were twelve solo exhibits by McGuffey artists in 2014.

JANUARY In this first month McGuffey celebrates its new members from the prior year with an exhibit of their artwork and a celebratory toast to new times and new art. One of the most varied and largest of these exhibits took place in 2014. Also in January, Margaret Embree departed from realistic landscapes of buildings familiar to show *Abstract Visions*, a collection of ink drawings and large painted canvases in Sarah B. Smith Gallery.



FEBRUARY In the Sarah B. Smith Gallery, Lee Alter presented an exhibit of watercolors entitled *Living Time* and Lindsey Oberg's exhibit, *Uncovering Dreams*, displayed densely rich encaustic narratives. J.M. Henry's oil and acrylic abstracts filled the first floor hall gallery and *The Figure Drawing: Theme and Variation* filled the upstairs. This show was the culmination of a year of figurative work from McGuffey's community drawing sessions.



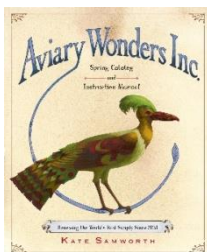
MARCH

Brilliant, complex ceramic wall reliefs by Scott Supraner filled the Sarah B. Smith Gallery in his exhibit *Planets & Plants*. The first floor hall gallery featured works on paper by John A. Hancock, McCrae Snyder Kudravetz, Chee Kludt Ricketts, Sara C. Green, Liz Gregory, Tracy Verkerke, Scott Smith, Stacy Evans, and Margaret Embree. This group show was titled *Paper: On, Of*. Upstairs, area artists of all ages participated in the Annual Charlottesville C2D Show hosted by ArtInPlace, a non-profit organization that places sculpture in public areas around Charlottesville. This year's theme of *Bridges* proved popular with visitors and artists alike.



APRIL

Ninni Baekstrom's cement sculptures and mosaic art transformed the Sarah B. Smith Gallery. A group show, *Art Meets Ecology*, filled Lower Hall North with artwork by dozens of community artists while Lower Hall South featured work by two McGuffey illustrators: *Aviary Wonders, Inc.* by Kate Samworth and *Costa Rica* by Bob Anderson. Fred Crist's exhibit of new sculpture and drawings, *Bebop*, paired with oil paintings by Renee Balfour in the upstairs galleries.



MAY

Associate member and VMFA Fellow Ed Dolinger presented multi-layered mixed media work in *Ghosts of Logic* in the Sarah B. Smith Gallery. In the hall *Local Color* celebrated Charlottesville's full spectrum of characters by 18 local artists. Outstanding artwork by 9 regional high schools filled the upstairs.



JUNE

Mixed media sculpture and functional ceramics by Rebekah Wostrel filled the Sarah B. Smith Gallery with porcelain binkies suspended from the walls, a curtain of ceramic rectangles hanging from the ceiling, teacups and table settings elegantly displayed in an exhibit called *Open Threads*. In the hall a retrospective of McGuffey member and friend: *Skip Willis: Honoring the Life and Innovative Art*. Ron Evans presented stunning *Photographs*; Marcia Mitchell gave us *New Watercolors of Flowers and Plants*; and Polly Breckenridge presented a collection of work spanning 1993- 2014 in *Now and Then*.



JULY/AUGUST

The Annual Summer Group Show draws a great crowd each year and continues from July through the first two weeks of August.



SUMMER BREAK

During the last two weeks of August McGuffey is closed to the public for renovation. Gallery walls and pedestals are painted, floors are sanded, and there is a general refreshing of the building.

SEPTEMBER

The Central Virginia Watercolor Guild held its 23rd Annual Exhibition with a Gallery Walk by Juror Susan M. Stuller. For a numbers of years, the fall season at McGuffey has commenced with this well received show which fills all of the hall galleries and brings hundreds of visitors from all over the region. The Annual Exhibit is open to Virginia residents over the age of seventeen who work in all varieties of water media. This year sixty two artists participated and over \$3000 of awards were given. In the Sarah B. Smith Gallery, McGuffey member Marcia Mitchell presented an array of watercolors of her own.



OCTOBER

McGuffey teamed up with some of the region's finest craftspeople to kick off the 20th Anniversary Artisans Studio Tour. The exhibit showcases pottery, fiber art, jewelry, glass, leather, and woodwork by artists whose studios throughout Central Virginia open to the public one weekend each year. In a hallway exhibit, Kathy Plunket Versluys presented *Moody Blooms and Swinging Moods*. Ink impressions with occasionally added chalk showed the wanderings of an artist's mind through windows of fragmented time. Lindsey Oberg exhibited encaustics embedded with copper artifacts, dollhouse parts, beads, lace, and personal imagery in an ethereal exhibition entitled *Stand Still*.



NOVEMBER EXHIBITS AND FUNDRAISING EVENT

In 2014 McGuffey Arts Association held a fundraising event to support its own programming and new, economical and energy efficient lighting for its galleries. In the Sarah B. Smith Gallery McGuffey artists displayed work in a variety of sizes, shapes, mediums and techniques. These pieces sold for prices determined by the artists with half the proceeds given to McGuffey. The first floor hallway gallery was lined with a stunning display of 12"x 12" art panels, each by a different McGuffey member in their own style. Performance artists and artists who teach donated performances or classes. All proceeds from these sales benefitting McGuffey's public programming and gallery lighting. Many artists enjoyed the challenge of working outside of their own format and technique. The Fundraiser was well received by the public; new programming and lights are on their way!

Upstairs Gallery Exhibit:
ART NOW
RECENT WORK BY
UVA ART MAJORS

mac
MERGING ART & COMMUNITY
MCGUFFEY ART CENTER

ART
FUNDRAISER

ORIGINAL ART BY 50
OF CHARLOTTESVILLE'S
FINEST ARTISTS

ALL PRICED AT \$150
WITH 100%
OF PROCEEDS
BENEFITTING
MCGUFFEY ART CENTER
PROGRAMMING

OPENING RECEPTION
FRIDAY NOVEMBER 7
5:30 - 7:30

201 Second Street, NW Charlottesville 434-295-7973 mcguffeyartcenter.com

Hours: Tues-Sat 10 - 6 Sun 1 - 5

In the upstairs hallway, University of Virginia presented a diverse body of work by art majors in its Annual Art Exhibit: ART NOW.

FACE PAINTING, SILHOUETTES
ART-ON-A-COOKIE, PRINTMAKING,
HOLIDAY MUSIC SING-A-LONG,
GLASS BLOWING, CRAZY PINS
MAGIC MARKER STAINED GLASS
NUTCRACKER DANCES,
PAPER PLATE HATS,
& MORE!

201 Second Street, NW 434-295-7973 mcguffeyartcenter.com
McGuffey is Open Mondays 10 - 6 before Christmas, Tues - Sat 10 - 6 & Sunday 1 - 5, Christmas Eve and New Year's Eve 10-4 *

DECEMBER

McGuffey celebrates the season each year with its Annual Holiday Group Show, filling all galleries with fine art and hand-crafted gifts by resident and associate members. The Gallery Gift Shop expands to include the entire Sarah B. Smith Gallery. Visitors may bring art home with them on the day of purchase: cards, candles, handmade books, functional and decorative ceramics, jewelry, glass, sculpture, photographs, paintings. This exhibit begins the week of Thanksgiving and ends just before the new year.

The season highlight is McGuffey's Annual Holiday Open House, an invitation to the community to do hands-on art projects with McGuffey artists in their studios, enjoy an ever-popular sing along, and see dancers perform from *The Nutcracker*.



INCUBATOR STUDIO PROGRAM

In 2014, the McGuffey Arts Association guided by a special committee led by Eileen French, established the Incubator Studio Program, designating a studio for one year residencies with five participating artists. After soliciting names from Piedmont Council of the Arts, and The Bridge, UVA and Piedmont Virginia Community College, emerging artists were selected to share a McGuffey studio without all of the McGuffey membership responsibilities. Studio time obligation and committee tasks for the Incubator Artists were designed to allow for full time jobs or other outside commitments. Dividing the studio into smaller spaces makes the rent more affordable. While experiencing life in a community art center, surrounded by working artists, Incubator Artists can explore new processes, focus on a cohesive body of work and move to the next step in their creative journeys.



Kelly Doyle Oakes

A teacher for many years, she began to yearn to dedicate more time to her art. The Incubator Studio filled that need. She has become an integral part of McGuffey's community figure drawing and painting groups.



Nina Frances Burke

A big benefit for Nina while in The Incubator Studio has been having uninterrupted time and a dedicated space to explore her art. This has resulted in a major shift in her process. While reverse glass painting, or Eglomisé, has been her primary art form, she has taken her inks and paint to paper in a result that is dynamic and ethereal.

Deborah Rose Guterbock

While being a new mother, Rose is enjoying a productive stay at McGuffey, working through many new ideas and processes. Found materials play an important role in most of her work, and are integrated in a skilled, purposeful way. Her interactions while at McGuffey have led her to several future projects including a two-person show at P.V.C.C and a group show at the Darden School.



Jeremiah Morris

In his senior year of high school Jeremiah turned to art for an outlet. At this point in his young life, he is basically self-taught, learning something new with each painting. The Incubator Studio experience came at an opportune time for Jeremiah. Just getting his adult life started, he is learning how to keep his passion for art front and center.

Brielle DuFlon

After receiving a degree from UVA in Studio Art Brielle kept her artist self challenged but needed some space to work. Already adept at woodcuts, she has been finding ways to create fine art with embroidery. Since she has been at McGuffey, Brielle feels that she is making more satisfying work and has enjoyed interacting with McGuffey members along the way.



McGUFFEY AND COMMUNITY

COMMUNITY DRAW

McGuffey's Life Drawing Groups are long term successes that can be attributed to the dedication of members who serve on that committee. These drawing sessions are a great way for artists at any level to hone drawing skills, meet other artists and have fun. A nominal fee is collected to pay for the model (or models) and to support programming.

Three weekly drawing sessions have been established for years and now a fourth has been added: Figure Painting. During these Sunday afternoon sittings the poses are held much longer for painting and sculpting projects. The model is fully dressed so that younger artists may attend.

Many people participating in the Life Drawing/Painting Groups visit Charlottesville for that purpose from neighboring areas. Many of our members were first introduced to McGuffey through the weekly figure drawing experiences.

The McGuffey figure drawing sessions fill a niche no other organization in C-Ville fill--affordable, reliable, [bringing together] a group of aspiring and established artists who learn from each other. --- C. Nielrast

Increasingly, McGuffey has become a center and starting point for my friends and family as we take part in city activities and events. --- I. Thomson



YOUNG AT ART

Eleven year old Freeman Liu has benefited tremendously from attending McGuffey's Sunday afternoon clothed, single-pose figure drawing session. He gets a start from the live model, then continues to work on his drawings at home. Recently Freeman exhibited two pastel figure drawings in McGuffey's *Second Annual Figure Drawing Group Show*.



CLASSES & ART CAMPS

Individual McGuffey artists offer a variety of classes, workshops, and private instruction to children and adults. A schedule is available on our website and at our front desk. The Spring/Summer listing also includes day camps.

COMMUNITY DIALOGUES

Every third Tuesday of the month from 1:00 - 2:30 artists of the community are invited to bring samples of their work to McGuffey's Peer Critique in our Starnes Classroom. The atmosphere is helpful and friendly!



Throughout the year many exhibiting artists give gallery talks corresponding to the work in their shows. These are free and open to the public.

MASK MAKING WORKSHOP

McGuffey's Community Relations Committee, Chaired by Renee Balfour, partnered McGuffey artists with the Kluge-Ruhe organization for a mask-making workshop featuring visiting Aboriginal artist Ricardo Idagi.



art workshop with Indigenous Australian artist RICARDO IDAGI



Ricardo Idagi, Wolf on Sheep's Clothing, 2012



Ricardo Idagi with the artwork that won him the Telstra Award

friday, october 3, 4:00 - 7:00 pm, McGuffey Art Center

Join Indigenous Australian artist Ricardo Idagi and local artist Renee Balfour for a sculpture workshop at McGuffey Art Center! Idagi uses traditional materials like feathers and raffia, as well as found objects like cans, to make thought provoking art about his culture and identity. Stop by this drop-in workshop to learn from Idagi about his art practice and create your own mask using a variety of provided materials, or feel free to bring your own! This program is free and open to the public.

sponsored by:

kluge-ruhe
Aboriginal art collection
of the UNIVERSITY OF VIRGINIA

presented in partnership with:

MAC
McGUFFEY ART CENTER

Visitors of all ages joined indigenous Australian artist for this family-friendly sculpture workshop in McGuffey's Starnes Classroom. Idagi uses traditional materials like feathers and raffia, as well as found objects like cans, to make thought provoking art about his culture and identity. Some materials were provided; suggestions for items to bring included recyclables, natural materials, craft supplies – anything that could be glued!

Ricardo Idagi from the Mer (Murray Island) in the Torres Strait, Australia. He is currently the artist in residence at the Kluge-Ruhe Aboriginal Art Collection of UVA.

McGUFFEY, CITY OF PROMISE, AND UVA MENTORS

McGuffey artists with assistance from the UVA Art Mentor Program hosted classes for thirty children in a City of Promise workshop. The City of Promise is a neighborhood initiative creating solutions designed to improve educational and developmental outcomes of children and youth in the 10th and Page, Westhaven, and Starr Hill neighborhoods.



CVILLE SABROSO

Spilling out from McGuffey's front steps, this celebration of National Hispanic Heritage Month is a festival of live folkloric, traditional and fusion music, dance, visual and performance arts. It is an annual event at McGuffey in collaboration with Sin Barreras/ Without Barriers of Charlottesville. This year the show included music and dancers from Bolivia, Peru, Mexico, El Salvador, Dominica, Venezuela, Guatemala, Ecuador, Brasil & Colombia.



ART AND ECOLOGY CLUB

ART AND SCIENCE CROSS-POLLINATING IN CHARLOTTESVILLE

Founded by Kate Samworth during her residency at McGuffey to initiate conversation and collaboration between artists and anyone else interested in protecting the environment, the Art and Ecology Club is open to all and is non-political. In 2014, it met every four to six weeks for discussions and art-making events. Participants included members of various local environmental organizations, such as Transitions, Better World Betty, Blue Green, and Charlottesville Earthweek, as well as art students and professionals. In some of these gatherings art and science teachers shared their ideas and lesson plans so that curricula could develop combining the two disciplines. Local chemists and biologists added to dialogue about pollution and our waterways. Artists worked toward translating this information into visually compelling works of art.

In April 2014 the Art and Ecology Club mounted an exhibit: *Art Meets Ecology*. For one part of the exhibit, six by six inch panels were distributed to over thirty local high school, university, and professional artists, along with a list of 267 species of marine life affected by plastics in the ocean. Each artist submitted one or more images of these animals amassed into a stunning mural.

The gallery halls were filled with artwork pertaining to creatures or trash or both. Suspended from the ceiling, spanning the length of the gallery was a mobile made with hundreds of plastic CD discs, melted, folded, shiny objects dangling from driftwood logs. This exhibit expanded the art and ecology dialogue to McGuffey visitors through the month and hopefully into the future.



TOM TOM BLOCK PARTY



The Fall Block Party, delivered by local entrepreneur Paul Beyer and company, transformed McGuffey's front yard and brought great bands, public art, food trucks, and a craft beer garden to the front lawn. It was a colorful mash-up mixer for techie, musical, and arty folk with charity corn-hole games as a bonus! The Block Party also celebrated the launch of *Founding Cville*, an initiative honoring innovators, artists, and community leaders who create great things in Charlottesville. Individual McGuffey artists provided studio demonstrations and enjoyed a new crowd. McGuffey's Rental Committee provided coordination and a host of background support people.

DIA de LOS MUERTOS

A community celebration started on the front lawn with each visitor given a bag and candle to create luminaries. The procession moved into Studio 11 for an intimate display of colorful music, dance, visual poetry and food. Dia de los Muertos is a traditional Mexican celebration commemorating ancestors and loved ones. Studio 11 is home to Luminaria Cville, a place where family, culture, and community coalesce, through music, performance and visual arts, *sin fronteras* (without borders).



TOURS & OPEN STUDIOS



Every year McGuffey invites area organizations and schools to our art center. Groups plan scheduled visits through our Tour Committee then meet specific artists in their studios for demonstrations and hands-on projects.

Each resident artist signs up for a number of tours per year as part of their membership.

Most public visits, however, are unscheduled. McGuffey Art Center is open six days a week and enjoyed nearly 13,000 visitors during regular business hours in 2014. Open studios are described as "a primary reason for planning a trip to McGuffey" by visitors and are a valuable part of being a member.



Every artist must keep their studio open during public hours at least 17.5 hours a week as part of their membership.

In 2014, McGuffey artists logged close to 1,500 hours in scheduled tours and over 32,000 open studio hours.

McGuffey Art Center hosted these scheduled tours: *(a partial list)*

- February 4 Blue Ridge School
- March 11 Stony Point School
- March 18 Lake Monticello Newcomers
- March 26 Tandem Friends School
- April 26 Rosewood Village
- April 22 Rosewood Assisted Living
- May 30 & 31 Charlottesville/Albemarle Visitors Bureau
- June 5 Charter School
- July 18 Faith Christian Academy
- July 17 Lafayette School
- July 22 Woodbrook Elementary
- July 23 Therapeutic Recreation
- July 25 Woodbrook Elementary
- August 4 Rosemary Charlottesville
- September 10 UVA Arts Administration Class
- September 16 PVCC Watercolor Class
- October 28 Peabody School



McGUFFEY OUTREACH

Brief descriptions of how McGuffey artists shared the art spirit in 2014:

-Visited Agnor-Hurt Elementary and worked with the international students there

-Facilitated the rotating art exhibits at the City Manager's Office

-Held workshops for the Charlottesville Boys And Girls Club

-Chaired an art activity at Charlottesville's Festival of Cultures



-Helped coordinate (with Sarah Blech, Therapeutic Recreational Manager from Charlottesville Parks and Recreation) the hanging of the VSA Art Exhibit at the Martin Luther King, Jr. Performing Arts Center. A group of McGuffey artists hang the show every year.

-Organized and facilitated projects with Jackson-Via Art Club

-Conducted an ARTPrint at Meriwether Lewis Elementary School: nine one-hour sessions

-Participated in an architectural study with UVA students designed to imagine and plan a repurposed McGuffey attic

-Performed workshop with the children at Henley Middle School

-Juried candidates for the Governor's School for the Humanities

-Gave a demonstration to residents at The Colonnades who are challenged with Alzheimer's

-Served as juror for community art show: C2D sponsored by Charlottesville's ArtInPlace and hosted at McGuffey

-Facilitated McGuffey's First Annual Figure Drawing Exhibit: artwork from McGuffey's community drawing sessions

-Hosted Fashion Club from UVA, a collaborative installation at the Tom Tom Festival



- Exhibited work at an event for David Toscano
- Partnered with a UVA art mentoring program in studio workshops
- Served on the Virginia Arts for the Book Coordinating Committee
- Gave workshop to students at the Waynesboro School of Welding
- Gave a presentation to an art class at Randolph College
- Directed *Luminaria*, a group which cultivates a place where family, culture, and community coalesce through performance and visual arts
- Worked on a project combining creativity with community in the Monticello Road area, this year offered free on-the-spot portraits at a photo booth at the Belmont Bash; photos were added to an on-going pop-up slide show called *People of Monticello Road*
- Served on the TOM TOM festival Arts Committee
- Judged the K-12 Earth Day Art Contest & Exhibit
- Presented two classes at Virginia Association for Health, Physical Education, Recreation, and Dance and attended and sponsored programming for the American College Dance Association, George Mason University
- Did a painting demonstration at the Scottsville Center for Arts and Nature
- Gave a presentation and workshop at The Art Guild of Greene's Art Caucus, Winter, 2014
- Designed and produced original screen printed T-shirts promoting a 300 mile bike ride by J. Kett. T-shirts and bike ride raised over \$6K for cancer research
- Organized two art shows of student work at local restaurant



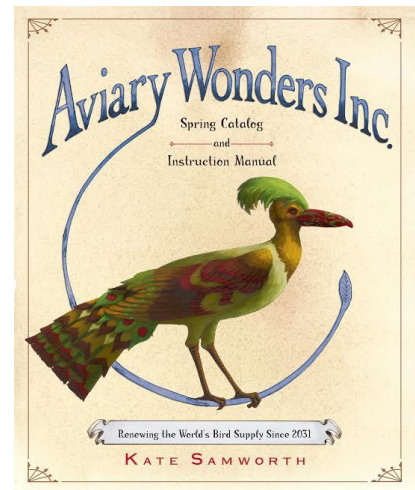
ACCOLADES: A SAMPLE OF ARTIST ACHEIVEMENTS



Russell Richards spoke about his vertical garden concept for the Landmark building in front of an audience of over a thousand people. This presentation streamed live online during the sold-out TEDx Charlottesville event at the Paramount Theater in November.

Los Angeles Times:

"The first-ever Kirkus Prize winners were announced Thursday in Austin, Texas; each gets \$50,000. The prize for young readers' literature, which spans children's, middle grade and young adult books, goes to artist and first-time author **Kate Samworth**. *Aviary Wonders Inc.* is a picture-book story that uses the form of mail-order catalogs to, as the Kirkus judges write, 'confront environmental issues in a clever and whimsical way.' *Aviary Wonders Inc.* is by far one of the most creative books we have ever encountered."

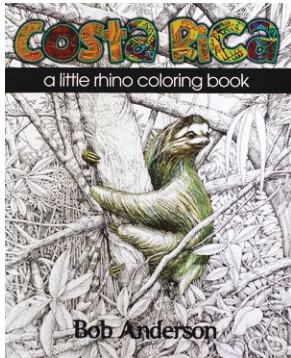


Juror Jen Mergel, Senior Curator of Contemporary Art Boston Museum of Fine Arts, awarded Virginia Museum of Fine Art Professional Fellowships to two McGuffey members: **Will May**, Photographer and **Charles Peale**, Mixed media Artist.

Left: *Potts in the Four Corners* by Charles Peale

Charles Hall was honored with the title of State Ambassador of Glass for 2014 by the Artisans Center of Virginia. *The Daily Progress* published a two page feature story about the master glass blower. His class instruction was listed in C-Ville's Best of Awards in 2014.

Lee Alter received the Welcome Book Gold Award for Best Local Artist.



Bob Anderson also received a Welcome Book Award and was featured in The Daily Progress in an article by David Maurer: "Coloring Books Combine Artist's Eye, Architect's Sensibilities, and Conservationist's Passion." Bob also received coverage in a local NPR interview for his Artist-In-Residency at the Piro Biological Research Station in Costa Rica.

Stacey Evans participated in the Albemarle County Artist-In-Residence Program

Robert Bricker interviewed Mayor Huja for the National Art Museum Of China Journal.

Margaret Embree received the Judge's Award for Second Place in the ArtinPlace C2D Exhibit.

Estela Knott received a Charlottesville Family Favorites Award for best teacher.

Jeannine Regan's encaustic piece, *A Little Night Music*, was recognized by Juror Laura Roulet in the 6th Annual Juried Show at Riverviews Artspace, Lynchburg, Virginia.

Susan Wiesner was invited to give presentations in Oxford, England and Vancouver, Canada.

Renee Balfour was awarded First place at the Blue Ridge Sculpture Competition.

Ninni Baeckstrom was commissioned by Jack Jouett to create a mosaic entryway.

Janet Nault received an honorable mention from VMFA's Sylvia Yount at the Park Gables Gallery Annual Juried Exhibit in Harrisonburg for her collaged *Isle of Northern Lights*.



Chee Kludt Ricketts received two awards in state-wide juried exhibitions: The Award of Distinction in the Virginia Watercolor Society's 35th Annual Juried Exhibition at The Academy of Art, Lynchburg, VA for her watercolor *In the Presence of the Sublime*. She earned the Award of Excellence at the Central Virginia Watercolor Guild's 23rd Annual Juried Exhibition, McGuffey Art Center, Charlottesville, VA for a watercolor painting entitled *Under the Dome of Heaven*.

DONATIONS OF ARTWORK

The following are some of the organizations McGuffey artists supported this year through donations of art:

- Books Donated to Toys for Tots
- Autism Foundation in Lynchburg
- Second Street Gallery
- Rockfish Wildlife Center
- Charlottesville Catholic School Auction
- Philadelphia Photo Reviews Auction
- Virginia Arts of the Book Center
- Waldorf School
- Meier Museum of Art, Randolph College
- Ash Lawn Opera
- Piedmont Council for the Arts
- The Haven
- New City Arts
- Congregation Beth Israel
- Peabody School
- Meriwether Lewis Elementary School

CURRENT EXECUTIVE COUNCIL

REBEKAH WOSTREL - PRESIDENT

DAVID BERZONSKY - FIRST VICE PRESIDENT

ERIC CALDWELL - SECOND VICE PRESIDENT

JUDY MCLEOD - SECRETARY

MARGARET EMBREE - TREASURER

CURRENT MEMBERS

Abbot, Isabelle	Coles, Jessie	Gregory, Elizabeth
Adeboye, Bolanle	Crawford, Elizabeth	Gusler, Cyndi
Allen, Peter	Crist, Frederic	Hall, Charles
Alter, Lee	Cross, Charlene	Hall, Snowden
Anderson, Bob	Csorba, Rose	Halstead, Lee
Anderson, Dominique	Diamond, Lindsay Heider	Hamilton, Margo
Angelhart, Jane Paul	Dingledine, Karyn	Hancock, John
Anselm, Klaus	Dodson, Gray	Heintz, June
Arbaugh, Edith	Eichorst, Aaron	Henry, Jim
Baekstrom, Ninni	Embree, Margaret	Hill, Rose
Balfour, Renee	Endres, Stephen	Hitzeman, Salena
Bass, Nancy	Evans, John Borden	Holen, Orion
Berzonsky, Dave	Evans, Ron	Hubin, James
Bill, Randy	Evans, Stacey	Hurt, Blake
Borszich, Dave	Faith, Andy	Hvatum, Randi
Boudoiron-Laporte, Arnaud	Fishman, Steve	Jensen, Jill
Bradbeer, Wilma	Fitts, Michael	Jones, Jean
Braun, Robin	Florence, Ashley	Jones, Joel
Breckenridge, Polly	French, Eileen	Kars-Marshall, Cri
Breeden, Janice	Galloway, Bruce	Kayser, Kathy
Bricker, Robert	Galloway, Nancy	Kelley-Wagner, Kim
Brownstein, Mary	Gastinger, Lara Call	Kerner, Will
Burke, Cindy	Geiger, Michelle	Kerttula, Jill
Cabell, Joan	Grant, Carol	Kindermann, Kurt
Caldwell, Eric	Graves, Rebekah	Kirschnick, Tamra Harrison
Casey, Rosamond	Green, Sarah	Knott, Estela

Krebs, Peter
Kudravetz, McCrea
LaFlamme, Kristin
Lay, Peggy
Leonard, Davette
Levin, Etta Harmon
Liscouski, Amanda
Liszt, Miki
Lonergan, Kelly
Lunsford, Fleming
Maguire, Catherine (Cat)
Mauzy, Bill
McConnell, Zap
McLean, Grey
McLeod, Judy
Mears, Lindsey
Megibow, Anne
Merkel, Julia
Mitchell, Gloria
Mitchell, Marcia
Mocahbee, Marti
Mortell, Susan
Motley, Nathan
Mulligan, Michelle

Nault, Janet Grahame
Naeem, Hina
Nolley, Phillip
Northington, Susan
Oba, Toru
Oberg, Lindsey
Osvalds, Vee
Patrick, Susan
Peale, Charles
Peck, Reba
Pezzoli, Suzan
Regan, Jeannine
Respass, Jim
Reynolds, Liz
Rhoden, Kerney
Riccio, Frank
Richards, Russell
Ricketts, Chee Kludt
Roebuck, Rhonda
Rothwell, Nan
Sampson, Jean
Samworth, Kate
Schramel, Cheri
Singel, Karen

Skafta, Jane
Slaughter, Anne
Smith, Ashlin
Smith, Scott
Soderlund, Joan
Supraner, Scott
Taylor, Steve
Thruston, Jeff
Townsend, Krista
Trippel, John J.
Turquoise-Freeman, Brigitte
Ubilla, Guillermo
Verkerke, Tracy
Versluys, Kathy Plunket
Visualabs Collective
Weber-Gilkey, Sonja
Whitehill, Murray
Whitlock, Priscilla
Weisner, Susan
Williams, Lillie
Wolf, Steve
Wostrel, Rebekah

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	October 19, 2015
Action Required:	Public Hearing/Ordinance
Presenter:	Doug Ehman, Parks Division Manager, Parks and Recreation
Staff Contacts:	Doug Ehman, Parks Division Manager, Parks and Recreation
Title:	Designation of Trees per the Tree Conservation Ordinance

Background:

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

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

Attached are four trees forwarded for designation under this program. All are large white oaks found in East McIntire Park, two in proximity to the proposed skate park and two near the top of the hill. A map is attached and these are trees 1-4. All four are proposed for designation as specimen trees.

Pursuant to section 18-9(b)(2) Council is required to conduct a public hearing on these requests and pass an ordinance if the designation is to be given. The Tree Commission and City Arborist findings along with the original applications and departments of Neighborhood Development Services and Public Works reviews are attached.

Discussion:

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

The program is voluntary in nature and requires that all public tree nominations originate with the Tree Commission while private trees may only be nominated only by the owner of the property on which the tree resides. The nomination then undergoes a review by the City Arborist as to condition and verification of species, Neighborhood Development Services to determine if the tree could be impacted by any anticipated development and Public Works for an assessment of impact from any known or anticipated maintenance or construction activity. The Tree Commission then considers all these findings and makes a determination whether or not to forward the nomination to the City Council on a quarterly basis. The four nominations requested for consideration have been through this exhaustive process.

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

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

Upon designation the ordinance notes that:

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

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

Alignment with Council Vision Areas and Strategic Plan:

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

Community Engagement:

There has been no extensive community engagement on these four proposed designations; however, during the master planning process for East McIntire Park the community was adamant about the preservation of large specimen trees such as this.

Budgetary Impact:

There is not anticipated budgetary impact.

Recommendation:

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

Alternatives:

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

Attachments:

Attachment 1	Tree Number 1 East McIntire Park application
Attachment 2	Tree Number 1 East McIntire Park NDS review
Attachment 3	Tree Number 1 East McIntire Park Public Works review
Attachment 4	Tree Number 1 East McIntire Park City Forester review
Attachment 5	Tree Number 1 East McIntire Park Tree Commission Review
Attachment 6	Tree Number 2 East McIntire Park application
Attachment 7	Tree Number 2 East McIntire Park NDS review
Attachment 8	Tree Number 2 East McIntire Park white oak Public Works review
Attachment 9	Tree Number 2 East McIntire Park white oak City Forester review
Attachment 10	Tree Number 2 East McIntire Park white oak Tree Commission Review
Attachment 11	Tree Number 3 East McIntire Park application
Attachment 12	Tree Number 3 East McIntire Park NDS review
Attachment 13	Tree Number 3 East McIntire Park Public Works review
Attachment 14	Tree Number 3 East McIntire Park City Forester review
Attachment 15	Tree Number 3 East McIntire Park Tree Commission Review
Attachment 16	Tree Number 4 East McIntire Park application
Attachment 17	Tree Number 4 East McIntire Park NDS review
Attachment 18	Tree Number 4 East McIntire Park Public Works review
Attachment 19	Tree Number 4 East McIntire Park City Forester review
Attachment 20	Tree Number 4 East McIntire Park Tree Commission Review
Attachment 21	Map of East McIntire Park Tree 1-4 locations

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

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

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

WHEREAS, the Tree Commission has nominated and recommends that four (4) White Oak trees in McIntire Park be designated as Specimen Trees, and the City Arborist concurs with the recommendation; and

WHEREAS, City Council has considered the report and recommendation of the City Arborist and the Tree Commission, and conducted a public hearing on October 19, 2015; now, therefore,

BE IT ORDAINED by the Council for the City of Charlottesville that the above-described White Oak trees, located in McIntire Park, located as shown on the attached map, are hereby designated as Specimen Trees.

ATTACHMENT 1

Tree Conservation - Nomination Form

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

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

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

Application Number: 005

Date Received: 07/27/2015

Nominator: Name (Print) Elizabeth Waters
E-Mail: bitsywaters420@gmail.com
Phone: 434-293-9646
Signature:

Tree to be nominated:

Address: East McIntire Park, Oak Tree #1

Location description (if address unknown: Please include sketch below if needed). Sent under separate cover

Common name or Latin name of tree (if known): Eastern White Oak, Quercus Alba

GPS N:38.04538 W: 78.47754 This large white oak tree is located just outside the old swimming area fence adjacent to the former golf course building. It would have been located southwest of the old Mason family home. It can be found on a map prepared by Tree Commission member John Schmidt using a Drapen Aden base map and is identified as tree #1.

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

Designation Requested (check one):

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

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

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

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

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

This is one of the finest specimen oak trees located in McIntire Park. It is located to the front of the park and is visible from the 250 By-Pass. The tree should be eligible as either a heritage or specimen tree, but because of its size and condition, the specimen tree designation is recommended.

East McIntire Park, located north of the 250 By-Pass and west of the Norfolk Southern railway track is home to a collect of specimens oak trees that date to the late 19th century when this land was part of a home and farm complex that belonged to the Mason family. In the 1920s, the Mason Farm was purchased with the assistance of philanthropist Paul Goodloe McIntire to become a large central park for the City of Charlottesville.

A full description of the history of this landscape can be found in a 2011 Historic American Landscape Survey commissioned by the VA Department of Historic Resources. VDHR #104-5139. The study indicates the Mason home was situated within a grove of trees and there was "a grove of old-growth hardwood trees growing along the central ridge" of the property.(pg.19) An aerial photo from July 1937 shows the old hardwood grover as well as the large cluster of trees closer to the 250 By-Pass (pg. 57)

The VDHR study refers to a 2008 survey of the property conducted by a team of students from the U. of Virginia that identified several possible champion tree candidates among the collection of old growth oaks located in the Park. It is likely that this proposed tree and others being nominated for protection in East McIntire were part of or early descendants of these original trees.

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

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

If Private Tree: Requested Received

Owner Affidavit: _____ _____

NDS Review: _____ _____

Public Works Review: _____ _____

All Nominations: Assigned Returned

Arborist Report Received: _____ _____

Commission Report Received: _____ _____

Recommendation Formulated: _____ _____

Action to Forward: _____ _____

Council Action Date: _____

Nominator Notified: _____

Owner Notified: _____

Loaded in GIS: _____

ATTACHMENT 2

Tree Conservation - NDS Report (Fillable fields expand)

Application Number: 005

Date Received: 7/27/2015

Date Assigned: 8/31/15

Date Returned: 9/11/15

Nominator: Name (Print): Elizabeth Waters
E-Mail: bitywaters420@gmail.com
Phone: 434-293-9646
Signature: _____

Please place address, description and location sketch of tree in box

East McIntire Park, Oak Tree #1, GPS N:38.04538 W: 78.47754, This large white oak tree is located just outside the old swimming area fence adjacent to the former golf course building. It would have been located southwest of the old Mason family home. It can be found on a map prepared by Tree Commission member John Schmidt using a Drapen Aden base map and is identified as tree #1. Location map sent under separate cover

Common Name or Latin Name of Tree (if known) Eastern White Oak, Quercus Alba

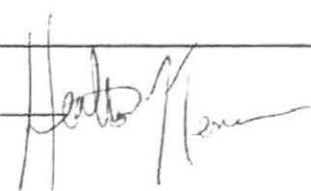
Are there any current, anticipated or

pending site, subdivision or similar development plans that could impact this tree? _____ If yes please detail below:

Charlottesville Parks and Recreation Department has submitted a site plan amendment application to Neighborhood Development Services with plans detailing an update to McIntire Skate Park as a follow up to the approved McIntire Park East Master Plan. The plan is currently in the departmental review stage. The plan denotes that during construction, measures are being taken to protect the existing tree grove, where East McIntire Tree #1 is located. Specifically, the plan states tree protection fencing shall entirely enclose the existing tree grove as indicated with means of access provided only for City mowing crews. Construction/demolition activities will not commence until the tree protection installation has been provided and approved by the City Parks Division Manager and engineer of record

Name (Printed) Heather Newmyer, City Planner

Signature: _____



Date: 9/11/15

ATTACHMENT 3

Tree Conservation-Public Works Report (all fields expand)

Application Number: 005

Date Received: 7/27/2015

Date Assigned: 8/31/15

Date Returned: _____

Nominator: Name: Elizabeth Waters
E-Mail: bitsywaters420@gmail.com
Phone: 434-293-9646
Signature: _____

Address of tree/and or description of location: East McIntire Park, Oak Tree #1, GPS N:38.04538 W: 78.47754

Add location sketch if needed:

This large white oak tree is located just outside the old swimming area fence adjacent to the former golf course building. It would have been located southwest of the old Mason family home. It can be found on a map prepared by Tree Commission member John Schmidt using a Drapen Aden base map and is identified as tree #1. Location map sent under separate cover

Common Name or Latin Name of Tree (if known) Eastern White Oak, Quercus Alba

Is there any roadwork, sidewalk, utility or rights-of-way work now active, planned or anticipated, that could impact this tree? No

No known utilities on attached plat except Gas Mains. Should work be required in the future on the Gas Main(s) for maintaining Public Safety or for any other reasons deemed necessary by Utilities, the City would utilize the exemptions provided for in the Tree Preservation Ordinance (Sec. 18-11) or any other exemptions allowable.

Name: Lauren Hildebrand
Director of Utilities

Signature: 

Date: September 14, 2015

ATTACHMENT 4

Tree Conservation - Arborist Report (all fields are fillable and expand)

Application Number: 005

Date Received: 7/27/2015

Date Assigned: 8/31/15

Date Returned: 9/14/2015

Verification of Information: Common Name: White Oak Genus/Species: Quercus Alba

DBH in inches: 51 Height in feet: 80 Average Crown Spread in feet: 110

General Condition: Poor Good Excellent

Narrative assessment, please note pluses and minuses of nominated trees:

tree rates 70 out of 100.

Overall in healthy condition -has a lean to the north, and has experienced some previous storm damage causing a ripped leader on the main trunk which has a decay column associated with this damage.

Designation Requested: Specimen

Is there any condition(s) that would preclude the tree's inclusion in the designated category requested?

none

Name (Printed) Timothy A. Hughes

Signature: TAH

Date: 9/9/2015

ATTACHMENT 5

Tree Conservation – Tree Commission Evaluation Form (all fields expand)

Application Number: 005 (EW#1)

Date Received: 7/27/2015

Date Assigned: 8/31/15

Date Returned:

Verification of Information:

Common Name: Eastern White Oak Genus/Species: Quercus Alba

Location: East McIntire Park, Oak Tree #1, GPS N:38.04538 W: 78.47754

Public: * Private:

DBH in inches: 49

Height in feet: 140

Average Crown Spread in feet: 120

General Condition: Poor Good Excellent

Designation Requested: Specimen

Narrative assessment, summary and recommendation:

This is a very large, free standing specimen tree with balanced branching all around located in the Eastern portion of McIntire Park. It leans slightly to the north.

The tree is located within one of the original oak groves documented to have been part of the Mason Farm which was on this property in the late 19th and early 20th centuries before it was acquired for city parkland. According to historical reports it is located in the vicinity of the site of the original Mason home. The tree is estimated to be between 150 and 200 years old. Full documentation of the history of this landscape can be found in a 2011 Historic American Landscape Survey commissioned by the VA Department of Historic Resources, VDHR #104-5139.

This tree is one of the remaining signature components of the cluster of large trees adjacent to East McIntire Park's boundary with the 250 By-Pass. It is located in close proximity to the proposed new skate park and will require careful protection during construction.

Recommend for designation.

Name:

Signature:

Date:

ATTACHMENT 6

Tree Conservation - Nomination Form

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

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

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

Application Number: 006

Date Received: 7/27/15

Nominator: Name (Print) Elizabeth Waters
E-Mail: bitsywaters420@gmail.com
Phone: 434-293-9646
Signature:

Tree to be nominated:

Address: East McIntire Tree #2 GPS N: 38.04513 W: 78.47739

Location description (if address unknown: Please include sketch below if needed). This is a large oak located inside the current fencing around the old swimming area in East McIntire Park. It is within the planning area for the new skate park and requires very careful protection during the construction process.

Common name or Latin name of tree (if known): Eastern White Oak

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

Designation Requested (check one):

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

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

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

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

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

This is one of the finest specimen oak trees in East McIntire Park and deserves protection and great care when the new skate park is contracted.

East McIntire Park, located north of the 250 By-Pass and west of the Norfolk Southern railway track, is home to a collection of specimen oak trees that date to the late 19th century when this land was part of a home and farm complex that belonged to the Mason family. In the 1920s, the Mason Farm was purchased with the assistance of philanthropist Paul Goodloe McIntire to become a large central park for the City of Charlottesville.

A full description of the history of this landscape can be found in a 2011 Historic American Landscape Survey commissioned by the VA Department of Historic Resources, VDHR #104=5139. The study indicates the Mason home was situated within a grove of trees and there was "a grove of old-growth hardwood trees growing along the central ridge" of the property. (pg19) An aerial photo from July 1937 shows the old hardwood grove as well as the large cluster of trees closer to the 250 By-Pass. (pg. 57.)

The VDHR study refers to a 2008 survey of the property conducted by a team of students from the U. of Virginia that identified several possible champion tree candidates among the collection of old growth oaks located near the center of the Park. It is likely that this proposed tree and others being nominated for protection in East McIntire, were part of or early descendants of these original groves.

Of all the trees nominated for protection, this one is closest to the front of the park and most visible from the 250 By-Pass. It should be eligible as either a heritage or specimen tree, but because of its size and condition, it is being nominated as a specimen tree.

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

Owner: Name (Print)

E-Mail: _____

Phone: _____

If Private Tree: Requested Received

Owner Affidavit : _____ _____

NDS Review: _____ _____

Public Works Review: _____ _____

All Nominations: Assigned Returned

Arborist Report Received: _____ _____

Commission Report Received: _____ _____

Recommendation Formulated: _____ _____

Action to Forward: _____ _____

Council Action Date: _____

Nominator Notified: _____

Owner Notified: _____

Loaded in GIS: _____

ATTACHMENT 7

Tree Conservation - NDS Report (Fillable fields expand)

Application Number: 006

Date Received: 7/27/15

Date Assigned: 8/31/15

Date Returned: 9/11/15

Nominator: Name (Print): Elizabeth Waters
E-Mail: bitsywaters420@gmail.com
Phone: 434-293-9646
Signature: _____

Please place address, description and location sketch of tree in box

East McIntire Tree #2 GPS N: 38.04513 W: 78.47739 Location sketch sent underseparate cover

Are there any current, anticipated or pending site, subdivision or similar development plans that could impact this tree? Yes If yes please detail below:

Charlottesville Parks and Recreation Department has submitted a site plan amendment application to Neighborhood Development Services with plans detailing an update to McIntire Skate Park as a follow up to the approved McIntire Park East Master Plan. The plan is currently in the departmental review stage. The plan denotes that during construction, measures are being taken to protect the existing tree grove, where East McIntire Tree #2 is located. Specifically, the plan states tree protection fencing shall entirely enclose the existing tree grove as indicated with means of access provided only for City mowing crews. Construction/demolition activities will not commence until the tree protection installation has been provided and approved by the City Parks Division Manager and engineer of record.

Name (Printed)Heather Newmyer, City Planner

Signature: 

Date: 9/11/15

ATTACHMENT 8

Tree Conservation-Public Works Report (all fields expand)

Application Number: 006

Date Received: 7/27/15

Date Assigned: 8/31/15

Date Returned: _____

Nominator: Name: Elizabeth Waters
E-Mail: bitywaters420@gmail.com
Phone: 434-293-9646
Signature: _____


Address of tree/and or description of location: East McIntire Tree #2 GPS N: 38.04513 W: 78.47739
Sketch sent under separate cover

Add location sketch if needed:

Is there any roadwork, sidewalk, utility or rights-of-way work now active, planned or anticipated, that could impact this tree? No

No known utilities on attached plat except Gas Mains. Should work be required in the future on the Gas Main(s) for maintaining Public Safety or for any other reasons deemed necessary by Utilities, the City would utilize the exemptions provided for in the Tree Preservation Ordinance (Sec. 18-11) or any other exemptions allowable.

Name: Lauren Hildebrand
Director of Utilities

Signature: 

Date: September 14, 2015

ATTACHMENT 9

Tree Conservation - Arborist Report (all fields are fillable and expand)

Application Number: 006

Date Received: 7/27/15

Date Assigned: 8/31/15

Date Returned: 9/14/2015

Verification of Information: Common Name: White Oak Genus/Species: Quercus Alba

DBH in inches: 45 Height in feet: 115 Average Crown Spread in feet: 93

General Condition: Poor Good Excellent

Narrative assessment, please note pluses and minuses of nominated trees:

East McIntire Tree #2 GPS N: 38.04513 W: 78.47739

Tree rates 90 out of 100

Excellent specimen -would benefit from a professional pruning

Designation Requested: Specimen

Is there any condition(s) that would preclude the tree's inclusion in the designated category requested?

none

Name (Printed) Timothy a. Hughes

Signature: TAH

Date: 9/9/2015

ATTACHMENT 10

Tree Conservation – Tree Commission Evaluation Form (all fields expand)

Application Number: 006 [EW#2]

Date Received: 07/27/15

Date Assigned: 8/31/15

Date Returned:

Verification of Information:

Common Name: Eastern White Oak Genus/Species: Quercus alba

Location: East McIntire Tree #2 GPS N: 38.04513 W: 78.47739 [47754 on EW nom]

Public: * Private:

DBH in inches: 45 Height in feet: 140 Average Crown Spread in feet: 90

General Condition: Poor Good Excellent

Designation Requested: Specimen

Narrative assessment, summary and recommendation:

This is a large specimen oak tree located within East McIntire Park in a cluster of other large trees near the old swimming complex. Despite the proximity of other trees, the tree is well developed.

The tree is located within one of the original oak groves documented to have been part of the Mason Farm which was on this property in the late 19th and early 20th centuries before it was acquired for city parkland. According to historical reports it is located in the vicinity of the site of original Mason home and farm complex. The tree is estimated to be between 150 and 200 years old and is in excellent condition. Full documentation of the history of this landscape and these trees can be found in a 2011 Historic American Landscape Survey commissioned by the VA Department of Historic Resources, VDHR #104-5139.

This tree is one of the remaining signature components of the cluster of large trees adjacent to East McIntire Park's boundary with the 250 By-Pass. It is located in very close proximity to the proposed new skate park and will require careful protection during construction.

Recommend for designation.

Name:

Signature:

ATTACHMENT 11

Tree Conservation - Nomination Form

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

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

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

Application Number: 007

Date Received: 7/27/15

Nominator: Name (Print) Elizabeth Waters
E-Mail: bitsywaters420@gmail.com
Phone: 434-293-9646
Signature:

Tree to be nominated:

Address: East McIntire Tree #3

Location description (if address unknown: Please include sketch below if needed). This tree is located in a large open area near the crest of the knoll in the middle of East McIntire Park. GPS N:38.04572, W: 47558

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

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

Designation Requested (check one):

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

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

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

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

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

) This is a "field oak" or "wolf tree", free standing in what was formerly the East McIntire golf course. Because it has had no competition, it is fully developed and is one of the largest trees in the park. It stands out as a landmark on the landscape. It's location would have been in close proximity to the original Mason home on the property. It could be eligible as either a specimen or heritage tree but given its size, symmetry and excellent health the specimen tree category has been chosen.

East McIntire Park, located north of the 250 By-Pass and west of the Norfolk Southern railway track, is home to a collection of specimen oak trees that date to the late 19th century when this land was part of a home and farm complex that belonged to the Mason family. In the 1920s, the Mason Farm was purchased with the assistance of philanthropist Paul Goodloe McIntire to become a large central park for the City of Charlottesville.

A full description of the history of this landscape can be found in a 2011 Historic American Landscape Survey commissioned by the VA Department of Historic Resources, VDHR #104=5139. The study indicates the Mason home was situated within a grove of trees and there was "a grove of old-growth hardwood trees growing along the central ridge" of the property. (pg19) An aerial photo from July 1937 shows the old hardwood grove as well as the large cluster of trees closer to the 250 By-Pass. (pg. 57.)

The VDHR study refers to a 2008 survey of the property conducted by a team of students from the U. of Virginia that identified several possible champion tree candidates among the collection of old growth oaks located near the center of the Park. It is likely that this proposed tree and others being nominated for protection in East McIntire, were part of or early descendants of these original groves.

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

Owner: Name (Print)
 E-Mail:

Phone:

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

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

Nominator Notified: _____

Owner Notified: _____

Loaded in GIS: _____

ATTACHMENT 12

Tree Conservation - NDS Report (Fillable fields expand)

Application Number: 007

Date Received: 7/27/15

Date Assigned: 8/31/15

Date Returned: 9/11/15

Nominator: Name (Print): Elizabeth Waters
E-Mail: bitywaters420@gmail.com
Phone: 434-293-9646
Signature: _____

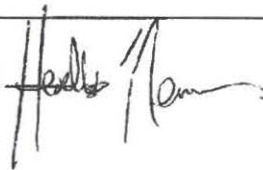
Please place address, description and location sketch of tree in box

East McIntire Tree #3 This tree is located in a large open area near the crest of the knoll in the middle of East McIntire Park. GPS N:38.04572, W: 47558 Location sketch sent under separate cover

Are there any current, anticipated or pending site, subdivision or similar development plans that could impact this tree? No If yes please detail below:

[Empty box for detailing development plans]

Name (Printed) Heather Newmyer, City Planner

Signature: 

Date: 9/11/15

ATTACHMENT 13

Tree Conservation-Public Works Report (all fields expand)

Application Number: 007

Date Received: 7/27/15

Date Assigned: 8/31/15

Date Returned: _____

Nominator: Name: Elizabeth Waters
E-Mail: bitsywaters420@gmail.com
Phone: 434-293-9646
Signature: _____

Address of tree/and or description of location: East McIntire Tree #3 This tree is located in a large open area near the crest of the knoll in the middle of East McIntire Park. GPS N:38.04572, W: 47558 Location sketch sent under separate cover

Add location sketch if needed:

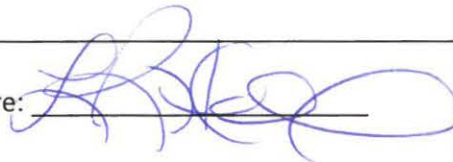
Sent under separate cover

Is there any roadwork, sidewalk, utility or rights-of-way work now active, planned or anticipated, that could impact this tree? No

No known utilities on attached plat except Gas Mains. Should work be required in the future on the Gas Main(s) for maintaining Public Safety or for any other reasons deemed necessary by Utilities, the City would utilize the exemptions provided for in the Tree Preservation Ordinance (Sec. 18-11) or any other exemptions allowable.

Name: Lauren Hildebrand
Director of Utilities

Signature: _____



Date: September 14, 2015

ATTACHMENT 14

Tree Conservation - Arborist Report (all fields are fillable and expand)

Application Number: 007

Date Received: 7/27/15

Date Assigned: 8/31/17

Date Returned: 9/14/2015

Verification of Information: Common Name: White Oak Genus/Species: Quercus alba

DBH in inches: 58 Height in feet: 65 Average Crown Spread in feet: 123

General Condition: Poor Good Excellent

Narrative assessment, please note pluses and minuses of nominated trees:

Tree rates 70 out of 100.

Very healthy white oak with spreading habit. Shows past storm damage on some large branches but follow-up pruning looks good.

Designation Requested: Specimen

Is there any condition(s) that would preclude the tree's inclusion in the designated category requested?

none

Name (Printed) Timothy A. Hughes

Signature: TAH

Date: 9/9/2015

ATTACHMENT 15

Tree Conservation – Tree Commission Evaluation Form (all fields expand)

Application Number: 007 [EW#3]

Date Received: 7/27/15

Date Assigned: 8/31/15

Date Returned:

Verification of Information:

Common Name: White Oak Genus/Species: Quercus alba

Location: East McIntire Tree #3 This tree is located in a large open area near the crest of the knoll in the middle of East McIntire Park. GPS N:38.04572, W: 47558 Location sketch sent under separate cover

Public: * Private:

DBH in inches: 58

Height in feet: 100

Average Crown Spread in feet: 120

General Condition: Poor Good Excellent

Designation Requested: Specimen

Narrative assessment, summary and recommendation:

This is a large white oak located on the central knoll in the East Side of McIntire Park. It is an almost fully independent tree, or wolf tree, symmetrically developed on all sides. Its branches have a wide reach giving it a particularly broad canopy for a tree of its size. There is some modest die-back at the top. It is nominated as a specimen tree but could be eligible as a heritage tree given the history of the park.

East McIntire Park, located north of the 250 By-Pass and west of the Norfolk Southern railway track, is home to a collection of specimen oak trees that date to the late 19th century when this land was part of a home and farm complex that belonged to the Mason family. In the 1920s, the Mason Farm was purchased with the assistance of philanthropist Paul Goodloe McIntire to become a large central park for the City of Charlottesville. A full description of the history of this landscape can be found in a 2011 Historic American Landscape Survey commissioned by the VA Department of Historic Resources, VDHR #104=5139. The study indicates the Mason home was situated within a grove of trees and there was “a grove of old-growth hardwood trees growing along the central ridge” of the property (pg. 19). An aerial photo from July 1937 shows the old hardwood grove as well as the large cluster of trees closer to the 250 By-Pass. (pg. 57).

The VDHR study refers to a 2008 survey of the property conducted by a team of students from the U. of Virginia that identified several possible champion tree candidates among the collection of old growth oaks located near the center of the Park. It is likely that this proposed tree and others being nominated for protection in East McIntire, were part of or early descendants of these original groves.

ATTACHMENT 16

Tree Conservation - Nomination Form

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

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

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

Application Number: 008

Date Received: 7/27/15

Nominator: Name (Print) Elizabeth Waters
E-Mail: bitsywaters420@gmail.com
Phone: 434-293-9646

Signature:

Tree to be nominated:

Address: East McIntire Park, Tree #4

Location description (if address unknown: Please include sketch below if needed). This is a large white oak located toward the rear of the former McIntire Park gold course. It is free standing giving it space to become a large, symmetrically developed tree. GPS: N: 38.04659. W:78.47449

Common name or Latin name of tree (if known): White Oak, Quercus alba

Location Sketch sent under separate cover.

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

Designation Requested (check one):

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

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

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

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

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

This is a very large white oak tree located at the northern edge of the historic hardwood grove in East McIntire Park. Because of its size and condition, it is being nominated as a specimen tree, although it could also be eligible as a heritage tree.

East McIntire Park, located north of the 250 By-Pass and west of the Norfolk Southern railway track, is home to a collection of specimen oak trees that date to the late 19th century when this land was part of a home and farm complex that belonged to the Mason family. In the 1920s, the Mason Farm was purchased with the assistance of philanthropist Paul Goodloe McIntire to become a large central park for the City of Charlottesville.

A full description of the history of this landscape can be found in a 2011 Historic American Landscape Survey commissioned by the VA Department of Historic Resources, VDHR #104=5139. The study indicates the Mason home was situated within a grove of trees and there was "a grove of old-growth hardwood trees growing along the central ridge" of the property. (pg19) An aerial photo from July 1937 shows the old hardwood grove as well as the large cluster of trees closer to the 250 By-Pass. (pg. 57.)

The VDHR study refers to a 2008 survey of the property conducted by a team of students from the U. of Virginia that identified several possible champion tree candidates among the collection of old growth oaks located near the center of the Park. It is likely that this proposed tree and others being nominated for protection in East McIntire, were part of or early descendants of these original groves.

This tree is probably one of the finest specimens remaining in the location of the old hardwood grove.

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

Owner: Name (Print)

E-Mail:

Phone:

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

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

Nominator Notified: _____

Owner Notified: _____

Loaded in GIS: _____

ATTACHMENT 17

Tree Conservation - NDS Report (Fillable fields expand)

Application Number: 008

Date Received: 7/27/15

Date Assigned: 8/31/15

Date Returned: 9/11/15

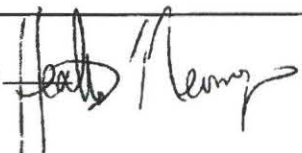
Nominator: Name (Print): Elizabeth Waters
E-Mail: bitywaters420@gmail.com
Phone: 434-293-9646
Signature: _____

Please place address, description and location sketch of tree in box

East McIntire Park, Tree #4 This is a large white oak located toward the rear of the former McIntire Park gold course. It is free standing giving it space to become a large, symmetrically developed tree. GPS: N: 38.04659. W:78.47449 Location sketch sent under separate cover

Are there any current, anticipated or pending site, subdivision or similar development plans that could impact this tree? No If yes please detail below:

Name (Printed) Heather Newmyer, City Planner

Signature: 

Date: 9/11/15

ATTACHMENT 18

Tree Conservation-Public Works Report (all fields expand)

Application Number: 008

Date Received: 7/27/15

Date Assigned: 8/31/15

Date Returned: _____

Nominator: Name: Elizabeth Waters
E-Mail: bitsywaters420@gmail.com
Phone: 434-293-9646
Signature: _____

Address of tree/and or description of location: This is a large white oak located toward the rear of the former McIntire Park gold course. It is free standing giving it space to become a large, symmetrically developed tree. GPS: N: 38.04659. W:78.47449

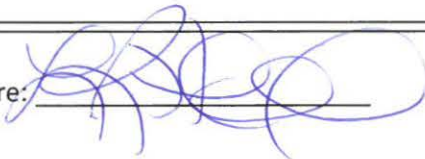
Add location sketch if needed:

Location Sketch sent under separate cover

Is there any roadwork, sidewalk, utility or rights-of-way work now active, planned or anticipated, that could impact this tree? No

No known utilities on attached plat except Gas Mains. Should work be required in the future on the Gas Main(s) for maintaining Public Safety or for any other reasons deemed necessary by Utilities, the City would utilize the exemptions provided for in the Tree Preservation Ordinance (Sec. 18-11) or any other exemptions allowable.

Name: Lauren Hildebrand
Director of Utilities

Signature: 

Date: September 14, 2015

ATTACHMENT 19

Tree Conservation - Arborist Report (all fields are fillable and expand)

Application Number: 008

Date Received: 7/27/15

Date Assigned: 8/31/15

Date Returned: 9/14/2015

Verification of Information: Common Name: white oak Genus/Species: Quercus alba

DBH in inches: 52 Height in feet: 95 Average Crown Spread in feet: 98

General Condition: Poor Good Excellent

Narrative assessment, please note pluses and minuses of nominated trees:

Tree rates 90 out of 100

Excellent specimen of the species- very healthy

Designation Requested: specimen

Is there any condition(s) that would preclude the tree's inclusion in the designated category requested?

none

Name (Printed) Timothy A. Hughes

Signature: TAH

Date: 9/9/2015

ATTACHMENT 20

Tree Conservation – Tree Commission Evaluation Form (all fields expand)

Application Number: 008 [EW#4]

Date Received: 7/27/15

Date Assigned: 8/31/15

Date Returned:

Verification of Information:

Common Name: White Oak Genus/Species: Quercus alba

Location: This is a large white oak located toward the rear of the former McIntire Park gold course. It is free standing giving it space to become a large, symmetrically developed tree. GPS: N: 38.04659. W:78.47449

Public: * Private:

DBH in inches: 51 Height in feet: 100 Average Crown Spread in feet: 120

General Condition: Poor Good Excellent

Designation Requested: Specimen

Narrative assessment, summary and recommendation:

This is another free standing, wolf or field tree, fully developed and very large. It is located at the northern end of East McIntire Park in the vicinity of the hardwood grove documented on this site prior to the time it became a city park. It is nominated as a specimen tree but would be eligible as a heritage tree as well given the history of the site.

East McIntire Park, located north of the 250 By-Pass and west of the Norfolk Southern railway track, is home to a collection of specimen oak trees that date to the late 19th century when this land was part of a home and farm complex that belonged to the Mason family. In the 1920s, the Mason Farm was purchased with the assistance of philanthropist Paul Goodloe McIntire to become a large central park for the City of Charlottesville. A full description of the history of this landscape can be found in a 2011 Historic American Landscape Survey commissioned by the VA Department of Historic Resources, VDHR #104=5139. The study indicates the Mason home was situated within a grove of trees and there was "a grove of old-growth hardwood trees growing along the central ridge" of the property (pg. 19). An aerial photo from July 1937 shows the old hardwood grove as well as the large cluster of trees closer to the 250 By-Pass (pg. 57).

The VDHR study refers to a 2008 survey of the property conducted by a team of students from the University of Virginia that identified several possible champion tree candidates among the collection of old growth oaks located near the center of the Park. It is likely that this proposed tree and others being nominated for protection in East McIntire, were part of or early descendants of these original groves.

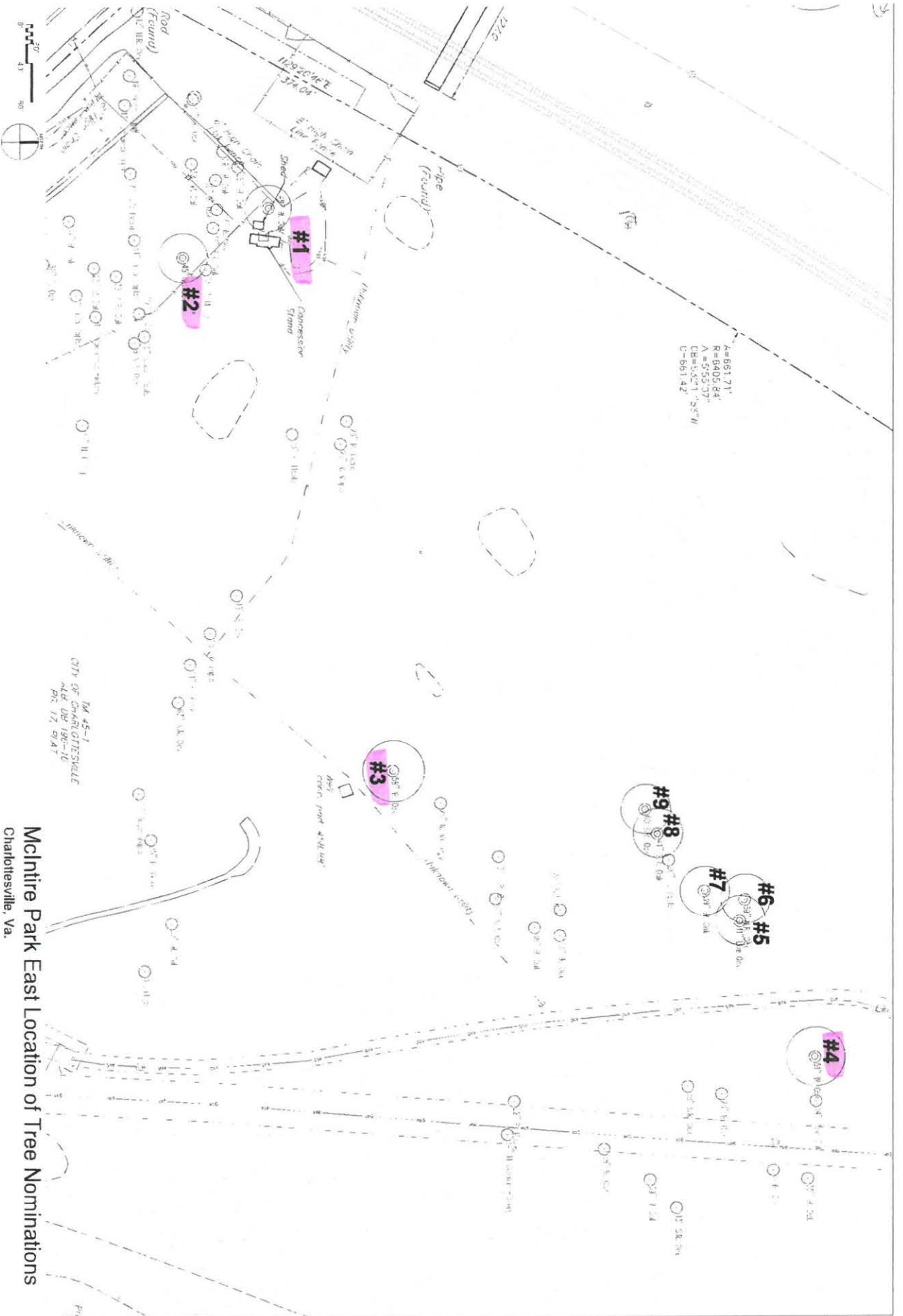
This tree appears to be in excellent health and is one of the true specimens located in the east side of the park.

Name:

Signature:

Date:

ATTACHMENT 21 TREE LOCATION MAP



McIntire Park East Location of Tree Nominations
 Charlottesville, Va.

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



Agenda Date:	October 5, 2015
Action Required:	Ordinance
Presenter:	Brian Daly, Parks and Recreation Department Director
Staff Contacts:	Craig Brown, City Attorney Brian Daly, Parks and Recreation Department Director
Title:	Proposed Ordinance - Ragged Mountain Natural Area Rules of Use

Background:

Ragged Mountain Natural Area (RMNA) is a water supply property owned by the City since the 1800's with water related operations being managed by the Rivanna Water and Sewer Authority. With the reopening of RMNA last year there is a great desire upon the part of the community to allow certain activities at RMNA that were 'prohibited' under the arrangement where the Ivy Creek Foundation (ICF) managed the property for the City, an arrangement that dates back almost 25 years. Certain activities such as running, walking your dog, or riding a bicycle were not permitted under that arrangement, much to the consternation of many during that time. During the planning for and the construction of the new dam, we had lengthy discussions with the ICF Board regarding their desire or non-desire to continue management responsibilities at RMNA. They ultimately chose to not re-assume those responsibilities and City Parks and Recreation has taken on the work of trail building, interacting with RWSA on site issues and coordinating extensive volunteer work on the trails.. City P&R will continue the management responsibility of the land into the future. Based on that feedback, we are proposing changes to the currently posted rules at RMNA.

Discussion:

The Department of Parks and Recreation believes more users can be accommodated at RMNA without undue impact to the resources on the site. Staff have engaged the local naturalist community to undertake an eco-survey/bio-blitz of the property to identify any special or unique habitat or geological areas either to be avoided to ensure protection of the resource, or to be brought to people's attention as environmental educational opportunities along the trails. The results of this study will inform how the Department constructs and maintains any trails or amenities such as benches or overlooks. With proper design and management, the area can be treated like all other City parks in terms of uses allowed, with the only limitations being related to the water supply lake (i.e. no swimming or gasoline motors allowed). Albemarle County Parks and Recreation staff concurs with this proposed ordinance, as indicated in a letter from Robert Crickenberger, Director of Parks and Recreation for Albemarle County. The letter is included as Attachment 3.

Alignment with City Council's Vision and Strategic Plan:

The proposed rule changes support the City Council's "Green City" and "America's Healthiest

City” visions.

Charlottesville City Council Vision 2025: A Green City :

"Charlottesville citizens live in a community with a vibrant urban forest, tree-lined streets, and lush green neighborhoods. We have an extensive natural trail system, along with healthy rivers and streams. We have clean air and water, we emphasize recycling and reuse, and we minimize stormwater runoff. Our homes and buildings are sustainably designed and energy efficient."

America's Healthiest City

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

Community Engagement:

In November 2014, staff held a community engagement meeting that was very well attended, as well as accepted comments via phone and email, and the overwhelming desire centered around several activities:

- Permitting trail running
- Permitting dogs to be on leash
- Permitting biking
- Creating shared use trails
- Identifying areas for trails that are predominately for mountain biking, or just hiking, separated from the remaining trails
- Consistent application of rules across the park system as Ragged Mountain is considered a park by the large majority of the community

We as a staff agree with these positions advocated by the community and believe it is important that our rules be applied consistently across the system. We do not prohibit running, dogs or bicycles anywhere else in the park system and we feel that Ragged Mountain should operate in the same manner.

Budgetary Impact:

This report has no impact on the General Fund.

Recommendation:

Staff recommends approval of the ordinance to enact rules of use at Ragged Mountain Natural Area to allow bicycles, jogging, and on-leash dogs.

Attachments:

Attachment 1 – Proposed Ordinance – Ragged Mountain Natural Area Rules of Use

Attachment 2 - Comments received at public meeting and via email/phone

Attachment 3 – Letter from Albemarle County Parks and Recreation staff

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

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

ARTICLE III. RAGGED MOUNTAIN NATURAL AREA RULES OF USE

Sec. 18-21. Authority.

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

Sec. 18-22. Purpose.

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

Sec. 18-23. Definition.

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

Sec. 18-24. Authorized activities.

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

- (a) Hiking and jogging on designated trails, picnicking and birdwatching;
- (b) Dog walking, provided that dogs shall be kept on a leash and under control at all times, and that the person having care or custody of a dog shall remove any feces of such dog promptly from the Natural Area and dispose of it in a sanitary manner;
- (c) Bicycling on designated trails;
- (d) Kayaking, canoeing, and boating on the Reservoir; the use of electric motors is permitted, but gasoline marine motors are prohibited, except when used by the Rivanna Water and Sewer Authority employees, agents, and contractors for purposes related to the maintenance or surveillance of the dam and the water supply; and,
- (e) Fishing that is conducted in compliance with all state regulations and licensing requirements.

Sec. 18-25. Prohibited activities.

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

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

Sec. 18-26. Natural Area Hours.

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

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

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

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

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

ATTACHMENT 2

**Ragged Mountain Rules of Use
Public Input November 2014
(via email and phone)**

Please take the time to consider allowing trail runners and mountain bikers to enjoy the beauty of the Ragged Mountain Natural Area trails. Trail Runners are a responsible user group and put no more impact on the trails than hikers. While Mountain biking does increase erosion the trail work done by local mountain bike groups far exceeds any impact.

I wanted to take this opportunity to let you know that I oppose the no running rule at Ragged Mountain. I understand that we all want peace and tranquility, and can understand no vehicular traffic, like no mountain biking. But that foot traffic is limited to slow foot traffic is over reaching. What if I jog slower than you walk? Is speed walking allowed?

I am strongly in favor of a rule change that would allow jogging on the Ragged Mountain Natural Area trails. As I recall, the rationale to disallow jogging was to prohibit anything that might disrupt the ambience, but I disagree with the idea that running on the trails would do so. Indeed, my experience suggests very strongly that trail runners in the community are most respectful and care very deeply about the natural resources in Charlottesville. It is my sincere hope that the beautiful trails there will be opened up for joggers/runners to enjoy!

I am strongly in favor of a rule change that would allow jogging on the Ragged Mountain Natural Area trails. I understand the rationale to disallow jogging is to prohibit anything that might disrupt the ambience, but I disagree with the idea that running on the trails would do so.

I have been a resident of the area for 18 years, and 3 years ago I started trail running, during that period I have seen more bear and other wildlife during trail running activities than in my previous 15 years as a hiker and trail walker. I even saw a bald eagle while running the Old Mills Trail two weeks ago. It is my sincere hope that the beautiful trails there will be opened up for joggers/runners to enjoy!

I am a 63-year-old retiree who moved to Charlottesville six years ago. Like many others, my family and I chose C-ville because it seemed to be a progressive community just far away from DC that we could enjoy nature as well as the amenities of a larger city.

As the recent selection of Charlottesville as the nation's second fittest small city (after Boulder) demonstrates, much of that attraction stems from the availability of pleasant areas to run. After retirement, trail running has become an important part of my life. Unfortunately, right-of-way issues have made the Rivanna Trail less and less attractive for jogging, necessitating long drives to the Appalachian Trail to find real nature to run in.

Allowing jogging in the Ragged Mountain Natural Area would help ameliorate this situation (which would only get worse with the construction of the new 29 by-pass) and attract more families as well as businesses to this area. I find the running community in this area to be extremely responsible guardians of natural areas who often volunteer to maintain the natural

areas we still have.

I hope you will remove the restriction of jogging in the RMNA. Thanks for listening.

The Charlottesville Mountain Bike Community supports multi-use trails AND trails for hikers only. Ragged Mountain is a prime spot for an evolved use eco-system to include both. I believe CAMBC is in support of this position and will commit resources to trail maintenance.

Hoping for a green light on mountain biking in the Ragged Mtn area.

Congratulations to the City on finishing up all of the important utility and landscaping work at the Ragged Mountain Natural Area (RMNA). And congratulations to the City for taking on the important work of manager of RMNA.

My family loves the outdoors and all of the trail systems throughout Charlottesville and in the region. RMNA's re-opening is something we're very excited about and have been looking forward to ever since it closed for work to begin on the reservoir.

One small change we would like for the Ivy Creek Foundation, City of Charlottesville and community at large to consider with the re-opening of RMNA is to allow running on it's trails. As a "trail runner", a person who moved his family to Charlottesville because of running, and someone who volunteers on the local trails, nothing could be better and more appropriate than to allow residents the opportunity for exercise and soul searching on such beautiful land. For runners and outdoors-people connecting with the land and grounding oneself through the simple act of running through nature is an important daily regime and a necessary freedom. It truly makes us better people. And running on trails keeps us off busy roads which keeps everyone safer.

Most folks I know who enjoy running usually just run from their door. RMNA is not exactly in everyone's backyard. Opening up to RMNA to runners would not unleash any sort of floodgate (pardon the pun) of runners on the land. It would however make RMNA even more of a destination for those runners who choose to make the extra effort to get there and enjoy the trails and landscape. It would also promote additional awareness of RMNA which will encourage and influence volunteerism.

I will be out of town tomorrow during the forum, but I would like to throw my weight behind allowing runners and mountain bikers at the ragged Mountain trails.

I am strongly in favor of a rule change that would allow jogging on the Ragged Mountain Natural Area trails. As I recall, the rationale to disallow jogging was to prohibit anything that might disrupt the ambience, but I disagree with the idea that running on the trails would do so. Indeed, my experience suggests very strongly that trail runners in the community are most respectful and care very deeply about the natural resources in Charlottesville. It is my sincere hope that the beautiful trails there will be opened up for joggers/runners to enjoy!

Public health is an important issue and it seems foolish and shortsighted to limit opportunities for exercise, especially when it combines the added aesthetic value of being in the natural environment. I really see no adverse effects caused by those who simply move a little faster on two feet. Thanks for considering.

I would like to present a very strong and positive argument for allowing trail running at the Ragged Mountain Natural Area as you are reassessing the use policy for these trails.

The existing “No Jogging” policy has puzzled and frustrated our local trail running community since its inception, yet it has been respected. The idea that people running on the trails would in anyway cause more trail damage or frighten more wildlife than hikers and walkers does not hold truth or make sense. Though I can appreciate the desire to have regulations that keep Ragged Mountain Natural Area pristine and wild, broadly limiting trail use to a large group of trail-loving people is actually counterproductive to this mission. I feel it is important to hear this feedback from trail runners themselves, as we are the only ones who can give realistic feedback on how trail running impacts trails and the natural areas they course through. The following are some points I feel are important for the Parks Department to consider:

- Trail runners are some of the best trail stewards. We seek the trails for their beauty and wilderness and it is self-serving to keep them this way. The Charlottesville Area Trail Runners is a large, active group of environmentally-conscious people who regularly volunteer trail maintenance both as individuals and as a group. Allowing trail running at the RMNA will dramatically increase your volunteer pool and ultimately lead to far better trail maintenance over time. The more groups you can involve in trail maintenance and “ownership”, the better.
- Trail runners do not frighten or disturb wildlife anymore than hikers, and arguably are less disturbing. Trail running is almost always slow running, not at some aggressive, fast pace. As runners pass by wildlife, they are gone quicker and are often quieter than hikers. Our trail running community regularly runs through designated wilderness areas in Shenandoah National Park and regularly have encounters with deer, bears, birds, and other wildlife. These encounters are brief and non-stressful to the wildlife as it is almost apparent to them that our focus is getting down the trail, vs. stopping and watching them. If trail running were truly disturbing to wildlife, it would likely be illegal in these most pristine designated wilderness areas.
- Trail running is no more damaging to trails than hiking. Trails need maintenance simply because they are trails and as such are prone to erosion, however the speed at which a person is traveling makes no difference on the amount of erosion a trail is prone to. This again is a point where including a larger group of trail users will increase your volunteer pool for trail maintenance, which is the heart and soul of any good trail maintenance system.
- Trail and wilderness access should be an important part of the City of Charlottesville’s governmental mission. This benefits our citizens, it benefits our tourism, and it benefits the trail systems themselves. The City’s ownership of the RMNA needs to be handled with strong consideration to how this can best benefit its citizens. The downsides of mountain biking and horses in a wilderness area are more clear and understandable. Pardon my presumption, but a “no jogging” policy was clearly conceived by someone who never has been trail running and for some reason has an uninformed, negative view of this activity’s impact. Policies should always have a reason and a purpose, and this no jogging policy has neither.

Thank you for your time and consideration, and for holding the meeting to get other people's input. Please contact me with any questions you may have.

i have lived in charlottesville for 27 years. prior to the dam's renovation i was reluctant to use the ragged mountain natural area because i could not take my dogs. the lame reason we dog-owners were given was that somehow the dogs disrupted the nature area. now that the renovations have devastated this wonderful area i think it is time to reconsider this policy. the area would see much more use if dogs were allowed. the previous excuse does not hold water (pun intended) now that the area has been completely changed.

in addition, the city should consider allowing non-motorized boating use of the reservoir. there really is no place in town that allows for safe, convenient kayaking and canoeing. this would be an ideal spot for that.

lastly, i hope that the rwsa/city/county hope to rebuild the walking trails to encircle the new reservoir. it would be ideal if these trails stretched the length of reservoir road and connected to the RTF and O-Hill trails through foxhaven farm.

I am strongly in favor of a rule change that would allow jogging on the Ragged Mountain Natural Area trails. As I recall, the rationale to disallow jogging was to prohibit anything that might disrupt the ambience, but I disagree with the idea that running on the trails would do so. Indeed, my experience suggests very strongly that trail runners in the community are most respectful and care very deeply about the natural resources in Charlottesville. It is my sincere hope that the beautiful trails there will be opened up for joggers/runners to enjoy!

I wanted to express my big desire for the city to open up the Ragged Mountain Reservoir trails to running. We have an active trail running community here in Charlottesville and are proud of the existing trails on the RT, Fox Mountain, O-Hill, and Carter Mountain/Secluded Farms. Opening up Ragged Mountain Reservoir would help tie together the RT and Fox Mountain with outstanding, peaceful, and beautiful running trails farther down Reservoir Rd. Meanwhile, Charlottesville trail runners are great caretakers of trails and the surrounding environs, so we would be a net positive contributor to keeping the Ragged Mountain Reservoir area special. Please consider opening the trails to running!

I am writing in regards to the current prohibition of runners/joggers on the trails of the Ragged Mountain Natural Area. I am **strongly** in favor of these current rules to be changed. I've been told that the rationale behind this was to prevent disruption to wildlife and erosion; however, I disagree that running on the trails would do either of these things. I may travel the trails slightly faster than my hiking counterparts, but that does not, in any way cause more of a disruption to wildlife or erosion. In addition, my experience suggests that runners in the community are respectful of the trails and care deeply about the natural resources in Charlottesville. I hope that you will strongly consider amending the current rules of the trail at the Ragged Mountain Natural Area as to allow runners.

I am also strongly in favor of a rule change that would allow jogging on the Ragged Mountain Natural Area trails. As I recall, the rationale to disallow jogging was to prohibit anything that might disrupt the wildlife and erode the trail; however, I disagree with the idea that running on the trails would create more erosion than hiking. Indeed, my experience suggests very strongly

that trail runners in the community are most respectful and care very deeply about the natural resources in Charlottesville. It is my sincere hope that the beautiful trails there will be opened up for joggers/runners to enjoy!

I am thrilled that this area is open again. I live nearby, and for years I ran on these trails before it closed. I'm very happy to be back out there again "walking swiftly" on the new trails.

I realize that running is discouraged in this area, but I hope to see this rule officially removed. Runners have a far lower impact on the trail system than anyone else out there. As for physical impact, trailrunners usually wear lighter footwear and tread much more lightly so that we can quickly adapt to changes in balance, compared to hikers who stomp down boots or other heavy footwear with every step. As for noise level, a lone trail runner is much quieter than a group of 5 children or even a group of two adults talking with each other. Even when running in pairs, usually one runner will be quite far ahead of the other runner as a safety precaution - if one runner slips or falls, the other runner won't trip over the person in front of them. These trails are technical as running trails go, and it's best to keep a safe distance, which probably means out of earshot, and thus, no talking.

Let's talk practical matters for a moment. It's nearly impossible to enforce the 'no running' rule. If you officially removed that rule from the books, you probably won't have any more people running on the trails than you already do now with the rule in place. The upside of removing this rule is that there's a club of trailrunners here who work diligently to maintain other running-friendly trails in town that you can tap into for trail work. A good number of us have spent many hours out on the Rivanna Trail doing maintenance, weeding, etc. By removing the 'no running' rule, you'll have a large workforce of very athletic trail enthusiasts ready to whip these trails into shape. By keeping it, you're not really going to cut down on the number of people running the trails anyway.

I, for one, am extremely happy that this area is open again, and am excited to be out not running, but "walking swiftly" on the trails. I'm happy to work on the trails as my schedule allows, even if you don't rescind the 'no running' rule. This is a great resource for the area and I'm looking forward to having the trail system complete again.

I am unable to come but I hope you retain the no-dogs rule. Plenty of other parks for dogs and dog walkers as it is more disturbing of nature regardless of whether or not dog is on leash. If you take a vote or make a decision based on who makes the most noise, dogs will win every time. Please consider doing the right thing regardless and take a look at Ivy Creek's statements for further elucidation on this.

Would like to see a change to allow dogs on leashes.

Thank you for allowing public comment regarding trail access at Ragged Mountain. My comments as a local citizen, park and trail user, Charlottesville Area Mountain Bike Club President, are:

What's CAMBC's position? Our position is simple:

- *Shared use is the way to go:* there is ample space, and a long history of co-existence of all users in our area.

- *We support the development of hiker only loops and trails.* We recognize that some users want quiet solitude and totally respect that. These trails, however, should not make up the majority of the system; they should be discreet loops to special places like overlooks, peninsulas into the lake, etc. Restricted use trails should be the exception, not the norm.
- *We will commit significant CAMBC resources to trail construction and maintenance.* After all, many these trails will all be essentially from scratch, giving us the opportunity to build beautiful, sustainable, non-eroding ribbons of trail!
- *We are a consensus and community building organization.* We want access for all of our citizens, which gets more kids and adults outside, leading to a happier and a healthier community. We work with all of our partners!

Simply put, the share-use plan results in a better park! It results in better trail design (we have significant trail design and construction experience, and access to trail design professionals). It results in more people from the City, County, and UVA having access to this amazing landscape. Lastly, shared use does not, in any way, detract from an experience of someone seeking solitude. There is plenty to go around at Ragged Mountain!

I look forward to the meeting, and look forward to working with the City for years to come as we develop an access program on this amazing landscape!

I am contacting you to share my interest in having the trails at Ragged Mountain be opened for multi-purpose use. Both my wife Anne Pike and I, David Pike, believe this would be a wonderful opportunity for more city residents of all kinds to enjoy more wonderful trails accessible right here in Charlottesville. Charlottesville obviously has a thriving outdoor population, and to open up these trails for multi-purpose use would be a great step in supporting that community. If there is anything we can do to help this become a reality, please let us know.

Thank you for soliciting input on Ragged Mountain Natural Area. I am unable to attend the meeting at City Space tonight, so would like to offer a few comments via email.

When the Ivy Creek Foundation established the Ragged Mountain Natural Area in the mid/late 90's, our focus was to preserve the land as a "natural area" and not a park (I was president of ICF then). Primary concern was the protection of plant and wildlife species, while allowing public access via hiking trails - for quiet enjoyment, and fishing access. To that end, pets, bikes, jogging, roads, timber cutting, etc. were prohibited (as is the case at Ivy Creek Natural Area). We were up-front about all that with the City, County, and Water Authority from the outset, and all approvals were granted with those conditions being the policy.

The nature of the area has now changed, dramatically, but it has always been the Ivy Creek Foundation's hope that the property would remain a natural area. I understand that there is intense pressure for more "active" recreational opportunities (especially for biking and pet access), but I do hope that you will consider the tremendous volunteer effort on the part of the ICF to win approval, raise funds, construct trails, and build the parking lot - all based on the premise that the property would remain a natural area, and sanctuary for the flora and fauna that inhabit it. Bikes, pets, and the more active recreational activities are not conducive to natural area status. ICF's intention was always for hiking and passive enjoyment only.

Thank you again for seeking public input on the area.

I'm not sure what the plans for the trails for Ragged Mtn might be, but I have one comment that is important to me. I first started running around the reservoir in 1986, long before any formal trails existed. At the time this often required some cross-country work in some sections. It was a

wonderful run. I was deeply saddened when posted rules went up that said running was no longer allowed. Did this mean I had to tell my daughters they could not run for short distances? It certainly seemed like a rather capricious rule and I have never encountered such a rule on any other trail anywhere in the United States (I have hiked and run all 50 states) or anywhere else in the world. In a community that loves to run and stay and shape banning running in a public area just seems odd. Please do not bring this rule back. Hikers and runners are able to share the trail in 99.9999% of the other trails without incident.

I fully support the view that the trails should be shared use

[to benefit the most people while also protecting the land](#)

as detailed in the letter from the Charlottesville Area Mountain Bike Club (CAMBC), the Charlottesville Area Trail Runners (CAT), and the Rivanna Trails Foundation (RTF).

[Thank you for opening this up for public comment before taking action.](#)

I am writing you to express my opinion on designating Ragged Mountain Natural Area as a shared use trail system.

I am a member of the Charlottesville Area Mountain Biking Club, CAMBC, and enjoy the local trail system both as a hiker and a mountain biker. I moved here from Florida 4 years ago and I was impressed at the shared use trails in the area. The trails are well maintained, all trail users are courteous and very rarely do I see any trash or damage to the trails, people really care about the trails here!

Please designate the Ragged Mountain Natural Area as a shared use trail system!

I am not sure that I can make it to the public forum at City Space tomorrow, so I just wanted to express my thoughts as a Charlottesville citizen for > 13 years.

I am excited to see the Ragged Mountain property change management from Ivy Creek Foundation.

Mainly because the shared use trails policy in the city and the county encourages more use of recreational trails such as RTF, Preddy Creek, Walnut Creek, and every other trail in the county and city.

The current policy of shared use works everywhere in the region without conflict and should be adopted at Ragged Mountain now that there is new management with a different trail use mission.

I am a hiker, trail runner, mountain biker, paddler; and father of a son who I try to teach to appreciate the trails we have here in town and that includes hiking and cycling.

Thanks for all your efforts

Mr. Brian Daly
City of Charlottesville Parks and Recreation Department
501 East Main Street
Charlottesville, VA 22902

Dear Mr. Daly,

Thank you for the opportunity to submit comments on the user access changes to the Ragged Mountain Natural Area. This letter contains the official comments of the International Mountain Bicycling Association (IMBA).

Founded in 1988, IMBA leads national and worldwide mountain bicycling communities through a network of 80,000 individual supporters, 600 dealer members, and over 150 local Chapters. IMBA teaches sustainable trail building techniques and has become a leader in trail design, construction, and maintenance. IMBA encourages responsible riding, volunteer trail work, and cooperation among trail user groups and land managers. Each year, IMBA members and supporting organizations conduct nearly one million hours of volunteer trail stewardship on

America's public lands and are some of the best assistants to federal, state, and local land managers. Our local chapter, Charlottesville Area Mountain Bike Club (CAMBC), has proven that they are committed to these same goals and practices.

IMBA would like to express our support for a shared-use, non-motorized, human-powered recreational trail system in the Ragged Mountain Natural Area. We believe that this type of shared use management encourages cooperation among diverse user groups and creates a unified trail stewardship community. CAMBC has proven that this is the case by partnering with several local user groups to advocate for sustainable shared-use trails in the Ragged Mountain Natural Area.

IMBA and it's local chapter, CAMBC, welcome the opportunity to work with the city parks and recreation department to create a constructive partnership that will enhance the trail user experience in the Ragged Mountain Natural Area.

I would like to be able to jog on the trail.

Also, I don't love pets, but would like them to be permitted, as well. We always look for places we can go on a family hike/walk when my parents are in town inclusive of my sister's dog. It's a shame there are regulations and Ragged Mountain is out, as its beautiful and most convenient. We've settled with an out and back of a Rivanna segment for this.

However - it has been interesting discussing the possible reasons for the regulations and we're open to being convinced of environmental concerns or otherwise that explain the rules. If they stay - please post the reasons why!

I am unable to attend the meeting tonight, but wanted to offer the following comments regarding trail access at Ragged Mountain.

First and foremost, I appreciate the City's ongoing efforts and hard work establishing a great trail system in our community.

With regard to the Ragged Mtn. area, I believe that shared use is the best and most highly valued use of the area. We are lucky to have good relationships between hikers, mountain bikers, and other trail users in the community, and that relationship can and should carry on at Ragged Mtn.

Further, by allowing shared use, including mountain biking, the City and other interested parties will benefit from CAMBC's resources and volunteer base in developing well designed, sustainable trails that all can use and enjoy. CAMBC and the RTF have collaborated on several trail projects with great success, and we would love to build on that relationship at Ragged Mtn.

Thank you for the opportunity to be heard on the future of trails at Ragged Mountain.

To City of Charlottesville, Parks and Recreation and City Council,

I want to go on record as a strong advocate that trails at the Ragged Mountain Reservoir area and surrounding City owned lands be immediately opened up to “shared use”. Shared use would include, but not limited to, use by some, any, or all of the following groups:

- Hikers and walkers
- Joggers and runners
- Bicyclists and similar non-motorized human-powered recreational vehicles
- Dog walkers
- Equestrians
- Parents with strollers and family groups

Please note that I am not opposed to some restricted use trails that may allow only hiking and walking for those who are seeking a quiet respite and/or bird watching or similar activity that could be interrupted by those engaging in more active pursuits. However, such restricted trails should be the exception, and not the norm, and should be planned in such a way as to allow shared use activity to be allowed in the area while also providing a buffer of natural fauna that allows quiet and solitude on the restricted use trails.

Furthermore, I also suggest that the City owned lands surrounding Ragged Mountain Reservoir be considered for a park-like recreational facility whereby the reservoir itself is used for non-polluting recreational purposes. These activities would include, but not limited to, use for any or all of the following activities (subject to limits to protect water quality):

- Non-motorized boating, canoeing, kayaking, stand-up paddle boarding, and similar “paddle sports”
- Fishing
- Diving
- Swimming

We all recognize that non-motorized outdoor pursuits as listed in this letter are beneficial to the health and well being of the populace. Furthermore, trail amenities are an enhancement to the community and recent surveys indicate that trails are the number one facility requested by the public. Not only do trails encourage more users to participate in healthy pursuits (if you build it they will come), but they have been shown in numerous studies to increase land and property values in the vicinity, and they create a more livable community in general. The proximity of the Ragged Mountain area to Downtown Charlottesville, only a short run, bike ride, or drive from the City proper, increases the likelihood that shared use trails in this area, and/or a shared use recreational area, will be very popular and a considerable enhancement to the recreational opportunities and the overall livability for all citizens of Charlottesville. All of these benefits to the City and its citizens cannot be realized under the current restricted use that has been designated at Ragged Mountain by the previous management policies. Thus it is to the betterment of all citizens that the City adopt and immediately implement a shared use policy for the Ragged Mountain Reservoir area.

Thank you in advance for your consideration of my opinions.

I writing in support with this email of mountain biking in the ragged mountain natural area. As a member of CAMBC I know that we as a community of mountain bikers, trail users/maintainers I know that the ragged mountain natural area will flourish by our constant attention to trail upkeep, constant responsible use and constant advocates of outdoor utilization of our parks and recreational facilities. I also know that CAMBC has always shown itself as an asset to Albemarle and even surrounding counties with our trail advocacy, awareness and upkeep. Please consider opening the trails to mountain bikers so we can enjoy the natural area for years of symbiotic use and enjoyment.

I can't attend the meeting tonight, but appreciate the opportunity to offer the following comments regarding trail access at Ragged Mountain.

I've recently had a close personal friend and the incumbent Mayor of Riverside CA visit here and he was blown away by the City's trails: accessibility, on-going maintenance, and usage by multiple and varying user groups. His positive feedback was a benchmark for me (especially since Riverside is a progressive major city known for its outdoor access). I love this city and his comments made me so very appreciative of this City's ongoing efforts and the hard work that leaders have invested to establish a great trail system in our community.

With regard to the Ragged Mountain area, I believe that shared use is the best and most highly valued approach to trail and usage development. We are lucky to have good relationships between hikers, mountain bikers, and other trail users in the community, and that relationship can and should carry on at Ragged Mountain.

Further, by allowing shared use, including mountain biking, the City and other interested parties will benefit from CAMBC's resources and volunteer base in developing well designed, sustainable trails that all can use and enjoy. The Preddy Creek Trail system and the RTF are both a reflection of this great collaboration. CAMBC and the RTF have collaborated on several trail projects with great success, and we would love to further that relationship at Ragged Mountain.

Please add my name to the list of people supporting CAMBC's position regarding shared use trails in the Ragged Mtn Reservoir area. Thanks. ***(Comment submitted by 28 different people)***

We know having dogs is good for people, they live healthier lives but there is no park facility besides Riverview Pk. that legally allows you to walk your dog off leash. Because it is a paved trail bikes can be a hazzard, silent and speeding.. Without restricting other users of the Ragged Mt.Trailis, I suggest dogs under voice control be allowed to walk...think health citizenry here, paying taxes longer, their dogs off leash in the trails.

As a Charlottesville resident and frequent mountain biker, I would like to add my support for the initiative to open up the Ragged Mountain Natural Area trails for shared use – as outlined by the Charlottesville Area Mountain Bike Club (quoted below).

- *Shared use is the way to go:* there is ample space, and a long history of co-existence of all users in our area.
- *We support the development of hiker only loops and trails.* We recognize that some users want quiet solitude and totally respect that. These trails, however, should not make up the majority of the system; they should be discreet loops to special places like overlooks, peninsulas into the lake, etc. Restricted use trails should be the exception, not the norm.
- *We will commit significant CAMBC resources to trail construction and maintenance.* After all, many these trails will all be essentially from scratch, giving us the opportunity to build beautiful, sustainable, non-eroding ribbons of trail!

- *We are a consensus and community building organization. We want access for all of our citizens, which gets more kids and adults outside, leading to a happier and a healthier community. We work with all of our partners!*

As a local business owner involved extensively in bicycle and multisport, I fully support multi use trails at the ragged mtn reservoir.

I would like to offer my unequivocal support for mountain bike access to some of the trails at Ragged Mountain. I am complete agreement with the letter jointly signed by CAMBSC, the RTF, and the CAT. Joint use is the way to go!

I'm writing in support of CAMBC's position on shared use of the Ragged Mountain Reservoir property. I support shared use trails and am confident CAMBC's trail work will make this a win win.

I believe the trail system access will further increase cycling opportunities for residents of the area and in doing such provide health and well being benefits. Additional access will lead to increases in ridership, cycling participation, fitness and more in the community.

Additionally central Virginia will become known as destination for those interested in cycling and trail access. Not only will theses folks be interested in visiting but also in relocating to the area. In doing such they will bring in career and business opportunities. Growth in cycling will lead to business growth and thus employment opportunities for business such as ours as well

Blue Ridge Cyclery is a locally owned independent bicycle dealer providing sales, service and rentals. We employ 12 employees and offer health are, paid time off, and a great work to life balance for our staff.

I just wanted to chime in w/ everyone and say that I support multi-use at Ragged. Some hiker only trails are okay but please make them an exception and not the norm. An example might be an in & out (as opposed to part of a loop) that goes to a spot on the lake or a view. The in & out would be easier to manage and less desirable for cyclist to use.

I was unable to attend the meeting at City Space last night concerning the future of the trails at Ragged Mountain and other potential adjacent properties, however I wanted to take a moment to share a few thoughts and comments. I'm a member of the Charlottesville Area Mountain Bike Club and I was a part of the trail building efforts at Preddy Creek Trails Park. It is my hope and desire that the Ragged Mountain properties can be developed in a similar manner as the Preddy Creek property, giving access to a more inclusive and diverse group of trail users.

I've used the Preddy Creek property in multiple capacities, as a mountain biker, hiker, jogger, bird watcher/photographer, and from my experience I've seen all of the groups coexist very well. I'm sure there are people that would like to maintain the Ragged Mountain property as a hiker/birdwatcher only area, however I feel that this unnecessarily excludes other groups from utilizing the trails.

As the City moves forward with this property please consider the trail building expertise and volunteer hours that CAMBC brings to the table. I look forward to being involved with the future development and utilization of this great property!

Thanks for the great work that Parks and Rec department does to provide the outdoor facilities for this area!

thanks for the meeting last night. I'm very encouraged by the generally unanimous support for multi-use trails in the park.

1. I believe the Ragged Mountain should be considered a park, not a wilderness site. I'm supportive of sensitivity to wildlife, but given its proximity to neighborhoods, and by a highway that can be heard from over 1/2 of the park, I'd rather not be significantly restricted by wildlife protection at the expense of access to trails, and the number of trails. I don't believe you need more parking, or playgrounds etc.
2. I support multi-use trails. The sooner we can allow this, the better.
3. I'm fine with dogs, but fully support treating dogs with the "go slow" approach.

How soon can we take down the "no biking" sign at the upper parking lot by the entrance to the old fire road?

I like the idea of several networks of trails, with connectors, and spurs to the interesting views and features in the area (like boulders/rockpiles). This makes it more fun for families to go with a destination in the park, rather than only providing a trail to walk around the lake.

I love the wood carvings of the trapper and bear at significant trail junctions.

I love the current trail as its laid out. Great sight lines and views.

Again, thanks for having the meeting last night. What can I do to have a decision on multi-use access happen as soon as possible. Do we have to wait until next year?

my two cents is that Ragged Mountain should be maintained as a passive use recreational park. There is no need for additional facilities or improvements. I think people should be able to walk, run, bike, or even ride horses on the trails. When I first moved here and saw the restriction that you could not RUN out there it struck me as the weirdest trail use limitation I had ever seen.

I would like to weigh in on behalf of mixed use trails at the Ragged Mountain Natural Area. I strongly support the building of mixed use, bike, running and walking trails along with single use walking trails. I enjoy quiet solitude on hikes as well as mountain biking opportunities. I have volunteered with CAMBC and will continue to do so to help develop the local trails system. Including groups like CAMBC, CAT and RTF will increase use of the area bringing additional people out to help with trails so more people can use this beautiful resource.

I'd like comment on the recreational plan for the "new" Ragged Mountain natural area. As an avid mountain biker, trail runner and hiker, I am excited for the potential to significantly increase the available trails right here in town. Previously, Ragged Mountain was our favorite place to

hike with the kids. While I hope that continues, I'd love to see the user-base expanded to include ALL trail users. I can appreciate the need for hiking-only trails, and completely support them. However, given the expansive land area and varied terrain, I believe that there is room for everyone to enjoy this gem. In my experience here and in other towns, shared use trails encourage people to get out and enjoy the outdoors. They bring together differing user-groups, and encourage community involvement.

I thank you for considering public input. We've seen the success of shared-use trails throughout Charlottesville and Albemarle County. The addition of Ragged Mountain can only add to that success and further boost Charlottesville's reputation as an outdoor-loving community.

One of the things that makes Charlottesville special is our unique sense of Community, and the socially responsible notion that public space should indeed be public and open to a diverse set of user groups.

For the first time in my career, we recently tore down a building at UVA and built back green space and a public use park. This is indicative of our town and what make separates us from the average cities.

Ragged Mountain is a special piece of publically owned property and it would be counterproductive, and in fact, socially irresponsible to build amenities that cater to one small group, when **a far greater number of constituents can be satisfied by multi-use trails.**

This is a turning point. Move forward or take a step backwards.

As a citizen of Charlottesville and a board member of the Charlottesville Area Mountain Bike Club (CAMBC), I am writing to support shared use trails at Ragged Mt. I believe that done thoughtfully, shared use at Ragged Mt would be provide a great benefit to the residents the City. Although there are many urban and neighborhood trails in the City which are connected by the Rivanna Trail, there are no large parks where all users can enjoy a natural environment. Ragged Mt is a unique piece of property in the City that if managed well could fulfill this need and at the same time preserve the biology and the natural beauty of the land. Currently, any user other than hikers must drive a fair distance to enjoy local natural areas. The closest are Preddy Creek and Walnut Creek, which are each a 30 minute car ride. This distance can be prohibitive and is a barrier to many City residents.

I encourage the City to consider welcoming all user groups to thoughtfully enjoy the natural beauty of the Ragged Mt property.

As a local mountain biker and trail user, I welcome the discussion of modifying the trail use restrictions at the Ragged Mountain Natural Area. I fully support CAMBC's position of creating a network of multi-use (hiker, biker, runner, equestrian) trails at the Ragged Mountain Reservoir. There is ample space at this site and there is a long history of co-existence of trail users without conflict on Charlottesville/Albemarle public trails, e.g. Rivanna trail, Walnut Creek Park, etc. I also support the idea of creating dedicated hiker only loops and trails; however, these should be the exception of the trail network, not the norm. Despite not being a dog owner myself, I believe that dogs should have access to area also, with a dedicated midweek off leash day.

As a CAMBC member, I plan to volunteer my time to support the creation and maintenance of

these multi-use trails. I see these trail as an excellent chance to continue Charlottesville's goal of increasing the number of trail users and engaging the populace in healthy outdoor activities.

I support CAMBCs position to make shared use trails at Ragged Mountain.

I think it would add value to the area and build up Charlottesville's reputation as a bike friendly city and make it a destination for mountain bikers.

I also feel there is a need for specific use trails. Hiking only trails, for example, for those who want to relax and not be bothered by bikes or horses.

Biking only trails can also provide great value to the community. Cities across America, from Seattle to Philadelphia, have seen overwhelming success and community involvement in parks where the city and local riding clubs come together and create fun biking trails. These types of trails also bring tourists who spend money at local businesses and help support the community.

Creating a combination of shared and specific use trails on Ragged Mountain would be a valuable investment and make the city of Charlottesville an even better place to live and visit.

I understand that the management is changing with the trail system as the dam work concludes, and I welcome trails that would include cycling trails. I am an active member of the Charlottesville Albemarle Mountain Bike Club and volunteer multiple times each year for trailwork, clearing, and building at local parks including Chris Greene, Walnut Creek, and Preddy Creek.

I would like to have additional trails at Ragged Mountain that are open to cycling, running, hiking, and other mixed uses. There are two adults and one school-aged child in my family, and we all like to ride local trails and assist in the creation and maintenance of our local trail network. I think Ragged Mountain would benefit from trails that are open to all.

Please consider opening Ragged Mountain Natural Area to runners and mountain bikers. This park could make some vital connections in trails and improve our outdoor recreation and green space.

Hi I wanted to express my desire for trails to be developed in the Ragged Mountain Natural Area. I am an avid mountain biker and am hopeful that mountain biking-specific trails can be developed there. I believe that the mountain biking community would be willing to develop and maintain the trails.

Mountain biking is a healthy activity and having trails available makes the area more livable and provides a higher quality of life. My experience has been that mountain bikers are a respectful group of people who want to see the environment cared for and protected.

Thank you for the opportunity to share my opinion.

Camp Holiday Trails provides the following comments:

- We hope to have **access to some trails for our horse program** – both for trail riding with campers and also to keep our horses conditioned. Right now, our Camp is open year-round, however the riding program is June – August only.
- We hope for a **dogs on** vs. off leash rule – given proximity of trails to our camper population.
- We agree that the mt biking community has been a strong supporter of shared-use, and has helped maintain trails. We do want a distinction between bike use and bike racing and prefer the prior. We also know the mt. bike community has been eyeing (and at times using) culverts and trails on our property to extend their rides from the Ragged Mt trails and hope for some clear signage and policy to ensure more neighborly practices.
- We also wish to see strong wildlife protection practices in terms of trail and water use.
- We welcome a boat launch and pavilion AND please, please, please consider SOON a compost or other toilet at the Dam upper parking area (and lower if possible) as users come into Camp seeking a bathroom.



COUNTY OF ALBEMARLE
Parks & Recreation Department
401 McIntire Road
Charlottesville, Virginia 22902
Telephone (434) 296-5844
FAX (434) 293-0299

September 10, 2015

Mr. Brian Daly, Director
Charlottesville Parks and Recreation Department
P. O. Box 911
Charlottesville, VA 22902

Dear Brian,

Thank you for the opportunity to comment on this matter and this letter serves as support to the newly proposed rules of use by the Charlottesville Parks and Recreation Department at Ragged Mountain Natural Area.

The orientation at Ragged Mountain has now changed and the proposed changes, which I understand are citizen driven are those that are consistent with other public parks, not only in Albemarle County Parks but parks across Virginia. These much needed recreation opportunities speak to the needs and desires of all ages within our community.

Our experience over the years in working with community stakeholders in park and trail design and development, has demonstrated a keen and enthusiastic interest toward opportunities as what's being proposed, and I strongly encourage serious consideration of the proposed rules of use that will allow Ragged Mountain Natural Area to function as a public park.

Sincerely,

A handwritten signature in black ink, reading "Robert W. Crickenberger".

Robert W. Crickenberger
Director

RWC:tp
L-20150910