



CITY COUNCIL AGENDA
Monday, June 19, 2017

6:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room
(Consultation with legal counsel regarding the status of pending litigation between the City and Charlottesville Parking Center, Inc.; Boards and Commissions)

7:00 p.m. **Regular Meeting - CALL TO ORDER**
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS ANNOUNCEMENTS Godfrey Kurauone, 2017 Mandela Washington Fellow
Charlottesville Bar Assoc. Award

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

MATTERS BY THE PUBLIC Public comment is provided for up to 15 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 10 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

- 1. CONSENT AGENDA*** (Items removed from consent agenda will be considered at the end of the regular agenda.)
- a. Minutes for June 5, 2017
 - b. APPROPRIATION: Transfer of funds for the Thomas Jefferson Health District Building to the Joint Health Department Building Fund (2nd of 2 readings)
 - c. APPROPRIATION: Additional Funding for Family Services Program – \$82,694 (2nd of 2 readings)
 - d. APPROPRIATION: Virginia Department of Health Special Nutrition Program Summer Food Service Program - \$90,000 (1st of 2 readings)
 - e. APPROPRIATION: \$23,312.37 to the Charlottesville Affordable Housing Fund for Repayment of Rehabilitation Loan (1st of 2 readings)
 - f. RESOLUTION: Darden Towe Park Agreement (1st of 1 reading)
 - g. RESOLUTION: Adoption of Department of Housing and Urban Development (HUD) Handbook 1378 (1st of 1 reading)
 - h. RESOLUTION: Converting Long Term Temporary Commissioner of Revenue Business Tax Auditor to Regular Full-time (1st of 1 reading)
 - i. RESOLUTION: Revision of Council Meeting Calendar for CY2017 (1st of 1 reading)
 - j. ORDINANCE: Quitclaim of Gas Easement to VDOT – Founders Place (2nd of 2 readings)
- 2. RESOLUTION*** FY 2018 – 2020 Strategic Plan and City Council Annual Workplan (1st of 1 reading) – **20 min**
- 3. RESOLUTION *** Verizon Wireless BAR Appeal – 1521 University Avenue (1st of 1 reading) – **20 min**
- 4. RESOLUTION*** Housing Advisory Committee Recommendations (1st of 1 reading) – **30 min**
- 5. RESOLUTION*** Disadvantaged Business Enterprise Update (1st of 1 reading) – **20 min**
- 6. RESOLUTION*** Response to U.S. Withdrawal from the Paris Climate Agreement (1st of 1 reading) – **15 min**
- 7. RESOLUTION** Open Data Update and Policy Approval (1st of 1 reading) – **15 min**
- 8. REPORT** CFD and CARS System Improvement Strategy and Cost Recovery Program – **15 min**
- 9. REPORT** Office of Human Rights Annual Report – **15 min**
- 10. REPORT** Social Services Advisory Board Annual Update – **15 min**
- 11. REPORT ONLY** Water Resources Protection Program Advisory Committee Annual Report (no presentation)

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 Matters by the Public.

Please follow these guidelines for public comment:

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

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



Agenda Date:	June 5, 2017
Action Required:	Approve Appropriation
Presenter:	Leslie Beauregard, Assistant City Manager
Staff Contacts:	Leslie Beauregard, Assistant City Manager Ryan Davidson, Senior Budget and Management Analyst Gail Hassmer, Chief Accountant
Title:	Transfer of funds for the Thomas Jefferson Health District Building to the Joint Health Department Building Fund

Background:

The City of Charlottesville and Albemarle County co-owns the Thomas Jefferson Health Department building on Rose Hill Drive. Previously the County had been serving as the fiscal agent while the City has managed the maintenance and capital type projects for the building. It's been a regular practice that whichever locality actually manages the projects of a jointly owned building, should also serve as fiscal agent, which is a more efficient way of providing these services than having two parties coordinate the efforts. The City and County entered into an MOU last summer that established the City as the fiscal agent and that the City will continue to manage the maintenance and capital projects for the health department. Upon the transfer of fiscal responsibilities to the City, the City received a check from Albemarle County for the remaining funds in the County's Health Department fund, and added the Health Department Building Account to City's Facility Repair Fund.

Discussion:

The Health Department Building Account was included in the F.Y. 2017 and F.Y. 2018 Budget Appropriations, with any funds received to be appropriated to the Facility Repair Fund (107). All funds received, by the City to this point, for the purposes general improvements, maintenance, and small capital projects related to the Thomas Jefferson Health Department have been deposited into the Facilities Repair fund. All of the corresponding expenditures have also been recorded in the Facilities Repair fund.

The Health Department funds were placed in their own cost center within the Facilities Repair fund to keep them separate. However, the state requires complete financial reports on all Joint Activities. These State financial reporting requirements have facilitated the need to account for the funds in their own separate fund. In order to fully meet these requirements, the existing funds will need to be transferred from the Facilities Repair fund to the Joint Health Department Building Fund, and any future funding will be appropriated to this fund.

Alignment with City Council's Vision and Strategic Plan:

N/A – This is an operational action and does not impact the strategic plan.

Community Engagement:

N/A

Budgetary Impact:

None - The F.Y. 2017 and F.Y. 2018 Adopted budget appropriations already include a section that appropriates the Health Department funding into the Facility Repair Fund. This action will simply transfer these funds from the Facility Repair Fund (107) into the newly created Joint Health Department Building Fund (982).

Recommendation:

Staff recommends approval of the appropriation.

Alternatives:

N/A

Attachments:

N/A

APPROPRIATION

Transfer of Health Department Building funding from the Facility Repair Fund (107) to the Joint Health Department Building Fund (982).

WHEREAS, the City of Charlottesville and Albemarle County entered into an MOU that established the City as the fiscal agent, and that State financial reporting requirements have facilitated the need to account for the Health Department Building funds in their own separate fund;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that all existing funds for FY 2017 in the Health Department Building Fund (Cost Center 2412008000, Funded Program FR-052) will need to be transferred from the Facilities Repair fund (107) to the Joint Health Department Building Fund (Fund 982, Cost Center 8601001000).

BE IT FURTHER RESOLVED, that the amount received as Health Department Building Account revenue for Fiscal Year 2017-2018 is hereby appropriated to the Joint Health Department Building Fund (982), to be used for general improvements, maintenance and small capital projects related to the Thomas Jefferson Health District building. Further, any unspent funds in the Joint Health Department Building Fund shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless further altered by Council.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 5, 2017
Action Required:	Approve Appropriation
Presenter:	Diane Kuknyo, Director Department of Social Services
Staff Contacts:	Jenny Jones, Chief of Family Services, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	Additional Funding for Family Services Programs -- \$82,694

Background:

The Governor's Fiscal Year 2018 budget appropriated additional administrative funding to local departments of social services to assist with increased workloads in Family Services throughout the Commonwealth. **The Charlottesville Department of Social Services has received \$82,694 from this additional funding.**

Discussion:

Family Services Workers handle child protective service (CPS) investigations, foster care prevention, foster care, adoptions, and adult services/adult protective services cases. The Family Services workload has been increasing over the last 5 fiscal years. There was a 6.73% increase in CPS referrals between FY 15 and FY 16. There have been significant caseload increases in foster care prevention (21%), foster care (16%), and adult service/adult protective services (13%) over the first sixth months of the current fiscal year. The Department plans to use the additional funding to add one permanent full time family services worker to support the increasing workload.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns with Council's vision for the City of Charlottesville to **be a smart, citizen-focused government that works to employ the optimal means of delivering quality services.**

It is consistent with **Strategic Plan Goal 2: Be a Safe, Equitable, Thriving and Beautiful Community, Objective 2.4 Ensure families and individuals are safe and stable.**

Community Engagement:

Department staff work directly with citizens to provide social services, protect vulnerable children and adults, and promote self sufficiency.

Budgetary Impact:

The \$82,694 consists of \$69,876 (84.5%) of Federal and State funds with a need for \$12,818 (15.5%) of matching General Fund. The General Fund match will come from vacancy savings in Social Services in FY 2018. No new General Funds are being requested.

Recommendation:

Staff recommends approval and appropriation of these funds.

Alternatives:

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services. If funds are not appropriated we will not be able to increase staffing for our mission critical work, and vulnerable children and adults will be at risk.

Attachments:

Appropriation

APPROPRIATION
Additional Funding for Department of Social Services Family Services Programs
\$82,694

WHEREAS, the Charlottesville Department of Social Services has received an additional \$82,694 in the Fiscal Year 2018 budget from the Virginia Department of Social Services to be used for Family Services staffing,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$82,694 is hereby appropriated in the following manner:

Revenue – \$82,694

Fund: 212	Cost Center: 9900000000	G/L Account: 430080	\$69,876
Fund: 212	Cost Center: 9900000000	G/L Account: 498010	\$12,818

Expenditures - \$82,694

Fund: 212	Cost Center: 3301008000	G/L Account: 510010	\$46,800
Fund: 212	Cost Center: 3301008000	G/L Account: 511010	\$ 3,580
Fund: 212	Cost Center: 3301008000	G/L Account: 510020	\$15,327
Fund: 212	Cost Center: 3301008000	G/L Account: 511030	\$ 361
Fund: 212	Cost Center: 3301008000	G/L Account: 511040	\$ 8,766
Fund: 212	Cost Center: 3301008000	G/L Account: 510060	\$ 1,000
Fund: 212	Cost Center: 3301008000	G/L Account: 510130	\$ 2,350
Fund: 212	Cost Center: 3301008000	G/L Account: 525251	\$ 1,014
Fund: 212	Cost Center: 3301008000	G/L Account: 530030	\$ 294
Fund: 212	Cost Center: 3301008000	G/L Account: 530320	\$ 3,202

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



Agenda Date:	June 19, 2017
Action Required:	Approval and Appropriation
Presenter:	Riaan Anthony, Parks and Recreation Management Specialist
Staff Contacts:	Riaan Anthony, Parks and Recreation Management Specialist
Title:	Virginia Department of Health Special Nutrition Program Summer Food Service Program - \$90,000

Background:

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

Discussion:

Charlottesville Parks and Recreation will run six Summer Camp programs throughout the City of Charlottesville. These sites serve children in Pre K-10th grades, for eight weeks during the summer, June 19-August 11. Various activities are planned from 9:00am-4:00pm, Monday through Friday. The Virginia Department of Health Special Nutrition Program provides free, nutritious breakfast and lunch for these children. Most of the children are served receive free or reduced meals during the school year. Over 600 children were enrolled in Summer Camps last year.

The \$90,000 appropriation covers the cost of the food and administration of the summer food service program. The lunches are purchased through the City of Charlottesville School Food Service. The Parks and Recreation Department pays the bills to the City of Charlottesville Food Service and is then reimbursed by the Virginia Department of Health Special Nutrition Programs.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City and it contributes to Goal 2 of the Strategic Plan to be a safe, equitable, thriving, and beautiful community. Children will receive nutritious breakfast, lunch and/or dinner, hopefully replacing a meal that did not exist or providing a healthier balanced option for them.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of funds

Alternatives:

If money is not appropriated, the free breakfast and lunch program will not be offered to youth, most of whom receive free or reduced meals during the school year.

Attachments:

Appropriation

APPROPRIATION

**Virginia Department of Health 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 Health 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 1, 2017 through October 31, 2017.

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

Revenue – \$90,000

Fund: 209 Internal Order: 1900282 G/L Account: 430120

Expenditures - \$90,000

Fund: 209 Internal Order: 1900282 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$105,000 from the Virginia Department of Health Special Nutrition Program.

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



Agenda Date:	June 19, 2017
Action Required:	Approval of Appropriation
Staff Contacts:	Stacy Pethia, Housing Program Coordinator
Presenter:	Stacy Pethia, Housing Program Coordinator
Title:	Appropriation of Funds - \$23,312.37 to the Charlottesville Affordable Housing Fund for repayment of BXBC rehabilitation loan (CP-084)

Background:

The City has received funds that need to be appropriated.

The City issued a \$28,087.20 substantial rehab loan, through the Block by Block Charlottesville 10th & Page program, on June 25, 2013 to Lutticia Wilhite, 513 11th Street, NW. The loan term was for 15 years, with 1/15 of the loan amount forgiven each year. The terms of the loan included a 3 percent administrative fee to be applied if Mrs. Wilhite sold the property prior to the expiration of the loan term. Mrs. Wilhite is now selling the property. On May 31, 2017, the City received a check in the amount of \$23,312.37 to satisfy the remaining balance of the loan (\$22,469.69), as well as an administrative fee equal to \$842.61 (3 percent of original loan amount).

Discussion:

The loan satisfaction payment received from Mrs. Wilhite meets the terms of loan agreement and needs to be appropriated to the Charlottesville Affordable Housing Fund (CP-084).

Community Engagement:

There has been no direct community engagement on this issue, as the payment received from Mrs. Wilhite was made to satisfy the remaining balance of her June 25, 2013 substantial rehabilitation loan.

Alignment with City Council Vision and Strategic Plan:

Approval of this item aligns with the City Council Vision of ‘Quality Housing for All’ and with the Strategic Plan Goal 1.3 to “Increase affordable housing options.”

Budgetary Impact:

The appropriated funds will increase the overall budget of the Charlottesville Affordable Housing Fund, and the amount of funds available for distribution from that fund.

Recommendation

Staff recommends approval of the appropriation.

Alternatives:

There is no alternative for appropriation of the funds, as these funds must be returned to their original source.

Attachments:

N/A

APPROPRIATION
Charlottesville Affordable Housing Fund
Lutticia Wilhite Substantial Rehab Loan Payoff -- \$23,312.37

WHEREAS, the City of Charlottesville has received funding from the payoff of the Lutticia Wilhite Deed of Trust (\$23,312.37); and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$23,312.37 be received as payment from Lutticia Wilhite, and appropriated as follows:

Revenues:

\$23,312.37	Fund: 426	Project: CP-084	G/L Code: 451160
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Expenditures:

\$23,312.37	Fund: 426	Project: CP-084	G/L Code: 599999
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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	June 19, 2017
Action Required:	Approval – Darden Towe Park Agreement
Staff Contacts:	Brian Daly, Director, Parks and Recreation
Title:	Darden Towe Park Agreement

Background:

Darden Towe Park is jointly owned by the City of Charlottesville and Albemarle County. The purpose of this agreement is to provide a fair and equitable allocation of responsibility between the two localities for the planning, development, operation and maintenance of the park. The attached agreement will replace a previous agreement adopted by the City and the County in 2007.

Discussion:

This agreement codifies the relationship between the City and the County regarding daily operations and maintenance of the park, allocation of funding for annual operations and guidance on capital improvements. The agreement also contemplates that a Master Planning Process for Darden Towe Park would be completed during the term of this agreement, which is ten (10) years. The City and County Parks and Recreation staff continue to have positive and constructive working relationships regarding the operations and programming of recreational activities at the park.

Community Engagement:

The Darden Towe Park Committee, comprised of two (2) members of the City Council and Board of Supervisors, along with the Directors in the City and the County and reached consensus about the contents of the attached agreement. The Albemarle County Board of Supervisors will consider and take action on this agreement at their regular meeting June 14, 2017.

Alignment with City Council’s Vision and Strategic Plan:

The ownership and operation of Darden Towe Park supports City Council’s “Green City” vision and contributes to Goal 2 of the Strategic Plan: Be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

Budgetary Impact:

Approval of this agreement has no direct impact upon the General Fund. Annual appropriations for the operation of the park are approved through the annual budget process.

Recommendation:

Staff recommends City Council approve the Darden Towe Park Agreement.

Attachments:

Attachment 1 – Resolution of Approval

Attachment 2 – Darden Towe Park Agreement

**RESOLUTION
TO AUTHORIZE ESTABLISHMENT OF A NEW DARDEN TOWE PARK
AGREEMENT WITH ALBEMARLE COUNTY**

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

Darden Towe Park Agreement with Albemarle County

**DARDEN TOWE PARK AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND THE
CITY OF CHARLOTTESVILLE, VIRGINIA
DRAFT**

This agreement, dated this ____ day of _____, 2017, is between the COUNTY OF ALBEMARLE (County) acting through its Board of Supervisors, and the CITY OF CHARLOTTESVILLE (City), acting through its City Council.

SECTION I. PURPOSE

Darden Towe Park is jointly owned by the City of Charlottesville and Albemarle County. The purpose of this agreement is to provide a fair and equitable allocation of responsibility between the two localities for the planning, development, operation and maintenance of the park.

SECTION II. PARK OWNERSHIP

The park is jointly owned by the City and the County. Each locality shall hold an undivided interest in the property and all improvements. In the event that the park or any part thereof is conveyed by the two localities to any other entity, whether public or private, any proceeds received for such conveyance shall be divided between the localities on the basis of the cumulative capital investments of each locality in the entirety of the park property. Neither the City nor the County shall make such a conveyance of its interest without the consent of the other party.

SECTION III. ADMINISTRATION, MAINTENANCE AND OPERATIONS

The Park shall be administered as a County park under the Albemarle County Code. The county shall provide fiscal and legal services for the operation of the park for an administrative fee of two percent (2%) of the park's total operating budget. The County shall be responsible for the general administration, maintenance, supervision and security of the park. Persons employed for such purposes will be County employees. The County will bill quarterly for the City's share of expenses.

The City will be responsible for the operation, supervision and scheduling of City adult softball programs at the park. County residents shall be treated as City residents in terms of fees and access to those programs. The operation, supervision and scheduling of all recreational and other facilities in the park shall be the responsibility of the County.

SECTION IV. PARK SUPERVISION

The Directors of Parks and Recreation in the City and the County, together with appropriate staff members from those Departments will work in close consultation in the ongoing operation and maintenance of the park. Together, they will develop five-year projected operating and capital budgets, which will be updated annually. City and County staff will meet when requested by either Director to resolve issues or to rule on special problems or requests that cannot be routinely handled by staff. In the event the City and County Park and Recreation Directors cannot agree to resolve an issue, the City Manager (or designee) and the County Executive (or

designee) will meet together with the Directors to resolve the issue.

SECTION V. ALLOCATION OF COSTS

Operating and capital costs for the park will be divided between the City and County based on the relative populations of the two localities according to the Weldon Cooper Center for Public Service Annual Population Report. All expenditures, whether capital or operating costs, are contingent upon the appropriation of funds by the Albemarle County Board of Supervisors and the Charlottesville City Council in the year of expenditure, and the failure to appropriate by either governing body shall not be deemed a breach of this agreement. Nothing in this agreement would prohibit either the City or the County from making improvements to the property at its sole expense pending the approval of those improvements by both the City and the County.

SECTION VI. REVENUE GENERATION

Park revenues shall be deducted from operating expenses prior to calculating the City and County share for each quarterly billing period.

SECTION VII. DARDEN TOWE PARK COMMITTEE

The Darden Towe Park Committee shall consist of two members of the Albemarle County Board of Supervisors and two members of the Charlottesville City Council, appointed by their respective governing bodies. The Committee will minimally meet annually in September of each year prior to the submission of the annual budget. The Committee may meet more frequently, at its own discretion. The Committee will perform the following functions:

1. Approve new capital development plans for inclusion in the Park's annual operating and five- year capital budgets;
2. Resolve any differences on policy issues between the governing bodies as they may pertain to the park;
3. Provide direction to City and County Parks and Recreation Directors as requested;
4. Meet as directed by the Board of Supervisors or City Council to resolve issues, make recommendations, etc.;
5. Make recommendations to the governing bodies for alterations and/or amendments to this agreement;
6. To initiate and conduct Master Planning of the Park.

SECTION VIII. LIGHTING

In the original agreement entered into in 1986, the City and the County agreed that night lighting would not be included in any of the three development stages for any competitive sport facility. In recognition of the history and intent of not having lighted facilities in the park, no lighting of competitive sport or other recreational facilities in the park will occur without the mutual agreement of the City and the County.

SECTION IX. APPROVAL, DURATION AND RENEWAL

This agreement shall be for a period of ten (10) years, commencing on July 1, 2017 and ending on June 30, 2027. Prior to the expiration of the ten (10) year period, both the City and County shall reach mutual agreement to revise, renew or otherwise alter the agreement.

SECTION X. AMENDMENT OF AGREEMENT

This agreement can be amended with the mutual consent of the City Council and the County Board of Supervisors at any time during the duration of this agreement.

IN WITNESS WHEREOF the City Council has authorized the Mayor to sign this agreement by a resolution adopted June 19, 2017, and the Board of Supervisors has authorized its Chairman to sign it by resolution adopted June 14, 2017.

CITY OF CHARLOTTESVILLE

Attest:

Clerk of Council

By _____
Mayor

COUNTY OF ALBEMARLE

Attest:

Clerk of Council
Supervisors

By _____
Chairman, Board of

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



Agenda Date:	June 19, 2017
Action Required:	Approve Resolution
Presenter:	Tierra Howard, Grants Coordinator
Staff Contacts:	Tierra Howard, Grants Coordinator
Title:	Adoption of Department of Housing and Urban Development (HUD) Handbook 1378

Background:

49 CFR Part 24 is the government-wide regulation that implements the Uniform Relocation Act (URA). HUD Handbook 1378 provides HUD policy and guidance on implementing the URA and 49 CFR Part 24 for HUD funded programs and projects.

Both the CDBG & HOME programs are federally funded and as such any acquisition and relocation funded with these programs must comply with the Uniform Relocation & Real Property Acquisition Act of 1970 (as amended). The Uniform Act is federal law that establishes minimum standards for federally funded programs and projects that require acquisition of real property or displace persons from their homes, businesses, or farms. The Uniform Act's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects.

Section 104(d) of the Housing & Community Development Act of 1974 (as amended) establishes requirements governing conversion, demolition and one for one replacement of lower income housing under the CDBG program. Section 105(b)(16) of the Cranston Gonzalez National Affordable Housing Act (as amended) extends these additional requirements to the HOME program.

Discussion:

The City is required to adopt policies through which it will comply with the URA. HUD has issued Handbook 1378 as their guidance for compliance with URA and staff believes that adoption of this handbook would be sufficient to cover HUD requirements for use of Charlottesville CDBG and HOME funds. In the event that our funds are proposed to be used for demolition or acquisition project, it is recommended that staff work with the sub recipient on a case by case basis to ensure compliance and to develop a more targeted plan, as might be appropriate; however, the existing requirements are such that at a minimum (to comply with HUD regulations) we must adhere to Handbook 1378.

Alignment with Council Vision Areas and Strategic Plan:

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

Community Engagement:

Staff presented the information to the CDBG Task Force and HAC at the May18, 2016 HAC Quarterly Meeting. Both the CDBG Task Force and HAC had the opportunity to provide comments.

Budgetary Impact:

There will be no budgetary impact.

Recommendation:

Staff recommends adoption of HUD Handbook 1378, at a minimum to provide for implementation of the URA as required.

Alternatives:

There are no alternatives.

Attachments:

Resolution

Link to HUD Handbook 1378:

https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/13780

RESOLUTION
Adoption of U.S. Department of Housing and Urban Development Handbook 1378
(Relocation and Real Property Acquisition Handbook)

WHEREAS, the City of Charlottesville (herein “the City”) is implementing Community Development Block Grant and HOME Investment Partnerships (herein “HOME”) Program, and

WHEREAS, said programs may involve some degree of real property acquisition which, by statute, falls under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, as outlined by the U.S. Department of Housing and Urban Development for projects assisted with CDBG and/or HOME, and

WHEREAS, as such, the City is required to adopt policies through which it will comply with said Act.

NOW, THEREFORE, BE IT RESOLVED by the City, as follows:

SECTION 1. That the City of Charlottesville hereby adopts DHUD Handbook 1378, Relocation Assistance and Real Property Acquisition Handbook as its acquisition and relocation policy for the implementation of CDBG and HOME projects.

SECTION 2. That said handbook is on file at the City Hall, and is hereby made a part of this action by reference.

Approved by Council

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



Agenda Date:	June 19, 2017
Action Required:	Authorization to Make COR Business Tax Auditor a Fulltime Position
Presenter:	Todd Divers, Commissioner of the Revenue
Staff Contacts:	Todd Divers, Commissioner of the Revenue Betty Graham, Chief Deputy Commissioner of the Revenue Pug Plumb, Business Tax Supervisor Manager
Title:	Converting Long Term Temporary Commissioner of Revenue Business Tax Auditor to Regular Full-time

Background & Discussion: As part of the FY 2016 Adopted Budget, City Council funded an additional business tax auditor on a long-term temporary basis for two years with the understanding that the Commissioner of Revenue (COR) would track revenues generated by the position and report our findings back to Council - at which point it would be determined whether a full-time position was merited.

The COR hired the long-term temp auditor in January of 2016 and he has been with the City for approximately a year and a half. In that time, the position has more than met our expectations and has paid for itself many times over.

As outlined in the attached documents, the position has benefitted the COR (and the City) in a number of different ways:

1. It has conducted almost 1,500 audits of varying complexity, resulting in a total amount billed of \$907,140.80 in taxes, penalty and interest. \$458,930.10 of that has already been recovered;
2. Business license revenue in the second half of 2016 was more than double the previous five-year average (from \$159,244.77 to \$320,062.69). This is a telling statistic since most business license revenue coincides with our annual tax due dates in the first half of the year. It is not until the second half of the year that we are able to fully devote our attention to delinquents and the discovery of new license accounts;
3. Revamping the reports for meals tax reporting, transient occupancy reporting, business personal property, and machinery and tools – making them simpler to understand and use;
4. Working with colleagues in other jurisdictions to standardize our process for recovering net taxes due on all delinquent trust taxes. This has resulted in fewer criminal complaints against business owners while increasing compliance;
5. Providing businesses with the option to file meals tax and transient occupancy tax online with fillable forms;
6. Working with I.T. and the Treasurer to offer online trust tax payments in the near future.

Based on the above, the COR requests that the Long Term Temp Business Tax Auditor should be converted to a full time position beginning in FY 18 (July 1, 2017). The only costs associated with that will be the addition of retirement at \$16,356 based on the adopted FY18 salary and FY18 retirement rate.

Community Engagement: Our long-term temp is already fully integrated into our COR staff and interacts with taxpayers every day. He has been sworn in as a deputy Commissioner of the Revenue and participates in our Association's career development program.

Alignment with City Council's Vision and Priority Areas: This agenda item aligns with Council's vision for Economic Sustainability and Smart, Citizen-Focused Government. It also addresses two of the goals in the City's Strategic Plan that were recently adopted by Council: Goal 3 - Have a Strong, Diversified Economy; and Goal 4 - Be a Well-Managed and Successful Organization.

Budgetary Impact: Based on the adopted FY18 salary, and at the FY18 retirement rate, converting this long term temp into a fulltime position would cost the general fund an additional \$16,356 per year. The increased retirement funding for this position will either be realized through departmental savings, or if those are not available, will be funded through the Employee Compensation Pool of funds.

Recommendation: Convert the Commissioner of the Revenue's business tax auditor from a long-term temporary position to full time.

Attachments:

- (1) Business Tax Auditor Progress Report

RESOLUTION

Converting Long Term Temporary Commissioner of Revenue Business Tax Auditor to Regular Full-time

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the Long Term Temporary Commissioner of Revenue Business Tax Auditor is converted to a regular full time position.

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



Agenda Date:	June 19, 2017
Action Required:	Approval of Resolution
Presenter:	Maurice Jones, City Manager
Staff Contacts:	Maurice Jones, City Manager Paige Rice, Clerk of Council
Title:	Revision of City Council Regular Meeting Schedule for 2017

Background:

Council has requested revision of the meeting schedule for calendar year 2017 in order to facilitate public participation due to the July 3 and July 4 City Hall closure in observance of the July 4 holiday.

The proposed revision to the Council meeting schedule for 2017 is to reschedule the July 3 meeting to Wednesday, July 5.

Per the original resolution, this change will be publicized with a City press release, updated on the City's calendar, and posted at the Clerk of Council's office.

Alignment with City Council's Vision and Priority Areas:

This aligns with Goal 4 of the strategic plan: *Be a well-managed and successful organization.*

RESOLUTION
Approval of Revised City Council Regular Meeting Schedule for 2017

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following dates are approved for regularly scheduled Council meetings for 2017:

January 3, 2017	July 3, 2017 Wednesday, July 5, 2017
<i>Tuesday, January 17, 2017</i>	July 17, 2017
February 6, 2017	August 7, 2017 – no meeting (summer break)
<i>Tuesday, February 21, 2017</i>	August 21, 2017
March 6, 2017	<i>Tuesday, September 5, 2017</i>
March 20, 2017	September 18, 2017
April 3, 2017	October 2, 2017
April 17, 2017	October 16, 2017
May 1, 2017	November 6, 2017
May 15, 2017	November 20, 2017
June 5, 2017	December 4, 2017
June 19, 2017	December 18, 2017

Italics indicate an adjusted date due to a holiday.

BE IT FURTHER RESOLVED that these dates will be published on the City's calendar at www.charlottesville.org and posted at the Clerk of Council's office; and

BE IT FURTHER RESOLVED that should Council have a compelling reason to amend the schedule during the year, they may do so with a majority vote; should such a change occur, it will be publicized with a City press release, updated on the City's calendar, and posted at the Clerk of Council's office.

**CITY OF CHARLOTTESVILLE
CITY COUNCIL AGENDA**



Agenda Date:	June 5, 2017
Action Required:	Yes (First Reading of Ordinance)
Staff Contacts:	Craig Brown, City Attorney Lauren Hildebrand, Director, Public Utilities
Title:	Quitclaim Gas Easements to VDOT (Founders Place in Albemarle County)

Background: In 2003 and 2015 the City acquired gas line easements from the County of Albemarle and the Albemarle County Service Authority within the Founders Place right-of-way off Mill Creek Drive Extended in Albemarle County. The Monticello Fire and Rescue facilities are located on Founders Place. The Virginia Department of Transportation is now prepared to accept Founders Place into the state highway system. At the request of the Gas Division, we have drafted an ordinance and deed quitclaiming to VDOT those portions of the easements crossing Founders Place.

Discussion: The quitclaim deed requires the gas lines to remain in their present locations, and if the street ceases to be part of the state's highway system, the easements will automatically revert back to the City. The natural gas lines and facilities continue to be owned and maintained by the City even after the easements, or portions thereof, are 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 the roadway 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 PORTIONS OF NATURAL GAS LINE EASEMENTS
WITHIN THE FOUNDERS PLACE RIGHT-OF-WAY
LOCATED OFF MILL CREEK DRIVE EXTENDED 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 Founders Place in Albemarle County; and

WHEREAS, the City owns natural gas lines located within this roadway, and also owns easements for such lines, and VDOT has asked that portions of the foregoing easements crossing Founders Place be released upon VDOT's acceptance of the roadway; 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 portions of the above-described gas line easements to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said lines to continue to be located in said right-of-way.

*Prepared by S. Craig Brown, City Attorney (VSB #19286)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902*

Albemarle County Tax Map 91, Parcel 2E and Parcel 1 (Founders Place)

**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 _____, 2017, 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 May 17, 2017, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in the Founders Place right-of-way in the County of Albemarle, namely: Natural gas lines and related gas facilities, or portions thereof, upon, under and across Founders Place, 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 portions of the gas line easements in Founders Place were conveyed to the City by the following deeds:

- 1) Deed of Easement dated July 10, 2003 from the County of Albemarle, of record in the Clerk's Office for the Circuit Court for the County of Albemarle in Deed Book 2526, Page 677; and

- 2) Deed of Easement dated June 19, 2015 from the Albemarle County Service Authority, of record in the Clerk's Office for the Circuit Court for the County of Albemarle in Deed Book 4659, Page 128; and
- 3) Deed of Easement dated May 20, 2015 from the County of Albemarle, of record in the Clerk's Office for the Circuit Court for the County of Albemarle in Deed Book 4659, Page 119.

The Grantor reserves unto itself, its successors and assigns, all of the rights and privileges under the aforesaid Deeds 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 easements 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: _____
A. Michael Signer, Mayor

ATTEST:

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 A. Michael Signer, Mayor of the City of Charlottesville, Virginia, and Paige Rice, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of _____, 2017, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: _____

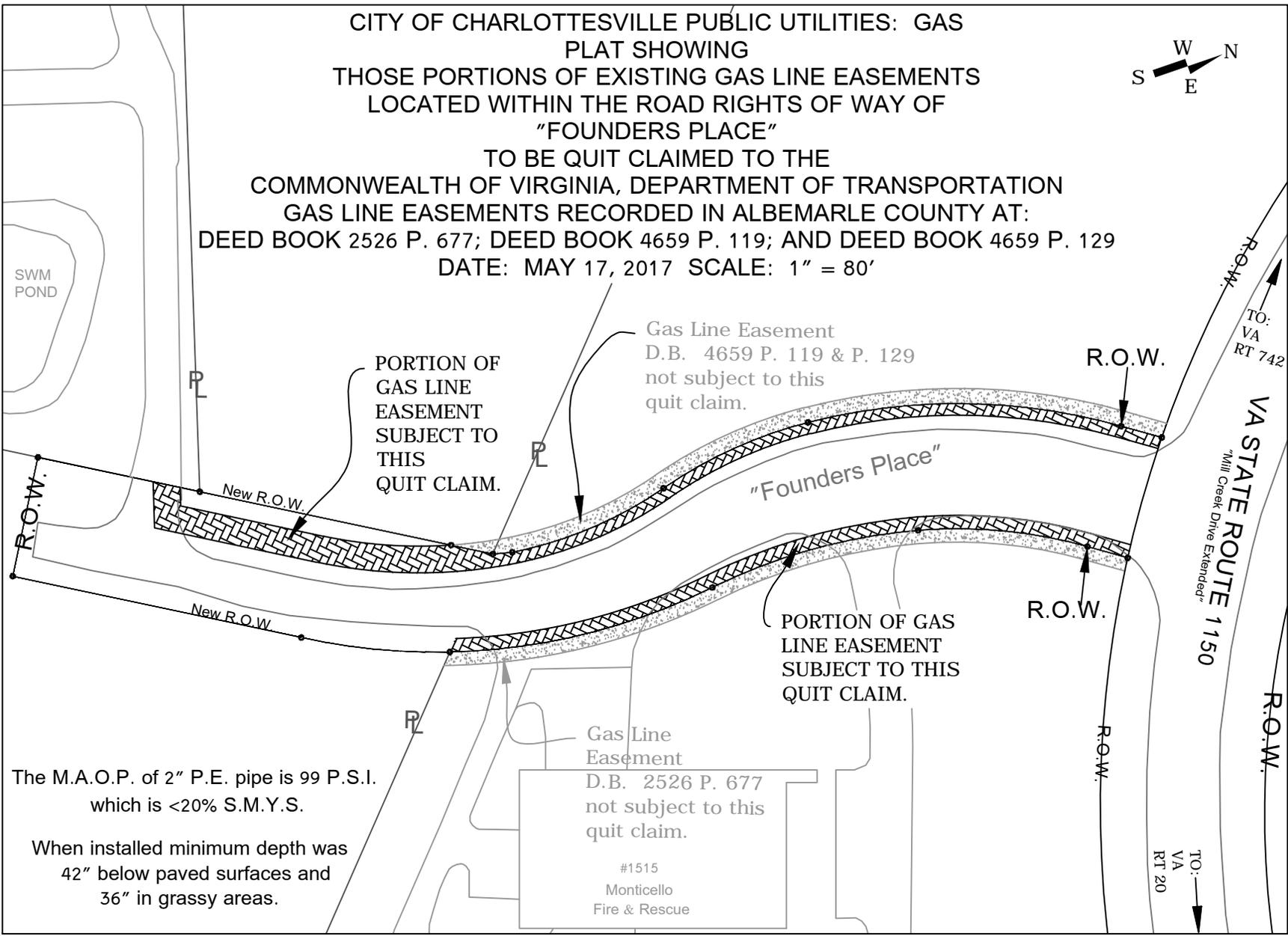
Given under my hand this _____ day of _____, 2017.

Notary Public
Registration # _____

Approved as to Form:

S. Craig Brown, City Attorney

CITY OF CHARLOTTESVILLE PUBLIC UTILITIES: GAS
 PLAT SHOWING
 THOSE PORTIONS OF EXISTING GAS LINE EASEMENTS
 LOCATED WITHIN THE ROAD RIGHTS OF WAY OF
 "FOUNDERS PLACE"
 TO BE QUIT CLAIMED TO THE
 COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION
 GAS LINE EASEMENTS RECORDED IN ALBEMARLE COUNTY AT:
 DEED BOOK 2526 P. 677; DEED BOOK 4659 P. 119; AND DEED BOOK 4659 P. 129
 DATE: MAY 17, 2017 SCALE: 1" = 80'



The M.A.O.P. of 2" P.E. pipe is 99 P.S.I.
 which is <20% S.M.Y.S.
 When installed minimum depth was
 42" below paved surfaces and
 36" in grassy areas.

#1515
 Monticello
 Fire & Rescue

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



Agenda Date:	July 19, 2017
Action Required:	Approval of the FY 2018 – 20 Strategic Plan and City Council Annual Workplan
Presenter:	Leslie Beauregard, Assistant City Manager
Staff Contacts:	Maurice Jones, City Manager Leslie Beauregard, Assistant City Manager
Title:	FY 2018 – 2020 Strategic Plan and City Council Annual Workplan

Background:

FY 2018 – 2020 Strategic Plan

City staff and City Council started a refresh of the current strategic plan in July 2016 with a series of interviews with City Council and engagement of numerous staff over the next several months. This work occurred between July and October 2016, and on November 10, 2016, City Council held a retreat at which time was spent reviewing the refreshed plan and making changes/additions to the plan. Staff has incorporated those changes into the new plan and is presenting these tonight to City Council for their final approval so that implementation may begin on July 1st.

City Council Annual Workplan

The first recommendation of the *City of Charlottesville Efficiency Study*, completed and presented to City Council earlier this year, is to have Council “Develop a prioritized annual workplan to strategically guide organizational efforts.” To quote directly from the *City of Charlottesville Efficiency Study*, “An annual work plan allows the governing body to respond to the changing needs of the community while not supplanting the City’s existing planning efforts. It provides a vehicle for the Council to identify, collectively, those initiatives within the various plans that are to be prioritized by City staff in the coming year. Further, it established clear guidance and accountability to City staff.”

A suggested list of workplan items was sent by the City Manager to City Council this past April and include the following:

- Streets that Work
- Traffic Management
- Code Audit and Rewrite
- SIA implementation
- Belmont Bridge
- Small Area Plans: Cherry and Hydraulic/Hillsdale
- West Main Streetscape
- Parking Strategies and Plan Implementation

- CRHA Requests and Needs
- PHA Requests and Needs
- Landmark Hotel
- UVA Relationship and Projects (i.e., West Main Street, Emmett/Ivy, and pipeline)
- Arts Support Strategy
- Creative Economy
- Efficiency Study
- Schenck's Branch
- Review of Neighborhood Development Services
- Community Engagement Policy
- Affordable Housing
- Workforce Development
- Historic Memorials
- City Innovation

Discussion:

FY 2018 – 2020 Strategic Plan

There are several documents attached to this memo that reflect the final version of the Strategic Plan as discussed by City Council as of their retreat last fall. It is the intent of this report to approve this plan with those changes made and implementation of the refreshed plan will begin on July 1st. There will then be regular reports made to the public and City Council every quarter, the first report being delivered mid to late October 2017. Staff will be presenting a Power Point during the meeting and will show City Council what a report will look like and the elements that will be included, and will look to City Council to provide feedback on anything else they would like to see in a report.

City Council Annual Workplan

The draft list, while quite comprehensive, is already in alignment with much of the Strategic Plan. Several of these items can be linked directly to an initiative in the Strategic Plan, which means that a reporting mechanism was already going to be in place. The attached document called *Initiatives Roadmap/Alignment with Annual Workplan* illustrates which of these workplan items fit nicely within an existing Strategic Plan initiative. These workplan items include:

- Workforce Development
- Affordable Housing
- PHA and CRHA
- Traffic Management
- SIA
- West Main Streetscape
- Code Audit and Rewrite
- Small Area Plans
- Arts Support and Strategy
- Creative Economy
- Parking Strategies and Implementation
- Citizen Engagement

There are several of these priorities however that don't fit as nicely into the Strategic Plan and staff is under the impression that they should be given priority attention at least in reporting out the progress of these on a regular basis. These items include:

- Belmont Bridge
- Dewberry Hotel
- UVA Relationship/Projects
- Efficiency Study (will have separate reporting mechanism)/NDS Review
- Historical Memorial
- City Innovation – this is really embedded in all we do, in particular through the City’s organizational value of **Creativity** - “We value innovation in the pursuit of excellence. We are a solution-oriented, problem solving organization. We share ideas and use collaborative strategies to achieve efficient, effective, community-focused results.” There are particular projects, such as Open Data and the work of the Innovation Team, that staff can and will be reporting out on as we have done for this initiative in the past few months.

Similar to the Strategic Plan, there will then be regular reports made to the public and City Council every quarter, the first report being delivered mid to late October 2017. Staff will be presenting a Power Point during the meeting and will show City Council what a report will look like and the elements that will be included, and will look to City Council to provide feedback on anything else they would like to see in a report.

Alignment with City Council’s Vision and Strategic Plan:

This agenda item speaks directly to the City’s overall Strategic Plan.

Community Engagement:

As staff was developing the refreshed Strategic Plan, they took into consideration feedback from the community via surveys and other engagement opportunities that are already occurring.

Budgetary Impact:

While this approval has no budget impact by itself, there could be budget impact and needed resources should Strategic Plan and Workplan items be implemented and are to move forward. Staff will come back with specific recommendations when necessary.

Recommendation:

Approve FY 2018 – 2020 Strategic Plan and Annual City Council Workplan.

Alternatives:

Staff will as much as possible work any changes/recommendations from the discussion tonight into the plans going forward.

Attachments:

- Strategic Plan Summary One Sheet
- Strategic Plan Goals, Objectives and Measures
- Initiatives Roadmap/Alignment with Annual Workplan

RESOLUTION

FY 2018 – 2020 Strategic Plan and City Council Annual Workplan

BE IT RESOLVED, by the Council for the City of Charlottesville, Virginia, that the FY 2018-2020 Strategic Plan and City Council Annual Workplan is approved.

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GOAL 1: An Inclusive Community of Self-sufficient Residents

- 1.1 Prepare students for academic and vocational success
- 1.2 Prepare residents for the workforce
- 1.3 Increase affordable housing options
- 1.4 Enhance financial health of residents
- 1.5 Intentionally address issues of race and equity



GOAL 2: A Healthy and Safe City

- 2.1 Reduce adverse impact from sudden injury and illness and the effects of chronic disease
- 2.2 Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization
- 2.3 Improve community health and safety outcomes by connecting residents with effective resources
- 2.4 Reduce the occurrence of crime, traffic violations and accidents in the community



GOAL 3: A Beautiful and Sustainable Natural and Built Environment

- 3.1 Engage in robust and context sensitive urban planning and implementation
- 3.2 Provide reliable and high quality infrastructure
- 3.3 Provide a variety of transportation and mobility options
- 3.4 Be responsible stewards of natural resources
- 3.5 Protect historic and cultural resources



GOAL 4: A Strong, Creative and Diversified Economy

- 4.1 Develop a quality workforce
- 4.2 Attract and cultivate a variety of businesses
- 4.3 Grow and retain viable businesses
- 4.4 Promote tourism through effective marketing



GOAL 5: A Well-managed and Responsive Organization

- 5.1 Integrate effective business practices and strong fiscal policies
- 5.2 Recruit and cultivate a high quality and diverse workforce
- 5.3 Provide responsive customer service
- 5.4 Foster effective community engagement





GOAL 1: An **inclusive** community of self-sufficient ~~and resilient~~ residents

OBJECTIVES

1. Prepare students for academic and vocational success
2. Prepare residents for the workforce
3. Increase affordable housing options
4. Enhance financial health of residents
5. **Intentionally address issues of race and equity**

OUTCOME (GOAL) MEASURES

- residents below 200% poverty
- residents whose housing is cost-burdened (less than 80% of annual median income paying 30% or more for housing minus university students)
- city population with GED or HS diploma
- homeless individuals

INTERMEDIATE MEASURES

- kindergartners passing PALS (literacy assessment)
- 3rd grade / 5th grade students reading at or above grade level
- high school graduates attending college or earning credentials
- GO participants employed
- **continuum of housing options**
 - # of units by tenure, # of units by rent (census)
 - Public housing and housing choice vouchers
 - RCLCO report
 - TJACH – shelter beds, transitional housing beds, rapid rehousing/housing first units
- **housing support for improved economic mobility**
 - Census data - % of affordable housing by poverty level, educational attainment, employment
- **supply and demand of housing**
 - RCLCO report data
- **price and turnover of housing stock**
 - For rent/sales prices – Zillow/CAAR
 - Turnover of sales – Zillow (unsure how to get rental information)
- **inventory of rental housing – Census data American Community Survey 5 year estimates (2011-2015 most recent)**
- supported affordable housing units in City
- residents receiving SNAP benefits
- students receiving free/reduced meals
- residents receiving EITC payments



GOAL 2: A healthy and safe city

OBJECTIVES

1. Reduce adverse impact from sudden injury and illness and the effects of chronic disease
2. Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization
3. Improve community health and safety outcomes by connecting residents with effective resources
4. Reduce the occurrence of crime, traffic violations and accidents in the community

OUTCOME (GOAL) MEASURES

- preventable deaths, injuries and property damage
- child welfare cases
- key data associated with Mobilizing Action through Planning and Partnerships
- crime rates and % change over time
- traffic incident rates and % change over time
- infant mortality rate

INTERMEDIATE MEASURES

- emergency response performance benchmarks (Fire, EMS, Police)
- Data for speed, enforcement, etc.
- out of hospital cardiac arrest survival rate
- adult and child protective services reports receive timely response and are investigated within industry standards (within 45 days)
- recurrence of maltreatment within 2 years of entry to the child welfare system
- Crisis Intervention Team trained public safety personnel
- residents who feel safe in their neighborhood day and night
- data from MAPP
- DMC measures
- gun activity (shots fired by neighborhood, etc.), and heroin/opiate use in the City



GOAL 3: A beautiful and sustainable natural and built environment

OBJECTIVES

1. Engage in robust and context sensitive urban planning and implementation
2. Provide reliable and high quality infrastructure
3. Provide a variety of transportation and mobility options
4. Be responsible stewards of natural resources
5. Protect historic and cultural resources

OUTCOME (GOAL) MEASURES

- community energy and water use (gas, electricity, water)
- value of total assets (book value of assets for everything valued over \$5,000)
- acres per capita of public green space
- overall appearance of the city
- **revenue generation before and after development**

INTERMEDIATE MEASURES

- planning projects completed
- site plans approved per City Code
- emergency repairs (water, sewer, stormwater, gas)
- roads rated at fair or above (per Pavement Condition Index)
- public transit ridership #'s
- miles of bike and pedestrian trails
- vehicle miles traveled (VDOT)
- landfill diversion rate for curbside program
- compliance with Chesapeake Bay TMDL
- public trees planted (parks)/% of **tree canopy citywide**
- properties with historic overlay



GOAL 4: A strong, **creative** and diversified economy

OBJECTIVES

1. Develop a quality workforce
2. Attract and cultivate a variety of businesses
3. Grow and retain viable businesses
4. Promote tourism through effective marketing

OUTCOME (GOAL) MEASURES

- net gain in jobs
- gross receipts by business sector
- commercial occupancy & vacancy rate
- property values (residential, commercial, new construction)

INTERMEDIATE MEASURES

- GO participants employed
- unemployment rate
- business by sectors and the change over time
- City SWAM/DBE vendors
- sales tax revenues
- meals tax revenues
- BPOL tax revenues
- travel spending
- lodging tax revenues



GOAL 5: A well-managed and responsive organization

OBJECTIVES

1. Integrate effective business practices and strong fiscal policies
2. Recruit and cultivate a high quality and diverse workforce
3. Provide responsive customer service
4. Foster effective community engagement

OUTCOME (GOAL) MEASURES

- bond rating
- citizen satisfaction data
- employee satisfaction data
- community engagement data
- Ranking for customer service satisfaction
- Rating of issues responsiveness (do not have yet but will have more data with new online system/app being developed)

INTERMEDIATE MEASURES

- debt as a % of general fund expenditures
- diversity data for applicants and workforce
- turnover rate
- employee hours of professional development completed.
- professional certifications, accreditation, and awards
- data from tracking system once online
- overall satisfaction & familiarity with values and the Strategic Plan (employee survey data)
- NCS survey data
- citizens engaging in open public comment at all City government meetings with public comment

Charlottesville Strategic Plan Initiatives FY 2018-2020

Vision: To be one community filled with opportunity

Mission: We provide services that promote equity and an excellent quality of life in our community

Values: Leadership, Excellence, Creativity, Respect, Trust



Goal 1: A resilient community of self-sufficient and resilient residents

- Deliver and expand strategies to promote cradle to college and career support for children (e.g., City of Promise, Early Education Task Force, Black Male Achievement)
- Execute *Growing Opportunities* report recommendations related to self-sufficiency **** Workplan Item- Workforce Development**
- Collaborate with TJACH partners to implement the Community Plan To End Homelessness
- Implement the RCLCO Housing Study as recommended by HAC **** Workplan Item - Affordable Housing**
- **Need to add redevelopment Initiative? Related to PHA/CRHA?**



Goal 2: A healthy and safe city

- Achieve and maintain public health and safety agency accreditation.
- Expand evidence-based services to develop and support healthy families and prevent victimization.
- Execute prevention, education and access strategies to meet health, wellness, safety and self-sufficiency needs.
- Implement the MAPP, CHIP and The WHO Age-Friendly City recommendations.
- **** Workplan Item – Traffic Management (measures)**



Goal 3: A beautiful and sustainable natural and built environment

- Ensure planning efforts align with the policies in the Comprehensive Plan, including plans incorporated by reference. ****Workplan Items – SIA, West Main Streetscape, Code Audit, Small Area Plans,**
- Administer a CIP consistent with Comprehensive Plan priorities
- Implement energy savings strategies in pursuit of emissions reduction goals and cost savings (Energy Management Programs, CitySolar, and pursuit of LEED certification are a few examples)
- Identify and implement water resources and protection projects to meet permit requirements for pollutant reductions
- Explore the possibility of a Regional Transit Authority.
- **Administer implementation tools consistent with Comprehensive Plan priorities.**



Goal 4: A strong and diversified economy

- Execute *Growing Opportunities* report recommendations related to economic development
- Enact local strategies to attract and retain business, maximize capital investment in City and provide for a ready workforce that meets business needs
- Contribute to achieving the goals of the CACVB strategic plan
- **** Workplan Items – Arts support/strategy, creative economy promotion, Parking strategies and implementation**



Goal 4: A well-managed and responsive organization

- Provide the community with educational opportunities about City government (e.g., Citizen Academy, NDS101, NLI)
- Develop citywide customer service standards and implement training.
- **Develop a framework of citizen engagement (Workplan Item)**
- Review and update an employee reward and recognition program that aligns with organizational values
- Create a comprehensive employee development program that meets organizational and individual needs
- Review and update organizational policies and procedures

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 19, 2017
Action Required:	Make a determination to either uphold or overturn the decision of the Board of Architectural Review (BAR)
Presenter:	Mary Joy Scala, Preservation & Design Planner, Department of Neighborhood Development Services (NDS) Melanie Miller, Chair, BAR
Staff Contacts:	Alex Ikefuna, Director, NDS
Title:	1521 University Avenue - Appeal of Board of Architectural Review (BAR) decision to deny a cell antenna concealment feature

Background:

The format for an appeal of a BAR decision is: (1) staff report; (2) appellant's presentation; and (3) the BAR's position presented by the Chair of the BAR, Ms. Miller.

The zoning ordinance requires that an applicant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR....In any appeal the city council shall consult with the BAR and consider the written appeal, the criteria [standards for review] set forth within section 34-276 or 34-278, as applicable, and any other information, factors, or opinions it deems relevant to the application. [ATTACHMENT 1. Criteria and Standards and Guidelines]

1521-27 University Avenue "the Kenmore Building" was built in 1925 as a commercial duplex. It is a contributing structure in the Corner Architectural Design Control (ADC) district, and in the Rugby Road- University Corner National Register and Virginia Landmarks Register District. It is located opposite the UVA grounds. Mincer's has occupied the building since the late 1950's [ATTACHMENT 2. Historic Survey].

On April 18, 2017, the BAR reviewed three applications for Verizon Wireless, all located within ADC districts at the Corner and in Venable neighborhood. The BAR approved two of the applications, both located on non-contributing buildings, but denied (5-2) with Schwarz and Graves opposed) the proposal for a cell antenna within a "faux chimney" concealment feature to be located on the center of the flat roof of Mincer's, and related telecommunication equipment to be located on the outside of the east wall above the Virginian. [ATTACHMENT 3. BAR staff report April 18, 2017]

The BAR's full motion was:

Gastinger moved and Balut seconded to deny a COA for BAR 17-04-02, proposing installation of wireless communication transmission equipment on the roof of a building located at 1521-1527 University Avenue, because the proposed installation(s) and

concealment feature is NOT architecturally compatible with the character of this property or the Corner ADC District. The nature and placement of the proposed “chimney” is not typical or common within this ADC District relevant for the structure, and is not in keeping with the commercial character of the existing building. The following Standards and Guidelines are referenced:

- *Standard #3 for the review of construction and alterations related to the interior standards for rehabilitation [Sec 34-276 (3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant]*
- *page 25 related to roofs*
- *page 28 related to building exterior roofs.*

(NOTE: A new BAR member referenced the Secretary of Interior’s Standards instead of the ADC district Standards and Guidelines. The ADC Guidelines *are based upon* the Secretary of Interior’s Standards, which are available online, and which apply to the rehabilitation of any contributing building in any historic district in the United States. The pertinent ADC Standards and Guidelines were included in the April 18, 2017 staff report for the BAR’s consideration.)

Discussion:

In 2012, congress enacted the “Spectrum Act” to facilitate expansion of wireless broadband services. Localities cannot deny, and must approve, the proposed placement of antennas on existing towers and base stations, if the physical dimensions of the tower or base station will not be substantially changed. *Note that the approval of even a single antenna on a building makes that building into a new “base station.”*

As a result of the 2012 federal “Spectrum Act,” the Telecommunication Facilities section of the City’s zoning ordinance was changed in September of 2016. Pertinent sections are:

Sec. 34-1073. Design control districts.

(a) Within the city's historic and entrance corridor overlay districts attached communications facilities that are visible from any adjacent street or property are prohibited; provided, however, that by special use permit city council may authorize such facilities on a specific lot.

Sec. 34-1080. Visibility and placement....

(b) Attached communications facilities that are permitted only if not visible from adjacent streets or properties shall comply with the following standards:

(1) Such facilities must be concealed by an architectural feature or lawful appurtenance of the support structure, provided that ground-level equipment may be concealed by landscape screening.

(2) The concealment referenced in [subsection] (b)(1), above, shall be provided to such an extent that the communications facilities cannot be distinguished from the architectural feature, appurtenance, or landscape plantings used to conceal them.

(3) Within a design control district, any exterior construction, reconstruction, and alteration proposed for the purpose of providing concealment for any component of a communications facility requires a certificate of appropriateness.

For any COA application, the BAR must approve an application *unless it finds* the proposal does not meet ADC district standards, or applicable guidelines, and the proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located.

In making their determination in this case, the BAR considered that currently, there is no existing telecommunications equipment on the roof of Mincers. A memo dated September 24, 2015, sent by the Chief Deputy City Attorney [ATTACHMENT 4. City Attorney memo], emphasizes the significance of the *first* approval of telecommunication equipment on a building:

“Upon approval of even a single antenna to be located on an existing building, the City creates an ‘existing base station’”. Therefore, collocations of new or replacements antennas cannot be denied if federal criteria are met.”

The BAR determined that the proposed equipment and the specific type of proposed concealment, the “faux chimney” screening, would adversely affect the character of this property within the ADC District, because “The nature and placement of the proposed ‘chimney’ is not typical or common within this ADC District relevant for the structure, and is not in keeping with the commercial character of the existing building.”

Alignment with City Council’s Vision and Strategic Plan:

Upholding the BAR’s decision aligns with Council’s vision for *Charlottesville Arts and Culture*: Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources. 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:

The abutting owners were required to be notified of the Certificate of Appropriateness application. Staff received five emails from the public in opposition to the proposed cell antenna. [ATTACHMENT 5. Letters received] Members of the public also participated in the public comments portion of the BAR meeting.

Budgetary Impact:

None.

Recommendation:

Council must consider the written appeal; the BAR’s determination based on ADC district standards and guidelines, and the proposal’s incompatibility with the character of the district; and Council may consider any other information, factors, or opinions it deems relevant to the application. Staff recommends that City Council uphold the BAR’s decision. However, should Council support the appeal, then Council should refer it back to the BAR for action because the first approval of telecommunications equipment on a building would require specific approval language.

Alternatives:

1. City Council may determine that the BAR's decision to deny the certificate of appropriateness for a proposed telecommunications facility on 1521 University Avenue was correctly made, and may therefore uphold the BAR's decision.
2. City Council may determine that the BAR's decision to deny the certificate of appropriateness for a proposed telecommunications facility on 1521 University Avenue was incorrectly made, and may overturn the BAR's decision. In that case, Council should refer the application back to the BAR for action because the first approval of telecommunications equipment on a building would require specific approval language.

Attachments:

1. ADC District Criteria [Zoning Ordinance Section 34-284 (b)] and Standards for Review of Construction and Alterations [Zoning Ordinance Section 34-276] and pertinent ADC District Guidelines
2. Historic Survey
3. BAR staff report April 18, 2017
4. City Attorney memo
5. Letters received
6. Additional photosimulations from applicant (not included in BAR's original package)

ATTACHMENT 1. ADC District Criteria [Zoning Ordinance Section 34-284 (b)] and Standards for Review of Construction and Alterations [Zoning Ordinance Section 34-276] And pertinent ADC District Guidelines (all included in April 18, 2017 BAR staff report)

Review Criteria Generally

Sec. 34-284(b) of the City Code states that,

In considering a particular application the BAR shall approve the application unless it finds:

- (1) That the proposal does not meet specific standards set forth within this division or applicable provisions of the Design Guidelines established by the board pursuant to Sec.34-288(6); and*
- (2) The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application.*

(Section 34-276) Pertinent Standards for Review of Construction and Alterations include:

- (1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;*
- (2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;*
- (3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;*
- (4) The effect of the proposed change on the historic district neighborhood;*
- (5) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;*
- (6) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;*
- (8) Any applicable provisions of the City's Design Guidelines.*

Pertinent Design Review Guidelines for Site Design and Elements

H. Utilities and Other Site Appurtenances

Site appurtenances, such as overhead utilities, fuel tanks, utility poles and meters, antennae, exterior mechanical units, and trash containers, are a necessary part of contemporary life. However, their placement may detract from the character of the site and building.

- 1. Plan the location of overhead wires, utility poles and meters, electrical panels, antennae, trash containers, and exterior mechanical units where they are least likely to detract from the character of the site.*
- 2. Screen utilities and other site elements with fences, walls or plantings*
- 3. Encourage the installation of utility services underground.*
- 4. Antennae and communication dishes should be placed in inconspicuous rooftop locations, not in a front yard.*
- 5. Screen all rooftop mechanical equipment with a wall of material harmonious with the building or structure.*

ATTACHMENT 2. Historic Survey

Architectural And Historic Survey



Identification

STREET ADDRESS: 1525-1527 University Avenue	HISTORIC NAME: Kenmore Building
MAP & PARCEL: 9-82	DATE / PERIOD: 1923
CENSUS TRACT AND BLOCK:	STYLE: Vernacular
PRESENT ZONING: B-3	HEIGHT (to cornice) OR STORIES: 3 storeys
ORIGINAL OWNER: Eugene Hildreth, Fannie P. Brady and William S. Brady	DIMENSIONS AND LAND AREA: 59.3' x (3904 sq. ft.)
ORIGINAL USE: Grocery/Men's Clothing Store	CONDITION: Good
PRESENT USE: Tobacconist and Bookstore	SURVEYOR: Bibb
PRESENT OWNER: Hampton Building Corporation	DATE OF SURVEY: Summer 1986
ADDRESS: 1527 University Avenue	SOURCES: City Records Ch'ville City Directories
Charlottesville, Virginia 22903	Sanborn Map Co. - 1920, 1929-57
	Eddins, Around the Corner After World War I

ARCHITECTURAL DESCRIPTION

This duplex store building with apartments above is three storeys tall and two bays wide. Wall construction is of brick, laid in stretcher bond on the facade and east side and 4-course American-with-Flemish bond on the Elliewood Avenue elevation. Brick quoins mark the corners and separate the bays on the facade and the first bay on the Elliewood elevation. Both storefronts have recessed entrance loggias at the eastern side with 15-light doors and 3-light transoms. (The entrance to the eastern store room was closed in 1986). The eastern storefront has a slate pentroof with a steep half-timbered central gable with a scalloped bargeboard and a finial and pendant. The display window is in the form of a Victorian veranda, with turned posts at the corners and a turned balustrade below. There was once an arched opening between this entrance loggia and the one in the building to the east, from which an open stair gives access to the basements of both buildings. The western storefront is much plainer. There is a sign at the level of the other's pent-roof, and both probably cover glass-brick panels matching the one remaining in the first bay of the side elevation. A brick cornice with mousetoothing extends across both storefronts. Second and third storey windows on the facade are segmental-arched tri-partite compositions consisting of a 6-over-6 light window flanked by two narrow 1-over-1 light windows. A wooden cornice with modillions extends across the facade and along the Elliewood Avenue elevation below a plain brick parapet. The building extends back eight bays along Elliewood Avenue. In all but the end bays, there are segmental-arched 6-over-6 light windows at the upper levels and short and high segmental-arched windows (now closed) at the first storey level. In the rear bay, a frontispiece entrances gives access to the apartments above. Fluted pilasters carry an entablature with triglyphs and dentil moulding. The name KENMORE is over the door. Fenestration on the rear elevation is irregular, with windows on the stair landings.

HISTORICAL DESCRIPTION

Eugene Hildreth, Fannie P. Brady and William S. Brady purchased this lot in 1923 (City DB 42-274; 43-41, 440; 45-453). Tax records show that this building was erected the same year, and it appears on a plat in 1924 (DB 46-495). Mrs. Brady eventually acquired full ownership (WB 3-413, 436; DB 85-270), and she sold to W. D. Haden in 1943 (DB 114-227). Hampton Building Corporation bought it from his estate in 1970 (WB 5-333, DB 317-468). The eastern store room was occupied by Collins, Inc., a men's clothing store, from the mid-1930's until the mid-1950's, and then by Rohmann's University Sport Shops until 1986. Two grocery stores, the Cash and Carry and then the A & P, occupied the western store room in its first decade. Then it housed a restaurant called The Corner Shops from the mid-1930's until the mid-1950's. It has housed Mincer's Pipe shop since the late 1950's. The basement was occupied by a pool room in the 1930's and 1940's.

Sources and bibliography

Published sources (Books, articles, etc., with bibliographic data.)

Joe Eddins, Around the Corner after U.S.S.I, 1977.

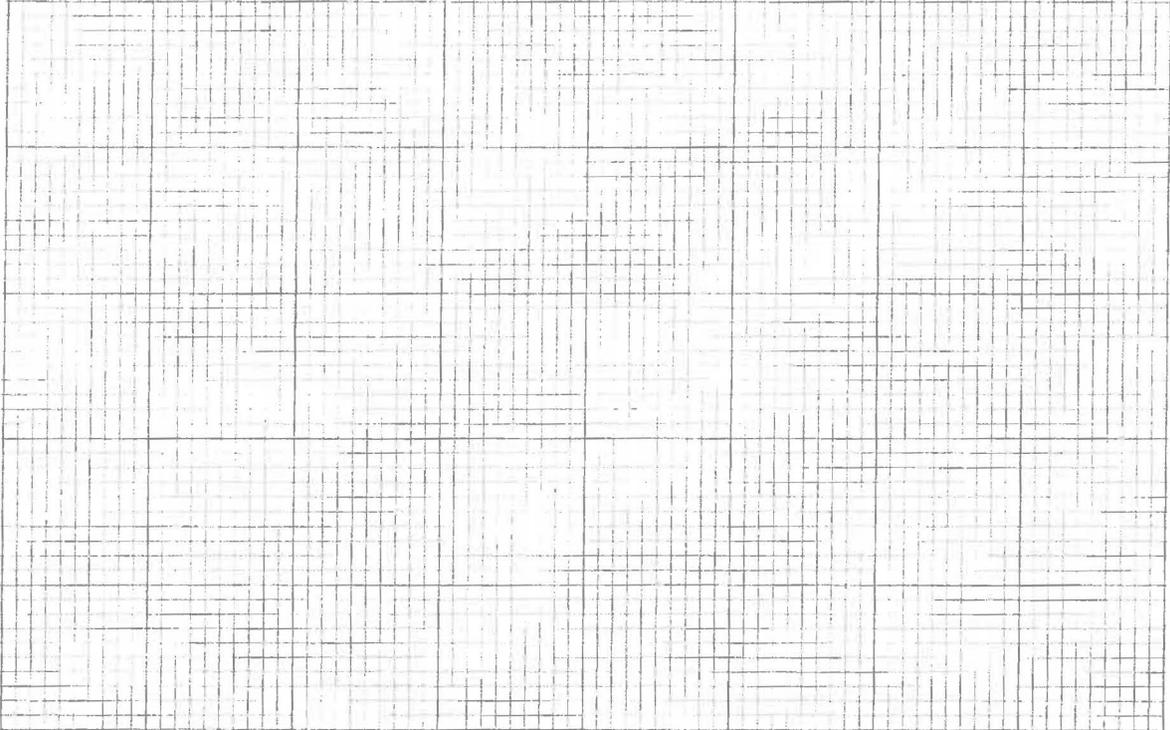
Primary sources (Manuscript documentary or graphic materials: give location.)

1920 Sandhorn Map Alderman Library U of Va.

Names and addresses of persons interviewed

Mr. John Williams, Anderson's Bookstore

Plan (Indicate locations of rooms, doorways, windows, alterations, etc.)



Site plan (Locate and identify outbuildings, dependencies and significant topographical features.)



Name, address and title of recorder:

Karen Rimmer U of Va Arch. History Grad Student

Date

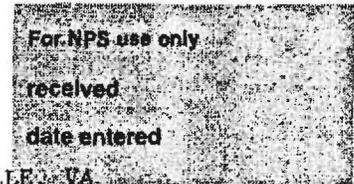
March 1980



Date 3/10/40 File No. 104-13352-
 Name Republic (Minors)
 Town Amherstville, 1865 St. Louis
 County _____
 Photographer S. F. Smith
 Contents 4 photos of building

United States Department of the Interior
National Park Service

National Register of Historic Places
Inventory—Nomination Form



RUGBY ROAD-UNIVERSITY CORNER HISTORIC DISTRICT, CHARLOTTESVILLE, VA

Continuation sheet #43

Item number 7

Page 43

7. DESCRIPTION -- Inventory (continued)

UNIVERSITY AVENUE (continued)

1500 Block (continued)

1517 (Sophie's): Dance hall on main floor. Neo-Georgian Commercial. Ca. 1920s. Brick (random American bond); 2 stories; parapet roof; 4-bay front, including angled bay at E corner of building. Entry located in arched recess flanked by brick pilasters; Classical cornices above first and second stories. From 1942 to 1983, this Neo-Classical commercial building housed the University Cafeteria, one of the area's most popular eating establishments.

104-133-54

1521-23 (The Virginian): Restaurant; shops in basement. Commercial Vernacular. Ca. 1920s. Brick (stretcher bond); 1 story; parapet roof; asymmetrical 3-bay front; recessed entry to basement shops; modern shopfront of traditional form and materials. This single-story brick structure repeats the parapet roof and mousetooth brick cornice of its neighboring 1920s commercial buildings.

104-133-53

1525-27 (Kenmore Building): Shops on first floor, apartments above. Decorated Vernacular. Ca. 1920s. Brick (stretcher bond); 3 stories; parapet roof; 4-bay front. Rusticated brick quoins; corbelled mousetooth brick cornice above shopfronts; wooden modillion cornice below parapet; triple windows with segmental-arched heads; shopfront at No. 1525 features decorative Tudor-style cross-gable with mock half-timbering and scalloped bargeboards. Occupying a prominent corner lot at the intersection of Elliewood Avenue, this handsome 3-story brick building features a Tudor-style shopfront at No. 1525. Next door at No. 1527 is Mincer's tabacconist and bookseller, for over three decades one of the most popular shops on the Corner.

104-133-52

1600 Block

1601 (Stevens-Shepherd Building; Arnette's): Department store. Neo-Georgian Commercial. Ca. 1925. Brick (stretcher bond); 2 stories; parapet roof; symmetrical 3-bay front. Round-arched shop windows; recessed arched entry with large traceried fanlight; wooden entablature above first story, and corbelled brick cornice above second story. This attractive Neo-Georgian commercial building housed the Stevens-Shepherd Company, an exclusive men's clothing store, from the 1920s to the early 1960s.

104-133-34

*1609 (Burger King): Restaurant. Vernacular. Built 1972. Brick veneer (stretcher bond); 1 story; "clip-on" mansard roof; symmetrical 3-bay front with large plate-glass windows. This modern building is relatively inconspicuous, being set back from the street with a gigantic hickory tree in front of it.

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ATTACHMENT 3. BAR staff report April 18, 2017

CITY OF CHARLOTTESVILLE BOARD OF ARCHITECTURAL REVIEW STAFF REPORT April 18, 2017



Certificate of Appropriateness Application

BAR 17-04-02

1521 University Avenue

Tax Parcel 090082000

Hampton Building Corporation, Owner/ Verizon, Applicant

Proposed cell antenna

Background

1521 University Avenue is a brick commercial vernacular structure circa 1925. It is a contributing structure in the Corner ADC District, and in the Rugby Road- University Corner National Register District.

It is a 3-bay vertical frame with boarding below, one story parapet, with a flat roof. It has a corbelled cornice below the parapet with an angle recessed doorway in the west bay leading to a basement stairway. It also has a recessed entrance in the center bay, and a single plate glass window. After World War I the building housed a sandwich and soda fountain run by Mr. Billy Gooch and Ellis Brown. (The historic survey is attached.)

Application

The applicant is requesting approval the installation of a new attached, concealed, wireless telecommunications facility to be installed on the roof of the Mincer's UVA Imprinted Sportswear. This data node facility will consist of a 6.7"(W) x 23.6"(L) panel antenna that will be mounted using a non-penetrating, ballasted sled and enclosed within a stealth concealment chimney near the center of the roof. The chimney will be designed to look like bricks, using color and textures that closely match the bricks and mortar of the existing building. It will extend 4 feet above the highest point of Mincer's building wall.

The supporting base station transmitting equipment will consist of a radio cabinet that is approximately 23.4"(L) x 19.4"(W) x 10.8"(D), two Remote Radio Heads and a fiber optic cable Diplexer (coupler), which will be mounted on the side building wall with access to be provided from the roof of The Virginian restaurant.

The applicant states that this equipment, which is like various types of other electrical equipment will not be visible from University Avenue, due to the existing parapet wall the currently screens HVAC units and other rooftop utilities. Other views from nearby properties and the UVA grounds will be obscured and/or blocked completely by the walls of adjoining buildings and trees lining the southern side of University Avenue. The security cabinet can also be painted to match the existing wall or any other color that is deemed acceptable by the BAR.

Criteria and Guidelines

Review Criteria Generally

Sec. 34-284(b) of the City Code states that,

In considering a particular application the BAR shall approve the application unless it finds:

- (3) *That the proposal does not meet specific standards set forth within this division or applicable provisions of the Design Guidelines established by the board pursuant to Sec.34-288(6); and*
- (4) *The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application.*

Pertinent Standards for Review of Construction and Alterations include:

- (1) *Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;*
- (2) *The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;*
- (3) *The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;*
- (4) *The effect of the proposed change on the historic district neighborhood;*
- (5) *The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;*
- (6) *Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;*
- (8) *Any applicable provisions of the City's Design Guidelines.*

Pertinent Design Review Guidelines for Site Design and Elements

H. Utilities and Other Site Appurtenances

Site appurtenances, such as overhead utilities, fuel tanks, utility poles and meters, antennae, exterior mechanical units, and trash containers, are a necessary part of contemporary life. However, their placement may detract from the character of the site and building.

6. *Plan the location of overhead wires, utility poles and meters, electrical panels, antennae, trash containers, and exterior mechanical units where they are least likely to detract from the character of the site.*
7. *Screen utilities and other site elements with fences, walls or plantings*
8. *Encourage the installation of utility services underground.*
9. *Antennae and communication dishes should be placed in inconspicuous rooftop locations, not in a front yard.*
10. *Screen all rooftop mechanical equipment with a wall of material harmonious with the building or structure.*

Discussion and Recommendations

In 2012, congress enacted the "Spectrum Act" to facilitate expansion of wireless broadband services. Localities cannot deny, and must approve, the proposed placement of antennas on existing towers and base stations, if the physical dimensions of the tower or base station will not be substantially changed.

The Telecommunication Facilities section of the City's zoning ordinance was changed in September of 2016, due to the 2012 federal "Spectrum Act." Pertinent sections are:

Sec. 34-1073. Design control districts.

- (a) *Within the city's historic and entrance corridor overlay districts attached communications facilities that are visible from any adjacent street or property are prohibited; provided, however, that by special use permit city council may authorize such facilities on a specific lot.*

Sec. 34-1080

- (a) Attached communications facilities that are permitted to be visible from adjacent streets or properties shall comply with the following standards:
 - (1) Such facilities shall be designed and located so as to blend in with the existing support structure. The facilities shall be attached to the support structure in the least visible location that is consistent with proper functioning of equipment. The colors of the facility and the attachment structure will be coordinated, and compatible neutral colors shall be utilized.
- (b) Attached communications facilities that are permitted only if not visible from adjacent streets or properties shall comply with the following standards:
 - (1) Such facilities must be concealed by an architectural feature or lawful appurtenance of the support structure, provided that ground-level equipment may be concealed by landscape screening.

Currently, there is not any existing telecommunications equipment on the roof of Mincers. The BAR should read the attached September 24, 2015 memo sent by the City Attorney on telecommunication issues, and decide if adding this proposed equipment and its screening will adversely affect the character of this property within the ADC District.

In a subsequent communication regarding 1521 University Avenue, she writes: *"The proposed attached [communications] facility is not visible from an adjacent street, so it is permitted by right in the CD, however, per 34-1080(b), concealment is required and, in an ADC District a COA is required for addition of a concealment feature. ...action on both the COA application and zoning verification will be completed within 60 days (this is not an eligible facilities request)."*

Staff would like to add while there may be little aesthetic impact on the overall property, putting telecommunications equipment on this roof will open up the property to the additions of more antennas in the future. Therefore, the BAR should discuss how future antennas would be screened. The city attorney writes, ***"Upon approval of even a single antenna to be located on an existing building, the City creates an 'existing base station'". Therefore, collocations of new or replacements antennas cannot be denied if federal criteria are met."***

The BAR may want further clarification of the appearance of the equipment to be located on the lower roof, and the conduits that will run along the rear of the building to make sure they will not have unexpected impacts.

Suggested Motion

Having considered the standards set forth within the City Code, including City Design Guidelines for Site Design and Elements, I move to find that the proposed cell antenna and additional telecommunications equipment satisfy/do not satisfy the BAR's criteria and are compatible/ not compatible with this property and other properties in The Corner ADC District, and that the BAR approves/denies the application as submitted, (or with the following modifications...).

ATTACHMENT 4. City Attorney memo

From: [Robertson, Lisa](#)

Sent: Thursday, September 24, 2015 4:46 PM

Subject: Telecomm Issues

Members of the BAR and ERB,

I am writing to call to your attention two circumstances in which applications seeking approval for installation of telecommunications equipment will not be subject to BAR/ ERB review. Staff has two pending applications that must be approved per federal law, but we wanted to provide you with the following information before approval letters are sent out.

1. “Eligible Facilities Requests” pursuant to the Federal Spectrum Act.

You may or may not be aware that, in 2012, as part of the Middle Class Tax Relief and Job Creation Act, Congress enacted the “Spectrum Act” in order to (among other things) facilitate the expansion of wireless broadband services. Pursuant to Section 6409 of the Spectrum Act (codified at 47 U.S.C. Sec. 1455(a)) localities cannot deny, and must approve, the proposed placement of antennas on existing towers and base stations, if the physical dimensions of the tower or base station will not be substantially changed. The FCC regulations implementing the Spectrum Act requirements are attached to this e-mail.

In a nutshell: in cases where **(i)** an existing building currently serves as the support for any “transmission equipment”, including any antenna (together, the building and transmission equipment are referred to as an “existing base station”), **(ii)** the existing base station was reviewed and approved under the local zoning process, or an applicable state review process, **(iii)** the installation as proposed will not defeat any concealment element(s) of the building/ support structure, and **(iv)** the physical dimensions of the existing base station will not be substantially changed, then federal law prohibits the City from doing anything other than approving the application. Upon approval of even a single antenna to be located on an existing building, the City creates an “existing base station”. Thereafter, collocations of new or replacement antennas cannot be denied if federal criteria are met. Localities cannot make applicants comply with general submission requirements for site plans or other development reviews—for “Eligible Facilities”, the City may only require the submission of a minimal amount of information, as necessary to demonstrate that the federal criteria are met. The City is required to make a decision on an Eligible Facilities request within 60 days of the day on which the application is received. **Therefore, going forward, when NDS receives “Eligible Facilities” Requests, I am recommending that those requests be reviewed by staff in relation to the applicable criteria, and then approved by the Director of NDS without review by either the BAR or the Entrance Corridor Board.**

At the existing Monticello Hotel Building (500 Court Square) there are two pending applications (*see attached draft correspondence*). We have reached the 60-day deadline, and the applicants’ attorney is requesting a decision. For each: **(i)** the existing building serves as the support for numerous items of transmission equipment, including antennas; **(ii)** one or more of the existing equipment items located on the rooftop was previously approved by the City, either upon original installation, or subsequent replacement; **(iii)** none of the existing equipment is concealed by any feature of the building, so there are no existing “concealment elements” that could be defeated by additional [unconcealed] antennas, and **(iv)** we have two applications which, according to plans and the certification of an attorney, propose installation of antennas in

a manner that will not substantially change the physical dimensions of the existing base station. **It is my opinion that these two applications must be approved administratively by the Director, without going through zoning review procedures, because there are no local limitations or requirements (other than USBC requirements) that can be imposed on these installations.**

2. Certain “attached communications facilities” within historic and entrance corridor districts

Under Sec. 34-1073 of the City’s Zoning Ordinance, certain attached communications facilities are permitted uses within the City’s historic and entrance corridor districts. These permitted facilities, so long as they comply with certain height and dimensional requirements, are not subject to the requirement for a certificate of appropriateness—only a building permit is required. *See* City Code 34-1083. The facilities are as follows:

- Attached communications facilities that utilize utility poles, or other electric transmission facilities, as the attachment structure (subject to certain visibility requirements of Sec. 34-1080), and
- Other attached communications, e.g., antennas mounted on an existing building, if they are invisible (“not visible from any adjacent street or property”). Examples: antennas concealed within existing exterior light fixtures; antennas concealed within an existing chimney structure.

For these facilities, compliance with the visibility, placement and dimensional requirements of the Code must be verified by zoning staff administratively, prior to the building official’s issuance of a building permit.

Note: I will qualify the above by saying that, in the event a NEW structure is proposed to be added onto an existing building—to serve as the concealment mechanism for an antenna—for example, a fake chimney) then a certificate of appropriateness would need to be obtained for the new structure. (As part of that review, the BAR/ ERB should also address how subsequent antennas added to the same site will be concealed).

Recommendation: I recommend that, when the BAR or ERB receives an application seeking approval of the first antenna proposed on a building, the applicable review board (or staff granting administrative approval, if applicable) should consider requiring a comprehensive concealment plan demonstrating how that first, and each potential subsequent antenna, will be and remain concealed in the future. (See Paragraph 1, preceding above). If you don’t establish concealment requirements with the very first approval, then the new federal regulations don’t allow you to require concealment at the time when additional antennas are later proposed to be added.

We are planning to send the letters out tomorrow. Feel free to contact me with any questions.

Lisa
Lisa A. Robertson, Esq.
Chief Deputy City Attorney
City of Charlottesville| Office of The City Attorney
P: 434.970.3131 | robertsonl@charlottesville.org

ATTACHMENT 5. Letters received

From: Chris Hendricks [mailto:chris@mincers.com]
Sent: Monday, April 17, 2017 1:59 PM
To: bar@charlottesville.org
Subject: Proposed Cell Tower on University Ave

Members of the Charlottesville Board of Architectural Review,

I arrived in Charlottesville in 1989 as a student at the University of Virginia.

I have lived and worked in our town since the fall of 1989.

The historic UVA Corner has been a second home to me for the last 26 years as a student at UVA, and then as an employee at Mincer's.

I am opposed to the cell tower being placed on the roof of our historic building.

A fake fiberglass chimney and cell tower have no place on a building listed on the National Historic Register.

Please reject the proposal to add a microcell to the roof at 1527 University Ave.

Thanks,

Chris Hendricks
UVA Class of 1993
chris@mincers.com

From: Suzanne Clark [mailto:sleighc6221@gmail.com]
Sent: Monday, April 17, 2017 4:13 PM
To: caschwarz83@gmail.com; Justin.sarafin@alumni.virginia.edu; Whit@evergreenbuilds.com; melanie@houseofmillers.com; bgastinger@gmail.com; corey.clayborne@gmail.com; earnst.emma@gmail.com; sbalut@hotmail.com; tmohr@tmdarch.com
Subject: Allowing Verizon Antenna

Good Evening,

I have been informed of the meeting this evening regarding Verizon and Mincers. I do not feel there should be an antenna allowed on the roof of Mincers. The corner is an Historic area, where tourists visit and spend money, and it should be protected.. Thank you for your consideration in this matter.

Sincerely, S. Clark

From: Jones, Susan [mailto:susan@pvcinc.com]

Sent: Monday, April 17, 2017 10:30 AM

To: caschwarz83@gmail.com; Justin.sarafin@alumni.virginia.edu; Whit@evergreenbuilds.com; melanie@houseofmillers.com; bgastinger@gmail.com; corey.clayborne@gmail.com; ernst.emma@gmail.com; sbalut@hotmail.com; tmohr@tmdarch.com

Subject: OPPOSED: Verizon Wireless antenna on top of Mincer's

Dear BAR members,

Please do not permit a Verizon Wireless tower (or any tower for that matter) to be placed atop the historical Mincer's building, or any other iconic buildings on University Ave. This area deserves the same protections as the other historical areas in Charlottesville and no technology should be visible from the lawn when looking over at The Corner buildings. I am a Verizon Wireless customer and never have any trouble getting connected anywhere on The Corner, so I do not see why this tower is even needed.

You are now the only the historical heart and soul of Charlottesville. The City Council seems determined to tear down old buildings, overbuild on any available property and cram any tax producing building in all corners of Charlottesville, without regard to historical significance, architectural continuity, neighborhood culture and maintaining our "Green City" status. We count on all of you to help protect these areas and are grateful for your work.

Kindest regards,

Susan Jones

Local property owner and townie (born and raised here)

1204 Edge Hill Rd.

Charlottesville, VA 22903

(804) 339-3941

Shjones000@aol.com

From: Mark Mincer [mailto:mark@mincers.com]

Sent: Monday, April 17, 2017 1:24 PM

To: BAR

Subject: OPPOSED: Verizon Equipment on The Corner

Members of the Board of Architectural Review,

I have worked here on The Corner for my grandfather, my father and now myself for over forty years. Unfortunately, I am now a tenant in this building, without direct input on decisions like this.

I am very much opposed to the Verizon equipment on our roof for many reasons including, but not limited to:

The addition of a false chimney is not in keeping with the historic character of this building that is listed on the National Historic Register and the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Adding a non-essential structure to the existing roof of a historic building could damage the integrity of the structure unnecessarily.

This structure, a fake chimney, will be visible during the early Spring, late Fall, and Winter months as you look East down The Corner from in front of the Bank of America building and the historic UVA grounds.

This changes the historic context of this building and is not in keeping with BAR guidelines for development in a Charlottesville Historic District.

For these reasons, I ask the Board of Architectural review reject the proposal to add a microcell structure on the rooftop of 1527 University Avenue.

Mark Mincer

President/Owner

<http://www.mincers.com>

Mincer's University of Virginia Imprinted Sportswear

1527 University Avenue

Charlottesville VA 22903

(434) 296-5687

fax (434) 971-8821

mincer@cstone.net

Mark Mincer [<mailto:mark@mincers.com>]

Sent: Monday, April 17, 2017 2:04 PM

To: BAR

Subject: Legal Opinion on the Verizon equipment

Letter to me from John Little attached.

Mark Mincer

President/Owner

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April 3, 2017

Mr. Mark Mincer
Mincers, Incorporated
1527 University Avenue
Charlottesville, Virginia 22903

Via Email

Lease to Mincers, Incorporated

Dear Mark:

We have reviewed the lease dated July 2, 1992 between Hampton Building Corporation and Mincers, Incorporated and the letter dated March 14, 2017 from Tremblay & Smith, PLLC regarding whether the roof is part of the leased premises.

In Virginia, a lease is a conveyance of realty rather than a contract between landlord and tenant.

The lease provides for the lease of "... that certain property located at the northeast corner of Elliewood Avenue and University Avenue in the City of Charlottesville, Virginia, including the store premises now occupied by the Tenant, the space formerly occupied by University Sports Shop and the upper two floors of the said building, known as Kenmore Apartments." [Emphasis added.] This language effectively leases the entire building. The lease does not specifically exclude or reserve to the landlord the roof of the building or the air space above the roof. The lease does not contain a restriction that the tenant will not use the roof. The lease also contains a covenant of quiet enjoyment for the leased premises. The roof is not shared in common with any other tenant.

These facts are different from those in the Knable case cited in the letter. In the Knable case, the court found as determining facts the lease of a building (and not land), the lease of only part of the building, and the express agreement that the tenant would not use the roof. Here, the lease leases the property on the corner of Elliewood Avenue and University Avenue (including the building), the lease is for the entire building, and there is no agreement the tenant will not use the roof.

Based upon this analysis, the roof is part of the leased premises and subject to the landlord's covenant of quiet enjoyment and the landlord's obligation to maintain it.

I have enclosed a copy of the Knable case for your reference.

If you have any questions, please let me know.

Very truly yours,

John V. Little

Knable v. Martone, 195 Va. 310, 78 S.E.2d 638 (1953)

IN THE SUPREME COURT OF VIRGINIA
RICHMOND

**PERCY F. KNABLE, INDIVIDUALLY AND TRADING AS
KAY JEWELRY COMPANY, INCORPORATED**

v.

**DR. ALEXANDER L. MARTONE,
AND MID-TOWN DEVELOPMENT CORPORATION.**

Record No. 4105.

Decided: November 30, 1953.

Present, Hudgins, C.J., and Spratley, Buchanan, Miller, Smith and Whittle, JJ.

Landlord and Tenant — Rights of Tenant in Roof of Demised Premises.

Knable leased from Dr. Martone a one story brick building shown as unit 16 on the architect's plot plan of a shopping center, which plan showed that it was subject to revision and that unit 16 formed part of a larger structure and might be added to. Under the lease Knable agreed not to use the roof of the building. On these facts he was held to have no interest in the roof and no right to object to construction by the landlord of a building adjacent to and over top of the premises leased, where such construction did not in any way interfere with his light and air, access or quiet possession.

Appeal from a decree of the Circuit Court of the city of Norfolk. Hon. Clyde H. Jacob, judge presiding.

Affirmed.

The opinion states the case.

Ashburn, Agelasto & Sellers, for the appellant.

William L. Parker, for the appellees.

SPRATLEY, J., delivered the opinion of the court. [Page 311]

Percy F. Knable, individually and trading as Kay Jewelry Company, Incorporated, instituted this proceeding against Dr. Alexander L. Martone, Mid-Town Development Corporation, Virginia Engineering Company, Incorporated, and Sol Mednick, trading as Globe Iron Construction Company, seeking the determination of complainant's rights as lessee of a certain one-story building in the City of Norfolk, Virginia. He prayed for an award of damages, and for an injunction against defendants forbidding any trespass upon the leased building. From a decree dismissing his bill of complaint, he applied for and obtained this appeal only as to Dr. Martone and Mid-Town Development Corporation.

At the date of the lease in question, Dr. Martone owned a triangular parcel of land, on which he planned to build a shopping center. He employed Bernard Spigel, an architect, to draw up plans for the design and construction of the center. The "plot plan of Mid-Town Shopping Center," prepared by Spigel, and exhibited in evidence, was not a plat of a land subdivision, but an architect's plan which showed the building layout in twenty-three units. It was contemplated that, upon completion, the center would consist of a series of continuous stores or buildings, with each unit separated from the others only by partition walls. Units were to be erected as tenants were procured, with the construction conforming to the needs of tenants. The right was reserved to revise or modify the "plot plan" as conditions required. Knable selected "the building to be located and of the dimensions shown as No. 16," on the plan.

On June 20, 1946, Dr. Martone executed a lease to the complainant for ten years, "beginning on the first day of the calendar month next succeeding the calendar month in which the building to be erected by the lessor

is completed and ready for occupancy by the lessee," the description of the leased property therein being as follows:

"The one story brick or masonry store building having a frontage of twenty-five (25) feet and depth of fifty (50) feet, which is to be constructed *as a part of the Midtown [Page 312] Shopping Center*, located on Sewell's Point Road and Granby Street, in the City of Norfolk, Virginia near the intersection of said Road and said Street; the building to be located and of the dimensions shown as No. 16 on the plot plan of Midtown Shopping Center, Norfolk, Virginia made by Bernard S. Spigel, Architect, Norfolk Virginia, *to be revised*.

"To be used as a Jewelry Store and for such other items as are customarily carried in cash and credit Jewelry Stores and for no other purpose." (Italics added.)

The lease was prepared on the standard form used by the Norfolk Real Estate Board, and, in addition to the usual printed terms and conditions, contained a page of typewritten terms and conditions. Among a number of restrictive covenants as to the use of the building was the following express provision:

"The tenant agrees that he will not use, or permit to be used, the roof of the said premises, * * *."

A one-story building of the dimensions shown was thereupon constructed at the prescribed location to meet Knable's requirements, and he entered into occupancy thereof on January 1, 1947.

On October 31, 1947, Dr. Martone conveyed the property described in the above lease to Mid-Town Development Corporation.

The question presented is whether the lessee is entitled, under the terms of the lease, to the possession of building No. 16, its roof, and the air space above the roof.

Unit 16 occupied a corner of a building which also housed Units 17 and 18. A common roof covered all three, with partition walls between the units. There were no openings in any of the surrounding walls, except the show windows and the door on the front of each unit. There was no skylight or opening of any kind in the roof. The back and side walls enclosing Unit 16 were of solid masonry.

In the month of June, 1950, Mid-Town Development Corporation entered into a contract with the Virginia Engineering Company, Inc., to construct a department store [Page 313] building upon the land area adjoining Unit 16 on the west, designated on the architect's plan as "Future Building," embracing Units 14 and 15, with an extension of the structure over the area above Units 16, 17 and 18.

After work had been begun on said building, Knable complained to the lessor about its construction, and thereafter instituted this suit. The building was, however, completed and the lessee thereof put in possession before this case was heard in the lower court.

The record shows that in constructing the department store building, steel columns were installed on concrete foundations on the land on each side of Unit 16, and steel girders extending over Unit 16 then laid on the top of the columns. No part of the new structure touched any part of Unit 16. The front of Unit 16, the only source of light and air, and of ingress to and egress from the building, was not obstructed in any way. The new construction added no fire hazard, and the quiet possession of the lessee of Unit 16 was not interfered with in any respect.

With respect to the rights of tenants in roofs of buildings, the rule is stated in 32 Am. Jur., Landlord and Tenant, § 173, page 167 *et seq.*, as follows:

"In case of the lease of a part of a building, such as the ground-floor store or an upper floor, this would not itself carry any interest in the roof. The lessor in such a case retains full control of the roof and may use it for such purposes as he chooses so long as it does not endanger or interfere with the tenant's use of the part of the premises leased to him. This has been held true where the lease described the demised premises as the store and basement of a building which was only one story in height, having merely an air chamber between the ceiling of the store and the roof."

In 51 C. J. S., Landlord and Tenant, § 292, page 945, we find:

"Roof. In the absence of contrary provisions in the lease, it has ordinarily been held that the lease of an entire [Page 314] building includes the roof, and the same principle has been applied where the lease covered a portion of a building entirely independent of other portions. On the other hand, where there is a common roof over premises occupied by a landlord and tenants, or by different tenants, ordinarily the part of the roof covering the portion leased to one tenant is not included in the lease, and may not, without special agreement, be sublet, but remains in the control of the landlord. In the absence of an agreement relating thereto, tenants sharing a common roof have no easement thereof except for purposes of shelter."

The only case cited to us closely in point is that of *Macnair v. Ames*, 29 R. I. 45, 68 A. 950, 16 Am. & Eng. Ann. Cas. 1208. In that case, there was no reservation with respect to the roof, as is true here. There the lessee of a store and basement sought to enjoin the erection of a bill-board upon the roof of the building by the defendant, who justified his action by a license from the lessor. The building in question was a one-story building, in which were located other stores, adjoining the premises demised to the complainant. After discussing the respective rights of landlord and tenant in such a case, the court said:

"It is to be observed that the lease does not purport to let the entire building, but only 'the store numbered 322 Weybosset street and the basement as per annexed drawing in the front portion of the building number 322, 324, and 326 Weybosset street.' And it is conceded that there are four other tenants in other parts of the building, one of them occupying the basement only. The lease also contains the following covenants, 'And the said lessee also covenants and agrees not to lease or underlet, nor permit any other person or persons to occupy, or improve, or make, or suffer to be made, any alteration in the premises hereby leased, without the written consent of said lessor having first been obtained, and that the said lessor may enter to view and make improvements in said premises as may be necessary or expedient. And the lessor agrees to keep the exterior of the premises in good repair.' [Page 315]

"The lessor unquestionably has the right to enter to make improvements as also the right of access to the roof to make repairs, and the lessee has agreed that he will not 'make, or suffer to be made, any alteration in the premises without the written consent of the lessor.' Doubtless it would have been competent for the parties to have contracted specifically that the complainant lessee should have control of the roof, but the lease is silent on that point, and we cannot say that the lessee of a part only of this business block is entitled to more than the lease describes — that is to say, the 'store and basement' in the building as distinct from the land on which it stands and as distinct also from the entire building. *McMillan v. Solomon*, 42 Ala. 356, 94 Am. Dec. 654."

In the opinion in the above case there is quoted the following statement from *O. J. Gude Co. v. Farley*, 28 Misc. (N. Y.) 184, 186, 58 N. Y. S. 1036:

"The building was of three stories; the first was used as a liquor store by McMenemy,' [the tenant] 'and the second and third floors sublet by him as tenements. The respondent asks the court to hold that there was nothing in McMenemy's lease to prevent him from subletting the roof which 'is a part of third story,' while the contention of the appellant is that the right of McMenemy to sublet was limited to the second and third floors and did not include the roof. The decision of the court is as follows: 'The purpose of the roof of a building is primarily to shelter it and all of its occupants, and the tenant of the top floor has no better title to the roof or better right to use it for any other purpose than shelter than has the tenant of any other floor, and his right to use the roof over him is like his right to use the supporting walls of the foundation, one that is necessary and essential to the safety and quiet enjoyment of his apartments under the roof in the usual manner and any extension of that right must be by agreement with or license from the owner. * * * *'"

The language of the lease under review, as applied to the [Page 316] circumstances of the case, is clear and definite. That which is plain needs no explanation or interpretation. The lease shows that it was limited to a single one-story building; that it was not meant to give the grantee any right to use the roof or the space above the roof; and that the landlord reserved the right to revise or modify the building plan of the shopping center,

including the right to make an addition to building unit No. 16. The lessee got what was given to him in the lease and nothing more.

Broken down and analyzed, the granting clause shows a lease of the following described property:

(1) A "one story brick or masonry store building" (not a parcel of land); (2) "having a frontage of twenty-five (25) feet and depth of fifty (50) feet" (the dimensions of the building); (3) "which is to be constructed as a part of the Midtown Shopping Center" (a part of a larger building); (4) "the building to be located and of the dimensions shown as No. 16 on the plot plan of Midtown Shopping Center, Norfolk, Virginia, made by Bernard S. Spigel, Architect, Norfolk, Virginia, to be revised." (Showing the location of Unit 16 with relation to other units of the shopping center, and serving notice that the plot plan was subject to revision.)

In addition to the specific words of the granting clause, there was further an express agreement by the lessee that he would not use, or permit to be used, the roof of the building. This makes it very clear that lessee had no right to the use of the roof, or to the space above it. Lessee's possession was by the terms of the lease restricted to the space within the enclosures of building No. 16. That which was not granted remained in the owner of the reversion, the assignee of the lessor.

We find no error in the ruling of the trial court, and for the foregoing reasons we affirm the decree complained of.

Affirmed.

Filename:	/var/casefinder/data/html/va_scp/195vas/va_scp039406.gml
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BUS
250

PHOTO 2

SITE LOCATION

PHOTO 1

University Ave

Minor Ct Ln

verizon^v
WIRELESS

UVA MC N010

1521 University Avenue
Charlottesville, VA 22903
(Page 1 of 5)

 **Dewberry**[®]

Actual View



verizon[✓]
WIRELESS

UNA MC N010
Photo 1A
View Facing Southwest
From Roof
(Page 2 of 5)

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Fax: 804.290.7928
www.dewberry.com

Proposed View

Proposed Equipment Mounted On Wall



UNA MC N010
Photo 1B
View Facing Southwest
From Roof
(Page 3 of 5)

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Glen Allen, VA 23060
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Fax: 804.290.7928
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Actual View



UNA MC N010

Photo 2A

View Facing Southwest

From Parking Lot

(Page 4 of 5)



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Glen Allen, VA 23060

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Fax: 804.290.7928

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Proposed View

Proposed Vertical Power, Fiber & Ground Conduit Routing Along The Backside Of The Building
(Paint All Conduit To Match Building Facade)



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



Agenda Date:	June 19, 2017
Action Required:	Resolution
Presenter:	Stacy Pethia, Housing Program Coordinator
Staff Contacts:	Stacy Pethia, Housing Program Coordinator
Title:	Housing Advisory Committee priority recommendations from the RCLCo Housing Study

Background:

On March 1, 2015, City Council approved the use of CAHF funds for use in the preparation of a Comprehensive Housing Analysis and Policy Recommendations report for the City. This report, prepared by the Robert Charles Lessor Company (RCLCo), was completed in January 2016, with findings presented to Council during the February 1, 2016 Council meeting. At that time, City Council directed the Housing Advisory Committee (HAC) to review the report in depth with NDS staff, with the intention of presenting Council with recommendations for short- and long-term policies to increase the supply of affordable housing in the City, as well as highlighting any policy items Council should add to their legislative agenda for enabling legislation. During their quarterly meeting in February 2017, HAC members agreed to further refine the list of recommendations by identifying a number of priority actions for City Council consideration. These priority recommendations are presented below.

Discussion:

The report completed by RCLCo, provided City with an overview of the local housing market, as well as an examination of the barriers and issues affecting the provision of affordable housing throughout the City. The research resulted in a number of short- and long-term policy recommendations related to affordable housing development and preservation. Upon review of the report, the HAC identified several more policy options not proposed by the RCLCo. These options, along with the recommendations presented by the RCLCo, were presented to City Council during the November 21, 2017 meeting.

At that time, the HAC had not ranked their recommendations in order of priority for action. A subcommittee of HAC members met in March, 2017 to review the full list of policy recommendations and identify a number of items for priority action. They chose items that fit into one of two categories:

1. Recommendations for Immediate Action with Immediate Benefits – or activities that, if approved today, will begin showing positive results within the near-term (e.g., 3-6 months);

OR

2. Recommendations for Immediate Action with Future Benefits – or activities that, if approved today, will begin showing positive results over a longer term (e.g., 12 months).

A summary of the recommendations is provided below:

Recommendations for Immediate Action with Immediate Benefits

The recommendations presented under this category include actions City Council can take today, that will begin having a positive impact on affordable housing goals in the near future (3 – 6 months). Two of the recommended programs – the Landlord Risk Reduction Fund and the Supplemental Rental Assistance Program – have the potential to increase affordable rental housing in the City within several months of implementation.

The Landlord Risk Reduction Fund is a tool designed to provide financial assistance to landlords to mitigate damages caused by low-income/rental assistance tenants as a result of their occupancy. Risk reduction funds have been successfully implemented by cities across the country, often in response to very low vacancy rates and high housing costs in their areas. According to an April 2016 report by the U.S. Interagency Council on Homelessness, of the four city-managed risk reduction funds highlighted in the report, few programs report excessive use of the fund by landlords. Each program has, however, successfully recruited new landlords into affordable housing programs. Locally, the fund would be used to encourage private market landlords, often reluctant to lease unit to lower-income household due to perceived risks associated with housing families most in need, to provide affordable rental units. Landlords would be able to access the fund to help cover the cost of unit repair, in exchange for agreement to re-let the unit to at affordable price. In addition to loss mitigation, the fund may also act as security deposit waiver tool to assist low-income households secure affordable rental housing. Interested landlords would agree to waive a new tenant's security deposit in exchange for the ability to access the risk reduction fund if necessary at lease termination. The goals of the risk reduction fund are: to reduce private market landlord concerns regarding rental income loss due to property damage, preserve the number of rental units available in the City to low-income households, and increase the number of City landlords willing to lease affordable units to low-income families.

The HAC also recommends providing \$900,000 to the Charlottesville Redevelopment and Housing Authority (CRHA) for the creation and administration of a Supplemental Rental Assistance Program. According to a December 2016 report from the CRHA, the agency is authorized by the Department of Housing and Urban Development to issue approximately 533 Housing Choice Vouchers (HCV) to low income households. However, the high cost of housing in our area has led to a shortfall of program funding for approximately 130 of those vouchers. To assist the CRHA meet the housing needs of our City's lowest-income residents, the HAC recommends the City work with the CRHA to establish a supplemental rental assistance program. The program would be similar in structure to the HCV program and would be administered by the CRHA. Program participants can be drawn from the CRHA's current waiting list of HCV program applicants. The CRHA is working with a Batten Intern from the University of Virginia to determine the most appropriate structure of the supplemental rental assistance program, including: any priority households for receipt of assistance, amount of assistance to be offered to each household, and program qualifications.

The other recommendations in this category include:

1. Identifying City-owned property for affordable housing development and sell/lease those properties to interested developers – such properties include vacant parcels with or without associated structures, and City owned/occupied buildings nearing obsolescence. Staff has begun identifying such properties, beginning with a list of vacant City-owned parcels in residentially zoned areas.
2. Doubling the annual allocation to the Charlottesville Affordable Housing Fund (CAHF) – City Council has already taken the necessary steps to meet this recommendation. HAC members would like to thank you, and ask that you continue to support the CAHF in the future.
3. Waiving developer fees in exchange for the provision of affordable housing on-site – as with most goods, the costs of producing a housing unit are passed on to consumers in the form of sale prices and monthly rents. And, as with most manufacturers, housing developers want to maximize their profits. Therefore, any costs a developer incurs during development will impact the price local households pay for their housing: the higher the costs to the developer, the higher the costs of the housing. Waiving developer fees is one way to lower the costs of residential construction and make affordable housing development more feasible. The HAC recommends the City waive developer fees in one of the following scenarios:
 - a. for all developments providing a minimum of 15% (of total unit count) on-site affordable units; OR
 - b. for developments triggering the City's Affordable Dwelling Unit Ordinance that provide the required affordable units on-site.

HAC members have not identified any specific fees that could be waived; however, staff has reviewed the City's fee schedule and suggests the following fee waivers:

- Site plan review fees, both preliminary and final; AND
- Building permit fees.

Forgiveness of the above fees, combined with reduced water and sewer meter connection fees the City already offers for affordable units, will reduce the cost of construction by approximately \$5,000 per unit.

While none of the three previously described recommendations will display immediate increases to the City's affordable housing stock, implementing each of the recommendations will reinforce City Council's commitment to providing quality housing opportunities for all residents, as well as secure commitments to building affordable housing units from developers.

Recommendations for Immediate Action with Future Benefits

The remaining three recommendations fall under the category "Immediate Action with Future Benefits". These represent items that, if Council approves, will help ensure the City's affordable housing needs remain a priority in current and future residential development

efforts, as well as the City's planning activities. The "Immediate Action with Future Benefits" recommendations include:

1. Prioritizing inclusion of affordable housing in City led development;
2. Instructing City staff, consultants, Planning Commissioners and other persons/parties involved in the development of a Form Based Code, to prioritize and maximize increase floor area ratio and other allowances as tools for increasing affordable housing development in the City; AND
3. Instructing City staff, consultants, Planning Commissioners and other persons/parties involved in code audits/zoning ordinance updates and other applicable policy updates, to prioritize all allowable land use/planning tools – including increased density – in order to stimulate affordable housing development.

This list of priority recommendations was unanimously approved by all HAC members during a special meeting held on March 15, 2017.

Staff Analysis

The preceding recommendations have been shared with, and reviewed by City staff. While generally supportive of the recommendations, staff provide the following comments in relation to several of the recommendations:

1. Waiving developer fees in exchange for the provision of affordable housing on-site.

Staff strongly supports waiving developer fees for developments triggering the City's Affordable Dwelling Unit (ADU) ordinance in exchange for providing the required affordable dwelling units on-site. Currently, nonprofit developers are able to request funding from the CAHF to support construction of their affordable housing projects. However, the City offers few incentives to encourage for-profit developers to include affordable housing units in their developments. Waiving developer fees for the projects triggering the ADU ordinance requirements, could provide the incentive for-profit developers need to supply the affordable units on-site, as opposed to making a cash contribution to the housing fund.

2. Creation of Landlord Risk Reduction Fund.

The City has explored landlord risk reduction funds in the past, in relation to housing for young people aging out of the foster care system. At that time, each of the models explored raised significant liability concerns for the City. While staff supports development of such a program, we recommend further research to identify a potential program model that minimizes risk to the City, before moving forward with this recommendation.

3. Providing \$900,000 to the Charlottesville Redevelopment and Housing Authority (CRHA) for the creation and administration of a Supplemental Rental Assistance Program.

Staff has a number of questions and/or concerns related to this recommendation, which are outlined below:

- a. Who receives assistance?-- The rental assistance program described above is being recommended by the HAC as a way to fill the gap between Federal Housing Choice Voucher (HCV) Program funding and the number of vouchers the current program funding is actually able to subsidize. Ideally, a City-funded rental assistance program would draw recipient households from the CRHA's waiting list. However, households from across the country may submit applications to the program whenever the waiting list opens. Would City-funded rental assistance be provided to all households on the HCV program waiting list, or just those applicants currently residing within the City of Charlottesville? Additionally, rental assistance program managed by other cities tend to prioritize special populations (e.g., senior or disabled households; or homeless persons) for rental assistance. Would the City prioritize certain populations for a locally managed/funded program?
- b. Location(s) approved for assistance – Would the program require households receiving assistance live within the City of Charlottesville, or could they use their assistance throughout the metropolitan region? Although the policies governing use of the Charlottesville Affordable Housing Fund permit the funding of programs outside of the City limits under certain circumstances, housing programs within the City are prioritized for funding. This will need to be considered when identifying a funding source for any rental assistance program.
- c. Availability of housing – According to the RCLCo Housing Study completed in January 2016, the demand for housing within the City that is affordable to households earning less than 50% of area median income outstrips supply by approximately 400 units. This housing demand and supply mismatch must be taken into account when considering the potential success rate of a new rental assistance program for the City.
- d. Length of assistance – Would rental assistance be provided to recipient families on an on-going basis (i.e., without time limits), or would the program perform more similarly to a transitional housing program providing rental assistance over the short-term (e.g. two years)?
- e. Program administration – Does the CRHA have the capacity to administer an additional program? Is there another department within the City that may have the staffing level necessary to administer the program, such as the Department of Human Services or the Department of Social Services?
- f. Program sustainability – recognizing the current City Council is unable to commit future Councils to the continuation of any City-funded programs, concerns were raised as to the impact a future discontinuation of a rental assistance program may have on the households receiving assistance. As noted above, the CRHA is unable to issue all authorized program vouchers; therefore, should a future City Council choose to discontinue a City-funded rental assistance program the CRHA would most likely be unable to absorb those households into their HCV program. Such a scenario would place a significant number of low-income households at risk of becoming homeless.

To help address the above outlined questions/concerns, staff recommends the following considerations in developing a supplemental rental assistance program should City Council wish to do so:

1. Prioritize program assistance for households currently on the CRHA's HCV program

waiting list in the following order:

- a. Current City of Charlottesville residents;
 - b. Applicants who have been working within the City for at least two years;
 - c. Homeless applicants.
2. To help ensure the City meets the housing goal of 15% supported affordable housing by 2025 prioritize use of rental subsidies within the City. Recognizing the under supply of housing affordable to the City's lowest income households, provide waivers to households unable to locate housing within the City within 90 days of receiving assistance, allowing those households to search for housing within Albemarle County.
 3. Given the uncertain future of any City-funded rental assistance program, and the potential negative impact discontinuation of program funding will have on program households, staff recommends the CRHA identify the maximum number of households that can be served with the requested \$900,000, then guarantee rental assistance for half of that number for a period of two years.
 4. Staff recommends no funding be committed to a rental assistance program until further research has been conducted to better understand (1) the housing needs of current HCV program applicants; (2) the number of current HCV program applicants who live and/or work in the City, or who are homeless; (3) the number of families the recommended \$900,000 could serve annually; and (4) the number of families the above dollar amount could sustainably serve for a period of two years. Staff also recommends an examination of other City-funded rental assistance programs to identify potential models for a program in Charlottesville. Finally, staff recommends no funds be committed to such a program until the above research has been completed and a detail program model has been developed.

Community Engagement:

There has been citizen engagement throughout this project, with public meetings held as follows:

- July 16, 2014 – initial discussion with the Housing Advisory Committee (HAC)
- July 17, 2014 – joint meeting with City Council and the HAC
- August 20, 2014 – initial meeting of HAC Project Scoping Subcommittee
- October 15, 2014 – meeting between HAC Project Scoping Subcommittee & RCLCo
- November 19, 2014 – presentation of RCLCo proposal to the HAC
- March 1, 2015 – Council approval of CAHF for housing study
- November 18, 2015 – RCLCo presented the draft report to the HAC and solicited comments
- February 16, 2016 – RCLCo presented the Comprehensive Housing Report and Recommendations to City Council
- March 16, 2016 – HAC Housing Study Subcommittee meeting
- June 15, 2016 – HAC Housing Study Subcommittee meeting
- July 20, 2016 – HAC Housing Study Subcommittee meeting
- August 17, 2016 – HAC meeting to approve recommendations for City Council
- November 21, 2016 – HAC's recommendations from the RCLCo report presented to City Council
- January 24, 2017 – presentation of the HAC's recommendations during the Albemarle

County/City of Charlottesville joint Planning Commission work session

- March 28, 2017 – presentation of priorities recommendations to the City Planning Commission
- May 9, 2017 – Planning Commission discussion of the HAC’s prioritized recommendations

Alignment with City Council Vision and Strategic Plan:

This agenda items aligns directly with the City Council Vision for Charlottesville to provide quality housing opportunities for all. The proposed action also aligns with the Strategic Plan at goal 1.3 which speaks to increasing affordable housing options.

Budgetary Impact:

Approval of these recommendations may lead to an increased use of Charlottesville Affordable Housing Fund dollars for affordable housing programs, although the actual dollar amount of impact cannot be determined at this time.

Recommendation:

Based on the potential for these recommendations to increase the supply of affordable housing within the City of Charlottesville, staff recommends approval of the HAC’s recommendations, with the exception of the items discussed above.

Alternatives:

Council could elect to pursue none or some of these recommendations; however, this may impact the City’s ability to invest in and increase supported affordable housing units.

Attachments:

Housing Advisory Committee’s Priority Recommendations to Charlottesville City Council from the RCLCo Housing Study

RESOLUTION
APPROVING THE HOUSING ADVISORY COMMITTEE RECOMMENDATIONS
FOR THE CHARLOTTESVILLE COMPREHENSIVE HOUSING STUDY AND
POLICY RECOMMENDATIONS REPORT

WHEREAS, the Robert Charles and Lessor Company completed a comprehensive housing analysis for the City of Charlottesville; and

WHEREAS, the Housing Advisory Committee reviewed the report and approved a set of priority policy recommendations attached hereto; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the Charlottesville Comprehensive Housing Study priority policy recommendations, as presented to the City Council on June 19, 2017, are hereby accepted and approved for implementation.

Housing Advisory Committee

Priority Recommendations from the RCLCo Housing Study

Immediate Action – Immediate Benefit

1. Direct City Manager to immediately identify, and sell/lease, appropriate City owned properties for affordable housing development and to investigate additional land purchase for affordable housing.
2. Double the annual contribution to the Charlottesville Affordable Housing Fund.
3. Create a landlord risk reduction fund.
4. Waive developer fees:
 - a. for all developments providing a minimum of 15% (of total unit count) on-site affordable housing units; OR
 - b. for projects, triggering the City’s Affordable Dwelling Unit Ordinance, providing required affordable housing units on-site.
5. Provide approximately \$900,000 to the CRHA to establish and administer a supplemental rental assistance program.

Immediate Action – Future Benefit

1. Prioritize inclusion of affordable housing in City led development.
2. Instruct City staff, consultants, Planning Commission and other persons/parties involved in the development of a Form Based Code, to prioritize and maximize increased floor area ratio and other allowances as tools for increasing affordable housing development in the City.
3. Instruct City staff, consultants, Planning Commissioners and other persons/parties involved in code audits/zoning ordinance updates and other applicable policy updates, to prioritize all allowable land use/planning tools – including increased density – in order to stimulate affordable housing development.

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



Agenda Date:	June 19, 2017
Action Required:	Direction from Council, Approval of Resolutions
Presenter:	Jennifer Stieffenhofer, Procurement and Risk Manager
Staff Contacts:	Jennifer Stieffenhofer, Procurement and Risk Manager Maurice Jones, City Manager
Title:	Disadvantaged Business Enterprise Program

Background

In May 2017, Vice Mayor Bellamy requested that Council consider action on several issues; the formation of the Charlottesville Minority Business Council, the adoption of a resolution setting goals for minority business contracting with the City, the development of a bonding ordinance to give the City flexibility in waiving bond requirements and the creation of an ordinance. To that end staff reviewed several proposed documents tied to the City’s Disadvantaged Business Enterprise program, (DBE).

Discussion

The City administers two DBE Programs, one under Commonwealth of Virginia guidelines and one under federal guidelines. The City’s DBE Program covers the following certifications:

- Small, Women-owned, and Minority-owned businesses as well as Micro businesses (SWaM-O). The SWaM-O certification is a state program administered by the Commonwealth of Virginia;
- Disadvantaged Business Enterprises (DBE), including Minority Business Enterprises (MBE) and Women Business Enterprises (WBE). The DBE certification program is a federal program; and
- Service Disabled Veterans. The Service Disabled Veteran certification is a federal program administered by the U. S. Department of Veterans Affairs.

There is a new certification and a broadened definition for minority-owned business under the state program. The new certification is Employment Service Organization (ESO). An ESO is an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the [Department for Aging and Rehabilitative Services](#). The ESO in Charlottesville is Worksource Enterprises. The broader definition of minority-owned business now includes Historically Black Colleges and Universities (HBCUs). An HBCU includes any college or

university that was established prior to 1964: whose principal mission was, and is, the education of African Americans; and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education. In addition, “Minority-owned business” means also any historically black college or university, regardless of the percentage ownership by minority individuals.

The City’s DBE Program includes outreach to Charlottesville businesses that likely include businesses that qualify for certification under the state and possibly the federal program. Although a local preference is not permitted per state code, the City has found a way to incorporate local businesses into the City’s DBE program by focusing on the certification aspect of the state and federal DBE programs. Additional information about the City’s efforts to grow the City’s DBE Program is included as Appendix A.

An Ordinance to Create the City of Charlottesville, Virginia Minority Business Council **Summary of Proposed Changes**

- The draft document references the creation of the City of Charlottesville, Virginia Minority Business Council. However, based on the draft, the responsibilities of this Committee are tied more broadly to a Disadvantaged Business Enterprise program that encompasses all certified disadvantaged businesses. The initial draft references minority-owned, women-owned and small businesses. Considering the content of the proposed document, proposed changes were made to reflect the broader group the initial draft indicates will be represented by the proposed Committee.
 - Is the proposed Committee intended as a Minority Business Committee with a focus on minority-owned businesses?
 - Is the proposed Committee intended as a Supplier Diversity Committee with a focus on both minority-owned and women-owned businesses?
 - Is the proposed Committee intended as a Disadvantaged Business Enterprise Committee with a focus on minority-owned, women-owned, and service disabled veteran-owned businesses as well as small and micro businesses?
 - The Disadvantaged Business Enterprise Committee will align more closely with both the Commonwealth of Virginia’s and the federal government’s Disadvantaged Business Enterprise (DBE) certification programs.
- The use of “Council” in the naming of this advisory body may be confusing, since the City Council is the one establishing the group. Use of “Committee” is suggested as it is in line with other committees that serve as an advisory body to City Council. This document, as well as the proposed resolution, reflects Committee in lieu of Council.
- Since the draft includes various disadvantaged businesses, the various disadvantaged business certifications are now included.
- The reporting is now aligned with the City’s fiscal year.

Recommendation Establish a Disadvantaged Business Enterprise Committee that will assist in furthering the City’s Disadvantaged Business Enterprise Program.

Charlottesville Minority Contracting Resolution

Comments/Considerations

This draft resolution is to set a specific goal for minority participation in City contracts. This cannot be accomplished without first having a disparity study that shows there is an actual disparity. It was mentioned in a meeting that this could be an aspirational goal. However, the draft resolution is not written in that manner. It is okay internally to have a reasonable aspirational goal based on analysis of many factors, but this would change from year to year based on what the City is buying. Certified businesses, particularly minority-owned and women-owned businesses in Charlottesville, are not available for all the goods, services and construction the City purchases.

Recommendation

Staff proposes to not adopt this resolution at the moment but to allow a newly created Disadvantaged Business Enterprise Committee to thoroughly research the current conditions for DBEs in the area, establish best practices for increasing the number of DBEs in Charlottesville, providing those DBEs with the assistance they need to successfully compete for City projects and to establish realistic goals.

Bonding Ordinance for Charlottesville

Comments/Considerations

The next two issues are somewhat related. Document 3 provides a bonding ordinance for Charlottesville, and Document 4 provides a procedure for prequalification of prospective contractors for the purpose of waiving bond requirements.

This draft ordinance calls for prequalification of construction contracts between \$100,000 and \$500,000 and covers three types of bonds: 1) bid bonds, 2) performance bonds, and 3) payment bonds. Following are definitions that may be helpful in understanding the difference between and the purpose of the bonds.

Bid Bond

An insurance agreement in which a third party agrees to be liable to pay a certain amount of money in the event a selected bidder fails to accept the contract as bid.

Payment Bond, For Labor and Material

A bond required of a contractor to assure fulfillment of the contractor's obligation to pay all persons supplying labor or materials in the performance of the work provided for in the contract.

Performance Bond A contract of guarantee executed in the full sum of the contract amount subsequent to award by a successful bidder to protect the government from loss due to his/her inability to complete the contract in accordance with its terms and conditions.

Comments/Considerations

- This proposed ordinance is based on that of another local public body, and is designed to enable that local public body to waive bid, performance and payment bonding requirements under certain conditions. Local public bodies have the authority to adopt a

local ordinance to supplement the Virginia Public Procurement Act (VPPA), and the example used to draft the “Bonding Ordinance for Charlottesville” document is an example of how another public body approached this. The City of Charlottesville took a different approach and already has a local procurement ordinance which, combined with the Virginia Public Procurement Act, enables the City to waive the requirement for bid bonds under certain conditions by using a pre-qualification process. A new ordinance is not needed in order for the City to have this authority.

- The Virginia Public Procurement Act already does not require performance and payment bonds for non-transportation related construction projects less than \$500,000. (The sample ordinance used may have been drafted at a time when the bonding requirement per state code was lower).

Recommendation

The authority and framework which enables the City to waive bid bonding requirements is already in place.

A Resolution Outlining Procedures for Prequalification of Prospective Contractors for Construction Contracts to be used for Complex Projects

Comments/Considerations

- City of Charlottesville Code of Ordinances Section 22-7. – Prequalification, addresses prequalification of prospective contractors. The City’s Procurement Manager is authorized to require prequalification. The specific submission requirements may vary depending on the contract, but will be established in writing and sufficiently in advance of implementation to allow potential contractors a fair opportunity to complete the process.
- The City is not receiving feedback or complaints from potential bidders that attaining bid bonds is a burden or hindrance when bidding on City construction projects. Although obtaining a bid bond could be a barrier for DBEs, it has not been identified as a barrier by licensed contractors in Charlottesville.
- There seems to be particular interest in providing opportunities to minority-owned and women-owned general contractors in the Charlottesville area. At present, there is not a pool of minority-owned or women-owned general contractors in the Charlottesville area that would benefit from a prequalification process that would allow the City to waive the bid bond requirement for non-transportation related construction contracts between \$100,000 - \$500,000. Depending on the trade, there may be a few minority-owned businesses and women-owned businesses that may serve as subcontractors, but the City is not requiring bid bonds from subcontractors. Adding a prequalification process in order to waive bid bond requirements to aid disadvantaged businesses seems premature when the general contractor bidder base in Charlottesville for contracts at a dollar value requiring a bid bond is not available. Please note that as this business base starts to develop, new contractors will likely start with small jobs and build up to larger ones in

order to build experience and a level of responsibility needed to be determined a responsible bidder. As this develops, consideration of using the prequalification process to address the waiver of bid bonds, as allowed, can be considered further, if it is a barrier.

Recommendation

The authority for the City to prequalify prospective contractors already exists.

Potential Unintended Consequences

- If a prequalification process is used, only prequalified vendors can bid on a project, which may limit the pool of competition. This includes disadvantaged business, Charlottesville businesses, and other businesses which may meet all qualification requirements without the City waiving the bid bond requirement.
- A prequalification process will add approximately 45 days to the lead time of the procurement process for a construction project, potentially longer if there is a dispute.

Budgetary Impacts:

The staff is proposing the creation of a new position, Buyer II, to lead the City's DBE program and to provide general support in Procurement. The 2016 Efficiency Study recommended adding a Buyer II position and redistributing the buyer workload. Staff was planning to submit this request for the Fiscal Year 2019 budget process but with the recent request to increase our DBE efforts we believe hiring this position in FY 18 will speed up the process.

The City has administrative support for the City's Disadvantaged Business Enterprise (DBE) Program, but the City lacks the resources to provide professional buyer level support for the program to take it beyond the surface level. The City is required by both state code and federal regulations to have a DBE Program. Part of the City's responsibility when accepting a federal grant is to provide the resources to support the grant. This position will guide our DBE process.

The salary and benefits package will vary in cost depending on which retirement option I selected, defined contribution or defined benefit.

Defined Contribution: \$64,585

Defined Benefit: \$76,388

Staff believes there is sufficient funding in FY 2018 to cover the position. Adjustments will have to be made in future years to fund the position.

Alignment with City Council's Vision and Strategic Plan:

Economic Sustainability

Our community has an effective workforce development system that leverages the resources of the University of Virginia, Piedmont Virginia Community College, and our excellent schools to provide ongoing training and educational opportunities to our residents. We have a business-

friendly environment in which employers provide well-paying, career-ladder jobs and residents have access to small business opportunities. The Downtown Mall, as the economic hub of the region, features arts and entertainment, shopping, dining, cultural events, and a vibrant City Market. The City has facilitated significant mixed and infill development within the City.

A Community of Mutual Respect

“In all endeavors, the City of Charlottesville is committed to racial and cultural diversity, inclusion, racial reconciliation, economic justice, and equity. As a result, every citizen is respected. Interactions among city leaders, city employees and the public are respectful, unbiased, and without prejudice.”

This also aligns with Strategic Plan Goal 5: *Foster Strong Connections*, and the initiative to respect and nourish diversity.

Appendix A

What does the City do to provide opportunities to disadvantaged businesses and to grow the Disadvantaged Business Enterprise Program? The City encourages participation of local businesses as well as small businesses, women-owned and minority-owned businesses (SWaM) as certified under the state program, and Disadvantaged Business Enterprises (DBE) such as Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) under the federal program, and businesses owned by service disabled veterans, also under the federal program.

- Outreach Events – The City hosts an annual Selling to the City Event which is an effort designed to increase doing business locally with SWaM, DBE, MBE, WBE and service disabled veterans (V). In addition, the City participates in the University of Virginia’s annual SWaM Day as well as the state’s SWaMfest, and additional events as the opportunity arises.
- Posting of Procurement Opportunities - The City posts formal Invitation for Bids (IFB) and Request for Proposals (RFP) on the City’s electronic bid board at www.charlottesville.org/purchasing and advertises all RFPs in either The Daily Progress or C’ville Weekly.
- Use of City’s ERP computer system, SAP, as well as the Commonwealth of Virginia’s state and federal directories of certified businesses to identify vendors - Central Purchasing staff as well as Decentralized Buyers in each City department are trained in searching the City’s vendor database for local businesses and SWAM, DBE, MBE, WBE and V businesses in order to invite those businesses to participate in the competitive procurement process. When obtaining quotes, a buyer is required to select at least two vendors, if available, from the City’s vendor database or the Virginia Department of Small Business and Supplier Diversity’s database of certified businesses.
- Use local, SWaM and DBE vendors for non-contract purchases \$5,000 and less – For purchases that fall below the single quote limit, central and decentralized buyers are encouraged to purchase locally and from SWaM and DBE, MBE, WBE and V businesses, if the price is fair and reasonable.
- For Purchases Greater than \$5,000 – Central Procurement staff as well as Decentralized Buyers in each City department are trained in searching the City’s and state’s vendor databases for local businesses, SWaM, DBE, MBE, WBE and V businesses in order to invite those businesses to participate in the competitive procurement process. When obtaining quotes, a buyer is required to select at least two vendors, if available, from the City’s vendor database or the Virginia Department of Small Business and Supplier Diversity’s database of certified businesses.

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



Agenda Date:	June 19, 2017
Action Required:	Adoption of Resolution; Direction regarding Compact of Mayors
Presenter:	Mayor Signer, Mayor of the City of Charlottesville Kristel Riddervold, Environmental Sustainability Manager
Staff Contacts:	Kristel Riddervold, Environmental Sustainability Manager Susan Elliott, Climate Protection Program Coordinator
Title:	Response to the Announced US Withdrawal from the Paris Climate Agreement

Background: The City of Charlottesville has a legacy of climate protection leadership. After signing on to the 2006 US Mayors Climate Protection Agreement, the City established a dedicated program that published the first community greenhouse gas (GHG) Emissions Inventory Report in 2008, formally collaborated with neighboring partners in promoting energy efficiency and climate change programs in 2009 and obtained critical grant funding to launch a local energy alliance, participated in the Local Climate Action Planning Process that was completed in 2011, issued an Emissions Inventory Update Report in 2012 which included a 10% community emissions reduction goal, competed in a national energy reduction competition in 2015 and 2016, and continues to deliver an active Climate Protection Program.

Discussion: On June 1, 2017, President Donald Trump proclaimed that he was withdrawing the US from the Paris Climate Accord. In response, there have been many voices denouncing this decision. Mayors across the country, including the Mayor of the City of Charlottesville, have joined the Mayors National Climate Action Agenda (MNCAA), to show their commitment to adopting, honoring, and upholding the commitments to the goals enshrined in the Paris Agreement. Through this Mayor-to-Mayor network committed to collaboration on climate, mayors have stated their intent to intensify efforts to meet local climate goals, push for action to meet global temperature targets, and work to create a 21st-century clean energy economy.

While there are no binding commitments as a Climate Mayors members, cities are encouraged to pursue pursuing actions to achieve an emissions reduction target through:

- Developing a community Greenhouse Gas (GHG) inventory (NOTE: Charlottesville 2016 GHG Emission Inventory Update to be completed this year)
- Setting near- and long-term targets to reduce emissions (NOTE: Opportunity to review existing goals of 10% reduction by 2020 and 30% reduction by 2050)

- Developing a Climate Action Plan aligned with the city's targets (NOTE: This is on track, given the planned review of the Local Climate Action Planning Process and the 2016 GHG Inventory Update)
- Committing to finding an appropriate offset project(s) and working collectively to remove barriers.
- Ensuring climate equity and environmental justice is prioritized in climate action plans.

Member cities of Climate Mayors will share progress and best practices through monthly coordination calls, attended by each Mayor's representative for climate and sustainability issues.

Another opportunity for the City of Charlottesville to further formalize its commitment to this is to officially register with the Compact of Mayors (launched at the 2014 United Nations Climate Summit). The Compact of Mayors is a global coalition of mayors and city officials committing to reduce local greenhouse gas emissions, enhance resilience to climate change and track their progress publicly. It is an agreement by city networks to fight climate change in a consistent and complimentary manner to national efforts. This coalition:

- Builds on initiatives for greater impact and recognition
- Standardizes measurement and reporting
- Makes data available to the public

A city has up to three years to meet a series of requirements and fully comply; culminating in the creation of a full climate action and adaptation plan, and it will be recognized as each step is met. A Compact of Mayors Guide is attached.

Alignment with Council Vision Areas and Strategic Plan: This resolution 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: At the June 5, 2017 City Council meeting, it was stated that a Resolution on this topic would be on the June 19 agenda. A press event on this issue was held on June 6.

Budgetary Impact:

N/A

Recommendation:

Staff recommends approval of this resolution.

Alternatives:

Council could choose to not approve the Resolution and not to join the Compact of Mayors.

Attachments:

- Resolution in Response to the Announced US Withdrawal from the Paris Climate Agreement.
- Compact of Mayors – Full Guide

**RESOLUTION IN RESPONSE TO THE ANNOUNCED
UNITED STATES WITHDRAWAL FROM THE PARIS CLIMATE AGREEMENT**

WHEREAS, the City of Charlottesville desires to protect and enhance quality of life for all those who live, work, learn and play in our community, as well as for our children and grandchildren; and

WHEREAS, there is scientific consensus regarding the reality of climate change and the recognition that human activity, especially the combustion of fossil fuels that create greenhouse gases, is an important driver of climate change; and

WHEREAS, climate change has been widely recognized by government, business, academic, and other community leaders as a worldwide threat with the potential to harm our economy, safety, public health, and quality of life; and

WHEREAS, climate change affects all residents and businesses, but communities that already face socioeconomic and health inequities will be most severely impacted and such communities therefore require an investment in resilience that is proportionate to these more severe risks; and

WHEREAS, addressing energy efficiency and climate change will promote a cleaner environment, a more prosperous economy by attracting jobs and positive economic development, increased comfort and health in homes, and a higher quality of life; and

WHEREAS, it is local and state governments, along with businesses and academic institutions, are primarily responsible for the dramatic decrease in greenhouse gases in recent years; and

WHEREAS, the City of Charlottesville has committed to promoting energy efficiency, renewable energy, and climate change programs community-wide and within its own organization; and

WHEREAS, the City of Charlottesville has a legacy of climate protection leadership (endorsed the US Mayors Climate Protection Agreement in 2006, published the first community GHG Emissions Inventory Report in 2008, formally collaborated with neighboring partners in promoting energy efficiency and climate change programs in 2009 and obtained critical grant funding to launch a local energy alliance, participated in the Local Climate Action Planning Process that was completed in 2011, issued an Emissions Inventory Update Report in 2012 which included a 10% community emissions reduction goal, competed in a national energy reduction competition in 2015 and 2016, and continues to deliver an active Climate Protection Program); and

WHEREAS, the City of Charlottesville has already taken a variety of important actions to reduce greenhouse gas emissions in our community (intensive efficiency improvements in municipal buildings, incentive and assistance programs for resource efficiency, partnering on a series of Solarize campaigns, and expanded public transportation system, a robust urban forest management program, the 2015 Bicycle and Pedestrian Master Plan, the 2016 Streets That Work guidelines, a growing portfolio of green infrastructure projects and efforts, investment in and promotion of renewable energy technology, partnership with and support of community clean energy nonprofits and businesses); and

WHEREAS, the City of Charlottesville is in the process of exploring additional strategies to further pursue and support clean energy; and

WHEREAS, we are joined in taking action on climate change by a global coalition of cities, state and national governments and community and private sector leaders who recognize the importance and potential of these actions to protect and enhance the well-being of current and future generations; and

WHEREAS, 195 countries, including the United States, vowed to address climate change in agreements reached in Paris in December 2015 (the “Paris Agreement”), the first global commitment to fight climate change; and

WHEREAS, President Donald Trump’s announcement regarding withdrawal by the United States of America from the Paris Agreement undermines this critical global effort to confront one of the greatest challenges facing our community and communities all across the one planet we all share; and

WHEREAS, the absence of federal leadership only increases the importance of local leadership in avoiding the most dangerous and costly effects of climate change; and

NOW, THEREFORE, BE IT RESOLVED that the City of Charlottesville re-affirms its commitment to taking action to reduce climate pollution; and be it

FURTHER RESOLVED that the City of Charlottesville continues to support the principles of the Paris Agreement and the participation of the United States of America as a party to the Paris Agreement; and be it

FURTHER RESOLVED that the City of Charlottesville will continue to stand with cities and other public and private sector partners throughout the world to advance action in accordance with the goals outlined in the Paris Agreement.



COMPACT *of* MAYORS

C4O
CITIES

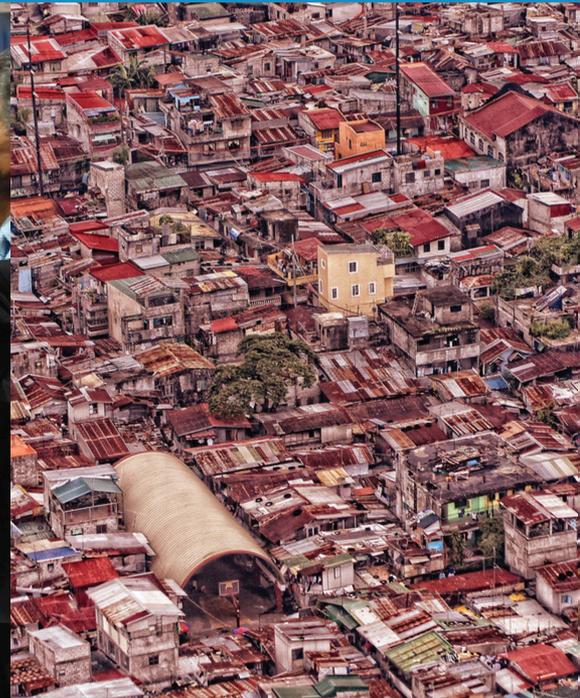
I.C.L.E.I.
Local
Governments
for Sustainability

UCLG
United Cities
and Local Governments

MICHAEL R.
BLOOMBERG

UN Secretary-General's Special Envoy
for Cities and Climate Change

UN HABITAT
FOR A BETTER URBAN FUTURE





SITUATION ANALYSIS

Cities around the world are already acting—many in very significant ways—to reduce emissions and adapt to climate change, but their progress too often goes unrecognized and is not measured or reported consistently. Sharing the impact of these current efforts and catalyzing new action is imperative, in part because a new climate change agreement will soon be negotiated in Paris.

In Paris in December 2015, the United Nations will hold its 21st annual Conference of the Parties (COP 21), with the aim of achieving a universal agreement on climate among nation states.

Real momentum can occur only when nations and cities collaborate.

Cities have an enormous opportunity to make even more of an impact. The potential impact of cities taking climate action in three sectors alone—buildings, transportation and waste—would make an impact greater than the total emissions of the United States and the 28 member states of the European Union combined.



WHAT IS THE COMPACT OF MAYORS?

The Compact of Mayors is a global coalition of mayors and city officials committing to reduce local greenhouse gas emissions, enhance resilience to climate change and track their progress publicly. It is an agreement by city networks – and then by their members – to fight climate change in a consistent and complimentary manner to national efforts.

- The Compact collects the significant climate action data that cities are already reporting in a consistent, transparent manner and makes that data available in a single place.
- The Compact builds on existing cooperative efforts, partnering with other initiatives to better measure and communicate the impact of city action.
- The Compact represents the greatest opportunity to bring attention to, and quantify, city action, both in the lead-up to Paris and beyond.



THE HISTORY OF THE COMPACT OF MAYORS

The Compact of Mayors was launched at the 2014 United Nations Climate Summit. It was formed by:

- UN Secretary-General Ban Ki-moon
- Michael R. Bloomberg, U.N. Secretary-General's Special Envoy for Cities and Climate Change
- ICLEI-Local Governments for Sustainability (ICLEI)
- C40 Cities Climate Leadership Group (C40)
- United Cities and Local Governments (UCLG)
- United Nations Human Settlements Programme (UN-Habitat)

The Compact of Mayors was formally signed into action in September 2014 with a statement that read in part:

"The Compact of Mayors is an agreement by city networks—and then by their members—to undertake a transparent and supportive approach to reduce city-level emissions, to reduce vulnerability and to enhance resilience to climate change, in a consistent and complimentary manner to national level climate protection efforts. The Compact of Mayors builds on the ongoing efforts of Mayors that increasingly set ambitious, voluntary city climate commitments or targets for greenhouse gas (GHG) emissions reduction and to address climate risk; report on progress towards achieving those targets by meeting robust, rigorous and consistent reporting standards (as established through City Networks); and make that information publically available by reporting through a recognized city platform."



WHY COMMIT TO THE COMPACT OF MAYORS?

Compact of Mayors benefits:

- New and widespread recognition of innovative and impactful city action already underway for years
- Platform to demonstrate commitment to be part of the global solution
- Consistent, standardized and reliable assessment of city impact and progress toward meeting commitments
- Evidence of the greenhouse gas impact of city action
- Increased investor confidence and capital flows into cities
- Mechanism for national governments to recognize and resource local commitments

EXISTING CLIMATE GOALS SUPPORTED BY COMPACT OF MAYORS

The Compact of Mayors recognizes many existing initiatives to gather the impact of efforts already underway. The following are just a few of the major climate initiatives that complement and are in alignment with the Compact of Mayors' requirements:

THE MEXICO CITY PACT



WORLD MAYORS SUMMIT ON
CLIMATE • MEXICO CITY
21 • NOV • 2010

DURBAN ADAPTATION CHARTER (SOUTH AFRICA)



dac | durban
adaptation
charter

LOCAL GOVERNMENT CLIMATE ROADMAP



**Local Government
Climate Roadmap**

MAYORS NATIONAL CLIMATE ACTION AGENDA (U.S.)



Mayors' National Climate Action Agenda



WHAT MAKES THE COMPACT OF MAYORS UNIQUE?

BUILDS ON INITIATIVES FOR GREATER IMPACT AND RECOGNITION: The Compact is the broadest coalition to unite cities, networks and other global partners with a common aim—to support more climate action in cities, and share the impact of city action with the international community.

STANDARDIZES MEASUREMENT AND REPORTING: For the first time, the Compact will standardize the way city climate data is reported, establishing a universal approach to data collection. The data can be aggregated to highlight the collective impact of city actions, which will increase global and investor confidence.

MAKES DATA AVAILABLE TO THE PUBLIC: Cities primarily report their climate data/actions through two major platforms—CDP (www.cdp.net) and carbonn Climate Registry (carbonn.org)—both of which are partners to the Compact. The Compact will make this data centrally and publicly available through the carbonn Climate Registry to highlight commitments and allow for easy searchability.





MEASUREMENT

**“If you can’t
measure it, you
can’t manage it.”**

—MICHAEL R. BLOOMBERG

Measurement, planning and reporting are critical to achieving climate goals, and Bloomberg’s guiding maxim underscores the mission of the Compact of Mayors.

With the use of consistent, transparent measurements, the Compact aims to get cities around the world on a common platform so that the impact of their collective actions on greenhouse gas emissions can be accurately captured.

HOW TO PARTICIPATE IN THE COMPACT OF MAYORS

Any city or town in the world may commit to the Compact of Mayors—regardless of size or location. A city has up to three years to meet a series of requirements and fully comply, culminating in the creation of a full climate action and adaptation plan, and it will be recognized as each step is met. Many cities have already completed some of the activities and can be compliant in fewer than three years.

To commit to the Compact, a city must:



REGISTER COMMITMENT.

A mayor may register on either of the Compact's standard reporting platforms—carbonn Climate Registry or CDP—or email a letter of intent to info@compactofmayors.org. Following its submission, a city will be contacted by the Compact support team.



TAKE INVENTORY.

Within one year, a mayor must assess the current impacts of climate change in his/her city. To do so, the city must 1) Build and complete a community-wide GHG inventory with a breakdown of emissions for buildings and transport sectors, using the GPC standard; (2) Identify climate hazards; and (3) Report on both via the CDP or carbonn Climate Registry questionnaires.



CREATE REDUCTION TARGETS AND ESTABLISH A SYSTEM OF MEASUREMENT.

Within two years, the registered city must update its GHG inventory to also include a breakdown of emissions from waste sector.; set a target to reduce its GHG emissions; conduct a climate change vulnerability assessment consistent with Compact guidance; and report in its chosen platform.



ESTABLISH AN ACTION PLAN.

Within three years, a city's strategic action plan must show how it will deliver on its commitment to reduce greenhouse gas emissions and adapt to climate change.

COMMITTED AND COMPLIANT BADGES

To join the Compact, a city leader must engage in the following four phases over a 3 year period. Each phase has a 2 step process: Mitigation and Adaptation.



Phase 1



Phase 2



Phase 3



Phase 4



Compliant



Establish An Action Plan

Within three years, a city's strategic action plan must show how it will deliver on its commitment to reduce greenhouse gas emissions and adapt to climate change.

Upon registering its commitment to the Compact of Mayors, a city will receive an official "Committed" badge.



Upon completing all requirements, a city will receive a "Compliant" badge. A new "Compliant" badge will be issued each year that compliance is maintained through annual reporting.



These badges may be publicly displayed online and in print materials.

STEP 1 — COMMITMENT



REGISTER COMMITMENT.

MITIGATION

- Cities commit to:
 - > Reduce local GHG emissions.
 - > Measure community emissions inventory using the GPC – a consistent and robust standard.
 - > Set data-based targets for the future.
 - > Develop climate action plans to deliver on city targets.

ADAPTATION

- Cities commit to:
 - > Address the impacts of climate change.
 - > Identify climate hazards.
 - > Assess vulnerabilities.
 - > Develop climate adaptation plans.

A city may register at carbonn Climate Registry or CDP or email a letter of intent to join to info@compactofmayors.org. (A template letter is available for download on www.compactofmayors.org.)

STEP 2 — INVENTORY



TAKE INVENTORY.

MITIGATION

- Build and complete a community-wide GHG inventory using the GPC Standard.
- Report via CDP or carbonn Climate Registry.

In year one, cities only need to report on emissions in two sectors: stationary energy and inboundary travel. In year two, they must report on all sectors.

ADAPTATION

- Identify climate hazards
- Report hazards via the CDP or carbonn Climate Registry questionnaires.

STEP 3 — TARGET



SET REDUCTION TARGETS.

MITIGATION

- Update GHG inventory to also include a breakdown of emissions from waste sector.
- Set GHG reduction target.
- Report in chosen platform.

ADAPTATION

- Assess climate change vulnerability utilizing Compact guidance.
- Report in chosen platform.

STEP 4 — PLAN



CREATE EITHER A JOINT OR INDIVIDUAL ACTION PLAN TO ADDRESS CLIMATE MITIGATION AND ADAPTATION.

MITIGATION

- Develop climate action plan demonstrating how city will deliver on its commitment to reduce greenhouse gas emissions.
- Report in chosen platform.

ADAPTATION

- Develop a climate change adaptation plan demonstrating how the city will adjust to actual or expected climate change impacts.
- Report in chosen platform.

Once Step 4 has been completed, a city will have met all of the Compact of Mayors requirements and will be fully compliant. To maintain compliance, a city will report its progress on mitigation and adaptation annually.

HOW TO REPORT: REPORTING VIA CDP

1. Register your commitment.
2. Report your inventory and climate risk.
3. Report your target.
4. Upload your climate action plan.



CDP
DRIVING SUSTAINABLE ECONOMIES

CDP Cities 2015 Information Request

INTRODUCTION GOVERNANCE RISKS & ADAPTATION OPPORTUNITIES COMMUNITY STRATEGY C40 **COMPACT OF MAYORS**

COM Overview

M0.1 If registering intent of compliance with the Compact of Mayors, please attach your letter. Please complete this [template](#) and attach to confirm you intent of compliance.

No file chosen

M0.2 Please provide details of your city's current population. Clicking the "copy from last year" button at the bottom of the page will copy your answer from question 0.5 Columns 1 and 2.

Current population	Current population year
<input type="text" value="120000000"/>	<input type="text" value="2014"/>

COM Risks

Please note that the answers provided on this page will be used to submit to the Compact of Mayors initiative. Compact compliant cities must report annually on their progress towards identifying risks. Please be sure to complete all of the questions on this page to be compliant. The majority of the questions asked on the COM Risks page are also asked in the CDP questionnaire. Click the "Copy from last year" button at the end of this page to copy the responses you have already answered from the relevant CDP section. More detail is included in the help text of each question.

M2.0 Has a climate change risk or vulnerability assessment been undertaken for your local government area?

M2.0a Please attach your climate change risk or vulnerability assessment.

No file chosen

HOW TO REPORT: REPORTING VIA CARBONN CLIMATE REGISTRY

1. Register your commitment.
2. Report your inventory and climate risk.
3. Report your target.
4. Upload your climate action plan.



Step 1: Go to www.carbonn.org

Step 2: Login or Register

Step 3: Tick box - intent to comply with Compact of Mayors, add date and upload commitment letter.

The screenshot shows a form titled 'Compacts'. It contains the following fields and controls:

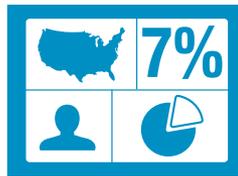
- A checkbox for 'We hereby indicate our intent to comply with the Compact of Mayors'.
- A text input field for 'Date of decision to become Compact of Mayors compliant'.
- An 'Upload' button next to the text 'Supporting document indicating intent to comply with the Compact of Mayors (max. 1 file(s))'.
- A checkbox for 'We hereby indicate our intent to comply with the Compact of States and Regions'.
- 'Cancel' and 'Save' buttons at the bottom right.

HOW DOES THE COMPACT OF MAYORS SHOWCASE CITY ACTION?



Once cities input their data into carbonn Climate Registry or CDP, data is:

- Consolidated in the Compact's central database, the carbonn Climate Registry, accessible through...



A city profile:

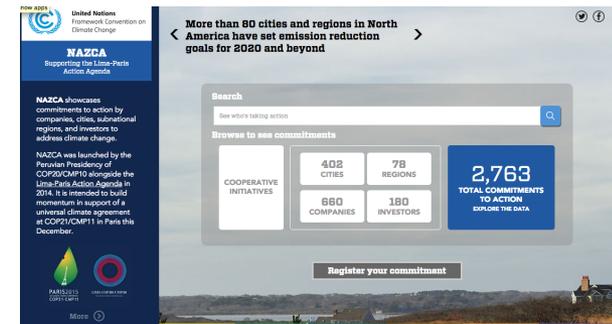
Including highlights around commitment status, key actions taken and a mayoral profile.



A searchable database:

All city Compact data will be made available publicly through a consolidated database; every city will input the same data.

- Aggregated to show the collective impact of all Compact commitments:
 - > A summary number of GHG impact of all city commitments, globally
 - > A summary number of population covered by city commitments, globally
- Shared with the UNFCCC NAZCA (The Non-state Actor Zone for Climate Action) website via the carbonn Climate Registry database as an input into the official UN climate negotiation process





RESOURCES FOR CITIES

Tools for compliance

Measurement and planning tools for cities at each step of process: GHG inventory, climate action planning, risk assessment framework and more

Technical support
and training

Materials and guidance documents covering GPC inventories, climate action planning, risk assessment, etc.

Direct support

info@compactofmayors.org



TELL YOUR STORY

Once a city commits to the Compact of Mayors, we will work with you to tell your story, including:

 A press release announcing participation

 A letter to share with mayors in your network

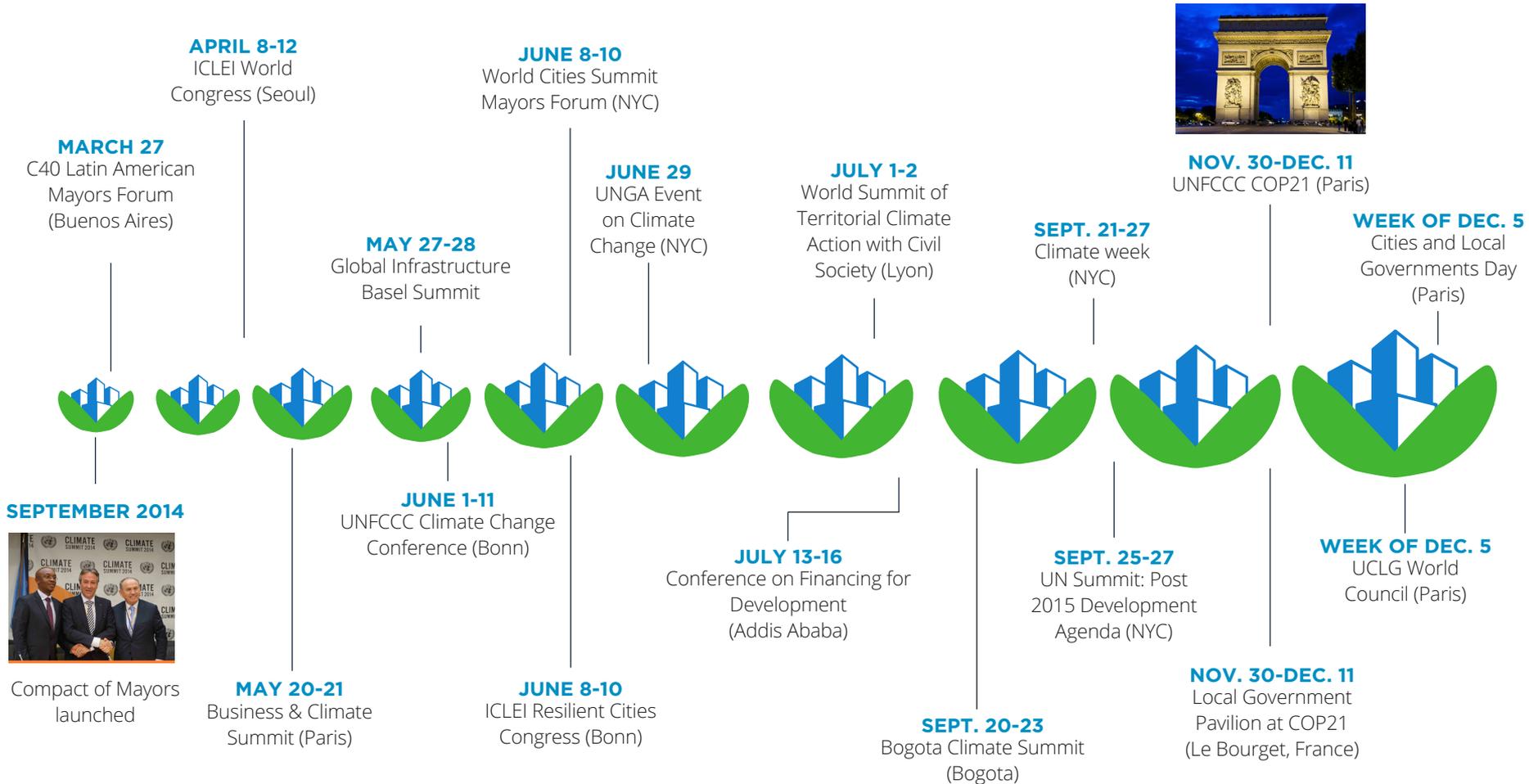
 Media relations

 Social media templates

- > Statements
- > Commentary
- > Media interviews
- > Op-eds

 A city profile on the Compact of Mayors website: www.compactofmayors.org

THE ROAD TO COP 21



COMPACT OF MAYORS PARTNERS

Founding Partners

MICHAEL R. BLOOMBERG | UN Secretary-General's Special Envoy for Cities and Climate Change

Michael R. Bloomberg is an entrepreneur and philanthropist who served three terms as mayor of New York City, from 2002 through 2013. In 2014, U.N. Secretary-General Ban Ki-moon appointed Bloomberg to be Special Envoy for Cities and Climate Change, for which he is focusing on helping cities and countries set and achieve more ambitious goals for mitigating and adapting to climate change.

The C40 Cities Climate Leadership Group, now in its 10th year, connects more than 75 of the world's greatest cities, representing 500+ million people and one quarter of the global economy. Created and led by cities, C40 is focused on tackling climate change and driving urban action that reduces greenhouse gas emissions and climate risks, while increasing the health, wellbeing and economic opportunities of urban citizens. The current chair of the C40 is Rio de Janeiro Mayor Eduardo Paes; three-term Mayor of New York City Michael R. Bloomberg serves as president of the board.



Created in 2004, **United Cities and Local Governments (UCLG)** is the united voice and world advocate of local and regional self-government. Members of UCLG are present in 140 countries, and are organized into seven regional sections, a Forum of Regions, and a metropolitan section. UCLG's membership includes over 1,000 cities and regions, as well as 155 local government associations.



ICLEI-Local Governments for Sustainability is a global association of over 1,000 cities, towns and metropolises committed to building a sustainable future. ICLEI has around 300 urban development professionals working in 17 secretariats and offices, supporting cities and regions to become sustainable, low-carbon, resilient, biodiverse, resource-efficient and productive, ecomobile, smart, and healthy and happy. More than 20% of the world's urban population benefit from ICLEI's work which is global in scope and impact, and yet very local in implementation.



The United Nations Human Settlements Programme, UN-Habitat, is the United Nations agency for sustainable urban development. It is mandated to promote socially and environmentally sustainable towns and cities while advocating adequate shelter for all.



Other Partners

Reporting Partners



Funding Partners



City, Local and Regional Government Networks



Endorsing partners





COMPACT *of* MAYORS

www.compactofmayors.org

info@compactofmayors.org

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



Agenda Date:	June 19, 2017
Action Required:	Approval of Formal Open Data Policy
Presenter:	Leslie Beauregard, Assistant City Manager
Staff Contacts:	Leslie Beauregard, Assistant City Manager Paige Rice, Clerk of Council
Title:	Open Data Update and Formal Policy Approval

Background:

The City of Charlottesville is committed to creating a formal open data program which includes the creation of an open data portal where the City's data will be publicly available online.

Open Data is a philosophy and practice, to provide some of the municipally-generated data to the public in a machine-readable format, without the restrictions of copyright, patent or other control mechanisms and, most importantly, free of charge. The most commonly used Open Data focuses on structured data, such as geographic data, scheduling, statistics, and demographic data.

The objective of Open Data is to eliminate burdens to access data created or managed by government agencies, while respecting privacy and sensitivity concerns. It enables entrepreneurs, academics, community groups, other learning communities, developers, and interested citizens to use data to improve the social experience and stimulate economic growth through data applications.

Discussion:

City staff first presented a report to City Council last September introducing the concept of Open Data and a proposal to move forward with this initiative. Since that time, City staff has worked with a group of citizen stakeholders, called the Open Data Advisory Group, or ODAG, to develop the policies and practices that will drive the Open Data Initiative. The attached roadmap shows where we have been and where we are going. The policy is also attached for your review.

Alignment with Council Vision Areas and Strategic Plan:

An open data policy is in alignment with Goal 4: Be a well-managed and successful organization, and Goal 5: Foster strong connections. It also embraces the values of leadership and trust.

Community Engagement:

City staff has worked closely with ODAG, a citizen stakeholder group, for several months now. Their input has been critical to the development of this formal policy, along with the technical and practical practices that go along with such an initiative.

Budgetary Impact:

At this time, staff does not know what the budgetary impact will be to implement an Open Data policy.

Recommendation:

Staff has prepared a resolution in support of a formal policy around Open Data.

Alternatives:

If there are changes/edits that Council would like to make to the formal policy, this would be the time to communicate that to staff.

Attachments:

1. Open Data Guidelines and Policy
2. Open Data Roadmap and Timeline
3. Resolution in Support of Open Data (adopted on September 19, 2017)

RESOLUTION

Open Data Formal Policy Approval

BE IT RESOLVED, by the Council for the City of Charlottesville, Virginia, that the formal policy for the Open Data Initiative is approved.

CITY OF CHARLOTTESVILLE OPEN DATA INITIATIVE

GUIDING PRINCIPLES

- 1. The City of Charlottesville encourages an open and transparent government by using open data to improve citizen engagement, promote civic innovation, engage community problem-solving.*
 - 2. The City places a priority on providing open data sets that help the City achieve its mission and goals.*
 - 3. The City will strive for proactive disclosure, in accordance with existing open data laws.*
 - 4. The City will respond to new data set requests while considering available staff and financial resources.*
 - 5. The City will collect and publish data that is accessible to all users, published in a machine-readable format, and broad and non-discriminatory.*
-

I. PURPOSE AND POLICY STATEMENT

The purpose of this Management Policy is to establish guidelines for the City of Charlottesville Open Data Initiative. The City of Charlottesville is committed to creating a formal Open Data program that includes the creation of an Open Data Web Portal where machine-readable data will be publicly available online. The initiative is intended to advance a number of public policy objectives, including:

- Increased transparency and access to public information
- Enhanced coordination and efficiencies among City departments and partner organizations
- Better informed decision making through the aggregation, synthesis, and analysis of data
- Higher levels of civic engagement and provision of valuable public feedback to government officials regarding local issues

This policy and the process outlined within seeks to move the City toward proactive publication of selected data containing information consistent with relevant public records law and pertinent to the City's programmatic priorities, beginning with data related to identified key strategic goals.

While advancing these public objectives, this policy upholds that the protection of privacy, confidentiality, and security will be maintained as a paramount priority.

II. DEFINITIONS

- a. “Data” means statistical, factual, and quantitative information that is regularly maintained or created by or on behalf of a City department.
- b. “Open Data” means data that is available online, in an open format, with minimal legal encumbrances on use or reuse.
- c. “Open format” means any widely accepted, nonproprietary, platform independent, machine-readable method for formatting data that permits automated processing of such data and facilitates search capabilities.
- d. “Dataset” means a named collection of related records, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form.
- e. “Protected information” means any dataset or portion thereof to which an agency may deny access pursuant to applicable laws, rules, and regulations.
- f. “Sensitive information” means any data that, if published on the Open Data Web Portal, could raise privacy, confidentiality or security concerns or have the potential to jeopardize public health, safety or welfare to an extent that is greater than the potential public benefit of publishing that data.
- g. “Publishable data” means data that is not protected or sensitive and that has been prepared for release on the Open Data Web Portal.

III. IMPLEMENTATION

The City will develop and implement practices that allow it to:

1. Continuously advance Open Data practices that move the City closer to the eventual goal of proactive release of all publishable City data, making it freely available in open formats, with minimal restrictions on use or reuse¹, and fully accessible to the broadest range of users to use for varying purposes;
2. Establish and maintain an Open Data Web Portal that provides a central location for published City data;

¹ The Data available via the Open Data Web Portal will be licensed under a standard “Creative Commons” public copyright license which enables the free distribution of otherwise copyrighted data.

3. Publish quality, updated data with documentation about the data (metadata) to encourage maximum use;
4. Automate where possible the publishing and update process to ensure the most current data is available on the portal and reduce resource time spent in publishing data;
5. Minimize limitations on the disclosure of public information while appropriately safeguarding protected and sensitive information; and
6. Encourage innovative uses of the City's publishable data by agencies, the public, and other partners.

The development and implementation of these practices shall be overseen by the Open Data Advisory Group, who shall be appointed by and report directly to the City Manager and Assistant City Manager.

V. GOVERNANCE

Implementation of the Open Data Initiative will be overseen by the Open Data Advisory Group who will work with the City's departments to:

1. Identify the data owners who will be involved with the department's participation in the Open Data Initiative;
2. Oversee the development of a prioritized inventory of datasets held by departments that can be published to the Open Data Web Portal;
3. Develop and implement a process for determining the relative level of risk and public benefit associated with potentially sensitive, non-protected information so as to make a determination about whether and how to publish it;
4. Establish processes for publishing and keeping up to date datasets to the Open Data Web Portal, including processes for ensuring that datasets are reviewed for use appropriate formats, quality, timeliness, and exclusion of protected and sensitive information;
5. Develop and oversee the Open Data Web Portal platform.
6. Ensure that – where possible – the automation of data publishing to ensure the most current data is available.

In order to increase and improve use of the City's Open Data, the Open Data Advisory Group will actively encourage department and public participation through providing opportunities for

feedback and collaboration on the portal and through internal and public sessions.

VI. PRIORITIZATION AND ITERATIVE APPROACH

The Open Data Advisory Group will be charged with developing and implementing a process for prioritizing the release of datasets to the Open Data Web Portal that takes into account the City's programmatic priorities, new and existing signals of interest from the public (such as the frequency of FOIA requests), existing opportunities for data use in the public interest, and cost;

1. Datasets identified as pertinent to measuring progress of the City's Strategic Plan Goals will be given a high priority;
2. Processes developed through the initial release of prioritized data will be continuously evaluated and replicated as part of an iterative process intended to expand to all City data over time, moving the City closer to the stated goal of proactive release of publishable data.

VII. OPEN DATA REPORT AND REVIEW

Within one year of the effective date of this Management Policy, and thereafter once per year, the Open Data Advisory Group shall submit to the City Manager and City Council an annual Open Data Report. The report shall include an assessment of progress towards achievement of the goals of the City's Open Data program, a list of datasets currently available on the Open Data Web Portal, and a description and publication timeline for datasets envisioned to be published on the portal in the following year.

During the review and reporting period, the Open Data Advisory Group shall make recommendations for improving the City's Open Data management processes in order to ensure that the City continues to move towards the achievement of this policy's goals.

Open Data Initiative - Roadmap

Initiative	Action Items	Status	Dates
Appoint Open Data Staff Working Group	Open Data Committee will work to create suggested Open Data policy, roadmap, guiding principles, and Open Data introduction to staff	Assistant City Manager tasked staff from OBPM, OED, Treasurer, Clerk, IT	November 2016
Establish Open Data Advisory Group	Open Data Committee will work on key tasks for implementation	Staff has invited representatives from SmartCville, HackCville, UVA, Computers4Kids, and the community	December 2016
Lead Team Presentation	ACM will present an Open Data introduction via video to the Lead Team to introduce the topic and to solicit ongoing feedback	Done	January 2017
Incorporate public perspectives into policy implementation	Open Data Advisory Group will develop a plan for collaborating with community stakeholders to identify best practices for implementing a comprehensive Open Data policy	Done	February/March 2017
Communicate initiative to Citywide organization	Share informational video with all City employees	Done as part of P3 Newsletter, City Manager email	May 2017
Develop comprehensive Open Data policy	Staff will write a final version of the policy, which will be shaped by the final portal and public feedback. This will specify methods of determining the prioritization of data release	Done	April - June 2017
Implementation	Begin collecting initial sets of data that are readily available and accessible	In progress	April - July 2017
Training	Require publishing metadata; Mandate data formats for maximal technical access; Remove restrictions for accessing information; Mandate data be explicitly license-free	In progress	Ongoing
Create a central location devoted to data publication and policy	Develop an Open Data portal using ESRI (GIS software)	Draft complete	May - July 2017

Initiative	Action Items	Status	Dates
Update to City Council	Provide an update on the policy prior to the portal being available for public viewing.	Scheduled for June 19th	June 2017
Data is available to the public on the Open Data portal			August 2017
Citizen engagement	Host a public "Open House" meeting		Fall 2017
Citizen engagement	Participate in local "Hackathon" City staff working with community partners to support this event.		Fall 2017

RESOLUTION
In support of Open Data

WHEREAS, open government is based upon the principles of transparency, efficiency, and collaboration; and

WHEREAS, the evolving technology landscape now offers additional opportunities to promote open government, such as mobile applications to provide City services and social media to engage the public; and

WHEREAS, Open Data, proactively disclosing City data, is the foundation of open government, is consistent with citizens' right to public information, and promotes engagement with the potential benefit of civic development to improve service delivery through expanded and innovative uses; and

WHEREAS, Open Data promotes open government by engendering collaboration and opportunities for citizen-developed functionality with the added potential to decrease costs and increase robustness of City services;

NOW THEREFORE BE IT RESOLVED that the Charlottesville City Council is committed to open government and the principles of transparency, efficiency, and collaboration and hereby directs the City Manager to develop and implement an Open Data policy with a comprehensive set of initiatives, guidelines and standards, including machine-readable data, to promote transparency, efficiency and collaboration. An initial policy recommendation will be presented in three months, and an update will be provided in six months.

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



Agenda Date:	June 19, 2017
Action Required:	None – Report Only
Presenter:	Andrew Baxter, Fire Chief, Charlottesville Fire Department
Staff Contacts:	Andrew Baxter, Fire Chief, Charlottesville Fire Department
Title:	Charlottesville Fire Department and Charlottesville Albemarle Rescue Squad Emergency Medical Services System Improvement Strategy and Cost Recovery Program

Background:

City Staff and leadership from the Charlottesville-Albemarle Rescue Squad (CARS) have recognized the need for a new, strategic approach to the delivery of E.M.S. (Emergency Medical Services) transport services in the City. Implementation of the E.M.S. System Improvement Strategy will help to ensure the provision of timely, efficient, and effective EMS transport services for the community. Funding for the new strategy will be provided in large part through the implementation of an E.M.S. Cost Recovery Program. The report tonight will provide information on the key elements of this strategy, how we got here, and how we plan to move forward.

Discussion:

Since 1960, the Charlottesville-Albemarle Rescue Squad (CARS), an all-volunteer, not-for-profit organization, has been the primary provider of E.M.S. transport services in the City. Since 2014, the Charlottesville Fire Department (C.F.D.) has provided staffing support to CARS through a Memorandum of Understanding. This supplemental staffing model has provided some stability to daytime CARS staffing. However, several factors make the current approach less than optimal, including increased call demand, challenges with developing and retaining experienced volunteer E.M.S. Advanced Life Support (A.L.S.) providers, increased costs associated with the delivery of more complex E.M.S. care, and decreasing community contributions to CARS annual fund drive. Over the course of the last 18 months, City staff and CARS leadership have collaborated to develop a comprehensive strategy that will add needed E.M.S. transport capacity and provide for the more consistent availability of A.L.S. providers at the medic-level. A volunteer-career combination E.M.S. system will provide the needed E.M.S. transport and A.L.S. capacity while leveraging both the continued commitment of CARS volunteers and the consistency in staffing provided by C.F.D. career firefighter-E.M.T's and firefighter-medics. The focus of the combination E.M.S. transport system will be on the provision of high-performance E.M.S. while ensuring the health and safety of the community and its responders. Funding for the City of

Charlottesville Emergency Medical Services System Improvement Strategy, which will be largely provided through the implementation of an E.M.S. Cost Recovery Program, will ensure adequate E.M.S. transport capacity in the following ways: supporting three additional full-time sworn firefighter-E.M.T. positions; providing operational funding for the Charlottesville-Albemarle Rescue Squad; and providing for one civilian E.M.S. billing specialist/privacy officer. The following chart provides a combined overview of the projected revenues and expenses for the program for F.Y.18.

Billing rates for ambulance transport services will be set by Council in the form of a resolution. Fees for ambulance transport will range from \$500 - \$850 per transport, depending on the level of E.M.S. care required for the patient.

Revenue

EMS Billing	\$720,000
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Expenditures

Salaries and Benefits	\$388,288
Other Operating Expenses	17,292
Contribution to CARS	<u>346,811</u>

TOTAL EXPENDITURES \$752,885

Alignment with City Council's Vision and Strategic Plan:

The implementation of the E.M.S. System Improvement Strategy supports Goal 2 of the City's Strategic Plan, to be a safe, equitable, thriving and beautiful community; objectives 2.1 & 2.3.

Community Engagement:

C.F.D. and CARS leadership have collaborated for the last 18 months to develop a comprehensive strategy for E.M.S. system improvement. Further public input will be received at a scheduled public hearing on July 17, 2017, 7:00pm in City Council Chambers.

Budgetary Impact:

Revenue from the E.M.S. Cost Recovery Program (E.M.S. System Fund) will partially offset expenditures associated with supporting a combination volunteer-career E.M.S. system. Estimated F.Y.18 revenues for the E.M.S. Cost Recovery Program are \$720,000 based on current call volume and area recovery rates.

Recommendation:

This is a staff report at this time. A public hearing will be held on July 17, 2017 to gather further public input to this strategy. City Council will eventually be asked to approve the schedule of fees and appropriate funding for the program. Those items are scheduled to come before City Council on August 21, 2017.

Alternatives:

If this funding is not approved, the E.M.S. transport system will not develop in a manner consistent with other services provided by the City.

Attachments:

- DRAFT Resolution to Establish the Schedule of Fees for Emergency Medical Services Vehicle Transport Services
- DRAFT E.M.S. Cost Recovery Program Start Up Revenues and Expenditures
- E.M.S. Cost Recovery Program Frequently Asked Questions

**RESOLUTION TO ESTABLISH THE SCHEDULE OF FEES FOR
EMERGENCY MEDICAL SERVICES VEHICLE TRANSPORT SERVICES**

WHEREAS, on June 2, 2014, the City Council enacted Sec. 12-43. of the City Code of Ordinances, which requires that reasonable fees shall be charged for services provided by an agency operating emergency services vehicle transports; and

NOW, THEREFORE, BE IT RESOLVED that the following E.M.S. vehicle transport service fees are hereby established, effective _____ 2017, for all E.M.S. vehicle transport services provided in accordance with Sec. 12-43 of the City Code of Ordinances:

1. For Basic Life Support (B.L.S.) transport services: \$500. B.L.S. is defined as the emergency response and transport of a patient that requires assessment and treatment by a B.L.S. Technician and no Advance Life Support procedures.
2. For Advanced Life Support Level 1 (A.L.S.1): \$600. A.L.S.1 is defined as the emergency response and transport of a patient that requires assessment and treatment by an A.L.S. Technician and one or more Advanced Life Support procedures.
3. For Advanced Life Support Level 2 (A.L.S.2): \$850. A.L.S.2 is defined as the transport of a patient that requires defibrillation, pacing, intubation, or the administration of 3 or more Schedule IV medications.
4. For Ground Transport Miles (G.T.M.): \$15.00/mile. G.T.M. is defined as the charge per patient transport mile.

BE IT FURTHER RESOLVED THAT no person shall be denied transport services due to his or her inability to pay.

**E.M.S. Cost Recovery Program
Start-Up Revenues and Expenditures**

Revenues	<u>FY18</u>	<u>FY19</u>	<u>Notes/Comments</u>
Ambulance Service Billing	\$ 720,000	\$ 1,440,000	F.Y.18 Assumes 6 months of billing revenue collection due to estimated lag time between when service is provided and billing revenue is collected.
REVENUE TOTAL	\$ 720,000	\$ 1,440,000	
Expenditures	<u>FY18</u>	<u>FY19</u>	<u>Notes/Comments</u>
24 Hour C.F.D. Medic Unit			
Salary and Benefits	\$ 208,405	\$ 255,088	Represents cost of 3 new F.T.E's – F.Y. 18 represents 10 months of expenses. First year of medical supplies and fuel will be absorbed in current C.F.D. operating budget (\$29,025), but need to budget for those costs beginning in year 2
Operational Costs	<u>17,292</u>	<u>49,776</u>	
Sub-Total	\$ 225,697	\$ 304,864	
Peak Activity Unit			
Daytime Overtime Staffing	<u>121,550</u>	<u>148,777</u>	Overtime rates for 1 Firefighter-E.M.T. & 1 Firefighter-Medic (M-F, 7:00-18:00) - FY 18 represents 10 months of expenses.
Sub-Total	\$ 121,550	\$ 148,777	
E.M.S. Billing Specialist			
Salary and Benefits	<u>58,333</u>	<u>70,000</u>	
Sub-Total	\$ 58,333	\$ 70,000	
CARS			
Contribution to CARS	<u>346,811</u>	<u>424,496</u>	F.Y.18 represents 10 months of payment and is based on the percentage of the CARS Operating budget that is proportionate to the percentage of CARS calls that are run in the City.
Sub-Total	\$ 346,811	\$ 424,496	
EXPENDITURE TOTAL	\$ 752,391	\$ 948,137	
FUNDING (GAP)/BALANCE			
	\$(32,391)	\$ 491,863	

The F.Y.18 Budget figures represent 10 months of expenses based upon the projected start date for the billing program. The FY19 figures represent 12 months of service.

One-Time/Capital Costs	<u>FY18</u>	<u>FY19</u>
Mobile Data Computers	\$ 60,000	Cost to outfit 12 CARS vehicles with same mobile data computers as C.F.D. - necessary for billing and closest unit deployment model and will be funded through C.I.P. Contingency. \$ -



City of Charlottesville

Emergency Medical Services (E.M.S.) Cost Recovery Program

Frequently Asked Questions

I. General Questions

Q: What is the E.M.S. Cost Recovery Program?

A: E.M.S. cost recovery is the process of obtaining financial reimbursement for the cost of providing medically necessary ambulance transportation. The E.M.S. cost recovery program will not and is not designed to cover all E.M.S. system costs but will provide a stable financial foundation. The program will be funded through available reimbursements from Medicare, Medicaid, and private insurance companies. No one will ever be denied service based on their ability to pay or any outstanding bills. ALWAYS call 911 in the event of an emergency; we will ALWAYS be ready to answer your call 24/7/365.

Q: How will this program affect me? Will I get a bill?

A: City residents covered by Medicare, Medicaid, or private insurance will not be billed for any balances due after applicable insurance payments have been collected. City residents without insurance will not be billed at all. Non-City residents will receive a bill for any remaining balance after all insurance reimbursement has been obtained. Non-City residents, in cases of hardship, may apply to the City for a hardship waiver once all applicable insurance payments have been collected. No one will ever be denied emergency service because of the E.M.S. cost recovery program. If a patient calls 911 but is not transported, there is no charge. ALWAYS call 911 in the event of an emergency; we will ALWAYS be ready to answer your call 24/7/365.

Q: Why is the City of Charlottesville engaging in EMS cost recovery?

A: Emergency medical calls account for a large percentage of the total number of emergency services calls in the City. For example, in 2016, there were over 5,000 E.M.S. incidents in the City and 54% of Charlottesville Fire Department responses were for E.M.S. incidents. In the same period, the Charlottesville-Albemarle Rescue Squad transported over 5,000 patients from



City

incidents to area hospitals. As the need for emergency medical services continues to grow, the City, like many other localities, is seeking ways to fund these services without relying solely on local tax revenue or donations to local volunteer agencies.

E.M.S. cost recovery permits localities to recover system costs from those individuals who benefit directly from E.M.S. delivery, including non-City residents, with the vast majority of the costs collected from Medicare, Medicaid and insurance companies.

The E.M.S. cost recovery program will be utilized to support the volunteers at the Charlottesville-Albemarle Rescue Squad (CARS), will provide a funding stream to support additional Charlottesville firefighters to staff ambulances in the City, and will support the acquisition and deployment of sophisticated E.M.S. equipment.

Q: Will the Charlottesville-Albemarle Rescue Squad (CARS) bill for service in the City?

A: Yes. Both CARS and Charlottesville Fire Department staffed ambulances will bill for service as part of the E.M.S. cost recovery program.

Q: Is the fire department “taking over” the rescue squad?

A: No. The rescue squad will remain a non-profit, volunteer agency but will receive operational funding from revenue generated through the E.M.S. cost recovery program. CARS and the City will continue to closely collaborate to ensure the provision of high-quality emergency medical services in the City.

Q: How much money will be recovered?

A: The City estimates that between \$1M and \$1.4M will be recovered annually. These funds will be used to support and strengthen the City’s combination volunteer-career E.M.S. system.

Q: What other localities in this area have EMS cost recovery programs?

A: Nearly 80% of Virginia residents live in localities that bill for E.M.S. transport. Of the 38 independent cities in Virginia, 37 currently have some form of E.M.S. billing in place to recover expenses and offset system costs. Localities in our region including Albemarle, Augusta, Greene, Fluvanna, Louisa, Nelson, Orange, Staunton, Waynesboro, and Rockingham bill for service, as do Richmond, Chesterfield, Hanover, Stafford, and Spotsylvania.



II. How Billing Works

Q: How will the billing process work?

A: The City of Charlottesville has contracted with a billing company, Digitech Computer, to administer the E.M.S. billing process. Once patient information is collected, a claim form will be forwarded to the patient's insurance provider, Medicare, or Medicaid.

Q: Will City residents be required to pay any co-payment or deductible that may be included in their insurance policy?

A: No. Co-pays and deductibles will be waived for City residents. Taxes paid by City residents are considered co-payments for City residents.

Q: Will visitors and non-City residents be charged a co-payment?

A: Yes. Only City residents will have their co-payments and deductibles waived.

Q: What are the billing rates for this E.M.S. service?

A: Fees for ambulance transport range from \$500 - \$850 per transport, depending on the level of E.M.S. care required by the patient. Rates are established by City Council.

Q: If an ambulance comes to my house but I don't need transport, will I receive a bill?

A: No. Fees are recovered only if a patient is transported.

Q: If a fire engine comes to my house to provide EMS care, will I receive a bill?

A: No. E.M.S. first-response will remain a core municipal service provided by the Charlottesville Fire Department. There is no fee for E.M.S. first-response services. Fees are only recovered if a patient is transported in an ambulance to the hospital.

Q: Who do I contact with questions about my bill?

A: The City's billing company, Digitech Computer, has customer service representatives to handle your billing and insurance questions at (888) 248-7936.



III. Ability to Pay

What if I don't have insurance and am unable to pay or have insurance but am unable to pay any balances due?

The City of Charlottesville E.M.S. cost recovery program includes compassionate billing provisions. If the patient is a City resident, he/she will not be responsible for any balance due once all applicable insurance payments have been collected. If the patient is not a City resident and cannot pay, he/she may request a hardship waiver form and may not have to pay. All patients will be treated and transported regardless of the ability to pay.

If I have an outstanding balance on my insurance, will I be refused ambulance service?

All patients will be treated and transported, regardless of their ability to pay. This program will not change the ambulance service provided to anyone in the City of Charlottesville, regardless of insurance coverage or any other factor. The City of Charlottesville will not deny service to those with delinquent accounts. Billing does not occur until after service has taken place. Emergency responders who respond to a call will have no knowledge of who has paid and who has not paid.

IV. Insurance Information

Will my health insurance premiums increase because of this billing?

Unfortunately, health insurance premiums continue to rise regardless of whether a community decides to bill for E.M.S. transports. Factors including the rise in prescription drug prices, the rising costs of hospitalization, an aging population, and litigation have resulted in escalating healthcare costs. Despite the steep increase in healthcare costs, ambulance transport costs represent less than 1% of health care expenditures. Many other local governments in Virginia have implemented similar E.M.S. cost recovery programs, and they have reported no evidence that E.M.S. billing increases health insurance premiums.



V. Effects on the Volunteers

How does this new program help the volunteers at the Charlottesville-Albemarle Rescue Squad (CARS)?

The volunteers of the Charlottesville-Albemarle Rescue Squad have faithfully served the citizens of Charlottesville and Albemarle County for almost 60 years. The City is committed to utilizing a significant amount of this revenue source to provide operational funding to CARS. This funding stream will allow our dedicated volunteers to continue to focus on providing top-notch emergency medical care to our community. E.M.S. cost recovery program funds will also help offset the rising costs associated with the provision of E.M.S. services in the City.

Will the rescue squad still need our donations?

Yes. The cost of providing E.M.S. services continues to rise and CARS will still need the public's support.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 19, 2017
Action Required:	Update
Presenters:	Charlene Green, Manager, Office of Human Rights
Staff Contacts:	Paola Salas, Community Outreach and Investigation Specialist
Title:	2016 Annual Report – Office of Human Rights

Background:

On May 20, 2013, City Council approved the Charlottesville Human Rights Ordinance which included responsibilities for an Office of Human Rights (OHR) and a Human Rights Commission (HRC). The overall focus of both the OHR and the HRC included;

1. Systemic and Institutional Change that focused on addressing discrimination barriers in public institutions. The scope of this work could include but would not be limited to, soliciting community feedback by conducting focus groups on various topics, reviewing City policies for equity and possible changes and providing legislative recommendations for City Council.
2. Service Coordination and Awareness that would be responsible for increasing the awareness and ease of accessing existing resources that address illegal discrimination. These resources would include preparing individuals for their appointments with the Equal Employment Opportunity Commission (EEOC), and making referrals to the Piedmont Housing Alliance and the Virginia Fair Housing office.
3. Community Dialogue and Engagement that built on the success of the Dialogue on Race. The OHR and the HRC would engage Charlottesville residents in honest dialogue, community awareness and brainstorming on issues of equity and opportunity and potentially provide the systemic and institutional change group with recommendations for further study.
4. Investigation and Enforcement that addressed individual allegations of discrimination but also recognized the need to establish strong ties with support organizations in housing and employment due to the limitations of the enforcement in those two areas.

Discussion:

Human Rights Commission

Mission Statement:

“Promoting an inclusive, empowered, and diverse community through education, engagement, and enforcement of Charlottesville’s Human Rights Ordinance”

The Human Rights Commission meets monthly for its regular business meetings and additional meetings are scheduled to address concerns that are handled through their subcommittee work. Those standing committees are:

- **Race Discrimination Committee (RDC):** The RDC shall be responsible for advancing the goals of the Charlottesville Human Rights Commission and shall expressly be responsible for identifying and reviewing policies and practices of an institutional nature regarding discrimination within the City against the protected classes of race, color, and national origin. The committee shall also be responsible for development of legislative recommendations for City Council.
- **Lesbian, Gay, Bisexual & Transgender Concerns Committee (LGBTQCAC):** The LGBTQCAC shall be responsible for advancing the goals of the Charlottesville Human Rights Commission and shall expressly be responsible for identifying and reviewing policies and practices of equity within the City as well as hearing from the public the concerns and issues related to sexual orientation, transgender status and gender identity. The committee shall also be responsible for development of legislative recommendations for City Council.
- **Disability, Age and Religious Discrimination Committee (DARDC):** The DARDC shall be responsible for advancing the goals of the Charlottesville Human Rights Commission and shall expressly be responsible for identifying and reviewing policies and practices of an institutional nature regarding discrimination within the City against the protected classes of disability, age, and religion. The committee shall also be responsible for development of legislative recommendations for City Council.
- **Administrative Matters Committee (AMC):** The AMC shall be responsible for developing and recommending all Commission operating rules and procedures and any amendments, meeting structure, officer election procedures, officer nominations, additional committee formation, and any training and education initiatives for the Commission.
- **Community Engagement Committee (CEC):** The CEC shall be responsible for developing and facilitating community dialogue and engagement pursuant to City Code Sec. 2-434. The CEC shall plan and provide assistance for ongoing community engagement, dialogue, and educational and informational programs on human rights and issues of equity and opportunity, including those raised by the City's Dialogue on Race Initiative.
- **Housing Concerns Committee (HCC):**
The HCC shall be responsible for advancing the goals of the Charlottesville Human Rights Commission and shall expressly be responsible for identifying and reviewing policies and practices of an institutional nature regarding equity and discrimination related to housing within the City. The committee shall also be responsible for development of legislative recommendations for City Council.

2016 Work Plan Focus

The Human Rights Commission 2016 Work Plan was based on community input as well as Commissioner discussions about topics of local and state importance. Some of the HRC priorities were:

- Community Bridge Builders
- Safe Space Training Collaboration with Cville Pride
- Police and Community relationships

In addition to addressing work plan priorities, the HRC members were able to participate in different City department meetings such as the Historic Resources Committee and the Americans with Disabilities Act Advisory Committee when scheduled. A HRC member also participated on the Blue Ribbon Commission on Race, Memorials and Public Spaces. The 2017 Work Plan is reflective of the social and political climate in Charlottesville. Therefore HRC priorities for 2017 (Attachment A) involve immigration, law enforcement, deaf and hard of hearing, housing, and transgender concerns. The scheduled Dialogue on Race study circles will also play an important role in the work of the Human Rights Commission for 2017.

Office of Human Rights

“Acting as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.”

The primary responsibilities of the Office of Human Rights are to: 1. Assist individuals who believe they have been victims of an unlawful act of discrimination as outlined in the Charlottesville Human Rights Ordinance; 2. Educate and engage community members in meetings, forums, and other activities that involve collaboration with different City departments and community organizations; and 3. Provide staff support for the Human Rights Commission. Some of the 2016 goals for the OHR were:

- Promote the visibility of the Office of Human Rights
- Maintain a customer friendly intake process
- Support the Human Rights Commission with their Work Plan priorities

With the addition of a part-time staff person in the Office of Human Rights, it has allowed for increased community access for walk-ins and phone calls. There is also more opportunity for expanded community outreach and stronger support to the HRC Work Plan priorities with immigration, refugee, religious and disability discrimination concerns.

Inquiries and Complaints

Contacts with the OHR were categorized as an inquiry or a complaint. Inquiries were defined as a question about services, programs or procedures. If a person wanted to file a complaint and his/her discrimination allegation occurred outside of the city limits then their contact was logged as an inquiry. If a person who felt he/she experienced discrimination and it fell within the jurisdiction of the Human Rights Ordinance and that individual wanted to take action, the

contact was logged as a complaint. The following is the breakdown of contacts with the OHR since the last update:

CONTACTS FOR 2016 – 2017	NUMBER
Inquiries (includes calls, emails, walk-ins)	1,250 (4-5 per day)
Complaints (Charlottesville only)	41
Investigations	7

Alignment with City Council’s Vision and Priority Areas:

Community of Mutual Respect

In all endeavors, the City of Charlottesville is committed to racial and cultural diversity, including racial reconciliation, economic justice, and equity. As a result, every citizen is respected. Interactions among city leaders, city employees and the public are respectful, unbiased, and without prejudice.

Budgetary Impact:

The Office of Human Rights is not making a budget request at this time.

Recommendation:

The Office of Human Rights encourages City Council to accept this report reflective of the 2016-17 activities.

Attachments:

- A. 2016 Human Rights Commission Work Plan
- B. 2016-17 Inquiries and Complaint Data

ATTACHMENT A

2017 HUMAN RIGHTS COMMISSION WORK PLAN	
COMMITTEE	PRIORITY
<p><u>Race Discrimination</u> Alignment with City of Charlottesville Goals & Objectives Goals 2 and 5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Examine City policies for inequities based on race, skin color or national origin • Identify and address immigration and refugee concerns • Collaborate with the Police Citizen Advisory Panel • Collaborate with the Adult DMC group
<p><u>LGBTQC Ad Hoc</u> Alignment with City of Charlottesville Goals & Objectives Goals 1,2, and 5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Examine City policies for inequities based on sexual orientation, transgender status and gender identity • Continue to collaborate and support the Charlottesville Albemarle Safe Space Training Coalition
<p><u>Disability, Age, Religious Discrimination</u> Alignment with City of Charlottesville Goals & Objectives Goals 1, 2, and 5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Examine City policies for inequities based on age, disability or religious/non-religious beliefs • Continue to participate in the Charlottesville ADA Advisory Board • Identify and address issues related to the deaf and hard of hearing
<p><u>Administrative Matters</u> Alignment with City of Charlottesville Goals & Objectives Goal 4</p>	<p>We will:</p> <ul style="list-style-type: none"> • Review the “Rules and Guidelines” for the HRC for accuracy and consistency • Make necessary amendments to ensure a smooth and efficient commission
<p><u>Community Engagement</u> Alignment with City of Charlottesville Goals & Objectives Goals 1, 2, and 5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Assist in refining the Community Bridge Builders mission, selection criteria, and promotion to expand community involvement • Implement outreach plan of community engagement in collaboration with other city and community groups
<p><u>HR Commissioner Priorities</u> Alignment with City of Charlottesville Goals & Objectives Goals 1-5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Increase visibility with attendance at local events • Create opportunities for public responses to community concerns • Strengthen subcommittees • Review HRC work in a timely manner in order to submit recommendations to City Council for policy or program considerations
<p><u>Housing Concerns</u> Alignment with City of Charlottesville Goals & Objectives Goals 1-5</p>	<p>We will:</p> <ul style="list-style-type: none"> • Examine City policies for inequities in housing and housing related matters • Complete Charlottesville Community Impact Assessment Tool

ATTACHMENT B

2016-17 Office of Human Rights Inquiries and Complaints Data

PROTECTED ACTIVITY	NUMBER
Employment	35
Housing	10
Public Accommodation	12
Credit	0
Private Education	0
Did not list/would not say	3
TOTAL # OF COMPLAINTS	60

PROTECTED CLASS	NUMBER
Race/skin color	30
Sex	3
Age	3
Disability	8
Religion	8
National Origin	15
Marital Status	0
Pregnancy/Childbirth	0
Did not indicate	9
Other (i.e., criminal history)	3
TOTAL # OF COMPLAINTS	79

LOCATION	NUMBER
Charlottesville	41
Albemarle County	4
Other	7
TOTAL # OF COMPLAINTS	60

CONTACTS FOR 2016-17	NUMBER
Inquiries (includes calls, emails, walk-ins)	1,250 (4-5 per day)
Complaints (Charlottesville only)	41

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



Agenda Date:	June 19, 2017
Action Required:	None - Informational
Presenter:	Rachel Thielmann, Social Services Advisory Board Chair
Staff Contacts:	Diane Kuknyo, Director of the Department of Social Services
Title:	Social Services Advisory Board Annual Report to City Council

Background:

The City of Charlottesville Code Section 25-1(b) (4) requires that the Social Services Advisory Board make an annual report to City Council.

Discussion:

This report highlights the various programs administered by the Department of Social Services and also touches briefly on some upcoming challenges and opportunities.

Alignment with Council Vision Areas and Strategic Plan:

Goal 1: Enhance the self-sufficiency of our residents

- Promote education and training
- Reduce employment barriers
- Enhance financial health

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

- Consider health in all policies and programs
- Ensure families and individuals are safe and stable

Goal 4: Be a well-managed and successful organization

- Recruit and cultivate quality employees
- Continue strategic management efforts

Goal 5: Foster Strong Connections

- Build collaborative partnerships

Community Engagement:

The Department of Social Services' Advisory Board consists of one City Councilor and eight community members appointed by City Council. Monthly meetings are open to the public. Meeting notices are posted on the Department of Social Services' web page and are also posted on the informational bulletin boards in City Hall and City Hall Annex.

Budgetary Impact:

N/A – This is an informational report

Recommendation:

N/A – This is an informational report

Alternatives:

N/A – The annual report is mandated by the City of Charlottesville Code

Attachments:

1. Social Services Advisory Board 2017 Annual Report - PDF
2. PowerPoint Presentation

Charlottesville Department of Social Services Advisory Board

ANNUAL REPORT TO CITY COUNCIL June 2017

The Social Services Advisory Board is pleased to present its 2017 Annual Report to City Council. We appreciate the Council's support for the Charlottesville Department of Social Services' mission.

Our Mission

To join with the community in providing social services that meet essential needs, promote self-sufficiency, and enhance the quality of life for all residents.

Our Vision

We envision a community where the basic needs of individuals and families are met, all vulnerable people are safe, and everyone has the support needed to achieve their potential.



The Department of Social Services provides Benefits and Family Services programs to the residents of Charlottesville.

Federal and state mandated **Benefits Programs** help low income families and individuals meet basic needs for food, shelter and medical care.

Major programs include but are not limited to:

- Supplemental Nutrition Assistance Program (SNAP)
- Medicaid
- Family Access to Medical Insurance Security (FAMIS)
- Temporary Assistance for Needy Families (TANF)
- Virginia Initiative for Employment not Welfare (VIEW)
- Child Care Assistance

Family Services Programs provide case management services through federal and state mandated programs.

Major programs include but are not limited to:

- Adult Protective Services (APS)
- Adult Services
- Child Protective Services (CPS)*
- Foster Care Prevention*
- Family Engagement*
- Foster Care*
- Adoption*
- Fostering Futures*

In this year's report the Advisory Board chose to focus on Children and Family Services programs.*

Children and Families Services Practice Model

The safety and well-being of children and families is the fixed center of Social Services work. Ensuring safety requires a collaborative effort among family, Social Services staff, and the community. The Department values family strengths, perspectives, goals, and plans as central to creating and maintaining child safety. Through collaboration with families, Social Services develops and implements creative, individual solutions that build on their strengths to meet their needs.

Children have a right to connections with their biological family and other caring adults with whom they have emotional ties. However, when caregivers present a safety threat to children, the Department separates the caregivers and children, and when needed seeks court action for temporary and permanent plans in the interests of the children's safety and well-being.

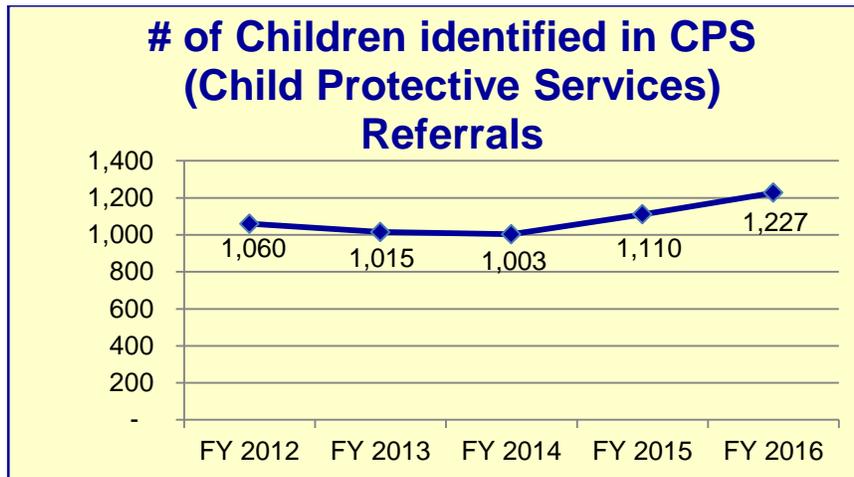
When children cannot live safely with their families, the first consideration for placement is with kinship connections capable of providing a safe and nurturing home. Social Services actively seeks out extended family networks.

Lifelong connections with kinship and siblings are crucial for children. Planning for the well-being of children is focused on the goal of preserving their family, reunifying their family, or achieving permanency with a kinship or adoptive family.

Social Services will treat families, children, and community collaborators with dignity and respect.

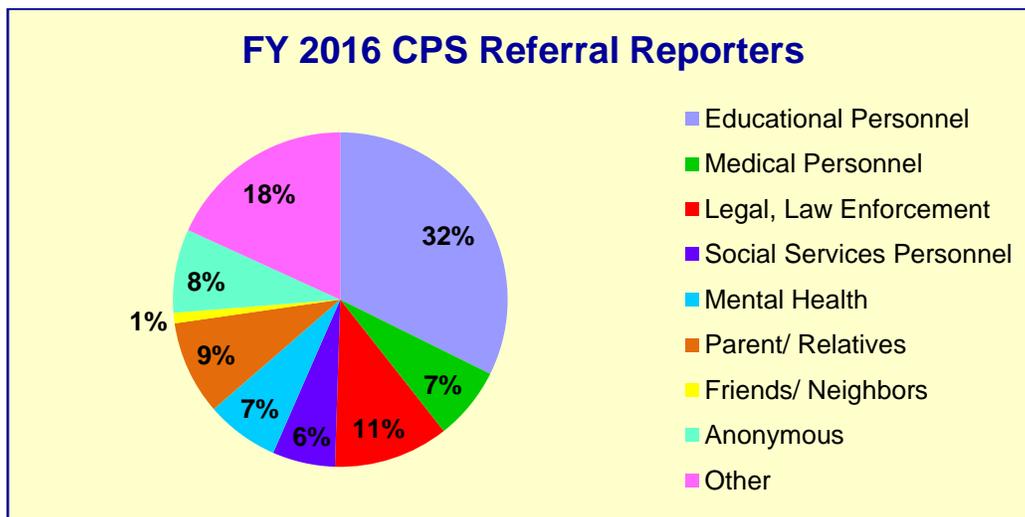
Child Protective Services (CPS)

Child Protective Services (CPS) responds to reports from the community of abuse and/or neglect by conducting assessments and investigations. The goal of CPS is to identify, assess and provide services to children and families in an effort to protect children, preserve families whenever possible, and prevent further maltreatment.



Source: Virginia DSS Division of Family Services, VCWOR/ Oasis reports¹

Referrals come from a variety of sources. Anyone can report suspected child abuse or neglect, but if you are identified in the *Code of Virginia* as a mandated reporter or you have received training in recognizing and reporting suspected child abuse and neglect, you are required by law to immediately report your concerns to the local department of social services or to the State Abuse and Neglect Hotline.



Source: Virginia DSS Division of Family Services, VCWOR/ OASIS reports

The CPS intake process begins once a referral is made.

A uniform intake tool is used by all local departments of Social Services in the Commonwealth of Virginia. The four criteria required to start a CPS assessment or investigation are:

1. **Age:** the victim must be under the age of 18. If a report is made for a victim 18 or older, it will be referred to APS (Adult Protective Services).
2. **Caretaker:** the alleged abuser is the child's parent or other caretaker.
3. **Jurisdiction:** the incident must occur within Charlottesville city limits
4. The incident has to fit the definition of abuse and neglect.²

¹ Some children may have multiple referrals.

² http://www.dss.virginia.gov/files/division/dfs/cps/intro_page/manuals/07-2011/section_2_definitions_of_abuse_and_neglect.pdf

The majority of validated referrals are due to neglect not physical abuse. This includes referrals pertaining to domestic violence, substance abuse, and unstable housing.

Validated referrals follow one of two tracks:

- **Family Assessment:** A referral of abuse and or neglect in which the Department of Social Services determines level of risk of harm to the child(ren).
- **Investigation:** Certain referrals of abuse or neglect are mandated to receive an investigative response. These referrals contain information that alleges a parent or caretaker abused or neglected the child and it resulted in a serious injury. Sexual abuse and out-of-family referrals are also mandated to receive an investigative response. At the end of the investigation, the Child Protective Services worker determines whether the case is founded or unfounded. If a finding is made, the information is retained in the Virginia Child Abuse Central Registry.

Services are provided to the family based on the risk level and specific needs.

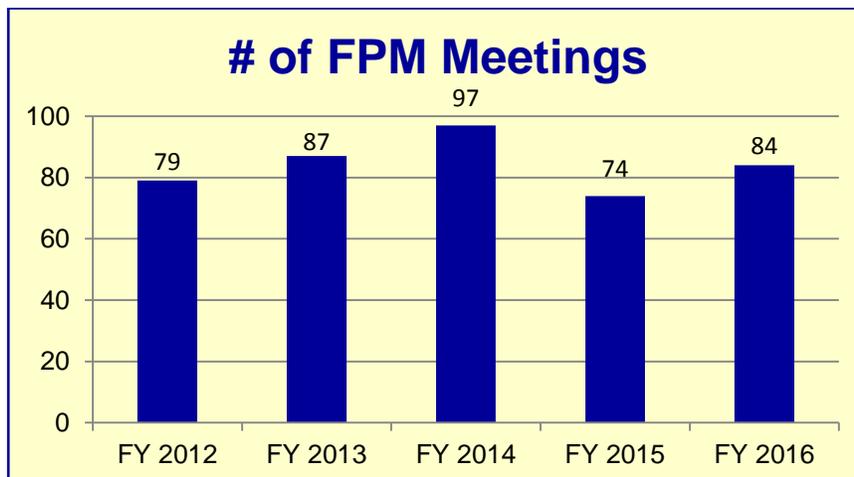
FY 2016 Validated CPS Referrals	
66%	Referrals Assessed
34%	Referrals Investigated

Source: Virginia DSS Division of Family Services VCWOR/ OASIS reports

In Virginia, physicians, Child Protective Services workers, and law enforcement, when investigating a complaint of child abuse or neglect, are the only ones allowed to remove a child from the home. After an emergency removal, a court hearing will be scheduled within 24 hours or the next business day. Parents can either select an attorney or one will be provided to represent them. At this court hearing, the judge decides what is in the best interest of the child(ren) moving forward.

Family Engagement

Family Engagement increases the likelihood of children staying in their homes and community. In Family Partnership Meetings (FPM), parents, extended family members, non-relative supporters, and other caregivers are brought together to assist social work staff in developing a comprehensive assessment of the children’s and family’s strengths and challenges. Everyone works together to create a service plan and delivery system.



Source: Safe Measures

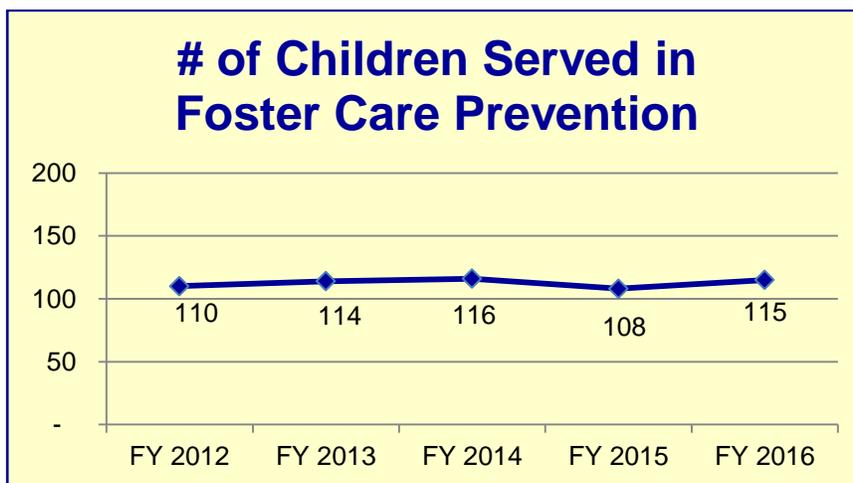
Success Story- A Family Partnership Meeting was held to determine an alternate plan for three children in foster care. The biological parents were not following the recommendations of their service plan in order for their children to return home. In preparation for the meeting, the Family Partnership Meeting (FPM) Coordinator spent many hours looking for extended family members and interviewing known family. During the meeting, the FPM Coordinator offered the use of “family time” to the relatives in attendance. All family services specialists and community providers stepped out of the room to allow for space and discussion for the family to decide what would be in the best interest of the children. The family developed a plan at the meeting for custody to be transferred to an extended family member. This plan was approved by the judge at their recent court hearing. The collaboration between the family and the Department was successful in moving this case forward and achieved permanency within the federal timeframe.

**Success Stories are not case specific and identifying information has been changed to protect confidentiality.*

Foster Care Prevention

Foster Care Prevention provides services for families whose children may be at risk for further abuse/ neglect and out-of-home placement. Services may include counseling, referrals to parenting programs, and other beneficial resources. The Family Services Specialist works with the family to strengthen parents and prevent disruption to the family system. The Family Services Specialist or service provider meets with the family several times a month based on the level of need. Utilizing family treatment team meetings and other interventions, the case worker helps children remain in their homes, prevents child abuse and neglect, and assures the safety of the child.

In fiscal year 2016 Foster Care Prevention services prevented 85% of children served from entering foster care.



Source: Charlottesville DSS Umbrella- Foster Care Prevention Case Management Statistics Report

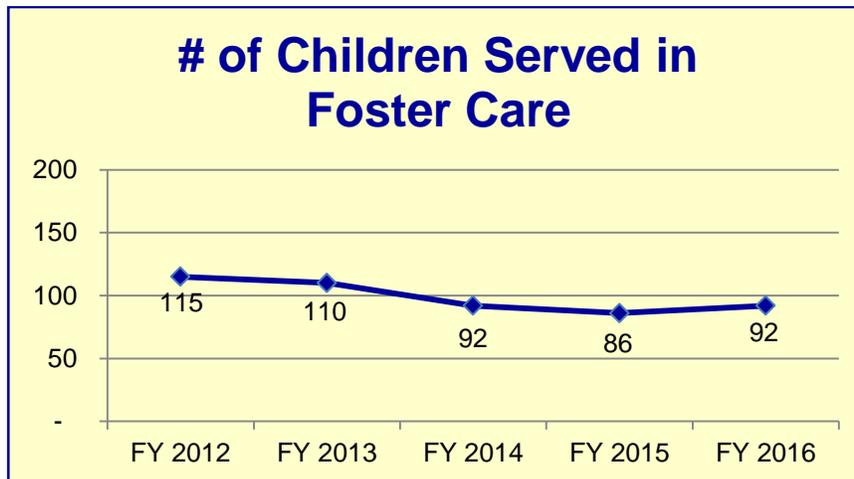
Success Story- When parents are interested in receiving services from the Prevention Unit great change can occur. Recently a father who had been violent towards his wife reached out and asked for services. The Prevention Worker engaged the entire family in services while respecting the mother and children’s fear of future abuse. The father completed a mental health assessment and engaged in counseling services. The children and their father began supervised visits when everyone was therapeutically ready to do so. After successful supervised visits, the children and mother felt safe to begin unsupervised visits. Everyone in the family system worked very hard at healing from a traumatic situation. The family will be going forward to amend a court order to allow for open communication between the parents. This family system was reunited through the coordination of Family Services Specialists, counselors, the parents, and the children.

**Success Stories are not case specific and identifying information has been changed to protect confidentiality.*

Foster Care

Foster Care provides out-of-home placements for children whose parents or guardians are unable to adequately care for them. The program is designed to be a temporary response for a family in crisis. The Family Services Specialist develops a service plan with the parents that addresses strengths and needs in order to remove the barriers that brought the child(ren) into foster care. The plan also discusses what is needed for the child(ren) to return home. If the child(ren) cannot return home, the goal will be changed to placement with relatives or adoption. The Family Services Specialist serves as the guardian for the child in foster care and ensures safety, permanency, and well-being.

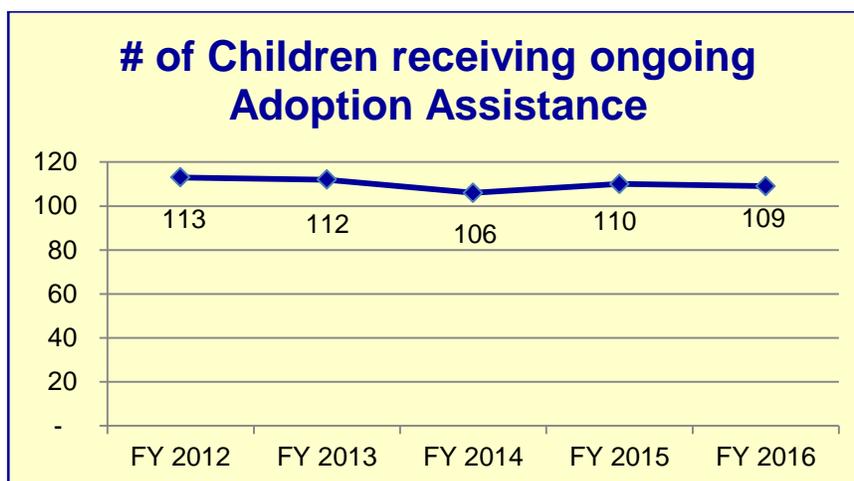
The current Foster Care caseload for children age 0-17 is 110.



Source: Virginia DSS Division of Family Services, VCWOR/ OASIS reports
As of 6/30 each year (Point in Time)

Adoption

Family Services works to find permanency for children unable to return home. If custody cannot be transferred to appropriate family members, the Department moves toward the goal of adoption. The Family Services Specialist completes all court documents necessary for a child to be adopted in the Commonwealth of Virginia. Children adopted through the foster care system are eligible for post-adoption services from the local departments of social services. These services provide support for the adoptive parents as well as prevent adoption disruptions. Services may include counseling and adoption support groups.



Source: Virginia DSS Division of Family Services, VCWOR/ Oasis Reports

Success Story- A removal of a medically fragile one-year-old occurred due to the child's high needs and the parent's inability to care for the child. The parents were homeless and substance abusers. Through the use of Family Partnership Meetings, the Family Services Specialist engaged the parents and the family that came to the

table. As services were implemented over a six month time period, the parents decided that they were not able to care for a child with such severe needs as they were not able to improve their own situation even with services in place. At a Family Partnership Meeting, the parents decided to relinquish their parental rights and wanted the foster parents to adopt their child. The adoptive parents are open to the biological parents continuing to have contact with the child and will update them on the child's progress. This child will be adopted in the next six months and within the expected timeframe of 24 months.

**Success Stories are not case specific and identifying information has been changed to protect confidentiality.*

Fostering Futures

A foster care child who turns 18 years of age on or after July 1, 2016 may participate in the Fostering Futures program. Additionally, any youth adopted after 16 years of age and who turns 18 on or after July 1, 2016 may also participate in the program.

Fostering Futures provides a safety-net for youth aging out of foster care. The program requirements are intended to permit options for youth aging out of the program. The program supports youth in the critical period between the ages of 18 and 21 with education and employment options to assist them in becoming self-sufficient.

Along with financial and support services, Social Services staff provide case management including monthly visits with each participant in his or her home.

Currently 7 young adults are receiving services through the Fostering Futures program.

OPPORTUNITIES AND CHALLENGES

Additional Funding for Administration

Virginia's fiscal year 2018 budget includes additional funding for Family Services Specialists in local social services departments. Charlottesville expects funding sufficient for 1.5 to 2 additional positions. Given the significant increase in child protective services referrals and growing numbers of families and children being served in prevention and foster care, we look forward to City Council approving the appropriation of these new funds and new positions.

Unknown Fiscal Year 2018 Federal Budget

Currently Health and Human Services does not appear to be high on the list of priorities for many elected officials in the executive and legislative branches of the federal government. In fiscal year 2016 federal funds provided 50% of Social Services' total expenditures (including administration and client services and benefits).

At this point in time we have received notice that energy assistance for low-income families and individuals may be discontinued in the 2018 federal budget. In fiscal year 2016, \$294,694 in federal energy assistance provided 643 City households with heating assistance, 344 households with cooling assistance, and 32 households with emergency energy assistance.

Residential Managed Care (CSA)

Beginning July 1, 2018 an additional approval method will be needed to receive funding for foster care children in residential placements. Currently, the Charlottesville Family Assessment and Planning Team (FAPT) determines eligibility and approves funding for residential placements. Along with gaining FAPT approval, Family Services Specialists will also have to present their cases to the Virginia Department of Medical Assistance (DMAS)/Magellan Independent Assessment and Care Coordination Team (IACCT). This will add an additional time-consuming layer of redundant administrative work to the workloads of Family Services staff.

Community Attention Group Home (A-Home)

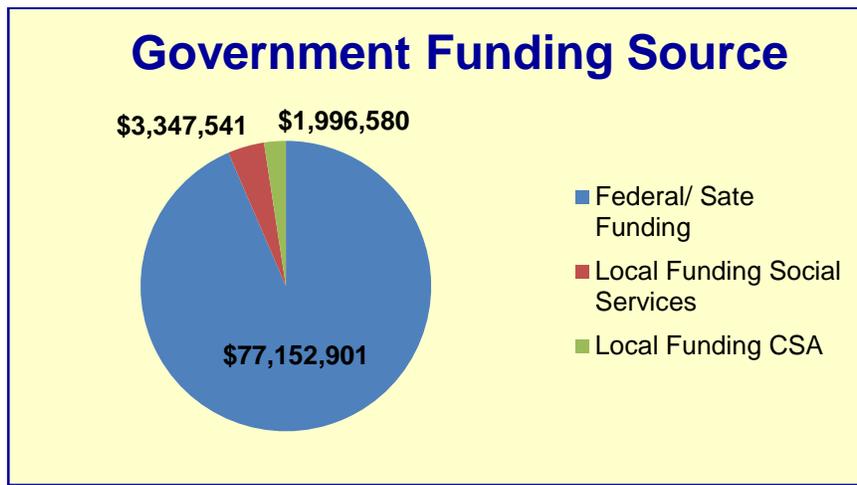
Charlottesville Social Services is concerned about how child welfare staff will manage emergency placements in light of the Community Attention Group Home closing. The Attention Home has been an option for placements of youth coming into foster care when the department has been unable to identify a relative or family-based placement at the time of the removal. Often, they are between the ages of 12-17. After June 30th, there will be no appropriate local facility to place a child in the middle of the night if a removal occurs and a foster home is not available.

Economic Impact

Economic Impact - \$77,152,901

Total Federal and State Funding for Fiscal Year 2016 = \$77,152,901. Many of these funds were spent on rent, utilities, payments to medical providers and hospitals, purchases at grocery stores and gas stations, and purchases of clothing and school supplies, thereby increasing the economic impact to the community as the funds recycled through the local economy. The matching local costs for fiscal year 2016 totaled **\$3,347,541** for Social Services and **\$1,996,580** for the Children's Services Act (CSA).

- **\$54,483,594** in Medicaid and Family Access to Medical Insurance Security (FAMIS) payments to providers
- **\$6,292,351** in the Supplemental Nutrition Assistance Program (SNAP)
- **\$5,186,707** in Children's Services Act (CSA) payments to providers³
- **\$4,991,247** in Staff, Administrative, and Operations costs
- **\$1,907,601** in Adoption Assistance payments to adoptive parents
- **\$1,180,084** in Title IV-E Foster Care payments to providers
- **\$1,272,349** in Child Care payments to providers
- **\$963,914** in Temporary Assistance to Needy Families (TANF)
- **\$294,694** in Low-Income Home Energy Assistance Program (LIHEAP)
- **\$202,964** in Auxiliary Grant payments to providers
- **\$133,259** Other Purchased Services for clients
- **\$114,081** in Central Service Cost Allocation⁴
- **\$68,992** in Virginia Initiative for Employment not Welfare (VIEW)
- **\$41,012** in Independent Living Services
- **\$14,267** in Refugee Assistance
- **\$5,785** in General Relief



³ The Children's Services Act (CSA) enacted in 1993 established a single State pool of funds to purchase services for at-risk youth and their families. Charlottesville Social Services coordinates administration and financial services for the CSA collaborative interagency team of Social Services, City Schools, Region Ten and the Court Services Unit.

⁴ Federal reimbursement for services from other city departments including, but not limited to: City Manager, City Attorney, Human Resources, Facilities Management, City Finance, City Treasurer and Purchasing.

Respectfully submitted by Charlottesville Department of Social Services Advisory Board Members:

- Rachel Thielmann, Chair
- Jean Zearley, Vice Chair
- Kathryn May Gallanosa
- Christine Gough
- Amanda Key
- Cathee Johnson Phillips
- Ivy Porpotage
- Michael Signer, Mayor
- Judith Zeitler

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 19, 2017
Action Required:	Report Only – no verbal presentation
Presenter:	Report Only– no verbal presentation
Staff Contacts:	Lauren Hildebrand, Director of Utilities Dan Sweet, Stormwater Utility Administrator
Title:	2016 Water Resources Protection Program Advisory Committee Annual Report

Background:

City Council established the Water Resources Protection Advisory Committee (WRPP-AC) by resolution in February of 2013. One of the duties of the WRPP-AC per the resolution is “to make an annual report to City Council”.

Discussion:

The WRPP-AC met throughout calendar year 2016 and prepared the attached annual report with minimal support from staff.

Alignment with City Council’s Vision and Priority Areas:

The work of the WRPP-AC and therefore the annual report supports City Council’s “Green City”, “America’s Healthiest City vision. It contributes to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

Community Engagement:

Not Applicable

Budgetary Impact:

This has no impact on the General Fund.

Recommendation:

Not Applicable

Alternatives:

Not Applicable.

Attachments:

The 2016 WRPP-AC Annual Report

**Charlottesville Water Resources Protection Program
Advisory Committee (WRPP-AC)
End-of-Year Report to City Council, CY2016**

Executive Summary

The Water Resources Protection Program (WRPP) was established to comply with federal and state stormwater regulations, rehabilitate the City's aging stormwater system, address drainage and flooding problems and pursue environmental stewardship in an economically practicable and sustainable manner. The program implementation is proceeding as expected. The stormwater utility fee has been through six billing cycles and appears to be proceeding smoothly. Revenue generated by the fee continues to be invested in on-going drainage pipe rehabilitation and future design and construction of capital improvement projects.

The City offers a Stormwater Utility Fee Credit to reduce the stormwater utility fee for property owners that implement Best Management Practices on their property. Property owners are not responding to the Stormwater Utility Fee Credit Program, most likely due to the high cost of implementing a practice and the modest reduction in the fee that would be generated. The Water Quality Incentive Program continues to attract attention, though applications were significantly down in CY2016. Potentially a stewardship program, where property owners are recognized for their conservation efforts, would create more interest in BMP implementation by property owners.

The City of Charlottesville's Chesapeake Bay TMDL Action Plan was accepted by Virginia DEQ in 2016, putting the City substantially in compliance of all the requirements for the Chesapeake Bay TMDL through the next permit cycle ending in 2023 and on tract to meeting the final reduction goals for phosphorous and total suspended solids by 2028. Remaining nitrogen reduction requirements may be more challenging to meet. Regulatory uncertainty persists with the Chesapeake Bay TMDL Program which may result in changes to guidance and/or increased requirements over time.

For the time being, with the water quality objectives apparently being met, the immediate program emphasis is turning to addressing drainage issues inherent to a comingled public/private drainage system. A city-wide Water Resources Master Plan is under development to identify, prioritize and select water quality drainage improvement projects.

Background

The Water Resources Protection Program Advisory Committee (WRPP-AC) was established to advise City Council and City staff on issues regarding continued development and implementation of the Water Resources Protection Program (WRPP) and the Stormwater Utility. The WRPP is designed to comply with federal and state stormwater regulations, rehabilitate the City's ageing stormwater system, address drainage and flooding problems and pursue environmental stewardship in an economically practicable and sustainable manner.

In February 2013, City Council established the stormwater utility fee to provide an adequate and stable source of funding for the WRPP. The stormwater utility fee is a "fee for service" based on the amount of impervious surface area on individual private properties (impervious area is a basic representation of the amount of stormwater that drains from properties into the city's regulated stormwater system). Revenue from fees is deposited in a dedicated Stormwater Utility Fund that can only be used for activities and services required to meet the objectives of the WRPP which include:

- Meeting state and federal regulatory requirements contained in the City's stormwater permit;
- Identifying and implementing capital projects, including:
 - Rehabilitation, repair and replacement of the City owned stormwater pipe systems;
 - Stormwater retrofits to attain mandated pollution reductions;
 - Drainage improvement projects to address local flooding and drainage issues;
 - Stewardship projects to preserve, enhance, and restore the integrity of the City's water resources; and
- Developing a City-wide Water Resources Master Plan to identify, select, and prioritize projects to accomplish the WRPP's goals and objectives.

To meet these objectives, the WRPP contains various program elements, as outline below:

- Stormwater Utility Fee: The stormwater utility fee, a "fee for service" based on the amount of stormwater that drains into the City's regulated stormwater system, provides an adequate and stable funding source for the WRPP.
- Stormwater Utility Fee Credit: Fee credits (waivers) required by state law for property owners that own and maintain stormwater management facilities that provide permanent reductions in pollutants and/or stormwater runoff.
- Water Quality Incentive Program: Program established by the City and the Thomas Jefferson Soil & Water Conservation District (TJSWCD), known as the Charlottesville Conservation Assistance Program (CCAP), to provide one-time incentive grants for construction of on-lot stormwater practices.
- Pipe Rehabilitation & Other Project Implementation: Work to-date through capital projects to replace or line City-owned clay and metal pipes; implementation of new stormwater practices as part of other CIP projects, stand-alone stormwater retrofit projects, and redesign and reconstruction of existing stormwater practices.
- Public Education & Citizen Engagement: WRPP efforts to educate, inform, and engage citizens in the program.

WRPP Advisory Committee Overview

WRPP-AC Duties

As established by City Council resolutions dated February 19, 2013 and December 16, 2013, the WRPP-AC is tasked with the following duties:

- Engage in matters pertaining to the Water Resources Protection Program;
- Monitor the formulation and implementation of the Water Resources Protection Program including, but not limited to, the following elements;
 - Master planning;
 - Progress with respect to pollutant reduction requirements established via the municipal separate storm sewer system (MS4) general permit;
 - Infrastructure rehabilitation, repair, and maintenance;
 - Capital drainage program;
- Conduct periodic assessments of program priorities and funding needs, including recommendations for potential adjustments in the stormwater utility fee rate by City Council once specific program objectives or milestones have been satisfied;
- Report to City Council from time to time on the appropriateness and effectiveness of the credits and incentives program; and
- Make an annual report to City Council.

WRPP-AC Membership

In 2016, the WRPP-AC was composed of the following nine (9) committee members: Brian Becker (Chair), Morgan Butler, Meg Byerly Williams, Dustin Greene, David Hirschman, Leslie Middleton (Secretary), Michael Ramsey (TJSWCD), Trey Steigman, and Rebecca Quinn. Members of City staff who regularly attended and contributed to WRPP-AC meetings include Dan Sweet (Stormwater Utility Administrator), Lauren Hildebrand (Director of Utilities), Bart Pfautz (Stormwater Technician) and Bob Brown (Stormwater Technician).

Summary of Year 3 WRPP-AC Activities

The WRPP-AC held four meetings during CY2016:

- WRPP-AC Meeting #9 – February 1, 2016
- WRPP-AC Meeting #10 – March 25, 2016
- WRPP-AC Meeting #11 - July 25, 2016
- WRPP-AC Meeting #12 - October 25, 2016.

The Advisory Committee activities undertaken during 2016 are described below.

- **Stormwater Utility Fee implementation, including the credits and incentives program:**

Staff provided briefings to the WRPP-AC during CY2016 on the Stormwater Utility Fee billing, collection and use of the funds. CY2016 included two billing cycles for the Stormwater Utility Fee (June 2016 and December 2016) in which \$1,924,770 was billed. As per the approved budget of the Stormwater Utility Program, funds generated from the

utility program fees have been capially invested in on-going drainage pipe rehabilitation projects, the master planning process, program operational costs, and banked-in capital reserves for future year design and construction of capital improvement projects. After a small number of initial petitions for adjustments, the implementation of the Stormwater Utility Fee, which has now been through 6 billing cycles since its inception, is proceeding smoothly.

The Stormwater Utility Fee Credit is an ongoing partial reduction of the stormwater utility bill for property owners that own and maintain stormwater management facilities that provide permanent reductions in pollutants and/or stormwater runoff. By state law, all stormwater utilities adopted in Virginia must include a credit program. There were no requests for credit adjustments in CY2016 and only eight requests have been approved since the program's inception. As such, the utility fee credit program continues the first-year trend of having little impact on program implementation or the overall budget.

The stormwater utility fee does not appear to be at a rate that is high enough to provide a strong incentive for property owners to invest in stormwater BMPs on their properties. Because the fees are modest the savings per billing cycle are low for those who may choose to take advantage of credits which results in a long pay-back period. Additionally, the credit program application process is complex and usually requires the assistance of a stormwater professional to navigate, increasing an owner's investment. The WRPP-AC believes that, at the current stormwater utility fee rate, the credit program might be better marketed as a stewardship opportunity. With little financial incentive to apply, some property owners are more likely to consider implementing BMPs or improving their properties because it is the "right thing to do" for the City's water resources and environment. The WRPP-AC will continue to explore the idea of a stewardship-orientated program in 2017.

In addition to the credits (reduction in annual stormwater utility fees) the Water Quality Incentive Program offers cost-share for home owners to install stormwater BMPs on their property. The Charlottesville Conservation Assistance Program (CCAP) is a component of the Virginia Conservation Assistance Program (VCAP), administered locally by the Thomas Jefferson Soil and Water Conservation District (TJSWCD). CCAP funding is earmarked for Charlottesville residents only and is leveraged by VCAP funding as available. VCAP has been funded entirely through grants, so funding availability varies significantly. In 2016, CCAP received 5 applications from Charlottesville property owners. The most popular practice has been conversion of turf grasses to native meadows or landscapes but rain water harvesting and infiltration practices are on the rise.

City staff and the WRPP-AC have observed that many homeowners install practices on their own initiative. Anecdotally, it appears that some homeowners balk at the requirement for the 10-year maintenance agreement, which is necessary to allow the City to count these practices towards the regulatory pollution reductions. Whether or not the City can count these practices, numerous, distributed stormwater BMPs positively impact water quality.

- **Regulatory Compliance**

In early 2016, the Virginia DEQ approved the City of Charlottesville's Chesapeake Bay TMDL Action Plan, a requirement of the City's municipal separate storm sewer system (MS4) General Permit. The Action Plan describes the phased reductions of the three pollutants of

concern before the end of FY2028: total nitrogen (N), total phosphorous (P), and total suspended solids (TSS, also referred to as sediment). With the approved Action Plan in place, which includes existing stormwater best management practices (BMPs), repairs and rehabilitation of existing projects, the implementation of a few new BMPs, and street sweeping, the City is in compliance with the Chesapeake Bay TMDL through the next permit cycle ending in 2023. The City is also on track to meet 2028 reduction goals in phosphorous and total suspended solids, but still requires additional reductions in nitrogen. In addition to the Chesapeake Bay TMDL, Virginia DEQ is expected to start requiring TMDL action plans for local impaired streams, which may lead to more accountability and requirements. Currently, approximately 16 stream miles in the City are listed as “impaired or threatened for one or more designated uses by a pollutant(s) and requires a TMDL.”

Evaluating the program is complicated by the regulatory uncertainty with Virginia DEQ and Chesapeake Bay Program models, regulations, and permits. The City must meet specific pollutant reduction targets outlined in its MS4 permit. However, the numbers are subject to change in 2017 when the EPA Chesapeake Bay Program updates the Chesapeake Bay Model and issues the 2017 Mid-Point Assessment, which will reallocate pollutant loads and reductions to land uses across the Watershed. In addition, Virginia DEQ, responding to changes at the Bay Program, has modified its guidance to regulated MS4 permit holders on how to compute the specific reductions and the “credit” allocated to each type of practice. For instance, in 2015, DEQ modified crediting for street sweeping, stream restoration, and several other practices – all key practices that MS4 permit holders use to compute their pollutant reductions. It is anticipated that additional guidance and crediting modifications may occur in the coming years. While the City is currently on a sound trajectory for compliance with its 2023 and 2028 goals, it is anticipated that these goals may shift, as will the methods of compliance. This uncertainly makes it difficult at present to fully evaluate the program, its funding, and the rate of implementation. The WRPP-AC, with assistance from staff, plans to keep abreast of the regulatory framework and to evaluate program priorities and funding on an ongoing basis.

- **Capital program implementation**

City-Wide Water Resources Master Plan

The purpose of the Water Resources Master Plan is to identify, prioritize, and select Capital Improvement Projects to improve water quality and address drainage issues. The City contracted with AMEC Foster-Wheeler to develop the Master Plan.

The Advisory Committee has provided input to program staff regarding the weighting factors (e.g., cost, pollution reduction, visibility in the community, etc.) that the decision support tool uses to rank potential projects.

Stormwater BMPs

The only Stormwater BMP project completed in 2016 was the Charlottesville High School Stormwater Retrofit Project. This project was primarily funded by a grant and Environmental Sustainability Funds. The Stormwater Utility made a partial financial contribution.

Infrastructure rehabilitation, repair, and maintenance

Repair and rehabilitation of the 13 miles of City-owned clay and metal stormwater drains continues. By the end of CY2016, the City had lined 6.2 miles of pipe, replaced 1.3 miles of pipe and made 89 “point” repairs to the stormwater system. Charlottesville stormwater pipes are a complicated, comingled system, with two-thirds of the pipes on private land most of which are privately owned. The City cleans and flushes the pipes on a 5-7-year cycle and maintenance on the +/- 50 mile publicly owned system is ongoing, as needed.

Capital drainage projects

While the City is substantially in compliance of its TMDL MS4 permit requirements, there is much work to do on the existing stormwater conveyance infrastructure. Therefore, there is a current program emphasis on the stormwater conveyance rehabilitation program and capital drainage projects. As part of the Master Plan, drainage projects from a population of previously-identified drainage issues dating back to the late 1970s are being evaluated and prioritized. Given the comingled privately and publicly owned stormwater conveyance system, these projects are challenging and often require temporary and/or permanent agreements regarding access, ownership, and responsibility. Program staff work with the City Attorney’s office to navigate the more complex legal issues generated by the City’s comingled public/ private stormwater conveyance system.

Conclusions

In general, the program implementation is going as expected. The utility fee has been through six billing cycles now and appears to be proceeding smoothly. Property owners are not responding to the credit program, most likely due to the high cost of implementing a practice and the modest reduction in the fee that would be generated. The incentives program continues to attract attention, though applications were significantly down in CY2016. Potentially a stewardship program, where property owners are recognized for their conservation efforts, would create more interest in implementation by property owners.

The City of Charlottesville’s Chesapeake Bay TMDL Action Plan was accepted by Virginia DEQ, putting the City substantially in compliance of all the requirements for the Chesapeake Bay TMDL through the next permit cycle ending in 2023 and on track to meeting the final reduction goals for phosphorous and total suspended solids by 2028. However, regulatory uncertainty persists with the Chesapeake Bay TMDL Program. While the City’s action plan was approved by DEQ, the 2017 Mid-Point Assessment may change the reduction goals. There has been a recent emphasis on addressing challenges arising from a comingled public/private drainage system. The Master Plan, upon completion, will guide water quality and drainage improvement project implementation.