



**CITY COUNCIL AGENDA**  
**Monday, July 2, 2018**

**2:45 p.m.** **Closed session as provided by Section 2.2-3712 of the Virginia Code**  
*Second Floor Conference Room (Interviews; Legal Consultation; Boards & Commissions)*

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

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

**CITY MANAGER RESPONSE TO COMMUNITY MATTERS**

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

**1. CONSENT AGENDA\*:** (Items removed from consent agenda will be considered at the end of the regular agenda.)  
**Galvin/Bellamy**  
**Passed 4-1 (Walker no)**

a. Minutes for June 18, 2018

b. **APPROPRIATION:** Charlottesville Affordable Housing Fund for repayment of Substantial Rehab loan – \$30,113.28 (2<sup>nd</sup> of 2 readings)

c. **APPROPRIATION:** Albemarle County Funds to the City's Workforce Investment Fund for Non-City Resident Workforce Development Training (GO Driver) – \$4,432.50 (2<sup>nd</sup> of 2 readings)

d. **APPROPRIATION:** 2018-2019 Community Development Block Grant – \$409,708.49 (2<sup>nd</sup> of 2 readings)

e. **APPROPRIATION:** 2018-2019 HOME Funds – \$125,966.49 (2<sup>nd</sup> of 2 readings)

f. **APPROPRIATION:** Virginia Department of Education Special Nutrition Program Summer Food Service Program – \$90,000 (2<sup>nd</sup> of 2 readings)

g. **APPROPRIATION:** Human Services Fund Balance for F.Y. 2018 Expenses – \$500,000 (2<sup>nd</sup> of 2 readings)

h. **RESOLUTION:** Rivanna Quarterly Report (1<sup>st</sup> of 1 reading)

i. **RESOLUTION:** Revision of the City's 2005 Street Closing Policy (1<sup>st</sup> of 1 reading)

j. **RESOLUTION:** Special Use Permit (SUP) for Multi-Family Residential Use and Reduced Front Setbacks at 0 Carlton Road (1<sup>st</sup> of 1 reading)

k. **RESOLUTION:** Critical Slopes Waiver for 0 Carlton Rd. (1<sup>st</sup> of 1 reading)

l. **ORDINANCE:** Easement to Century Link at Sugar Hollow Reservoir (2<sup>nd</sup> of 2 readings)

**2. PUBLIC HEARING / ORDINANCE\*:** Parking Modified Zone Amendments (1<sup>st</sup> of 2 readings) **carried (Galvin / Bellamy)**

**3. PUBLIC HEARING / ORDINANCE\*:** Restaurants: Drive-through windows in Highway Corridor Zoning Text Amendment (1<sup>st</sup> of 2 readings) **carried (Bellamy / Hill)**

**4. PUBLIC HEARING / ORDINANCE\*:** Mixed Use Development Standards Zoning Text Amendment (1<sup>st</sup> of 2 readings) **carried (Galvin / Hill)**

**5. PUBLIC HEARING / RESOLUTION\*:** Transfer for the Bypass Fire Station Project – \$2,217,885 (1<sup>st</sup> of 1 reading) **passed 5-0 (Hill / Galvin)**

**6. ORDINANCE\*:** Regulating Use of Explosives for Excavation and Demolition Activities (1<sup>st</sup> of 2 readings) **passed 5-0 as amended, w/2<sup>nd</sup> reading waived (Galvin / Bellamy)**

**7. RESOLUTION\*:** 946 Grady Ave. (Dairy Central) (1<sup>st</sup> of 1 reading) **passed 4-1 (Walker no) Galvin/Bellamy**

**8. RESOLUTION\*:** Transfer to the Circuit Court Renovation & Expansion Project from CIP Contingency and Courthouse Security Funds – \$857,000 (1<sup>st</sup> of 1 reading) **passed 5-0 (Hill / Bellamy)**

(continued on next page)

**9. RESOLUTION\*:**

Minority Business Task Force Update (1<sup>st</sup> of 1 reading) **passed 5-0 (Bellamy / Galvin)**

**10. REPORT:**

Parks and Recreation Citizen Survey Results

**OTHER BUSINESS  
MATTERS BY THE PUBLIC**

**RESOLUTION:** Social Media Coordinator (1<sup>st</sup> of 1 reading) **passed 3-2 (Galvin / Bellamy)**  
**Signer, Walker no**

**\*ACTION NEEDED**

**RESOLUTION:** City Management Succession **passed 5-0 (Hill / Bellamy)**

**RESOLUTION:** Confirming Letter of non-renewal to City Manager **passed 5-0 (Hill / Bellamy)**

**APPROPRIATION**  
**Charlottesville Affordable Housing Fund**  
**Substantial Rehab Loan Payoff – Willie and Shirley Morris**  
**\$30,113.28**

**WHEREAS**, the City of Charlottesville has received funding from the payoff of the Willie and Shirley Morris Deed of Trust (\$30,113.28);

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$30,113.28 be appropriated as follows:

**Revenues:**

\$30,113.28	Fund: 426	Project: CP-084	G/L Code: 434675
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**Expenditures:**

\$30,113.28	Fund: 426	Project: CP-084	G/L Code: 599999
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**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2018-2019  
COMMUNITY DEVELOPMENT BLOCK GRANT - \$409,708.49**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2018-2019 fiscal year in the total amount of \$409,708.49 that includes new entitlement from HUD amounting to \$408,417, and previous entitlement made available through reprogramming of \$1,291.49.

**WHEREAS**, City Council has received recommendations for the expenditure of funds from the CDBG Task Force, the SAT, the Belmont Priority Neighborhood Task Force (priorities to be determined at a later date) and the City Planning Commission; and has conducted a public hearing thereon as provided by law;

**WHEREAS**, City Council previously appropriated the estimated Community Development Block Grant funding for the 2018 – 2019 fiscal year; now therefore

**BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

**PRIORITY NEIGHBORHOOD**

Belmont Priority Neighborhood	\$204,263.49
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**ECONOMIC DEVELOPMENT**

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

United Way – Childcare Scholarships	\$26,431
TJACH – Coordinated Entry System	\$26,531
Literacy Volunteers – Basic Literacy Instruction	\$8,300

**HOUSING PROJECTS**

AHIP – Homeowner Rehab	\$50,000
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**ADMINISTRATION AND PLANNING:**

Admin and Planning	\$81,683
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**TOTAL**

**\$409,708.49**

**BE IT FURTHER RESOLVED** that this appropriation supersedes the previous appropriation from May 21, 2018, and is conditioned upon the receipt of \$408,417 from the Department of Housing and Urban Development.

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

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2018-2019  
HOME FUNDS \$125,966.49**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnerships (HOME) funding for the 2018-2019 fiscal year;

**WHEREAS**, the region is receiving an award for HOME funds for fiscal year 18-19 of which the City will receive \$78,001.63 to be expended on affordable housing initiatives such as homeowner rehab and downpayment assistance.

**WHEREAS**, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

**WHEREAS**, City Council previously appropriated the estimated HOME funding for the 2018 – 2019 fiscal year; now therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the a surplus of match from previous appropriations from the Charlottesville Housing Fund (account CP-0084 in SAP system) in the amount of \$19,500.41. Project totals also include previous entitlement made available through program income of \$22,906.59. The total of the HUD money, program income, and the local match, equals \$125,966.49 and will be distributed as shown below.

<b>PROJECTS</b>	<b>HOME EN</b>	<b>MATCH</b>	<b>PI/REPROGRAMMING</b>	<b>TOTAL</b>
Habitat for Humanity-DPA	\$24,508.92	\$6,002.93	\$9,488.15	\$40,000.00
PHA-DPA	\$36,056.36	\$9,076.24	\$9,488.15	\$54,620.75
AHIP-Homeowner Rehab	\$17,436.35	\$4,421.24	\$9,488.15	\$31,345.74
<b>Total</b>	<b>\$78,001.63</b>	<b>\$19,500.41</b>	<b>28,464.45</b>	<b>\$125,966.49</b>

\* includes Program Income which does not require local match.

**BE IT FURTHER RESOLVED** that this appropriation supersedes the previous appropriation from May 21, 2018, and is conditioned upon the receipt of \$78,001.63 from the Department of Housing and Urban Development.

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

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.



## APPROPRIATION

### Virginia Department of Education Special Nutrition Program Summer Food Service Program \$90,000

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$90,000 from the Virginia Department of Education Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs; and

**WHEREAS**, the grant award covers the period from period June 18, 2018 through October 31, 2018.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, which the sum of \$90,000, received from the Virginia Department of Education Special Nutrition Program, is hereby appropriated in the following manner:

#### **Revenue – \$90,000**

Fund: 209                      Internal Order: 1900299                      G/L Account: 430120

#### **Expenditures - \$90,000**

Fund: 209                      Internal Order: 1900299                      G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$90,000 from the Virginia Department of Education Special Nutrition Program.

**APPROPRIATION**

**Appropriation of Human Services Fund Balance for FY 2018 Expenses**

**\$500,000**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of up to \$500,000 in department fund balance, is hereby appropriated in the following manner:

**Revenues - \$500,000**

\$500,000      Fund: 213      Cost Center: 3413002000      G/L Account: 498011

**Expenditures - \$500,000**

\$100,000      Fund: 213      Cost Center: 3413002000      G/L Account: 519999

\$500,000      Fund: 213      Cost Center: 3413002000      G/L Account: 599999

**RESOLUTION**  
**Accepting the Rivanna Quarterly Update to City Council**  
**for July 2, 2018**

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville that the Rivanna Quarterly Report to City Council, delivered via written report at the July 2, 2018, regular City Council meeting, is hereby accepted.

**RESOLUTION**  
**Revision to City Street Closing Policy**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the City's Street Closing Policy, adopted on February 7, 2005, is hereby revised to eliminate Section (A) – Administrative Approval by City as an option under Part One of the Policy, so that all petitions for closing a street or alley shall be considered by City Council and approved by ordinance, in accordance with Virginia Code statutes.

**RESOLUTION  
GRANTING A SPECIAL USE PERMIT  
TO AUTHORIZE MULTI-FAMILY RESIDENTIAL USE  
AND REDUCED FRONT SETBACKS AT ZERO (0) CARLTON ROAD**

**WHEREAS**, pursuant to City Code Sec. 34-480 landowner Stony Point Design/Build, LLC (“Applicant”), has requested a special use permit for property having an address of zero (0) Carlton Road, further identified on City Tax Map 57 as parcels 123.69, 123.70, 123.71 and on City Tax Map 61 as Parcel 2.2, all such parcels, collectively, having an area of approximately 0.623 acres or 27,138 square feet (“Subject Property”); and

**WHEREAS**, the purpose of the requested special use permit is to allow multifamily dwellings pursuant to City Code §34-480; and a reduction of the front yard requirements applicable to the Subject Property; in order to facilitate a specific development described in the materials accompanying City application number SP17-00003 (the proposed “Development”); and

**WHEREAS**, the Subject Property is zoned “M-I” (Manufacturing-Industrial), and pursuant to §34-480, multifamily dwellings are allowable by special use permit; pursuant to City Code §34-162, the requested modification of applicable front yard requirements is allowable in connection with the granting of a special use permit; and

**WHEREAS**, the Planning Commission reviewed the original application materials dated April 16 through May 23, 2018, and the City’s Staff Report pertaining thereto, and following a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on March 13, 2018, the Commission voted to recommend that City Council approve the requested Special Use Permit; and

**WHEREAS**, upon consideration of the comments received during the joint public hearing, the Planning Commission’s recommendation, and the Staff Report, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, and based on the representations, information, and materials included within Applicant’s application materials, this Council finds and determines that granting the requested special use permit is appropriate, subject to certain reasonable conditions; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia THAT:

1. *Specific Development*—a Special Use Permit is hereby granted to authorize the following Development on the Subject Property:

Establishment of a three-story mixed use building (maximum building height 44.41 feet), which shall be used and occupied as follows: a bakery/café on the first floor and one-bedroom dwelling units used for residential occupancy within all other building stories; and establishment of additional multifamily dwellings (maximum building height 41.85 feet, for each building; each dwelling unit to contain two bedrooms) within a condominium regime. No building shall exceed three (3) stories above grade. Residential

density, within the total area of the Subject Property, shall not exceed 21 dwelling units per acre. The required minimum front yard within the Development shall be zero (0) feet on Monticello Road, and zero (0) feet on Carlton Road.

2. No land disturbing permit, and no building or other permit to authorize construction of any improvements, shall be granted prior to: (i) city council's approval of a critical slope waiver in accordance with City Code §34-1120; (ii) city council's approval of a sale of public right-of-way to the landowner, as necessary to allow the construction and other improvements depicted within the Application materials; (iii) approval of a final stormwater management plan and a final erosion and sediment control plan by the City's agent; and (iv) approval of a final site plan by the city's site plan agent.
3. The design, height, and other characteristics of the Development shall remain the same, in all material aspects, as described within the preliminary site plan dated April 18, 2018 (Attachment A), building elevations provided May 23, 2018 (Attachment B), and street sections dated April 16, 2018 (Attachment D). Except as the characteristics of the Development may subsequently be modified to comply with (i) any of these SUP Conditions, and/or (ii) City zoning regulations not modified by this Special Use Permit: any material change of the Development as represented within the application materials shall require a modification of this SUP. Without limiting the foregoing, the following shall be deemed material aspects of the Development that may not be modified by any administrative approval:
  - a. No building fronting on Carlton Road shall be located within four (4) feet of the property line. Front stoops are exempt from this requirement.
  - b. Landowner shall dedicate land for public right-of-way, establishment of a Charlottesville Area Transit (CAT) bus stop with concrete pad on Monticello Road, or a modified location and design on Monticello Road approved by the director of CAT or his designee.
  - c. The Subject Property shall be served by a single (1) vehicular access point on Monticello Road, as shown, subject to approval by the City Traffic Engineer.
  - d. Direct pedestrian access to the mixed use building shall be provided at the intersection of Carlton Road and Monticello Road.
  - e. All on-site parking shall be located behind the buildings on the Subject Property.
  - f. Landscaped buffering shall be installed adjacent to existing single-family residences on Carlton Road, as depicted within the materials submitted with the Application.
4. The applicant shall provide pedestrian improvements in the vicinity of the subject property, the dimension and final design of which is subject to approval by the City Traffic Engineer. These improvements shall include:

- a. an improved pedestrian path on Carlton Road along the entire frontage of the subject property. This will consist of a sidewalk no less than five (5) feet in width, and a curbside buffer of no less than three (3) feet in width;
  - b. an improved pedestrian path on Monticello Road along the entire frontage of the subject property, consisting of a sidewalk no less than eight (8) feet in width where adjacent to any building. The landowner shall grant to the City a public access easement and maintenance agreement, for portions of the Monticello Road sidewalk located within the Subject Property; and
  - c. installation of high visibility crosswalks at the southern and eastern pedestrian crossings at the Carlton Road and Monticello Road intersection, as depicted within the preliminary site plan dated April 18, 2018 submitted with the Application.
5. All parking required by the City's zoning ordinance shall be provided on-site.
  6. All outdoor lighting and light fixtures shall be full cut-off luminaires. The spillover light from luminaires onto public roads and onto property adjacent property shall not exceed one-half ( $\frac{1}{2}$ ) foot candle. A spillover shall be measured horizontally and vertically at the property line or edge of right-of-way or easement, whichever is closer to the light source.
  7. Bicycle storage facilities shall be provided for each multifamily dwelling and non-residential use, of such type(s), and in such number(s) as will meet the specifications within City Code Sec. 34-881(2) and City Code Sec. 34-881(3) -*Bicycle Storage Facilities*. Short-term bicycle parking shall be located so as to be visible from the bakery/café entrance in the mixed-use building at the corner of Carlton Road and Monticello Road.

**RESOLUTION APPROVING A REQUEST FOR  
WAIVER OF CRITICAL SLOPES  
PROVISIONS PURSUANT TO CITY CODE SECTION 34-1120(B)(6)  
FOR 0 CARLTON ROAD**

**WHEREAS**, Stony Point Design/Build, LLC, Applicant and owner of property designated on City Tax Map 57 as Parcels 123.69, 123.70 and 123.71, and Tax Map 61, Parcel 2.2, consisting of approximately 0.623 acres or 27,138 square feet, and addressed as 0 Carlton Road (the "Property"), seeks a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) to allow for construction of a mixed-use development containing a mixed-use building, a multifamily dwelling, a parking lot, and related improvements on the Property (the "Project"); and

**WHEREAS**, the Planning Commission considered this request at their regular meeting on June 12, 2018, and recommended approval of the request for a waiver of the critical slopes requirements, pursuant to City Code Sec. 34-1120(b)(6), subject to conditions; and

**WHEREAS**, upon consideration of the information and materials provided by the applicant, and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d)(i) that the benefits of allowing disturbance of the critical slopes in connection with the Project outweigh the public benefits of the undisturbed slopes; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the request by Stony Point Design/Build, LLC for a waiver of the critical slopes requirements for the above-described Project to be developed on the Property, is hereby granted, conditioned upon the following:

1. Require erosion and sediment control measures that exceed minimum requirements in order to mitigate potential impacts to the undisturbed critical slope areas, tributary stream, and adjacent properties during land disturbance activities, per Section 34-1120(b)(1)(a-c); use of super silt fence with wire reinforcing and six (6) feet stake spacing to ensure adequate protection of the aforementioned items, to be detailed on the site plan and approved by the Engineering Department prior to final site plan approval.
2. Immediate installation of permanent stabilization measures in lieu of temporary measures at the base of the proposed retaining walls within the areas of critical slope disturbance to ensure rapid stabilization of the slope to mitigate the potential impacts of erosion on the tributary stream and adjacent properties, to be detailed on the site plan and approved by the Engineering Department prior to final site plan approval. Permanent stabilization may include the following measures from the Virginia Erosion and Sediment Control Handbook: permanent seeding per Section 3.2, sodding per Section 3.3, or groundcover establishment per Section 3.37. Temporary soil stabilization through blankets or matting per Section 3.36 is required to ensure the chosen stabilization measure does not erode prior to establishment.



3. An increase of required stormwater detention of 10% beyond the minimum requirement in order to mitigate potential stormwater impacts to the tributary stream and adjacent properties, per Section 34-1120(b)(1)(b-c), to be detailed on the site plan and approved by the Engineering Department prior to final site plan approval.
4. Additional habitat redevelopment in order to mitigate potential impacts to existing wildlife habitat per Section 34-1120(b)(1)(f); and the installation of additional species of herbaceous and shrub plantings in the southwestern portion of the critical slope area proposed to be disturbed (south of the proposed retaining wall and west of the proposed riprap outfall area).

**AN ORDINANCE  
AUTHORIZING THE CONVEYANCE OF AN EASEMENT  
TO CENTURYLINK TO PERMIT INSTALLATION OF THREE (3) UTILITY POLES  
ON CITY PROPERTY AT SUGAR HOLLOW RESERVOIR**

**WHEREAS**, Central Telephone Company of Virginia, d/b/a CenturyLink, has requested this Council to grant an easement across property owned by the City of Charlottesville in Albemarle County, known as the Sugar Hollow Reservoir (Albemarle Tax Map Parcel No. 02500-00-00-00700), as identified within an Easement Agreement and accompanying Plat submitted by CenturyLink, for the installation and maintenance of utility poles, lines and equipment; and

**WHEREAS**, the purpose of the easement is to install utility poles on the southwest side of Sugar Hollow Road for placement of aerial fiberoptic cable to serve the Reservoir with Ethernet internet services, allowing the Rivanna Water and Sewer Authority to better control and manage critical monitoring of the Reservoir; and

**WHEREAS**, on June 18, 2018, this City Council conducted a public hearing on the requested easement, pursuant to Virginia Code Sec. 15.2-1800(B), after proper publication of legal notice of the public hearing;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute the Easement Agreement, in form approved by the City Attorney, granting the above-described easement to CenturyLink for enhanced internet service to the Rivanna Water and Sewer Authority at Sugar Hollow Reservoir.

**RESOLUTION**  
**Funds Transfer for the Bypass Fire Station Project**  
**\$2,217,885**

WHEREAS, the City of Charlottesville, through the Facilities Development Division, is redeveloping the Bypass Fire Station;

WHEREAS, the City needs to consolidate funding in the amount of \$2,217,885 from three funding sources within Fund 426, as specified below:

**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**

\$500,000	Fund: 426	WBS: CP-017	G/L Account: 599999
\$429,046	Fund: 426	WBS: P-00433	G/L Account: 599999
\$1,288,839	Fund: 426	WBS: P-00349	G/L Account: 599999

**Transfer To**

\$2,217,885	Fund: 426	WBS: P-00988	G/L Account: 599999
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**AN ORDINANCE**  
**AMENDING AND REORDAINING CHAPTER 5 (Building Regulations; Property Maintenance) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, BY ADDING A NEW ARTICLE VI REGULATING THE USE OF EXPLOSIVES FOR AND IN CONNECTION WITH EXCAVATION OF LAND OR DEMOLITION OF BUILDINGS OR STRUCTURES**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia that Chapter 5 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained by adding a new Article VI, to read as follows:

**CHAPTER 5. BUILDING REGULATIONS; PROPERTY MAINTENANCE**

**ARTICLE VI. REGULATION OF EXPLOSIVES**

**Sec. 5-203. Purpose And Objectives.**

The purpose of this Article is to enumerate the policies of the City of Charlottesville for use in the review of applications seeking approval for the use of explosives for and in connection with construction and demolition activities within the City limits.

Further, this chapter is enacted for the protection of persons and property owners from damage to life or property as a result of excavation or demolition by blasting, and to protect the health, safety and general welfare of the community by preventing the interruption of essential services resulting from the destruction of, disruption of, or damage to underground utility lines during excavation or demolition by blasting.

**Sec. 5-204. Scope.**

The scope of this chapter is intended to encompass:

- (a) all utility operators serving any portion of or maintaining any utility line within the City of Charlottesville, Virginia; and
- (b) all landowners and contractors engaged by landowners or developers to perform demolition or excavation on any private property, public rights of way, or public easements within the City of Charlottesville.

**Sec. 5-205. Definitions.**

As used in this Article:

- (a) “Blasting” means the use of an explosive for or in connection with excavation or demolition.
- (b) “Contractor” means any person, including a subcontractor, who contracts with an operator or the owner of public or private property, for the purpose of engaging in excavation, demolition, or blasting.
- (c) “Demolition” means the razing of any structure above the existing grade, or the demolition of any structure below the existing grade.

(d) “Emergency” means any condition which may cause an interruption of essential services resulting from the destruction of, disruption of, or damage to underground utility lines. “Emergency” is classified as less severe than “hazardous”.

(e) “Excavate” or “excavation” means any operation in which earth, rock, or other material in the grounds is moved, removed, or otherwise displaced by means of any tools, equipment, or explosives and includes, without limitation, grading, trenching, digging, ditching, dredging, drilling, auguring, tunneling, scraping, cable or pipe plowing and riving, wrecking, razing, rendering, moving, or removing any structure or mass of material, but not including the tilling of the soil for agricultural purposes.

(f) “Hazardous” means any condition which may cause an interruption of essential services and, in addition, may result in death or injury to persons or property due to destruction of, disruption of, or damage to underground utility lines. “Hazardous” is classified as more severe than “emergency”.

(g) “Mechanized equipment” means powered equipment used to excavate, and includes equipment used for plowing-in or pulling-in cable or pipe.

(h) “Notify, notice or notification” means the completed delivery of information to the person to be notified and the receipt of same by such person to be notified within the time limits prescribed in this chapter.

(i) “Notification center” means any organization among whose purpose is the dissemination to one or more operators of the notification of planned construction activities in a special area. For the purpose of this chapter, Miss Utility and/or the current holder of the one-call State Certification Center, shall be considered to be the notification center.

(j) “Operator” means any person who furnishes or transports any of the following materials or services by means of a utility line:

- (1) Flammable, natural, toxic or corrosive gas;
- (2) Petroleum, petroleum products and hazardous liquids;
- (3) Electricity;
- (4) Sanitary sewer;
- (5) Communications;
- (6) Water; or
- (7) Cable television.

(k) “Person” means any individual, partnership, association, corporation, state, subdivision or instrumentality of a state, or the legal representative thereof.

(l) “Property owner” means any person who owns fee title to or leases a given area of land.

(m) “Surface replacement” means the routine maintenance or limited replacement of sidewalks, curbs and gutters, and similar structures, including patch-type road paving and street repairs.

(n) “Utility line” means any underground conduit and its related facilities including pipe or cable, by which an operator furnishes or transports material or services.

(o) “White lining” means the designation of the proposed limits of excavation or demolition

with white paint by the contractor.

(p) “Working days” means Monday through Friday, excluding, however, any public and legal holidays.

#### **Sec. 5-206. Applicability Of Existing Ordinances And Other Laws.**

No provision of this Article shall exempt any person from complying with the requirements and provisions of any existing laws, regulations, or ordinances, including, without limitation: Chapters 12 (Fire Prevention), 29 (Subdivisions), 31 (Utilities) and 34 (Zoning) of the Code of the City of Charlottesville; the statutes and regulations of the Commonwealth of Virginia, the State Corporation Commission of Virginia, the Virginia Board of Housing and Community Development/ Virginia Fire Services Board; and the statutes and regulations of the Office of Pipeline Safety of the U.S. Department of Transportation, or the U.S. Department of Labor. The duties and requirements imposed by all such other existing laws, regulations and ordinances shall be in addition to the duties and requirements imposed by the provisions of this Article.

#### **Sec. 5-207. Administration And Enforcement.**

This chapter shall be administered and enforced by the City Manager, or his or her designee, who may cause to be performed such tasks and inspections as he or she may deem reasonably necessary.

#### **Sec. 5-208. Demolition Or Excavation By Blasting; Prior Notice And Permit.**

(a) No landowner shall make or commence any blasting, nor shall any landowner allow any blasting to be made or commenced on his or her land, without first notifying the Office of the City Manager and obtaining a permit therefor.

(b) Every notice served by any person to the Office of the City Manager shall contain or be accompanied by the following information:

- (1) The blasting contractor's name and telephone number;
- (2) The name of the landowner on whose land the proposed blasting is being done;
- (3) The date and approximate time blasting is to commence;
- (4) An engineering plan depicting and describing:
  - (i) the nature and extent of the excavation or demolition by blasting (“work”);
  - (ii) the location and approximate depth of proposed work;
  - (iii) the topographic and geological conditions that will be disturbed by such excavation or demolition, based upon topographical and geological survey data, respectively;
  - (iv) an engineering professional’s opinion as to whether, based on topographical and geological survey data, and the nature and extent of the excavation or demolition by blasting, any emergency or hazardous conditions could occur as a result of blasting. If so, the engineering plan shall also include a mitigation plan designed to eliminate the risk of potential emergency or hazardous condition(s), or to reduce such risk to an acceptable

level;

(v) a physical survey identifying the location of all utility lines owned or used by any operator within and adjacent to the parcel of land on which the blasting will occur, along with: the name and contact information for each operator; a detailed plan describing how the utility lines will be protected during the blasting; and evidence of written confirmation from each operator that the operator is aware of the blasting application to be presented to city council and has been given an opportunity to request a pre-blast survey of utility structures.

(vi) a pre-blast survey log containing a list of structures and utility lines eligible for pre-blast survey and list of those that have already received pre-blast surveys;

(vii) Applicant's certification that it will pay all costs for pre-blasting seismic surveys of potentially affected properties, to be performed by a contractor engaged by the applicant but selected from a list of qualified firms provided by the City, with data from such surveys to be provided to property owners.

(viii) written consent forms executed by the owner of every building, structure or utility line within one hundred (100) feet of any proposed blast, where each such written consent form, on its face, contains a certification of the blasting contractor that all blasting will conform to limits recommended by the U.S. Bureau of Mines Table of Scaled Distances.

(ix) proof of insurance from the applicant as well as the blasting contractor, minimum (for each): General Aggregate, \$5,000,000.00; \$2,000,000.00, for each occurrence; \$1,000,000.00 automobile liability; Workers Compensation, as required by Virginia law.

(5) The blasting contractor's field representative or field contact, and field telephone number;

(6) An affidavit by the applicant, averring that written notice of the application has been given by U.S. mail, first class, postage pre-paid, to every landowner within five hundred (500) feet of the parcel of land on which the proposed blasting would occur, with a copy of the written notice and a list of all such landowners and their addresses attached to such affidavit. The list of landowners shall be obtained by the applicant from the online tax assessor's records of the City of Charlottesville. The written notice shall include the following information:

(i) Notice of intent to conduct blasting, estimated duration of blasting activities;

(ii) Name of the contractor who will perform the blasting activities

(iii) Name and contact information for the blasting contractor's liability insurance provider;

(iv) Name of an independent firm approved by the Fire Marshal, which shall conduct seismographic monitoring of all blast(s) during blasting activities and which shall make reports thereof directly to the Fire Marshall, at the cost and expense of the person who has made application to the City under this Article; and written evidence that seismology equipment to be used has been calibrated and certified within 1 year of proposed blasting operation.

(7) Any special remarks or information the applicant deems relevant to the considerations referenced in paragraph (c), following below.

(c) Upon receipt of the notice and application materials referenced in paragraphs (a) and (b) preceding above, the Office of the city Manager shall schedule a public hearing to be conducted at a regular meeting of the City Council, within sixty (60) days of the date the application is submitted. Notice of the date, time and location of the public hearing shall be given by newspaper advertisement, and by U.S. mail, first-class, postage pre-paid, to every landowner within five hundred (500) feet of the parcel of land on which the proposed blasting would occur. Following conclusion of the public hearing, the city council will consider:

(i) whether or not the proposed blasting presents an unreasonable danger to the life or health of any individual(s), or an unreasonable interference with the use or occupancy of adjacent property;

(ii) whether or not, as a result of information received by council in connection with the public hearing, the blasting plan adequately takes into account unique topographical and geological conditions present in the vicinity of the proposed blasting;

(iii) whether or not the insurance requirements referenced within this ordinance adequately cover the risks reasonably to be anticipated from the blasting;

(iv) such other factors as the city council deems relevant for the protection of the welfare and safety of individuals and property within the vicinity of the blasting.

City Council may either approve or deny a permit for the proposed blasting. Any permit may be subject to suitable regulations and safeguards approved by city council as conditions of a permit. The City does not, by granting any permit or by identifying regulations or safeguards for blasting activities, assume any responsibility or liability for such blasting activity.

(d) No permit approved by City Council under paragraph (c), above, shall authorize any blasting, unless and until a separate permit has been obtained from the Fire Code Official, in accordance with applicable requirements of the Virginia Statewide Fire Prevention Code, and related codes and standards.

(e) The following documents shall be available for inspection at the site of any blasting, at all times during any blasting: (i) a copy of the approved permit from the Fire Code Official, (ii) a copy of the approved site plan or subdivision plan for a development, and (iii) a copy of the engineering plan required by paragraph (b)(4), above.

(f) In the event of ongoing excavation or demolition by blasting, notification by a contractor as provided in subsection (b) hereof shall be required every ten working days and so long as said excavation or demolition is continuous all markings of underground utility lines remain clearly visible, as provided in Section 5-208(b)(4)(v).

#### **Sec. 5-209. Contractor Requirements; Demolition Or Excavation.**

(a) Any contractor performing excavation or demolition by blasting shall have an approved site plan and/or subdivision plan, as applicable, or an engineering plan, indicating the plan view of all known existing and proposed utility lines at the site during such excavation or demolition.



(b) Any contractor performing excavation or demolition by blasting shall designate the proposed limits of such excavation or demolition: (i) within a survey submitted with the application (depicting the boundaries of the parcel(s) of land on which the excavation or blasting is proposed to occur, and containing a topographical survey of those parcel(s); and (ii) if a permit is approved, by white lining the affected area at the site.

(c) The act of obtaining information or any approval as required by this Article shall not excuse any person making any excavation or demolition by blasting from doing so in a careful and prudent manner nor shall it excuse such person from liability for any damage resulting from his or her negligence.

#### **Sec. 5-210. Contractors; Hazardous And Emergency Procedures.**

(a) Communication between the job site and the contractor's base office shall be maintained at all times through the use of a two-way radio system or some other means approved by the City's Fire Code Official.

(b) When any person damages a utility line or the protective coating thereof, or accidentally exposes or severs a utility line during excavation or demolition by blasting, an emergency condition shall be deemed to exist and the operator of such utility line shall be directly notified at that time.

(c) When any gas or flammable liquid utility line is severed, or damaged to the extent that there is escapement of its contents, a hazardous condition shall be deemed to exist and the operator of such utility line and the City's Emergency Communications Center (Dial "911") shall be immediately notified.

(d) Contractors shall display in plain sight on the instrument or control panel or the dashboard of all trucks and mechanized equipment operated by them, the current telephone number which is to be utilized to serve hazardous-condition notice as required by subsection (c) hereof.

(e) The telephone numbers to be utilized in serving emergency-condition notice as required in subsection (b) hereof shall be located on the approved site plan, subdivision plan or engineering plan which is to be at the site during excavation or demolition as required by                     .

(f) It shall be unlawful to backfill around a damaged utility line, as described in subsection (b) or (c) hereof, until the operator of said utility line has been notified of such incident and has repaired the damage and/or has given clearance in writing to backfill.

(g) During an emergency or hazardous condition, it shall be lawful to excavate, without using blasting, if notification as required in subsection (b) or (c) hereof is given as soon as reasonably possible.

#### **Sec. 5-211. Operators; Hazardous And Emergency Procedures.**

(a) All operators shall make available on a twenty-four hour basis adequate emergency response crew(s), including answering personnel, radio dispatchers, appliance servicemen and utility repair crews capable of performing all work tasks necessary to cope with emergency or hazardous situations. The number of emergency work crews shall be determined by the operator based upon reasonable response time (one hour estimated time or arrival to the emergency scene

during other than work hours) and the number and frequency of experiences recorded.

(b) All reports of hazardous and/or emergency conditions received by operators shall be reported immediately to the City's Emergency Communications Center (Dial "911") and all reports of hazardous conditions received by the Emergency Communications Center, or the Charlottesville Fire Department shall be reported immediately to the appropriate operator.

(c) The decision to shut off a utility line during a hazardous condition shall be jointly made by the Incident Commander, Charlottesville Fire Department and an authorized representative for the utility operator concerned. If time and circumstances require, the decision may be made by either the Incident Commander or the authorized utility operator representative, with immediate notification provided to the other and to the Emergency Communication Center and Charlottesville Fire Department.

(d) Utility services interrupted under hazardous conditions, as referenced in subsection (d) hereof, may be restored by the authorized utility operator only after investigation and verification of safety by the Charlottesville Fire Department.

#### **Sec. 5-212. Penalties.**

(a) Any person who violates any provision of this Article, by doing a prohibited act, failing to perform a required act, or failing to perform permitted acts in the prescribed manner, shall be deemed guilty of a Class 1 misdemeanor. Each day a violation of this chapter shall continue shall constitute a separate offense.

(b) If, during excavation or demolition by blasting, an underground utility line is damaged by any person who has failed to comply with any provision of this chapter, any permit(s) acquired through the City of Charlottesville to perform work related to said excavation or demolition (including permits for building, grading, blasting, plumbing, electrical and/or mechanical work) shall be revoked and any fees paid to the City for said permit(s) shall be forfeited. In order to continue work, a new application for permit(s) must be filed; plans of the proposed excavation or demolition by blasting must be re-examined; the location of all existing utility lines must be verified in writing by each operator having facilities in the area of proposed excavation or demolition; and new fees must be paid.

(c) Any person who is convicted two or more times within a twelve-month period of violating any provision of this Article which resulted in damage to any existing utility line, shall be subject to suspension or revocation of any license(s) or permit(s) issued by the City of Charlottesville to perform related work for a period not to exceed twelve-months. Furthermore, no subsequent permits or licenses to perform said related work shall be issued to such convicted persons during that suspension or revocation period.

(d) The operator of a utility line shall notify the City of Charlottesville of any action by a contractor that is deemed to be a violation of this chapter and that may result in a hazardous condition. Upon such notification, a representative of the City shall promptly inspect the work site and, if deemed necessary, require the contractor to stop work until compliance with this chapter is verified by the City or operator of the line.

#### **Secs. 5-213 - 5-218. Reserved.**

**RESOLUTION  
GRANTING A SPECIAL USE PERMIT  
FOR ADDITIONAL BUILDING HEIGHT AND  
INCREASED RESIDENTIAL DENSITY  
FOR PROPERTY LOCATED AT 946 GRADY AVENUE (“DAIRY CENTRAL”)**

**WHEREAS**, pursuant to City Code § 34-780 Dairy Holdings LLC ("Applicant") has requested a special use permit for property having an address of 946 Grady Avenue (known as “Dairy Central”), further identified on City Tax Map 31 as Parcel 60, and consisting of approximately 4.386 acres (hereinafter, the "Subject Property");

**WHEREAS**, the purpose of the requested special use permit is to allow increased residential density (up to 60 dwelling units per acre), to obtain modification of applicable streetwall regulations, and an additional 15 feet of allowable building height, all to facilitate a specific mixed-use development described within the materials accompanying City application number SP-00002 (the “Proposed Development”); and

**WHEREAS**, the Subject Property is zoned "CC" (Central City Corridor) and, pursuant to §34-780 of the City Code, the requested increased density is allowable by special use permit; pursuant to §34-777(2), the requested additional building height is allowable by special use permit; and pursuant to §34-162, the requested modification of streetwall regulations is allowable in connection with the granting of a special use permit and

**WHEREAS**, a joint public hearing on this application was held before the City Council and Planning Commission on June 12, 2018, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, on June 12, 2018, based on the information and materials submitted by the Applicant as part of its application, the staff report prepared by Neighborhood Development Services staff, the factors set forth within City Code § 34-157, and the comments received at the public hearing, the Planning Commission recommended that the Special Use Permit application should be approved, subject to certain conditions; and

**WHEREAS**, upon consideration of the factors set forth within City Code §34-157, this Council finds that, for this specific Development, as proposed, additional residential density, building height, and streetwall modifications are appropriate, subject to certain reasonable conditions, based on the representations, information, and materials included within Applicant's application materials; now, therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia as follows:

1. *Specific Development*—a Special Use Permit is hereby granted to authorize the following Development on the Subject Property:

A mixed use development to be completed in four phases: **Phase 1:** renovation and expansion of the Monticello Dairy Building, with (i) maximum building height 45.7 feet, and (ii) use and occupancy of said building to include up to 70% GFA as office use; 20% GFA for a restaurant operation; and 10% GFA for use as retail space and operation of a brewery use; **Phase 2:** establishment of a mixed-use building at the corner of 10<sup>th</sup> St., NW and West Street, with (i) maximum building height 65 feet, (ii) use and occupancy of said building to include retail space, in an amount no less than 7% GFA of the building, and 175 dwelling units, specifically including no fewer than 20 affordable dwelling units (as defined in City Code §34-12 (c), with affordability over a term of no fewer than 10 years); **Phase 3:** establishment of a multifamily dwelling fronting on West Street, with (i) maximum building height 65 feet, and (ii) said multifamily dwelling to include 6,100 square feet GFA and at least 75 dwelling units; and **Phase 4:** establishment of a building fronting on Preston Avenue, with (i) minimum building height 35 feet, and maximum building height 50 feet, and (ii) use and occupancy of said building to include commercial uses and structured parking.

2. Ninety percent (90%) of the gross floor area of the buildings established in Phases 2 and 3 of the Development shall consist of dwelling units used for residential occupancy.
3. The site layout, design, building height, residential density, and other characteristics of the Development shall remain the same, in all material aspects, as described within the application materials dated May 22, 2018, submitted to the City and in connection with SP-18-00002. Except as the characteristics of the Development may subsequently be modified to comply with (i) the requirements of a certificate of appropriateness issued by the City's BAR, (ii) the requirements of an approval granted by the City's Entrance Corridor Review Board, (iii) as necessary for compliance with any of these SUP Conditions, and/or (iv) as necessary for compliance with zoning regulations not modified by this Special Use Permit, any material change of the Development as represented within the application materials shall require a modification of this SUP. Without limiting the foregoing, the following design features shall be deemed material aspects of the Development that may not be modified by any administrative approval:
  - a. Ground floor openings on 10th Street;
  - b. Courtyards accessed directly off West Street with entrances into the building directly off the courtyards;
  - c. The parking garage set low and screened from view on West Street; and
  - d. Landscaping and large street trees.
4. Along 10th Street NW, the fifth floor of any building shall be stepped back a minimum of 10 feet from the façade building for floors 1-4, as depicted in more detail on sheet 9 of the Dairy Central Phase 2 and 3 special use permit application material exhibits dated May 22, 2018.

5. Along West Street, the fifth floor of any building shall be stepped back a minimum of 45 feet from the property line, as shown on sheet 9 of the Dairy Central Phase 2 and 3 special use permit application material exhibits dated May 22, 2018.
6. The building proposed for construction in Phase 3 is subject to future review by the Entrance Corridor Review Board, and such review will specifically include articulation and building materials, which shall be similar to those of the building constructed within Phase 2.
7. The site layout depicted on any final site plan shall be designed to direct traffic away from the adjacent neighborhood, and toward Preston Avenue, subject to requirements and approvals of the City's Traffic Engineer.
8. The site layout depicted on any final site plan shall be designed to ensure that southbound traffic on Wood Street shall be right turn only onto West Street, subject to requirements and approvals of the City's Traffic Engineer.
9. Prior to the filing of any application seeking approval of a final site plan, the developer shall conduct an on-site meeting to which members of the adjacent neighborhood shall be invited, at which the developer and residents will review the design and configuration of the intersections and crosswalks within and adjacent to the Development, and the developer shall seek input from the neighborhood residents as to changes that might be desirable, consistent with generally accepted traffic engineering standards. Input that the Traffic Engineer verifies can be included consistent with applicable standards shall be included with the final site plan for Phases 2 and 3 of the Development.
10. Landscaping shall be as provided in the plan titled "Phase 2 Sketch" that was presented to the Planning Commission at the June 12, 2018 hearing (the sketch is also dated June 12, 2018).
11. The terms and conditions of this special use permit shall be binding upon the current landowner, and landowner's successors and assigns.

## RESOLUTION

### **Transfer to Circuit Court Renovation Project from CIP Contingency and Courthouse Security Funds \$857,000**

WHEREAS, the City of Charlottesville, through the Facilities Development Division, is renovating and expanding the Charlottesville Circuit Court building;

WHEREAS, previous bids for this project exceeded the current project budget and additional funds are needed to re-bid the project;

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

**Transfer From**

\$582,000	Fund: 426	WBS: CP-080	G/L Account: 599999
\$200,000	Fund: 107	WBS: P-00099	G/L Account: 599999
\$ 75,000	Fund: 107	WBS: P-00783	G/L Account: 599999

**Transfer To**

\$857,000	Fund: 426	WBS: P-00918	G/L Account: 599999
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## RESOLUTION

**BE IT RESOLVED** by the City Council of Charlottesville Virginia that the Minority Business Task Force, appointed by City Council in November 2017 with five members, shall continue to serve as an advisory body to the City Council, the City Finance Department/Procurement and Risk Management Division, and Office of Economic Development as it pertains to the City's Minority Business Program, and shall advise the City on policy and procedural issues involved in:

1. The City's established policy of equal opportunity and nondiscrimination in procurement;
2. The City's continuing efforts to encourage the participation of certified businesses in City contracts; and
3. The City's assurance that its procurement opportunities are made available to all persons, regardless of race, religion, color, sex, national origin, age, sexual orientation, disability, or any other basis prohibited by law.

The Minority Business Task Force shall not be empowered or authorized to provide advice or assistance with respect to or otherwise become involved in, individual procurement solicitations, evaluations, awards, disputes, or protests.

City Council may increase or decrease the number of members serving on the Minority Business Task Force, and make additional appointments when vacancies arise. The Task Force shall report to City Council periodically on the minority procurement program strategy.

**RESOLUTION**  
**Fund Transfer to Support Social Media and Marketing Coordinator**  
**\$84,000**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of up to \$84,000 is hereby transferred from currently appropriated funds in the Citywide Reserve account in the General Fund for the creation of the Social Media and Marketing Coordinator position in the Office of Communications.

**Transfer From:**

Fund 105                      Cost Center: 1631001000                      G/L Account: 599999

**Transfer To:**

Fund 105                      Cost Center: 1611001000                      G/L Account: 519999



## **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia (the “City Council”) on this Second day of July, 2018, **THAT**, in the event that the City Manager is absent, or is otherwise unavailable, the following City personnel may exercise the powers and duties conferred upon the City Manager by local or state law (including, without limitation: the powers and duties set forth within City Code Section 2-146 et seq., and the powers and duties set forth within Virginia Code Section 44-146.21(A)), in the order stated (“line of succession”). If an individual in the line of succession is absent or otherwise unavailable to act, then the individual next in the line of succession may exercise such powers and duties:

Line of Succession:

<u>Position</u>	<u>Current Incumbent</u>
1. Assistant City Manager	Leslie Beauregard
2. Assistant City Manager	Mike Murphy

For purposes of actions which may become necessary in accordance with Virginia Code Section 44-146.21(A), and related statutes, if neither of the above-referenced assistant city managers is present or available to act, then the next individuals within the line of succession to act as director of emergency management are, in order of succession: the City’s Fire Chief (currently Andrew Baxter) and next, the City’s Chief of Police (currently RaShall Brackney).

## **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia (the “City Council”) that, on this Third day of July, 2018, the City Council does hereby ratify and affirm the written notice given to the City Manager on May 21, 2018, advising the City Manager that the City Council has elected not to renew the Manager’s Employment Agreement.