



CITY COUNCIL AGENDA November 20, 2023

J. Lloyd Snook, III, Mayor
Juandiego Wade, Vice Mayor
Michael K. Payne, Councilor
Brian R. Pinkston, Councilor
Leah Puryear, Councilor
Kyna Thomas, Clerk

4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to view electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. Per Council action at the October 16, 2023 meeting, public comment will be in-person only. The meeting may also be viewed on the City's streaming platforms and local government Channel 10. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

Call to Order/Roll Call

Agenda Approval

Reports

1. Presentation: Budget Presentations - Advocacy and Transit
2. Report: City Manager Work Plan - Quarterly Update

5:30 PM CLOSED MEETING (if called)

6:30 PM BUSINESS SESSION

Please observe the following rules, which are designed to encourage orderly, respectful input during each portion of the meeting in which comments from the public are received. 1. Please state your name and address; 2. Please do not interrupt a Councilor who is speaking; 3. Do not shout or speak in a way that interferes with the progress of the meeting; 4. Do not threaten violence, or engage in illegal conduct; 5. You may not campaign for public office or promote business ventures; 6. You may not use profanity, vulgarity or language constituting incitement; 7. During the comments on the consent agenda, speak only to the items on the agenda; 8. Refrain from personal attacks against Councilors, City staff or members of the public; 9. Refrain from intimidating behavior, as well as applause, cheers, jeers or boos; and 10. Please stop speaking when your time has expired.

Moment of Silence

Announcements

Recognitions/Proclamations

Consent Agenda*

The consent agenda consists of routine, non-controversial items whereby all items are passed with a single motion and vote. After the reading of the consent agenda, the mayor will open the floor for comments from the public on the items that were read. Speakers will have up to three minutes each to make comments before City Council votes on the consent agenda. Speakers must state their name and locality for the record.

3. Minutes: October 10 joint Council-Planning Commission public hearings
4. Resolution: Resolution to appropriate Victim Witness Assistance Program Grant - \$258,342 (2nd reading)
5. Resolution: Resolution to appropriate funding from the Supreme Court of Virginia Behavioral Health Docket Grant - \$67,792 (2nd reading)
6. Resolution: Resolution to appropriate Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program funding - \$30,000 (2nd reading)
7. Resolution: Resolution to appropriate Fire Department FY22 State Homeland Security Program Grant Award, \$51,764.00 (1 of 2 readings)
8. Ordinance: Ordinance for renewal of Ting Franchise Agreement (1 of 2 readings)

City Manager Report

- Report: City Manager Report
- Report: Quarterly Financial Report

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Comments on Public Hearing items are heard during the public hearing only.

Action Items

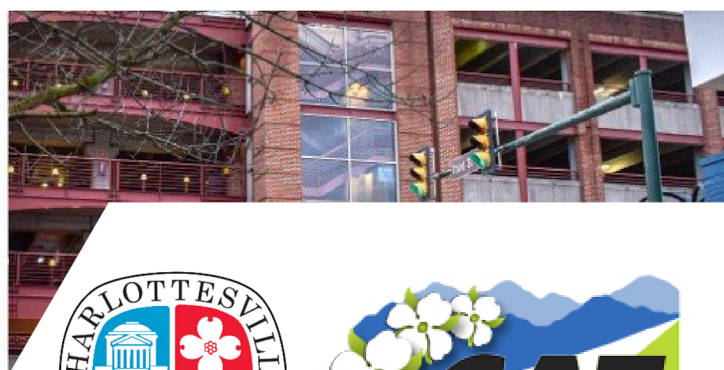
9. Resolution: Albemarle Charlottesville Regional Jail (ACRJ) Renovation Project Financing Strategy
10. Resolution: Resolution to Approve Appropriation for the Assignment of Contract to Acquire 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street (2nd reading)
11. By Motion: Thomas Jefferson Planning District Commission (TJPDC) Proposed Legislative Program for 2024
12. By Motion: City Council Proposed Legislative Positions for 2024

General Business

Other Business

Community Matters (2)

Adjournment



DEPARTMENTAL BRIEFINGS

CHARLOTTESVILLE AREA TRANSIT - DIRECTOR GARLAND WILLIAMS

Charlottesville Area Transit (CAT) provides public transportation services to the greater Charlottesville area. The City of Charlottesville works in partnership with Albemarle County and the University of Virginia to fund these services. Currently, CAT continues to run its operation fare-free for the community. In addition, the system also operates the rubber-wheeled Trolley, connecting the University and Downtown, and staffs the Downtown Transit Station, offering information to area travelers, restrooms, and a comfortable place between bus trips. In FY 24, the City's contribution to CAT is \$2,845,000. In addition to local funds, CAT operating expenses are covered by Federal and State grants.

The Transit division also contracts with the Charlottesville City Schools for Pupil Transportation which is shown separately as part of the Schools Contracted Services section of the budget.



DEPARTMENTAL BRIEFINGS

OFFICE OF HUMAN RIGHTS - TODD NIEMEIER

Per the Code of the City of Charlottesville, Chapter 2, Article XV, Sec. 2-433., the Charlottesville Human Rights Ordinance, the role of the Human Rights Commission (HRC), with support from the Office of Human Rights (OHR), is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.

The Office works to provide services to our community that include walk-in and in-person appointments. In 2022 OHR responded to 3,255 incoming contacts, more incoming contacts than during any previous year. and over 60% more incoming contacts than in CY2021. Further, OHR received 66 new inquiries and complaints

- In CY2022, 2,503 or 58% of total incoming and outgoing contacts were classified as navigation contacts, meaning that the service provided was related to something other than a jurisdictional allegation of discrimination
- During CY2022, the OHR had 15 open complaint cases, 9 of which were opened in 2022
- Over the past five years:
 - Housing was the most often identified protected activity in inquiries and complaints received by the OHR.
 - Race was the most frequently identified protected class in combined inquiries and complaints received by the OHR and the most often identified protected class in employment discrimination complaints.
 - Disability was the most often identified protected class in housing discrimination complaints.
- CY2022, OHR staff engaged in a total of 160 community outreach activities and partnered with 57 collaborators to organize outreach events, develop referral networks for individuals seeking services, and lead discussions in projects that serve people who engage in protected activities and/or are members of protected classes.



DEPARTMENTAL BRIEFINGS

OFFICE OF EQUITY & INCLUSION.- DCM ASHLEY MARSHALL

Charlottesville's Strategic Plan calls for a commitment to Justice, Equity, Diversity, and Inclusion by implementing equitable practices and policies across all its activities. The Office of Equity and Inclusion (OEI) seeks to employ social justice, equity, diversity, and inclusion principles and actions in Charlottesville's policies, operations, and decision-making. OEI will complete its mission by working to normalize conversations around JEDI, organize through the creation of internal infrastructure that advances these principles, and operationalize JEDI principles into all processes administered by the City. Currently, there are several programs housed under the Office:

- **City Manager's Liaison for LGBTQIA+ Belonging and Support:** The Deputy City Manager for Racial Equity, Diversity, and Inclusion serves in this role to ensure individuals who identify as LGBTQIA+ within the city government and our community partners are heard and considered in policy processes and service provision.
- **Accessible Charlottesville (Americans With Disabilities Act):** Under the leadership of the ADA Coordinator, the City of Charlottesville works tirelessly to ensure that our community complies with the Americans with Disabilities Act (ADA), which is a federal law designed to promote accessibility and inclusion, to make Charlottesville a more inclusive and accessible place for individuals with disabilities.
- **Downtown Job Center:** As a key program in the Office of Equity and Inclusion, the Downtown Job Center strengthens partnerships with employers, and ensures that City residents have access to training opportunities, financial education, and resources that will help them meet local employers' workforce needs.
- **Home to Hope:** As a critical program in the Office of Equity and Inclusion, the ICMA award-winning Home to Hope program connects trained peer navigators to assist those returning to the community after incarceration. Each navigator assists participants by developing a customized plan for them providing key assistance to ensure their success. Navigators hold subject-matter expertise and provide unduplicated support for not only current and former clients but also any member of the community who is recovering from incarceration

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



Agenda Date: November 20, 2023
Action Required:
Presenter: Samuel Sanders, Jr., City Manager
Staff Contacts: Samuel Sanders, Jr., City Manager
Title: **City Manager Work Plan - Quarterly Update**

Background

Discussion

Alignment with City Council's Vision and Strategic Plan

Community Engagement

Budgetary Impact

Recommendation

Alternatives

Attachments

None

CHARLOTTESVILLE CITY COUNCIL MINUTES
Joint Public Hearing with Planning Commission
October 10, 2023 at 6:00 p.m.
Council Chamber, 605 E. Main Street

The Charlottesville City Council met for a joint public hearing with the Charlottesville Planning Commission, the meeting having been duly noticed. Mayor Lloyd Snook called City Council to order at 6:03 p.m. following the Planning Commission opening of the public hearing portion of the meeting. The following Council members were present: Brian Pinkston, Leah Puryear, and Lloyd Snook. Vice Mayor Juandiego Wade gave prior notice that he would not be in attendance.

Public hearings were heard in the following order:

1.ZM23-0005 - 630 Cabell Avenue

On October 10, 2023, the Planning Commission and City Council will conduct a Joint Public Hearing for a Rezoning application for property located at 630 Cabell Avenue and identified in the City's land records as Tax Map and Parcel ("TMP") No. 050155000 (the "Subject Property"). Following the Joint Public Hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the Rezoning. The owner, Neighborhood Investments CA LLC, has submitted a Rezoning application pursuant to Charlottesville City Code Section 34-41 to change the existing zoning of the Subject Property from Multifamily Residential ("R-3") and Two-Family Residential University ("R-2U") to Multifamily Residential ("R-3") only.

The applicant is proposing a multifamily building with up to five units through new construction. The Subject Property is approximately 0.62 acres with road frontage on Cabell Avenue. The Comprehensive Land Use Map designates the Subject Property area as Higher Intensity Residential. Additional information pertaining to this application (ZM23-0005) may be viewed online at www.charlottesville.gov/agenda. Persons interested in this application may also contact NDS Planner Dannan O'Connell by email at (oonnell@charlottesville.gov) or by telephone (434-970-3991).

Dannan O'Connell summarized the request.

Kevin Riddle, representing the Applicant, made a presentation and answered questions.

The public hearing was opened and with no speakers coming forward, the public hearing was closed and the Planning Commission deliberated.

2.ZM23-00004, ZT23-09-02, P23-0055, P23-0058 – VERVE Charlottesville PUD Subtext Acquisitions, LLC ("Applicant"), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, ("Owner") is requesting a Zoning Map Amendment and Zoning Text Amendment pursuant to Sections 34-41 and 34-490 – 519 of the Code of the City of Charlottesville ("Code") for properties ("Subject Property"): Parcel Number: 160008000, 1705 Jefferson Park Avenue, Charlottesville, VA 22903
Parcel Number: 160005000, 106-114 Stadium Road, Charlottesville, VA 22903

Parcel Number: 160004000, 100 Stadium Road, Charlottesville, VA 22903
Parcel Number: 160003000, 102 Stadium Road, Charlottesville, VA 22903
Parcel Number: 160002000, 104 Stadium Road, Charlottesville, VA 22903
Parcel Number: 160001000, 409 Stadium Road, Charlottesville, VA 22903;

The applicant is proposing to rezone the Subject Property from Multifamily Residential (“R-3”) to Planned Unit Development (“PUD”) with a Development Plan and removal of the Individually Protected Property (IPP) designation from 104 Stadium Road. The application and development plan includes a commitment to affordable housing; parking requirements; a use matrix including a maximum dwelling units per acre (“DUA”); yard and height regulations; open space; and landscaping. The applicant is proposing to redevelop the Subject Property and replace the existing (62) residential units (spread between nine different buildings) with one building containing between (524) to (550) residential units.

The proposed building will have a height range of (75) feet to (135) feet and stories that range from (5) to (12). In addition, the proposed PUD includes improved pedestrian and bicycle circulation along Stadium Road, Emmet Street, and Jefferson Park Avenue and road improvements to Montebello Circle.

The Subject Property is approximately 3.3 acres with road frontage on Jefferson Parke Avenue, Stadium Road, Emmet Street, and Montebello Circle. The Comprehensive Land Use Map designates this area in the Urban Mixed Use Corridor. The Subject Property is zoned Residential Multifamily (R-3) (104 Stadium Road is zoned R-3H and is an IPP) with an Entrance Corridor Overlay. This application may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or a copy is on file in the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP request may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.gov) or by telephone (434-970-3636).

In order for the applicant to implement the PUD Plan, they will need additional approvals from City Council. These approvals include:

- **CP23-00002 – VERVE Charlottesville PUD - Code of Virginia, § 15.2-2232 Review: 409 Stadium Road**

The applicant is requesting an amendment to the November 4, 1996 vacation of the Woodrow Street Right of Way (ROW) along with a request to zone the closed portion to PUD. Woodrow Street is an unimproved paper street that bisects the Subject Property and is used mainly for off-street parking for the existing residential units.

Several public utility lines such as sanitary, water, and gas run through Woodrow Street and will need to be relocated as part of the proposed development. Pursuant to Virginia Code Section 15.2-2232 and Charlottesville City Code Sec. 34-28, the Planning Commission will review these facilities and public street vacation to determine if the general location, character and extent of the proposed alterations are substantially in accord with the City’s currently adopted Comprehensive Plan or part thereof.

- **Application P23-0055** - A Critical Slope Waiver per City Code Section 34-516(c) (P23-0055). Critical Slopes exist on the Subject Property along the Montebello Circle frontage and will be impacted by the proposed development.
- **Application P23-0058** - A Sidewalk Waiver per City Code Section 29-182(j)(5) for a portion of Montebello Circle (P23-0058). The applicant's development plan calls for fire access improvements to Montebello Circle, but due to site constraints is requesting a waiver for sidewalk along approximately 300 feet of frontage.
- **Amendment to "An Ordinance Authorizing the Sale of Certain City-Owned Property Located at 409 Stadium Road" adopted May 2, 2011** – The applicant is proposing to amend the ordinance authorizing the sale of city-owned property located at 409 stadium road to allow for development.

Matt Alfele, City Planner, presented the request, which contained several necessary approvals. He answered clarifying questions.

Valerie Long with the law firm of Williams Mullen, representing the Applicant, stated that input and guidance from the June 2023 work session was incorporated in the project, including a \$4 Million cash proffer to go toward the City's affordable housing fund. The project includes bike, pedestrian, street, and streetscape improvements.

Neil Reardon, ESG Architecture & Design, Inc., summarized project design changes since the work session on June 13, 2023, and answered clarifying questions.

Councilor Payne at 7:50 p.m. requested to join the meeting electronically. At the request of Mayor Snook, Councilor Payne stated that he was located at his residence and could not attend the meeting in-person because of illness. On motion by Pinkston, seconded by Puryear, Council by a 3-0 vote approved electronic participation by Councilor Payne (Ayes: Pinkston, Puryear, Snook; Noes: none; Absent: Wade).

Discussion ensued about parking and walkability of the area.

Assistant City Attorney Ryan Franklin provided clarifying information regarding the Cash in Lieu of affordable housing units and suggested further review. Ms. Long stated that the intent is for the proffered Cash in Lieu to be binding.

The public hearing was opened, and Chair Josea Mitchell recessed the meeting at 8:06 p.m., reconvening at 8:15 p.m.

The following people spoke during the public hearing:

- Ellen Contini-Morava, city resident, spoke in opposition to various components of the proposed project, stating that it is not in accord with the Comprehensive Plan.
- Matthew Gillikin, speaking on behalf of Livable Cville, spoke in support of the project.

- Bobbie Williams, 108 Oakhurst Circle, spoke in opposition to the project, stating that it is not in compliance with the Comprehensive Plan or the Future Land Use Map.
- Brandon Collins, city resident, spoke in support of the project.
- Bonnie Riley, 116 Oakhurst Circle, spoke in opposition to the project.
- Natalie Oschrein, 531 Caroline Avenue, spoke in support of the mission of the project and she proposed several questions about trees, renderings of streetscape, the proposed small commercial area, and parking.
- Ann Benham, 116 Conservatory Avenue, spoke in opposition to the project and suggested decreasing mass and increasing setbacks.
- John Hossack, city resident, spoke in opposition to the size and height of the project.
- Kevin Hildebrand, Cherry Avenue resident, asked to document the historic cottage, putting it on record for future architectural concerns, and not eliminate the sidewalk requirement. He made several recommendations.
- Kimber Hawkey, city resident, spoke in support of modifying the project. She spoke about traffic, public safety, housing affordability, and enforcing proffers. She stated that UVA should provide housing for its students.
- Charlie Henley, 500 Park Square, spoke in support of the project.

With no additional speakers, the public hearing was closed, and the Planning Commission deliberated.

The meeting recessed at 9:51 p.m. at which time Council adjourned.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date:	November 20, 2023
Action Required:	Appropriation
Presenter:	Pat O'Donnell, Director, Victim Witness Assistance Program
Staff Contacts:	Krisy Hammill, Director of Budget
Title:	Resolution to appropriate Victim Witness Assistance Program Grant - \$258,342 (2nd reading)

Background

The City of Charlottesville, through the Commonwealth's Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$141,135 in Federal Funds and \$67,207 in State Special Funds, and \$50,000 supplement from the Commonwealth Attorney's operating budget for a total award of \$258,342.

Discussion

The victim's rights movement began in the 1970s as a result of victims being re-victimized by the criminal justice process. Victims had difficulty navigating the complexities of the criminal justice system and no voice or recourse when their cases were continued or pled out without their knowledge or consent. Prosecutors did not have the time or skills to respond to victims who were traumatized but knew that to proceed with their case, many victims would need more services than the prosecutor's office could provide. In response to this need, the federal Victims of Crime Act was passed in 1984 and funds became available through the Virginia Department of Criminal Justice to respond to the needs of victims. The Charlottesville Victim/Witness Assistance Program was established in 1989 and has been meeting the needs of Charlottesville crime victims ever since. The Program is one of more than 60 such programs in the state that provides crisis intervention and advocacy, information, and support during and after criminal justice proceedings, access to compensation and restitution, referrals to local community agencies and ensures victims are afforded their rights as outlined in Virginia's Crime Victim and Witness Rights Act. The Program also provides training on victim issues to law enforcement and allied agencies. It regularly serves more than 1,000 victims and 20 witnesses each year.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns directly with Council's strategic outcome of public safety. According to the Bureau of Justice Statistics, the total economic loss to crime victims was \$1.19 billion for violent offenses and \$16.2 billion for property crime in 2008. Statistics vary on the number of intangible losses victims accumulate, such as the effects of the crime on their sense of security, mental health, and relationships. The Charlottesville Victim Witness Assistance Program contributes to the health of the community by connecting crime victims with medical and mental

health providers through the Criminal Injury Compensation Fund. The Program helps achieve the Council's commitment to Justice, Equity, Diversity, Inclusion by responding to the needs of crime victims by ensuring their rights are recognized throughout the local criminal justice system, including Police, Prosecution, Judges, and Probation.

Community Engagement

The Victim Witness Assistance Program is engaged daily with victims of crime who access services through referrals from police, court services, social services, and other allied agencies. Program staff contacts crime victims within 48 hours of their reported victimization. For FY23 Program staff provided services to more than 1,000 individuals. Staff members serve on several coordinating councils, such as the Multi-Disciplinary Team on Child Abuse, the Domestic Violence Coordinating Council, the Sexual Assault Response Team, the Monticello Area Domestic Violence Fatality Review Team, Charlottesville/Albemarle Human Trafficking Task Force, and the Charlottesville/Albemarle Evidence Based Decision Making Policy Team. The program regularly provides outreach in the form of government services day, training and speaking engagements at UVA, PVCC, and other allied agencies as requested.

Budgetary Impact

There is no impact to the General Fund. The City's contribution of \$50,000 was previously appropriated as part of the Commonwealth's Attorney's Office FY2024 Adopted Budget. The Victim Witness Assistance Program Grant is renewed annually, and the funds will be received and expensed in the grants fund.

Recommendation

Staff recommend approval and appropriation of grant funds.

Alternatives

If grant funds are not appropriated, Charlottesville crime victims will have no access to compensation, advocacy or services afforded to them under Virginia's Crime Victim and Witness Rights Act.

Attachments

1. Resolution_Victim Witness Assistance Grant Appropriation- FY 24

**RESOLUTION to Appropriate
Charlottesville Victim Witness Assistance Program Grant Funds - \$258,342**

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney's Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$208,342; and

WHEREAS the City is providing a supplement in the amount of \$50,000, the source of which is the Commonwealth's Attorney's operating budget.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$208,342 is hereby appropriated in the following manner:

Revenues

\$ 67,207	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$141,135	Fund: 209	Cost Center: 1414001000	G/L Account: 430120
\$ 50,000	Fund: 209	Cost Center: 1414001000	G/L Account: 498010

Expenditures

\$242,515	Fund: 209	Cost Center: 1414001000	G/L Account: 519999
\$ 15,827	Fund: 209	Cost Center: 1414001000	G/L Account: 599999

Transfer

\$ 50,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$208,342 from the Virginia Department of Criminal Justice Services.

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



Agenda Date:	November 20, 2023
Action Required:	Appropriation of \$67,792 from the Supreme Court of Virginia Behavioral Health Docket Grant
Presenter:	Jennifer Scott, Offender Aid and Restoration
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate funding from the Supreme Court of Virginia Behavioral Health Docket Grant - \$67,792 (2nd reading)

Background

The City of Charlottesville, on behalf of the Albemarle-Charlottesville Therapeutic Docket program, has received a Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$67,792 for operations of the therapeutic docket program, which is operated by Offender Aid and Restoration (O.A.R.). The City of Charlottesville serves as fiscal agent for the Supreme Court of Virginia Behavioral Health Docket Grant.

Discussion

In its fifth year of operation, the Albemarle-Charlottesville Therapeutic Docket program is a supervised 9 to 12 month treatment program that serves as an alternative to incarceration for offenders. The Therapeutic Docket is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving adult misdemeanor offenders who suffer from serious mental illness. The program uses the power of the court to assist offenders to achieve wellness and recovery through a combined system of intensive supervision, medication management, mental health treatment, and regular court appearances.

The total program budget is \$242,280 and includes three funding sources:

Supreme Court of VA: \$67,792

City of Charlottesville: \$115,000, (previously appropriated)

Albemarle County: \$59,488, (previously appropriated)

Alignment with City Council's Vision and Strategic Plan

This relates to the City of Charlottesville's priority area of safety/criminal justice. The Therapeutic Docket is a valuable, less expensive alternative to incarceration for certain criminal offenders with serious mental illness which utilizes a blend of court-ordered supervision, mental health treatment services, court appearances, and behavioral sanctions and incentives to reduce recidivism and enhance personal accountability and mental health and wellness among participants

Community Engagement

The Therapeutic Docket is a direct service provider and is engaged daily with non-violent criminal offenders with serious mental illness who are at a high level of risk for reoffending and have a high level of need due to mental illness. By collaborating with the Court system, Region Ten Community Services Board and Partner for Mental Health, the Therapeutic Docket provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Therapeutic Docket through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the General District Court. If they successfully complete the program which takes a minimum of 9 months, participants may have their pending charges dismissed or receive an all-suspended sentence. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Therapeutic Docket participants return the community's investment in them by improving their mental health status, maintaining compliance with treatment regimens, including medications, and reducing their criminal behaviors in the community.

Budgetary Impact

No additional City funding is required as the City's match for this grant, \$115,000, was appropriated within the FY 2024 Council Approved Budget as part of the City's contribution to Offender Aid and Restoration.

Recommendation

Staff recommends approval and appropriation.

Alternatives

Attachments

1. FY24 Therapeutic Docket Appropriation \$67,792

**RESOLUTION to Appropriate
Albemarle-Charlottesville Therapeutic Docket Grant Award
\$67,792**

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$67,792 for the Albemarle-Charlottesville Therapeutic Docket in order to fund salaries, benefits, and operating expenses; and

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

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$174,488; and

WHEREAS, the grant award covers the period July 1, 2023 through June 30, 2024.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$67,792, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$67,792 Fund: Internal Order: #1900537 G/L Account: 430110 (State Grant)

Expenditures

\$67,792 Fund: Internal Order: #1900537 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$67,792 from the Supreme Court of Virginia.

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



Agenda Date:	November 20, 2023
Action Required:	Resolution approval
Presenter:	Riaan Anthony, Deputy Director - Parks Division
Staff Contacts:	Riaan Anthony, Deputy Director - Parks Division
Title:	Resolution to appropriate Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program funding - \$30,000 (2nd reading)

Background

The City of Charlottesville, through Parks and Recreation, has received approval for a reimbursement of up to \$30,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children 18 and under attending our drop-in afterschool programs through their Child and Adult Care Food Program.

Discussion

Charlottesville Parks and Recreation will operate an afterschool meals program for 36 weeks, during the regular school year. There are currently 3 locations: Greenstone on 5th, South First Street, and Westhaven Community Centers that serve children 18 years and under. The reimbursement will cover the costs of a nutritious dinner at these locations, which also have an educational/enrichment component. Dinner will be served from 4:30pm - 6:30 pm at the various community centers. Most of the children served receive free or reduced meals during the school year. Over 200 children will be served each week during the school year. The dinners 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 Education Special Nutrition Programs.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns directly with Council's vision -To be a place where everyone thrives and it contributes to the Strategic Plan - Recreation, Art Culturey. Children will receive a nutritious dinner, hopefully replacing a meal that did not exist or providing a healthier balanced option for them.

Community Engagement

N/A

Budgetary Impact

There is no impact to the General Fund. The funds will be appropriated, expensed, and reimbursed to a Grants Fund. There is no required local match for this program.

Recommendation

Staff recommends approval and appropriation of funds.

Alternatives

N/A

Attachments

1. Resolution VDE Special Nutrition \$30,000

**RESOLUTION Appropriating
Virginia Department of Education Special Nutrition Program
Child and Adult Care Food Program funds - \$30,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$30,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

WHEREAS, the grant award covers the period from period October 1, 2023 through September 30, 2024;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$30,000, received from the Virginia Department of Education Special Nutrition Program is hereby appropriated in the following manner:

Revenue – \$ 30,000

Fund: 209 Internal Order: 1900539 G/L Account: 430120

Expenditures - \$30,000

Fund: 209 Internal Order: 1900539 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$30,000 from the Virginia Department of Education Special Nutrition Program.

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



Agenda Date:	November 20, 2023
Action Required:	Approval
Presenter:	Mike Rogers, Deputy Chief of Business Services
Staff Contacts:	Mike Rogers, Deputy Chief of Business Services
Title:	Resolution to appropriate Fire Department FY22 State Homeland Security Program Grant Award, \$51,764.00 (1 of 2 readings)

Background

The FY 2022 State Homeland Security Grant Program administered by the Virginia Department of Emergency Management (VDEM) contained provisions for Local Competitive Grant Applicants and Special Operations Teams Grant Applicants (Non-Competitive) to apply for grants in several different categories. In May of 2022, the fire department applied for one of these available grants after submitting the city's required grant submission form. The grant request was related to special operations equipment, for the replacement of one complete set of extrication tools (\$51,764.00) specifically replacing existing older tools with one complete set of new electric/battery powered extrication tools. This replacement tool compliment is slated for Tower 10, which is housed at the Fontaine Avenue Fire Station.

Initially, the department was advised through an awardee release in the Fall of 2022 that we had not been selected for this grant award. The department then received notification on 10/18/2023 from VDEM that we had in fact been awarded funding through this grant and that the period of performance ends on 06/30/2024.

Discussion

The current hydraulic extrication tool set on Tower 10 is an older generation set of low pressure hydraulically powered tools run by a mounted pump on the apparatus. The manufacturer of these tools is beginning to phase out their low pressure line of tools and parts. Metals found in some of today's automobiles may also outperform some of the current Tower 10 tools cutting/spreading capabilities.

The tool compliment was purchased with the tower and that aerial apparatus isn't slated for replacement until approximately 2030. The current set of tools will need to be replaced ahead of this date.

Alignment with City Council's Vision and Strategic Plan

Public Safety: Charlottesville provides comprehensive, trusted public safety services and treats everyone with respect and dignity.

The tool replacements awarded through this grant will assist the department with providing trusted public safety services.

Community Engagement

N/A

Budgetary Impact

The 2022 Notice of Funding Opportunity for this grant states there is no match required. If the price quote on this tool compliment has increased over the last year, the department may need to make up the difference between the original award amount and a new/refreshed quote amount once received. If this is the case, the additional funds would be expended out of operational monies already allocated in FY24.

Recommendation

Staff recommends approval.

Alternatives

If the grant monies awarded/available are not utilized for this replacement need, operational funding from the departments' line items or other funding sources would need to be used in order to replace this aging tool set that may not be supported by the manufacturer in the near future.

Attachments

1. \$51,764 VDEM Homeland Security Grant

RESOLUTION
Appropriating funds from the Virginia Department of Emergency Management
(VDEM) FY22 State Homeland Security Program Grant Award
\$51,764

WHEREAS, the City of Charlottesville through the Department of Emergency Management, has received from the Virginia Department of Emergency Management (VDEM) Fiscal Year 2022 Homeland Security Program Grant award of \$51,764 to be utilized to special operations equipment, for the replacement of one complete set of extrication tools;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$51,764 received from the Virginia Department of Emergency Management is hereby appropriated in the following manner:

Revenues - \$51,764

\$51,764 Fund: 209 Internal Order: 1900542 G/L Code: 430110

Expenditures - \$51,764

\$51,764 Fund: 209 Internal Order: 1900542 G/L Code: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$51,764 from the Virginia Department of Emergency Management FY22 State Homeland Security Program Grant.

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



Agenda Date:	November 20, 2023
Action Required:	Adoption of Franchise Agreement (first reading)
Presenter:	Steven Hicks, Interim Deputy City Manager
Staff Contacts:	Ryan Franklin, Assistant City Attorney Jonathan Dean, Public Service Manager
Title:	Ordinance for renewal of Ting Franchise Agreement (1 of 2 readings)

Background

To help provide for public safety and to ensure the integrity of its roads and streets and the appropriate use of the Public Rights-of-Way the City enacts ordinances to impose regulations on telecommunications and its associated equipment and facilities currently in place or to be placed at some time in the future. These ordinances must be reviewed and renewed according to the timelines set forth in the specific agreement between the City and associated user of the Public-Rights-of-Way, specifically Ting Internet LLC.

Discussion

Approval is needed for the renewal of this Franchise Agreement in order to continue associated operations and regulations of associated equipment, including posts, poles, cables, wires and all other necessary overhead or underground apparatus and associated equipment on, over, along, in, under and through the streets, alleys, highways and other public places of the City that may be required by Ting Internet LLC.

Alignment with City Council's Vision and Strategic Plan

To help ensure a Connected Community by regulating the use of the City's Public-Rights-of-Way.

Community Engagement

N/A

Budgetary Impact

There is no budgetary impact except for the prescribed measures granted by this agreement for the City to recover costs as appropriate for Ting Internet's use of the Public-Rights-of-Way.

Recommendation

Staff recommends approval of this agreement.

Alternatives

N/A

Attachments

1. Ting Internet LLC Charlottesville Franchise
2. Ting Franchise Agreement Exhibit A

Approved by City Council on _____

TING INTERNET LLC TELECOMMUNICATIONS FRANCHISE

TABLE OF CONTENTS

ARTICLE I.....	1
SECTION 101 PURPOSE AND SCOPE	1
SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY	1
SECTION 103 DEFINITIONS	2
ARTICLE II	2
SECTION 201 INITIAL INSTALLATION	2
SECTION 202 SUBSEQUENT INSTALLATION	2
SECTION 203 INSPECTION BY THE CITY	3
SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION	3
SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS	3
SECTION 206 OBSTRUCTION OF THE PROW	4
ARTICLE III	4
SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY	4
SECTION 302 SUBMISSION OF PROW PLAN	5
SECTION 303 GOOD CAUSE EXCEPTION	5
SECTION 304 DECISION ON PROW PLAN BY THE DIRECTOR	5
SECTION 305 MAPPING DATA	5
ARTICLE IV.....	6
SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS	6
ARTICLE V	6
SECTION 501 RELOCATION OF COMPANY FACILITIES WITHIN THE PUBLIC RIGHTS-OF WAY	6
SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION	6
ARTICLE VI.....	9
SECTION 601 INDEMNIFICATION AND LIABILITY	9
SECTION 602 WAIVER BY THE CITY	9
SECTION 603 INSURANCE	10
SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS	11
ARTICLE VII	11
SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND	11
SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND	11
SECTION 703 PURPOSE OF PERFORMANCE BOND	11
SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE	12
ARTICLE VIII.....	12
SECTION 801 COMPENSATION/PROW USE FEE.	12
SECTION 802 RESERVED	13
SECTION 803 NO CREDITS OR DEDUCTIONS	13
SECTION 804 REMITTANCE OF COMPENSATION/LATE PAYMENTS, INTEREST ON LATE PAYMENTS	13

ARTICLE IX.....	13
SECTION 901 RESERVATION OF ALL RIGHTS AND POWERS	13
SECTION 902 SEVERABILITY	14
ARTICLE X	14
SECTION 1001 MAINTENANCE OBLIGATION	14
SECTION 1002 TREE TRIMMING	14
ARTICLE XI.....	14
SECTION 1101 INITIAL TERM OF TELECOMMUNICATIONS FRANCHISE	14
SECTION 1102 APPLICATION FOR NEW TELECOMMUNICATIONS FRANCHISE	15
SECTION 1103 OPERATION OF FACILITIES OWNED BY THE COMPANY WHILE RENEWAL IS PENDING	15
ARTICLE XII	15
SECTION 1201 NOTICE	15
SECTION 1202 EMERGENCY NOTIFICATION	16
SECTION 1203 REGISTRATION OF DATA	16
ARTICLE XIII.....	16
SECTION 1301 TERMINATION OF TELECOMMUNICATIONS FRANCHISE	16
ARTICLE XIV	17
SECTION 1401 REMOVAL OF FACILITIES FROM THE PUBLIC RIGHTS-OF-WAY	17
SECTION 1402 ABANDONMENT OF FACILITIES OWNED BY THE COMPANY IN THE PUBLIC RIGHTS-OF-WAY	17
ARTICLE XV	17
SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT	17
SECTION 1502 SUCCESSORS AND ASSIGNS	18
ARTICLE XVI.....	18
SECTION 1601 NONEXCLUSIVE FRANCHISE	18
ARTICLE XVII	18
SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES	18
SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED	18
ARTICLE XVIII.....	19
SECTION 1801 NO DISCRIMINATION	19
ARTICLE XIX.....	19
SECTION 1901 FORCE MAJEURE	19
ARTICLE XX	19
SECTION 2001 EFFECTIVE DATE	19

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

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Ting Internet LLC (the “Company”), its successors and assigns, is hereby granted a telecommunications franchise for a period of five (5) years from the effective date of March 7, 2021, and is hereby authorized and empowered to erect, maintain and operate certain telephone lines and associated equipment, including posts, poles, cables, wires and all other necessary overhead or underground apparatus and associated equipment on, over, along, in, under and through the streets, alleys, highways and other public places of the City of Charlottesville, Virginia (the “City”) as its business may from time to time require; provided that:

ARTICLE I

SECTION 101 PURPOSE AND SCOPE

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

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

SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY

This Ordinance granting a telecommunications franchise is created to manage and regulate the Company’s use of the City’s Public Rights-of-Way along city roads pursuant to the authority granted to the City under Sections 15.2-2015, 56-460, and 56-462(A) of the Virginia Code and other applicable state and federal statutory, administrative and common law.

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

SECTION 103 DEFINITIONS

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

103.2 COMPANY means Ting Internet LLC, including its successors and assigns.

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

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

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

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

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

ARTICLE II

SECTION 201 INITIAL INSTALLATION

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

SECTION 202 SUBSEQUENT INSTALLATION

202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:
Additional Facilities installed within the PROW may be placed overhead or underground

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

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

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

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

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

SECTION 203 INSPECTION BY THE CITY

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

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION

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

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS

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

SECTION 206 OBSTRUCTION OF THE PROW

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

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

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

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

ARTICLE III

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY

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

SECTION 302 SUBMISSION OF PROW PLAN

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

SECTION 303 GOOD CAUSE EXCEPTION

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

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

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

SECTION 304 DECISION ON PROW PLAN BY THE DIRECTOR

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

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

SECTION 305 MAPPING DATA

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

- (a) location and elevation of the mains, cables, conduits, switches, and related equipment and other Facilities owned by the Company located in the PROW, with the location based on (i)

offsets from property lines, distances from the centerline of the Public Rights-of-Way, and curb lines; (ii) coordinates derived from the coordinate system being used by the City; or (iii) any other system agreed upon by the Company and the City;

- (b) the outer dimensions of such Facilities; and
- (c) a description of above ground appurtenances.

ARTICLE IV

SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS

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

ARTICLE V

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

Upon written notice from the Director of a planned and authorized improvement or alteration of City sidewalks, streets or other property, or of a proposed relocation of any City-owned utilities that necessitate relocation of some or all of the Facilities owned by the Company and lines to accommodate the same, the Company shall relocate at its own expense any such Facilities within one hundred eighty (180) days of receipt of the notice. At Company's request, the City may consent to a longer period, such consent not to be unreasonably or discriminatorily withheld, conditioned or delayed. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION

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

federal standards for rights-of-way restoration and shall be further guided by the following considerations:

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

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

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

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

502.5DUTY TO CORRECT DEFECTS: The Company shall correct defects in patching, or restoration performed by it or its agents. Upon notification from the City, the Company shall correct all restoration work to the extent necessary, using the method determined by the Director. Such work shall be completed after receipt of the notice from the Director within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure.

502.6FAILURE TO RESTORE: If the Company fails to restore the Public Rights-of-Way in the manner and to the condition required by the Director pursuant to Section 502.5, or fails to satisfactorily and timely complete all restoration required by the Director pursuant to the foregoing, the City shall notify the Company in writing of the specific alleged failure or failures and shall allow the Company at least ten (10) days from receipt of the notice to cure the failure or failures, or to respond with a plan to cure. In the event that the Company fails to cure, or fails to respond to the City's notice as provided above, the City may, at its election, perform the necessary work and the Company shall pay to the City its reasonable costs for such restoration within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within the thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative, overhead mobilization, material, labor, and equipment related to such restoration.

502.7DAMAGE TO OTHER FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY: The Company shall be responsible for the cost of repairing any Facilities existing within the Public Rights-of-Way that it or the Facilities owned by the Company damage. If the Company damages the City's Facilities within the Public Rights-of-Way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, the Company shall correct the damage within a prompt period after receiving written notification from the City. If the Company does not correct the City's damaged Facilities pursuant to the foregoing, the City may make such repairs as necessary and charge all of the reasonable costs of such repairs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within such thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative, overhead mobilization, material, labor, and equipment related to such repair.

502.8DIRECTOR'S STANDARD: All determinations to be made by the Director with respect to the manner and extent of restoration, patching, repairing and similar activities under the franchise granted by this Ordinance, shall be reasonable and shall not be unreasonably conditioned, withheld, or delayed. The Company may request additional time to complete restoration, patching, repair, or other similar work as required under the franchise granted by this Ordinance, and the Director shall not unreasonably withhold, condition, or delay consent to such requests.

ARTICLE VI

SECTION 601 INDEMNIFICATION AND LIABILITY

601.1 SCOPE OF INDEMNIFICATION: Subject to the following, the Company agrees and binds itself to indemnify, keep and hold the City Council members, officials and its employees free and

harmless from liability on account of injury or damage to persons, firms or corporations or property growing out of or directly or indirectly resulting from:

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

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

SECTION 602 WAIVER BY THE CITY

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

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

SECTION 603 INSURANCE

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

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

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

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

SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS

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

ARTICLE VII

SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND

Prior to the Effective Date of this Ordinance, the Company has deposited with the City a Performance Bond made payable to the City in the amount of fifty thousand dollars (\$50,000).

The bond shall be written by a corporate surety acceptable to the City and authorized to do business in the Commonwealth of Virginia. The Performance Bond shall be maintained at this amount through the term of this Agreement.

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND

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

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

SECTION 703 PURPOSE OF PERFORMANCE BOND

The Performance Bond shall serve as security for:

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

- (h) the timely renewal of any letter of credit that constitutes the Performance Bond;
and
- (i) any other costs, loss or damage incurred by the City as a result of the Company's failure to perform its obligations pursuant to this Ordinance.

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE

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

704.2 APPEAL: The Company may, upon written request within thirty (30) days of the City's decision to assess a fee or penalty and for reasons of good cause, ask the City to reconsider its imposition of a fee or penalty pursuant to this Ordinance unless another period is provided for in applicable law. The City shall schedule its review of such request to be held within forty-five (45) days of receipt of such request from the Company. The City's decision on the Company's appeal shall be in writing and supported by written findings establishing the reasonableness of the City's decision. During the pendency of the appeal before the City or any subsequent appeal thereafter, the Company shall place any such fee or penalty in an interest-bearing escrow account. Nothing herein shall limit the Company's right to challenge such assessment or the City's decision on appeal, in a court of competent jurisdiction.

ARTICLE VIII

SECTION 801 COMPENSATION/PROW USE FEE.

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

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

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

SECTION 802 RESERVED

SECTION 803 NO CREDITS OR DEDUCTIONS

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

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

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

ARTICLE IX

SECTION 901 RESERVATION OF ALL RIGHTS AND POWERS

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

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

SECTION 902 SEVERABILITY

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

ARTICLE X

SECTION 1001 MAINTENANCE OBLIGATION

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

SECTION 1002 TREE TRIMMING

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

ARTICLE XI

SECTION 1101 INITIAL TERM OF TELECOMMUNICATIONS FRANCHISE

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

SECTION 1102 APPLICATION FOR NEW TELECOMMUNICATIONS FRANCHISE

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

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

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

ARTICLE XII

SECTION 1201 NOTICE

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

To the Company:

Ting
Attn: Kara Chandeysson, Director, Community
Engagement and Public Policy
300 E Main St, Unit # 310
Charlottesville, VA 22902

To the City:

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

With a copy to:

Jonathan B. Mirsky
HWF LLP
1919 M Street NW
Washington, D.C. 20036

With a copy to:

Jacob P. Stroman, City Attorney
City Attorney's Office
P.O. Box 911
Charlottesville, VA 22902

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

SECTION 1202 EMERGENCY NOTIFICATION

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

To the Company:

Brett Fausett
Chief Legal Officer
Tucows
(310) 985-1351

To the City:

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

Director of Public Works
(434) 970-3301 (office)
(434) 970-3817 (facsimile)

With a copy to:

Jonathan B. Mirsky
HWG LLP
1919 M Street NW
Washington, D.C. 20036

SECTION 1203 REGISTRATION OF DATA

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

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

The Company shall notify the City within fifteen (15) days upon knowledge of any change to the above information in this section.

ARTICLE XIII

SECTION 1301 TERMINATION OF TELECOMMUNICATIONS FRANCHISE

The renewed franchise granted by this Ordinance may be terminated:

(a) by the Company, at its election and without cause, by written notice to the City at least sixty (60) days prior to the effective date of such termination; or

(b) by either the Company or the City, after thirty (30) days written notice to the other party of the occurrence or existence of a default of the franchise granted by this Ordinance, if the defaulting party fails to cure or commence good faith efforts to cure, such default within sixty (60) days after delivery of such notice.

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

ARTICLE XIV

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

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

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

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

ARTICLE XV

SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT

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

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

SECTION 1502 SUCCESSORS AND ASSIGNS

Notwithstanding Section 1501, the Company may assign, transfer, or sublet its rights, without the consent of the City, to any person or entity that controls, is controlled by or is under common control with the Company, any company or entity with which or into which the Company may merge or consolidate, to any lender of the Company provided the City is advised of the action prior to enactment. Any successor(s) of the Company shall be entitled to all rights and privileges of this franchise granted by this Ordinance and shall be subject to all the provisions, obligations, stipulations and penalties herein prescribed.

ARTICLE XVI

SECTION 1601 NONEXCLUSIVE FRANCHISE

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

ARTICLE XVII

SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES

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

SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED

If either Party fails to enforce any right or remedy available under the franchise granted by this Ordinance, that failure shall not be construed as a waiver of any right or remedy with respect to any breach or failure by the other Party. Nothing herein shall be construed as a waiver of any

rights, privileges or obligations of the City or the Company, nor constitute a waiver of any remedies available at equity or at law.

ARTICLE XVIII

SECTION 1801 NO DISCRIMINATION

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

ARTICLE XIX

SECTION 1901 FORCE MAJEURE

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

ARTICLE XX

SECTION 2001 EFFECTIVE DATE

This Ordinance shall be effective on March 7, 2021.

Adopted by the Council of the City of Charlottesville on the ____ day of _____, 20__.

Kyna Thomas, Clerk of Council

[Signature Page Follows]

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

Ting Internet LLC

Date: 10/16/2023, 2023

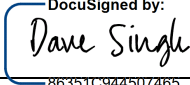
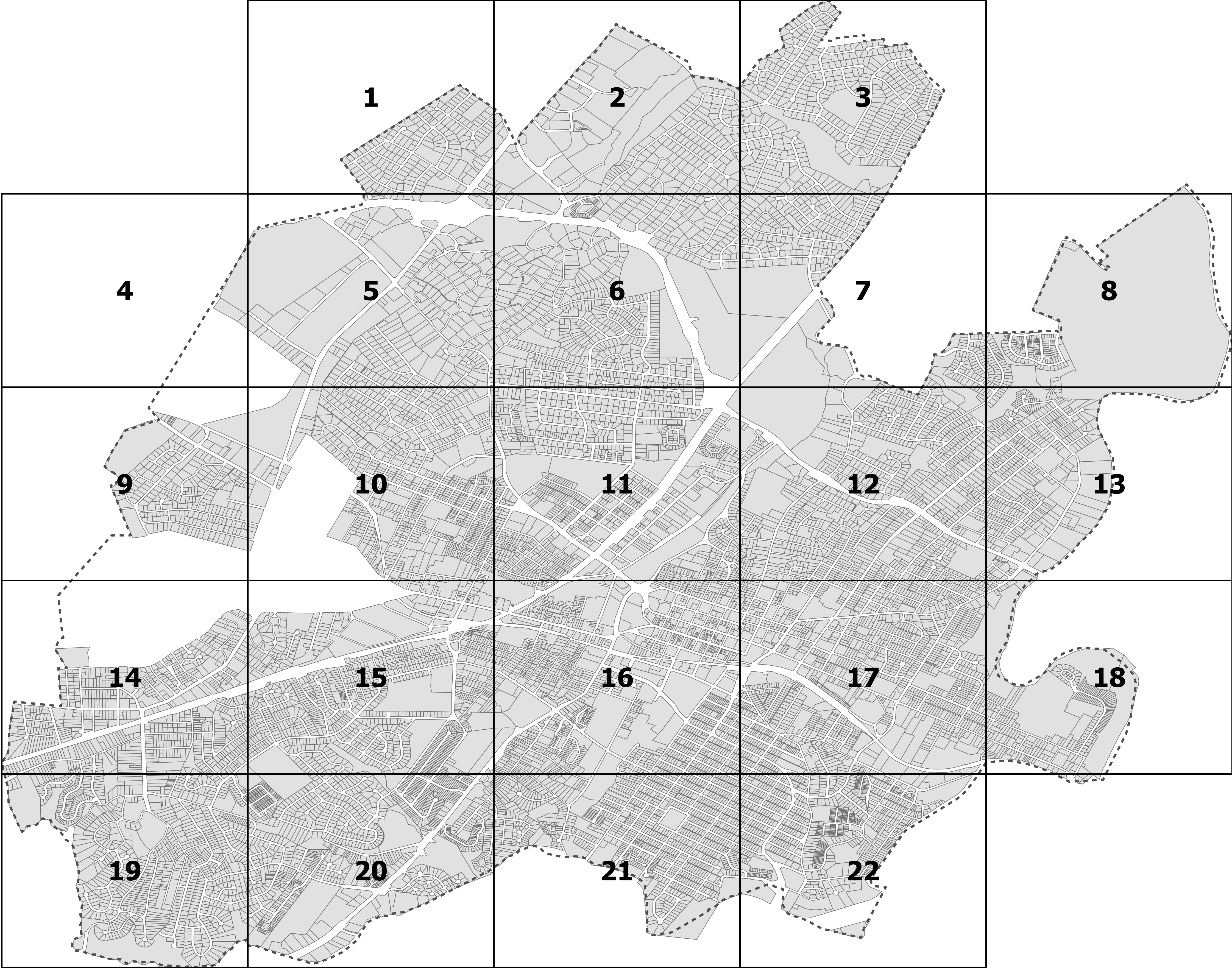
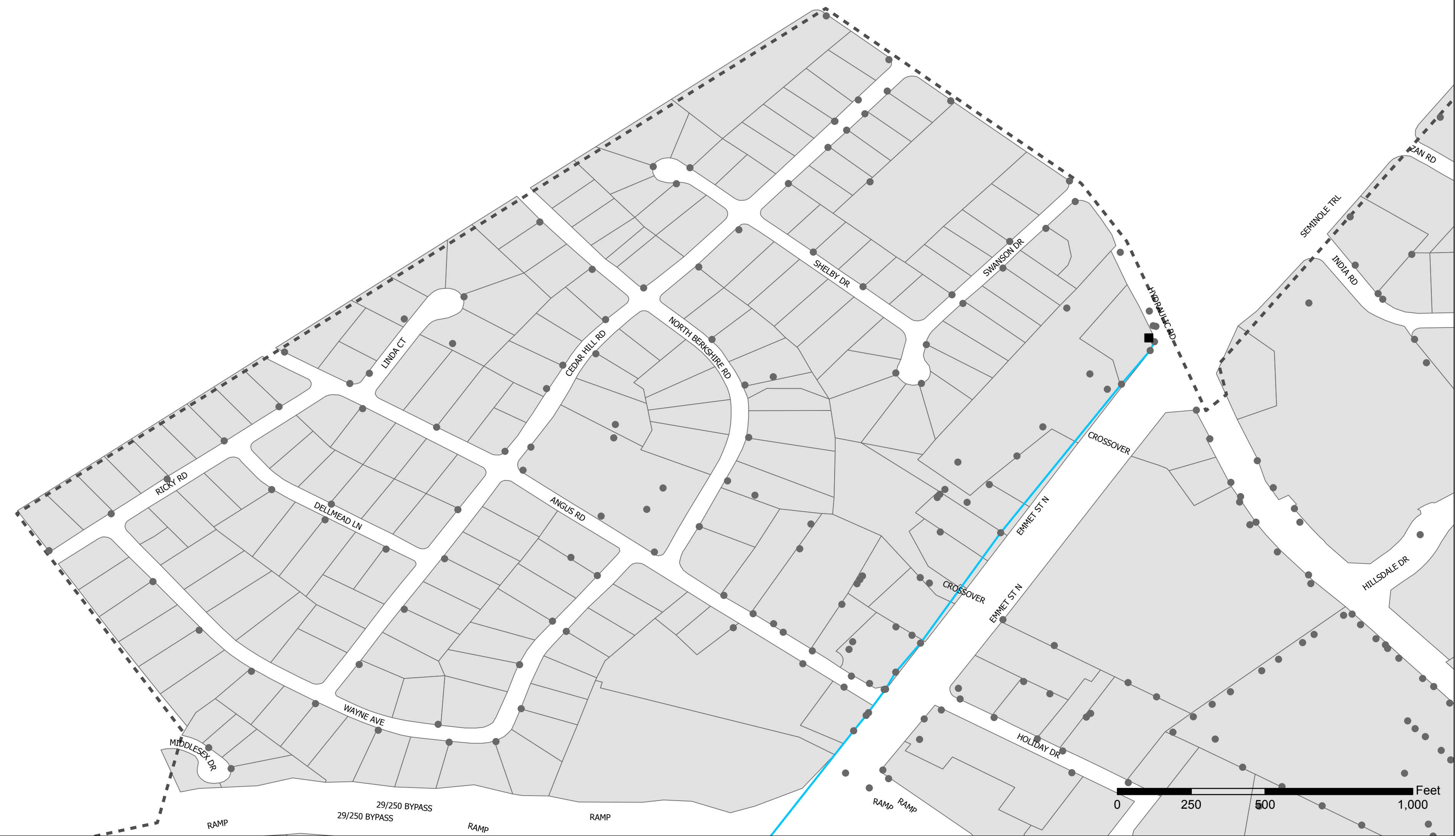
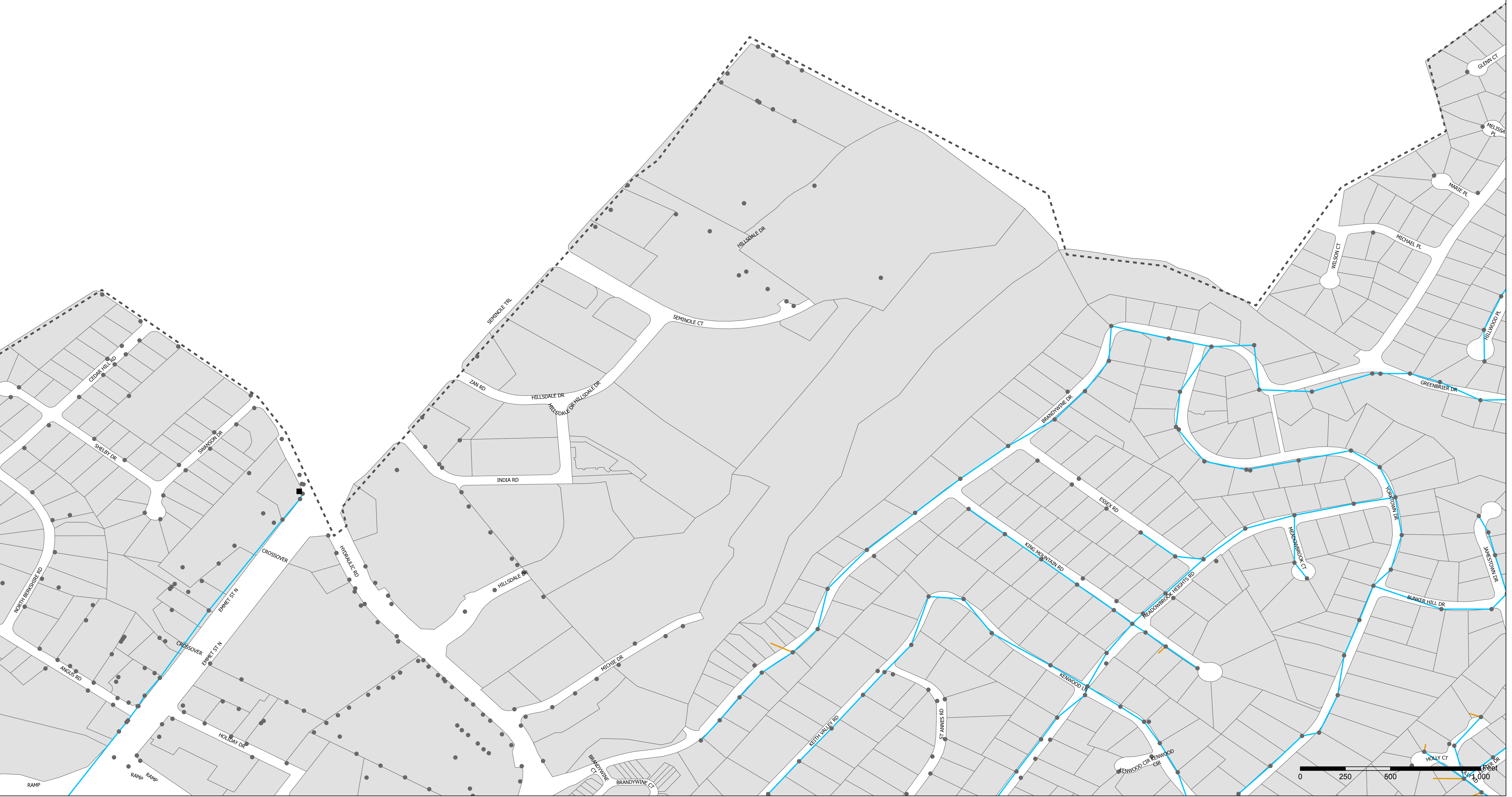
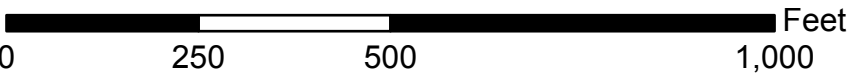
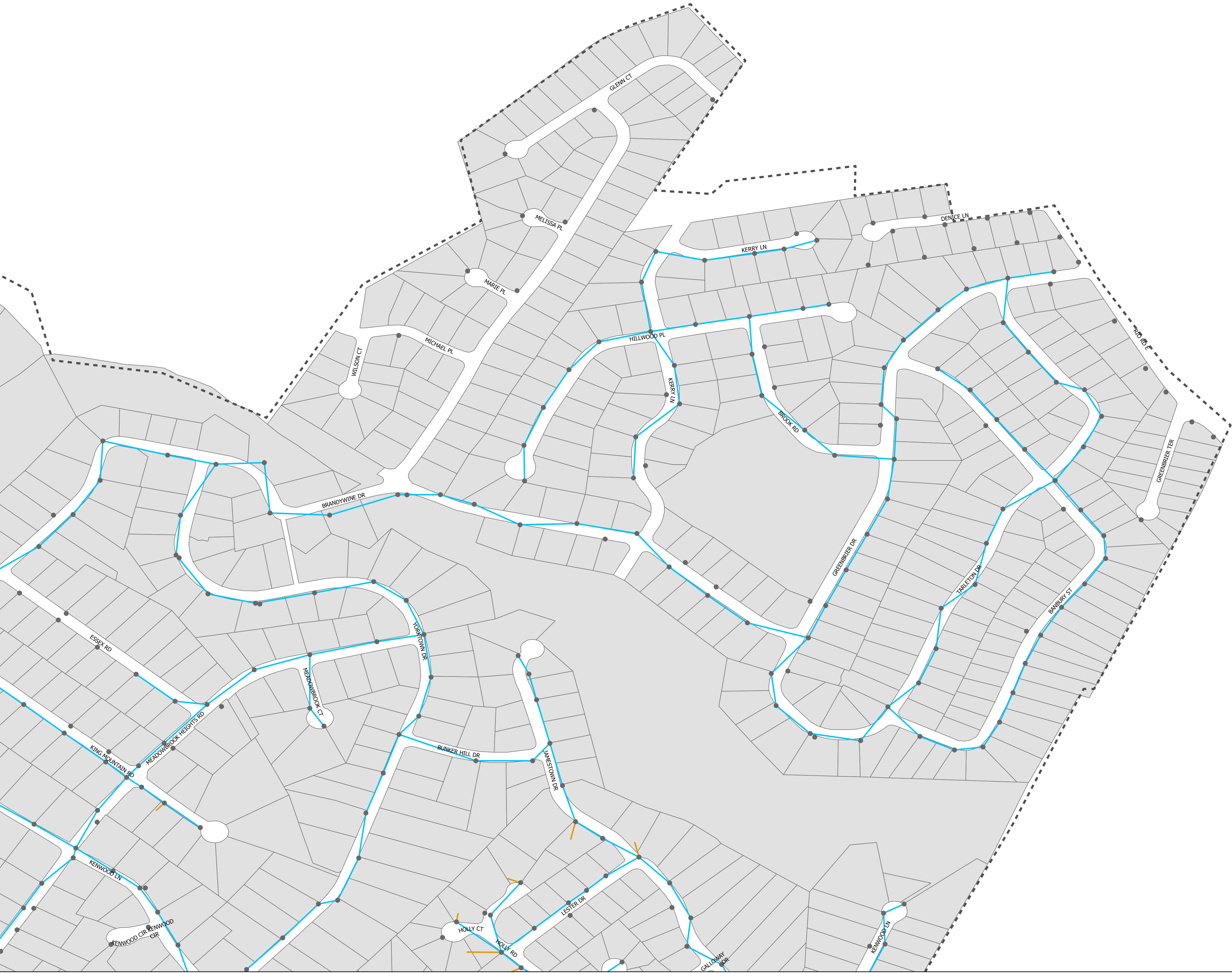
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CFO and Manager
Its: _____

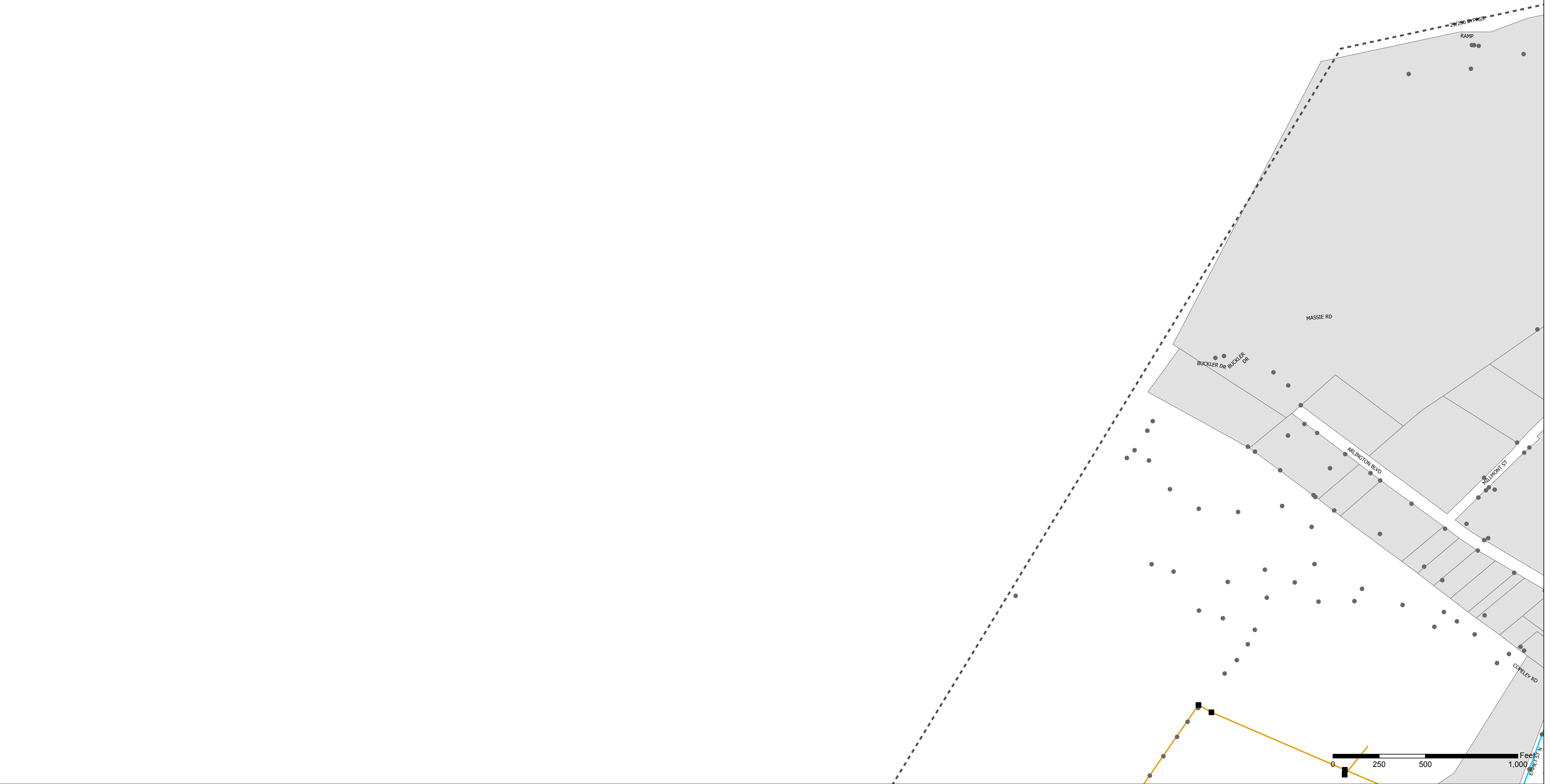
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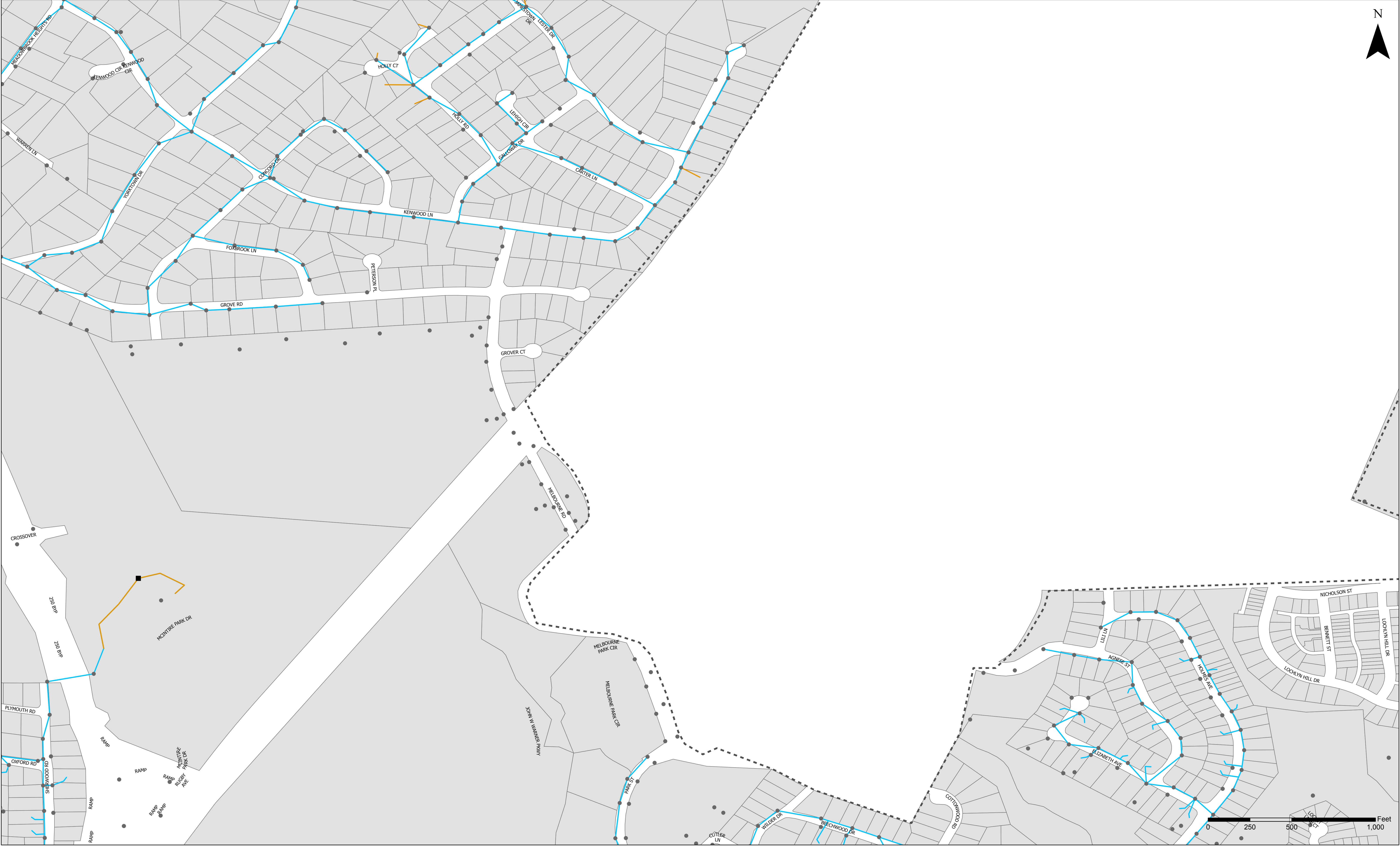


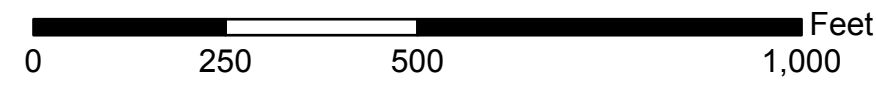








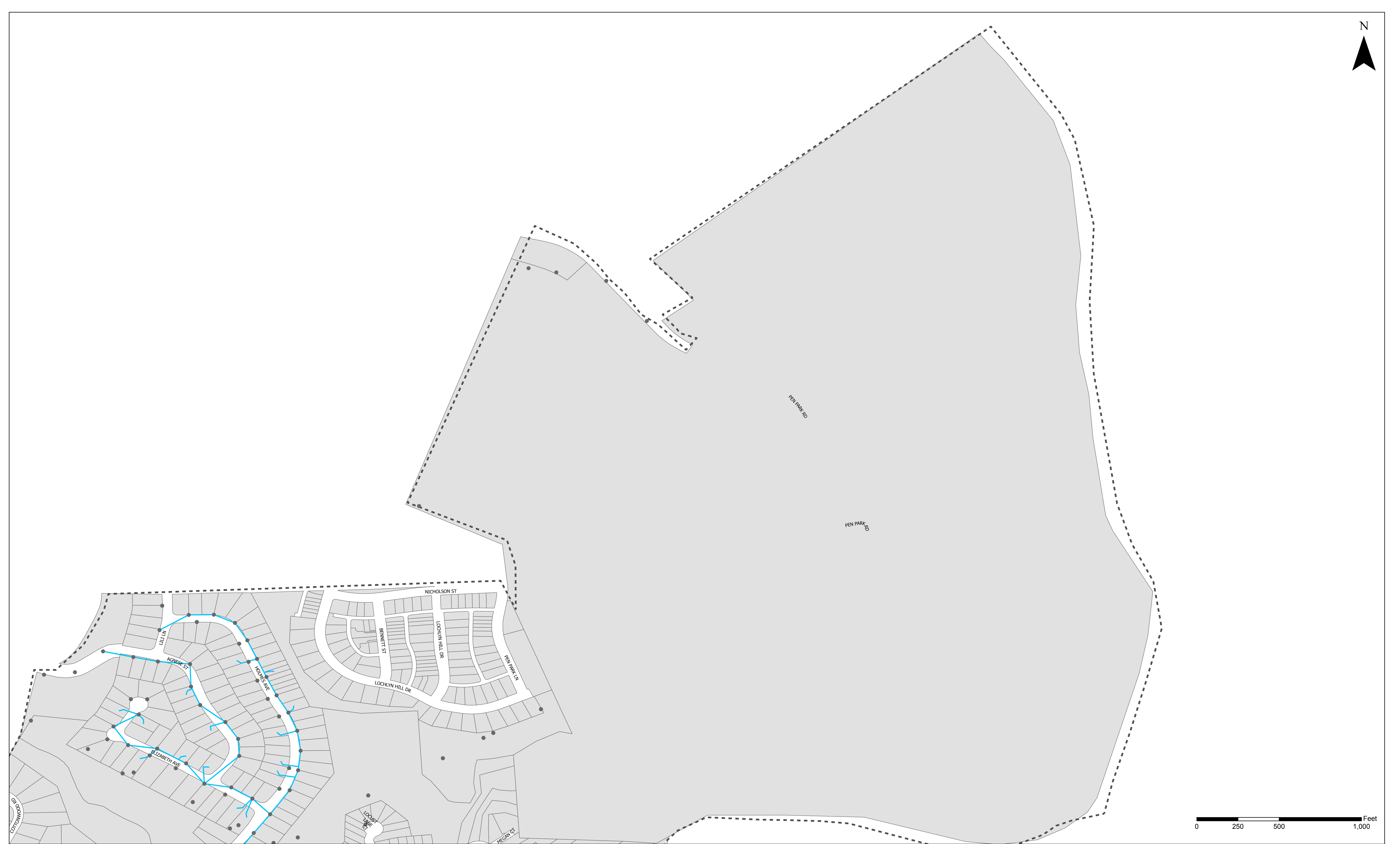


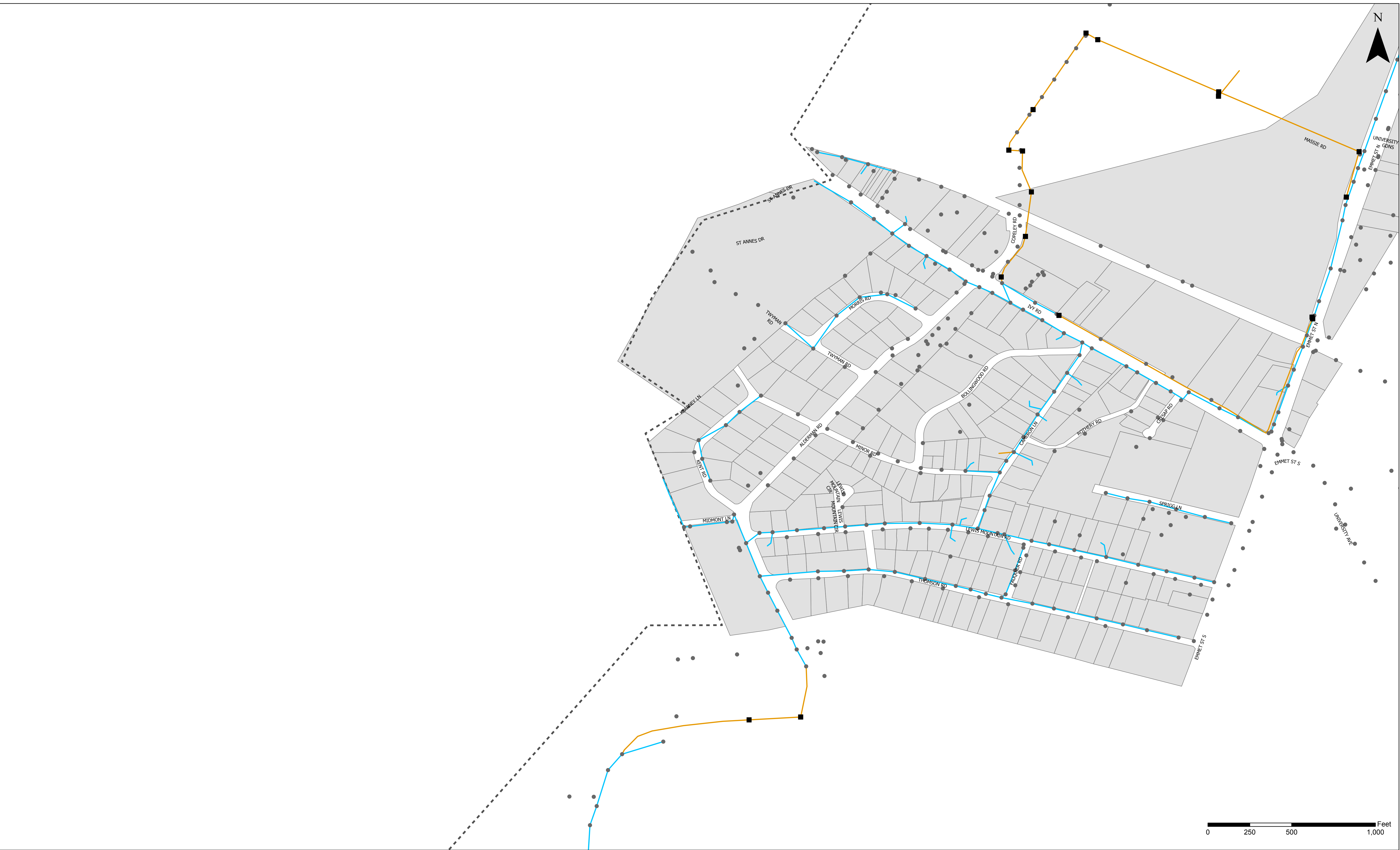


Legend

- Underground Access Point
- Utility Pole
- Aerial Fiber Route
- Conduit with Fiber
- - - City Limits
- ⬡ Cabinets

Charlottesville Fiber Locations

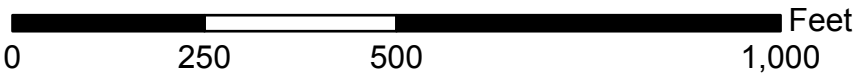






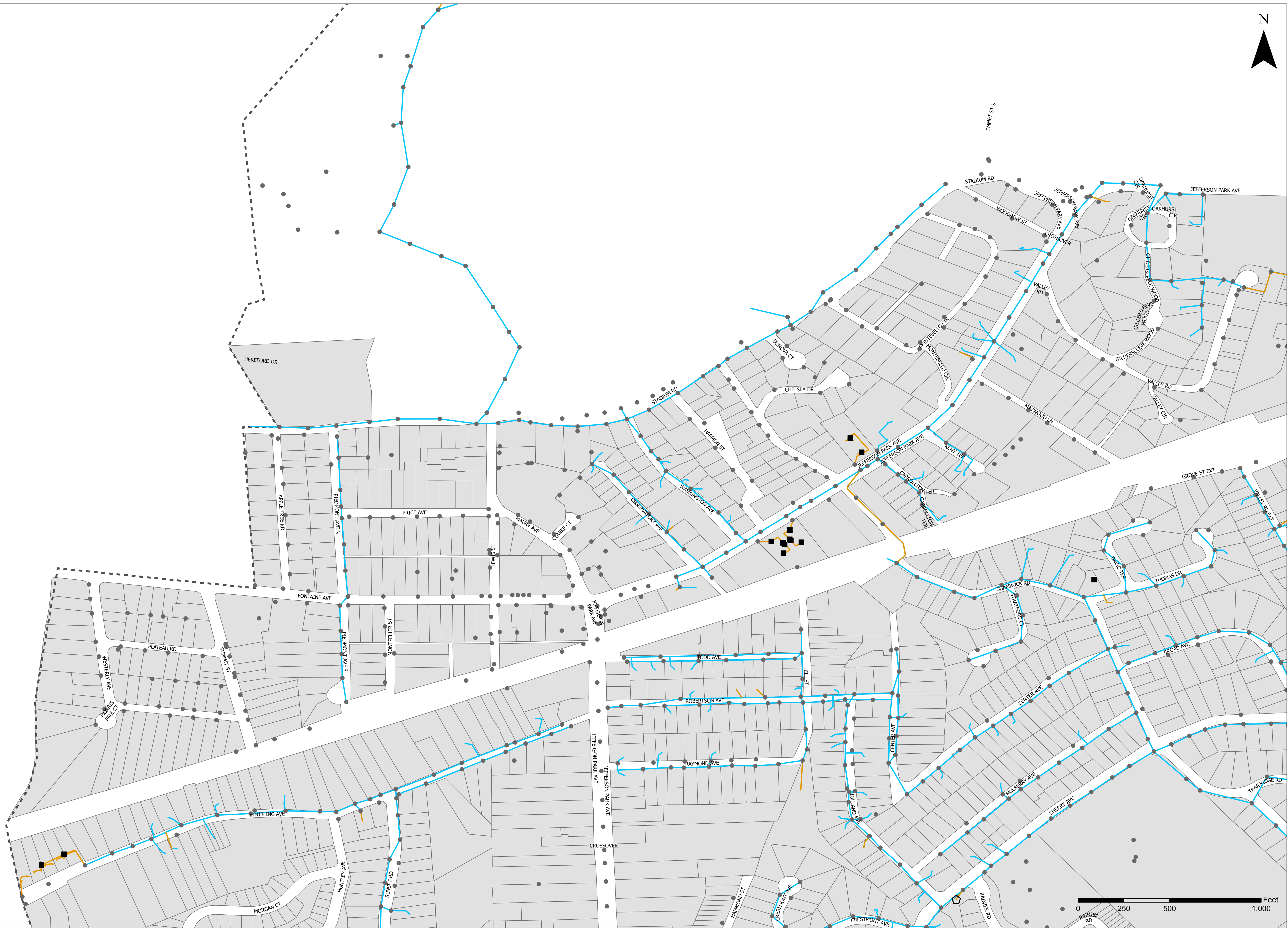




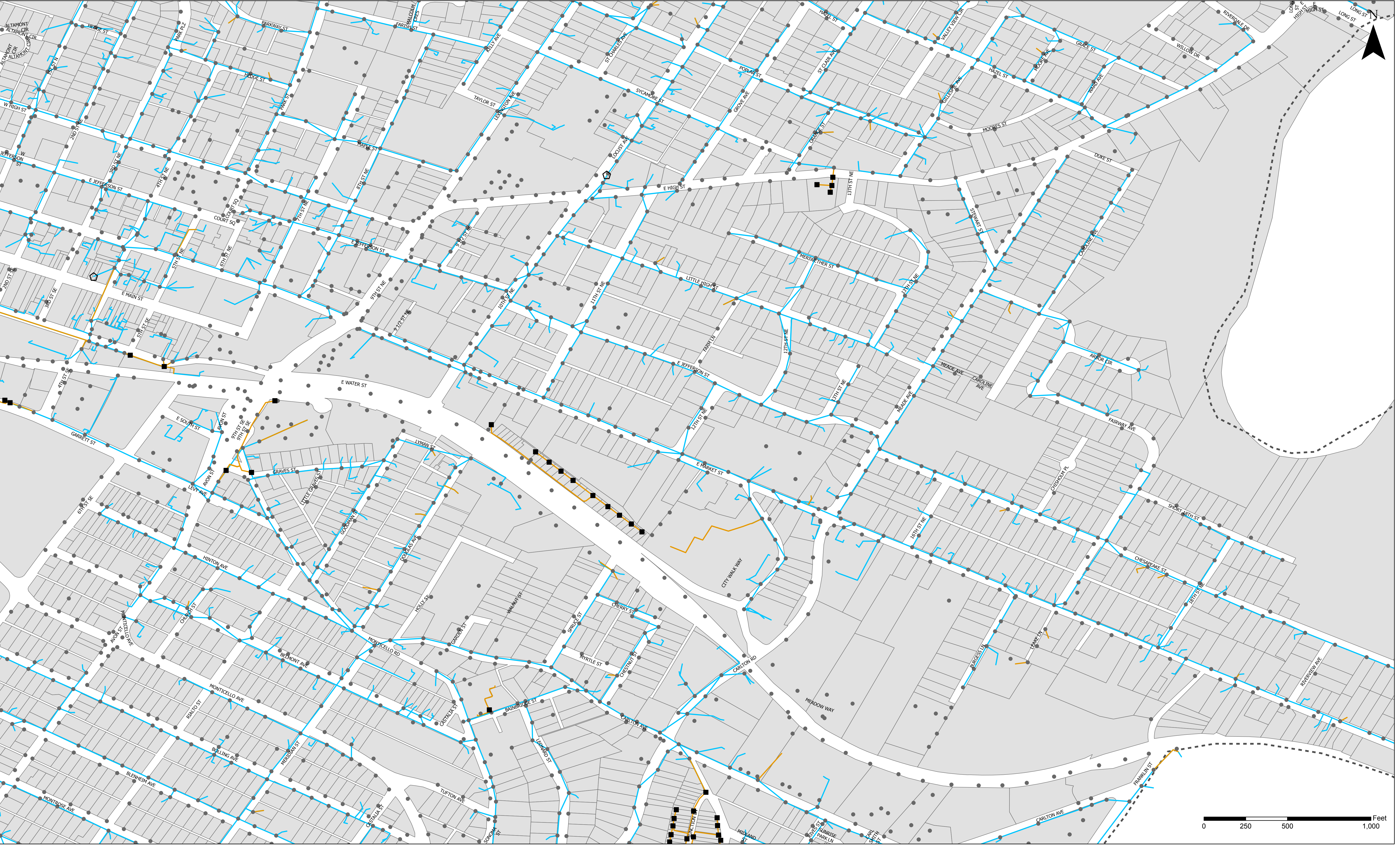


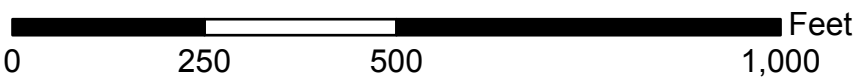
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- Conduit with Fiber
- - - City Limits
- ◻ Cabinets



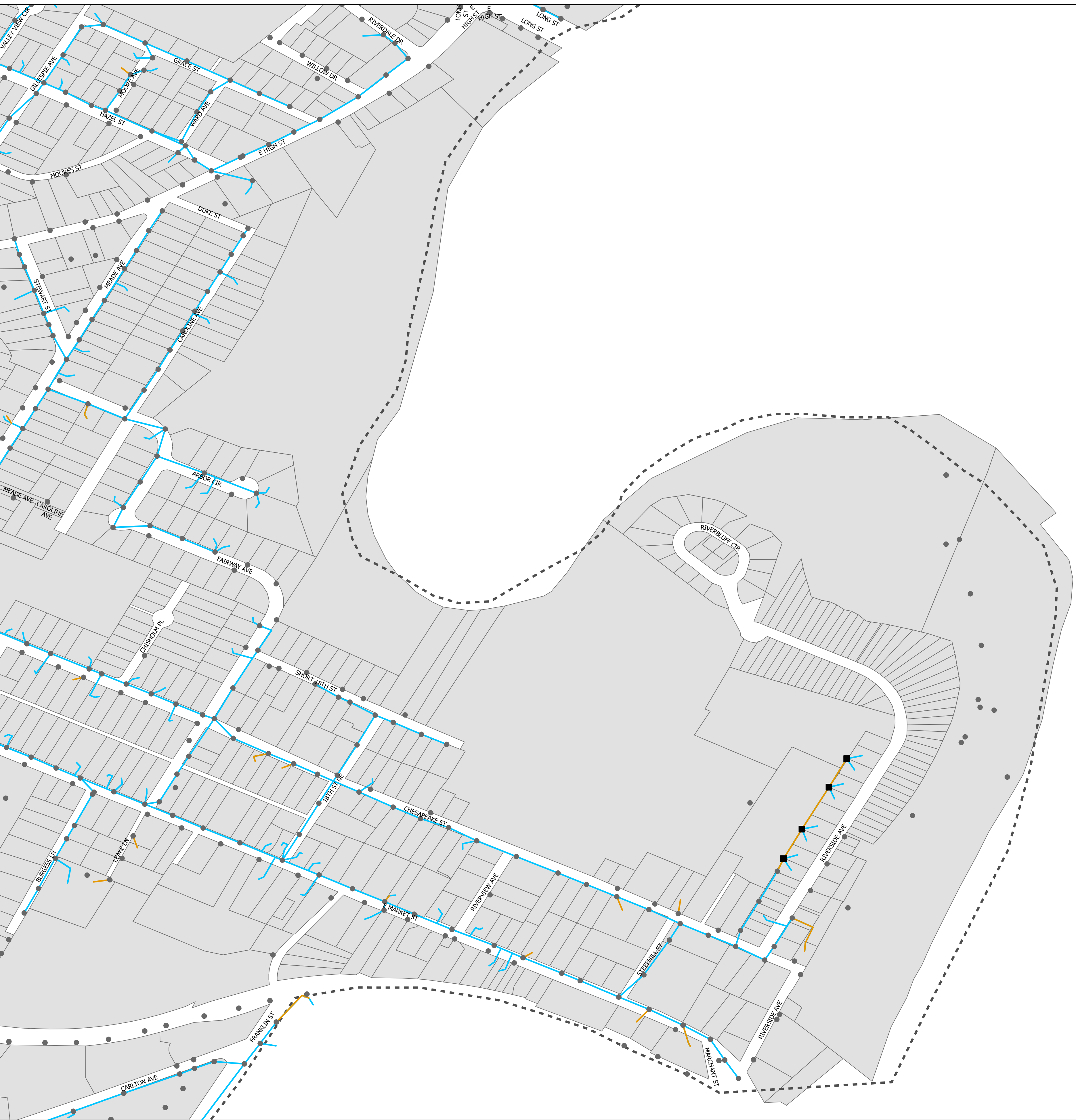






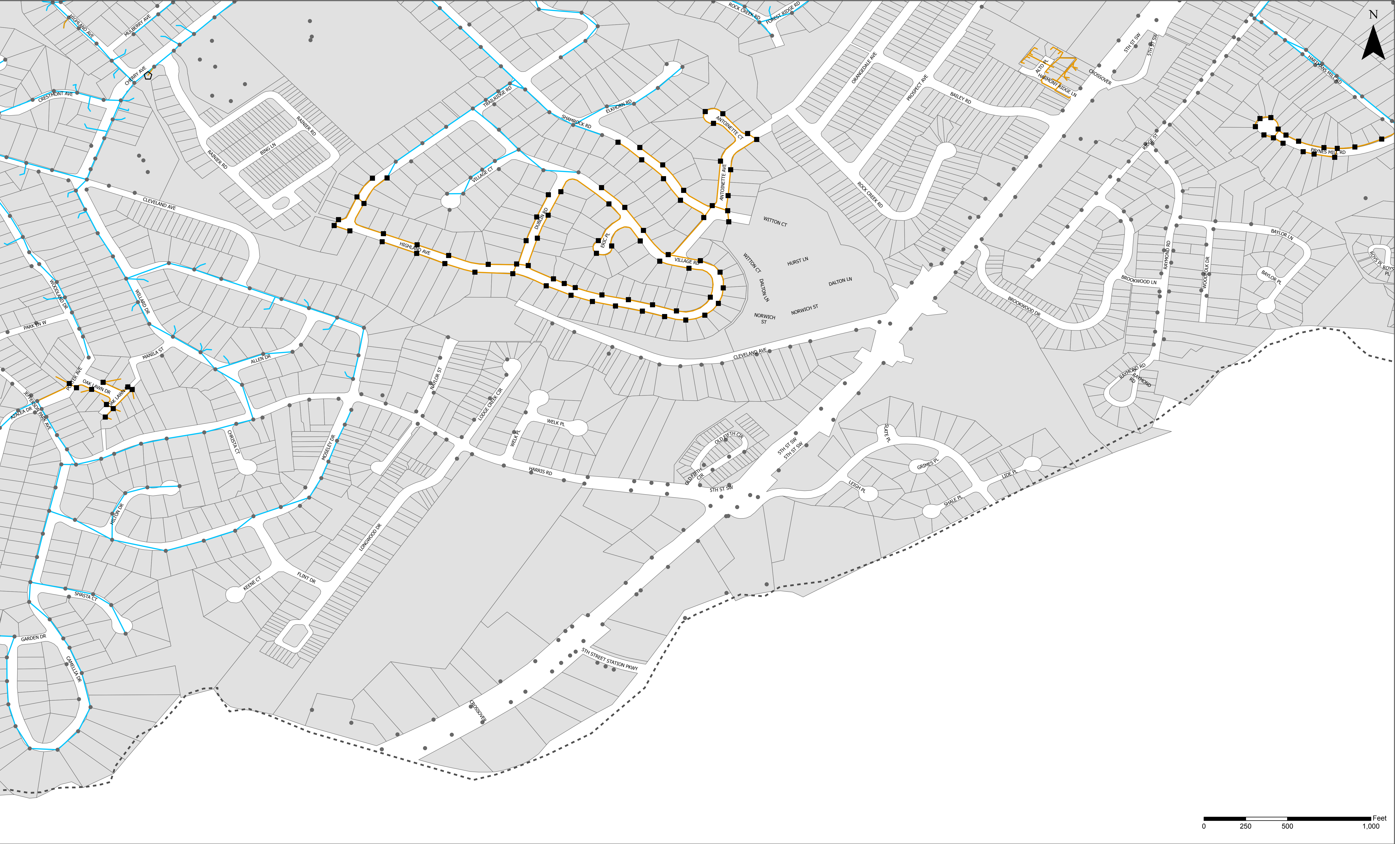
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- City Limits
- ◊ Cabinets

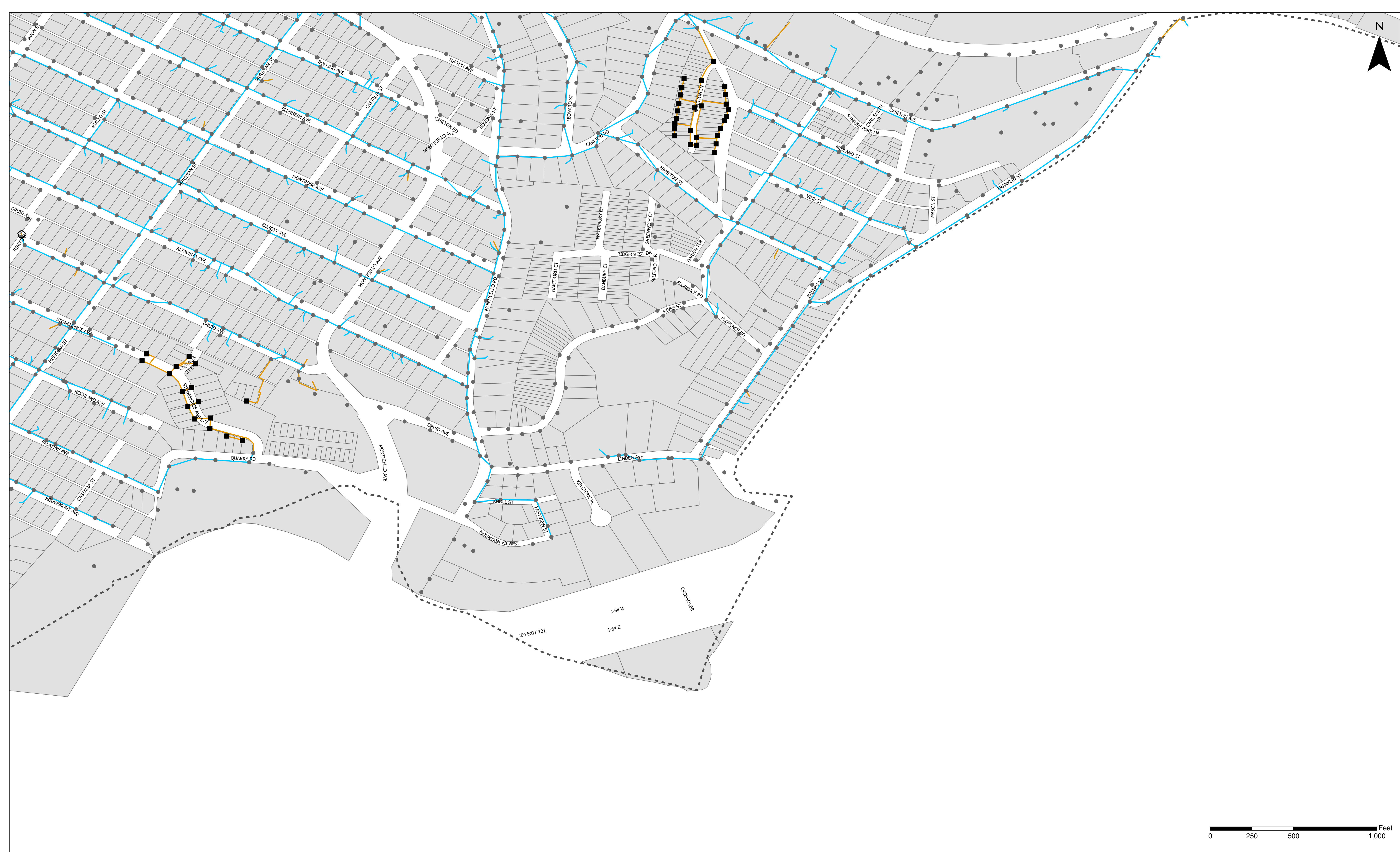


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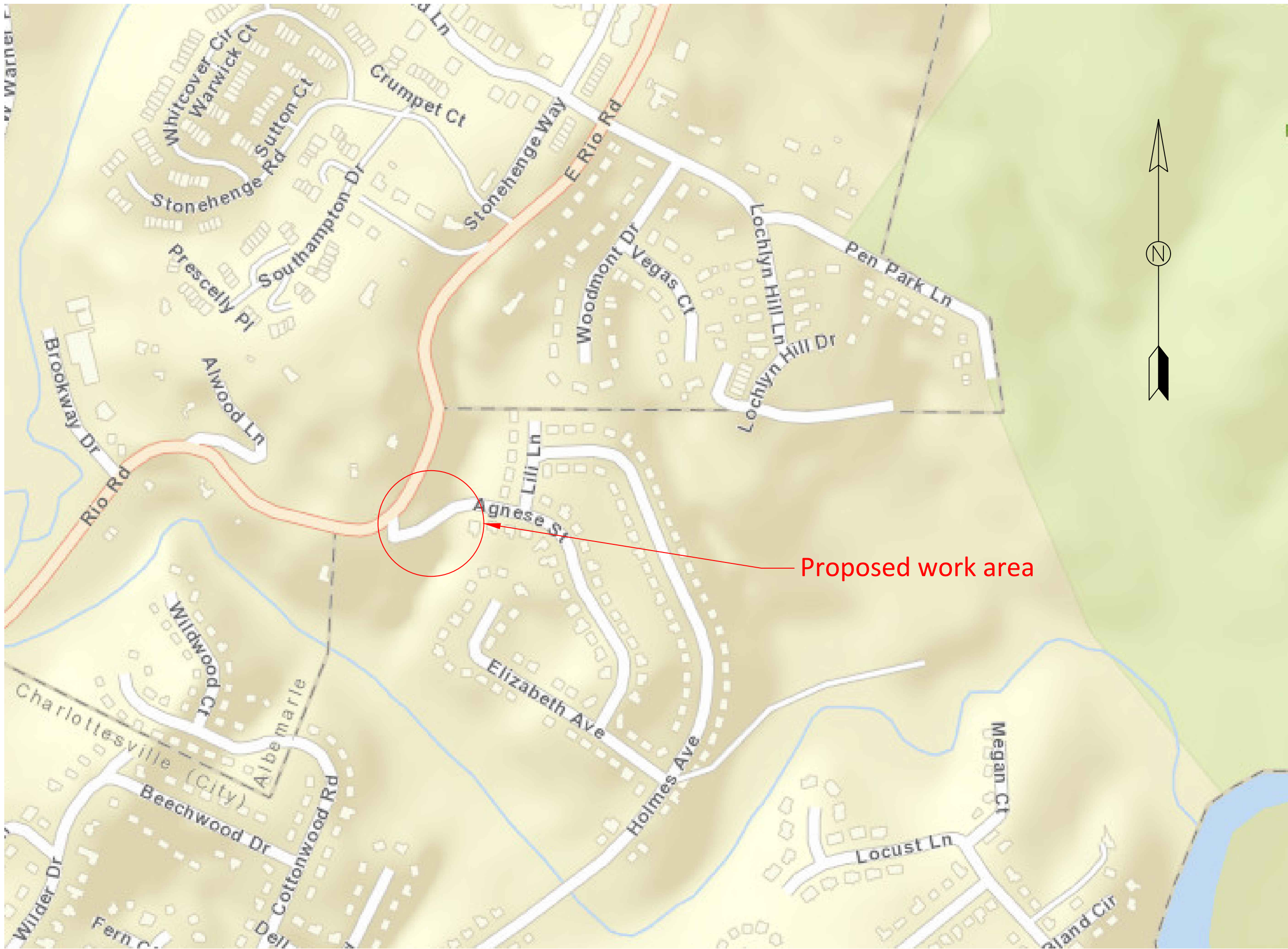
- Underground Access Point Aerial Fiber Route City Limits
 Utility Pole Conduit with Fiber Cabinets







CITY OF CHARLOTTESVILLE, VIRGINIA
CONSTRUCTION DOCUMENTS FOR
FIBER INFRASTRUCTURE OUTSIDE PLANT DESIGN
FIBER TO THE HOME
TING FIBER AGNESE ST.



VICINITY MAP

CONTACT INFORMATION

TING FIBER INC.

DIRECTOR FIBER NETWORK DESIGN AND DEPLOYMENT:

OVI BIRIS
416-538-5474
OVI@TING.COM

PROJECT MANAGER:

KHAJA UDDIN
647-285-9590
KUDDIN@TING.COM

FIBER ENGINEER:

BIBIANA TORO
434-817-0707 (2406)
BIBIANA@TING.COM

INDEX

GENERAL NOTES	2
CONSTRUCTION DRAWINGS	3
DETAILS	D

PROJECT SCOPE:

INSTALLATION OF CONDUIT ON THE NORTH SIDE OF AGNESE ST BETWEEN
E RIO RD AND POWER POLE AT AGNESE ST. (APPROX. 280 FT)



306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
(434)385-7548 — (434)385-6178 (FAX)



TING FIBER
1819 Broadway St.
Charlottesville,
VA 22902



Project:
TING FIBER AGNESE ST

Project number:
VA-CH-AS-008

Subcontractor:
TBD

Revisions

By	Date	REVISION COMMENTS
BT	6/18/19	Permit application

Drawn by BT

Approved:
Ovi Biris

Content:
COVER

Scale:
NONE

Date:
6/18/2019

Sheet:
1

GENERAL NOTES/ADDENDUM NOTES

1. THE CONTRACTOR IS REQUIRED TO CONTACT THE APPROPRIATE UTILITY COMPANIES INVOLVED AND MAKE SATISFACTORY ARRANGEMENTS TO ADJUST THE UTILITIES IN CONFLICT WITH THE PROPOSED WORK PRIOR TO BEGINNING CONSTRUCTION.

2. THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL ENVIRONMENTAL REGULATIONS.

3. TRENCHING, BORE PITS, AND/OR OTHER EXCAVATIONS SHALL NOT BE LEFT OPEN OR UNSAFE OVERNIGHT. THE CONTRACTOR SHALL COMPLY WITH ALL EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS AND PROVIDE A COMPETENT PERSON ON SITE TO SUPERVISE EXCAVATION AT ALL TIMES.

4. ALL FILL AREAS/BACKFILL SHALL BE COMPACTED TO 95% STANDARD PROCTOR. COMPACT SOIL EVERY 6 INCHES. ALL MATERIAL TO A DEPTH OF 8 INCHES BELOW THE FINISHED SURFACE OF THE SUBGRADE SHALL BE COMPACTED TO DENSITY EQUAL TO AT LEAST 100% OF THAT OBTAINED BY COMPACTING A SAMPLE OF THE MATERIAL IN ACCORDANCE WITH AASHTO T99.

5. VEGETATIVE COVER SHALL BE ESTABLISHED ON ALL DISTURBED AREAS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE ENVIRONMENTAL ENGINEER. RESEEDING MUST OCCUR WITHIN 10 DAYS.

6. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE CITY STANDARDS AND SPECIFICATIONS MANUALS.

7. ANY DRAINAGE STRUCTURE DISTURBED OR DAMAGED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AS DIRECTED BY THE ENGINEERING DIVISION. NOTIFICATION SHALL BE GIVEN TO THE ENGINEERING DIVISION PRIOR TO MAKING ANY REPAIR.

8. ALL DRIVEWAYS ALTERED DURING CONSTRUCTION SHALL BE RETURNED TO A STATE COMPARABLE WITH THE CONDITION OF THE DRIVEWAYS PRIOR TO CONSTRUCTION.

9. RIGHT OF WAY MONUMENTS DISTURBED DURING CONSTRUCTION SHALL BE REFERENCED BY A REGISTERED LAND SURVEYOR AND RESET AFTER CONSTRUCTION.

10. PROPER TRAFFIC CONTROL DEVICES, SIGNS, ETC., SHALL BE INSTALLED TO ENSURE PUBLIC SAFETY IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND ANY SUPPLEMENTS THERETO AND VDOT ROADWAY STANDARD DRAWINGS.

11. INGRESS AND EGRESS SHALL BE MAINTAINED TO ALL BUSINESSES AND DWELLINGS AFFECTED BY THE PROJECT.

12. NO PARKING OR MATERIAL STORAGE SHALL BE ALLOWED ALONG THE SHOULDERS OF ANY ROADWAY.

13. DURING NON-WORKING HOURS, EQUIPMENT SHALL BE REMOVED FROM THE RIGHT OF WAY.

14. ALL ROADWAY SIGNS THAT ARE REMOVED DUE TO CONSTRUCTION SHALL BE REINSTALLED AT THE END OF THE WORKING DAY.
15. EXCAVATION MATERIAL SHALL NOT BE PLACED ON THE PAVEMENT. DRAINAGE STRUCTURES SHALL NOT BE BLOCKED WITH EXCAVATION MATERIALS.

16. MANHOLES AND/OR VAULTS SHALL NOT BE PLACED IN THE DITCH LINE, SIDE SLOPES OF THE DITCHES OR IN THE PAVEMENT.

17. ALL MANHOLES, HAND HOLES, AND/OR VAULTS WITHIN RIGHT-OF-WAY SHALL BE OF A PRE-APPROVED DESIGN.

18. ALL WORK TO BE PERFORMED IN STRICT ACCORDANCE WITH THE APPLICABLE CODES OR REQUIREMENTS OF ANY REGULATING GOVERNMENTAL AGENCY AND THE RIGHT-OF-WAY GRANTOR.

19. LOCATIONS OF SOME OF THE PHYSICAL FEATURES WERE OBTAINED FROM DATED EVALUATION MAPS OR OTHER DRAWINGS AND MAY NOT BE SHOWN OR DEPICTED ON THESE DRAWINGS.

20. UTILITIES SHOWN ON THESE PLANS HAVE NOT BEEN FIELD VERIFIED AND ARE APPROXIMATE ONLY. UNDERGROUND UTILITY LOCATIONS WILL BE VERIFIED AT LEAST 100 FEET IN ADVANCE , SO THAT CHANGES PLACEMENT CAN BE APPROVED PRIOR TO RELOCATING IN THE EVENT OF CONFLICT.

21. ANY AND ALL IMPROVEMENTS, SUCH AS ASPHALT OR CONCRETE PAVEMENT, CURBS, GUTTERS, WALKS, DRAINAGE DITCHES, EMBANKMENTS, SHRUBS, TREES, GRASS SOD, ETC., IF DAMAGED, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND RESTORED TO ORIGINAL OR BETTER CONDITION.

22. SHORING OF BORE PITS AND TRENCHES IN ACCORDANCE WITH EROSION AND SEDIMENT CONTROL REGULATIONS SHALL BE MANDATORY. ANY SHORING NOT IN COMPLIANCE WITH THIS REGULATIONS WILL CAUSE AN AUTOMATIC AND IMMEDIATE WORK STOPPAGE.

23. UNDERGROUND CONDUIT WILL BE PLACED AT 30" MINIMUM COVER UNLESS SPECIFIED ON THE CONSTRUCTION DRAWINGS.

24. THE SUBCONTRACTOR SHALL BORE AT APPROXIMATE DEPTH WHERE NECESSARY TO MAINTAIN MINIMUM 18" CLEARANCE FROM OTHER UTILITIES.

25. ALL HANDHOLE/MANHOLES SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

26. ALL TREES POTENTIALLY AFFECTED BY THE WORK, WHETHER IN THE RIGHT-OF-WAY OR NOT, SHALL BE BROUGHT TO THE ATTENTION OF THE CONSTRUCTION MANAGER WHO WILL REQUIRE THAT PRECAUTION SUCH AS DEEPENING THE CONDUIT LINE BORE OR MOVING THE RUNNING LINE OUT FROM THE DRIP LINE BE TAKEN TO AVOID DAMAGE TO THE TREE ROOT SYSTEM WITH DOT ENGINEER APPROVAL.

27. UTILITIES SHOWN ARE KNOWN TO BE IN AREA BUT HAVE NOT BEEN PHYSICALLY LOCATED AND DO NOT RELIEVE CONTRACTOR RESPONSIBILITY OF CALLING VA811 ONE CALL SERVICE PRIOR TO WORK START.

28. SIDEWALKS SHALL NOT BE BLOCKED DURING CONSTRUCTION OR REQUIRED TRAFFIC CONTROL DURING CONSTRUCTION AT SIDEWALKS SHALL BE PROVIDED.



306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
(434)385-7548 - (434)385-6178 (FAX)



TING FIBER
1819 Broadway St.
Charlottesville,
VA 22902



Project:
TING FIBER AGNESE ST

Project number:
VA-CH-AS-008

Subcontractor:
TBD

Revisions

By	Date	REVISION COMMENTS
BT	6/18/19	Permit application

Drawn by BT

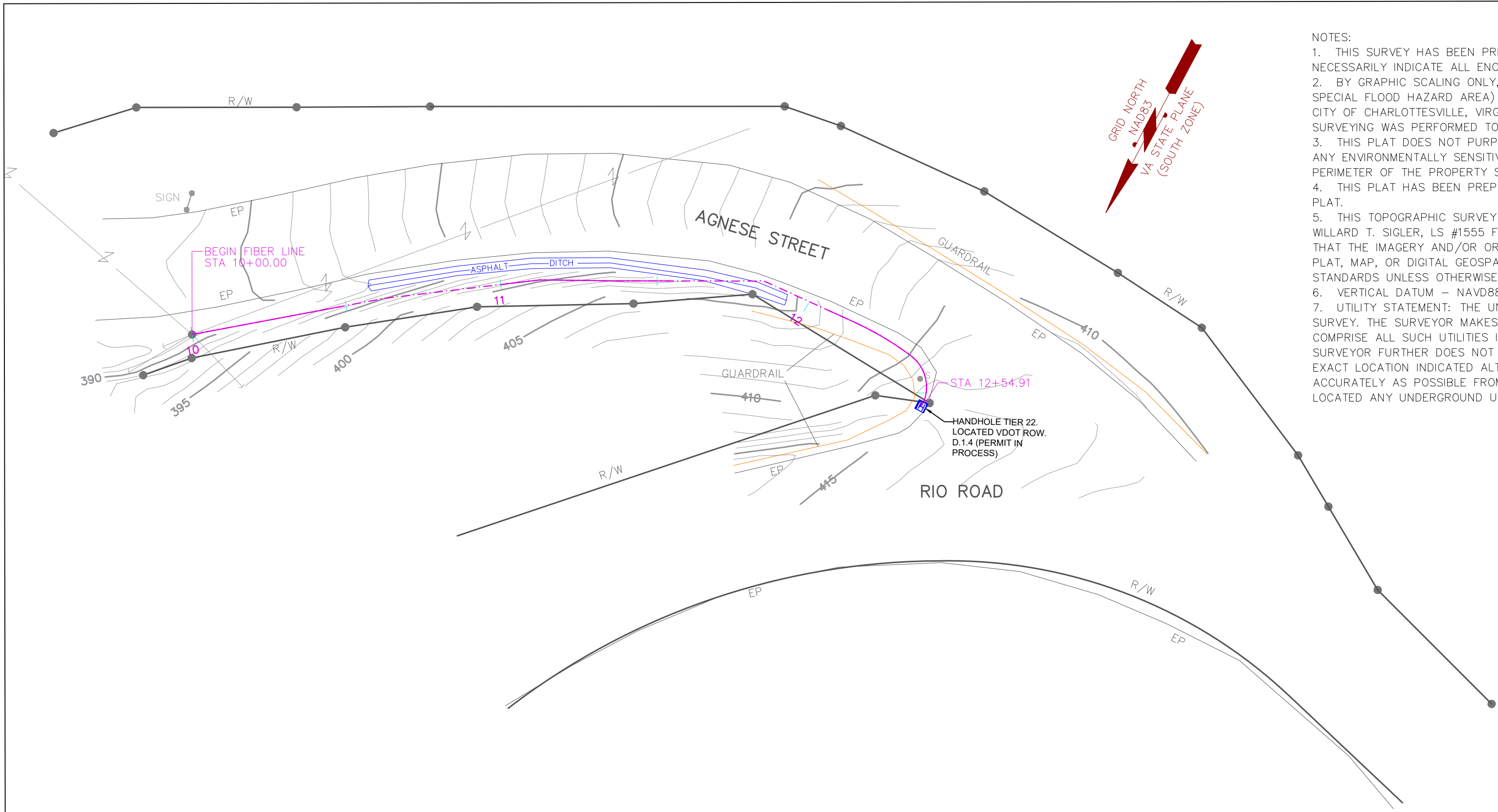
Approved:
Ovi Biris

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GENERAL NOTES

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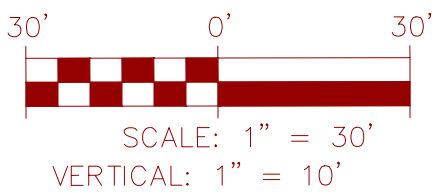
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NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN UNSHADED ZONE "X" (NOT IN A SPECIAL FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF CHARLOTTESVILLE, VIRGINIA (#5100300287D) DATED FEBRUARY 4, 2005. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
4. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT.
5. THIS TOPOGRAPHIC SURVEY WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF WILLARD T. SIGLER, LS #1555 FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION; THAT THE IMAGERY AND/OR ORIGINAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.
6. VERTICAL DATUM - NAVD83; CONTOUR INTERVAL - ONE (1) FOOT
7. UTILITY STATEMENT: THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.



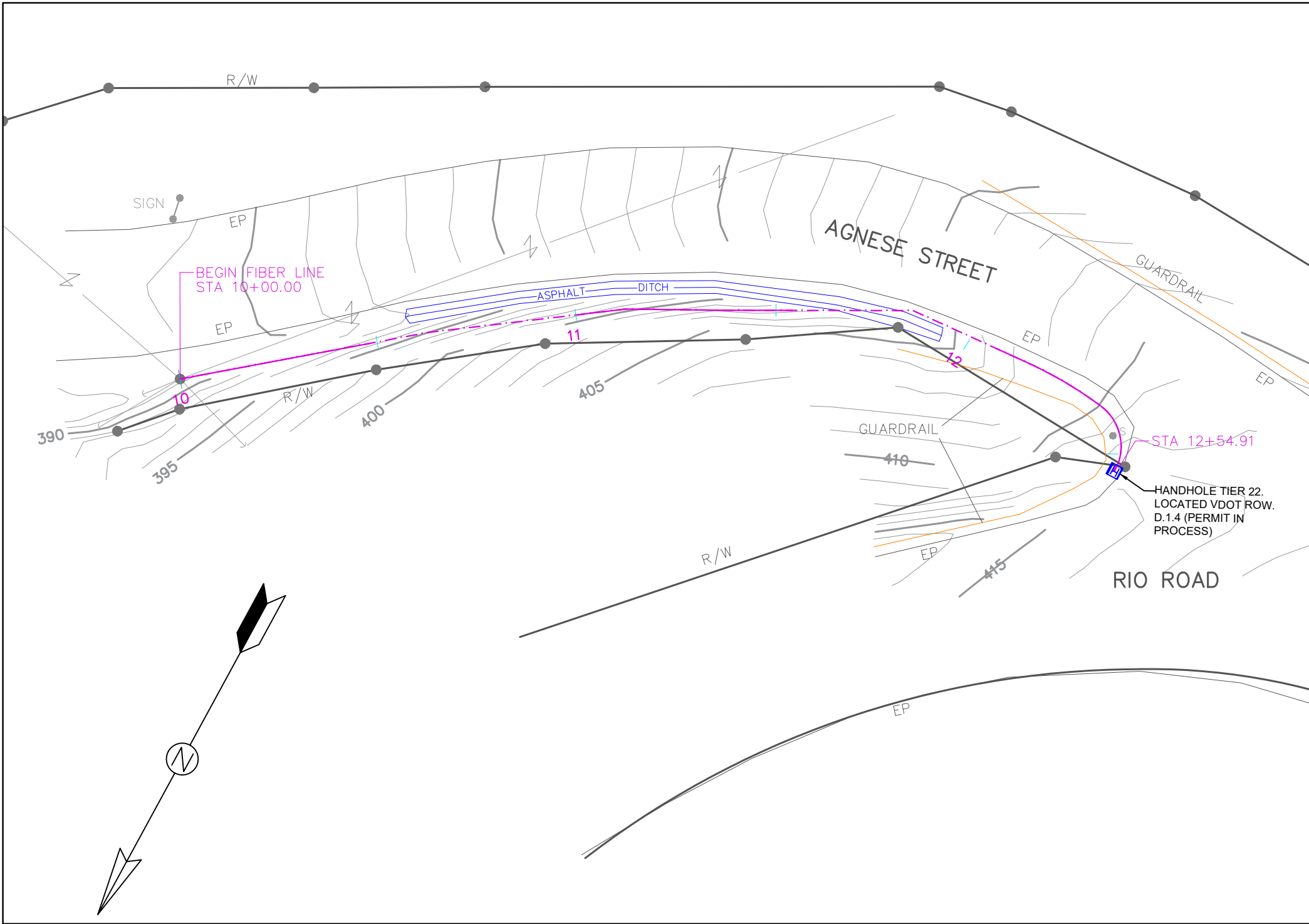
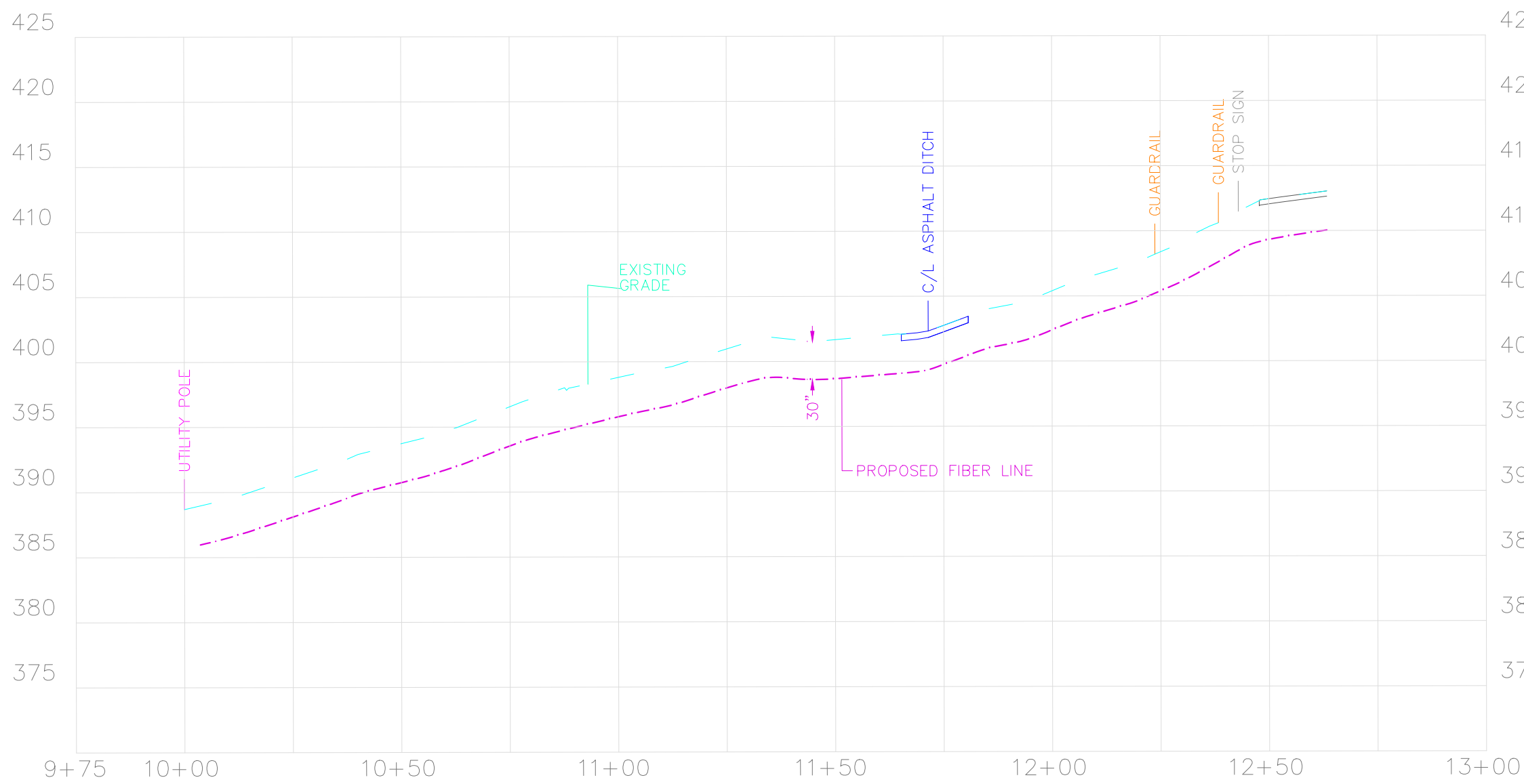
LEGEND

- PROPERTY CORNER
- R/W RIGHT-OF-WAY
- EP EDGE OF PAVEMENT
- UTILITY POLE
- OVERHEAD UTILITIES
- GUY WIRE
- PROPOSED FIBER LINE

PLAN & PROFILE OF PROPOSED FIBER LINE ALONG AGNESE STREET FOR TING FIBER

CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 05-15-19 SCALE: 1" = 30'
PROJECT #19-061



NOTES:

1. VERIFY ALL EXISTING UTILITIES DEPTHS PRIOR TO PROCEEDING WITH PROPOSED CONDUIT INSTALLATION.
2. ALL DEPTHS ARE 30" MIN.
3. LIMITS OF RIGHT-OF-WAY MUST BE VERIFIED PRIOR TO INSTALLATION

VEGETATIVE COVER SHALL BE ESTABLISHED ON ALL DISTURBED AREAS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE DIVISION ROADSIDE ENVIRONMENTAL ENGINEER. RESEEDING MUST OCCUR WITHIN 10 DAYS.

MISS UTILITY TICKET: A915701320



306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
(434)385-7548 - (434)385-6178 (FAX)



TING FIBER
1819 Broadway St.
Charlottesville,
VA 22902



Project:
TING FIBER AGNESE ST

Project number:
VA-CH-AS-008

Subcontractor:
TBD

Revisions

By	Date	REVISION COMMENTS
BT	6/18/19	Permit application

Drawn by BT

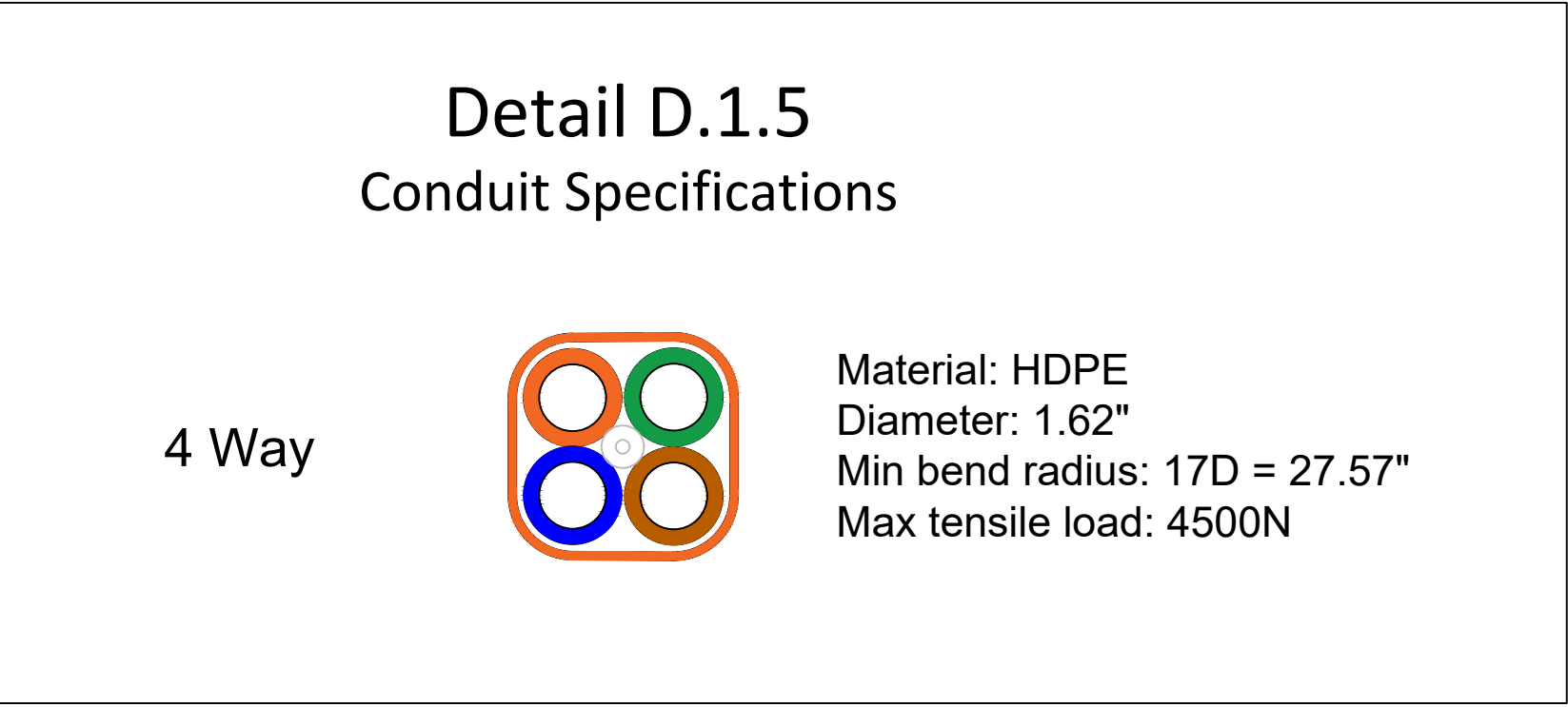
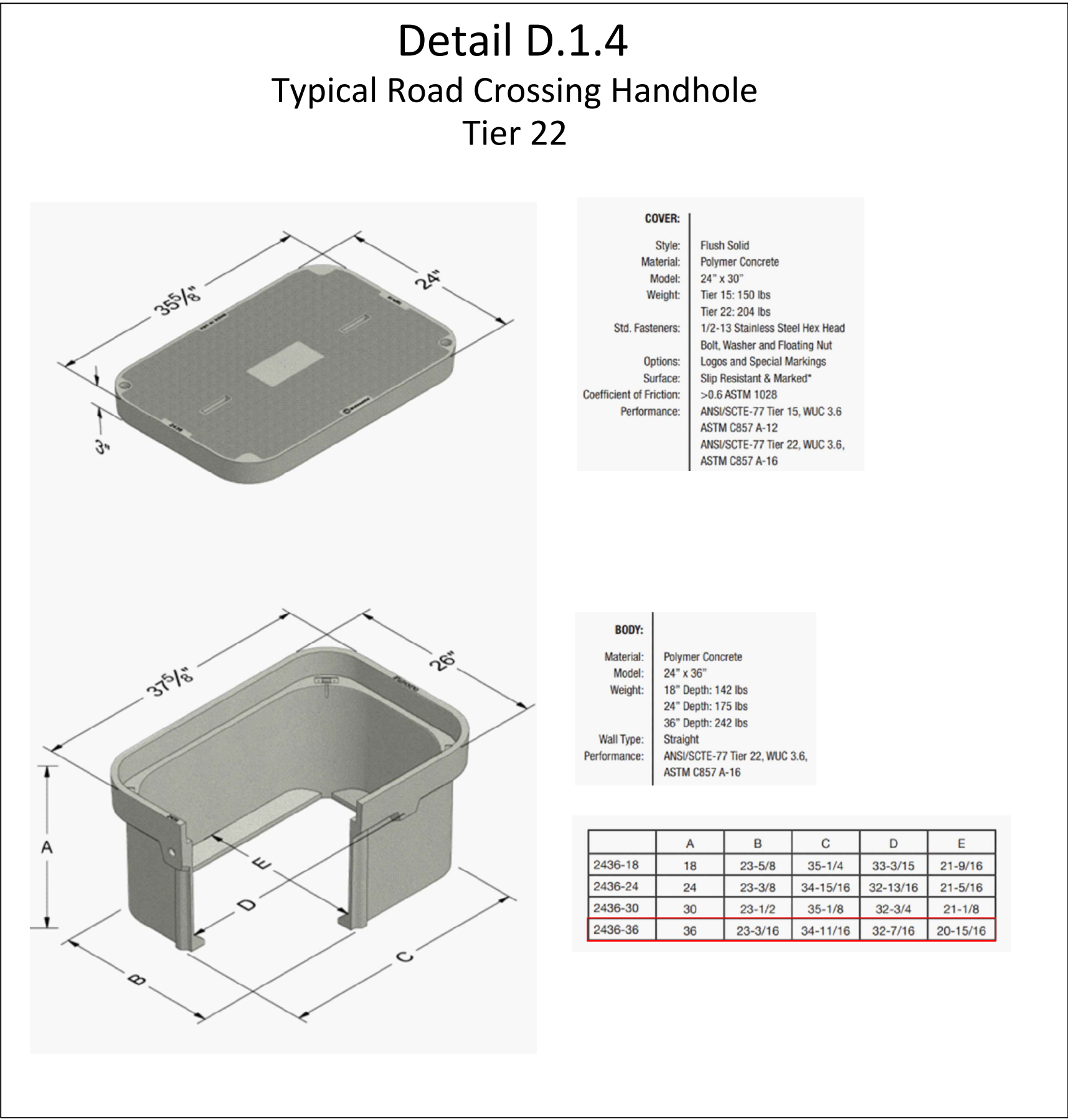
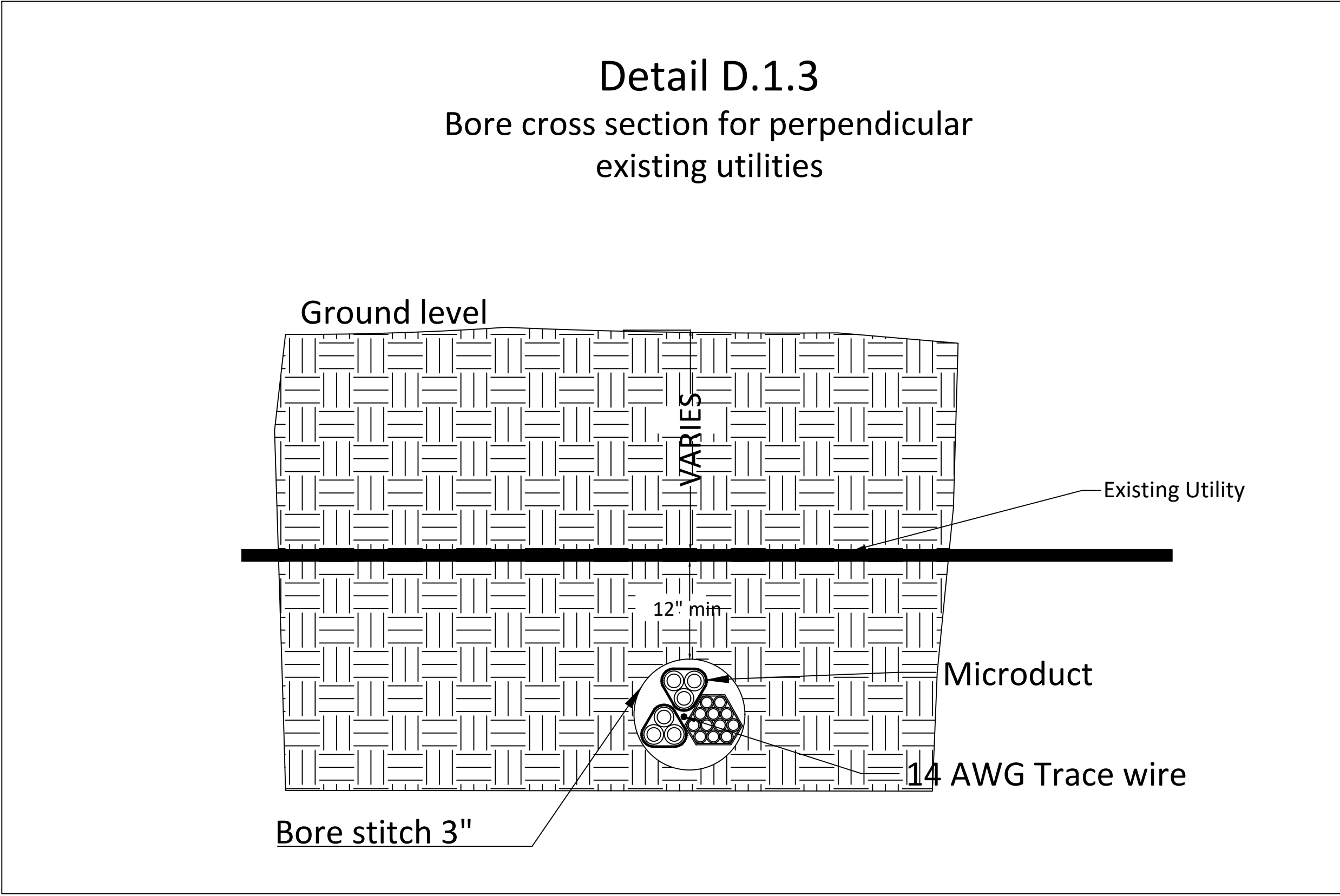
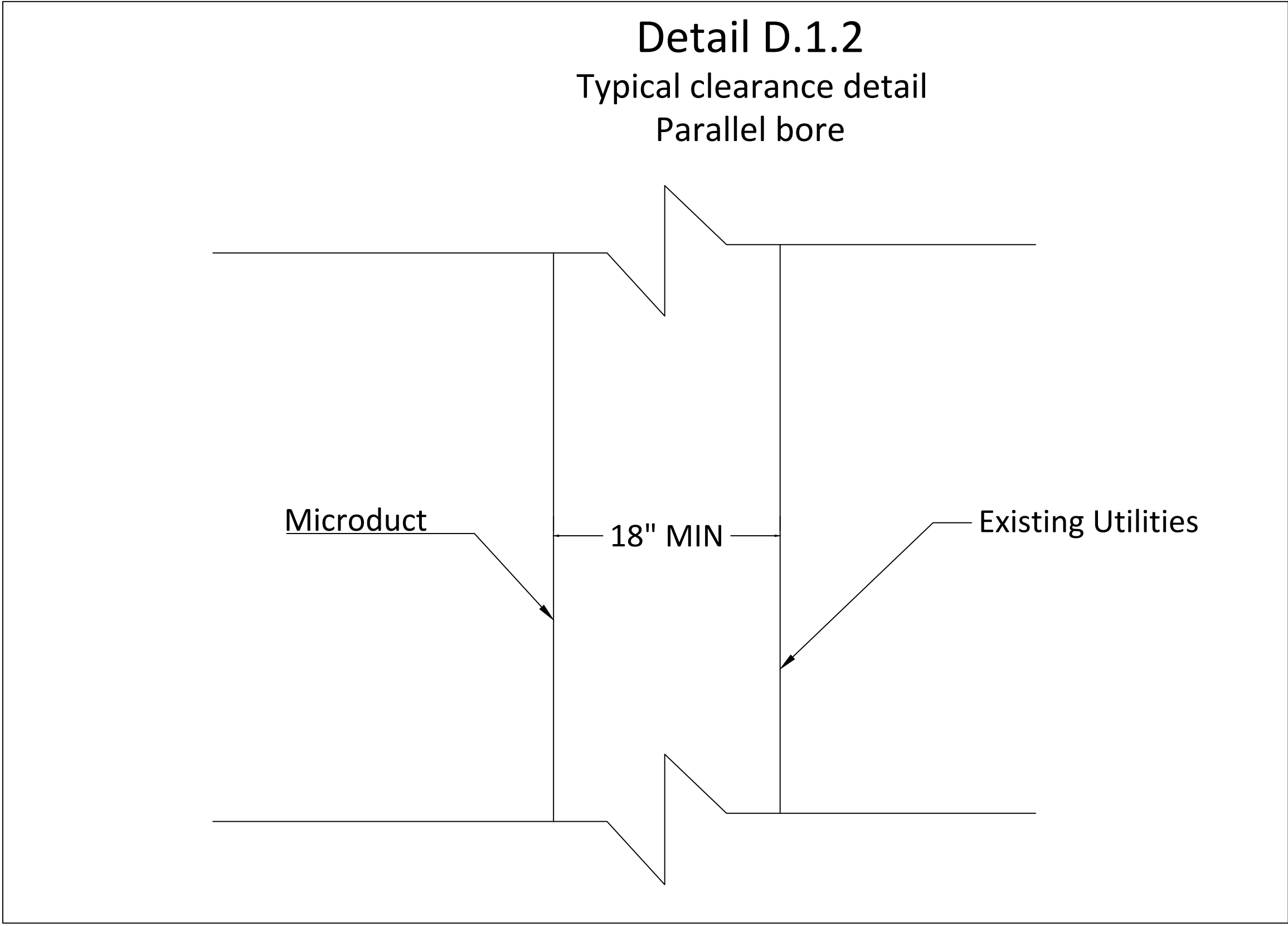
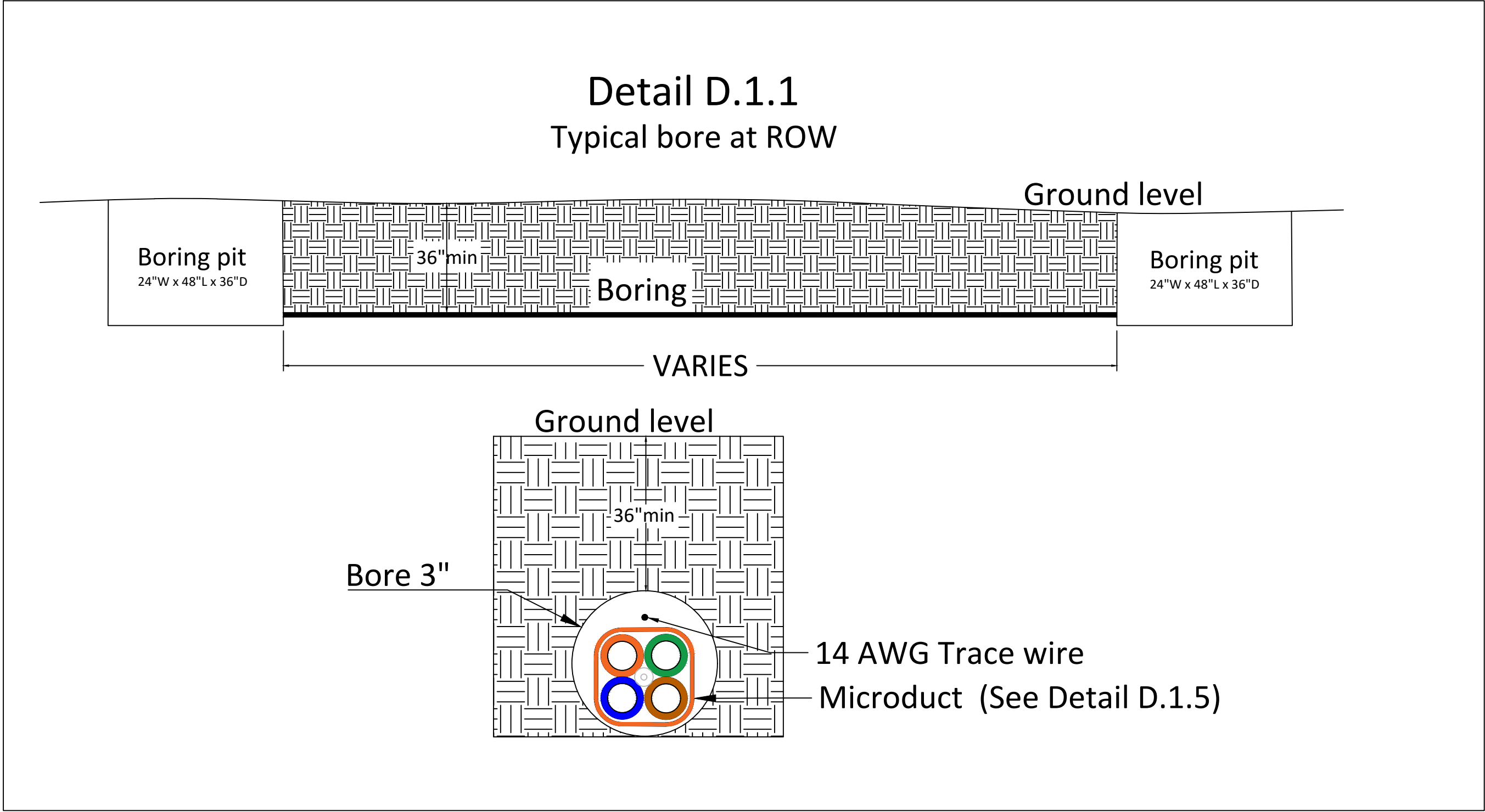
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Ovi Biris

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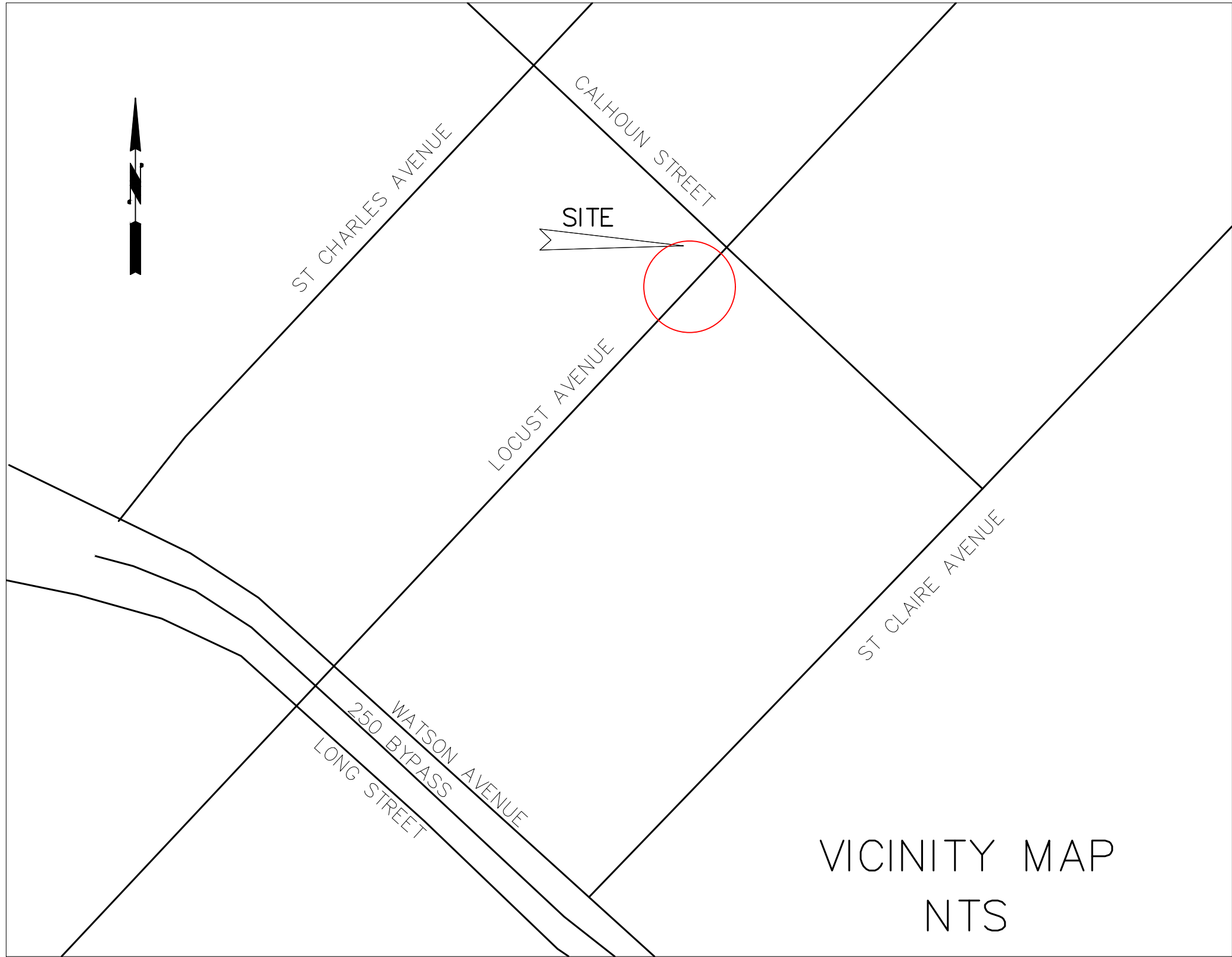
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CITY OF CHARLOTTESVILLE, VIRGINIA
CONSTRUCTION DOCUMENTS FOR
ACTIVE CABINET INSTALLATION
TING FIBER LOCUST CABINET



CONTACT INFORMATION

TING FIBER INC.

DIRECTOR FIBER NETWORK DESIGN AND DEPLOYMENT:

OVI BIRIS
416-538-5474
OVI@TING.COM

PROJECT MANAGER:

KHAJA UDDIN
647-285-9590
KUDDIN@TING.COM

FIBER ENGINEER:

BIBIANA TORO
434-817-0707 (2406)
BIBIANA@TING.COM

INDEX

GENERAL NOTES	2
CONSTRUCTION DRAWINGS	3
DETAILS	D

PROJECT SCOPE:

INSTALLATION OF A CONCRETE PAD 6'x8'x $\frac{1}{2}$ ' FOR OUR ACTIVE CABINET AT THE PROPOSED LOCATION. INCLUDING A TWO-INCH DIAMETER PVC CONDUIT WILL BE CONNECTED TO A METER THAT IS ATTACHED TO A METAL GRID FIXTURE WITH 4" X 4" POSTS



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TING FIBER
1819 Broadway St.
Charlottesville,
VA 22902



Project:
TING FIBER LOCUST CABINET

Project number:
VA-CH-L-007

Subcontractor:
TBD

Revisions

By	Date	REVISION COMMENTS
BT	5/9/19	Permit application
BT	6/27/19	First revision
BT	7/3/19	Cabinet relocation

Drawn by BT

Approved:
Ovi Biris

Content:
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Scale:

NONE

Date:
7/3/2019

Sheet:
1

GENERAL NOTES/ADDENDUM NOTES

1. THE CONTRACTOR IS REQUIRED TO CONTACT THE APPROPRIATE UTILITY COMPANIES INVOLVED AND MAKE SATISFACTORY ARRANGEMENTS TO ADJUST THE UTILITIES IN CONFLICT WITH THE PROPOSED WORK PRIOR TO BEGINNING CONSTRUCTION.

2. THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL ENVIRONMENTAL REGULATIONS.

3. TRENCHING, BORE PITS, AND/OR OTHER EXCAVATIONS SHALL NOT BE LEFT OPEN OR UNSAFE OVERNIGHT. THE CONTRACTOR SHALL COMPLY WITH ALL EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS AND PROVIDE A COMPETENT PERSON ON SITE TO SUPERVISE EXCAVATION AT ALL TIMES.

4. ALL FILL AREAS/BACKFILL SHALL BE COMPACTED TO 95% STANDARD PROCTOR. COMPACT SOIL EVERY 6 INCHES. ALL MATERIAL TO A DEPTH OF 8 INCHES BELOW THE FINISHED SURFACE OF THE SUBGRADE SHALL BE COMPACTED TO DENSITY EQUAL TO AT LEAST 100% OF THAT OBTAINED BY COMPACTING A SAMPLE OF THE MATERIAL IN ACCORDANCE WITH AASHTO T99.

5. VEGETATIVE COVER SHALL BE ESTABLISHED ON ALL DISTURBED AREAS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE ENVIRONMENTAL ENGINEER. RESEEDING MUST OCCUR WITHIN 10 DAYS.

6. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE CITY STANDARDS AND SPECIFICATIONS MANUALS.

7. ANY DRAINAGE STRUCTURE DISTURBED OR DAMAGED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AS DIRECTED BY THE ENGINEERING DIVISION. NOTIFICATION SHALL BE GIVEN TO THE ENGINEERING DIVISION PRIOR TO MAKING ANY REPAIR.

8. ALL DRIVEWAYS ALTERED DURING CONSTRUCTION SHALL BE RETURNED TO A STATE COMPARABLE WITH THE CONDITION OF THE DRIVEWAYS PRIOR TO CONSTRUCTION.

9. RIGHT OF WAY MONUMENTS DISTURBED DURING CONSTRUCTION SHALL BE REFERENCED BY A REGISTERED LAND SURVEYOR AND RESET AFTER CONSTRUCTION.

10. PROPER TRAFFIC CONTROL DEVICES, SIGNS, ETC., SHALL BE INSTALLED TO ENSURE PUBLIC SAFETY IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND ANY SUPPLEMENTS THERETO AND VDOT ROADWAY STANDARD DRAWINGS.

11. INGRESS AND EGRESS SHALL BE MAINTAINED TO ALL BUSINESSES AND DWELLINGS AFFECTED BY THE PROJECT.

12. NO PARKING OR MATERIAL STORAGE SHALL BE ALLOWED ALONG THE SHOULDERS OF ANY ROADWAY.

13. DURING NON-WORKING HOURS, EQUIPMENT SHALL BE REMOVED FROM THE RIGHT OF WAY.

14. ALL ROADWAY SIGNS THAT ARE REMOVED DUE TO CONSTRUCTION SHALL BE REINSTALLED AT THE END OF THE WORKING DAY.
15. EXCAVATION MATERIAL SHALL NOT BE PLACED ON THE PAVEMENT. DRAINAGE STRUCTURES SHALL NOT BE BLOCKED WITH EXCAVATION MATERIALS.

16. MANHOLES AND/OR VAULTS SHALL NOT BE PLACED IN THE DITCH LINE, SIDE SLOPES OF THE DITCHES OR IN THE PAVEMENT.

17. ALL MANHOLES, HAND HOLES, AND/OR VAULTS WITHIN RIGHT-OF-WAY SHALL BE OF A PRE-APPROVED DESIGN.

18. ALL WORK TO BE PERFORMED IN STRICT ACCORDANCE WITH THE APPLICABLE CODES OR REQUIREMENTS OF ANY REGULATING GOVERNMENTAL AGENCY AND THE RIGHT-OF-WAY GRANTOR.

19. LOCATIONS OF SOME OF THE PHYSICAL FEATURES WERE OBTAINED FROM DATED EVALUATION MAPS OR OTHER DRAWINGS AND MAY NOT BE SHOWN OR DEPICTED ON THESE DRAWINGS.

20. UTILITIES SHOWN ON THESE PLANS HAVE NOT BEEN FIELD VERIFIED AND ARE APPROXIMATE ONLY. UNDERGROUND UTILITY LOCATIONS WILL BE VERIFIED AT LEAST 100 FEET IN ADVANCE , SO THAT CHANGES PLACEMENT CAN BE APPROVED PRIOR TO RELOCATING IN THE EVENT OF CONFLICT.

21. ANY AND ALL IMPROVEMENTS, SUCH AS ASPHALT OR CONCRETE PAVEMENT, CURBS, GUTTERS, WALKS, DRAINAGE DITCHES, EMBANKMENTS, SHRUBS, TREES, GRASS SOD, ETC., IF DAMAGED, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND RESTORED TO ORIGINAL OR BETTER CONDITION.

22. SHORING OF BORE PITS AND TRENCHES IN ACCORDANCE WITH EROSION AND SEDIMENT CONTROL REGULATIONS SHALL BE MANDATORY. ANY SHORING NOT IN COMPLIANCE WITH THIS REGULATIONS WILL CAUSE AN AUTOMATIC AND IMMEDIATE WORK STOPPAGE.

23. UNDERGROUND CONDUIT WILL BE PLACED AT 30" MINIMUM COVER UNLESS SPECIFIED ON THE CONSTRUCTION DRAWINGS.

24. THE SUBCONTRACTOR SHALL BORE AT APPROXIMATE DEPTH WHERE NECESSARY TO MAINTAIN MINIMUM 18" CLEARANCE FROM OTHER UTILITIES.

25. ALL HANDHOLE/MANHOLES SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

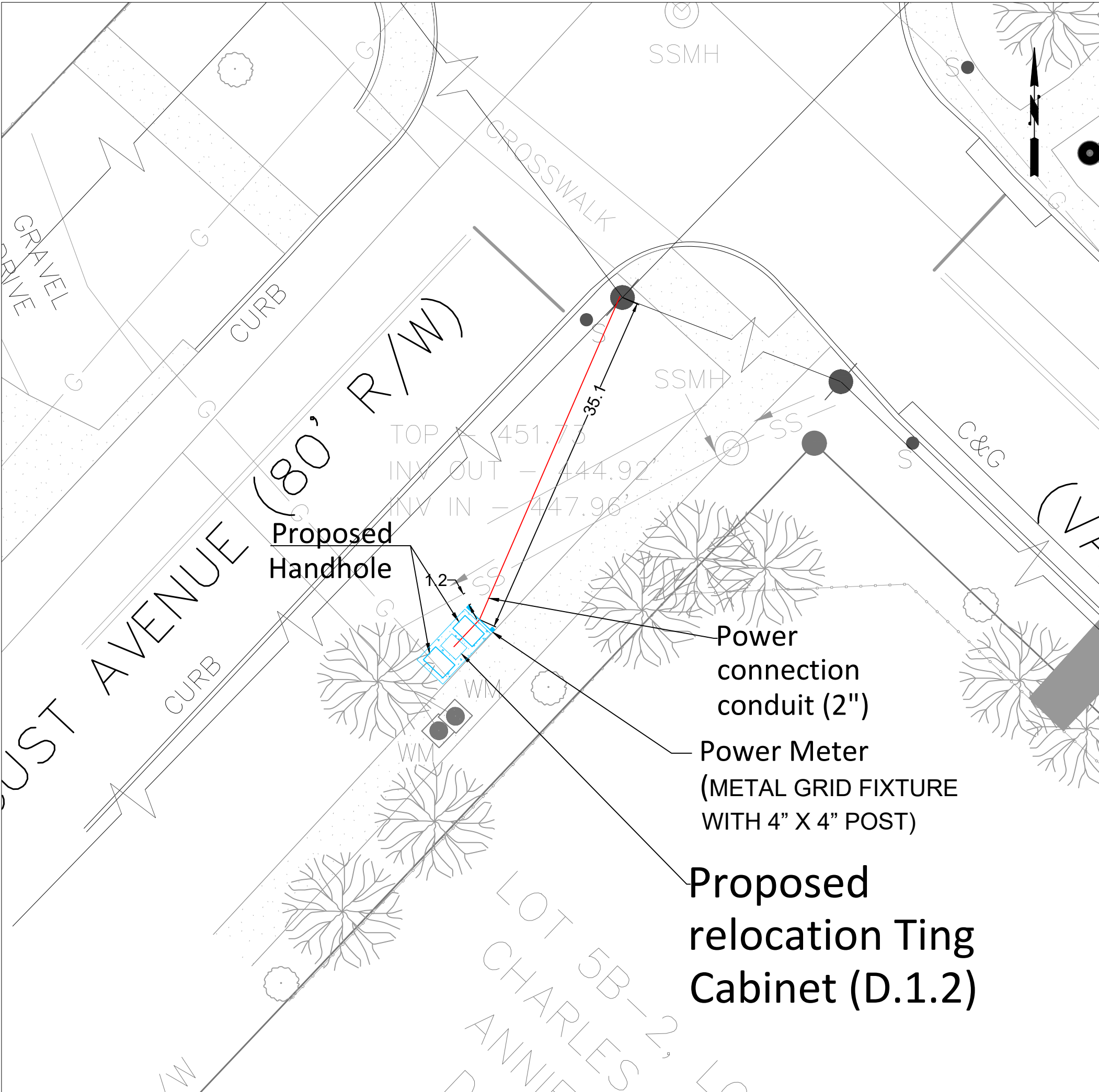
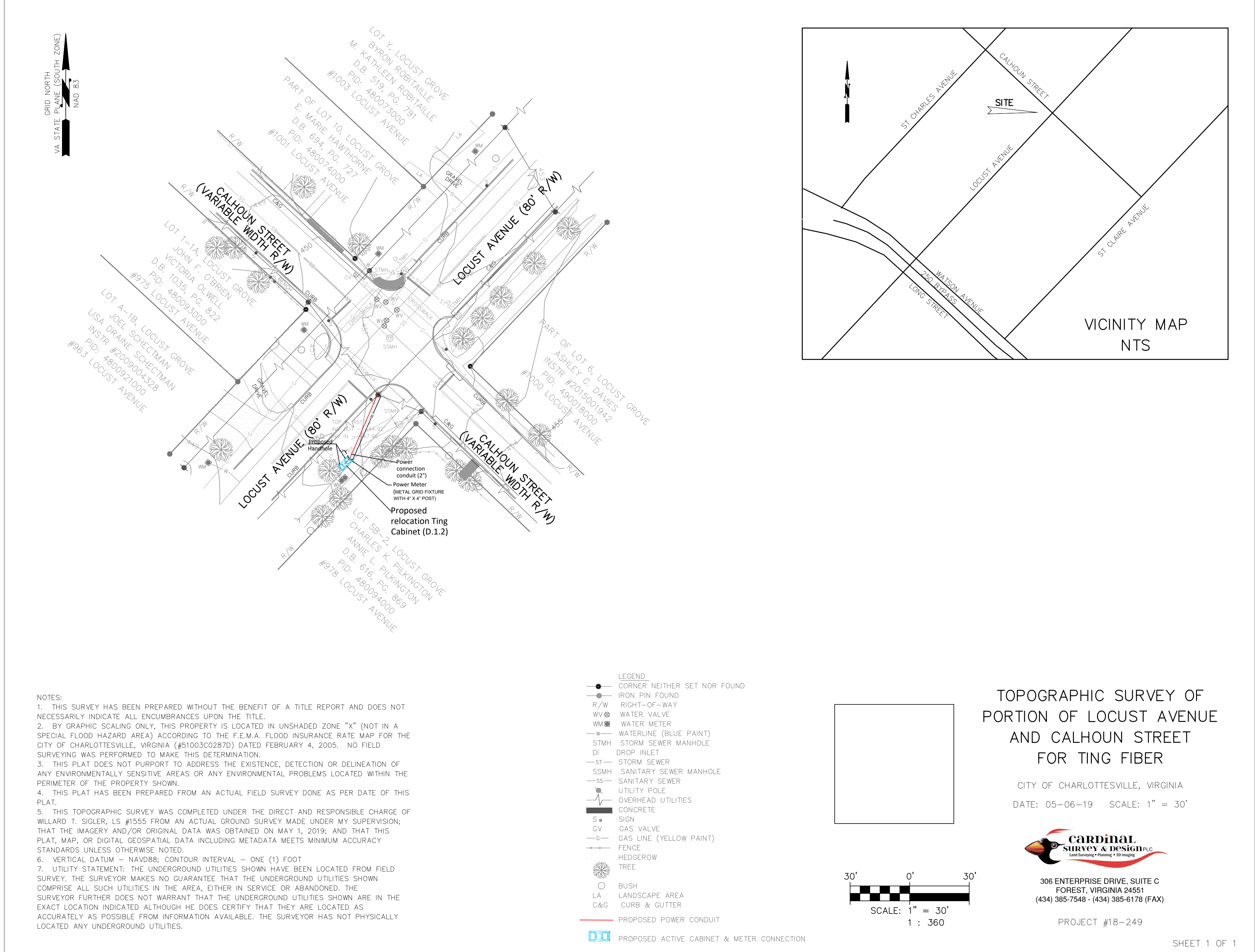
26. ALL TREES POTENTIALLY AFFECTED BY THE WORK, WHETHER IN THE RIGHT-OF-WAY OR NOT, SHALL BE BROUGHT TO THE ATTENTION OF THE CONSTRUCTION MANAGER WHO WILL REQUIRE THAT PRECAUTION SUCH AS DEEPENING THE CONDUIT LINE BORE OR MOVING THE RUNNING LINE OUT FROM THE DRIP LINE BE TAKEN TO AVOID DAMAGE TO THE TREE ROOT SYSTEM WITH DOT ENGINEER APPROVAL.

27. UTILITIES SHOWN ARE KNOWN TO BE IN AREA BUT HAVE NOT BEEN PHYSICALLY LOCATED AND DO NOT RELIEVE CONTRACTOR RESPONSIBILITY OF CALLING VA811 ONE CALL SERVICE PRIOR TO WORK START.

28. SIDEWALKS SHALL NOT BE BLOCKED DURING CONSTRUCTION OR REQUIRED TRAFFIC CONTROL DURING CONSTRUCTION AT SIDEWALKS SHALL BE PROVIDED.



	TING FIBER 1819 Broadway St. Charlottesville, VA 22902		Project:	Revisions			Drawn by BT	Scale:
			TING FIBER LOCUST CABINET	By	Date	REVISION COMMENTS		NONE
			Project number:	BT	5/9/19	Permit application	Approved:	Date:
			VA-CH-L-007	BT	6/27/19	First revision	Ovi Biris	7/3/2019
			Subcontractor:	BT	7/3/19	Cabinet relocation	Content:	Sheet:
			TBD				GENERAL NOTES	2



- NOTES:
1. VERIFY ALL EXISTING UTILITIES DEPTHS PRIOR TO PROCEEDING WITH PROPOSED ACTIVE CABINET INSTALLATION.
 2. ALL DEPTHS ARE 30" MIN.
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VEGETATIVE COVER SHALL BE ESTABLISHED ON ALL DISTURBED AREAS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE DIVISION ROADSIDE ENVIRONMENTAL ENGINEER. RESEEDING MUST OCCUR WITHIN 10 DAYS.



TING FIBER
1819 Broadway St.
Charlottesville,
VA 22902



Project:
TING FIBER LOCUST CABINET

Project number:
VA-CH-L-007

Subcontractor:
TBD

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By	Date	REVISION COMMENTS
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Drawn by BT

Approved:

Ovi Biris

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7/3/2019

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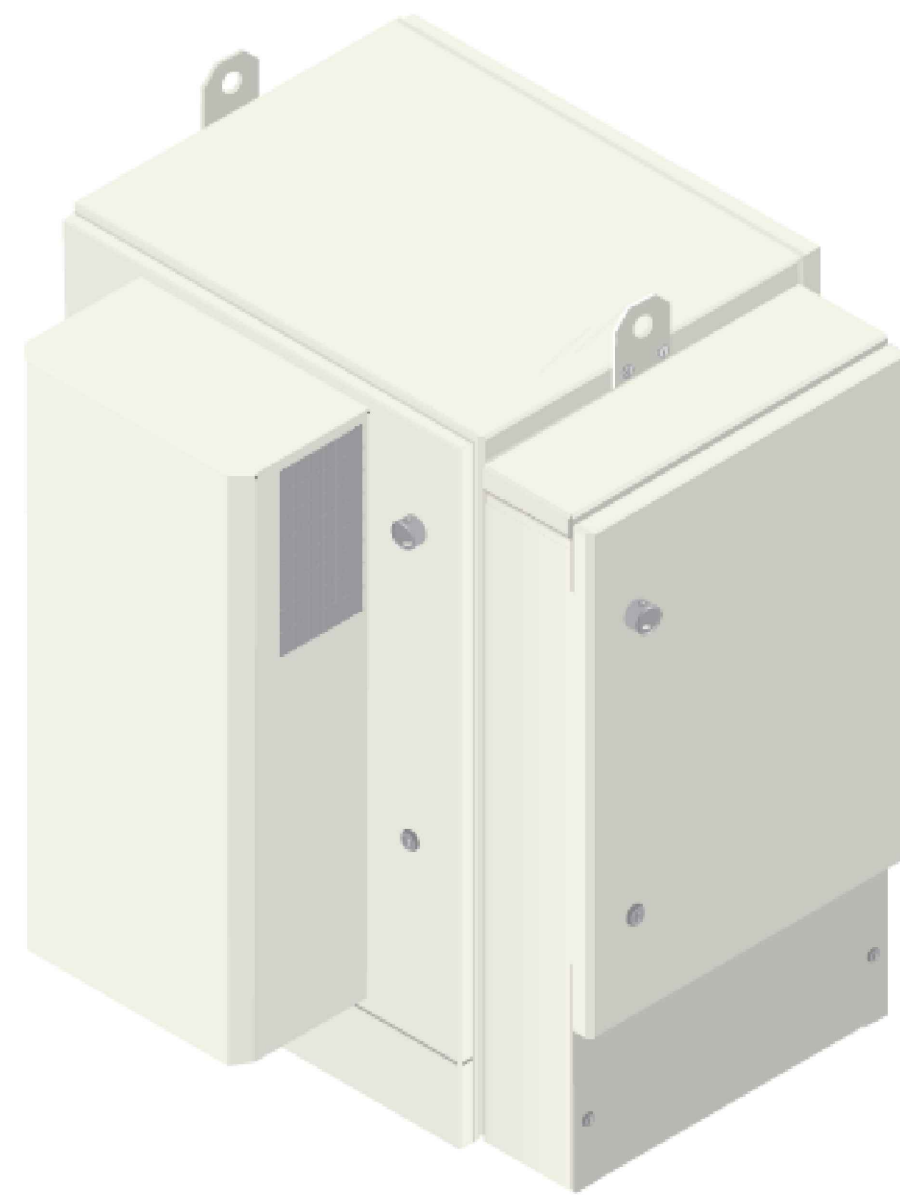
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MISS UTILITY TICKET: A911602323



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(434)385-7548 - (434)385-6178 (FAX)

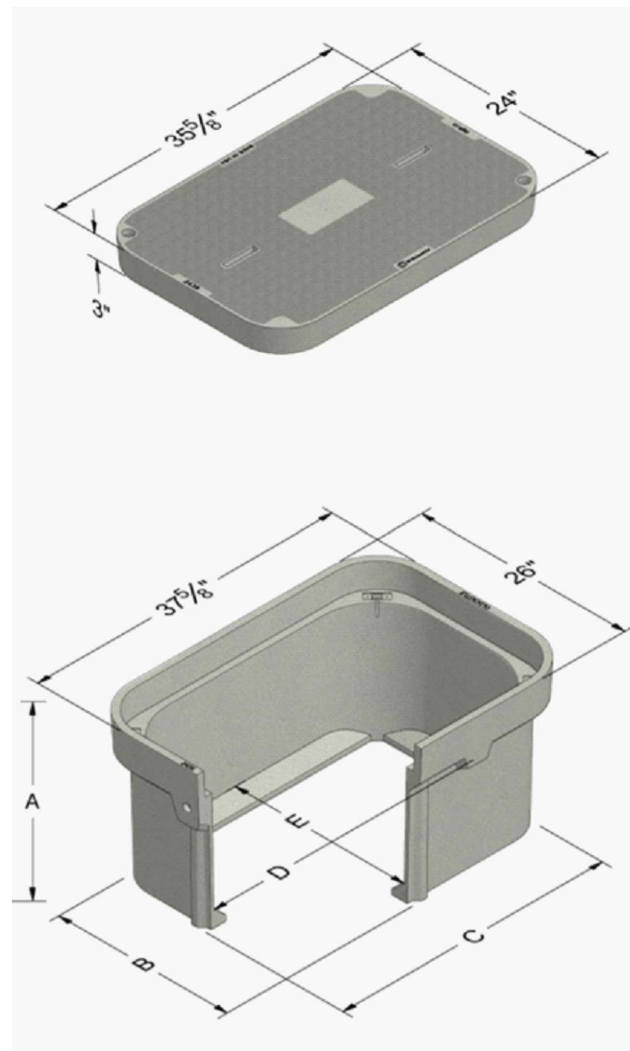
Detail D.1.1
Active Cabinet Detail



- NOTES
- A ground wire (minimum 2AWG solid copper) must be connected to the site ground ring and routed up through the template before the pad is poured. A 36" loop of ground wire should extend above the future pad for later connection to the cabinet master ground bar (MGB).
 - Concrete must be cast at least seven days before cabinet installation to allow for sufficient cure time.
 - Ready mixed concrete must meet ASTM C39 specifications.
 - Concrete slump shall be 2 to 4 inches as determined by ASTM test method C143.
 - See Detail D.1.2 for cabinet placement detail.

	Height	Width	Depth
Cabinet Dimensions	42"	28"	28"

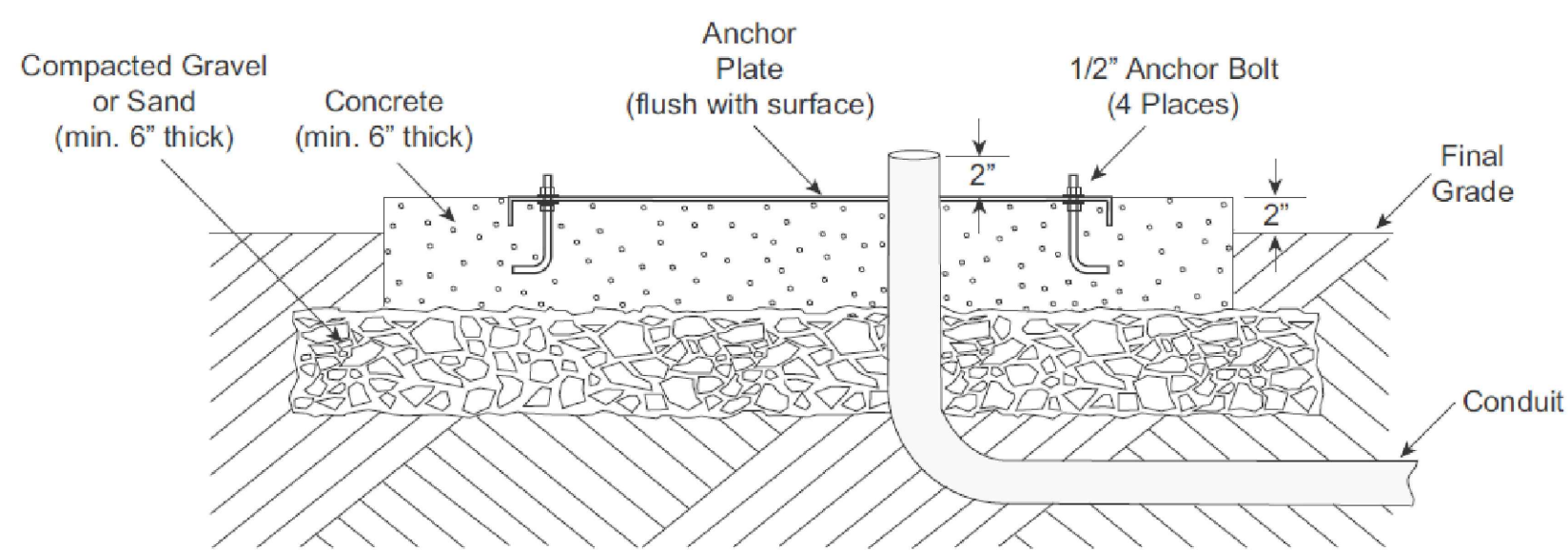
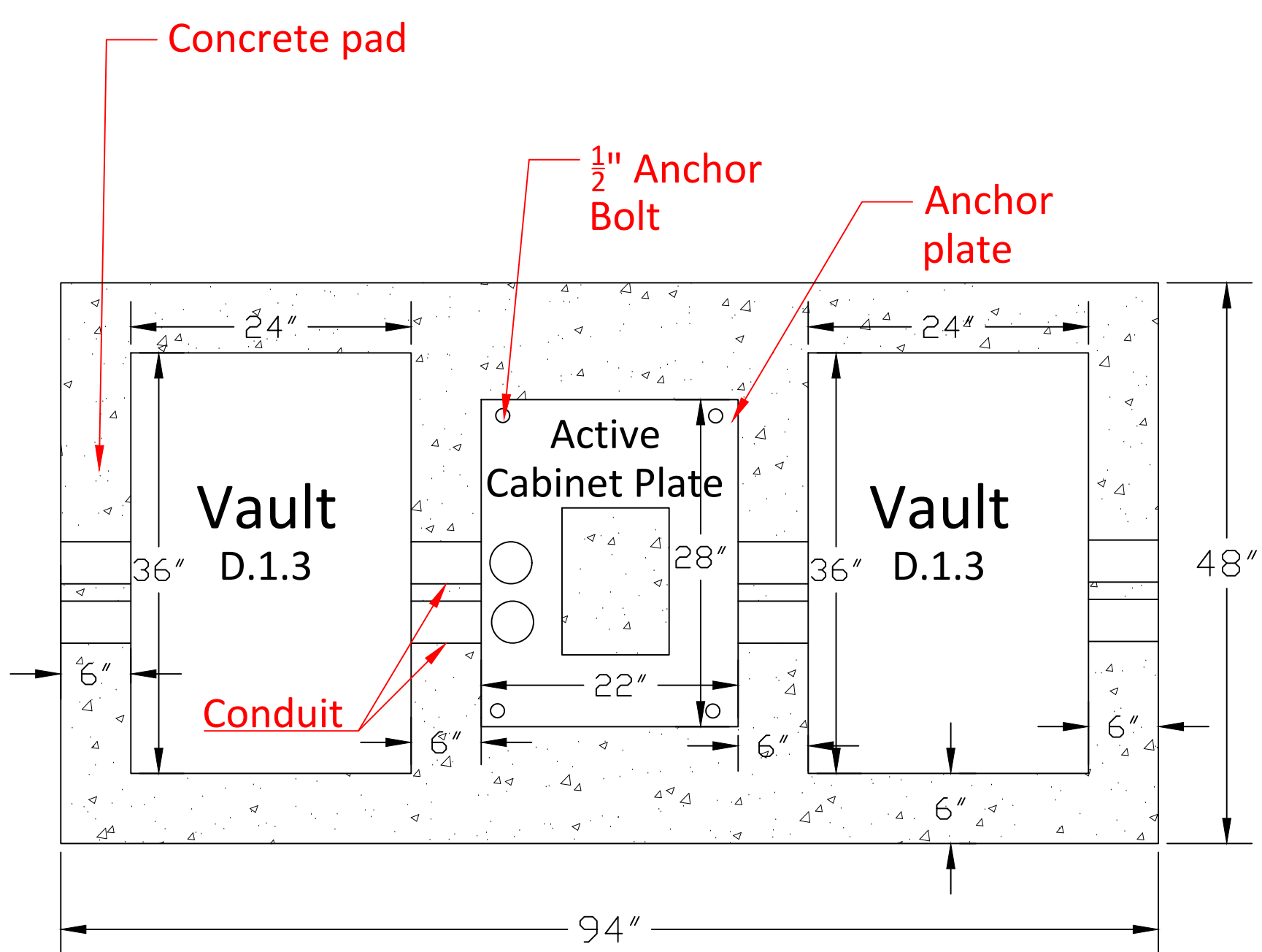
Detail D.1.3
Typical Handhole Tier 22



COVER:	
Style:	Flush Solid
Material:	Polymer Concrete
Model:	24" x 30"
Weight:	Tier 15: 150 lbs Tier 22: 204 lbs
Std. Fasteners:	1/2-13 Stainless Steel Hex Head Bolt, Washer and Floating Nut
Options:	Logos and Special Markings
Surface:	Slip Resistant & Marked*
Coefficient of Friction:	>0.6 ASTM 1028
Performance:	ANSI/SCTE-77 Tier 15, WUC 3.6 ASTM C857 A-12 ANSI/SCTE-77 Tier 22, WUC 3.6, ASTM C857 A-16

	A	B	C	D	E
2436-18	18	23-5/8	35-1/4	33-3/15	21-9/16
2436-24	24	23-3/8	34-15/16	32-13/16	21-5/16
2436-30	30	23-1/2	35-1/8	32-3/4	21-1/8
2436-36	36	23-3/16	34-11/16	32-7/16	20-15/16

Detail D.1.2
Active Cabinet Placement Detail



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Project:
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TBD

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Drawn by BT

Approved:
Ovi Biris

Content:
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DRAWINGS

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Date:
7/3/2019

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City Manager's Report

City Departments

Council Meeting – 11-20-2023

City Manager - Sam Sanders (he/him)

- **Responses to Community Matters**

- Lankford Avenue
 - Public Works staff is working with the Deputy City Manager for Operations on a full evaluation of options to intervene in the safety concerns shared by multiple residents during the 110623 Council Meeting
 - CPD has also reviewed calls for service and is monitoring conditions during enhanced patrols to further assess the safety concerns reported.
- Alternative Fuels
 - Requests continue to come in regularly; the final study results will be presented to Council and the Public during the January 2nd Work Session. Accompanying this presentation will include recommendations from staff as prepared by the consultant, Kimley-Horn.
 - Currently, staff is working to organize a site visit to Montgomery County, Maryland, a community that is current implementing an aggressive climate action initiative centered on transportation. While this is not a peer city in size, they are very much committed to making investments, improvements, and change that mirrors the considerations Charlottesville has identified in its climate goals.
 - Council will be asked to commit to fleet conversion plans at its meetings on January 16th or February 5th.

- **Administrative Matters**

- Currently, Steven Hicks is serving as Interim Deputy City Manager for Operations. As of mid-October, he also assumed responsibility for the Department of Public Works as Acting Director until some internal assessment work is completed and a new search is conducted. This was not officially announced previously.
- Riaan Anthony has been asked to serve as Interim Director of Parks and Recreation. During this period of transition, the department is participating in some internal assessment, including a full review of the organizational structure of the department.
- Attended my first VA 1st Cities Board Meeting as an official member on November 3rd
 - Key Takeaways
 - General Assembly Budget Outlook
 - VFC Legislative Packet includes: housing and economic development, K-12, wealth building, police funding, support for state psychiatric hospitals, and street maintenance
- Introductory meeting and to discuss homelessness as a priority issue with State Senator Creigh Deeds on November 3rd

- Participated on an affordable housing panel with Wes Bellamy, Sunshine Mathon, Maki Wynn, and S. Lisa Herndon for Can I Talk To You CVille at the Jefferson School African American Heritage Center on November 9th
- Attended the Veterans Day Ceremony on Saturday, November 11th to honor America's veterans for their service to our country.
- Attended Rivanna Solid Waste Authority Board of Directors Meeting on Tuesday, November 14th
 - Key Takeaways
 - Acceptance of audit report for FY23
 - New Baling Facility Update – expect completion of project at Ivy MUC in December 2025.
- Attended Rivanna Water and Sewer Authority Board of Directors Meeting on Tuesday, November 14th
 - Key Takeaways
 - Board voted to pursue settlement of PFAS class action litigation with could generate \$870,000 for RWSA over a 10-year period
 - HR presentation of system upgrade to Paychex as a major overhaul of management of people, including payroll, training, and tracking
- Attended Charlottesville Albemarle Airport Authority Meeting on Tuesday, November 14th
 - Key Takeaways
 - Construction updates on airfield lighting conversion to LED, ticket counter upgrade, and door system replacement
 - Chicago service is thriving and an additional flight option may be coming soon; Philadelphia service is underperforming and a recent change to midday travel is promising
 - CHO is pursuing a recycling initiative with an outreach campaign for patrons of the airport to do their part
- **Good News!**
 - The long delayed East High Street sidewalk section is underway and could very well be completed by the time you read this. FINALLY!
 - The \$200,000 Gun Violence Fund, originally provided to Interim City Manager Rogers has been settled and awards were made as follows:
 - \$30,000 Revival of the Black Knights Youth Football Team within the Jefferson District Youth Football League under the leadership of The VILLEage (Terrece Smith)
 - \$95,000 Healthy, Wealthy and Wise Youth Prevention Program as facilitated by The UHURU Foundation (Rob Gray & Derek Rush)
 - \$75,000 will be used to pilot a Pre-Arrest Diversion Program to serve as an alternative rehabilitation effort where partnerships with community-based organizations will provide direct intervention as an alternative to arrest
- **City Manager Transition Update**
 - I recently presented to the leadership team the importance of planning ahead. Using the recently shared City Manager's Work Plan, I demonstrated how I use the document and

the role it plays in my management of multiple priorities in any given year. The discussions was robust and while I have not dictated everyone use a work plan design to mirror my own, I have asked all leaders to share the version of annual planning that they use. This will be an opportunity for directors to align their priorities with my own, which are aligned with Council's Strategic Plan. By having this check in, we confirm everyone is on the same page. This project concludes December 31st when I will use that following few weeks to review and react.

- Interviews have begun for the Deputy City Manager for Administration. 88 applications were received. I am very positive on the quality of candidates, and I hope to have a new member of the City Manager's Team early in the new year.

Deputy City Manager - Ashley Marshall (she/her)

- **Parks and Recreation Master Plan Community Online Survey Open**
 - The community is invited to participate in the Parks & Recreation Master Plan creation process by engaging in a community survey, participating in an interactive mapping project, and learning about community events. The first community event was held on Tuesday, November 14, 2023 at Carver Recreation Center and was a great success. You can participate at any time in the survey and mapping process by visiting their website, which also is accessible using computers at our local libraries for free. The website is also able to be translated into multiple languages using a drop down box at the top right of the screen. Please provide your thoughts and input so we can continue to have a community with excellent parks, trails, and recreation opportunities!
 - Visit their website at: <http://engagepros.mysocialpinpoint.com/Charlottesville>.
- **ADA Community Survey Still Open For Input**
 - The City of Charlottesville is gathering data for an ADA Transition Plan and requests your input! ^[L1L1L1]_[SEPSEP] The ADA Transition Plan is a comprehensive plan for improving access for individuals with disabilities to City facilities, parks, programs, services, activities, and events. It is part of Charlottesville's continued efforts to welcome and serve all members of the community.
 - Visit the survey website at: <https://survey.precisioninfrastructuregmt.com/c/svqasrw7>

Interim Deputy City Manager - Steven Hicks (he/him)

- **Sidewalk update:** The sidewalk located at 1430 E High St should be completed by Thanksgiving.

Charlottesville Area Transit – Director Garland Williams (he/him)

- **Transit Transportation:** On Monday, October 30, 2023, Charlottesville Area Transit (CAT), in partnership with the County of Albemarle and the Virginia Department of Rail and Public Transportation (VDRPT), officially launched this region's first microtransit service pilot. County residents and visitors in the Pantops and 29 North corridors have a new on-demand public rideshare service that will connect the two corridors. Due to funding from VDRPT, the new pilot service, branded MicroCAT, is fare-free for at least the first year of operation.
- **Pupil Transportation:** We have 15.5 Drivers – 12 Full Time, 3.5 Relief, 3 Lead/Supervisors, and 3 Full-time drivers who started training on Wednesday, October 15, 2023. Assuming all complete

training and DMV testing, pupil transportation will have 18.5 drivers available to transport students in January 2024. 1823 students are being transported as of 11/13/2023 (Prior number reported 1,776) 189 students on waitlist (all are low need level, based on family-reported need) Elementary (pre k–grade 4): 41, Middle (grade 5-8): 75, High (grade 9-post): 73. Current Number of Bus Routes: 15 bus routes & 3 car routes (operate per day)

City Attorney – Attorney Jacob Stroman, Esq. (he/him) – no response at this time

Charlottesville Fire Department – Chief Michael Thomas (he/him)

- Promotions: Promotion of new Fire Deputy Chief of Community Risk Reduction, Joe Phillips. We are also in the final stages of the Battalion Chief and Captain's promotional processes.
- Responses: In the first four months of FY24, CFD has responded to 2641 calls for service. Our monthly average Opioid responses are nearly 9 per month for calendar year 2023 with an increasing share of Black/African American patients ~ 48%. We have seen an increase in community/bystanders Narcan interventions for overdose cases. This reflects the success of the Narcan training and distribution community programs.

Charlottesville Police Department – Chief Michael Kochis (he/him)

- The Police Department graduated 14 new officers on November 16th. This is the largest and most diverse academy class in the history of the Charlottesville Police Department. Currently, the Police Department only has eight sworn vacancies.
- The Police Department has started its first community academy in several years. Fourteen community stakeholders are meeting every Wednesday evening at the police department for the next ten weeks.

Human Resources – Director Mary Ann Hardie (she/her)

- Nothing to report at this time

Department of Human Services – Director Misty Graves (she/her)

- The Department of Human Services works to support the Westhaven CARES Center (formerly the Westhaven Clinic). They recently implemented an on-site food pantry using donations, partnerships with food banks, and ARPA dollars. They are also planning a Thanksgiving dinner distribution for November 20th. Kamisha Spencer, Program Supervisor for the City of Charlottesville Department of Human Services recently completed the Virginia Women's Municipal Leadership Institute, a partnership between Virginia Women Leading Government and the Virginia Tech Roanoke Center to provide women aspiring to become local government leaders with connections, content, tools, and opportunities to further develop their skills and broaden their network. Through this program, Spencer and 24 other high potential women from across the commonwealth attended sessions designed to develop both their skills and confidence to pursue positions as community leaders.
- Daniel Fairley, Youth Opportunity Coordinator focused on Black Male Achievement, recently returned from a week-long conference in Chicago as part of the first cohort of 100 emerging changemakers selected to participate in the Obama Foundation's Leaders USA program.

Department of Information Technology – Director Steve Hawkes (he/him)

- Downtown Mall Wi-Fi: the long standing project to increase Wi-Fi coverage to the west end of the Downtown mall is almost complete. Our partner in the project, Ting, has verified coverage to the area and once a few remaining items are resolved the project will be complete.

Neighborhood Development Services – Director James Freas (he/him)

- Applications: Site plans, special use permits, and all other application types are now "live" in the permitting software. All permits are now available for digital submission and payment. The permit portal is also a great source of information on permitting activity
<https://permits.charlottesville.gov/portal>

Parks & Recreation – Acting Director Riaan Anthony/ Director Dana Kasler (he/him)

- Holiday Market: The Holiday Market season is November 25 – December 23, 9:00 am – 1:00 pm in the City Market Lot located at 100 Water Street. Winter/Spring Registration opens on Monday, December 4 at 10:00 am. Customers can register online at: Parks and Recreation - Splash (myvscloud.com), over the phone at (434) 970-3260 or in-person at Carver Recreation Center or Smith Aquatic & Fitness Center. Drop and Shop is Friday, December 8th 4pm-7pm at Crow Recreation Center (Registered Program) Holiday Craft Party is Saturday, December 16th 10am-12pm at Carver Recreation Center (Free Program). Winter Break Camp December 18th - 21st and December 27th -29th from 7:30am-5:30pm (Registered Program).
- Youth Basketball: Youth basketball registration is underway. Practices start 12/9 and games begin 1/13.

Public Works – Interim Deputy City Manager Steven Hicks (he/him)

- Leaf collection: Leaf collection began on October 30th and residents will be serviced for curbside loose-leaf collection three times during the season. As a reminder, a leaf drop-off location is available Saturdays, 10am-3pm during Leaf Season for City Residents to utilize as well. Location is 1505 Avon Street Extended. We appreciate your patience as our staff works through the heavy leaf fall volume. Schedule and additional information can be found at www.charlottesville.gov/leaves
- Dockless Mobility Parking Hubs: Staff are beginning to install designated parking areas for dockless scooters and bikes along high demand corridors and travel areas. The first few locations are in place and additional locations will be installed in the future. We encourage users to utilize these designated parking areas to minimize obstructions and accessibility issues often caused by improper parking.

Utilities – Director Lauren Hildebrand (she/her)

- Disruptive Plumbing: The Department of Utilities has resources to help customers avoid the headaches of disruptive plumbing pitfalls during the holiday season and this coming winter. The arrival of the holidays brings an increase in food preparation, and Utilities wants to remind households of the importance of the proper disposal of fats, oils, and grease (FOG) produced by cooking and baking. FOG buildup can clog sewer and drainage pipes, resulting in messy and

costly overflows. With the colder months of winter approaching, Utilities wants to emphasize the importance of winterizing a home's plumbing. Preventing frozen pipes will save customers the hassle and inconvenience of costly repairs and interrupted service. More information on FOG, how to receive a free FOG kit, and simple step-by-step instructions on measures that help prevent pipes from freezing, will be sent to customers in Utilities' November electronic newsletter. This information can also be found by going to www.charlottesville.gov/utilities and clicking the links to Water and Wastewater.

Social Services – Director Sue Moffett (she/her)

- Energy Assistance Program: The Department of Social Service reminds residents that the Crises component of the Energy Assistance Program is accepting applications for assistance with heating equipment and security deposits. Applications are accepted on-line, by mail, by fax or in person. Contact DSS at 434-970-3400 for more information.

City of Charlottesville
City Manager's Office
MEMO



TO: Council
FROM: Samuel Sanders, City Manager
DATE: November 20, 2023
SUBJECT: Financial Report – FY 2024 through September 30, 2023

Revenue Budget Projections

As of September 30th, approximately 13% of the budgeted revenue for this fiscal year has been collected. Real Estate and Personal Property tax payments for the second half of 2023 are due on December 5th and represent two of the City's largest revenue sources. The Adopted Revenue budget for FY 24 totals \$228,433,246. Current revised projections indicate that revenues are tracking slightly above the budget, and we are currently anticipating a modest revenue surplus of 3.62% or \$7.7M. The largest drivers of the anticipated surplus continue to be real estate and personal property tax revenues. Market values for real estate have continued to rise throughout calendar year 2023, and vehicle values are declining slower than anticipated. The more economically sensitive revenues such as sales, meals and lodging tax also continue to perform well despite rising inflation and the earlier economic forecasts which were threatening a national recession. Rising interest rates have also led to an increase in interest income. The cautionary tale here is that these early projections are offered only as a reference for discussion today. The revenue team meets monthly and continues to closely monitor revenue collections for FY 24 and is beginning work to refine projections for the development of the FY 25 budget.

The following FY 24 revenue budget revisions are projected:

FY 2024 Revenue Projections

<u>Local Taxes</u>	<u>FY 2024 Budget</u>	<u>FY 2024 Revised*</u>	<u>Change</u>
Real Estate Tax	\$ 99,403,417	\$ 101,979,000	\$ 2,575,583
Personal Property Tax	12,600,000	13,200,000	600,000
Penalty/Interest on Delinquent Taxes	700,000	850,000	150,000
Public Service Tax	1,630,567	1,746,954	116,387
Tax on Wills & Deeds	725,000	500,000	(225,000)
Sales & Use Tax	14,400,000	14,900,000	500,000
Transient Room Tax	8,300,000	8,300,000	-
Meals Tax	15,600,000	16,300,000	700,000
<u>Licenses and Permits</u>			
Business & Professional Licenses	\$ 8,900,000	\$ 8,900,000	-
Vehicle Licenses	-	15,000	15,000
<u>Revenue from State Agencies</u>			
State Highway Assistance	\$ 4,645,517	\$ 5,481,707	836,190
Reimbursement/Constitutional Offices	1,975,433	2,233,001	257,568
State Aid for Police Protection	2,460,982	2,588,420	127,438
DMV Select Office Commissions	35,000	1,500	(33,500)
<u>Miscellaneous Revenues</u>			
Interest Income	\$ 1,050,000	\$ 3,600,000	2,550,000
Recreation Income	1,509,269	1,055,789	(453,480)
Utility Cut Permits	185,000	125,000	(60,000)
Other Miscellaneous Revenues	619,375	533,958	(85,417)
<u>Designated Revenues</u>			
Meals Tax Designated for the Debt Service Fund	\$ 2,836,363	\$ 2,963,636	\$ 127,273

Total Revenue Budget Surplus	\$ 7,698,042
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**Projected as of September 30, 2023*

Surplus as a % of Total Budget	3.62%
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Expenditure Budget Projections

Many City operations are seasonal and interfund transfers, which represent large expenditures in the General Fund (i.e. Debt Service Transfer, CIP transfer, Transfer to CAT, etc.), get posted as a lump sum later in the fiscal year. Additionally, recruiting and procurement activities for the new year are just getting under way in the 1st quarter. These factors lead to a more

cyclical and irregular expenditure pattern that is harder to project. However, we continue to monitor expenditures and indicators suggest that expenses are tracking well with the budget. Expenditure details can be viewed using the [Budget Explorer Tool](#) which can be found on the City's Budget webpage. These quarterly tabs are automatically updated at the end of each quarter and are available for public viewing. The 1st quarter visualization contains financial information through September 30, 2023. Both a citywide view as well as the ability to drill down to the individual department level is available. The information presented in the visualization comes directly from the City's financial system and represents dollars that have been received and/or paid out as of the chosen date.

Other Financial Matters

The City submitted its most recent quarterly ARP compliance report to US Treasury on October 31 for expenditure of funds for the time period July – September. The Director of Finance is updating the City's obligations and expenditures of all ARP funds to date and will be providing City Council more detailed information in the near future.

The final 4th quarter data for FY 2023 will be provided once the year is officially closed and the audit is completed. This information will be presented in early December as part of the audit presentation by the City's Auditors and Chris Cullinan, the City's Finance Director.

**Please note all the information presented in this memo and the Budget Explorer visualization is collected as of a specific point in time. All amounts are subject to change until the City's annual audit is complete and the books are officially closed for any given fiscal year.*



City of Charlottesville

TREASURER'S OFFICE

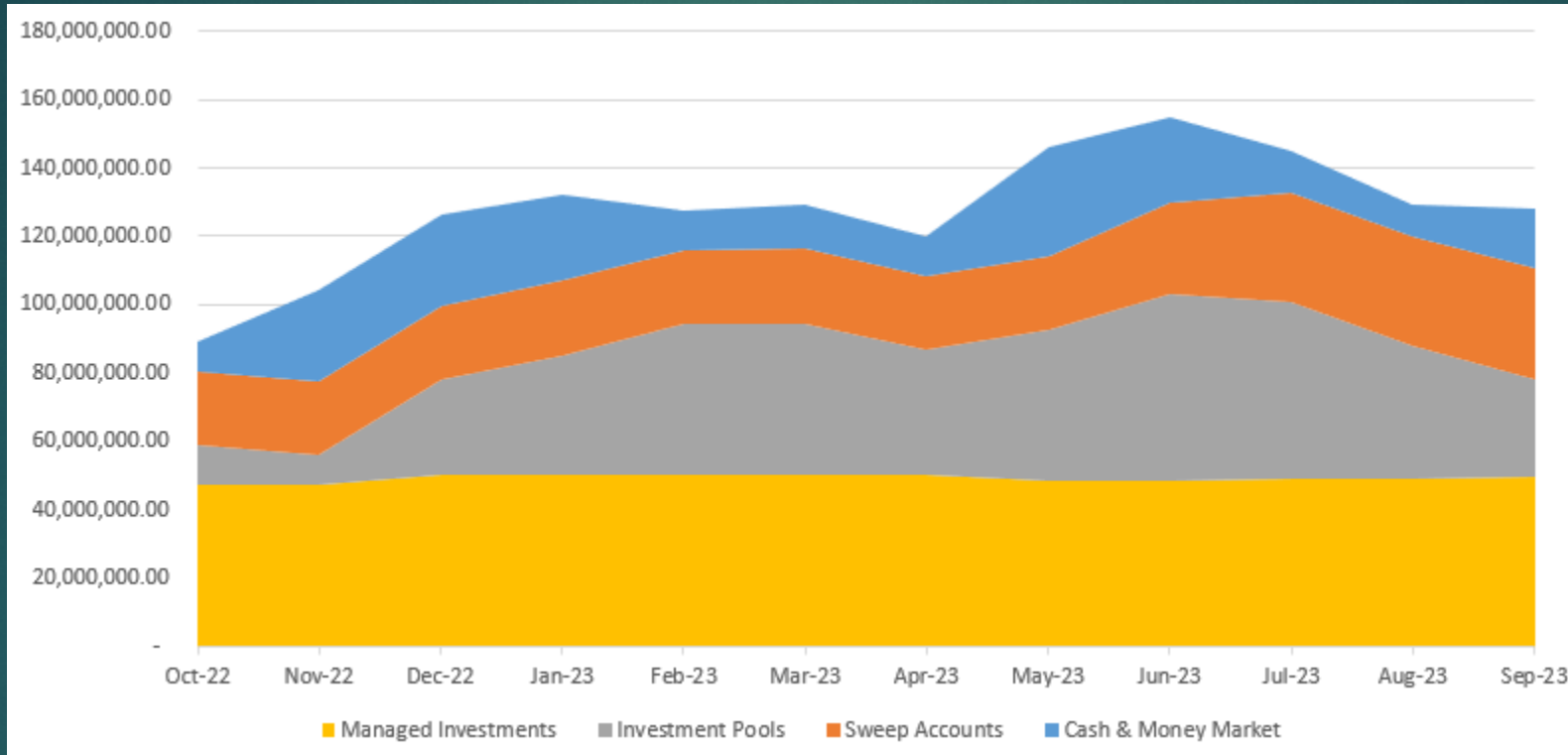
INVESTMENT PORTFOLIO UPDATE

NOVEMBER 20, 2023

Investment Policy Guidelines

- ▶ The Investment Policy has been established by the Treasurer of the City of Charlottesville to ensure effective management of the day-to-day investment activity for the City, and is designed to increase non-tax revenues by investing funds when not needed for current obligations.
- ▶ The Treasurer of the City of Charlottesville is an elected office ("Constitutional Officer") charged with receiving, collecting, safeguarding and disbursing City funds with general custody of City funds from all sources. The general custody of all funds requires the investment of those funds within the confines of the Code of Virginia and a comprehensive Investment Policy developed and maintained by the Treasurer.
- ▶ All funds are managed to accomplish the fundamental goals of safety, liquidity, and yield.

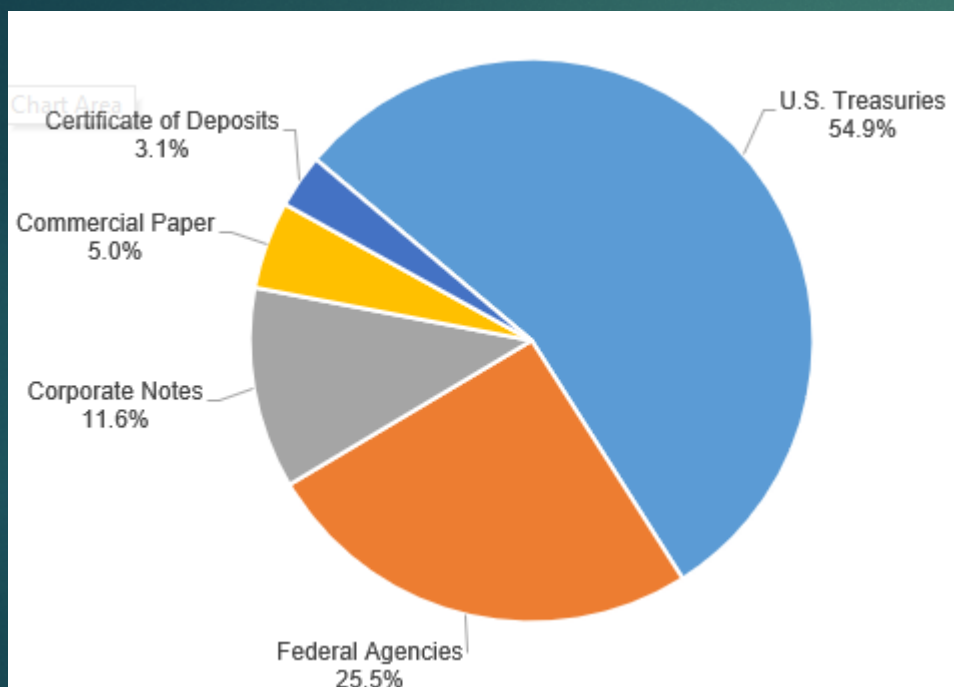
Monthly Cash Balance by Investment Type



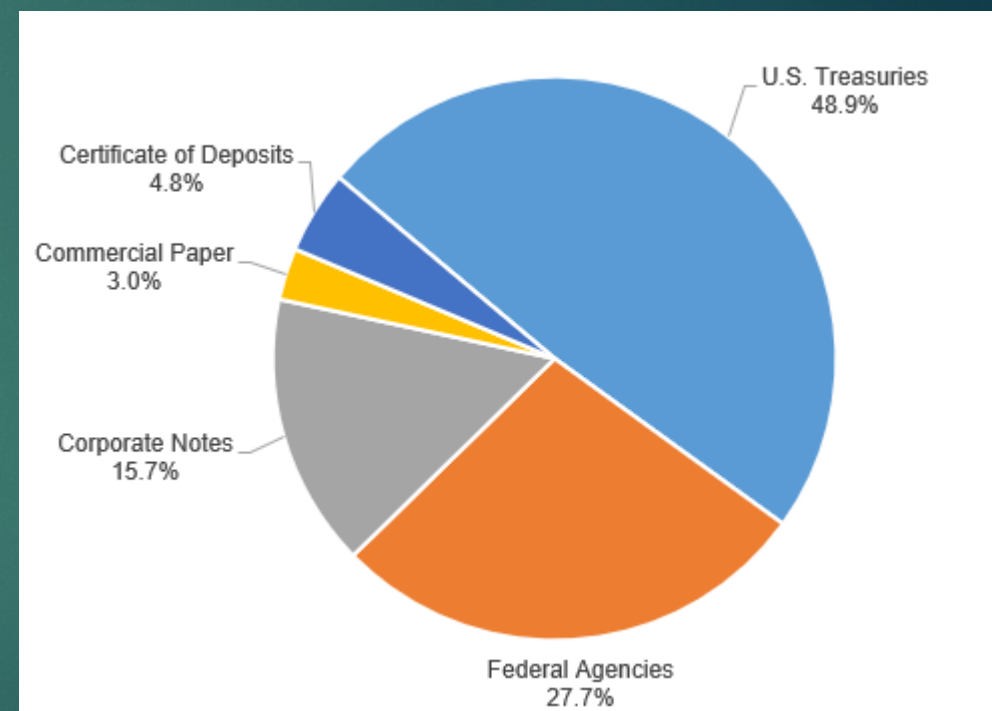
Overall cash balances are higher in FY24, a reflection of increased overall City revenue. The first quarter of the fiscal year generally represents a negative cash flow, as many projects are underway over the summer, and no tax deadlines or filings are due.

Managed Investments Portfolio Composition

June 2023

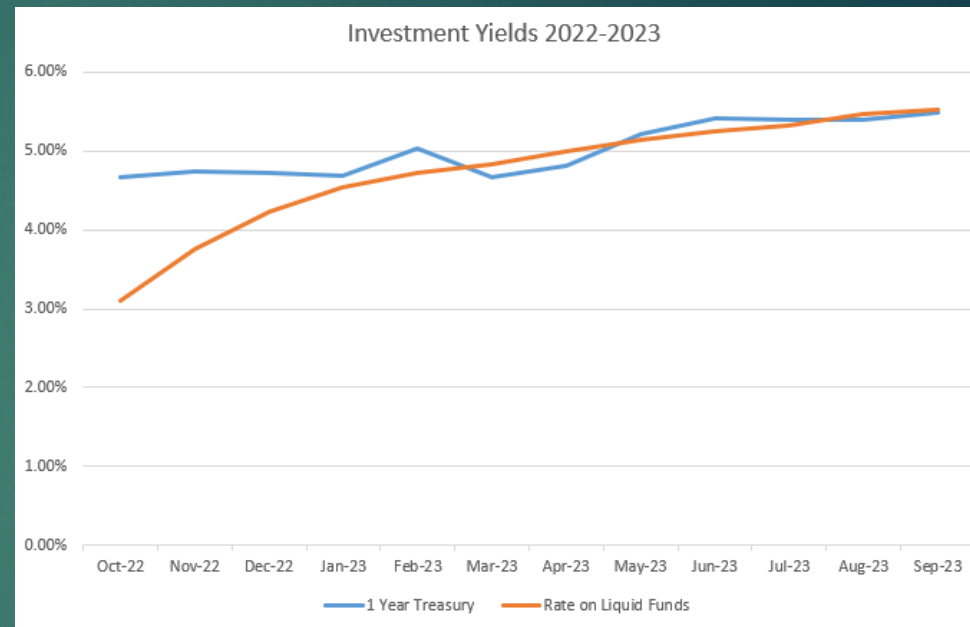
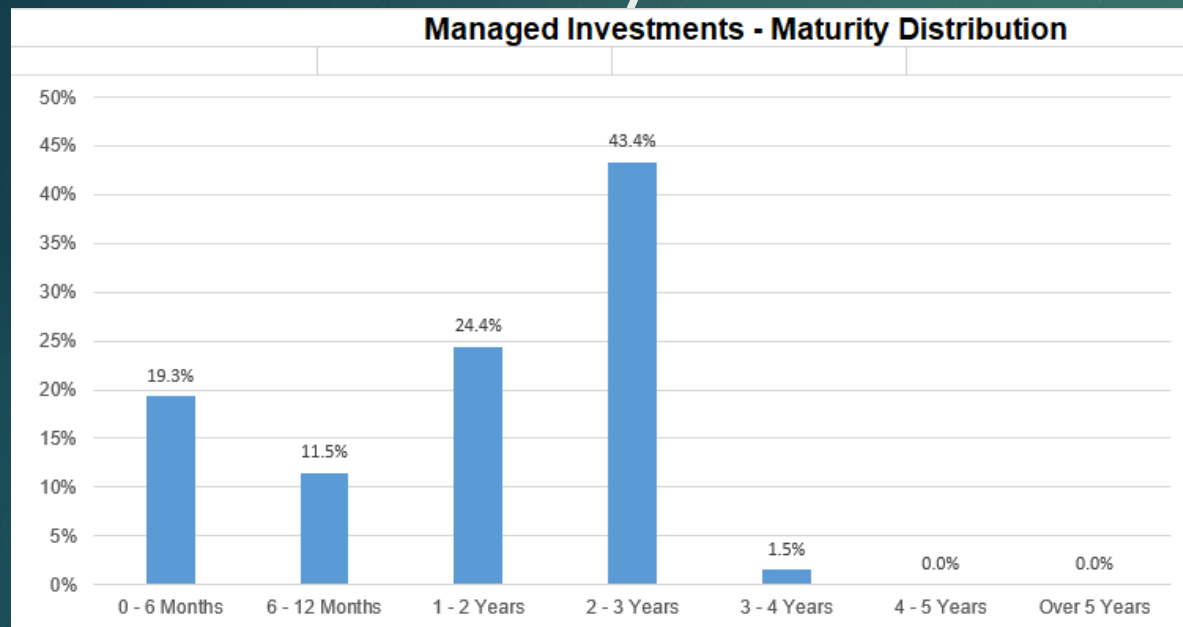


September 2023



There has been a slight increase in corporate note holdings to take advantage of higher yields. All are rated AA or higher.

Managed Portfolio Maturity Distribution and Yields



Intermediate-term rates are stabilizing and more of the portfolio redemptions have been invested in the 2-3 year range to lock in higher rates. Many economists believe we are near the end of the rate hiking cycle.

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



Agenda Date:	November 20, 2023
Action Required:	Council may consider the proposed resolution
Presenter:	Col. Martin Kumer, Courtney E. Rogers
Staff Contacts:	Ashley Marshall, Deputy City Manager
Title:	Albemarle Charlottesville Regional Jail (ACRJ) Renovation Project Financing Strategy

Background

Historical information on the jail renovation process can be found on their public-facing website at: <https://www.acrj.org/renovationproject>.

For this resolution, ACRJ and Davenport & Company are seeking approval for the first part of the Two-Part Plan of Finance: Interim Financing. The Two-Part Plan of Finance was designed to minimize the insurance of debt and related interest costs until the Authority had received bids for construction and a firm project cost was known. Part 1 consists of Interim Financing. This Interim Financing will provide only what is necessary to complete preliminary design and engineering costs so the project can be bid.

Discussion

HISTORICAL TIMELINE:

In January 2020, the ACRJ Board began the process to formally address maintenance, repair, and replacement issues with the original 1974 facility by approving a Facility Conditions Assessment (FCA). In January 2021, the Board found that the FCA findings warranted a comprehensive plan to be developed to address all of the jail's needs, and further determined to seek reimbursement from the state for 25% of the costs identified with such concerns that it would conduct a Community-Based Corrections Plan (CBCP) which was completed by Mosley Architects in July 2021. ACRP presented the CBCP to the Charlottesville City Council in October of 2021. At its meeting on September 6, 2022, the Charlottesville City Council approved a Resolution seeking State support for 25% reimbursement of eligible costs associated with planned renovations at the Albemarle Charlottesville Regional Jail (ACRJ), and it was accepted into the Governor's proposed budget in December 2022.

On January 17, 2023, Davenport & Company and ACRJ came before the City Council and the community to discuss the two-part proposed plan of finance. One section of that plan focuses on the Commonwealth of Virginia's capacity to provide a 25% reimbursement of eligible costs for major capital projects to regional jails. The Commonwealth's Board of Local and Regional Jails approved ACRJ's request, supported by the City Council and all other member jurisdictions governing bodies, for the 25% reimbursement. This approval was then forwarded to the General Assembly for approval

and inclusion in the Governor's Budget. While this reimbursement was included in the Budget, the General Assembly failed to pass a full budget during their legislative session in the calendar year 2023. This failure has delayed conversations on ACRJ's proposed renovations and financing, as the "skinny budget" that allowed the Commonwealth to continue to function did not include the 25% reimbursement for ACRJ's proposed renovations. The Authority Board was notified in September 2023 that the General Assembly approved the 25% reimbursement request.

RENOVATION FINANCING REQUEST:

On September 1, 2023, the Jail issued a Request for Proposal (RFP) for architecture and engineering services (A&E). The RFP can be found on the ACRJ website at: https://www.acrj.org/files/ugd/68aaef_b839c8e7f9e948b4820ce46b447937a6.pdf The request sought a firm to coordinate with community members, jail staff, and other pertinent entities and individuals to propose a design that meets the needs identified in the CBCP study. The RFP intended to identify the winning A&E firm in November 2023 and award the contract at the December 2023 Authority Board meeting if interim financing is approved.

Currently, Davenport is presenting a resolution to each member jurisdiction to seek approval of the first part of the Two-Part Plan of Finance: Interim Financing. The Two-Part Plan of Finance was designed to minimize the insurance of debt and related interest costs until the Authority had received bids for construction and a firm project cost was known. Part 1 consists of Interim Financing. This Interim Financing ("2023 BAN") is sized to provide an amount that would fund pre-development costs (architectural, engineering, and other related costs) to prepare the authority for bidding on the project. Upon bidding of the project, the authority will know the exact construction and development costs to be financed for the project. The proposed project costs for Part 1 is \$4,150,380 with a planning interest rate of 4.50% for an 18-month term as indicated on page 5 of the attached presentation.

Timelines from Davenport are presented in the attached PDF on pages 6 and 8.

Alignment with City Council's Vision and Strategic Plan

Strategic Outcome Area - Public Safety: Charlottesville provides comprehensive, trusted public safety services and treats everyone with respect and dignity.

Community Engagement

ACRJ engaged in public tours and public engagement sessions from August-September 2021 and presented the community and stakeholder results in September 2021. Further community engagement is planned during the interim financing phase.

Budgetary Impact

Per page 9 of the attached presentation, the City of Charlottesville would be responsible for 39.9% of the total project debt service based on FY2024 estimates (which are subject to change based upon future jail population (i.e. inmate days) for a total of \$40,368 in FY2024 and \$80,737 in FY2025.

Recommendation

It is recommended that City Council approve the resolution for interim financing to engage in A&E services and additional community engagement for the proposed ACRJ renovation project.

Alternatives

The council may decline to approve the resolution to provide its portion of the interest-only interim financing, or the council may propose an alternative investment in the interest-only interim financing.

Attachments

1. Charlottesville - Plan of Finance - ACRJA
2. ACRJ Notice of Intent to Award Architecture and Engineering
3. Resolution approving ACRJA Obligations for the City of Charlottesville, VA

Presentation to City of Charlottesville City Council

Albemarle-Charlottesville Regional Jail Authority: Jail Renovation Project – Plan of Finance



November 20, 2023



- Davenport & Company (“Davenport”), in our capacity as Financial Advisor to the Albemarle-Charlottesville Regional Jail Authority (the “Authority”), is providing the enclosed Plan of Finance Briefing to each Member Jurisdiction with respect to the proposed Jail Renovation Project.

- The presentation herein will cover the following topics related to the Two-Part Plan of Finance:
 - Overview of the Jail Funding Process;
 - A Timetable and Estimated Cashflow Impact for:
 - Part 1: The Interim Financing; and
 - Part 2: The Permanent Financing
 - The Projected Budgetary/Cashflow Impact to each Member Jurisdiction; and,
 - Next Steps.

Jail Funding Process



- In the Commonwealth of Virginia, regional jails are eligible for a 25% reimbursement of eligible costs for major capital projects.
- After the Authority decides to undertake a project (i.e. the proposed Renovation Project), it is required to undertake a Community Based Corrections Plan and Planning Study in order to develop a cost estimate for reimbursement consideration by the Board of Local and Regional Jails.
- Following approval by the Board of Local and Regional Jails, the request for the 25% reimbursement will be forwarded to the General Assembly for approval and inclusion in the Governor's Budget.
 - Once approved, the 25% reimbursement will be set aside by the Commonwealth and made available once the project is complete and a formal request is made by the Authority.
- The Two-Part Plan of Finance is typically undertaken after the Commonwealth's approval of the 25% reimbursement.

The Authority's reimbursement request has been approved by the Board of Local and Regional Jails and was approved by the General Assembly in the 2023 Session as a part of the delayed budget approval.



Two-Part Plan of Finance

- The Two-Part Plan of Finance is designed to minimize the incurrence of debt and related interest costs until the Authority has received bids for construction and a firm project cost is known.

Part 1: Interim Financing

- The Interim Financing provides only what is necessary to complete preliminary design and engineering costs so the project can be bid.

Part 2: Permanent Financing/Grant Anticipation Note

- After bids are received and Total Project Costs are known, the Permanent Financing is undertaken to fully fund Project Costs not eligible for the 25% reimbursement, and permanently finance the interim financing.
- Simultaneously, a Grant Anticipation Note (“GAN”) is undertaken to fund Project Costs eligible for the 25% reimbursement.
 - The GAN would be paid off prior to maturity with funds provided by the 25% reimbursement once the project is complete.



Key Assumptions - Regional Jail Renovation Project

Project Assumptions

- Cost estimate provided by Moseley Architects is approximately **\$49 million** (i.e. no change from the January/February Presentations to localities).
 - For the purposes of the analysis herein, we have assumed that **\$48 million** of costs are eligible for the 25% reimbursement by the Commonwealth (approximately \$12 million of Project Costs).
 - However, the actual cost will not be known until the final design has been approved by the Board Authority and bids have been received.

Local Jurisdiction Contribution Assumptions

- The analysis herein allocates projected payments on new debt service based on Inmate Days (i.e. usage of the Jail) – per the amended service agreement.
- The projected allocation based on FY 2024 estimates are as follows (according to Inmate Days):

Albemarle	45.39%
Charlottesville	39.87%
Nelson	14.74%



Part 1: Interim Financing – Key Assumptions

- The Interim Financing (“2023 BAN”) is sized to provide an amount that would fund pre-development costs (architectural, engineering, and other related costs) in order to prepare the authority for bidding the project.
 - Upon bidding of the project, the authority will know the exact construction and development costs to be financed for the project.
- | Borrowing | Project Costs Borrowed | Planning Interest Rate | Term |
|-----------|------------------------|------------------------|-----------|
| 2023 BAN | \$4,150,380 | 4.50% | 18 Months |
- The Interim Financing will be repaid by the Permanent Financing in Part 2 of the Plan of Finance in the Spring of 2025.



Part 1: Interim Financing – Timetable

Task	Date	
Authority Board is notified that the General Assembly has been approved for 25% reimbursement.	September 2023	✓
Jail issues RFP for Architecture and Engineering services	September 2023	✓
Jail selects Architecture and Engineering firm and negotiates costs of services. Contract to be awarded at December Authority Board meeting if interim-financing is approved.	Early November 2023	✓
Davenport distributes RFP (“Request for Proposals”) for interim-financing to local, regional and national lending institutions.	Early November 2023	✓
Davenport presents resolution to member jurisdictions approving the Authority Board to seek interim-financing.	Mid-November 2023	
RFP responses due to Davenport.	Early-December 2023	
Davenport presents results of RFP Process for Interim Financing to Authority Board.	December 14, 2023	
Award Architect/Engineer contract if interim-funding is approved.	December 14, 2023	
Close on Interim Financing.	December 2023	



Part 2: Permanent Financing/GAN – Key Assumptions

- The second part of the Plan of Finance incorporates a Grant Anticipation Note that would be paid off with funds from the Commonwealth, and a Permanent Financing paid back by the Member Jurisdictions wherein:
 - The Grant Anticipation Note (“2025 GAN”) would fund approximately 25% of eligible Project Costs, and one half of the interest costs eligible for reimbursement by the Commonwealth; and,
 - Permanent Bonds (“2025 Bonds”) would fund remaining Project Costs and permanently finance the 2023 Bond Anticipation Note.
- Approximate amounts for the 2025 Grant Anticipation Note and the 2025 Bonds are provided in the table below:

Borrowing	Project Costs Borrowed	Planning Interest Rate	Term
2025 GAN	\$14.4 million ⁽¹⁾	4.50%	3 Years
2025 Bonds	\$34.6 million ⁽²⁾	5.50%	27 Years (2 years interest only; 25 years level debt service)
<u>Total</u>	\$49 million		

- Upon bidding of the project, the Authority will know the exact Project construction and development costs to be financed.

(1) Grant (GAN) from the Commonwealth of Virginia includes a portion of reimbursable interest in addition to the 25% reimbursement of eligible costs.

(2) Amount includes permanent financing of 2023 BAN.



Part 2: Permanent Financing/GAN – Timetable

Task	Date
Close on Interim Financing.	December 2023
Design phase begins with community and stakeholder engagement.	February 2024- February 2025
Complete Construction Documents/Secure County Design Approvals.	February 2025
Authority Board approves final design	March 2025
Advertise for Construction Bids.	March 2025
Receive Construction Bids.	April 2025
Negotiate Construction Contract.	April 2025
Davenport presents resolution to member jurisdictions approving the Authority Board to seek permanent financing.	April - May 2025
Davenport presents results of RFP Process for Grant Anticipation Note and permanent financing to Authority Board for approval	May 2025
Grant Anticipation Note issued to fund costs eligible for reimbursement; Permanent Financing issued to fund remainder of Project Costs and permanently finance 2023 BAN.	June 2025
Notice to Proceed (Construction).	June 2025
Final Completion of Project.	June 2027* TBD
Repayment of GAN from receipt of Commonwealth Grant.	June 2027

Projected Debt Service & Budgetary/Cashflow Impact



	A	B	C	D = sum A:C	39.9%	14.7%	45.4%
Aggregate Projected Debt Service and Budgetary/Cashflow Impact to Member Jurisdictions							
Fiscal Year	Proj. 2023 BAN D.S.	Proj. 2025 GAN D.S.	Proj. 2025 Bonds D.S.	Proj. Total Member Jurisdiction D.S.	Charlottesville D.S. Allocation	Nelson D.S. Allocation	Albemarle D.S. Allocation
2024	\$ 101,250	\$ -	\$ -	\$ 101,250	\$ 40,368	\$ 14,924	\$ 45,957
2025	202,500	-	-	202,500	80,737	29,849	91,915
2026	-	652,500	1,944,250	2,596,750	1,035,324	382,761	1,178,665
2027	-	652,500	1,944,250	2,596,750	1,035,324	382,761	1,178,665
2028	-	-	2,634,250	2,634,250	1,050,275	388,288	1,195,686
2029	-	-	2,636,300	2,636,300	1,051,093	388,591	1,196,617
2030	-	-	2,636,150	2,636,150	1,051,033	388,569	1,196,548
2031	-	-	2,633,800	2,633,800	1,050,096	388,222	1,195,482
2032	-	-	2,634,250	2,634,250	1,050,275	388,288	1,195,686
2033	-	-	2,637,225	2,637,225	1,051,462	388,727	1,197,036
2034	-	-	2,637,450	2,637,450	1,051,551	388,760	1,197,139
2035	-	-	2,634,925	2,634,925	1,050,545	388,388	1,195,992
2036	-	-	2,634,650	2,634,650	1,050,435	388,347	1,195,868
2037	-	-	2,636,350	2,636,350	1,051,113	388,598	1,196,639
2038	-	-	2,634,750	2,634,750	1,050,475	388,362	1,195,913
2039	-	-	2,634,850	2,634,850	1,050,515	388,377	1,195,958
2040	-	-	2,636,375	2,636,375	1,051,123	388,602	1,196,651
2041	-	-	2,634,050	2,634,050	1,050,196	388,259	1,195,595
2042	-	-	2,632,875	2,632,875	1,049,727	388,086	1,195,062
2043	-	-	2,637,575	2,637,575	1,051,601	388,779	1,197,195
2044	-	-	2,637,600	2,637,600	1,051,611	388,782	1,197,207
2045	-	-	2,632,950	2,632,950	1,049,757	388,097	1,195,096
2046	-	-	2,633,625	2,633,625	1,050,026	388,196	1,195,402
2047	-	-	2,634,075	2,634,075	1,050,206	388,263	1,195,607
2048	-	-	2,634,025	2,634,025	1,050,186	388,255	1,195,584
2049	-	-	2,633,200	2,633,200	1,049,857	388,134	1,195,209
2050	-	-	2,636,325	2,636,325	1,051,103	388,594	1,196,628
2051	-	-	2,637,850	2,637,850	1,051,711	388,819	1,197,320
2052	-	-	2,637,500	2,637,500	1,051,571	388,768	1,197,161
Total	\$ 303,750	\$ 1,305,000	\$ 69,771,475	\$ 71,380,225	\$ 28,459,296	\$ 10,521,445	\$ 32,399,484

**Part 1: Interest
Only Interim
Financing**

**Part 2: GAN &
Permanent
Financing Interest
Only Period**

**Part 2: Long-Term
Full Principal &
Interest Payments**

Note: Preliminary, subject to change. Actual results may vary from these estimates. Member Jurisdiction allocations are based on FY 2024 estimates and are subject to change based upon future jail population (i.e. inmate days).



Appendix

Projected Aggregate Sources & Uses



2023 BAN

2023 BAN	
Sources	
Par Amount	\$ 4,500,000
Total Sources	\$ 4,500,000
Uses	
Project Fund	\$ 4,150,380
Capitalized Interest	-
Cost of Issuance	349,620
Add. Proceeds	-
Total Uses	\$ 4,500,000

2025 GAN / 2025 Bonds

	2025 GAN	2025 Bonds	Total
Sources			
Par Amount	\$ 14,500,000	\$ 35,350,000	\$ 49,850,000
Total Sources	\$ 14,500,000	\$ 35,350,000	\$ 49,850,000
Uses			
Project Fund	\$ 14,400,000	\$ 30,449,620	\$ 44,849,620
2023 BAN Takeout	-	4,500,000	4,500,000
Capitalized Interest	-	-	-
Cost of Issuance	100,000	400,000	500,000
Add. Proceeds	-	380	380
Total Uses	\$ 14,500,000	\$ 35,350,000	\$ 49,850,000



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Version 01/01/2023 AA/SG/RK/CR



ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL

160 Peregrory Lane
Charlottesville, VA 22902

Phone: (434) 977-6981 Fax: (434) 977-0468
www.acrj.org

Colonel Martin Kumer
Superintendent

NOTICE OF INTENT TO AWARD

Date: October 30, 2023

Title: RFP 2024-100623-01 AE Services

Vendor: Moseley Architects

A handwritten signature in black ink, appearing to be "AW", is positioned above a horizontal line.

Anavelyn Wrigley, MBA, CPPB, VCA
Purchasing Agent

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE,
VIRGINIA, APPROVING THE ISSUANCE OF OBLIGATIONS FOR
IMPROVEMENTS TO THE ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL
AUTHORITY FACILITIES**

WHEREAS, the Albemarle-Charlottesville Regional Jail Authority (**the “Authority”**) is a public instrumentality of the Commonwealth of Virginia created pursuant to Article 3.1, Chapter 3, Title 53.1, Code of Virginia of 1950, as amended (**the “Act”**) by resolutions duly adopted by the governing bodies of the County of Nelson , the County of Albemarle and the City of Charlottesville, Virginia (**the “City” and, collectively, the “Member Jurisdictions”**) for the purpose of developing regional jail facilities, in particular, the regional jail joint security complex located at 1600 Avon Street Extended, Charlottesville, Virginia (**the “Regional Jail”**) to be operated on behalf of the Member Jurisdictions by the Authority;

WHEREAS, the Authority and the Member Jurisdictions have entered into an Amended and Restated Service Agreement, dated June 9, 2022 (**the “Service Agreement”**), in which the Authority has agreed to, design, construct and equip the Regional Jail and obtain financing therefor;

WHEREAS, the Authority has been authorized by the General Assembly of the Commonwealth of Virginia in 2023 to obtain significant funding (**the “Commonwealth Funds”**) for eligible costs of certain improvements to the Regional Jail (**the “Improvements”**);

WHEREAS, the Authority proposes to issue a series of financing, including but not limited to, interim financing relating to the design and construction of the Improvements to the Regional Jail and subsequently issue its revenue notes and bonds to provide longer term financing of the same (**the “Obligations”**) a portion of which Obligations are to be repaid with the Commonwealth Funds;

WHEREAS, the Authority’s financial advisor, Davenport & Company LLC has advised the Authority that an interim financing of the Obligations would be in the best interests of the Authority given current market conditions and preliminary nature of cost estimates for the Improvements;

WHEREAS, Section 3.1 of the Service Agreement provides that in order for the Authority to issue the Obligations, the governing bodies of each of the Member Jurisdictions are required to approve of the issuance thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA:

1. It is determined to be in the best interests of the City and its citizens for the City Council as the governing body of the City, to approve the Authority’s issuance of the Obligations for interim financing of the Improvements in amount not to exceed \$4,500,000 by adoption of this resolution.

2. In consideration of the Authority's undertakings with respect to the issuance of the Obligations, the Chair or Vice-Chair of the City Council, is hereby authorized and directed to execute and deliver such instruments and certificates as deemed appropriate and necessary for the issuance of such Obligations by the Authority, including but not limited to a support agreement or agreements relating to its obligations as a Member Jurisdiction under the Service Agreement.
3. The City Manager is hereby authorized and directed to take all proper steps on behalf of the City as may be required, in accordance with the plan of financing set forth above, including, but not limited to, certificates and documents relating to the issuance of the Obligations and the above-referenced support agreement or agreements.
4. Nothing contained herein is or shall be deemed to be a lending of the credit of the City to the Authority, or to any holder of any of the Obligations or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the City.
5. All actions previously taken by representatives or agents of the City in furtherance of the plan of financing of the Improvements and the issuance of the Obligations are hereby ratified and approved.
6. This resolution shall take effect immediately.

Adopted this __ day of November, 2023.

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the City Council of the City of Charlottesville, Virginia hereby certifies that the Resolution set forth above was adopted during an open meeting on November __, 2023, by the City Council with the following votes:

Aye:

Nay:

Abstentions:

Signed this ____ day of _____, 2023.

By: _____
Clerk, City Council

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



Agenda Date:	November 20, 2023
Action Required:	Approve Resolution
Presenter:	Samuel Sanders, Jr., City Manager, Jacob Stroman, City Attorney, Krisy Hammill, Director of Budget
Staff Contacts:	Samuel Sanders, Jr., City Manager Jacob Stroman, City Attorney Krisy Hammill, Director of Budget
Title:	Resolution to Approve Appropriation for the Assignment of Contract to Acquire 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street (2nd reading)

Background

This resolution will appropriate funding necessary to enter into the Assignment of Contract in the preceding item to permit the City to acquire 23.81 acres located at 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street.

Discussion

This item is a companion item to the preceding item to appropriate funds to acquire properties which comprise the proposed 0 East High Street development.

Alignment with City Council's Vision and Strategic Plan

Funding this acquisition will fulfill the City Council's vision to prevent development which includes public facilities which are not in substantial accord with the City's Comprehensive Plan and to acquire environmentally sensitive property which is suitable for passive recreational purposes.

Community Engagement

Not applicable

Budgetary Impact

\$5.9 million plus closing costs.

Recommendation

Approve resolution.

Alternatives

If the appropriation is not made, the City will be unable to enter into the Assignment of Contract Agreement.

Attachments

1. 0 East High Street Resolution

RESOLUTION

**Resolution to Approve Appropriation for the Assignment of Contract to Acquire 510
Caroline Avenue, 532 Caroline Avenue and 0 East High Street
Amount Not To Exceed \$6,000,000**

WHEREAS, the City of Charlottesville has agreed to enter into a contract pursuant to which the City will acquire title to 23.81 acres of property from the current owners of 0 Caroline Avenue, 10 Caroline Avenue, 532 Caroline Avenue and 0 East High Street;

WHEREAS, the City of Charlottesville requires appropriation of \$5,900,000 plus closing costs for the acquisition;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that funds in an amount not exceed \$6,000,000 but necessary to pay purchase price plus the closing costs will be paid from the Capital Improvement Program Contingency Account:

Transfer From:

\$ 6,000,000	Fund: 426	WBS: CP-080	G/L Account: 599999
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Transfer To:

\$ 6,000,000	Fund: 426	Internal Order: TBD	G/L Account: 599999
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	Aye	No
Payne	_____	_____
Pinkston	_____	_____
Puryear	_____	_____
Snook	_____	_____
Wade	_____	_____

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



Agenda Date:	November 20, 2023
Action Required:	Vote of Approval (by motion, no resolution(s) required)
Presenter:	David Blount - TJPDC
Staff Contacts:	Jacob Stroman, City Attorney
Title:	Thomas Jefferson Planning District Commission (TJPDC) Proposed Legislative Program for 2024

Background

Each year, the localities in the Thomas Jefferson Planning District (TJPD) region adopt legislative priorities and positions on issues of importance and concern to local governments. These positions form the basis for local advocacy efforts during the General Assembly session each winter. The City Attorney's Office works in conjunction with TJPD's legislative liaison during the session to provide advocacy on behalf of the City's interests. Additionally, City Council establishes a statement of legislative positions as a means of communicating to legislators (i) issues of specific concern and interest to Council, and (ii) requests, if any, for legislative action items.

Discussion

TJPDC Program—The TJPDC legislative program is crafted based on discussions with and input from the six localities in the region. The recommendations, requests and positions in the program cover a range of issues and topics, which include perennial items of importance; those that are anticipated to become the subject of proposed legislation or state budget items during the upcoming session; and items that may be of concern to the entire region or to individual localities in the region.

Alignment with City Council's Vision and Strategic Plan

The TJPDC's legislative program generally aligns closely with the City Council's Vision and Strategic Plan. However, there are two positions in the legislative program which differ from Council's past positions. First, the legislative program's Environmental and Water Quality section includes a position opposing mandating expansion of the Chesapeake Bay Preservation Act's coverage area. In addition, the legislative program's General Government section includes a position that the principles of sovereign immunity for local governments and their employees should be maintained. The alternative motion below would address those issues should Council so desire.

Community Engagement

N/A

Budgetary Impact

N/A

Recommendation

It is recommended that City Council, by motion, approve TJPDC's legislative position statements.

Suggested Motion: "I move to approve the Thomas Jefferson Planning District Commission's 2024 Legislative Program as Presented to Council on December 4, 2023."

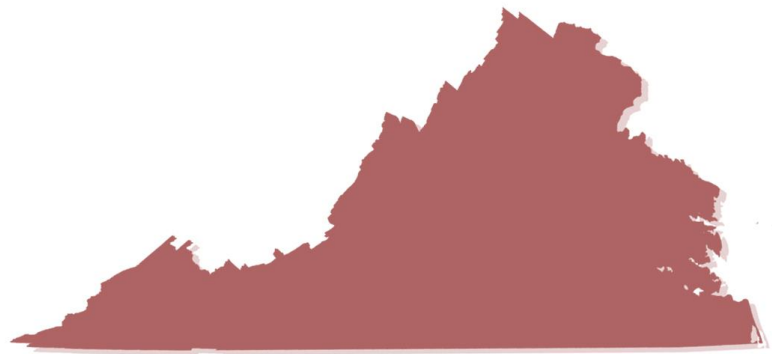
Alternatives

TJPDC needs the buy-in of its members for its legislative agenda; however, Council may note for the record ("reserve") its difference of opinion as to one or more matters within that agenda, and approve the agenda subject to its specific reservations.

Suggested Alternative Motion: "I move to approve the Thomas Jefferson Planning District Commission's 2023 Legislative Program as Presented to Council on December 4, 2023 with the exception of its opposition to expansion of the Chesapeake Bay Preservation Act's coverage area and its opposition to considering revisions to the doctrine of sovereign immunity."

Attachments

1. 2024 TJPDC Leg Prog DRAFT. October 2023



Thomas Jefferson Planning District

2024 LEGISLATIVE PROGRAM

Albemarle County | City of Charlottesville
Fluvanna County | Greene County
Louisa County | Nelson County

October 2023
DRAFT

Ned Gallaway, Chair
Christine Jacobs, Executive Director
David Blount, Director of Legislative Services

TOP LEGISLATIVE PRIORITIES

Public Education Funding

PRIORITY: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) and reverse policy changes that previously reduced funding or shifted funding responsibility to localities.

The State will spend billions of dollars on direct aid to public education in the current biennium. While we appreciate additional state teacher salary and other one-time and ongoing education dollars approved during the current biennium, we continue to believe that the State should increase its commitment to K-12 education in a manner that reflects the true costs of K-12 education. This belief was supported this past summer with the release of the Joint Legislative Audit and Review Commission (JLARC) report on K-12 education funding, which found that public education in Virginia is underfunded, noting that local school divisions receive less K-12 funding per student than divisions in other states and several key funding benchmarks.

Local governments consistently go “above and beyond” by appropriating twice as much K-12 funding as required by the state. We believe localities need an adequately-defined SOQ so that state funding better aligns with prevailing local practice in schools that drives the additional local dollars. This could include recognizing additional instructional positions and increasing state-funded staffing ratios for various non-instructional positions in the education funding formula.

Further, we urge state efforts to support 1) flexibility in the use of state funds provided for school employee compensation. 2) adequate pipeline programs for teachers, especially in critical shortage areas; and 3) funding and policies that assist localities in addressing challenges with hiring school bus drivers and mental health professionals.

Budgets and Funding

PRIORITY: The Planning District’s member localities urge the governor and legislature to enhance state aid to localities, to not impose unfunded mandates on or shift costs to localities, and to enhance local revenue options.

As the State continues to fine-tune revenue and spending priorities for the current biennium, we encourage support for K-12 education, health services, public safety, economic development and other public goals. Localities continue to be the state’s “go-to” service provider and we believe state investment in local service delivery must be enhanced. Especially in these critical times, the State should not expect local governments to pay for new funding requirements or to expand existing ones on locally-delivered services, without a commensurate increase in state financial assistance.

We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver required services or those demanded by residents.

We support the legislature making additional revenue options available to localities in order to diversify the local revenue stream. Any tax reform efforts should examine the financing and delivery of state services at the local level and how revenue is generated relevant to our economic competitiveness. The State should not eliminate or restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury. This includes Communications Sales and Use Tax Trust Fund dollars, the local share of recordation taxes, and any state-mandated exemptions to the local option sales tax, unless a viable revenue-replacement to local governments is established.

Land Use and Growth Management

PRIORITY: The Planning District's member localities encourage the State to resist preempting or circumventing existing land use authorities, and to support local authority to plan and regulate land use.

In the past, the General Assembly has enacted both mandated and optional land use provisions. Some have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local authority to plan and regulate land use and oppose legislation that weakens these key local responsibilities.

- We support the State providing additional tools to plan and manage growth, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life.
- We support broader impact fee authority for facilities other than roads, authority that should provide for calculating the cost of all public infrastructure, including local transportation and school construction needs caused by growth.
- We support changes to provisions of the current proffer law that limit the scope of impacts that may be addressed by proffers.
- We oppose legislation that would 1) restrict local oversight of the placement of various telecommunications infrastructure; 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations; and 3) exempt additional facilities serving as event spaces from building, fire code and other health and safety regulations.
- We request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space, and support greater flexibility for all localities in the preservation and management of trees.

LEGISLATIVE POSITIONS

Broadband

The Planning District's member localities urge and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas. While we appreciate federal and state actions that have substantially increased funding for the Virginia Telecommunication Initiative (VATI), we believe state and federal support for broadband expansion that utilizes both fiber and wireless technologies, public/private partnerships and regulated markets should include the following:

- Support for cooperative efforts among private broadband, internet and wireless companies, and electric cooperatives to ensure access to service at an affordable cost.
 - Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences.
 - Maintaining local land use, permitting, fee and other local authorities.
 - The ability of localities to establish, operate and maintain sustainable broadband authorities to provide essential broadband to communities.
 - Provisions and incentives that would provide a sales tax exemption for materials used to construct broadband infrastructure.
-

Children's Services Act

The Planning District's member localities urge the State to be partners in containing Children's Services Act (CSA) costs and to better balance CSA responsibilities between the State and local governments. Accordingly, we take the following positions:

- We support local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools.
- We support the state maintaining cost shares on a sum sufficient basis by both the State and local governments; changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.
- We support enhanced state funding for local CSA administrative costs.
- We support a cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children.
- We support the State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.
- We oppose state efforts to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. Policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources are crucial. Accordingly, we support the following:

- Enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands.
- Continuing emphasis on regional cooperation in economic, workforce and tourism development.
- Continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region.
- State job investment and small business grants being targeted to businesses that pay higher wages.
- State support and flexibility for the Virginia Business Ready Sites Program.
- Increased state funding for regional planning district commissions.

Education

The Planning District's member localities believe that, in addition to funding the Standards of Quality (as previously noted), the State should be a reliable funding partner with localities by recognizing other resources necessary for a high-quality public education system. Accordingly, we take the following positions:

- Concerning school facilities, we appreciate and support the school construction assistance programs enacted in 2022 and request that they be consistently funded. We also support allowing all localities the option of levying a one-cent sales tax to be used for construction or renovation of school facilities. The State also should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- The State must continue to be a partner in sharing costs with localities for children served in private special education placements.
- We support 1) amending the LCI formula to recognize the land use taxation value, rather than the true value, of real property; and 2) preserving current Code provisions stipulating that local school funds unexpended at the end of the year be retained by the local governing body.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

Environmental and Water Quality

The Planning District's member localities believe that environmental and water quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. Such an approach requires regional cooperation due to the inter-jurisdictional nature of environmental resources, and adequate state funding to support local and regional efforts. Accordingly, we take the following positions:

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area.* Instead, we urge the State to provide legal, financial and technical support to localities that wish to improve water quality and use other strategies that address point and non-point source pollution. We also support aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We support state investment targeted to permitted dischargers to upgrade treatment plants, to aid farmers with best management practices, and to retrofit developed areas.
- We support continued investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements. Any such requirements should be balanced, flexible and not require waiver of stormwater charges.
- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality.
- We support legislative and regulatory action to ensure effective operation and maintenance of alternative on-site sewage systems and to increase options for localities to secure owner abatement or correction of system deficiencies.
- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.
- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include providing funding for development and implementation of state-required regional plans and investing in regional projects.
- The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.
- Energy policies, goals and generation should reduce greenhouse gas emissions without compromising reliable and affordable access to electricity. We support local authority to address choices and impacts associated with utility-scale installation of clean energy resources. As the move to non-carbon sources of energy continues, we support the creation of stronger markets for distributed solar and authority for local governments to install small solar facilities on government-owned property and use the electricity for schools or other government-owned buildings located nearby.

General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to fulfill their responsibilities. Accordingly, we take the following positions:

- State policies should protect local governments' current ability to regulate businesses, to include collection and auditing of taxes, licensing and regulation, whether they are traditional, electronic, internet-based, virtual or otherwise, while encouraging a level playing field for competing services in the marketplace.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- The state should maintain the principles of sovereign immunity for local governments and their employees, to include regional jail officers.*
- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant

local dollars and additional personnel beyond those funded by the State. We also support the use of a notarized waiver to allow volunteer workers to state they are willing to provide volunteer services and waive any associated compensation.

- We urge state funding to address shortfalls in elections administration dollars, as administration has become more complex and federal and state financial support for elections continues to lag behind the need.
- We urge state funding necessary for agencies to carry out tasks such as processing applications, reviewing permits and other critical administrative functions.
- We support expanding the allowable use of electronic meetings for all local public bodies, with flexibility to determine public comment, participation and other procedures. Also, any changes to FOIA should preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning creation of customized records.
- We support the use of alternatives to newspapers for publishing various legal advertisements and public notices.
- We support federal and state funding for localities to acquire and maintain advanced cybersecurity to protect critical systems and sensitive data.
- We support enhanced state funding for local and regional libraries.
- We support expanding local authority to regulate smoking in public places.

Health and Human Services

The Planning District's member localities recognize that special attention must be given to helping disabled people, poor people, and young and elderly people achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. Accordingly, we take the following positions:

- We support full state funding for any local costs associated with Medicaid expansion, including local eligibility workers and case managers, but oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care that helps divert people from needing a state hospital level of care, as well as having services such as outpatient and permanent supportive housing available. We also support measures to address census pressures at state hospitals that will enable them to receive admissions of individuals subject to temporary detention orders without delays.
- The State should ensure that stable, predictable funding through state and federal appropriations is available to help low-income families with children achieve economic self-sufficiency.
- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support continued operation and enhancement of early intervention and prevention programs, including the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Housing

The Planning District's member localities believe every citizen should have an opportunity to afford decent, safe and sanitary housing. The State, regions and localities should work to promote affordable and mixed-use housing, and to expand and preserve the supply and improve the quality of housing that is affordable for the elderly, disabled, and low- and moderate-income households.

- We support the following: 1) local authority to promote and flexibility in the operation of housing affordability programs and establishment of affordable dwelling unit ordinances; 2) increased federal and state funding, as well as appropriate authority and incentives, to assist localities in fostering housing that is affordable; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.

Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally. Accordingly, we take the following positions:

- The Compensation Board should fully fund local positions that fall under its purview, to include supporting realistic levels of staffing to enable constitutional offices to meet their responsibilities and limit the need for localities to provide additional locally-funded positions. The Compensation Board should not increase the local share of funding for Constitutional offices or divert money away from them, and localities should be afforded flexibility in the state use of state funds for compensation for these offices.
- We encourage state support and incentives for paid and volunteer fire/EMS/first responders, given the ever-increasing importance they play in local communities.
- We support state efforts to assist localities in recruiting and retaining law enforcement personnel.
- We support changes to the Line of Duty Act (LODA) to afford officers employed by private police departments the benefits available under LODA.
- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- We support adequate and necessary funding for mental health and substance abuse services at juvenile and adult detention facilities and jails.
- We encourage needed funding for successful implementation of policies and programs that 1) supplement law enforcement responses to help individuals in crisis to get evaluation services and treatment; 2) provide alternative transportation options for such individuals; and 3) reduce the amount of time police officers must spend handling mental health detention orders.
- In an effort to fairly share future cost increases, we support indexing jail per diem costs as a fixed percentage of the actual, statewide daily expense average, as set forth in the annual Jail Cost Report.
- We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities. The State should provide financial support for localities using such camera systems.

Transportation

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges; for attracting and retaining businesses, residents and tourism; and for keeping pace with growing public needs and expectations. We encourage the State to prioritize funding for local and regional transportation needs. Accordingly, we take the following positions:

- As the State continues to adjust the "Smart Scale" prioritization and the funds distribution process, there should be state adequate funding and local authority to generate transportation dollars for important local and regional projects across modes.
- We support additional authority to establish mechanisms for funding transit and non-transit projects in our region.
- We support the Virginia Department of Transportation utilizing Metropolitan Planning Organizations and regional rural transportation staff to conduct local transportation studies.
- We oppose attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.
- We support ongoing state and local efforts to coordinate land use and transportation planning and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

**Position/statement (see the Environmental/Water Quality and General Government sections) not endorsed by the City of Charlottesville.*

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 20, 2023
Action Required:	Vote of Approval (by motion, no resolution(s) required)
Presenter:	Lloyd Snook, Leah Puryear
Staff Contacts:	Jacob Stroman, City Attorney
Title:	City Council Proposed Legislative Positions for 2024

Background

Each year, the localities in the Thomas Jefferson Planning District (TJPD) region adopt legislative priorities and positions on issues of importance and concern to local governments. These positions form the basis for local advocacy efforts during the General Assembly session each winter. The City Attorney's Office works in conjunction with TJPD's legislative liaison during the session to provide advocacy on behalf of the City's interests. Additionally, City Council establishes a statement of legislative positions as a means of communicating to legislators (i) issues of specific concern and interest to Council, and (ii) requests, if any, for legislative action items.

Discussion

City Position Statements: Mayor Snook and Councilor Puryear (Council's Legislative Committee) have been preparing a proposed set of legislative position statements for City Council's consideration at the December 4, 2023 meeting.

Alignment with City Council's Vision and Strategic Plan

All proposals align with City Council's vision for Charlottesville as a "place where everyone thrives".

Community Engagement

Council engages with the community continually.

Budgetary Impact

N/A

Recommendation

It is recommended that City Council, after reviewing the positions recommended by its Legislative Committee, make a motion to approve those positions.

Suggested Motion: "I move to approve the Statement of the City Council's 2024 Legislative Positions, as presented by Council's Legislative Committee on December 4, 2023."

Alternatives

City Council is not required to provide legislative position statements to local legislators, so City Council may decline to do so.

Attachments

1. 2024 Draft Legislative Position Statement.11.13.23

**CHARLOTTESVILLE CITY COUNCIL
STATEMENT OF LEGISLATIVE POSITIONS
FOR THE 2024 REGULAR GENERAL ASSEMBLY SESSION**

A. Expand the Option for a One-Cent Local Sales Tax Increase for Construction and Renovation of Public-School Facilities to All Localities

Our most important legislative priority is legislation to allow all localities the option of enacting a one-cent sales tax increase to provide local revenue for the construction or renovation of public-school facilities. Currently, only a few localities have been designated as “qualifying localities” under the provisions of Va. Code §§58.1-602, 58.1-605.1, and 58.1-606.1 to raise revenue in this manner, yet the need for this additional revenue source extends beyond those few localities that have it. If legislation allowing all localities this option is not successful, we would support legislation giving Charlottesville this option.

B. Continue Funding of Virginia’s Home Visiting Programs

We support funding Virginia’s home visiting programs with general funds to the extent necessary to prevent any reduction in funding due to the Commonwealth’s declining TANF balance.

Funding for Virginia’s Home Visiting Programs is at risk because of a decline in the Commonwealth’s TANF balance which is projected to decline from over \$46 million at the end of the last fiscal year to approximately \$4 million in the current fiscal year. This decline will adversely impact funding for home visiting programs which connect pregnant and parenting families to trained family support professionals. Those programs include the Comprehensive Health Investment Project (CHIP), Healthy Families, Resource Mothers and Early Impact Virginia.

C. Salaries for Members of Local Governing Bodies

We support legislation to amend Code of Virginia § 15.2-1414.6 to remove the limitation on annual salaries for city councils. City councils in Virginia should be permitted to establish the annual salaries for councilors at the local level. Each locality’s needs are unique and maximum compensation should be a local decision, based on the will of the electorate and the financial resources of the locality.

D. Funding for Regional Transit Authorities

We support legislation which would permit localities to impose an optional one cent local sales tax increase to fund regional transit authorities. This legislation would permit Charlottesville to partner with neighboring jurisdictions to address transportation needs on a regional basis.

E. Amend Land Use Ordinance Advertisement Laws Which Unduly Restrict Council's Ability to Deliberate

We support an amendment of Code of Virginia Sec. 2204 and other similar provisions in the Virginia Code which require advertisement of land use ordinances within 14 days of intended adoption. This provision constrains the City Council because it may wish to consider whether to adopt a land use ordinance not only at the meeting at which it is first advertised, but at a subsequent meeting. This is particularly true when the issue is complex. In addition, in those cases in which the City Council and the Planning Commission conduct a joint public hearing, this provision may require Council to act on an ordinance before it has received a recommendation from the Planning Commission.

F. Allow Greater Flexibility for Certain Boards and Commissions to Conduct All-Virtual Meetings

We support enactment of legislation that would allow certain boards and commissions to expand the use of all virtual meetings under policies adopted by those boards or commissions.

Currently, all City boards and commissions, like many other public bodies in the Commonwealth, are limited in the number of all-virtual meetings they may conduct to two times per calendar year or 25% of their meetings in any calendar year. This can sometimes present challenges to assembling a quorum in a physical location. Adding flexibility to the number of all-virtual meetings City boards and commissions may conduct pursuant to policies those bodies adopt at least annually would help address this issue and potentially expand the number of individuals who would be willing to serve on municipal boards and commissions.

This change would not affect current limits on all-virtual meetings for local governing bodies including the City Council, local school boards, planning commissions, architectural review boards, zoning appeals boards or boards with the authority to deny, revoke or suspend a professional or occupational license.

G. Increasing Affordable Housing Accessibility by Enhancing Tenant Rights

We support legislation which would increase affordable housing accessibility by enhancing the rights of tenants, including: 1. amending the Virginia Residential Landlord and Tenant Act to allow tenants to raise unsafe or unsanitary conditions as an affirmative defense to non-payment of rent; 2. allowing indigent tenants to waive their appeal bond in landlord-tenant disputes; 3. requiring landlords to disclose a complete list of additional fees in a separate document prior to the signing of a lease; and 4. Authorize localities to pass rent stabilization ordinances for residential rent in mobile home lots and multi-family dwellings.