



CITY COUNCIL AGENDA
Monday, November 5, 2018

5:30 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code
Second Floor Conference Room (Board appointment; Courts Update; Personnel; Legal Consultation)

6:30 p.m.

Regular Meeting - CALL TO ORDER
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
PROCLAMATIONS

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

- a. Minutes - October 15, October 22, October 24 and October 29, 2018 Council Meetings
- b. APPROPRIATION: Funding for Westhaven Clinic Coordinator Position - \$85,000 (2nd of 2 readings)
- c. APPROPRIATION: VDOT Funding for Multi-Modal Improvements - \$413,217 (1st of 2 readings)
- d. RESOLUTION: Transfer from CIP of \$560,347 as Matching Funds for Multi-Modal Improvements (1st of 1 reading)
- e. RESOLUTION: Utility Leak Credit to Albemarle County Schools – Burley Middle School - \$27,842.88 (1st of 1 reading)
- f. RESOLUTION: Approve Statement of Support for Solar Energy (1st of 1 reading)
- g. ORDINANCE: Quitclaim Gas Easement to VDOT in Riverside Village Subdivision (2nd of 2 readings)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

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

- 2. PUBLIC HEARING** Public Engagement for City Manager Search Process
- 3. PUBLIC HEARING / APPROPRIATION*:** West Main Streetscape Improvements Revenue Sharing - \$3,112,413 (1st of 2 readings)
- 4. RESOLUTION*:** Equity Fund Allocation to New Hill Development Corporation - \$500,000 (1st of 1 reading)
- 5. REPORT:** Tree Commission – State of the Forest
- 6. REPORT/RESOLUTION*:** Interim Regulations for Bicycle and E-Scooter Sharing System (1st of 1 reading)

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

GUIDELINES FOR PUBLIC COMMENT

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

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

Please follow these guidelines for public comment:

- Each speaker has **3 minutes** to speak. Please give your name and place of residence before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them. **Speaking from the audience is not permitted** without first being recognized by the Chair.
- Please **refrain from using obscenities**.
- 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.
- If you cannot follow these guidelines, you will be asked to leave City Council Chambers and will not be permitted to re-enter.

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, October 15, 2018, AT 5:30 p.m. IN THE Second Floor Conference Room AT City Hall, 605 E. Main Street.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code (Boards & Commissions; Legal Consultation; Contract Discussions; Personnel)

BY ORDER OF THE CITY COUNCIL

BY Brian Wheeler

SECOND FLOOR CONFERENCE ROOM – October 15, 2018

Council met in special session on this date with the following members present: Ms. Walker; Ms. Hill; Dr. Bellamy; and Ms. Galvin. Mr. Signer was absent.

Ms. Walker called the meeting to order at 5:30 p.m.

On motion by Ms. Hill, seconded by Ms. Galvin, Council voted, (Ayes: Ms. Walker; Ms. Hill; Dr. Bellamy; and Ms. Galvin. Noes: None. Absent: Mr. Signer) to meet in closed session as authorized by Va. Code Sec. 2.2-3712, specifically: Virginia Code Sec. 2.2-3711(A)(8) for the purpose of consultation with and obtaining legal advice from legal counsel regarding specific legal matters concerning donations to charitable associations pursuant to Virginia Code Sec. 15.2-953; and Virginia Code Sec. 2.2-3711(A)(3) and (A)(8) to discuss or consider the disposition of real property for a public purpose, because discussion in an open meeting would adversely affect the City's bargaining position or negotiating strategy, specifically to discuss the possible exchange, transfer, or property lease/use agreement involving real estate known as the 7th and Market Street parking lot, and for consultation with and obtaining legal advice from legal counsel employed by the public body regarding specific legal matters having to do with the possible exchange, transfer, or property lease/use agreement involving real estate known as the 7th and Market Street parking lot.

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

Ms. Walker adjourned the meeting at 6:25 p.m.

COUNCIL CHAMBER - October 15, 2018

ROLL CALL

Council met in regular session on this date with the following members present: Ms. Walker, Ms. Hill, Mr. Bellamy, Ms. Galvin

ANNOUNCEMENTS/ PROCLAMATIONS

Mr. Bellamy announced the upcoming CRHA meeting on October 29 that starts at 6:00 pm.

Ms. Galvin announced the deadline for voter registration. Today is the last day for voters to register to vote, or update their address, before the November election. A voter registered at his or her current address does not need to re-register.

Ms. Hill reported that on October 23, 2018 at 7:00 pm there will be a meeting at the Charlottesville High School sponsored by the Charlottesville City Schools to allow the community to discuss equity.

Ms. Walker announced that the City of Charlottesville is one of many jurisdictions in the US to participate in The National Citizen Survey™ in 2018. Starting Friday, October 19th, pre-notification postcards will be mailed to a random sample of 1,800 Charlottesville households informing them that a questionnaire will follow asking for feedback on the quality and usefulness of city services. The results will be included in a final report that city officials and residents will use to guide future strategic plan setting processes and budgeting decisions. The National Citizen Survey™ is a very efficient way to measure citizen opinion. Previous survey results and reports can be found at www.charlottesville.org/budget. We hope, should you receive a survey in the mail, that you return it and share your opinion.

Mr. Bellamy announced the Minority Business Exhibit on November 8, 2018 from 10 am to 1 pm at Jefferson School.

Mr. Bellamy informed everyone that Ms. Kenney is sick. Council will present the proclamation to her when she is able to come to a meeting.

BESANCON PRESENTATION

Ms. Yates Nobles, Besancon Representative from the Sister City Commission, made a presentation to Council about the Besancon trip in September 2018.

The delegation introduced themselves to Council as well as two students visiting from Besancon.

CONSENT AGENDA

- a. **Minutes of Council Mtgs October 1, October 3, October 4, October 8 and October 11, 2018**
- b. **APPROPRIATION: VDOT Primary Extension Paving Project Funds - \$31,441 (2nd reading)**

[VDOT Primary Extension Paving Project Funds](#)

WHEREAS, the Virginia Department of Transportation and the City of Charlottesville desire to execute a standard Project Administration Agreement for a state-aided project, referenced as Virginia Department of Transportation Project Number 0020-104-351 (UPC 113238);

WHEREAS, the Virginia Department of Transportation has awarded the City of Charlottesville a Primary Extension Paving grant in the amount of \$20,388, with a required local match of \$11,053;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$31,441 is appropriated in the following manner:

Revenue - \$20,388

Fund: 426 WBS: P-00689-19-01 (SS-009) G/L Account: 430120

Expenditures - \$20,388

Fund: 426 WBS: P-00689-19-01 (SS-009) G/L Account: 599999

Transfer from: \$11,053

Fund: 426 WBS: SS-009 G/L Account: 599999

Transfer To: \$11,053

Fund: 426 WBS: P-00689-19-01 (SS-009) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$20,388 from the Virginia Department of Transportation.

- c. **APPROPRIATION: Insurance Reimbursement for Fire Truck Settlement - \$89,369.91 (2nd reading)**

[Insurance Reimbursement for Fire Truck Settlement](#)

WHEREAS, Selective Insurance and Atlantic Emergency Solutions are reimbursing the City of Charlottesville for vehicle and contents losses associated with a fire involving vehicle #685;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$89,369.91 be appropriated in the following manner:

Revenues - \$89,369.91

Fund: 426

WBS: P-00976

G/L Account: 451110

Expenditures - \$89,369.91

Fund: 426

WBS: P-00976

G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of funds from Selective Insurance.

d. RESOLUTION: Funding Agreement between Senior Center at Belvedere and City

[Funding Agreement between Senior Center at Belvedere and City](#)

A RESOLUTION APPROVING SENIOR CENTER FUNDING AGREEMENT, NOTE AND DEED OF TRUST TO SECURE EARMARKED DONATION UNDER VIRGINIA CODE § 15.2-953

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the attached Senior Center Funding Agreement, Note and Deed of Trust are approved and that the City Manager and the City Attorney, or their respective designees, are hereby authorized to execute on behalf of the City the attached documents in a substantially similar form as approved by the City Attorney.

e. RESOLUTION: Approve Permit Parking in 600 Block of Hinton Ave

[Approve Permit Parking in 600 Block of Hinton Ave](#)

f. ORDINANCE: Zoning Text Amendments Requiring Temporary Use Permits for Temporary Surface Parking Facilities and Temporary Construction Yards (2nd reading)

[Zoning Text Amendments Requiring Temporary Use Permits for Temporary Surface Parking Facilities and Temporary Construction Yards](#)

g. ORDINANCE: Quitclaim Gas Easement to VDOT in Riverside Village Subdivision (carried)

[Quitclaim Gas Easement to VDOT in Riverside Village Subdivision](#)

Ms. Walker requested a sign-up sheet for the community to speak on the Consent Agenda. She asked the audience members if anyone was interested in commenting on the Consent Agenda to please come forward.

Mr. Louis Schultz said that he is unhappy that the minutes from special meetings are still not being disclosed. He said that the remote voting process was not accurately recorded for a meeting when Mr. Signer voted remotely. He brought up Mr. Maurice Jones' loan forgiveness as part of his contract. He mentioned the contract with former Chief Al Thomas.

On motion by Mr. Bellamy, seconded by Ms. Galvin, the Consent Agenda passed. (Ayes: Mr. Bellamy, Ms. Hill, Ms. Galvin, Ms. Walker; Noes: None)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Mr. Murphy reported on items from October 1, 2018 meeting. He announced the work session for Behavioral Health on December 12, 2018 and he will reach out to various organizations to invite to the work session.

Chief RaShall Brackney gave a presentation to Council on warrantless detentions data and answered Council's questions.

Chief Brackney said that moving forward the Police Department is working on standardizing data processing and transparency. The Chief said that she wants the data reporting standardized and that she is open to having the reports on the website.

Mr. Murphy said that the data system currently used to track and collection information encountered an 18-month implementation delay and it is not functioning properly.

COMMUNITY MATTERS

Ms. Shantell Bingham, said that she is speaking on item 6, Food Equity Initiative. She quoted a resident of Friendship Court about the limitations for acquiring healthy food in the City. Mr. Bellamy said that he has reservation about any organization coming into the community and telling someone what they should eat. Ms. Bingham said that she the Food Justice Network is about creating a health environment and not telling people what they can/ should eat. It is about redevelopment and policy changes.

Mr. Justin Shimp said that the City should think about people and housing rather than parking/cars. He said it is important to reduce parking requirements and increase density in developments.

Mr. Michael Payne made comments about the Paris Climate agreement. He proposed the following steps for City Council. 1. Divesting all City Council assets in fossil fuel industry. 2. Publicly pledge that the city will be a 0-emission city by 2032. 3. Comprehensive community development strategy; community wealth building as the bedrock of economy. We have control over the scale and scope of climate change.

Ms. Galvin said that Mr. Payne raised an important message. She said that she will be reaching out to Kristen Riddervold about the Healthy Eating Active Living Resolution and see where the City is in meeting its goals. The Healthy Eating Active Living Resolution is concerned the Standards and Design Manual; making sure that the city is walkable and as bike-able as possible.

Ms. Katrina Turner said that she does not want to keep coming here to talk about her son's case. She played a recording for the Council. She wants to know how she can get access to the original case information and how the information was changed. She said that the Chief called her a 'liar' and quoted an email from the Chief. She asked what does she have to do to get the answer and asked for something to be done.

Mr. Bellamy asked Chief Brackney Chief to come forward to address Ms. Turner's concerns about the video.

Chief Brackney said that three different chiefs and two City Managers have reviewed the case. She summarized the complaints made against the arresting Police Officers: the arrest was racially motivated, the officers were discourteous, and used excessive force during the arrest. In regards to the use of excessive force, Chief Brackney said that they used the jail intake photo to verify that Ms. Turner's son was intact and that there were not any marks on his face. The Chief said that the letter did state that there was a tape and it should state that a photo was used. To the issue of whether the officers were discourteous she reported that the original findings stated that the officers were not discourteous. However, the Chief indicated in the letter to Ms. Turner that there is not enough evidence to determine whether the officers were discourteous or not. This is a change where the issue was resolved it is now "unfounded". Were the officers racially motivated to make the arrest when he called for help. Ms. Turner's son was arrested after calling for help and plead guilty to domestic violence.

Ms. Walker asked about a video and clarified that Chief Brackney meant that there was a photo and not a video. Ms. Walker asked the Chief to provide Ms. Turner an updated letter.

Mr. Tony Wasch, Jr. asked that the 4th and 2nd streets to be closed to vehicular traffic.

Mr. Bellamy asked for a follow up on the safety plan for 2nd and 4th Street. Mr. Murphy said that the Incident Management Team can provide an update/ study. CHECK Tape. If Council wants to entertain closing the 2nd and 4th streets, then staff would not bring this before Council at the next Council meeting.

Mr. Bellamy said that he wants to entertain the idea of closing. Ms. Galvin said that this issue has been revisited every three or four years. There are many people who want to keep the streets open versus closing the streets. She asked for data on injuries on 2nd and 4th street. Ms. Hill requested the timeline about the safety assessment. Mr. Murphy said that an update could be provided by November 5th meeting. Mr. Murphy said that an update will be provided at the next meeting.

Ms. Kelsey Schlein said that the comprehensive plan is the main tool to document the growth in the community. The maps are inconsistent with the stated goals. Look beyond parking and take into consideration the people in housing.

Mr. Jeffery Fogel said that there are many lies. He said that he wants to compare the raw data for stop and frisk and said that he does not trust the Police Chief. Mr. Fogel commented on Chief Thomas' retirement/ leaving after the August 2017. He commented that Mr. Thomas was paid \$200,000 to not speak about the events of August 12, 2017 and said that the contract needs to be opened up for public inspection. He wants to hear Mr. Thomas' version of the Heaphy report.

Mr. Dan Rosensweig, said that he appreciates the City Council and Staff putting time into updating the Standards and Design Manual. He gave the history of the Standards and Design Manual and listed the deficiencies of the update to the Standards and Design Manual. He asked that the vote be delayed until the Planning Commission and CADRE could provide feedback. Mr. Bellamy said that it is fair. Ms. Hill said that the staff will provide an update and that there will be a joint work session. Council will not be voting on this item this evening.

Mr. Brad Sloken said that the City's current Green Outlook lists the main effort as Green Infrastructure. The first item under Green Infrastructure is listed as storm water management and according to the city's website that there has been a lot of effort over the years to update the infrastructure. However, he brought pictures that were posted to Twitter showing several areas around the City being completely submerged. Last year the former Mayor signed up for two Climate Initiatives. The City's commitment is 10% reduction in greenhouse emission by 2035, however, that will not be enough. He encouraged City Council to view climate change as a security issue that effects the most vulnerable populations.

Mr. Peter Krebs with the Piedmont Environmental Council. Gave a shout out to the kids that walked to school last week. He heard that kids are continuing to walk to school. Planning Commission is having a meeting on October 17th (Wednesday) 5:30 pm to 7:30 pm to discuss a walkable and bike-able region. Mr. Krebs also endorsed the Food Equity Initiative.

Ms. Rosia Parker asked when the slave plaques will be put in place. When are the slave blocks going to be erected. She wants Ms. Galvin to keep her word. Ms. Parker said that she is disappointed with Mr. Murphy that he spoke up for the UVA student at the last meeting. She also said that she is not happy with the Chief Brackney and wants her to stop lying to the Black and Brown people of Charlottesville. She said that the people of the community will save themselves.

Ms. Galvin responded to Ms. Parker and said that the City passed a resolution to redesign the whole downtown parks. Since that time the courts have put a stop on a lot of the City's activity. Asked Mr. Murphy if there is a way to break the resolution apart; the plaques are outside the parks and is willing to break the resolution apart so that certain portions of the redesign can move forward. Ms. Galvin said that she is reluctant to break the resolution apart and exclude the parks due to the fact that the public will get different community engagement initiatives.

Mr. Bellamy said that there are several steps that they can take. He supports breaking the resolution apart to take out Vinegar Hill, Slave Blocks and two other plaques that need to be addressed. Commissioning another taskforce to creating the plaques that could be outside the statues. He said he will work with Ms. Galvin and Ms. Parker to present to Council. They will provide an update by the second meeting in November.

Ms. Walker said that previous reports from previous Police Chiefs were not as detailed. The community has an opportunity to provide feedback on data. She believes that the Police Department should be challenged. If there was a tape, she would give it to Ms. Turner. There is a dwelling in the past, but it is in our best interest to resolve. Looking at how women and Black women in positions of power are treated and specifically not respected.

Mr. Bellamy said that from people it is accountability. Ms. Walker and Bellamy that everyone should be held accountable but in a respectful manner.

Ms. Nancy Carpenter, asked Mr. Murphy to get the traffic engineer a letter about the curve on 10th and Henry Avenue. Wants to get back to a resident about their inquiry. Effort to get Jackson P Burley HS to be recognized as a Historic Building. She encouraged people to sign the petition. Remind people that the end of October, PACHEM will be opening. A lot of drives are going on for the needs of the homeless and the largest need is housing for the homeless. The Initiative for Food Justice is very important. She requested that social workers who are not associated with agencies be embedded in neighborhoods in the next budget cycle.

Mayor Walker said that she will try to be a stickler for time for the rest of the year.

Adjourned for 10-minute break at 9:13 pm.

Meeting reconvened at 9:30 pm

PUBLIC HEARING / ORDINANCE*: ACCEPTANCE OF BIDS FOR LICENSE AGREEMENT (40 YEARS) FOR SMALL CELL WIRELESS FACILITIES (2nd reading waived)

Ms. Lori Schweller, Attorney for Applicant presented to Council. She asked for a waiver of the 2nd reading.

On motion, the public hearing opened; having no further speakers, the public hearing was closed.

Ms. Blair, City Attorney, asked if there were any other bids to place small cell facilities on utility poles.

Ms. Galvin moved to approve the ordinance and to waive the second reading, Ms. Hill seconded and the ordinance passed. (Ayes: Mr. Bellamy, Ms. Hill, Ms. Galvin, Ms. Walker; Noes: None)

ORDINANCE GRANTING A PERMIT TO CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS TO CONSTRUCT, OPERATE AND MAINTAIN CERTAIN EQUIPMENT FOR TRANSMISSION OF WIRELESS COMMUNICATIONS ON CERTAIN UTILITY POLES, NEW STRUCTURES, AND CITY-OWNED STRUCTURES WITHIN PUBLIC RIGHTS-OF-WAY OWNED BY THE CITY OF CHARLOTTESVILLE; SETTING FORTH THE TERMS AND CONDITIONS ACCOMPANYING THE GRANT OF THE PERMIT; PROVIDING FOR REGULATION AND USE OF THE PUBLIC RIGHTS OF WAY; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

RESOLUTION*: APPROVAL OF UPDATED STANDARDS OF DESIGN MANUAL

[Approval of Updated Standards of Design Manual](#)

Mr. Marty Silman, Public Works and Ms. Melanie Alliston-Brick, with Toole Design, presented to Council.

Ms. Galvin said that she gave comments in details about 20-30 comments and they were not incorporated into the manual. She said that she wants to understand how the items were not included and that there was a fundamental departure from the Streets That Work Plan.

Mr. Sillman asked for clarification about the two workshops; one between Council and the Planning Commission and the other between Council and the public. Ms. Galvin said she believes that is all the work sessions that are needed.

Ms. Walker asked whether Ms. Galvin's comments were supposed to be incorporated. Ms. Galvin said that they were not necessarily to be included but at least acknowledged.

Ms. Hill said that it is important that the groups who worked on the Standards and Design manual have a workshop to digest the CADRE comments. She said that she would like to know when that workshop would take place and notice the meeting so that the Councilors can attend and just listen.

Mr. Bellamy suggested inviting a CADRE member to be present at the work session with Council. Ms. Walker said that she would like a representative from each group that workshopped the Standards and Design Manual and Ms. Hill agreed and clarified for Ms. Silman.

Ms. Galvin clarified the structure of the meeting. One work session for the other groups that weighed in first. Then the work session would be between Council and the Planning Commission with a representative from each of the organizations to be present at the table.

Ms. Hill said that at the work session she would want to work with an updated version of the Standards and Design Manual.

Mr. Sillman brought up the contract with Toole. Additional workshops could mean to pushing this out to the beginning of next year. Will need additional funding and additional time to move forward. Will bring the change in scope to the November 5th meeting.

Ms. Glavin and Ms. Walker clarified that the stakeholders will have a meeting and then a representative from each of those groups should be present at the joint work session with the Planning Commission with Council.

Ms. Sillman asked if Council wanted to do a public hearing with Planning Commission and Council said no.

APPROPRIATION*: FUNDING FOR WESTHAVEN CLINIC COORDINATOR POSITION - \$85,000 (carried)

[Funding for Westhaven Clinic Coordinator Position](#)

Ms. Kakii Dimock, Acting Assistant City Manager and Ms. Joy Johnson, both members of the Nursing Clinic Steering Committee presented to Council and answered Council's questions.

Mr. John Blair said that the item would go to the Consent Agenda.

RESOLUTION*: PIEDMONT HOUSING ALLIANCE COMMUNITY WEALTH-BUILDING PROGRAM - \$75,000

[Piedmont Housing Alliance Community Wealth-Building Program](#)

Ms. Brenda Kelley, Redevelopment Manager, and Mr. Sunshine Mathon, Executive Director of Piedmont Housing Alliance, presented to Council and answered clarifying questions from Council.

Mr. Mathon agreed to provide updates on a more frequent basis than two reports.

Ms. Walker asked for a six-month report to include other funding sources and Mr. Mathon agreed.

Ms. Galvin and Mr. Murphy reported that they did not vote on this item when it was considered in front of the Friendship Court Steering Committee; only the residents voted.

Mr. Mathon asked that the six-month timeframe start from the hiring date. At the end of October he reported that they will be ready to start the advertisement for the new position.

Ms. Galvin moved to adopt the resolution, Ms. Hill seconded. The resolution passed. (Ayes: Mr. Bellamy, Ms. Hill, Ms. Galvin, Ms. Walker; Noes: None)

RESOLUTION

Piedmont Housing Alliance – Community Wealth Building Program - \$75,000

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville,

Virginia that previously appropriated SIA Implementation funding of up to \$75,000 is authorized to be allocated to be used to assist to fund an Economic Opportunity Coordinator position. These funds will be distributed over a two-year period for Piedmont Housing Alliance's Community Wealth Building Program.

RESOLUTION*: FOOD EQUITY INITIATIVE TRANSFER OF FUNDS - \$65,000

[Food Equity Initiative Transfer of Funds](#)

Ms. Rebecca Schmidt, Population Health Manager with Thomas Jefferson Health District presented to Council and answered clarifying questions.

Ms. Jeanette Abinator answered Ms. Hill and Ms. Walker's questions.

Ms. Galvin moved, Ms. Hill seconded, the motion passed. (Ayes: Mr. Bellamy, Ms. Hill, Ms. Galvin; Noes: Ms. Walker)

RESOLUTION
Food Equity Initiative Funding Support
\$65,000

WHEREAS, the City of Charlottesville desires to support the coordination of a Food Equity Initiative for the City of Charlottesville in the amount of \$65,000; and

WHEREAS, the Thomas Jefferson Health District returned \$49,784 in end of year FY2017 funds to the City of Charlottesville Citywide Reserve,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the funding support for the Food Equity Initiative is hereby transferred in the following manner:

Transfer From;

\$50,000	Fund: 105	Cost Center: 1631001000	G/L Account: 599999
\$15,000	Fund: 105	Cost Center: 1011001000	G/L Account: 599999

Transfer To:

\$65,000	Fund: 105	Cost Center: 9733001000	G/L Account: 599999
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ORDINANCE*: REZONE 1206 CARLTON AVE FROM R-2 TWO-FAMILY RESIDENTIAL TO R-3 MULTI-FAMILY RESIDENTIAL (2nd reading)(denied)

[Rezone 1206 Carlton Ave from R-2 Two-family Residential to R-3 Multi-family Residential](#)

Mr. Matt Alfele, City Planner, gave a summary and pointed out an update in the proffer from the applicant. Mr. Alfele answered clarifying questions from Council.

Ms. Galvin asked Mr. Blair a procedural question. Mr. Blair said that Council decided to consider this item separate from the Consent Agenda. In Council's current procedures, they cannot deny on the first reading.

Ms. Hill gave reasons for not supporting item.

Ms. Galvin gave her reasons for not supporting this item.

Ms. Galvin moved to deny the ordinance, seconded by Ms. Hill the motion passed. (Ayes: Mr. Bellamy, Ms. Hill, Ms. Galvin, Ms. Walker; Noes: None)

REPORT: PARTICIPATORY BUDGETING

[Participatory Budgeting](#)

Ms. Leslie Beauregard, Assistant City Manager, presented to Council and answered clarifying questions.

REPORT: SOCIAL SERVICES ADVISORY BOARD ANNUAL UPDATE

[Social Services Advisory Board Annual Update](#)

Ms. Christine Gough, Chair of the Social Services Advisory Board, presented to Council.

OTHER BUSINESS

Mr. John Blair, City Attorney, asked Council if they prefer two separate meetings for making decisions on land use.

Council agreed that they prefer two separate meetings.

Ms. Walker asked about a Social Services Report. Mr. Murphy said that he provided Council with a report and that it was more appropriate for a work session vs a Council meeting.

MATTERS BY THE PUBLIC

Mr. Mark Cavett, said that he warned Council to be wary of Developers' projects. He mentioned that renters need to be notified in addition to property owners about projects being planned for a specific area.

Mr. Tony Wasch Jr. said that he wanted to congratulate the Mayor on controlling the time for people making comments. He also asked that the Mayor try to control the crowd in their outbursts. He said that his behavior while he was being heckled was not a sign of disrespect but a sign of restraint.

Council discussed their position on the environment created by the community members' behavior while people are making public comments. Each member stated their positions.

Meeting adjourned at 11:38 pm.

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, October 22, 2018, AT 5:00 p.m. IN THE Second Floor Conference Room AT City Hall, 605 E. Main Street.

THE PROPOSED AGENDA IS AS FOLLOWS:

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

BY ORDER OF THE CITY COUNCIL

BY Brian Wheeler

SECOND FLOOR CONFERENCE ROOM – October 22, 2018

Council met in special session on this date with the following members present: Ms. Walker; Ms. Hill; Ms. Galvin; and Mr. Signer.

Ms. Walker called the meeting to order at 5:03 p.m.

On motion by Ms. Hill, seconded by Ms. Galvin, Council voted, (Ayes: Ms. Walker; Ms. Hill; Ms. Galvin; and Mr. Signer. Noes: None. Absent: Dr. Bellamy) to meet in closed session as authorized by Va. Code sec. 2.2-3712, specifically: Virginia Code sec. 2.2-3711 (A) (1) for the purpose of discussion of the consideration of specific prospective candidates to serve as the Chief of Staff/Clerk of the Charlottesville City Council.

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

Ms. Walker adjourned the meeting at 5:34 p.m.

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Wednesday, October 24, 2018, AT 6:00 p.m. IN THE auditorium OF THE Charlottesville Albemarle Technical Education Center (CATEC) at 1000 Rio Rd E, Charlottesville, VA 22901.

THE PROPOSED AGENDA IS AS FOLLOWS:

Work session related to Neighborhood Development Services
Novak Study Review and Discussion

BY ORDER OF THE CITY COUNCIL

BY Brian Wheeler

**CHARLOTTESVILLE ALBEMARLE TECHNICAL EDUCATION CENTER
October 24, 2018**

Council met in special session on this date with the following members present: Ms. Walker; Ms. Hill; Dr. Bellamy; Ms. Galvin; and Mr. Signer.

Ms. Walker called the meeting to order at 6:03 p.m.

On motion by Ms. Hill, seconded by Mr. Signer, Council voted (Ayes: Ms. Walker; Ms. Hill; Dr. Bellamy; Ms. Galvin; and Mr. Signer. Noes: None. Absent: None) to amend the agenda to appoint a board member to the Albemarle Charlottesville Regional Jail Authority Board.

On motion by Ms. Hill, seconded by Dr. Bellamy, Council voted (Ayes: Ms. Walker; Ms. Hill; Dr. Bellamy; Ms. Galvin; and Mr. Signer. Noes: None. Absent: None) to appoint Kristin Clarens as the Charlottesville Citizen Representative to the Albemarle Charlottesville Regional Jail Authority Board effective immediately for an initial term of three years.

Work session related to Neighborhood Development Services Novak Study Review and Discussion

Mike Murphy, Interim City Manager, introduced Michelle Ferguson with the Novak Consulting Group. Ms. Ferguson reviewed her firm's recommendations related to a 2017 efficiency study of city government overall followed by recommendations from a 2018 efficiency study of the Neighborhood Development Services Department.

Alex Ikefuna, Director of Neighborhood Development Services, provided a presentation which detailed specific responses by the City undertaken in response to both studies.

Paul Oberdorfer, Director of Public Works, provided a presentation on an enterprise software solution being planned for multiple departments to jointly address eight Novak recommendations related to permitting and asset and work order management systems.

After Council's discussion with staff about the presentations, Mayor Walker invited the public to offer comments.

Genevieve Keller said she had concerns about the quantitative nature of the studies. She encouraged inclusion of qualitative assessments regarding NDS. She added that the enterprise software solution should be user friendly and improve the process for citizens rather than making access more complicated.

Mark Kavett said the City had a history of deviating from the Comprehensive Plan with respect to new development. He said the City needed to clean up its zoning code and that neighborhoods are seeing projects built on their doorstep that should not be done in the first place.

Council continued to discuss the recommendations.

Ms. Hill asked if any interim steps could be taken – while waiting for the enterprise software system to be implemented in NDS – that would make more information available to the public (e.g. site plans, documents, staff comments, etc.).

Mr. Murphy said he would return to Council with proposals for interim solutions in December. Mr. Ikefuna said the new system would provide comprehensive access for both the public and developers.

Ms. Walker asked about the timing of the hiring of a new engineer in NDS.

Mr. Murphy said the position was in the current budget and that Mr. Ikefuna would weigh the pros and cons of whether a Support Services Manager – as called for in the Novak study – would be a higher priority over an engineer.

Council reached consensus that Mr. Ikefuna should proceed with hiring another staff member as he deemed appropriate.

Ms. Walker adjourned the meeting at 8:01 p.m.

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Wednesday, October 24, 2018, AT 1:00 p.m. IN THE City Manager's Office on the Second Floor of Charlottesville City Hall.

THE PROPOSED AGENDA IS AS FOLLOWS:

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

BY ORDER OF THE CITY COUNCIL

BY Brian Wheeler

CITY MANAGER'S OFFICE – October 24, 2018

Council met in special session on this date with the following members present: Ms. Walker; Ms. Hill; and Ms. Galvin. Dr. Bellamy arrived at 1:58 p.m.

Ms. Walker called the meeting to order at 1:21 p.m.

On motion by Ms. Hill, seconded by Ms. Walker, Council voted, (Ayes: Ms. Walker; Ms. Hill; and Ms. Galvin. Noes: None. Absent: Dr. Bellamy; and Mr. Signer) to meet in closed session as authorized by Va. Code sec. 2.2-3712, specifically: Virginia Code sec. 2.2-3711 (A) (1) for the purpose of discussion of the consideration of specific prospective candidates to serve as the Chief of Staff/Clerk of the Charlottesville City Council.

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

Ms. Walker adjourned the meeting at 3:19 p.m.

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Wednesday, October 24, 2018, AT 5:30 p.m. IN THE Career Development Student Resource Center conference room AT THE Charlottesville Albemarle Technical Education Center (CATEC) at 1000 Rio Rd E, Charlottesville, VA 22901.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code (Boards & Commissions)

BY ORDER OF THE CITY COUNCIL

BY Brian Wheeler

CHARLOTTESVILLE ALBEMARLE TECHNICAL EDUCATION CENTER October 24, 2018

Council met in special session on this date with the following members present: Ms. Hill; Dr. Bellamy; and Mr. Signer. Ms. Walker arrived at 5:56 p.m.

Ms. Hill called the meeting to order at 5:55 p.m.

On motion by Ms. Hill, seconded by Dr. Bellamy, Council voted, (Ayes: Ms. Hill; Dr. Bellamy; and Mr. Signer. Noes: None. Absent: Ms. Walker; and Ms. Galvin) to meet in closed session as authorized by Va. Code sec. 2.2-3712, specifically: Virginia Code sec. 2.2-3711 (A) (1) for the purpose of discussion and consideration of specific candidates for appointment as a board member of the Albemarle Charlottesville Regional Jail Authority Board.

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

Ms. Walker adjourned the meeting at 5:58 p.m.

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, October 29, 2018, AT 4:50 p.m. IN THE Second Floor Conference Room AT City Hall, 605 E. Main Street.

THE PROPOSED AGENDA IS AS FOLLOWS:

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

BY ORDER OF THE CITY COUNCIL

BY Brian Wheeler

SECOND FLOOR CONFERENCE ROOM – October 29, 2018

Council met in special session on this date with the following members present: Ms. Walker; Ms. Hill; Dr. Bellamy; and Ms. Galvin. Mr. Signer arrived at 5:30 p.m.

Ms. Walker called the meeting to order at 4:53 p.m.

On motion by Ms. Hill, seconded by Dr. Bellamy, Council voted, (Ayes: Ms. Walker; Ms. Hill; Dr. Bellamy; and Ms. Galvin. Noes: None. Absent: Mr. Signer) to meet in closed session as authorized by Va. Code sec. 2.2-3712, specifically: Virginia Code sec. 2.2-3711 (A) (1) for the purpose of discussion of the consideration of specific prospective candidates to serve as the Chief of Staff/Clerk of the Charlottesville City Council.

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

Ms. Walker adjourned the meeting at 7:23 p.m.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	October 15, 2018
Action Required:	Appropriation
Presenter:	Kaki Dimock, Acting Assistant City Manager
Staff Contacts:	Kaki Dimock, Acting Assistant City Manager
Title:	Use of Human Services Fund Balance for Westhaven Nursing Clinic Coordinator, \$85,000

Background:

After a brief period of closure, the Westhaven Clinic has re-opened under the guidance of a new collaborative effort between P.H.A.R., U.V.A. Health System, Sentara Martha Jefferson, C.R.H.A., U.V.A. School of Nursing and the City. The Westhaven Coalition identified the ideal staffing structure of the clinic as a full-time nurse, a full-time social work coordinator, student interns, and volunteers in order to meet the parish nursing model established in the clinic by Holly Edwards. The Department of Human Services seeks appropriation of \$85,000 from its fund balance to support the clinic coordinator.

Discussion:

In Spring 2017, J.A.B.A. announced that it would no longer serve as fiscal agent or administrative support for the Westhaven Clinic. A coalition of providers joined forces to determine what services should be offered in Westhaven and by whom. Without dedicated funding, this coalition struggled to identify a lead agency or a way to support the neighborhood. During this time, a donor came forward to support a full-time nurse at the Westhaven Clinic for five years. This extraordinary gift to the U.V.A. School of Nursing allowed the coalition to move forward with substantial momentum. A leadership group emerged to serve as a steering committee charged with solving practical barriers for the operation of the clinic, ensure that residents are offered both nursing and social supports, and identify future funding opportunities to ensure the long-term sustainability of the clinic. In early discussions, the coalition determined that the Westhaven Clinic would be most effective with one nurse and one social worker working together to provide a wide variety of services to residents.

The coalition has requested that the city support this coordinator position to pilot the concept and to benefit from colleagues at the Department of Human Services. The coalition has also requested that the City serve as the fiscal agent for this program until such a time that the steering committee determines the appropriate permanent lead agency. The steering committee requests appropriation of \$85,000 from the Department of Human Services existing fund balance to hire and supervise a clinic coordinator. As this is a pilot project, the Clinic Coordinator position would be classified as a long-term temporary employee until such a time that the steering committee determines a long-range funding

and lead agency strategy, at which time the employee will transition to the new agency.

A clinic coordinator will be responsible for:

- Coordinating community partners that provide services at the clinic
- Recruiting providers to expand the array of available services
- Assessing and addressing practical, functional, socioeconomic, psychosocial and community needs of residents
- Maintaining community data on needs and services to demonstrate ongoing need and clinic impact
- Working in collaboration with steering committee partners to advocate for residents

Alignment with City Council's Vision and Strategic Plan:

This initiative aligns with City Council Strategic goal 2: A Healthy & Safe City.

Community Engagement:

This proposal is the result of 6 months of coalition meetings and 6 additional months of steering committee meetings representing Westhaven residents, P.H.A.R., Region Ten, J.A.B.A., City of Charlottesville, Common Ground, The Women's Initiative, City of Promise, U.V.A. Health System, T.J.H.D., and U.V.A. School of Nursing.

Budgetary Impact:

This appropriation will not impact the general fund budget as the funding will be appropriated from the existing fund balance of the Human Services Fund.

Recommendation:

Staff recommend appropriating funds as described.

Alternatives:

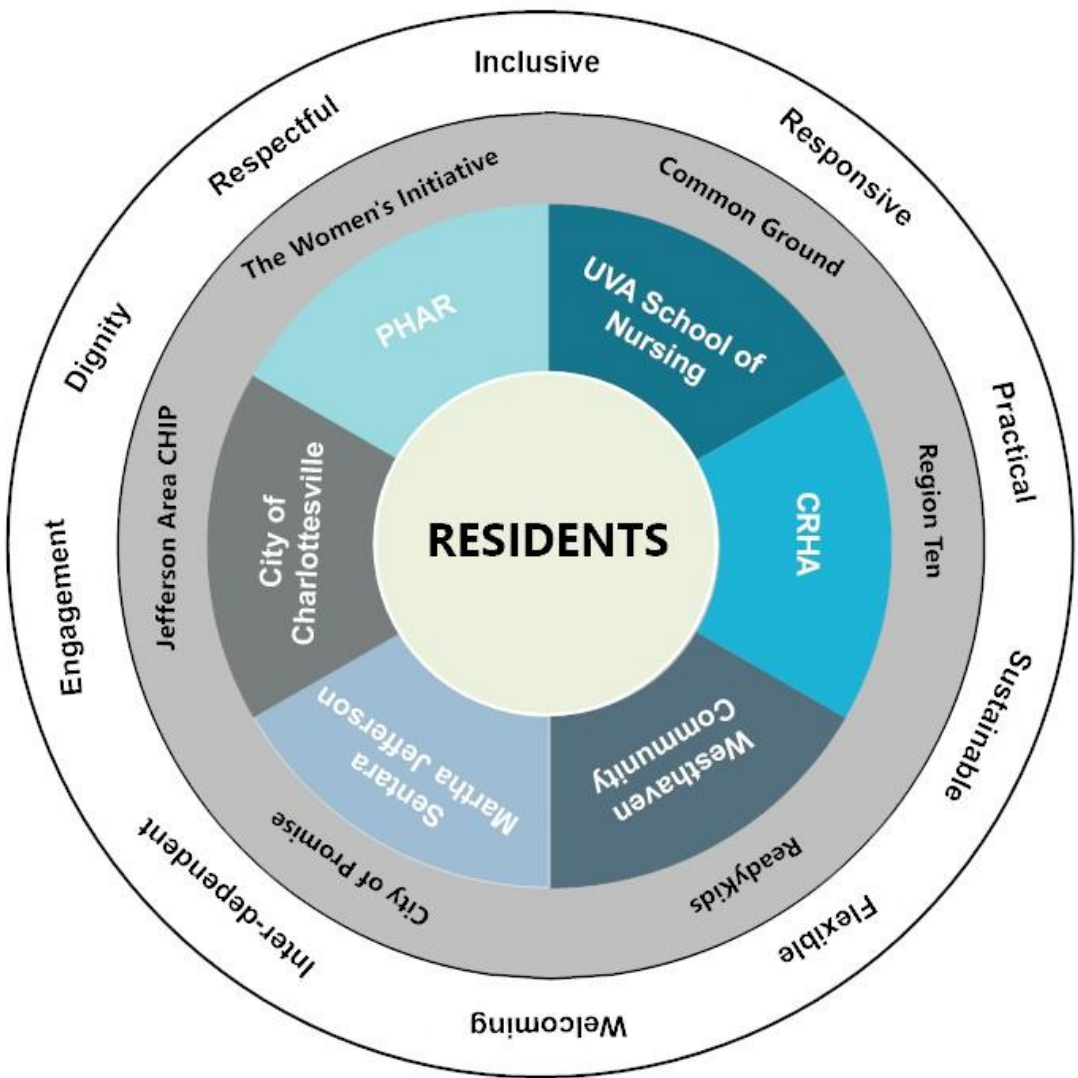
Council may decide not to approve this appropriation.

Council may decide to fund this with funds from the equity set aside.

Attachments:

Appropriation

Westhaven Nursing Clinic Initiative Structure



APPROPRIATION
Use of Human Services Fund Balance for Westhaven Nursing Clinic Coordinator
\$85,000

WHEREAS, in collaboration with P.H.A.R., U.V.A. Health System, Sentara Martha Jefferson, C.R.H.A., and the U.V.A. School of Nursing, the Westhaven Coalition identified the ideal staffing structure of the clinic in order to meet the parish nursing model established in the clinic by Holly Edwards.;

WHEREAS, the City of Charlottesville, Virginia, has agreed to serve as the fiscal agent for this program;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$85,000 in Human Services Fund Balance be appropriated in the following manner:.

Revenues:

\$ 85,000	Fund: 213	Cost Center: 3413016000	G/L Account: 498011
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Expenditures:

\$ 70,000	Fund: 213	Cost Center: 3413016000	G/L Account: 519999
\$ 15,000	Fund: 213	Cost Center: 3413016000	G/L Account: 599999

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



Agenda Date:	November 5, 2018
Action Required:	Appropriation & Transfer
Presenter:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Staff Contacts:	Alex Ikefuna, Neighborhood Development Services Director Tony Edwards, Development Services Manager Jeanette Janiczek, Urban Construction Initiative Program Manager
Title:	FY 2019 VDOT Revenue Sharing Program Multi-Modal Improvements Appropriation - \$413,217 Transfer of Capital funds for Multi-Modal Improvements Local Match - \$560,347

Background:

The Virginia Department of Transportation (V.D.O.T.) administers the Revenue Sharing Program to provide additional funding for localities to improve their transportation network. With the realization that transportation needs are outpacing the state's budget, this program encourages local investment in the transportation network. Under the current law/regulations, for each local dollar that the City commits to an eligible project, the state is offering to match it 1:1 – up to \$10 million per locality per biennial application cycle. The maximum allocation the Commonwealth Transportation Board (C.T.B.) may make to the Revenue Sharing Program is \$200 million annually with the minimum allocation being \$15 million annually.

Discussion:

Several studies have been conducted through the public process to identify priority multi-modal improvements citywide. These studies include:

- 2015 Bicycle and Pedestrian Master Plan
- Streets That Work
- Strategic Investment Area Plans

Two applications were submitted – one in FY2019 Revenue Sharing Program for \$1 million (\$500,000 local, \$500,000 state) and another in FY2020 Revenue Sharing Program for \$800,000 (\$400,000 local, \$500,000 state) – using local matching dollars normally awarded in the City's Capital Improvement Program for new sidewalks, bike facilities and ADA improvements. The City received a prorated award of \$413,217 for FY2019 that is available for appropriation and spending in the current fiscal year and a projected, prorated award of \$413,218 in state funding that will be appropriated and local funds transferred once grant funding becomes available July 2019.

To match the state funding and account for additional funds needed due to the prorated award, City staff recommends transferring the following local funds into a consolidated C.I.P. project account:

P-00671	Bike Infrastructure Improvements	\$100,000
P-00335	New Sidewalk	\$293,913.25
P-00511	Old Lynchburg Road	\$166,433.75

After the appropriation, prospective projects that will be considered and scoped based on available funding include:

- Bike and Pedestrian Improvements on 9th Street between Levy Avenue and Hinton Avenue
- Sidewalk along Levy Avenue between 9th Street and Monticello Road
- Priority Sidewalk Segments previously identified:

Neighborhood	Street	Sidewalk Location	Starting	Ending
Barracks Road	Barracks Road	SW	Existing	250/29 Bypass
Venable	Preston Ave	South	Rugby Rd	Madison Ave
Lewis Mountain	Alderman Road	NW	Kent Rd	Morris Rd
The Meadows	Hydraulic Road	West	Dominion Power	250 Bypass
Barracks/Rugby	Rose Hill Drive	West	Rugby Ave	Madison Ave
Greenbrier	Kenwood Lane	South	Yorktown Dr	M'brook Hghts
Locust Grove	St. Clair Avenue	NW	Peartree Ln	Smith St
Rose Hill	Albemarle Street	Both	Dale Ave	Rivanna Ave
10th & Page	9th Street NW	Both	West St	Preston Ave
Star Hill	Commerce St	South	6th St	Existing
North Downtown	Harris Street	Both	Rivanna Ave	McIntire Rd
Martha Jefferson	12th Street NE	West	E Jefferson St	Meriwether St
Woolen Mills	Market Street	Both	Franklin Ave	Meade Ave
Belmont	Monticello Avenue	West	Quarry Rd	Druid Ave
Ridge Street	Elliott Avenue	North	Ridge St	Avon St
Fifeville	9th Street SW	East	Elm St	Existing
Johnson Village	Cleveland Avenue	North	Existing	Rainier Rd
Fry's Spring	Azalea Drive	Both	Existing	Harris Rd
Jefferson Park Avenue	Fontaine Avenue	North	Summit St	JPA

Alignment with City Council’s Vision and Strategic Plan:

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

Community Engagement:

Public participation occurred during the development of the various studies listed above. Matching funds are being considered during the current C.I.P. process.

Budgetary Impact:

There is no impact to the City’s General Fund. All local matching funds were previously appropriated in prior Adopted Capital Improvement Programs (C.I.P.). The local matching funds awarded during the CIP process are being supplemented with state funding from successful grant applications.

Recommendation:

Staff recommends approval of the appropriation and transfer of existing capital funding.

Alternatives:

- 1) The City could choose to not accept the grant award.
- 2) The City could select other funds to use as local match.

Attachment:

Appropriation & Transfer

APPROPRIATION

FY 2019 Revenue Sharing Program - Multi-Modal Improvements

\$413,217

WHEREAS, a total of \$413,217 in state funds for the Revenue Sharing Program requires appropriation;

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

Revenues

\$ 413,217 Fund: 426 WBS: P-01004 G/L Account: 430080

Expenditures

\$ 413,217 Fund: 426 WBS: P-01004 G/L Account: 599999

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



Agenda Date:	November 5, 2018
Action Required:	Appropriation & Transfer
Presenter:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Staff Contacts:	Alex Ikefuna, Neighborhood Development Services Director Tony Edwards, Development Services Manager Jeanette Janiczek, Urban Construction Initiative Program Manager
Title:	FY 2019 VDOT Revenue Sharing Program Multi-Modal Improvements Appropriation - \$413,217 Transfer of Capital funds for Multi-Modal Improvements Local Match - \$560,347

Background:

The Virginia Department of Transportation (V.D.O.T.) administers the Revenue Sharing Program to provide additional funding for localities to improve their transportation network. With the realization that transportation needs are outpacing the state's budget, this program encourages local investment in the transportation network. Under the current law/regulations, for each local dollar that the City commits to an eligible project, the state is offering to match it 1:1 – up to \$10 million per locality per biennial application cycle. The maximum allocation the Commonwealth Transportation Board (C.T.B.) may make to the Revenue Sharing Program is \$200 million annually with the minimum allocation being \$15 million annually.

Discussion:

Several studies have been conducted through the public process to identify priority multi-modal improvements citywide. These studies include:

- 2015 Bicycle and Pedestrian Master Plan
- Streets That Work
- Strategic Investment Area Plans

Two applications were submitted – one in FY2019 Revenue Sharing Program for \$1 million (\$500,000 local, \$500,000 state) and another in FY2020 Revenue Sharing Program for \$800,000 (\$400,000 local, \$500,000 state) – using local matching dollars normally awarded in the City's Capital Improvement Program for new sidewalks, bike facilities and ADA improvements. The City received a prorated award of \$413,217 for FY2019 that is available for appropriation and spending in the current fiscal year and a projected, prorated award of \$413,218 in state funding that will be appropriated and local funds transferred once grant funding becomes available July 2019.

To match the state funding and account for additional funds needed due to the prorated award, City staff recommends transferring the following local funds into a consolidated C.I.P. project account:

P-00671	Bike Infrastructure Improvements	\$100,000
P-00335	New Sidewalk	\$293,913.25
P-00511	Old Lynchburg Road	\$166,433.75

After the appropriation, prospective projects that will be considered and scoped based on available funding include:

- Bike and Pedestrian Improvements on 9th Street between Levy Avenue and Hinton Avenue
- Sidewalk along Levy Avenue between 9th Street and Monticello Road
- Priority Sidewalk Segments previously identified:

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Lewis Mountain	Alderman Road	NW	Kent Rd	Morris Rd
The Meadows	Hydraulic Road	West	Dominion Power	250 Bypass
Barracks/Rugby	Rose Hill Drive	West	Rugby Ave	Madison Ave
Greenbrier	Kenwood Lane	South	Yorktown Dr	M'brook Hghts
Locust Grove	St. Clair Avenue	NW	Peartree Ln	Smith St
Rose Hill	Albemarle Street	Both	Dale Ave	Rivanna Ave
10th & Page	9th Street NW	Both	West St	Preston Ave
Star Hill	Commerce St	South	6th St	Existing
North Downtown	Harris Street	Both	Rivanna Ave	McIntire Rd
Martha Jefferson	12th Street NE	West	E Jefferson St	Meriwether St
Woolen Mills	Market Street	Both	Franklin Ave	Meade Ave
Belmont	Monticello Avenue	West	Quarry Rd	Druid Ave
Ridge Street	Elliott Avenue	North	Ridge St	Avon St
Fifeville	9th Street SW	East	Elm St	Existing
Johnson Village	Cleveland Avenue	North	Existing	Rainier Rd
Fry's Spring	Azalea Drive	Both	Existing	Harris Rd
Jefferson Park Avenue	Fontaine Avenue	North	Summit St	JPA

Alignment with City Council’s Vision and Strategic Plan:

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

Community Engagement:

Public participation occurred during the development of the various studies listed above. Matching funds are being considered during the current C.I.P. process.

Budgetary Impact:

There is no impact to the City’s General Fund. All local matching funds were previously appropriated in prior Adopted Capital Improvement Programs (C.I.P.). The local matching funds awarded during the CIP process are being supplemented with state funding from successful grant applications.

Recommendation:

Staff recommends approval of the appropriation and transfer of existing capital funding.

Alternatives:

- 1) The City could choose to not accept the grant award.
- 2) The City could select other funds to use as local match.

Attachment:

Appropriation & Transfer

Resolution

**Transfer of Capital Funds for Multi-Modal Improvements Local Match
\$560,347**

WHEREAS, a total of \$560,347 in matching city funds for the Revenue Sharing Program requires transferring;

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

Transfer From

\$ 100,000	Fund: 426	WBS: P-00671	G/L Account: 561425
\$ 293,913.25	Fund: 426	WBS: P-00335	G/L Account: 561425
\$ 166,433.75	Fund: 426	WBS: P-00511	G/L Account: 561425

Transfer To

\$ 560,347	Fund: 426	WBS: P-01004	G/L Account: 498010
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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 5, 2018
Action Required:	Approval
Presenter:	Christopher Cullinan, Director of Finance
Staff Contacts:	Christopher Cullinan, Director of Finance Lauren Hildebrand, Director of Utilities
Title:	Compromise of Claim: Water and Wastewater Leak Credit of \$27,842.88 for Albemarle County Schools – Burley Middle School

Background:

Burley Middle School, located at 901 Rose Hill Drive, experienced a water leak in its heating system in April and May of this year. The leak used ten to twenty times the amount of water normally consumed during these months. This water also returned to the sanitary sewer. Per the City's leak credit procedures, Albemarle County Schools have requested a credit to their account for this location.

Discussion:

Utility billing staff have calculated the credit to be \$27,842.88; \$13,362.99 for water and \$14,479.89 for wastewater. Utilities staff has also investigated this leak and resulting repairs and concur with Utility Billing Office's (UBO) analysis. Per the City's Leak Credit Policy, the credit waives approximately 50% of the utility bill. The portion being waived represents the City's utility expenses. The portion of the utility bill for Rivanna Water and Sewer Authority (RWSA) expenses are still collected.

The amount of the credit is greater than \$10,000, thus City Code Section 11-132 (4) requires City Council authorization.

Alignment with City Council's Vision and Strategic Plan:

The City's Leak Credit Policy aligns with "3.4 *Be responsible stewards of natural resources*" by encouraging residents to minimize water loss by making timely leak repairs and "5.1 *Integrate effective business practices and strong fiscal policies*" as such a policy is considered a best practice for utilities.

Community Engagement:

N/A

The fiscal impact of the compromise of claim is a \$27,842.88 reduction in revenues to the Water and Wastewater Funds to fund City utility expenses. Note: per the City Leak Credit Policy, only the City's portion of the utility bill is waived. The portion of the utility bill for expenses for Rivanna Water and Sewer Authority (RWSA) is still collected.

Recommendation:

Staff recommends approval for the compromise of the claim and granting of the leak credit.

Alternatives:

City Council could deny the compromise of claim and therefore the leak credit would not be granted.

Attachments:

Resolution

RESOLUTION
APPROVING A CREDIT TO THE UTILITY ACCOUNT
OF BURLEY MIDDLE SCHOOL (WATER LEAK CREDIT)

WHEREAS, a water leak was discovered in May of 2018 affecting the property of Albemarle County known as Burley Middle School on Rose Hill Drive in the City of Charlottesville; and

WHEREAS, the water leak used 10 to 20 times the amount of water normally used in April and May of 2018; and

WHEREAS, the Director of Finance, City Attorney, and City Manager concur that circumstances warrant a credit in the amount of \$27,842.88 (\$13,362.99 for water and \$14,479.89 for wastewater), and in accordance with City Code Sec. 11-132(4), City Council has authority to grant such a credit; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the Director of Finance is hereby authorized to apply a credit of \$27,842.88 to the Utility Billing account of Albemarle County Schools (Burley Middle School).

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 5, 2018
Action Required:	Approve resolution
Presenter:	Brian Wheeler, Interim Clerk of Council
Staff Contacts:	Kristel Riddervold, Environmental Sustainability and Facilities Development Manager Susan Elliott, Climate Protection Program Manager
Title:	Request for Mayor to sign on to Environment America's Mayors for Solar Energy campaign

Background:

Environment America (www.environmentamerica.org) has requested Charlottesville City Council endorse the Mayors for Solar Energy campaign by adding the Mayor's signature to a letter already been signed by nearly 200 local leaders who support solar energy in their communities.

Discussion:

Environment America plans to publicly release this letter on November 13, 2018, emphasizing the breadth of support for solar energy among elected officials from every state and across political divides. Their aim is to demonstrate that solar energy can be beneficial to any community, and is something that more cities should be prioritizing.

Staff in the City's Environmental Sustainability Division have reviewed the letter and determined that it is consistent with current commitments for Charlottesville related to our environmental goals.

Alignment with City Council's Vision and Strategic Plan:

The project supports City Council's "Green City" vision. It contributes to Goal 3 of the Strategic Plan, to foster a beautiful and sustainable natural and built environment, and Objective 3.4 to be responsible stewards of natural resources.

Community Engagement:

None.

Budgetary Impact:

This has no impact on the General Fund.

Recommendation:

Staff recommends approval of this resolution.

Text of letter:

Mayors for Solar Energy

We, the undersigned U.S. Mayors and local officials, resolve to make solar energy a key element of our communities' energy plans.

Accelerating the growth of solar will reduce pollution while revitalizing our communities by creating jobs and keeping energy dollars in our local economies. Expanding solar power helps residents and businesses benefit from lower energy costs while providing more local control of energy and improving our communities' resilience.

Therefore, solar energy can and should be a much larger part of our energy mix than it is today. The U.S. has the potential to produce 100 times more solar power than the total amount of energy we consume each year. We must continue to harness this vast source of clean energy for the benefit of all of our citizens.

As local leaders, we know that our communities are particularly well-suited to adopt solar power. Cities and towns are natural centers of electricity demand, have the rooftops and infrastructure needed for installing solar panels, and can craft policies to help residents and utilities make the switch to solar power. With a concerted effort underway on the state and federal levels to limit the growth of solar by fossil fuel special interests, communities like ours across the country need to act quickly to continue our progress toward renewable energy.

By signing this Statement in Support of Solar, we commit to supporting efforts to advance solar energy in our local communities, states, and the nation.

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the Mayor is hereby authorized to sign a Statement in Support of Solar Energy, in substantially the same form presented to City Council on November 5, 2018.

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**CITY OF CHARLOTTESVILLE
CITY COUNCIL AGENDA**

Agenda Date:	October 15, 2018
Action Required:	Yes (First Reading of Ordinance)
Staff Contacts:	Lauren Hildebrand, Director of Utilities
Title:	Quitclaim Gas Easement to VDOT (Trailside Drive)

Background

In April of 2015, the City acquired a natural gas line easement in Trailside Drive in the Riverside Village Subdivision off Stony Point Road in Albemarle County. The Virginia Department of Transportation is prepared to accept this roadway into the state highway system. At the request of the Gas Division, we have drafted an ordinance and deed quitclaiming to VDOT the City's natural gas easement located within this street (see attached plat).

Discussion

The quitclaim deed requires the gas line to remain in its present location, and if the street ceases to be part of the state's highway system, that portion of the easement will automatically revert back to the City. The natural gas line and facilities continue to be owned and maintained by the City even after the easement is quitclaimed to the state.

Alignment with Council Vision Areas and Strategic Plan

Not applicable.

Community Engagement

Not applicable.

Alternatives

If the ordinance is not approved, VDOT will not accept Trailside Drive into its road maintenance system.

Budgetary Impact

None.

Recommendation

Approval of the attached ordinance and quitclaim deed.

Attachments

Ordinance and Deed of Quitclaim (with plat attached).

**AN ORDINANCE
TO QUITCLAIM NATURAL GAS LINE EASEMENT
WITHIN TRAILSIDE DRIVE IN THE RIVERSIDE VILLAGE SUBDIVISION
LOCATED IN ALBEMARLE COUNTY
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadway known as Trailside Drive located in the Riverside Village Subdivision in Albemarle County; and

WHEREAS, the City owns natural gas lines located within this roadway, and also owns an easement for such gas line, and VDOT has asked that the foregoing easement crossing this roadway be released upon VDOT's acceptance of Trailside Drive; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easement crossing Trailside Drive to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said line to continue to be located in said roadway.

*Prepared by John C. Blair, II (VSB #65274)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902*

Albemarle County Tax Map 78, Parcel 58 (Riverside Village)

**This deed is exempt from recordation taxes pursuant to
Virginia Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4).**

DEED OF QUITCLAIM

THIS DEED OF QUITCLAIM, made and entered into on this ____ day of _____, 2018, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, easements and rights of way, as shown on the attached plat made by the City of Charlottesville Gas Division dated September ____, 2018, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in the Trailside Drive right-of-way in the County of Albemarle, namely: Natural gas lines and related gas facilities, or portions thereof, upon, under and across Trailside Drive, insofar as the land embraced within said easement falls within the boundaries of a public street or highway to be maintained by the Virginia Department of Transportation. Said gas line easement in Trailside Drive was conveyed to the City by Deed of Easement dated April 13, 2015 from Riverside Village Properties, Inc., of record in the Clerk's Office for the Circuit Court for the County of Albemarle in Deed Book 4609, Page 480.

The Grantor reserves unto itself, its successors and assigns, all of the rights and privileges under the aforesaid Deed of Easement until such time as the Virginia Department of Transportation has issued a permit to the GRANTOR subject to the following two conditions which shall also be covenants running with the land:

1. That the above described improvements of the GRANTOR may continue to occupy such streets or highways in the existing condition and location.

2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE is to have and hold the above-described property for so long as said property is used as part of its public street or highway maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said property's use for such purposes, all rights, privileges, interests and easements in the property herein described under the aforesaid easement shall revert to the GRANTOR, its successors and assigns.

Notwithstanding other language contained herein which might appear to the contrary, the parties agree that GRANTOR shall continue to own in fee simple the gas line improvements located within the above described public roadway.

IN WITNESS WHEREOF, the GRANTOR has caused its name to be assigned hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

CITY OF CHARLOTTESVILLE, VIRGINIA

BY: _____
Nikuyah Walker, Mayor

ATTEST:

Interim Clerk of Council

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

I, _____, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that Nikuyah Walker, Mayor of the City of Charlottesville, Virginia, and Brian Wheeler, its Interim Clerk of Council, whose names are signed to the foregoing writing, bearing date of _____, 2018, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: _____

Given under my hand this _____ day of _____, 2018.

Notary Public
Registration # _____

Approved as to Form:

John C. Blair, II, City Attorney

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 5, 2018
Action Required:	Public Hearing
Presenter:	Heather Hill, Vice Mayor City of Charlottesville S. Renee Narloch, President S. Renee Narloch & Associates
Staff Contacts:	Heather Hill, Vice Mayor City of Charlottesville
Title:	Public Engagement in City Manager Search Process

Background: The City Council recently engaged S. Renee Narloch & Associates to conduct executive recruitment services for the next City Manager on behalf of the City of Charlottesville. Part of the firm’s duties include gathering and considering input from Council, City staff, and the general public for the recruitment process.

Public hearings on the search process were held by Council during its August 6th and August 20th sessions. Additionally, in mid-October, a community survey was launched. This survey includes opportunities to provide feedback on the qualifications and qualities Council should be seeking in the next City Manager. The survey will close on Friday, November 9th so input may first be considered in the development of advertising materials for this position.

Discussion: The City Council puts a high priority on community participation in the City Manager selection process. This public hearing is designed to gather community feedback specifically on public engagement throughout this process and for Council to align on the framework for engagement as this process begins in earnest with S. Renee Narloch & Associates.

Alignment with Council Vision Areas and Strategic Plan:

This public hearing and discussion align with the City’s Smart, Citizen-Focused Vision; Strategic Plan Goal 5: A Well-Managed and Responsive Organization and, specifically, Objective 5.4: Foster effective community engagement.

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



Agenda Date:	November 5, 2018
Action Required:	Public Hearing and Appropriation
Presenter:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Staff Contacts:	Alex Ikefuna, Neighborhood Development Services Director Tony Edwards, Development Services Manager Jeanette Janiczek, Urban Construction Initiative Program Manager
Title:	FY 2019 VDOT Revenue Sharing Program West Main Streetscape Improvements Phase 1 – \$3,112,413

Background:

The Virginia Department of Transportation (V.D.O.T.) administers the Revenue Sharing Program to provide additional funding for localities to improve their transportation network. With the realization that transportation needs are outpacing the state's budget, this program encourages local investment in the transportation network. Under the current law/regulations, for each local dollar that the City commits to an eligible project, the state is offering to match it 1:1 – up to \$10 million per locality per biennial application cycle. The maximum allocation the Commonwealth Transportation Board (C.T.B.) may make to the Revenue Sharing Program is \$200 million annually with the minimum allocation being \$15 million annually.

Discussion:

West Main Street is a vital urban street, a locally designated historic district, and an important connection between the University of Virginia and Downtown Charlottesville, and to the surrounding neighborhoods. The City of Charlottesville has undertaken a plan to update the street with widened sidewalks, dedicated bicycle lanes, a diversity of trees and landscape plantings, and opportunities for historic interpretation and social gathering.

In March 2016, City Council approved both zoning ordinance modifications and a conceptual design plan option for West Main Street (Option 1). Since that time, the project team has been working with City staff to develop more detailed design plans, meeting with the community and the Board of Architectural Review, and creating a schematic design plan set, which was approved by City Council on May 15, 2017. The project team is currently developing the next phase of design plans in consultation with City staff.

The plan's priorities include:

- Better connectivity to and from the surrounding neighborhoods

- Beautification strategies for West Main Street
- An increased emphasis on pedestrian and bicycle-oriented infrastructure
- Use of best practices with regard to environmental issues such as green infrastructure and street trees
- Improved clarity in the built form and public space standards along West Main Street
- Recommended massing and land use for West Main Street
- Strategies to protect the historic fabric of the corridor
- Improved vehicular traffic circulation
- Consideration of parking alternatives
- An economic impact assessment of the proposed land use and zoning recommendations

A projected construction cost of approximately \$30,000,000 has been identified for the project which includes underground utilities, wider sidewalks, trees and street furniture. Undergrounding utilities would not be eligible for transportation funds and accounts for roughly \$10 million in project costs.

To fund the project, the overall project has been broken into phases. **An application was submitted for the first phase, between Ridge Street and 6th Street NW – for \$6 million (\$3 million local, \$3 million state) in the FY2019 Revenue Sharing program. The City received a prorated award of \$2,704,319 for FY2019 and another \$408,094 was transferred from the older, completed Revenue Sharing projects for a total of \$3,112,413 in state funding.**

An application was also submitted for the second phase, between 6th Street NW and 8th Street NW – for \$4 million (\$2 million local, \$2 million state) in the FY2020 Revenue Sharing program. The City will receive a projected, prorated award of \$1,704,319 in state funding that will be appropriated and local funds transferred once the grant funding becomes available July 2019.

A Smart Scale Application was submitted this year for state and federal funding for the additional funding for the second phase. The Revenue Sharing Application for FY20 should improve the application score for the Smart Scale Application for the remaining funding. If the Smart Scale Application is not awarded, then a future Revenue Sharing application would be sought.

Alignment with City Council’s Vision and Strategic Plan:

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

Community Engagement:

Due to the amount of the funding being requested to be appropriated, a public hearing is required by State code. In addition to the public hearing, public participation has occurred throughout development of the design of the West Main Streetscape project. Public participation opportunities include open public meetings, Board of Architectural Review Work Sessions, City

Council Work Sessions and City Council Presentations. A Steering Committee was established to inform the design process. Information is also available on the website (www.gowestmain.com) and through emailed project updates.

Budgetary Impact:

There is no impact to the City's General Fund. All local matching funds were previously appropriated in prior Adopted Capital Improvement Programs (C.I.P.). The local funds awarded during the C.I.P. process are being supplemented with state funding from successful grant applications.

Recommendation:

Staff recommends approval of the appropriation

Alternatives:

- 1) The City could choose to not accept the grant award.

Attachment:

Appropriation

APPROPRIATION

FY 2019 Revenue Sharing Program – West Main Streetscape Improvements Phase 1

WHEREAS, a total of \$3,112,413 in state funds for the Revenue Sharing Program requires appropriation;

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

Revenues

\$ 3,112,413 Fund: 426 WBS: P-00336 G/L Account: 430080

Expenditures

\$ 3,112,413 Fund: 426 WBS: P-00336 G/L Account: 599999

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



Agenda Date:	November 5, 2018
Action Required:	Approve Allocation
Presenter:	Councilors Bellamy and Galvin
Staff Contacts:	Mike Murphy, Interim City Manager John C. Blair, II, City Attorney
Title:	Allocation of Racial Engagement and Equity Funds to New Hill Development Corporation

Background:

New Hill Development Corporation (hereinafter “New Hill”) approached City Councilors Bellamy and Galvin about receiving City funding for a small area plan that incorporates the Starr Hill neighborhood. New Hill plans to partner with the Local Initiatives Support Corporation in drafting the small area plan. Additionally, New Hill Development Corporation would like to receive funding to offer financial training programs to City of Charlottesville residents.

New Hill is a non-profit corporation whose aim is to expand and strengthen Charlottesville’s African American middle class by honoring the heritage of the once vibrant Vinegar Hill community. New Hill intends to accomplish its mission by improving access to affordable housing, expanding financial literacy, and supporting economic, educational, and cultural development programs.

Discussion:

On December 18, 2017, the Charlottesville City Council appropriated \$1,000,000.00 to create a Council Reserve Fund for Racial Equity and Engagement (hereinafter “Equity Fund”). That fund currently contains \$1,534,000.00 in appropriated funds.

New Hill Development Corporation is requesting a \$500,000.00 allocation from the Council out of appropriated funds in the Equity Fund. The funds would provide a small area plan for the Starr Hill neighborhood. This plan would be made available to the public and can be used to identify targeted economic and community development efforts in the Starr Hill neighborhood. As a point of comparison, the City Council appropriated \$350,000.00 to the Piedmont Housing Alliance for Friendship Court master planning efforts in 2015.

Additionally, New Hill Development Corporation will provide financial training to City of Charlottesville residents which aims to improve the credit rating of participants and to identify and cultivate entrepreneurs.

The proposed allocation is subject to the terms and conditions of the attached Donation Agreement. New Hill Development Corporation will provide periodic updates of the small area planning efforts to Council with a deliverable date nine months from the execution of the Donation Agreement. New Hill Development Corporation will also provide evidence satisfactory to the Council that it provided financial services training to Charlottesville residents within twelve months from the execution of the Donation Agreement.

Alignment with Council Vision Areas and Strategic Plan:

This action aligns with the Council’s Vision for an economically sustainable community of mutual respect which provides quality housing opportunities for all. This action aligns with the City Council’s Strategic Plan Goal One: An Inclusive Community of Self-Sufficient Residents. It aligns with Objective 1.2 Prepare residents for the workforce, Objective 1.3 Increase affordable housing opportunities, Objective 1.4 Enhance financial health of residents, and Objective 1.5 Intentionally address issues of race and equity.

Budgetary Impact:

This action will reduce the funds available in the Council Reserve Fund for Racial Equity and Engagement from \$1,534,000.00 to \$1,034,000.00.

Alternatives:

The Council could decline to allocate the proposed funds to New Hill Development Corporation. The Council could also reduce the amount of its allocation to New Hill Development Corporation.

Attachments:

A copy of the proposed Donation Agreement between the City of Charlottesville and New Hill Development Corporation is attached.

RESOLUTION

**New Hill Development Corporation-Starr Hill Small Area Planning and Financial
Training
\$500,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$500,000 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund to New Hill Development Corporation pursuant to the Donation Agreement between the City of Charlottesville and New Hill Development Corporation being executed by New Hill Development Corporation and the City Manager.

\$500,000

Fund: 105

Cost Center: 10110010000

DONATION AGREEMENT

THIS DONATION AGREEMENT is made and entered into this ____ day of November, 2018, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (hereinafter “the City”) and **NEW HILL DEVELOPMENT CORPORATION**, a Virginia not-for-profit corporation, and its successors and assigns (hereinafter “New Hill”).

WHEREAS, New Hill is a not-for-profit corporation operated exclusively for charitable and educational purposes; and

WHEREAS, New Hill’s charitable mission is to expand and strengthen Charlottesville’s African American middle class by honoring the legacy and heritage of the once vibrant Vinegar Hill community by improving access to affordable housing, expanding financial literacy, and supporting economic, educational, and cultural development programs for City of Charlottesville residents; and

WHEREAS, New Hill aims to develop a small area plan for the Starr Hill neighborhood to maintain the neighborhood’s vitality and prevent neighborhood deterioration; and

WHEREAS, New Hill intends to develop a financial training program for Charlottesville residents.

NOW, THEREFORE, THE PARTIES AGREE TO THE FOLLOWING DONATION TERMS AND CONDITIONS:

1. AUTHORITY. The contribution by the City to New Hill as provided in this Agreement is made pursuant to Virginia Code §15.2-953. The City, through its City Council, is enabled by Virginia Code §15.2-953 to appropriate public funds to charitable institutions if such institutions provide services to residents of the locality and to nonprofits that maintain communities and prevent neighborhood deterioration. New Hill is a nonprofit charitable institution that is eligible to receive public funds pursuant to Virginia Code §15.2-953 and such funds are to be used solely for the purposes provided for in this Agreement.

2. CITY DONATION. The City agrees to contribute to New Hill a total of \$500,000.

3. PURPOSES. The City’s contribution shall be used solely for the following items and services:

New Hill shall develop, in tandem with the Local Initiatives Support Corporation, a community vision and a small area plan for the Starr Hill Neighborhood which incorporates the former historical community of Vinegar Hill. The boundaries of the Starr Hill Neighborhood are Preston Avenue to the north, Ridge/McIntire street to the east, the CSX railroad to the south, and the Norfolk Southern railroad to the west. The total area of the Starr Hill neighborhood is approximately 47.7 acres. The small area plan shall include chapters detailing land use, economic development and redevelopment, housing, and historic preservation and urban design.

New Hill shall also develop and provide a financial training program for Charlottesville

residents that provides instruction for entrepreneurs and residents located within the City of Charlottesville. The program shall include a curriculum that addresses both credit and money management as well as small business origination.

4. TIMING. New Hill shall present copies of the community vision and small area plan to the Charlottesville City Council within nine months of the execution of this Agreement. New Hill shall present two updates to the City Council on the development of the community vision and small area plan within three and six months of the execution of this Agreement. New Hill shall also provide a report of its financial training program detailing the program's curriculum, the number of Charlottesville residents served by the program, and the precise services provided to Charlottesville residents to the Charlottesville City Council within one year of execution of this Agreement. Copies of the community vision and small area plan shall be made available to the public on a website developed and maintained by New Hill. The City, at its discretion, may also make a copy of the community vision and small area plan available on its website.

5. RETURN OF CITY FUNDS. If New Hill does not provide the Charlottesville City Council a copy of the community vision and a small area plan meeting the requirements of Section 3 of this Agreement within nine months of this Agreement's execution, New Hill shall return the entirety of the City's \$500,000.00 donation.

If New Hill does not provide the Charlottesville City Council with evidence, satisfactory to the Council, that New Hill implemented and provided a financial training program serving Charlottesville residents meeting the requirements of Section 3 of this Agreement within one year of this Agreement's execution, New Hill shall return the entirety of the City's \$500,000.00 donation.

6. NO GOODS OR SERVICES RECEIVED BY THE CITY. The donation made by the City pursuant to this Agreement is solely to enable New Hill to develop and compose a mission statement and a small area plan for the Starr Hill neighborhood located within the City of Charlottesville and to provide a financial training program for Charlottesville residents. This small area plan is to be used by New Hill and the general public to direct resources and efforts into development and redevelopment opportunities identified within the plan. New Hill's financial training program shall serve the residents of the City of Charlottesville. The charitable purposes described herein are not a description of goods or services being procured by the City through this Agreement pursuant to the City's earmarked and designated charitable donation of public funds.

7. NO AGENCY RELATIONSHIP CREATED. Neither New Hill nor its agents, employees, or subcontractors shall be deemed employees or agents of the City by virtue of this Agreement. New Hill shall have sole responsibility of for its employees, volunteers, and subcontractors including their work, conduct, directions, and compensation.

8. SEVERABILITY. In the event any term, provision, or condition of this Agreement, or the application thereof to any person or circumstance shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement and the application of any term, provision or condition contained herein to any person or circumstance other than those to which it has been held invalid or unenforceable, shall not be affected thereby.

9. CITY ACCESS TO RECORDS. New Hill agrees that duly authorized representatives of the City shall have access to any books, documents, papers and records which

are directly pertinent to this Agreement upon forty eight hours advanced request by the City.

10. INDEMNIFICATION. To the extent permitted by law, New Hill agrees to defend, indemnify and save the City (including its officers, agents, officials, employees and agents) harmless from and against any and all liability loss, claim, suit, damage, charge or expense which the City may suffer, sustain, incur which may arise out of, results from, or is in any way connected with actions taken by New Hill in the performance of its obligations under this Agreement, or which occurs as a consequence of any negligence, omission or misconduct of New Hill and any of New Hill's subcontractors, agents, volunteers, or employees in New Hill's performance of its obligations pursuant to this Agreement.

11. NON DISCRIMINATION. During the performance of this Agreement, New Hill agrees that it will not discriminate against any employee or applicant for employment or in the provision of its services against any employee, applicant for employment, or service recipient on the basis of race, religion, color, sex, sexual orientation, national origin, age, disability or any other basis prohibited by law. New Hill agrees to post in conspicuous places, available to employees, applicants for employment, and applicants for services notices setting forth the provisions of this nondiscrimination clause. New Hill shall state that it is an equal opportunity employer in all solicitations or advertisements for employment.

12. TERMINATION. Either party may terminate this Agreement by giving written notice to the other party of the termination with at least thirty days notice. Upon termination of this Agreement, New Hill shall return any unexpended funds to the City and will provide a complete repayment of funds to the City if it has not achieved both of the purposes on the aged upon timelines described in Sections 3 and 4 of this Agreement.

13. NO WAIVER OF RIGHTS. Any failure on the part of the City to enforce any of this Agreement's terms and conditions shall not be construed as or deemed to be a waiver of the right to enforce such terms and conditions. No waiver by the City or any default or failure to perform by New Hill shall be construed as or deemed to be a waiver of any other and/or subsequent default or failure to perform. The acceptance of the performance of all or any part of this Agreement by the City, for or during any period following a default or failure to perform by New Hill shall not be construed as or deemed to be a waiver by the City of any of its rights pursuant to this Agreement.

14. ENTIRE AGREEMENT. This Agreement states all of the covenants, promises, agreements, conditions, and understandings between the City and New Hill regarding the City's donation of funds.

15. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia and any proceeding concerning this Agreement shall be commenced in courts having jurisdiction within the City of Charlottesville, Virginia.

16. AMENDMENTS. This Agreement may be amended by a written amendment signed by the authorized representatives of both parties.

WITNESS the following authorized signatures:

NEW HILL DEVELOPMENT CORPORATION

Yolunda Harrell, President and Chief Executive Officer

CITY OF CHARLOTTESVILLE, VIRGINIA

Michael Murphy, Interim City Manager

Approved as to Form:

John C. Blair, II, City Attorney

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



Agenda Date:	November 5, 2018
Action Required:	Report Only
Presenter:	Paul Josey, Chair, Charlottesville Tree Commission
Staff Contacts:	Mike Ronayne, Urban Forester, Parks and Recreation Brian Daly, Director, Parks and Recreation
Title:	Tree Commission Annual Report – State of the Forest

Background:

The Tree Commission will present its annual report to the City Council, outlining its activities in the past year and the state of urban forest initiatives in the City.

Discussion:

The Tree Commission has continued to be the City’s advocacy voice for trees and the urban forest, responding to citizen inquiries/concern and weighing in when tree related issues arose in the community. Highlights this year include staff creation of a new public tree inventory tool utilizing GIS and reporting software to culminate in an online tool available to the community. A demonstration of this new tool will be presented at the Council meeting. The Commission established a Facebook page, noting upcoming tree related events and sustainable news items. The Commission participated in the East High Street and Belmont Bridge design meetings advocating for planting widths that meet Streets that work standards for shade trees. The commission also participated in the update of the City’s Standards and Design Manual, advocating for strong tree preservation measures and best management practices. The Commission also led the City’s Arbor Day celebration, held this year at Venable Elementary School to celebrate the protection of the Venable Oak under the City’s Tree Conservation ordinance.

Alignment with City Council’s Vision and Strategic Plan:

The project supports City Council’s “Green City” vision. 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.

Community Engagement:

Tree Commission Meetings are open to the public.

Budgetary Impact:

There is no impact to the General Fund related to this report.

Recommendation:

This is a annual report from a Council appointed Commission, no recommendation is provided.

Alternatives:

N/A

Attachments:

Attachment 1 - Tree Commission highlights of 2017-2018 activities and metrics report.

Charlottesville Tree Commission Highlights of 2017-18 Activities

Tree Advocacy

- **Created a new GIS data system to track annual tree spending** and provide the city with the basic information related to designated performance measures. This information will be available to the Tree Commission, Council and the Public. Approved 12 measures to track annually (7 included in presentation).
- **Requested and received from staff a breakdown of projected expenses annually for new trees** to help assist staff communicate financial implications of new tree maintenance.
- **Set up Facebook page** and tied it to the city's social media coordination, noting upcoming tree related events as well as sustainable news items like the city composting program.
- **Participated in the recent East High Street and Belmont Bridge design meetings** advocating for planter widths to meet Streets that Work standards for shade trees responding to the predominant resident requests for more comfortable sidewalks with shade and planted separation between the roadways to improve pedestrian connectivity surrounding downtown.
- **Participated in the Standards and Design Manual update** advocating for strong tree preservation and planting measures to meet the city's Best Management Practices as well as the established Streets that Work standards.
- **Commented on the MACAA site plan, Seminole Plaza and Gallery Court redevelopment proposals**, advocating for adequate space for street trees, preservation strategies that meet the city's best management practices that would allow continued planting of large shade trees at this vital intersection.
- **Partnered with Venable Elementary to celebrate Arbor Day** by working with 3rd and 4th graders in researching the history of the Venable Oak to complete their tree conservation ordinance application as the city's newest Heritage Tree under the Tree Conservation Ordinance.

Tree Protection and Planting

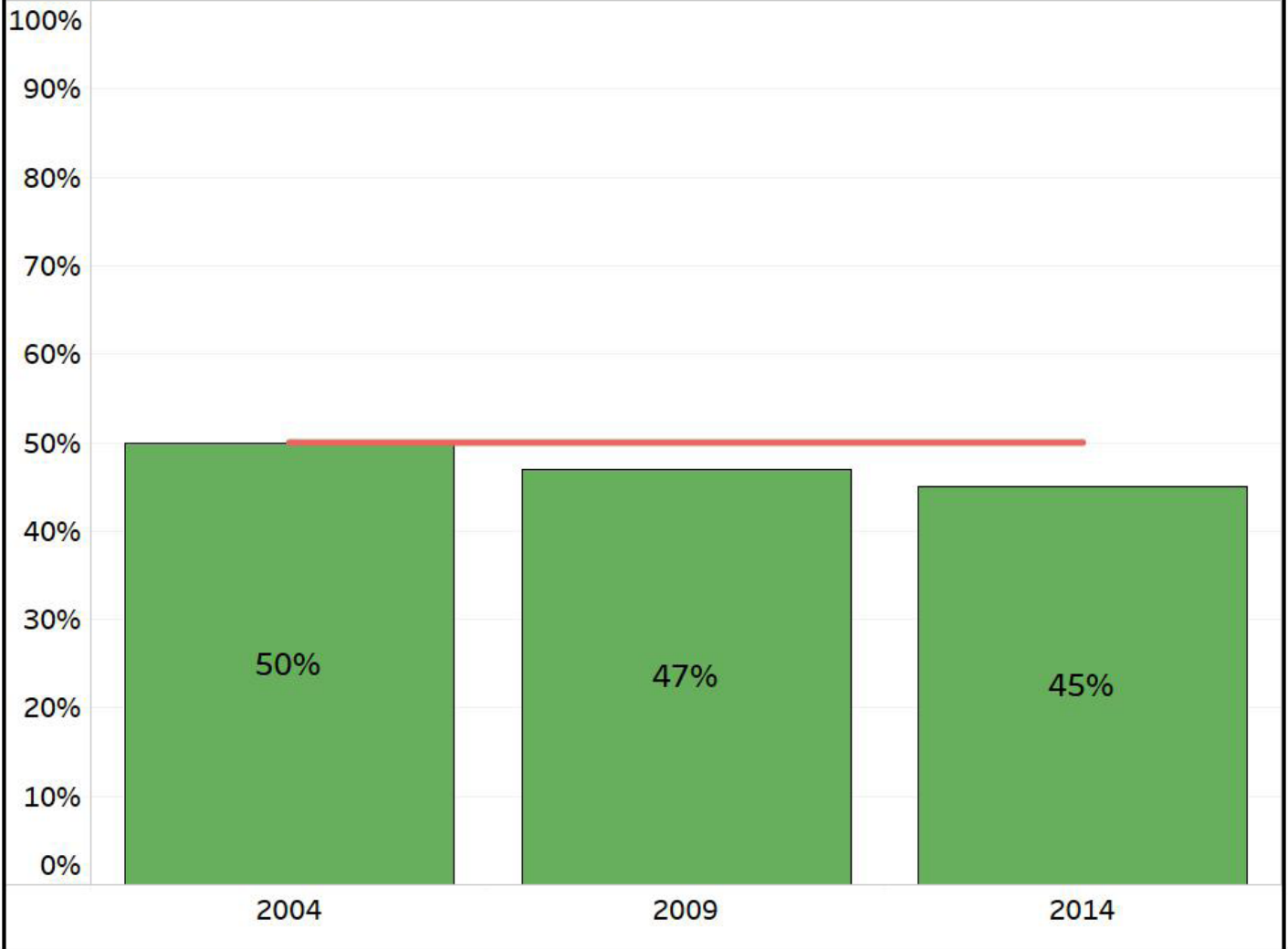
- **Partnered with the Charlottesville/Albemarle Tree Stewards** to canvas designated low canopy Belmont streets and received signatures to plant 25 new trees on private properties within 15' of ROW. All funding was raised independently by the Tree Commission and CATS. Planting day is planned for this November.
- **Successfully advocated for Mall Tree Preservation plan:** Building off of the Mall Tree Report recommendations, advocated for \$100k in CIP funding to create guiding drawings for the future of the mall trees. (Thank you!)
- **Successfully advocated for doubling the tree planting and preservation budget** with an additional \$50,000 in funding. (Thank you!)
- **Continued coordination on a long-term tree planting plan** with the Parks & Rec staff.

Other items and Next Steps for trees in our community

- **Advocate for an increased goals of new tree planting** in city performance measures from 100 new plantings/year to 200 new plantings/year.

Total Tree Canopy: 2004-2014

■ Canopy Cover ■ Target

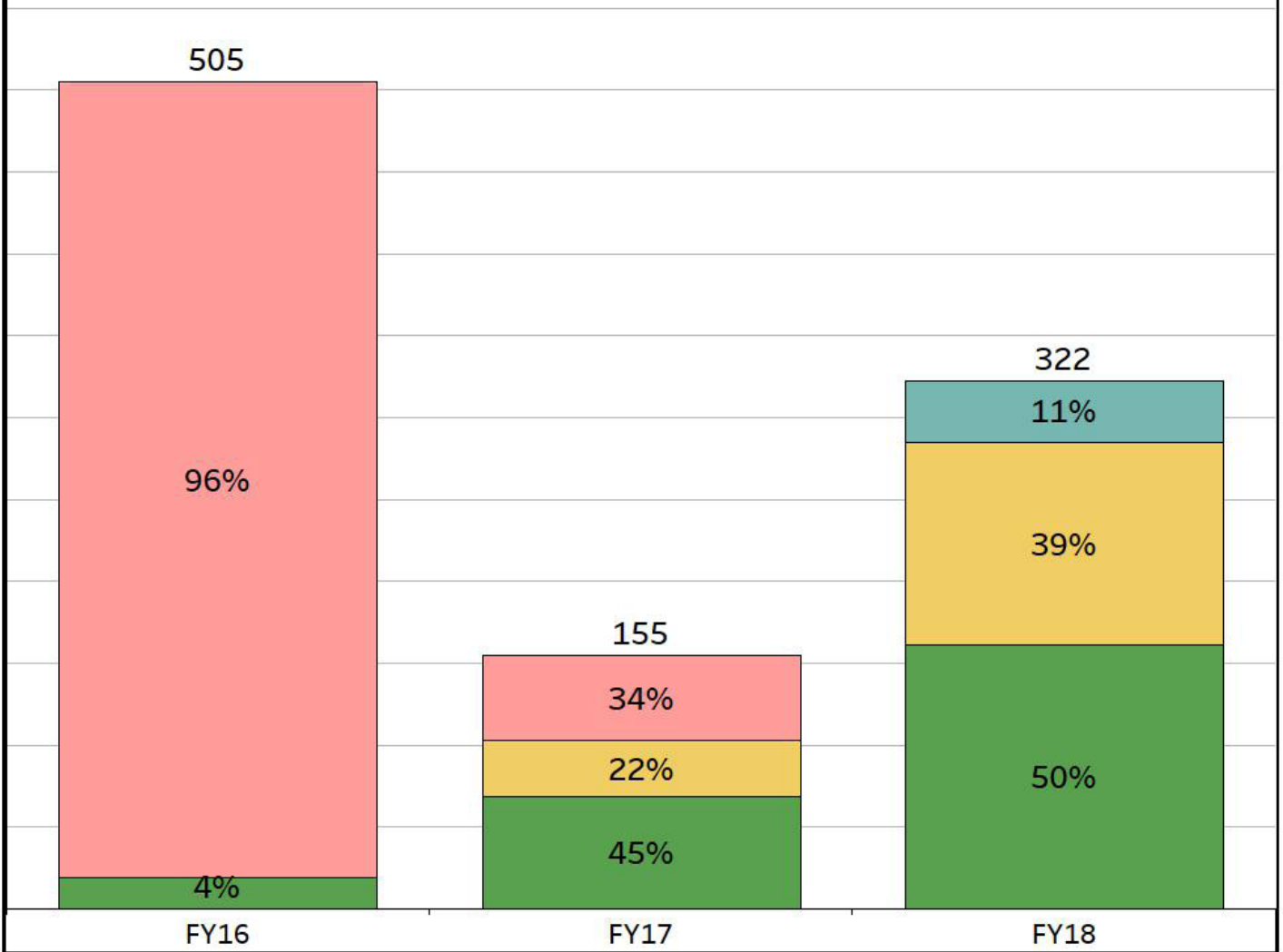


Total Tree Canopy This measure reflects City Council's **Comprehensive Plan Goal 2.2** *"to expand and protect the overall tree canopy of the City"*.

The urban tree canopy is measured every 5 years by aerial photography. The 2014 study showed that the City's tree canopy has decreased 5% since 2004. The Tree Commission's goal is to maintain the tree canopy at the 2004 level of 50%.

Tree Plantings by Agency

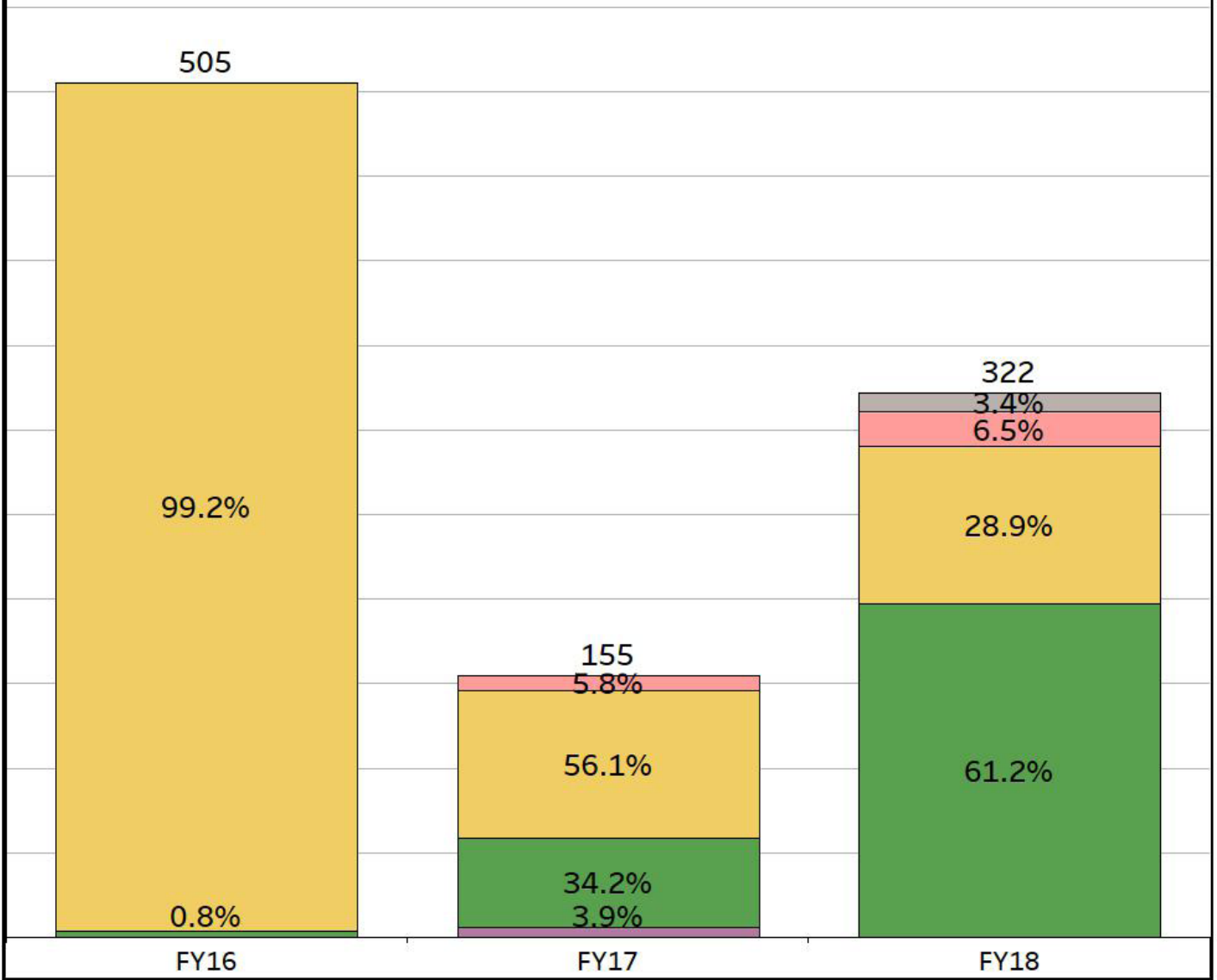
■ PW
 ■ VDOT
 ■ Other
 ■ CITYPR



Tree Plantings by Agency In FY16, VDOT planted 484 trees (96%) in the Warner Parkway interchange. In FY17, VDOT planted 53 trees (34%) in the Route 29 median strip near Best Buy, while Others, i.e., private donations, volunteer groups, Meadowcreek Golf, planted 34 trees (22%) in parks and golf courses. In FY18, similar Other groups planted 126 trees (39%) in greenways, parks and golf courses, while Public Works planted 35 trees (11%) in Schenks Greenway and Forest Hills Biofilter.

Tree Plantings By Location

■ CRHA
 ■ SCHOOL
 ■ ROW
 ■ PARK
 ■ golf



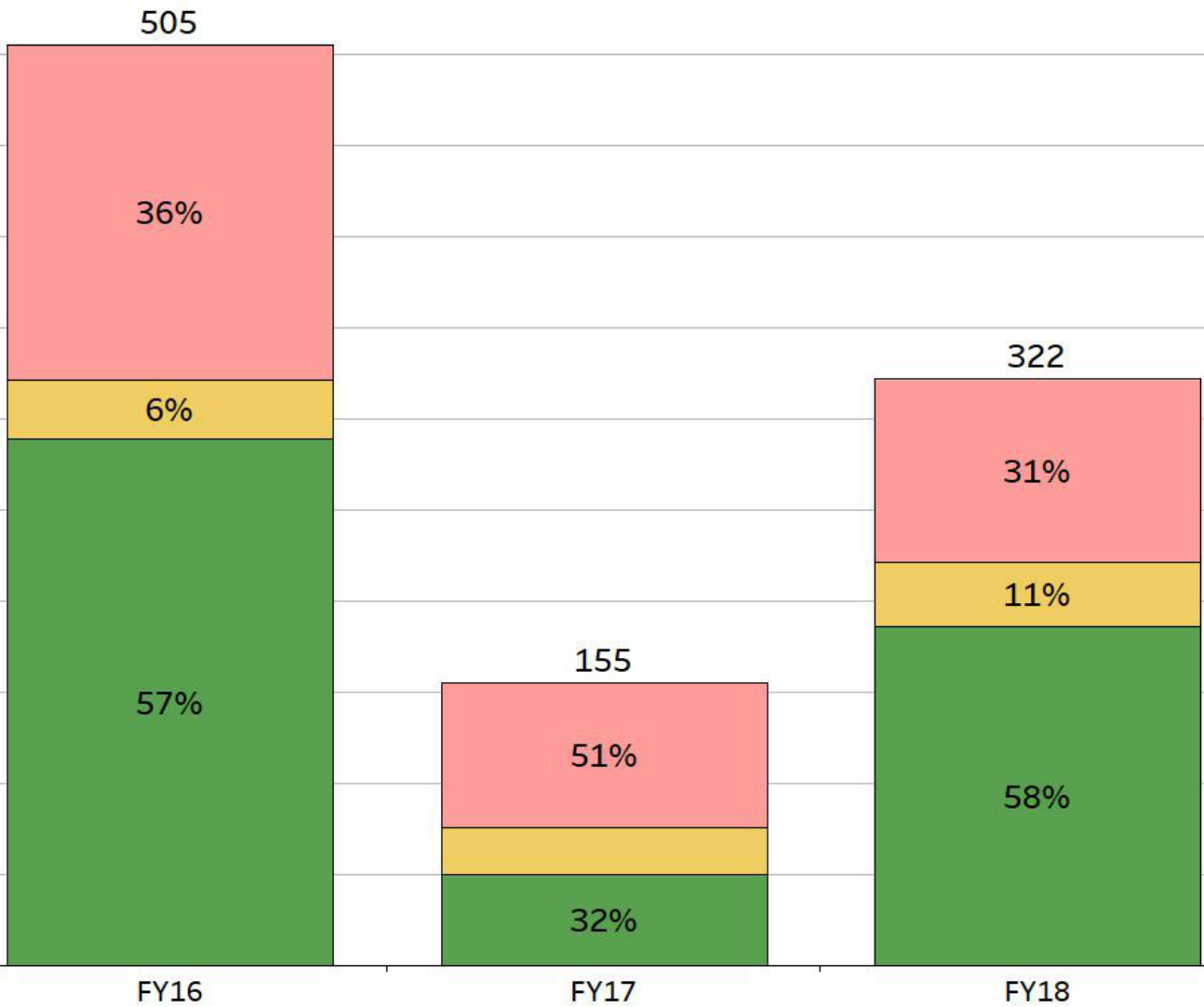
Trees Plantings by Location In FY16, 500 trees were planted in the City Right of Way (ROW), mostly at the Warner Parkway interchange. In FY17, 87 trees (56.1%) were planted in the ROW and in FY18, 93 trees (28.9%) were planted in the City ROW.

Tree Plantings By Canopy Size

SMALL

MEDIUM

LARGE



Trees Plantings by Canopy Size The Tree Commission stresses the importance of planting large canopy trees wherever possible to provide shade for streets and sidewalks, to mitigate pollution and storm water run off, to reduce energy bills and to enhance health benefits to neighborhoods

Tree Plantings vs Tree Removals

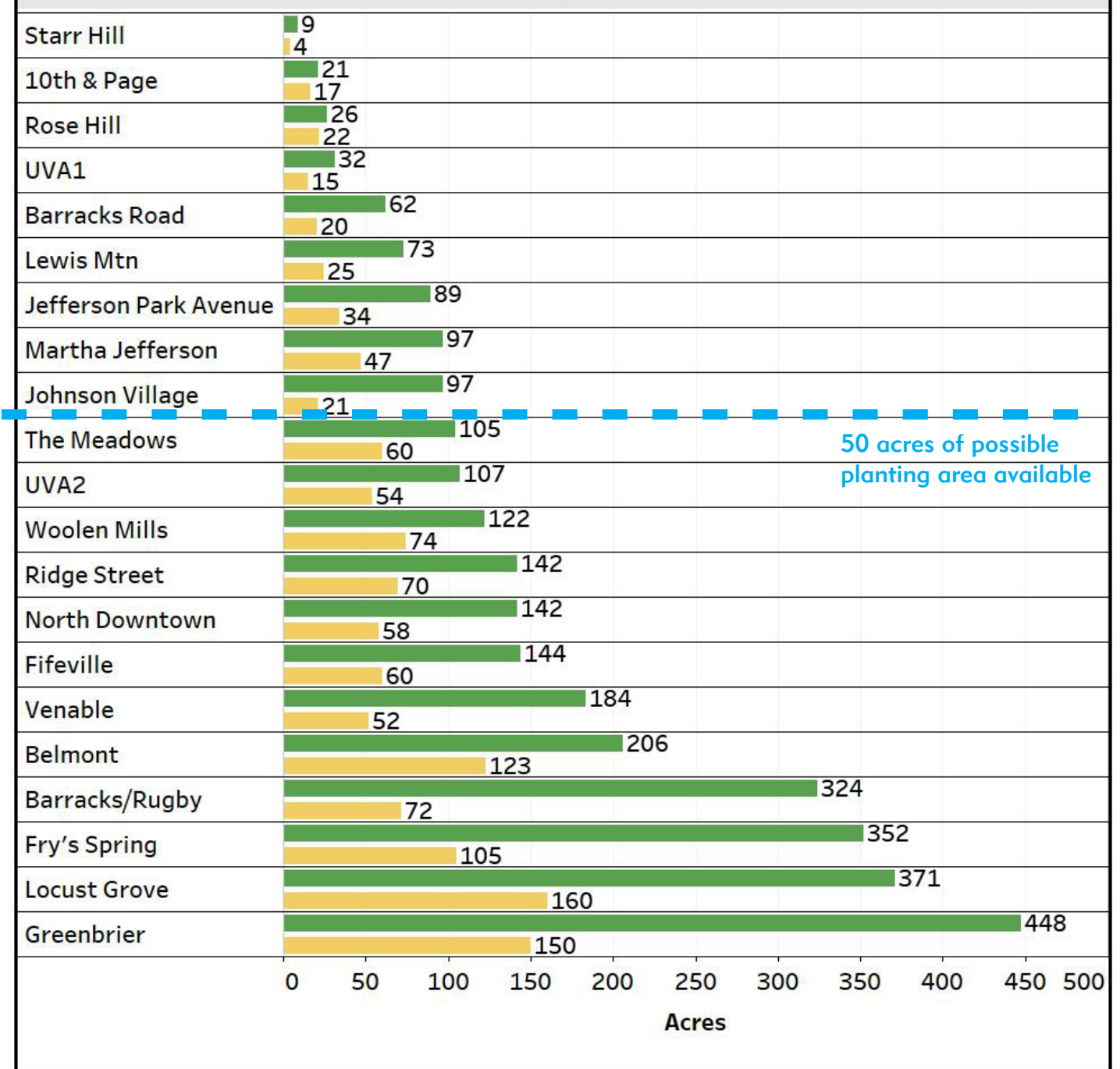


Tree Plantings vs Tree Removals Urban Forest Management Plan. Action#4.13. *“Maintain GISD layer to include new and removed trees to keep inventory up to date.”*

The chart shows that the number of trees planted annually is only slightly outpacing the number of trees removed in that same year.

Existing Tree Canopy vs Possible Planting Area: By Neighborhood

■ Existing Tree Canopy (Acres) ■ Possible Planting Area (Acres)

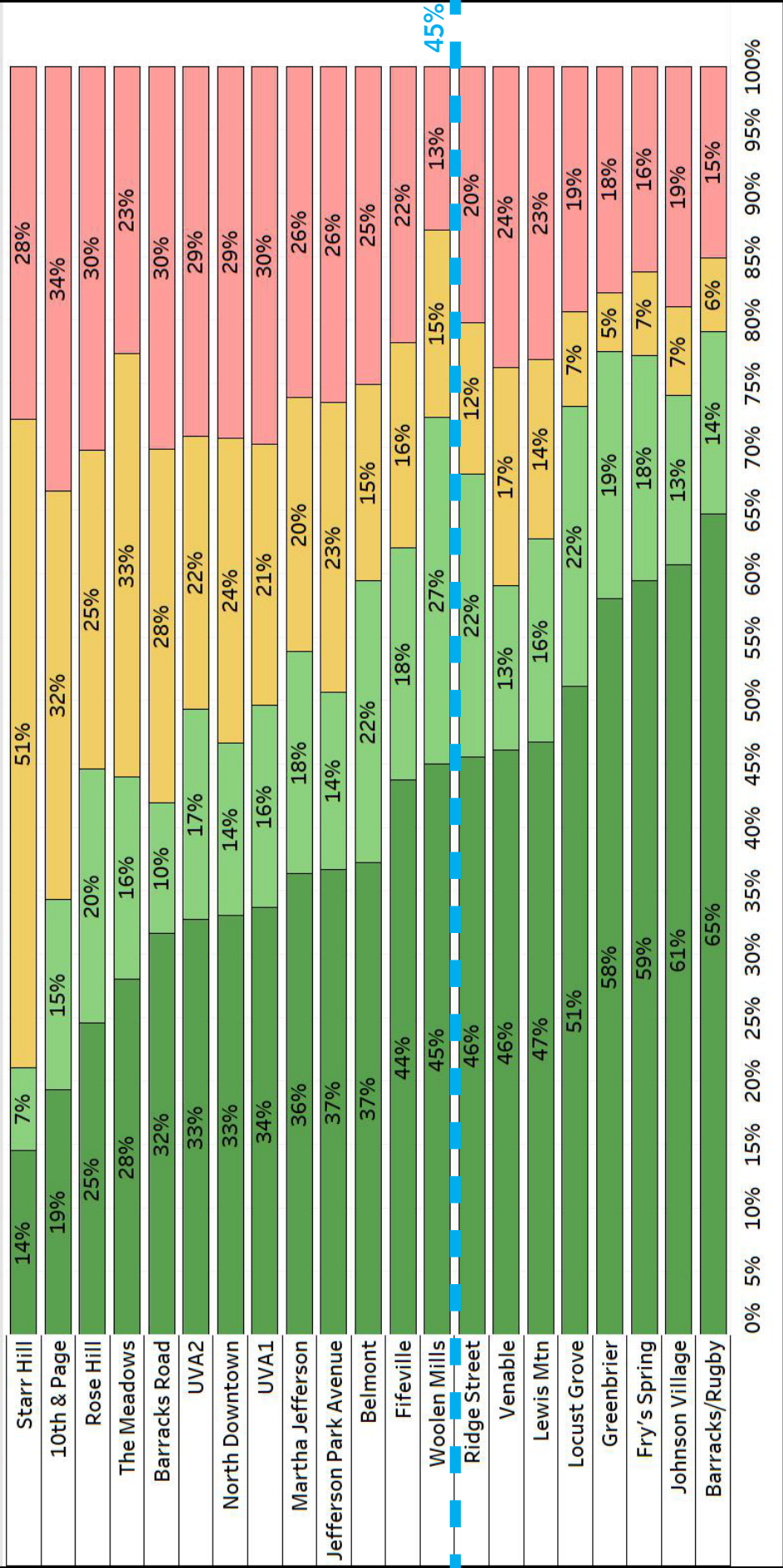


Existing Tree Canopy vs Possible Planting Area The Urban Forest Management Plan “Compare 5-year data with canopy goals set for various sub-areas”.

For 21 designated neighborhoods, the dark green represents the acres of current tree canopy, the yellow represents the acres for possible tree planting.

Urban Tree Canopy Metrics: By Neighborhood

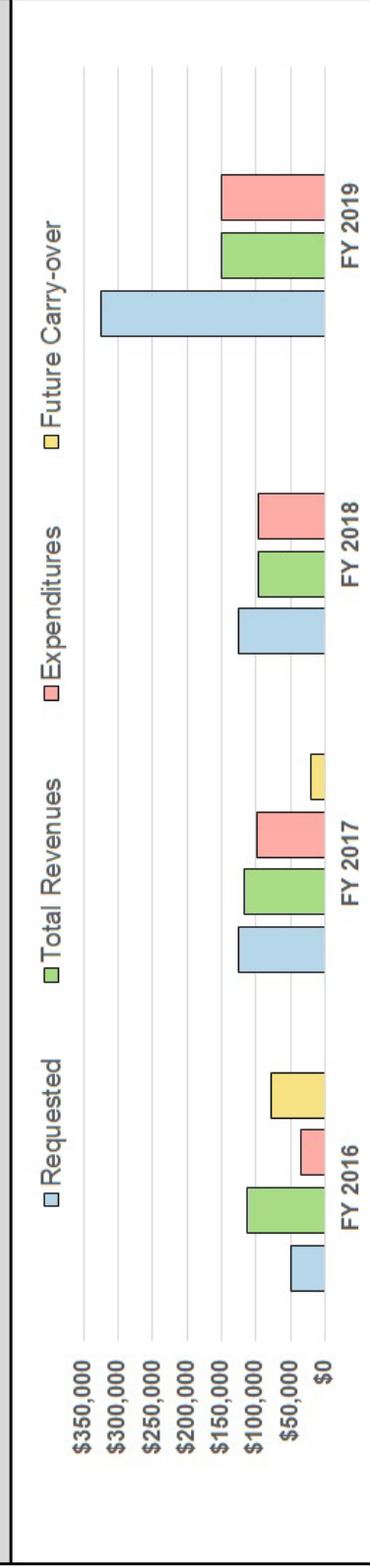
■ Existing Tree Canopy Area %
 ■ Possible Planting Area-Vegetative%
 ■ Possible Planting Area-Impervious%
 ■ Unsuitable Tree Canopy Area %



Urban Tree Canopy Metrics by Neighborhood. The Urban Forest Management Plan "Compare 5-year data with canopy goals set for various sub-areas".

For 21 designated neighborhoods, the dark green represents the current tree canopy, the light green the percentage of land for possible tree planting, while the yellow and pink represent the percentage of land that is not available for planting trees.

TREE PRESERVATION/PLANTING PROJECTS (CIP) FISCAL YEAR ACTUAL REVENUES AND EXPENDITURES						
Category	Item	FY 2016	FY 2017	FY 2018	FY 2019	
REVENUES	Requested	50,000	125,000	125,000	325,000	
	Approved by Council	25,000	50,000	50,000	150,000	
	Existing Carry-over	87,149	77,886	19,841	0	
	Grant reimbursement		0	3,345		
	Balance at Start of FY	112,149	117,886	69,841	150,000	
	Transfer in from OP budget	0	0	26,109		
EXPENDITURES	Total Revenues	112,149	117,886	95,950	150,000	
	Tree Planting		14,590	37,977	50,000	
	Pro-active Tree Preservation		53,110	54,373		*now wholly funded by operating budget
	Mall		28,245	3,600		
	Mall Tree Preservation Planning		2,100	0	100,000	
	Total Expenditures	34,263	98,045	95,950	150,000	
	Future Carry-over	77,886	19,841	0		



CIP Preservation and Planting Projects This chart shows the CIP revenues and expenditures for FY16 – FY19. In FY19, the City funded a one-time planning study for the Downtown Mall and \$50,000 for on-going tree planting. Not seen in this chart is an additional \$50,000, which was funded in the operating budget for pro-active Tree Preservation.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 5, 2018
Action Required:	Approval of Dockless Mobility Pilot Program
Presenter:	Jason Ness, Office of Economic Development Amanda Poncy, Neighborhood Development Services
Staff Contacts:	Jason Ness, Office of Economic Development Amanda Poncy, Neighborhood Development Services
Title:	Interim Bicycle & E-Scooter Sharing System (aka “Dockless Mobility”) Permit Program Regulations

Background:

In August, the city received an application for a business license to operate electric foot scooters in the city, a recently new form of urban transportation similar to Bike Share that is gaining momentum nationally in large urban areas and now being deployed in medium sized cities, especially those with colleges and universities. Electric scooters are similar to children’s “Razor” scooters, but are battery powered and can reach speeds of 15 mph. Like Bike Share, these systems are GPS enabled and rented using a Smartphone application for an hourly fee. Unlike traditional bike share, the systems are “dockless,” meaning they do not require the infrastructure of a docking station — scooters can be parked within a defined area or along the sidewalk. A number of communities are embracing this new technology as part of the transportation network, but many are also learning that it can become a burdensome if unprepared for their arrival.

This is an opportunity to be proactive in welcoming new models of transportation within the marketplace, while creating policies to limit their potentially negative impacts. In order to continue Charlottesville’s responsible stewardship of the public right-of-way, as well as provide thoughtful response and adaptation to the transportation needs of community, staff would like to conduct a pilot program to evaluate dockless mobility devices such as “dockless” bikeshare bikes (both pedal and electric pedal-assist) and electric foot scooters. Charlottesville would use this pilot period to learn if and how the technologies and services help to advance the City’s transportation goals, making the community better, safer, and more sustainable.

Discussion:

To date, city staff have talked with staff and elected officials, and reviewed permit applications and ordinances from more than 10 cities to include Richmond (VA), Arlington (VA), Memphis (TN), Santa Clara (CA), New Orleans (LA), San Francisco (CA), Dallas (TX), St. Louis (MO), Salt Lake City (UT), and Palo Alto (CA). The trends from their experiences are categorized below:

Standard Riding Process

Users download the company's application directly onto their smartphone. Users must create an account with a credit/debit card and ID (must be 18 to ride). Devices are located using the app's mapping/GPS technology and users unlock the scooter using a QR code. Most companies charge an unlocking fee of \$1 and an average rate of .20 cents per minute. Once riders have completed their ride, they are required to take a photo to show the device is properly placed and then the device is deactivated.

Issues

Riding on sidewalks – As mentioned, they are battery powered (silent motor) and can go fast, especially for unsuspecting pedestrians. Under Virginia Code Sec. § 46.2-903, e-scooters are prohibited from riding on the sidewalk. In addition, City Code Sec. 15-246, prohibits scooters from riding on the Downtown Mall.

Safety – Users must acknowledge they will abide by all traffic laws and wear helmets. Of course this doesn't always happen. There is anecdotal evidence that head injuries are increasing in the communities where scooter systems are employed.

Scooters improperly parked – Since this is a dockless system, scooters are required to follow certain parking restrictions, prohibiting parking near fire hydrants, curb ramps, and building entrances. However, they can be knocked over, moved or just incorrectly parked by the rider.

Workload on local government employees – not surprisingly, the public addresses their concerns to local government officials. From our discussions with other localities, there is a flurry of complaints and questions within the first two weeks but as riders understand their responsibilities and residents understand how to contact the participating company directly, calls and complaints decline after the initial few weeks.

Technology

Many scooter companies have evolving technology that has been used to address problems identified by local governments. Recently, scooter users have been required to take a picture post-ride to show the scooter is left in an appropriate place. New technology is also being released to create 'no-go' zones using geo-fencing (a virtual "fence" created around designated areas). Once a scooter goes into one of these zones, the rider receives notifications to leave the zone. Also, companies have 'slow-go' zones that can lower the speed of the scooter, making them virtually useless. Riders are not allowed to sign out of their ride while in these zones.

The proposed pilot program would begin around November 13, 2018 (staff may begin receiving and processing applications at any point after Council approval and City Manager signature). The proposed program would require participating companies to complete and obtain approval of a Permit Application for the fleet of each mode (bicycles, e-bicycles, and electric scooters are considered different modes), including payment of fees. The documents would allow the companies to officially operate in the City, and would outline the parameters within which they must operate.

The draft Permit Application and Program Regulations are attached to this Memo. They are intended to address the issues highlighted from staff research and customized to fit within the Charlottesville context. Key features of the Permit Application and Program Regulations would include:

1. Up-front payment of a one-time pilot permit fee of \$500 per mode per company, regardless of fleet size.
2. The total number of human-powered bicycles and electric scooters permitted under this pilot program shall be limited to a cumulative total of 200 vehicles between all permittees with an opportunity to expand the fleet by 25% based on performance standards. Electric-assist bicycles shall be exempt from this maximum.
3. Required safety features for all devices consistent with state regulations and standard practice.
4. Electric scooters and electric assist bikes to be held to a speed limit of 15 mph.
5. Minimum age of eighteen (18) for riders of electric scooters and electric-assist bikes.
6. Minimum required contact information and operations management from each company.
7. Requirement that companies conduct outreach to low-income communities and offer reduced cost payment plans.
8. Requirement that companies must convey Charlottesville device parking and use regulations to all users and require users to abide by those regulations.
9. Commitment to respond to customer and community complaints/issues in a timely fashion.
10. Provision of at minimum monthly data to the City for staff analysis.

The proposed pilot project would run for approximately nine months, from roughly November 13, 2018 until July 31, 2019. This proposal also requests the authorization for the City Manager to extend the pilot program and the associated permits administratively as necessary in order to accommodate staff time to finish evaluation and subsequent recommendations for the Council.

If establishment of an official program were to be recommended, it would be accompanied by recommendations for any necessary and appropriate code changes, fee structure, enforcement processes, data requirements, appropriations, and any other necessary features to appropriately regulate the program. Staff will likely require between one and three months from the official end of the pilot project before follow-up recommendations would be ready to be presented to Council.

Alignment with City Council's Vision and Strategic Plan:

The program supports City Council's Vision to be "A leader in innovation, environmental sustainability, and social and economic justice, and healthy race relations" through the following vision statements "Economic Sustainability," "Green City," "America's Healthiest City" and "Connected Community." It contributes to Goal 3 of the Strategic Plan, to be a beautiful and sustainable natural and built environment, and objective 3.3 to provide a variety of transportation and mobility options. This also aligns with the goals of the Bicycle and Pedestrian Master Plan

(to explore bike share) as well as on-going discussions with the 2018 Comprehensive Plan to evaluate emerging technologies in transportation.

Community Engagement:

Staff has met with representatives from fifteen city departments, city schools, as well as with representatives from UVA to coordinate an approach that would effectively manage this new technology. In addition, staff has sought input from the Bicycle and Pedestrian Advisory Committee in the development of this proposal.

Upon approval of the pilot program, staff intends to work with companies to undertake a community outreach plan that would inform the community of these new transportation options, as well as establish lines of communication that would allow the public to easily communicate directly with the vendors and provide feedback to the City for the purposes of documenting performance of the pilot project. This will include press releases, city website, frequently asked questions, phone numbers, email addresses, etc.

In addition to the City's commitment to a strong public outreach process, the pilot program would require vendors to commit to specific communication actions and standards to ensure their members are receiving necessary information about safety and good etiquette for sharing our streets.

Budgetary Impact:

One benefit of this program is that all capital equipment costs are covered by private funds, with no public funds required. In addition, the program provides a revenue stream via vendor permit fees to make improvements to bicycle and pedestrian infrastructure.

Staff anticipates that this pilot program will require approximately 20-25 hours a week of staff time for the duration of the program, with slightly more hours at the beginning of the demonstration, a dip during the middle, and an increase again during the evaluation period. This time is proposed to be accommodated with current full-time employees. This amount does not include the evaluation period that may include an additional one to three months of work to occur in Fiscal Year 2020. City staff will look to supplement additional workload with interns from the University of Virginia.

One of the fiscal impacts difficult to measure would be the potential for these services to shift rides from other modes. For instance, it is Charlottesville's preference and hope that trips taken by electric scooters could replace trips that would otherwise be taken by car. However, it is also possible that trips taken by an electric scooter may replace some trips taken on foot or by public transit. If Dockless Mobility trips displace transit trips, there is a possible loss of transit fare box revenue. However, if these devices encourage City residents or commuters to leave their cars at home by easing the first and last mile connection to our transit network, the overall change in commuter behavior may generate new walk, bike, and transit trips with concomitant new transit

fare box revenue.

Another fiscal impact difficult to measure but worth noting is the potential for these services, if successfully and safely integrated into our suite of transportation options, to help the City maintain a competitive edge for both businesses and residents. Attracting new businesses and residents has the potential to maintain or enhance the City's overall tax base, which is important for fiscal stability.

Recommendation:

Staff proposes the implementation of a pilot program targeting initial deployment in the University, West Main and Downtown Business Districts. The program would create "virtual parking corrals" in the business districts to ensure pedestrian access is adequately maintained, but permit floating vehicles in the residential neighborhoods surrounding those areas. This would allow bicycle and electric scooter sharing systems to operate in defined areas subject to conditions of a permit issued by the city.

Upon approval by the City Council, Staff will create an application process similar to the existing Valet Parking permit program. The *INTERIM BICYCLE & E-SCOOTER SHARING SYSTEM (aka "DOCKLESS MOBILITY") PERMIT PROGRAM REGULATIONS* (Attachment A) will establish rules and regulations governing the operation of bicycle or electric scooter sharing systems within the City and ensure that such systems are consistent with the safety and well-being of pedestrians, bicyclists, people with disabilities, motorists and other users of the public rights-of-way. Such a program would require little funding from the City (primarily staff time), be implemented more rapidly than an RFP or ordinance process, and allow the City to gain experience with a program that would then inform permanent guidelines (should they be desired). Seattle and South San Francisco have both launched such pilot programs with the intention of establishing permanent programs through ordinance or another means based on what they learn from the pilot. Arlington, and Richmond, VA, are both exploring pilot programs.

Alternatives:

In addition to the pilot program, there are two other models that have been used in recent years by cities for bike/e-scooter share programs. These include:

- **Solicitation of Vendor Proposals with Request for Proposals (RFP) Process:** This approach has been used by several cities to select a single operator who is given exclusive rights to operate. These include SoBi systems, the vendor selected for Ubikes at the University of Virginia. After the selection process, the jurisdiction and operator enter into a service contract for exclusive rights to system operations. Until recently, the government entity would bear some financial responsibility, usually for startup costs related to acquisition of equipment (bicycles, racks, signage, etc.). Recent contracts been able to eliminate public funding and vendors are typically maintaining ownership over the system which is funded by private capital. An RFP process typically requires staff time to select an operator, develop a contract and system framework. One benefit to a sole provider is that it may be easier for the public to learn

to use one type of vehicle, use of digital mobile application, with a uniform look and feel citywide. Another benefit is providing the ability of a city to mandate service to under-served areas, which are typically areas that are less profitable and therefore avoided in schemes left to private control.

- **City Council Ordinance Establishing a Permit Process:** This is a relatively new approach arising from the introduction of multiple dockless bicycle sharing system operators. San Francisco adopted such an ordinance. In this approach, the permits incorporate city requirements for the operation and city compliance and enforcement provisions. A cost recovery permit fee will likely be required. The permit could also include a limit on the number of bicycles for individual operators or collectively. A challenge with this approach is the limited experience of the new operators, which makes it difficult to fully define appropriate guidelines. There is also limited experience with administrative and enforcement costs for cities.

Staff's concern is that if the city council does not act, it is likely that vendors could appear in the City unannounced, which could turn into a logistical quagmire. From the conversations staff has had internally, there is not clear policy on how private property left on public right of way should be handled, but it is explicitly clear the City has authority on how the right of way is used by the private sector for the public. Without regulations, scooters could be deployed anywhere, unlike the policy we have drafted that would create parking corrals in certain areas throughout the commercial district (defined as the Corner, West Main Street and the Downtown Mall). There are other issues we want addressed in our policy including equity, access, and company expectations.

Attachments:

*INTERIM BICYCLE & E-SCOOTER SHARING SYSTEM (aka "DOCKLESS MOBILITY")
PERMIT PROGRAM REGULATIONS (Attachment A)*

Resolution (Attachment B)

Attachment A.

INTERIM BICYCLE & E-SCOOTER SHARING SYSTEM (aka “DOCKLESS MOBILITY”) PERMIT PROGRAM REGULATIONS

I. Policy Statement and Purpose

The purpose of this policy is to establish rules and regulations governing the temporary operation of a dockless bicycle and e-scooter sharing system within the City of Charlottesville (hereinafter referred to as “City” or “City of Charlottesville”) and to ensure that such mobility sharing systems are consistent with the safety and well-being of bicyclists, pedestrians, people with disabilities, and other users of the public rights-of-way for the duration of the pilot program.

State law prohibits any person or corporation from occupying or using city streets in a manner not permitted to the general public, without first having obtained permission from the city’s governing body. See Va. Code §15.2-2015.

II. Scope

This policy applies to any proposed deployment of bicycle, electric-assist bicycle, or electric-assist scooter sharing systems (to include direct rental or similar programs) within the City’s jurisdictional boundaries. The Permittee shall establish service area boundaries to designate areas of device deployment.

III. Permit Application Procedures

- i. Any person seeking to operate a bicycle or scooter share program within the City shall first obtain a permit from the Director of Neighborhood Development Services or designee conditioned on compliance with the Operating Regulations contained in this policy and any other conditions (including insurance and indemnity) established by the issuing official. No person shall operate a shared mobility program within the City except pursuant to such permit.
- ii. All Permittees shall be required to comply with these regulations, including any changes or amendments authorized by the City Manager from time to time during the course of the pilot program. The Director of Neighborhood Development Services or designee may revoke any permit without prior notice for failure to comply with the regulations.
- iii. Any person whose permit application has been denied or whose permit has been revoked or terminated may file an appeal with the City Manager by submitting a written statement to the City Manager within 10 business days of the denial or revocation. The written statement shall describe the basis of the appellant’s objection. The City Manager shall issue a final decision on the appeal within 10 business days.
- iv. The Permittee will be required to obtain a business license and will be responsible for all applicable business license fees and taxes.
- v. The following payments must be made in order for a Bicycle and E-scooter

Sharing Permit application to be accepted and a permit issued:

- a. A non-refundable permit application fee of \$500, due at the time of application. This covers the cost of staff time to review applications and no application will be considered complete before this payment is remitted.
- b. A non-refundable fee equivalent to \$1/day/device for the length of the pilot is due at the time of permit issuance to support bicycle and pedestrian infrastructure citywide.

IV. Operating Regulations

a. Equipment Requirements

- i. All bicycles shall meet the safety standards outlined in Code of Federal Regulations Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. In addition, all bicycles shall meet the standards established in the Code of Virginia (§ 46.2-1015), including for lighting during operation in darkness.
- ii. Any electric Bicycles with a permit issued under this pilot program shall meet the definition of electric power-assisted bicycle in Virginia Code §46.2-100 and shall be subject to the same requirements as ordinary Bicycles. Electric bicycles shall have a top motor-powered speed not to exceed 15 mph.
- iii. Any electric Scooter with a permit issued under this pilot program shall meet the definition of motorized foot-scooter in Virginia Code §46.2-100. Scooters shall have a top motor-powered speed not to exceed 15 mph.
- iv. The City may modify the top speed of any electric Bicycles and electric Scooters at its discretion over the course of the Pilot Program.
- v. All scooters shall meet the safety standards established in the Code of Virginia (§ 46.2-1015), requiring both headlight and taillight.
- vi. All devices shall have always on front and back lights that are visible from a distance of at least 300 feet under normal atmospheric conditions at night. Front and rear lights must stay on at least 90 seconds after the device comes to a complete stop.
- vii. Each Electric Scooter/Bicycle shall be equipped with an on-board GPS device capable of providing real-time location data in accordance with the specifications described in the “Data Sharing Requirements” section of this application.
- viii. All Electric Scooters/Bicycles must be certified as safe to operate under any applicable standard by Underwriters Laboratories or an equivalent safety rating agency.
- ix. All Electric Scooters/Bicycles must be equipped with devices that allow the Permittee by remote means to render an Electric Scooter and/or Bicycle inoperable if it has been reported to Permittee as being damaged or defective.

- x. Additionally, the City reserves the right to terminate any permit issued under this pilot program if the battery or motor on a device is determined by the City to be unsafe for public-use or for lack of compliance with other provisions of this policy.

b. Operations

- i. Permittees shall have an initial maximum fleet of 100 bicycles or e-scooters. However, if the Permittee can demonstrate an average of at least four (4) trips per operational device per day over a full month, and compliance with this program's requirements, the Permittee may request in writing to expand its fleet size by 25%. Electric-assist bicycles shall be exempt from this maximum.
- ii. At program inception, the total number of human-powered bicycles and electric scooters permitted under this pilot program shall be limited to a cumulative total of 200 devices between all Permittees. Electric-assist bicycles shall be exempt from this maximum.
- iii. The Permittee shall provide a fee \$1/day/device for any increase in fleet size.
- iv. The Director of Neighborhood Development Services or designee reserves the right to revoke a permit at any time during the pilot program and can require that a Permittee's fleet of bicycles or e-scooters be removed from the City right-of-way within five (5) business days.
- v. City may require Permittee to reduce its fleet size on a monthly basis in the event Permittee's fleet provides on average less than one rider per device per day. City may request data from Permittee on a monthly basis to determine and demonstrate the utilization rate of devices in the Permittee fleet.

c. Safe Riding and Parking

- i. Devices shall be parked upright on hard surfaces in a manner that does not obstruct or impeded the public right of way.
- ii. Permittee shall apply geofencing specifications provided by the City to direct users to specified designated parking areas in commercial corridor (e.g. Corner business district, West Main Street and Downtown Mall area). Users shall not be allowed to sign out of their ride unless parked in a designated area in the commercial corridors.
- iii. Bicycles and e-scooters shall be parked in such a manner as to provide a 4-foot pedestrian clear zone area in the sidewalk.
- iv. Bicycles and e-scooters shall not be parked in such a manner as to impede or interfere with any fire hydrant, call box, or other emergency facility; bus bench; or utility pole or box; or the reasonable use of any commercial window display or access to or from any building.

- v. Bicycles and e-scooters shall not be parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.
- vi. The City Manager, or their designee, reserves the right to determine certain block faces where bicycle share or e-scooter parking is prohibited.
- vii. Bicycles and e-scooters may be left in on-street parking spaces only if the Director of Neighborhood Development Services or designee has officially designated those spaces as dockless mobility parking stations in connection with this pilot program. The City will apply visible markings to identify any such parking stations. Permittees shall not apply any markings to public right-of-way.
- viii. Bicycles and e-scooters shall not be parked in the landscape/furniture zone adjacent to or within:
 - 1. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - 2. Loading zones;
 - 3. Disabled parking zone;
 - 4. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);
 - 5. Curb ramps;
 - 6. Entryways; and
 - 7. Driveways.
- ix. To the extent a Permittee desires to park bicycles or e-scooters in areas other than the public right-of-way (e.g. parks, plazas, parking lots, private property, or transit stations), the Permittee must first obtain the right to do so from the City Manager and shall communicate this right to users through signage approved by the City Manager or through a mobile or web application. To park bicycles or e-scooters on private property, the Permittee must also obtain consent from the owner of the property or his agent. The City is not responsible for any fees or conditions imposed by private property owners on Permittees' use of such spaces.
- x. Permittee shall stop placing scooters or allowing contractors to place scooters and/or bicycles in front of any address provided by the City within 48 hours of notice.
- xi. Permittee shall apply geofencing specifications provided by the City to prohibit riding/parking/locking scooters and/or bicycles in specified areas and geographic areas of the City (such as the Downtown Mall and some city parks). Permittee will reduce travel speed to 5mph or less and notify users of restricted areas.
- xii. During deployment and rebalancing, employees and contractors of the Permittee shall obey all City Permit Program Regulations and shall not block traffic lanes, parking lanes, and bus lanes without receiving prior permit approval. Permittee shall abide by all City Street and Sidewalk Closure requirements and standards.

- xiii. Permittees shall work with local businesses or other organizations to promote the use of bicycle helmets by system users through partnerships, promotional credits, and other incentives.
- vi. Permittees shall provide notice to all users by means of signage and through a mobile or web application that:
 - 1. Bicyclists and e-scooters must not ride on sidewalks or trails and must yield to pedestrians at crosswalks; and
 - 2. Bicycles and electric scooters must not ride on any bricked portions of the Downtown Mall or on bricked areas near the Corner or Court Square;
 - 3. Bicycles and electric scooters must not ride in McIntire Skate Park;
 - 4. Helmets are strongly encouraged for all users and required for minors 14 and under. If Permittees prohibit use of bicycles or scooters by certain minors, Permittees shall provide conspicuous notice of this policy to users.);
 - 5. Bicycles and electric scooters shall ride on streets, and where available, in bike lanes;
 - 6. Stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles on bike lanes and bike paths;
 - 7. Parking must be done in designated areas;
 - 8. Wearing headphones on or in both ears while riding a bicycle or scooter is prohibited;
 - 9. Texting while riding a bicycle or scooter is strongly discouraged; and
 - 10. Riding a bicycle or scooter under the influence of alcohol is strongly discouraged;
- vii. Permittee shall require riders to submit a photo whenever they park their scooter at the end of a ride.
- viii. Permittee shall provide education on the City's existing rules and regulations, safe and courteous riding, and proper parking.

d. Equitable Access

- i. Permittee will implement a marketing and targeted community outreach plan at its own cost to provide these services and promote the safe use of bicycle sharing and e-scooter sharing, particularly among low-income communities.
- ii. Permittee will provide a non-credit and non-smartphone mechanism to access its services.
- iii. Permittee will offer a low-income reduced cost plan that must be approved by the City Manager prior to permit issuance.
- iv. Mobile apps and other customer interface technology must be fully accessible to persons with disabilities and accessible to screen readers, and must comply with Section 508 of the United States Workforce Rehabilitation Act of 1973.

- v. The City reserves the right to propose or designate service areas that will ensure access to a variety of neighborhoods.

e. Customer Service

- i. Permittee shall provide easily visible contact information, including a toll-free phone number and e-mail address on each bicycle or electric scooter for City employees and/or members of the public to make relocation requests or to report other issues with devices.
- ii. Permittees shall maintain a local Permittee representative and provide a direct point of contact to the City and its residents.
- iii. Permittees shall maintain a 24-hour customer service phone number for customers to report safety concerns, complaints, or to ask questions. This phone number and its website shall be provided on every device that is in service in the City.
- iv. Permittee will maintain a multilingual website, call center, and mobile App customer interface that is available twenty-four hours a day, seven days a week. The City shall determine the languages to be provided on each mode of communication.
- v. Upon notification by the City, any scooter and/or bike belonging to Motorized Dockless Scooter/Bike Share Program Operator that is improperly parked, left standing, or unattended on any sidewalk, street, or public right-of-way under the jurisdiction of the City, the Motorized Dockless Scooter/Bike Share Operator shall remove the scooter and/or bicycle within two hours.
- vi. In the event a bicycle or e-scooter is not relocated, re-parked, or removed within the timeframes specified herein, such devices may be removed by the City or its designee and taken to a facility for storage at the expense of the Permittee. Notwithstanding any other provision of the Municipal Code of the City of Charlottesville, Permittee shall be required to pay a fine for each device that is removed from the public right-of-way by the City, in addition to any storage expenses. The amount of the fine shall be set by the Director of Neighborhood Development Services and shall be contained in the permit.
- vii. Customers using scooters and/or bicycles that are permitted under this program must be provided with a mechanism to notify the Permittee that there is a safety or maintenance issue with the scooter and /or bicycle.
- viii. In the event a safety or maintenance issue is reported for a specific device, that bicycle or e-scooter shall immediately be made unavailable to users and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.

f. User Protections

- i. Permittee must employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS).
- ii. Permittee must provide a Privacy Policy that safeguards customers' personal, financial, and travel information and usage including, but not limited to, trip origination and destination data. Permittee agrees to make its policies, procedures and practices regarding data security available to the City, upon request, and further agrees that the City reserves the right to hire a third party to perform a security audit mid-way through the permit term, or at any time the City determines that an audit is warranted.
- iii. Permittee must provide customers the opportunity to assent explicitly to any privacy policy, terms of service, or user agreements. Separately, customers must have the ability to decline sharing any data not required to enable the Permittee to process and complete the transaction. The customer's options with regard to these requirements shall be clearly stated and easily accessed by the customer.
- iv. Permittee shall produce a Privacy Policy that complies with any data protection laws applicable to minors, and further, expressly limits the collection, storage, or usage of any personally identifiable information to the extent absolutely required to successfully accomplish the provision of an e-scooter transportation service. Without limitation to other permitting provisions requiring anonymized origin/destination and route data for solely public purposes set forth by the City, Permittee may not make any personal data of program participants in the City available to any third party advertiser or other private entity, including another entity that may be affiliated with or jointly owned by the entity that owns Permittee.
- v. Permittee shall not claim any legal right in its Terms of Use, Privacy Policy, or elsewhere to institute retroactive changes to its Privacy Policy and shall provide an opportunity for the customer to explicitly assent prior to any changes to its data practices, including uses of data Permittee collected under a prior policy.
- vi. Permittee may not collect Personal Data related to, nor sort Personal Data nor individual data subjects according to, the protected classes of race, color, religion, sex (including, but not limited to, gender identity, transgender status, or sexual orientation, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability, except for survey data collected on an opt-in basis and for a public purpose expressly set forth by the City. Permittee may not deny service to any user on the basis of their refusal to provide any such survey information or on the basis of their actual or perceived membership in any of the protected classes listed above. The City shall consult the Human Rights Commission if it receives any complaints based upon any potential violations of this provision.
- vii. Permittee must disclose any and all existing data sharing agreements and must notify the City in advance of any prospective partnership, acquisition or other data sharing agreement. Permittee may not engage in or facilitate any inter-app operability or other

form of private partnership that includes data acquisition or other data sharing model with any entity if the entity does not meet the standards set forth herein.

- viii. Permittee shall disclose all data breaches to an affected customer within thirty days of the breach.

g. Data Sharing

- i. Without prejudice to the Permittee's rights and interest to its commercially privileged and sensitive information, Permittee shall provide the City the following data in a Monthly Report by the 15th of each month for the previous month's activity:
 - a. Total active customers who reside in the City with a breakdown of customers by gender and age
 - b. Total active customers
 - c. Trips starting and trips ending, separately, in the City during the month, and trips starting and trips ending in the City since launch (raw trip data)
 - d. Average trip duration in minutes
 - e. Average and total distance of trips (if this is calculable from provided raw trip data, no need to provide separately)
 - f. Total number of devices in service in the City (daily)
 - g. GPS tracking data for every trip route starting, ending, or passing through the City (especially to understand the equity implications of coverage of these services.)
 - h. Crashes – giving time, date, precise location, and number of parties impacted (if known) within the City
 - i. Injuries – giving time, date, precise location, and cause (if known) within the City
 - j. Number and precise location of device that had to be towed after seven (7) consecutive days in one location within the City
 - k. Complaints received within the City – giving the reason with date and location, if available/appropriate
 - 1. Incorrectly parked reports – giving time, date, and precise location
 - 2. Speeding reports
 - 3. Maintenance related issues
 - 4. Other complaints
 - 5. Other feedback received – by date, time, and precise location, if applicable
- ii. Permittees shall provide the City with real-time information on the entire City fleet through a documented application program interface (API). Permittees are directly responsible for obtaining an API key from the City's IT Department to which they will publish the data described below. The data to be published to the City API will include the following information in real time for every bicycle and e-scooter parked in the City operational area:
 - a. Point location
 - b. Bicycle/E-scooter identification number

- c. Type of device (standard, electric or scooter)
- d. Fuel level (if electric)

iii. Permittees shall provide the City with a publicly available API for real-time information on the entire City fleet. Data available via the API will include the following information in real time for every bicycle and e-scooter parked in the City operational area:

Field name	Format	Description
Permitee Name	[Permitee name]	n/a
Type of device	“Standard” or “Electric” or “Scooter”	n/a
Trip record number	xxx0001, xxx0002, xxx0003, ...	3-letter Permitee acronym + consecutive trip #
Trip duration	MM:SS	n/a
Trip distance	Feet	n/a
Start date	MM, DD, YYYY	n/a
Start time	HH:MM:SS (00:00:00 –	n/a
End date	MM, DD, YYYY	n/a
End time	HH:MM:SS (00:00:00 –	n/a
Start location	Point	n/a
End location	Point	n/a
Device ID number	xxxx1, xxxx2, ...	Unique identifier for every device

iv. All permitted operators will provide the following device availability data for oversight of parking compliance and device distribution by minutes. Data will be available for retrieval by the City using a publicly accessible API provided by the vendor.

Field name	Format	Description
GPS Coordinate	X,Y	n/a
Availability	Minutes	n/a
Availability start	MM, DD, YYYY	n/a
Availability start	HH:MM:SS (00:00:00 –	n/a

v. The City may, at its option, require Permittees to distribute a customer survey at the end of the pilot period.

V. INSURANCE:

By signing and submitting a permit application, the Permittee certifies that it will purchase and maintain, at its sole expense, and from a company or companies authorized to do business within the Commonwealth of Virginia, insurance policies containing the following types of coverages and minimum limits, protecting from claims which may arise out of or result from the Permittee's performance or non-performance of services under this agreement, or the performance or non-performance of services under this agreement by anyone directly or indirectly employed by the Permittee or for whose acts it may be liable:

- a. Workers' Compensation - Statutory requirements and benefits. Coverage is compulsory for employers of three or more employees, to include the employer. Contractors who fail to notify the City of increases in the number of employees that change their workers' compensation requirements under the Code of Virginia during the course of the agreement shall be in noncompliance with the agreement. This policy shall specifically list Virginia as a covered state.
- b. Employer's Liability - \$100,000. This policy shall specifically list Virginia as a covered state.
- c. Commercial General Liability - \$1,000,000 per occurrence. Commercial General Liability is to include bodily injury and property damage, personal injury, advertising injury, contractual liability, and products and completed operations coverage. The City and its officers, employees agents and volunteers must be named as an additional insured and so endorsed on the policy.
- d. Automobile Liability - \$1,000,000 per occurrence. (Only used if motor vehicle is to be used in the agreement.)
- e. Cyber Liability/ Information Technology - \$1,000,000 per claim, including coverage for costs of 3rd party notification, credit monitoring, and fraud protection.
- f. All insurance coverage:
 - i. shall be issued by an insurance carrier authorized to do business within the Commonwealth of Virginia and rated A – VIII or better, by A. M. Best Company or equivalent rating from an alternate recognized ratings agency, and otherwise acceptable to the City;
 - ii. shall be kept in force throughout performance of services;
 - iii. shall be an occurrence based policy;
 - iv. shall include completed operations coverage;
 - v. shall contain a cross liability or severability of interest clause or endorsement. Insurance covering the specified additional insured shall be primary and non-contributory, and all other insurance carried by the additional insureds shall be excess insurance;
 - vi. where additional insured required, such policy shall not have a restriction on the limits of coverage provided to the City as an additional insured. The City shall be entitled to protection up to the full limits of the Permittee's policy regardless of the minimum requirements specified in the Agreement.

Proof Of Insurance: Prior to performance of any services or delivery of goods, the Permittee shall (i) have all required insurance coverage in effect; (ii) the Permittee shall deliver to the City certificates of insurance for all lines of coverage, or other evidence satisfactory to the City in its sole discretion. (See Attachment A for a Sample C.O.I. and Guide to the Acord Form). The Permittee shall be responsible that such coverage evidenced thereby shall not be substantially modified or canceled without 30 days prior written notice to the City; and (iii) the Permittee shall deliver to the City endorsements to the policies which require the City and its officials, officers, employees, agents and volunteers be named as "additional insured". Policies which require this endorsement include: Commercial General Liability and Auto Liability. Such endorsements must be approved by the City, and (iv) upon the request of the City, provide any other documentation satisfactory to the City in its sole discretion, evidencing the required insurance coverage, including but not limited to a copy of the insurance policy and evidence of payment of policy premiums. The Permittee shall require each of its subcontractors and suppliers to have coverage per the requirements herein in effect, prior to the performance of any services by such subcontractors and suppliers. Further, the Permittee shall ensure that all Required Insurance coverages of its subcontractors and suppliers is and remains in effect during performance of their services on the Project and certifies by commencement of the Work that this insurance and that of subcontractors is in effect and meets the requirements set forth herein. The City shall have no responsibility to verify compliance by the Permittee or its subcontractors and suppliers.

Effect Of Insurance: Compliance with insurance requirements shall not relieve the Permittee of any responsibility to indemnify the City for any liability to the City, as specified in any other provision of this agreement, and the City shall be entitled to pursue any remedy in law or equity if the Permittee fails to comply with the contractual provisions of this agreement. Indemnity obligations specified elsewhere in this Agreement shall not be negated or reduced by virtue of any insurance carrier's denial of insurance coverage for the occurrence or event which is the subject matter of the claim, or by any insurance carrier's refusal to defend any named insured. Permittee explicitly acknowledges and understands that it assumes the risk of placing its dockless mobility devices on City property and that the City will not be responsible for any damages to such devices arising from their presence on City property.

Waiver Of Subrogation: The Permittee agrees to release and discharge the City of and from all liability to the Permittee, and to anyone claiming by, through or under the Permittee, by subrogation or otherwise, on account of any loss or damage to tools, machinery, equipment or other property, however caused.

Sovereign Immunity: Nothing contained within this agreement shall effect, or shall be deemed to affect, a waiver of the City's sovereign immunity under law. No agreement awarded as a result of this procurement transaction shall contain any provisions requiring the City to waive or limit any sovereign or governmental immunity to which it may be entitled.

Right to Revise or Reject: The City reserves the right, but not the obligation, to revise any insurance requirement not limited to limits, coverages and endorsements, or reject any insurance policies which fail to meet the criteria stated herein. Additionally, the City reserves the right, but not the obligation,

to review and reject any insurer providing coverage due to its poor financial condition or failure to operate legally.

VI. Effective Dates

This policy shall be effective from November 13, 2018 and shall terminate on July 31, 2019. During the time the pilot program is in effect, the City Manager may amend the program regulations from time to time to ensure that participants are meeting program goals. Any changes or amendments to program regulations shall go into effect immediately. The City shall notify Permittees of any such changes or amendments as soon as practicable.

The City reserves the right to terminate the pilot program prior to July 31, 2019 if, in the sole opinion of the City Manager, the use or accessibility of public right-of-way is compromised or compliance with program regulations is inadequate. If the City Manager terminates the pilot program,, Permittees shall remove all devices from City right-of-way within five (5) business days.

Attachment B.

**RESOLUTION
OF THE CHARLOTTESVILLE CITY COUNCIL
RECOMMENDING ADOPTION OF THE BICYCLE AND E-SCOOTER SHARING
SYSTEM (aka DOCKLESS MOBILITY) PERMIT PROGRAM**

WHEREAS, the purpose of this program is to establish fees and regulations to facilitate bicycle and e-scooter sharing companies to operate in the city; and

Whereas, the City owns, controls, and maintains the public space on which companies shall park its devices.

NOW, THEREFORE, BE IT RESOLVED that this City Council will adopt a pilot program to assess the viability of dockless mobility device operations within the City and to understand the parameters that will allow these devices to operate effectively and to avoid any public nuisance under the authority of Virginia Code §15.2-2018.