



CITY COUNCIL AGENDA March 18, 2024

Juandiego R. Wade, Mayor
Brian R. Pinkston, Vice Mayor
Natalie Oschrein
Michael K. Payne
J. Lloyd Snook, III
Kyna Thomas, Clerk

4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. 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. Report: City Grants Inventory
2. Report: Zoning Ordinance Work Plan

5:30 PM CLOSED MEETING (if called)

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: Women's History Month

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: January 2 meeting, January 9 joint Council-Planning Commission meeting, March 7 budget work session
4. Ordinance: Ordinance for creating Shenandoah Mobile Franchise Agreement (2nd reading)
5. Resolution: Resolution to appropriate USDA Forest Service Urban and Community Forestry Inflation Reduction Grant for Charlottesville Urban Forest Management Planning - \$150,000 (1 of 2 readings)
6. Resolution: Resolution appropriating funding in the amount of \$21,458 to be received from Library of Virginia Circuit Court Records Preservation Grants Review Board (1 of 2 readings)
7. Ordinance: Ordinance amending the Charlottesville Code of Ordinances, Section 2-98(b) to increase the appropriation amount requiring two readings from \$1001.00 to \$5000.00. (1 of 2 readings)
8. Resolution: ~~Resolution for Approval of Memorandum of Understanding between Bennett's Village and the City of Charlottesville (POSTPONED)~~
9. Resolution: Resolution for refund of Business Tangible Personal Property Tax payment

City Manager Report

- Report: City Manager 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

10. Public Hearing: Tax Rate Public Hearings
 - a. Public Hearing: Real Estate Tax Rate for the City Manager's Proposed FY 2025 Budget
 - b. Public Hearing: Lodging Tax Rate for the City Manager's Proposed FY2025 Budget
 - c. Public Hearing: Meals Tax Rate for the City Manager's Proposed FY2025 Budget
11. Public Hearing: Public hearing and resolution for lease renewal for communications equipment at Market Street Parking Garage
12. Public Hearing/Res.: Public hearing and resolution to approve the New Hill Development Corporation's BEACON Commercial Kitchen Infrastructure Enhancements Project as a Minor Amendment to the CDBG Action Plan for Program Year 2023-24, in the Amount of \$89,896.51
13. Ordinance: Ordinance adopting the WANRock Telecommunications Franchise Agreement
14. Resolution: Award of FY24 Charlottesville Affordable Housing Fund (CAHF) and FY25 Housing Operations and Program Support (HOPS)
 - a. Resolution: Resolution to award FY24 Charlottesville Affordable Housing Funds (CAHF) Grants (1 of 2 readings)
 - b. Resolution: Resolution to award FY25 Housing Operations and Program Support (HOPS) Grants (1 of 2 readings)
15. Resolution: Resolution amending and re-enacting City Council Rules and Procedures
16. Ordinance: Ordinance Amending City Code Article II. Section 2-38. Organizational Meeting and Section 2-39. Elections, Terms and General Powers and Duties of Mayor, Vice-mayor and Mayor Pro Tempore; Mayor's Veto (1 of 2 readings)

General Business

Other Business

Community Matters (2)

Adjournment

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



Agenda Date:	March 18, 2024
Action Required:	No action is required.
Presenter:	Taylor Harvey-Ryan, Grants Program Manager
Staff Contacts:	Alexander Ikefuna, Director of Community Solutions Taylor Harvey-Ryan, Grants Program Manager Alan Peura
Title:	City Grants Inventory

Background

The Grants Inventory Report is a living document produced over the course of 2022 by the Office of Community Solutions. The Grants Program Manager met with various departments and offices within City of Charlottesville to learn how each department manages and administers grants, the number of grants they administer, as well as the status of each of these grants. The Grants Inventory Report serves as a "database" for all the City of Charlottesville's grants and serves as a starting point for developing policies and procedures for how grants will be applied for, managed, and administered today onward. Prior to the Grants Inventory Report there was not a single location for all grant documentation, nor a single methodology for how departments secured or administered grant funding. In addition, the Grants Inventory Report allowed the Office of Community Solutions to get a better understanding of each of the grants as well as allow the City to become compliant and better in alignment with the best practices of grants management. The Report is slated to be updated bi-annually and published internally for City staff. The Grants Inventory Report is updated regularly by the Office of Community Solutions to ensure we have the most up to date information available as departments make progress on grant projects and secure additional grant funding.

Discussion

The Grants Inventory Report is intended to provide an overview of all grants managed, administered, and implemented by the City of Charlottesville across all city offices, departments, and programs. The report will provide the most pertinent information and the status of grants received and currently administered by city government. The Grants Inventory Report is a working document that will be updated and distributed biannually (January and July) to reflect the current grants being administered by the city to support projects that align with the priorities of the City of Charlottesville.

This report provides an overview of each grant including the grant funder, total funds allocated, the period of performance for the grant, whether the grant is one-time or renewable, and a summary of the grant purpose/intent. Where applicable, there is also an "Areas of Opportunity" section that identifies planned improvements to a particular grant program or project. In subsequent Volumes the goal is to include additional detail to document the status of grant program work and future management plans.

The inaugural issue of the Grants Inventory Report reflected 95 grants totaling over \$193 million in grant funds

across various departments and offices within the City of Charlottesville. Please note that the entirety of the \$193 million is not available, as some of this funding has been spent on the projects the funds are associated with. The approximately \$193 million is the total value of the grant awards utilizing the award balances the City was granted for the project.

The breakdown of the grants by department and office are as follows:

Public Works:

- 25 grants
- Total Allocation: \$151,447,078

Public Utilities

- 7 grants
- Total Allocation: \$8,330,279

Fire Department

- 3 grants
- Total Allocation \$3,759,667

Parks and Recreation

- 9 grants
- Total Allocation: \$4,417,511

Neighborhood Development Services

- 3 grants
- Total Allocation: \$241,000

Human Services*

- 3 grants
- Total Allocation: \$532,058

Emergency Management

- 3 grants
- Total Allocation: \$502,783

Community Solutions*

- 19 grants
- Total Allocation: \$18,642,586

Pass Through Grants*

- 14 grants

- Total Allocation: \$5,030,773

Economic Development

- 1 grant
- Total Allocation: \$150,000

*Please note Human Services, Office of Community Solutions, and Pass-through grants managed by the Office of Community Solutions include grant sources that are local funds provided to community organizations (HOPS, VCF, CAHF), or state and federal funding that is pass-through the city to other entities. These balances may reflect multiple years of funding as we work to ensure prior year funding is fully spent and closed.

During the Grants Inventory report many notable discoveries were made which have led to process and policy implementation. Notable findings are detailed below:

1. Misunderstanding of Grants

- a. When conducting the grants inventory report, many individuals expressed difficulty understanding grant language and requirements, specifically relating to what they can use the grant funds for, when and how to ask for a change in scope of work when projects change course, and how to close out grants. This lack of understanding has led grant projects to remain open and require additional reporting and document retention as they were not closed at the completion of the project. Additionally, a lack of understanding in what grant funds can be utilized on has resulted in either an underspending or overspending of grant funds.

2. Lack of continuity of grant work in departments

- a. Similar to the rest of the nation, Charlottesville has experienced staff turnover. This staff turnover has resulted in some grants being "lost" or "forgotten" because a staff person is no longer there. This has traditionally occurred when one staff applies for a grant, leaves their employment before the award is made, and then once the award is made, there is no one to receive the award notice and continue the work of the grant, which results in the City missing out on grant funds. Or an individual leaves the position during the time of the grant. However, no one is aware of what the grant is for or what is required of the grant, and it leaves our funders in a bind as they attempt to locate someone else in the city that can manage the grant causing significant delays in the grant work.

3. Lack of formal collaboration between departments

- a. Many departments work with each other informally. However, more formal partnerships are needed for many grant opportunities to ensure there is not a duplication of work and that the timeline aligns for work completion. In addition, anecdotally, some departments may want to apply for the same grant and in the past have done, which increases the competition for the grant. If there is a grant opportunity that can support a multitude of projects, it is best practice that departments work together to not compete against one another for the same opportunity.

4. Difficulty tracking match, letters of support, MOUs

- a. Many departments have used their budgets as match for grants, but there is not a similar tracking process for each department to know what funds are being used as match for a grant. In addition, many departments are approached for Letters of Support or to sign onto MOUs. However, one letter of support or MOU signature is sufficient for the entirety of the City of Charlottesville government.

5. Lack of transparency of grants between departments and community partners

- a. Lastly, lack of transparency of what grants each department manages and the grants that we serve as a party to for our community partners has led to duplicative efforts on grant work.

In turn the Office of Community Solutions has implemented three Standard Operating Procedures which include Grants Administration, Letters of Support, and Memorandums of Understanding. These processes has allowed the City to streamline how we review grants sources, apply for funding, and ultimately track our grant activity.

Additionally, the Office of Community Solutions is preparing to implement a monitoring and compliance tool that will integral in ensuring our grants funds are being utilized in compliance with any stated regulations and guidelines and that we and our partners are being good stewards of the funds.

Lastly, through this process the Office of Community Solutions has learned the value of collecting and maintaining up to date data on our grants to avoid out of compliance notices from funders, as projects are being completed in a timely manner.

Alignment with City Council's Vision and Strategic Plan

The Grants Inventory Report aligns with the 2023 Council Strategic Plan Framework/Strategic Outcome Areas – Partnerships as the city partners with federal and state funding agencies to source funds to address community issues in alignment with City Council priorities.

Community Engagement

N/A

Budgetary Impact

N/A

Recommendation

N/A

Alternatives

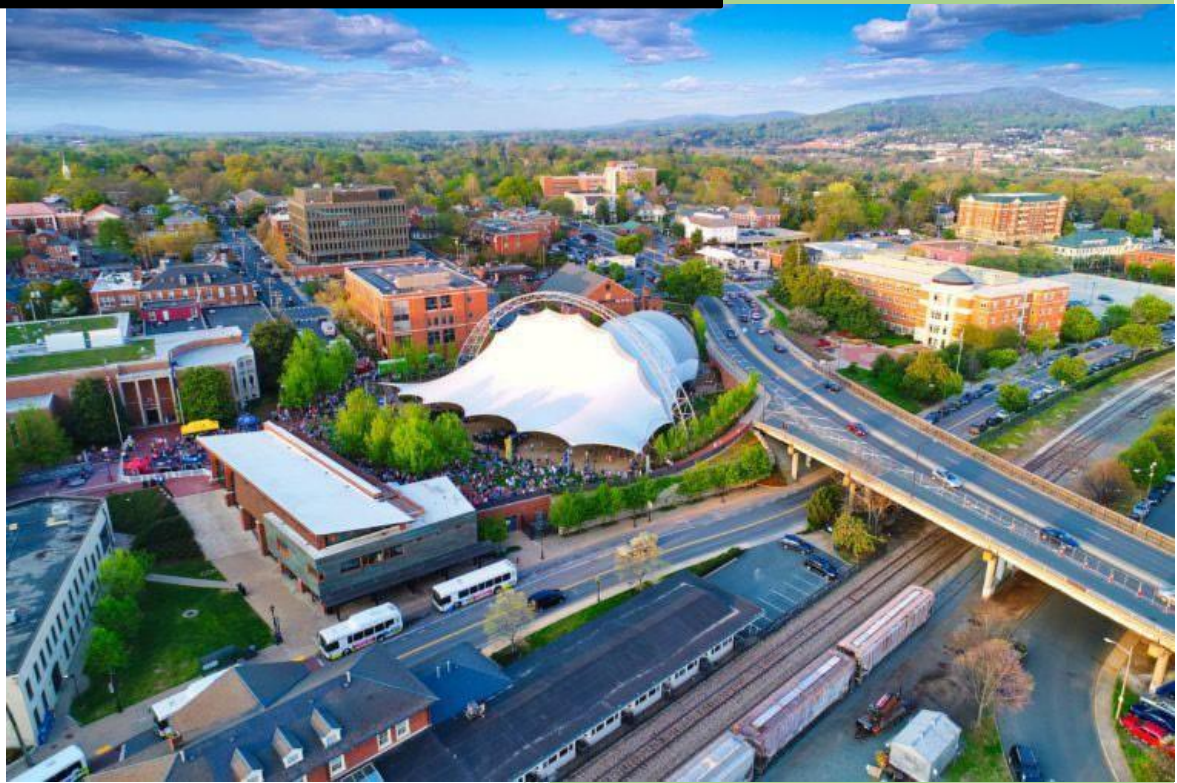
N/A

Attachments

1. Grants Inventory Report Volume 1 2024 City Council March 2024 (1)



City of Charlottesville Grants Inventory Report



**Office of Community Solutions:
Grants Management Team**

Volume 1, Issue 1
January 2024

Contents

Report Overview	3
All City of Charlottesville Grants Illustrated	4
City of Charlottesville Organizational Chart	5
City Offices.....	6
Budget and Performance Management	6
City Attorney.....	6
Emergency Management Office	6
Clerk of Council	7
Communications.....	7
Office of Community Solutions	8
Redevelopment Program	8
Grants & Entitlements Program.....	8
Housing Program	11
Constituent Services Program.....	12
State-Funded Pass-Through Grants	12
Other Pass-Through Grants	14
Economic Development	17
Social Equity.....	17
Accessibility (ADA)	17
Home to Hope.....	17
Job Center	18
Office of Sustainability	18
Human Rights.....	18
City Departments	19
Finance Department	19
Procurement	19
Real Estate Assessor’s Office	19
Risk Management Office.....	19
Fire Department	19
Human Resources	21
Human Services Department.....	22
Pass Through Funds Managed by the Department of Human Services.....	23
Information Technology Department	25
Neighborhood Development Services Department.....	26
Planning Division.....	27
Zoning Division.....	29

Building Division.....	29
Property Maintenance Division	29
Parks & Recreation Department	29
Parks Division.....	30
Recreation Division	31
Police Department.....	32
Public Works Department	35
Social Services Department.....	41
Charlottesville Area Transit Department.....	41
Public Utilities Department	41
Wastewater Utility.....	42
Gas Utility.....	42
Stormwater Utility	43
Water Utility	44
Overall Areas of Opportunity Regarding Grants in both Offices and Departments	44
Summary and Next Steps.....	44

Report Overview

The Grants Inventory Report is intended to provide an overview of all grants managed, administered, and implemented by the City of Charlottesville across all city offices, departments, and programs. The report will provide the most pertinent information and the status of grants received and currently administered by city government. The Grants Inventory Report is a working document that will be updated and distributed biannually (January and July) to reflect the current grants being administered by the city to support projects that align with the priorities of the City of Charlottesville. The Report is organized by first listing all City Offices, followed by City Departments, with each then organized by their respective Divisions, Sections and Units.

This report provides an overview of each grant including the grant funder, total funds allocated, the period of performance for the grant, whether the grant is one-time or renewable, and a summary of the grant purpose/intent. Where applicable there is also an “**Areas of Opportunity**” section that identifies planned improvements to a particular grant program or project. In subsequent Issues the goal is to include additional detail to document the status of grant program work and future management plans.

This inaugural Issue has identified 95 grants administered by the City of Charlottesville totaling \$193,689,277. This sum represents the total value of the grant funding to be received over the life of each of these grants. In many cases funds have already been expended for work performed so the available balance in particular grants will be less than the total reflected in this report.

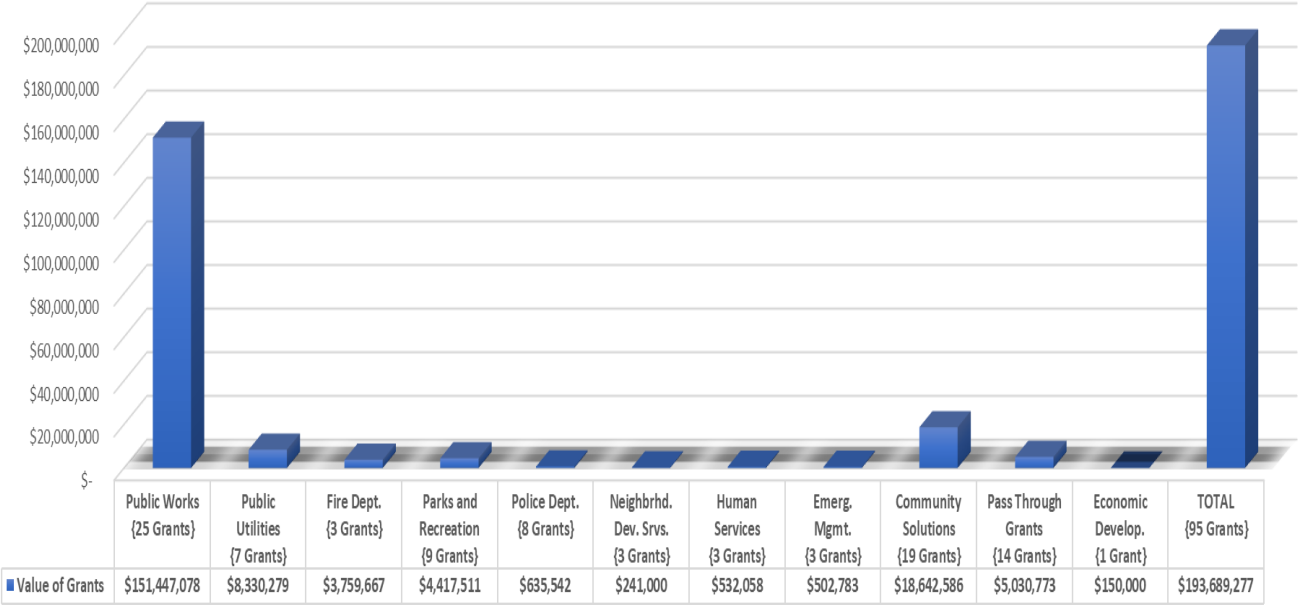
Disclosure

This Issue of the Report (January 2024) is not conclusive as not all departments have had the opportunity to provide thorough information and data regarding all grants they administer. In the instances where no information was provided or collected, these departments are still included within the report as placeholders, however, no grant data is provided. Additional outreach is being conducted to develop a more conclusive report. In addition, the original cutoff date for grants to be included in this Issue was May 1, 2023, though there were follow-up discussions beyond that date. Additional grant data submitted after this date will be included in the next Issue.

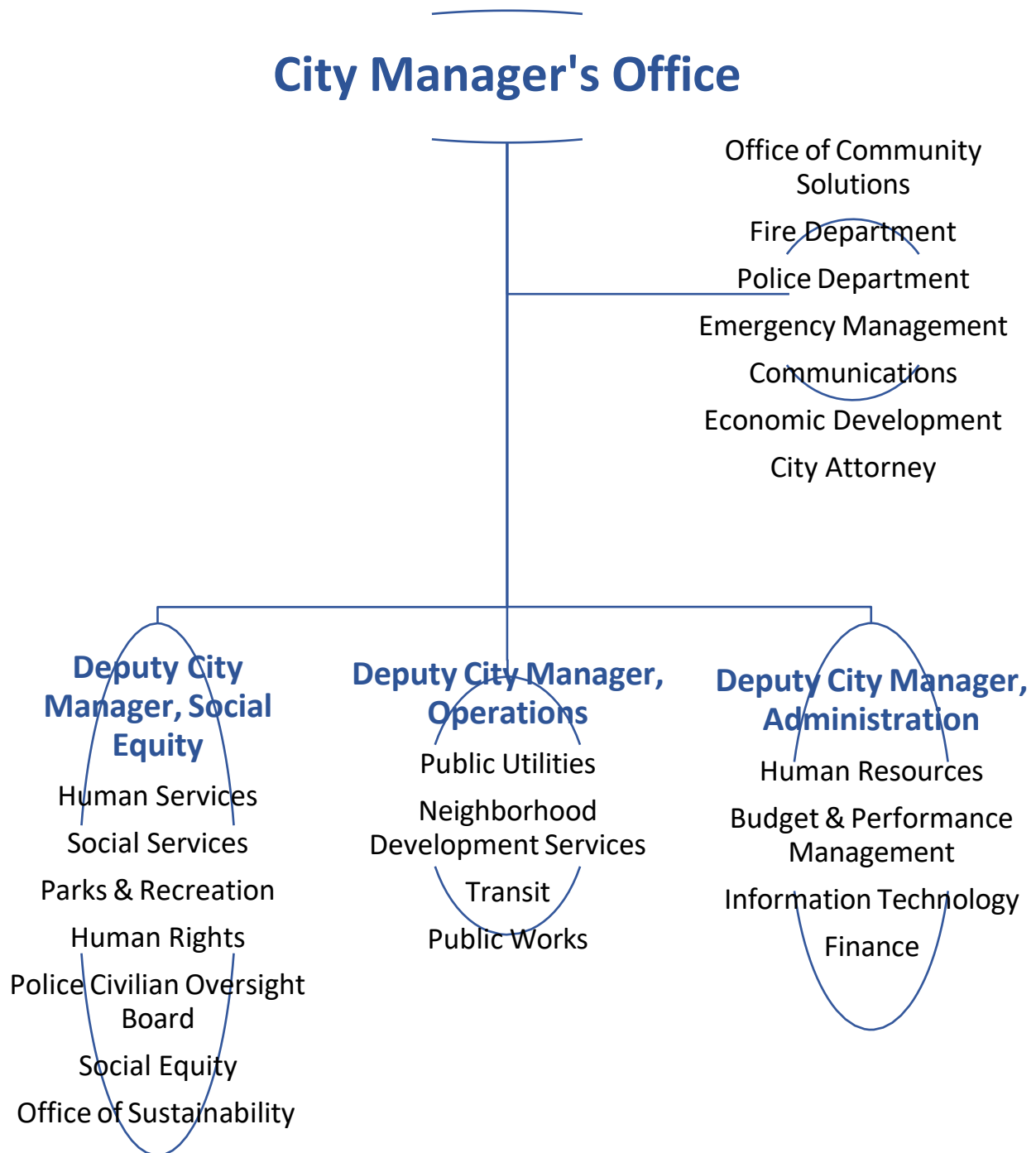
This Report and all grant information was collected by and is a work product of the Office of Community Solutions. If you would like additional information or would like to request a correction of the information provided in this report, please contact Taylor Harvey-Ryan, Grants Program Manager at harveyryant@charlottesville.gov.

All City of Charlottesville Grants Illustrated

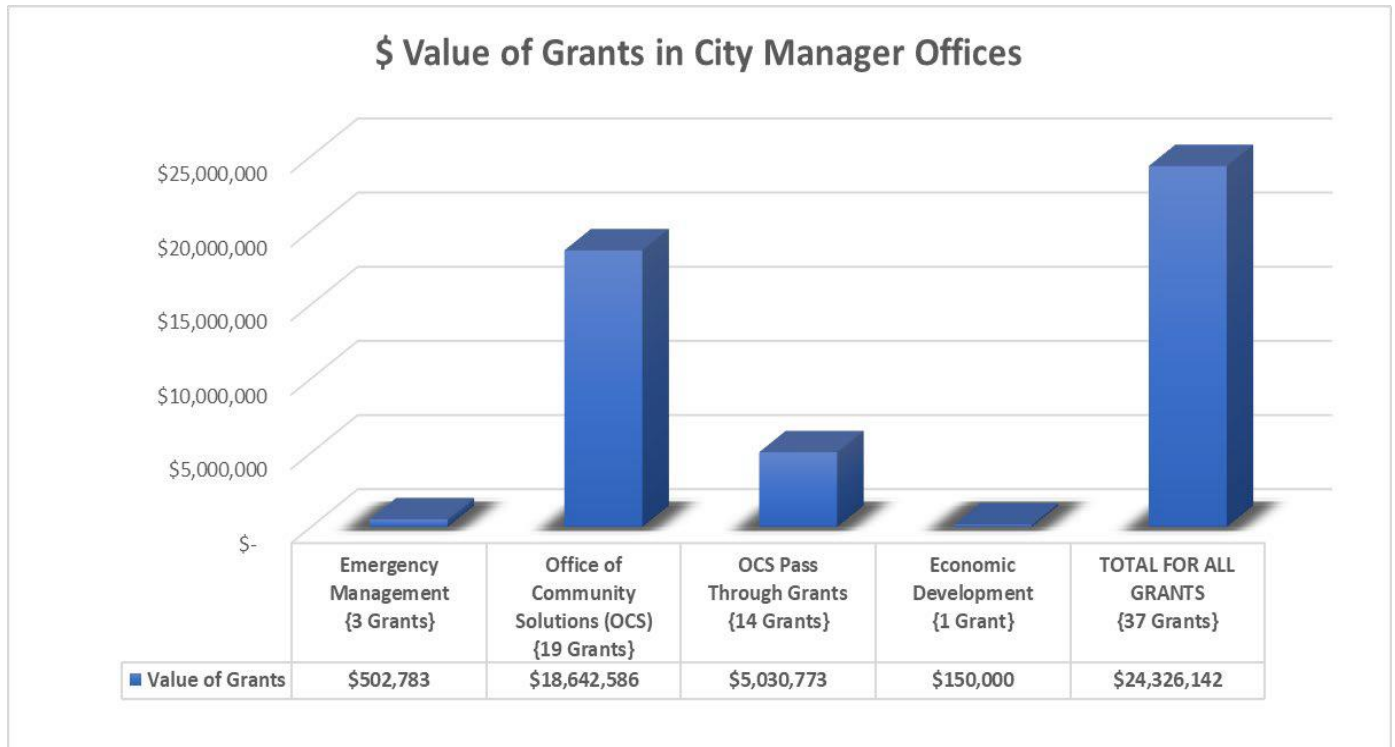
\$ Value of All Active City of Charlottesville Grants



City of Charlottesville Organizational Chart



City Offices



Budget and Performance Management

The Office of Budget and Performance Management prepares and presents both revenue and expenditure projections in order to initiate the citywide budget development process and provides the structure and management of both budgeting and results/reporting metrics. The Office of Budget and Performance Management does not administer nor receive any grant funding at this time.

City Attorney

The City Attorney's Office gives advice to and represents the City Manager, City Council, city departments and employees, the Airport Authority, the Planning Commission, the Retirement Commission, and the Charlottesville Industrial Development Authority. The City Attorney's Office does not administer nor receive any grant funding at this time.

Emergency Management Office

Emergency management is an essential role of city government; the Emergency Management Office is responsible to coordinate and direct all components of the City of Charlottesville emergency management plan. The overall goals of emergency management at all levels are to reduce the loss of life, to minimize property loss and damage to the environment, and to protect the jurisdiction from all threats and hazards. These goals are accomplished through prevention, protection, mitigation, response, and recovery.

The Office of Emergency Management oversees three (3) grant programs totaling \$502,783.

1. Emergency Management Performance Grant (EMPG) Program
 - a. **Funder:** Virginia Department of Emergency Management
 - b. **Allocation:** \$7,500
 - c. **Recurring/Renewable grant:** Yes, annually
 - d. **Period of Performance:** 7/1/2023- 6/30/2024
 - e. **Summary:** The EMPG program is a federally funded, state distributed grant program focusing on planning, operations, equipment acquisitions, trainings, exercises, and construction/renovation efforts at the local government level, providing resources to local governments in preparing for all hazards. Charlottesville uses these funds to offset the program cost for the Office of Emergency Management including the salary of the Emergency Management Coordinator.
2. Emergency Shelter Upgrades Assistance Funds (Shelter Upgrade Fund)
 - a. **Funder:** Virginia Department of Emergency Management
 - b. **Allocation:** \$445,307
 - c. **Recurring/Renewable grant:** No
 - d. **Period of Performance:** April 15, 2023 – June 30, 2024
 - e. **Summary:** The Shelter Upgrade Fund provides matching funds to localities to install, maintain, or repair infrastructure related to backup energy generation for emergency shelters, including solar energy generators, and to improve the hazard specific structural integrity (wind retrofit) of shelter facilities owned by the locality.

Emergency Management will use these funds to upgrade the two existing generators at Charlottesville High School (CHS) to increase the current capacity of the generators to better support the emergency shelter when activated.
3. Diversity to Advance Inclusion, Accessibility, and Equity in Charlottesville
 - a. **Funder:** U.S. Department of the Interior – Chesapeake Bay Gateways Network Program
 - b. **Allocation:** \$49,976
 - c. **Recurring/Renewable:** No
 - d. **Period of Performance:** TBD (Awarded November 2023)
 - e. **Summary:** Funding to develop locally specific, spatially accurate data on underrepresented and underserved populations to enable inclusive initiatives.

Clerk of Council

The Office of the Clerk of Council is responsible to manage the day-to-day business operations of the Charlottesville City Council. The Clerk of Council's Office does not administer nor receive any grant funding at this time.

Communications

The Office of Communications is responsible for city-wide communications, including press releases, produced video, social media, web content, the City's Public, Education, and Governmental (PEG) access television stations, and major city events. The Office of Communications does not administer nor receive any grant funding at this time.

Office of Community Solutions

The Office of Community Solutions (OCS) manages a wide range of community development programs, including affordable housing programs; commercial revitalization, redevelopment, and development activities; property inventory and lease management; neighborhood and constituent services; administration of several Federal entitlement programs (CDBG and HOME and their associated planning and reporting requirements); and MyCville Complaint Management coordination. In addition, OCS assumes the responsibility of citywide grant assistance designed to provide technical assistance to all city departments, agencies, and offices. OCS coordinates, manages, and serves as liaison to housing and redevelopment projects in the city. The focus of tasks is generally affordable housing initiatives, overseeing grants, federally funded programs, and implementation of the Strategic Investment Area (SIA) Plan, and the adopted Small Area Plans.

Affordable housing initiatives include implementation of the Affordable Housing Plan, administration of the Charlottesville Affordable Housing Fund (CAHF) and other related housing activities, support to the Housing Advisory Committee (HAC) and Charlottesville Affordable Housing Fund Advisory Committee. Federal Entitlement Administration involves management of the Federal Entitlement programs (CDBG/HOME) funds, HUD-mandated development of multi-year Consolidated Housing and Community Development Plan, Annual Action Plan and associated structured reporting requirement - the Consolidated Annual Performance and Evaluation Report (CAPER). Citywide grant assistance includes serving as clearing house for grant applications, providing technical assistance, serving as a resource and liaison to funding agencies and organizations, grant application development, review and editing, and funding availability analysis.

OCS directly administers five (5) grant programs. Two of the grant programs are funded by the City of Charlottesville, while the other three programs are federally funded through the United States Department of Housing and Urban Development (HUD). Each of these programs utilizes a Request for Proposal (RFP) process in which city residents volunteer to review the requests and to make funding recommendations to City Council, which has the final vote on funding awards.

In addition, OCS manages the City's pass-through grants including state and federal funding that supports the work of the Blue Ridge Area Coalition on Homelessness (BRACH) for services designed to prevent and end homelessness in the Charlottesville Continuum of Care.

Redevelopment Program

The Redevelopment program does not administer nor receive any grant funding at this time.

Grants & Entitlements Program

1. The Community Development Block Grant (CDBG) is a federally funded program from the United States Department of Housing and Urban Development (HUD). Through CDBG, HUD provides annual grants on a formula basis to localities to develop viable urban communities by providing decent housing and suitable living environments, and by expanding economic opportunities, principally for low- and moderate-income persons. Federal formula grants are non-competitive funding opportunities that require Charlottesville to submit an application, and through which, provided the city maintains its eligibility to participate in the program through diligent management of HUD resources, the city can expect to receive its formula-based allocation.

Fiscal Year	HUD Allocation	Number of Awards	Dollar Value of the Awards Appropriated	Unspent CDBG Ending Fund Balance
2013	\$435,837	-		
2014	\$465,487	-		
2015	\$376,098	-		
2016	\$371,309	9		
2017	\$388,048	5		
2018	\$408,417	8		
2019	\$393,152	5	\$367,041	
2020	\$419,303	5	\$411,000	
2020*	\$581,723*	5	\$478,775	
2021	\$427,176	6	\$268,521	
2022**	\$414,907**	7	\$386,448	
2023	\$410,468	5	\$410,468	\$0

Number of Awards is not present for FY2013-FY2015 as the records for years prior to FY2016 were inconclusive for the number of awards or subrecipients the City granted funds to.

* In FY2020 The City of Charlottesville received an additional CDBG fund allocation earmarked for COVID-19 related activities.

** Please note the CDBG FY 2022 Allocation includes \$171,655.34 for the Parks and Recreation Trail Bridge Project that has not yet gone to bid. Due to the delay in this project, the City of Charlottesville may have to request an extension on the CDBG FY 2022 project from HUD.

Since FY2013 there has been a 5.82% decrease in the HUD CDBG formula allocation.

Areas of Opportunity: In the past, the City of Charlottesville has received timeliness notices for not meeting the expenditure deadlines dictated by HUD. Recent increases in OCS staffing capacity will allow tracking expenditures more closely to ensure reducing the risk of non-compliance with the timeliness requirements as well as ensuring that all HUD funds are fully spent in accordance with HUD's national objectives to enhance the lives of income-qualified residents.

2. The HOME Investment Partnerships Program (HOME) is a federal HUD-funded program through which the City receives funds on a non-competitive formula basis and which the City uses to support affordable housing and rental opportunities for income qualified city residents.

The City's HOME funds are shared equally in partnership with five (5) surrounding counties in a regional consortium administered by the Thomas Jefferson Planning District Commission (TJPDC) that includes Albemarle, Nelson, Rivanna, Fluvanna, and Greene. A small portion of HOME funds also support the regional planning and coordination work of the TJPDC and their administration of numerous regional projects.

Fiscal Year	Total HUD Allocation to TJPDC Consortia	Number of Awards	Dollar Value of Charlottesville Portion
2013	\$534,766	-	\$62,389
2014	\$536,352	-	\$62,574
2015	\$455,479	-	\$53,139
2016	\$468,166	1	\$54,619
2017	\$456,906	2	\$53,305
2018	\$624,013	3	\$72,801
2019	\$588,830	1	\$68,696
2020	\$644,752	2	\$75,221
2021	\$676,615	3	\$78,938
2022	\$747,825	1	\$87,246
2023	\$785,286	1	\$98,161

The Number of Awards is not present for FY2013-FY2015 as records for years prior to FY2016 were inconclusive for the number of awards or subrecipients the City granted funds to.

HOME requires a 20% local match which comes from the Charlottesville Affordable Housing Fund; a total of \$19,632 was appropriated in FY2023-2024.

Since FY2013 there has been a 46.84% increase in the HUD HOME formula allocation.

- Through the HOME-American Rescue Plan (HOME-ARP), HUD provides funding to localities to assist individuals or households who are homeless, at risk of homelessness and other vulnerable populations. Funds may be used to provide housing, rental assistance, supportive services, and non-congregate shelter to reduce homelessness and increase housing stability. HOME-ARP funding is administered through HUD's HOME Investment Partnership Program (HOME) and is a non-competitive formula-based allocation provided to eligible state and local participating jurisdictions in the HOME program.

Charlottesville has received a \$340,000 allocation to use for production or preservation of affordable housing, Tenant-Based Rental Assistance (TBRA), supportive services (including homeless prevention services and housing counseling), and the purchase and development of non-congregate shelter (these structures may remain as a non-congregate shelter or may convert to: 1) emergency shelter under the Emergency Solutions Grant Program; 2) permanent housing under the Continuum of Care; or 3) affordable housing under the HOME Program).

Fiscal Year	Appropriation	Number of Awards
2023*	\$340,000	2

*This is one-time-only funding from this singular piece of federal legislation.

Housing Program

1. The Charlottesville Affordable Housing Fund (CAHF) was established in 2007 to provide a flexible funding mechanism for affordable housing-related projects. The primary purpose of the CAHF is to provide financial resources to address the affordable housing needs of individuals and families who live or work in the city by promoting, preserving, and producing quality, long-term affordable housing options, providing housing related services to low and moderate-income households. CAHF receives annual appropriations through the City of Charlottesville's Capital Improvement Program budgeting process with additional funding from developer cash contributions through the City's Affordable Dwelling Unit Ordinance, voluntary cash contributions made through developer proffers, and repayment of loans made from CAHF. Eligible activities include but are not limited to; land acquisitions and assembly, land development, pre-development expenses, construction of supported affordable homeowner and rental housing units, construction of mixed-income communities, increasing housing accessibility and/or visibility, homeowner, or rental property rehabilitation.

Fiscal Year	Appropriation	Number of Awards	Dollar Value of Awards
2008	\$2,150,000	13	\$2,649,000
2009	\$1,400,000	21	\$1,434,331
2010	\$1,000,000	6	\$885,424
2011	\$1,200,000	15	\$946,497
2012	\$1,410,000	19	\$1,920,389
2013	\$1,410,000	13	\$1,552,109
2014	\$1,528,154	11	\$1,752,749
2015	\$1,577,036	12	\$1,442,850
2016	\$1,626,419	11	\$2,182,966
2017	\$1,699,602	10	\$1,594,916
2018	\$2,529,715	8	\$4,344,617
2019	\$6,733,954	9	\$4,098,669
2020	\$1,578,316	3	\$1,205,000
2021	\$38,544	1	\$67,487
2022	\$780,394	7	\$1,249,559
2023	\$925,000	5	\$835,000

Notations for FY2022: the Albemarle Home Improvement Program (AHIP) requested a one-year project extension, and The Local Energy Alliance (LEAP) is returning the full balance of both projects (total \$150,000).

Areas of Opportunity: The CAHF program has lacked monitoring and compliance for the last several years. OCS will be instituting monitoring and compliance measures to ensure programs are expending their allocations during their period of performance on eligible activities. Some programs have not spent their allocations during the appropriate period of performance, thus leaving a balance of funds to be reappropriated. These funds will be reappropriated during a future CAHF application cycle.

2. Charlottesville Supplemental Rental Assistance Program (CSRAP)
 - a. **Funder:** City of Charlottesville CIP / Charlottesville Redevelopment and Housing Authority (CRHA)
 - b. **Allocation:** \$900,000 per year (approximately)
 - c. **Recurring/Renewable Grant:** Anticipate that this will be renewable annually, but it is a City Council discretionary decision.
 - d. **Period of Performance:** 2/14/2023 – 2/14/2024
 - e. **Summary:** To provide funding to the CRHA for the purpose of administering the CSRAP.
3. Housing Operations & Program Support (HOPS) was established in FY24 as a separate process from the Vibrant Communities Fund. The HOPS funding provides operational-type funding for housing-related community agency program funding requests focused on affordable housing and homelessness support.

Fiscal Year	Appropriation	Number of Awards
2024	\$574,475 (awarded \$574,475)	9

Areas of Opportunity: This is the first cycle of the HOPS program and OCS will monitor the program carefully so that improvement opportunities may be recognized and implemented.

Constituent Services Program

The Constituent Services Program does not administer nor receive any grants at this time.

State-Funded Pass-Through Grants

OCS's Grants Management Team oversees the grant management of additional state and federal funds that target assistance to individuals and families to quickly exit homelessness and obtain/maintain permanent housing. These funds are granted by the Virginia Department of Housing and Community Development (DHCD) to the City of Charlottesville. The City then subgrants these funds to the Blue Ridge Area Coalition on Homelessness (BRACH), the Continuum of Care Lead. The three grants received by Charlottesville from DHCD are the Virginia Homeless Solutions Program, Housing Opportunities for Persons with AIDS/HIV, and the COVID Homeless Emergency Response Program. In addition, DHCD has granted the City of Charlottesville a Moving from Foster Care to Adulthood grant to provide extended foster care supports for up to three years for those aging out of foster care.

1. Virginia Homeless Solutions Program (VHSP) is a state funded program through DHCD that supports the development and implementation of localized emergency crisis response systems with housing-focused, coordinated community-based activities. These activities are designed to reduce the overall length of homelessness in the community, the number of households becoming homeless, and the overall rate of formerly homeless households returning to homelessness.

Fiscal Year	Final Allocation
2018	\$477,151
2019	\$529,013

2020*	\$728,061
2021	\$539,333
2022	\$680,333
2023	\$539,369
2024	\$539,369

*FY2020 includes the addition of \$243,216 received from special COVID related funding.

The table above includes amendments that may have increased funding during the grant period. VHSP funding has increased by 13.04% since FY2018.

2. Housing Opportunities for Persons with AIDS/HIV (HOPWA) is a federally funded program distributed to localities through the state DHCD. Federal HOPWA funding is dedicated to the housing needs of people living with HIV/AIDS and DHCD administers the program by granting funds to non-profits and local governments to provide housing and services that benefit low-income persons living with HIV/AIDS and their families.

Fiscal Year	Final Allocation
2018	\$232,555
2019	\$213,012
2020*	\$294,771
2021	\$288,172
2022	\$288,172
2023	\$382,352

*FY2020 includes the additional \$50,148 received for COVID HOPWA.

The table above includes amendments that may have increased funding during the grant period. HOPWA funding has increased by 79.50% since FY2018.

3. The COVID Homeless Emergency Response Program (CHERP) is funded by the DHCD with the primary goal of ensuring all individuals experiencing homelessness have access to safe, 24-7, emergency shelter during the COVID-19 public health emergency. CHERP also aims to help households maintain or obtain permanent housing and receive the supportive services necessary to retain permanent housing.

The CHERP program has several subprograms including CHERP Non-Congregate Shelter (NCS), CHERP Homeless Management Information System (HMIS), and CHERP Community Development Block Grant (CDBG). The total allocation for the City of Charlottesville under CHERP is \$2,182,998.60.

Program	Allocation	Performance Period End Date
CHERP	\$821,014	June 30, 2023
CHERP HMIS	\$29,786	June 30, 2023
CHERP CDBG	\$1,131,079	March 31, 2022
CHERP NCS	\$201,120	December 31, 2021

4. The Moving from Foster Care to Adulthood was a pilot project funded by the 2016 Virginia General Assembly to provide up to three years of tenant based rental assistance (TBRA) to participants in the pilot project. The TBRA is in addition to the \$700/month living expenses participants receive from the Fostering Futures program and was designed to help stabilize housing options for participants during their critical transition period from foster care to adulthood, in two high costs market areas (Charlottesville/Albemarle County and the City of Richmond).

The original allocation from DHCD was \$300,000. The City of Charlottesville de-obligated \$126,500 back to the state, which left an allocation of \$173,500. The pilot ended on June 30, 2022, and has a remaining balance of \$15,290.

Areas of Opportunity: The City of Charlottesville has historically appropriated the state funding from DHCD after the start of the grant cycle, causing delays in reimbursements. In addition, the City has failed to remain in compliance with the regulations imposed by DHCD for monitoring sub-recipients of these funds and for submitting timely reimbursement requests. OCS has recently moved into the grants management of DHCD pass through funds and will provide oversight to sub-recipients and serve as a liaison between finance and DHCD to ensure the City remains in compliance. In addition, OCS will monitor BRACH on an annual basis to ensure they remain in compliance with the DHCD regulations.

Other Pass-Through Grants

The City of Charlottesville OCS currently serves as a fiscal agent for an additional nine (9) pass-through grants that total \$1,587,831 of funding.

1. Charlottesville/Albemarle Adult Drug Treatment Court
 - a. **Funder:** Supreme Court of Virginia Drug Treatment Court Grant
 - b. **Allocation:** \$240,000
 - i. **Total Project Budget:** \$371,595 (Charlottesville contributes \$75,947, Albemarle County contributes \$55,648)
 - c. **Renewable/ Recurring Grant:** Yes
 - d. **Period of Performance:** Fiscal Year
 - e. **Summary:** This grant supports operations of the drug court program that is operated by Offender Aid and Restoration (OAR). The City of Charlottesville serves as fiscal agent for the Supreme Court of Virginia Drug Treatment Court Docket Grant.

In its twenty-fifth year of operation, the Charlottesville/Albemarle Adult Drug Treatment Court is a supervised 12-month drug treatment program that serves as an alternative to incarceration for offenders. Drug Court is a specialized docket within the existing structure of the court system that is responsible to handle cases involving non-violent adult felony offenders with moderate to severe substance use disorders. The program uses the power of the court to assist non-violent offenders achieve recovery through a collaborative system of intensive supervision, drug testing, substance abuse treatment, and regular court appearances.

2. Charlottesville- Albemarle Therapeutic Docket Program

- a. **Funder:** Supreme Court of Virginia Behavioral Health Docket Grant FY23-24
- b. **Allocation:** \$61,500
- c. **Renewable/ Recurring Grant:** Yes
- d. **Period of Performance:** Fiscal Year
- e. **Summary:** The City of Charlottesville, on behalf of the Charlottesville-Albemarle Therapeutic Docket program, received a Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 to support operations of the therapeutic docket program operated by Offender Aid and Restoration (OAR). The city serves as fiscal agent for this grant.

In its fourth year of operation, the Charlottesville-Albemarle Therapeutic Docket program is a supervised 8-to-12-month treatment program that serves as an alternative to incarceration for offenders. The Therapeutic Docket is a specialized docket that is responsible for court cases involving non-violent adult misdemeanor offenders who suffer from serious mental illness. The program uses the power of the court to assist non-violent offenders achieve wellness and recovery through a combined system of intensive supervision, medication management, mental health treatment, and regular court appearances.

3. Charlottesville- Albemarle Therapeutic Docket Program

- a. **Funder:** Supreme Court of Virginia Behavioral Health Docket Grant FY23-24
- b. **Allocation:** \$67,792
- c. **Renewable/ Recurring Grant:** Yes
- d. **Period of Performance:** Fiscal Year
- e. **Summary:** Charlottesville, on behalf of the Charlottesville-Albemarle Therapeutic Docket program, received a Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$67,792 to support operations of the therapeutic docket program operated by Offender Aid and Restoration (OAR). The city serves as fiscal agent for this grant.

4. Albemarle- Charlottesville Regional Jail

- a. **Funder:** State Criminal Alien Assistance Program (SCAAP) FY21
- b. **Allocation:** \$4,748
- c. **Renewable/ Recurring Grant:** Yes
- d. **Period of Performance:** Varies
- e. **Summary:** The City of Charlottesville has received the State Criminal Alien Assistance Program (SCAAP) grant on behalf of the Albemarle-Charlottesville Regional Jail to reimburse for prior year expenses providing services to undocumented persons incarcerated at the jail. The funding level is determined by a formula based on the number of undocumented persons incarcerated during the program year.

5. Albemarle-Charlottesville Regional Jail

- a. **Funder:** State Criminal Alien Assistance Program (SCAAP) FY22
- b. **Allocation:** \$19,050
- c. **Renewable/Recurring Grant:** Yes

- d. **Period of Performance:** Varies – Awarded 8/31/2023
 - e. **Summary:** These federal funds are used to reimburse for prior year expenses providing services to undocumented persons incarcerated at the jail. The funding level is determined by a formula based on the number of undocumented persons incarcerated during the program year.
6. Albemarle-Charlottesville Regional Jail
- a. **Funder:** State Criminal Alien Assistance Program (SCAAP) FY23
 - b. **Allocation:** \$16,768
 - c. **Renewable/Recurring Grant:** Yes
 - d. **Period of Performance:** Varies – Awarded 11/27/2023
 - e. **Summary:** These federal funds are used to reimburse for prior year expenses providing services to undocumented persons incarcerated at the jail. Funding level is determined by the number of undocumented persons incarcerated during the program year.
7. Charlottesville- Albemarle Family Treatment Court Expanded Services
- a. **Funder:** Department of Justice, Office of Justice Programs Grant
 - b. **Allocation:** \$827,973
 - c. **Renewable/ Recurring Grant:** No
 - d. **Period of Performance:** 10/1/2020 - 9/30/2023
 - e. **Summary:** The Virginia Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) awarded this grant to support expansion of the Charlottesville Albemarle Family Treatment Court (FTC) program. Funding will expand FTC treatment capacity, case management, decrease length of wait time for assessment and initiation of evidence-based substance use treatment, add peer recovery support services, and also establish a more effective and efficient process to address basic needs/barriers to treatment that negatively impact upon participant success, as well as boost staff training.
- Areas of Opportunity:** This project has not fully spent its allocation due to a delayed start and the onset of the COVID-19 public health emergency. Region Ten is evaluating the need for an extension. OCS and the Finance Department have offered technical assistance and guidance in evaluating the extension proposal and the budget to ensure timely expenditure of the allocated funds. OCS is recommending quarterly updates to ensure the project is on target to fully spend funds if the extension is awarded. The project may apply for up to three one-year extensions.
8. Jefferson School African American Heritage Center
- a. **Funder:** Virginia Department of Historic Resources (DHR)
 - b. **Allocation:** \$200,000
 - c. **Renewable/Recurring Grant:** Yes
 - d. **Period of Performance:** Varies – Awarded 12/4/2023
 - e. **Summary:** City will pass-through these funds that will be used to support operating cost for staffing the Jefferson School African American Heritage Center

9. FREE GRANT FY24 – School Security Officer
 - a. **Funder:** Virginia Department of Criminal Justice Services (DCJS)
 - b. **Allocation:** \$150,000
 - c. **Renewable/Recurring Grant:** Yes
 - d. **Period of Performance:** 7/1/2023 – 6/30/2024
 - e. **Summary:** To fund 3 additional Care and Safety Assistants (CSA's) at Charlottesville High School and Walker Upper Elementary School.

Economic Development

The Office of Economic Development is the catalyst for public and private initiatives that create employment opportunities and a vibrant, sustainable economy. Economic Development oversees one grant program totaling \$150,000.00.

1. GO Cook, GO Start-Up, GO Customer Service
 - a. **Funder:** Virginia Department of Social Services (VDSS) Temporary Assistance to Need Families Grant (TANF)
 - b. **Allocation:** \$100,000 for FY22-23; \$50,000 extension for 7/1/2023-12/31/2023
 - c. **Recurring/Renewable grant:** Yes (originally received in 2018, renewed each year)
 - d. **Period of Performance:** 7/1/2022-6/30/2023; with extension through 12/31/2023
 - e. **Summary:** Funds workforce training programs to upskill jobseekers and connects them to higher wage careers to ensure self-sufficiency. GO Cook trains individuals in the culinary arts for employment with local food establishments. GO Start-Up trains individuals to start their own business – from the initial business idea to completing a legally formed business. GO Customer Service trains individuals to gain soft skills and secure a career pathway with a living wage.

Social Equity

The Office of Social Equity houses the City's Americans with Disabilities Act (ADA) Accessibility Coordinator's Office, the Home to Hope program, the Job Center, the Office of Sustainability and the Police Civilian Oversight Board.

The Police Civilian Oversight Board aims to provide objective and independent civilian-led oversight of the Charlottesville Police Department in an effort to enhance transparency and trust, to promote fair and effective policing, and to protect the civil and constitutional rights of the people of the City of Charlottesville. The Police Civilian Oversight Board does not administer nor receive any grant funding at this time.

Accessibility (ADA)

The Accessibility Coordinator works to assure accessibility to the City's programs, services, and activities, as well as facilitating a quarterly meeting of the ADA Advisory committee.

The Accessibility Coordinator does not administer nor receive any grant funding at this time.

Home to Hope

The Home to Hope program provides services to "time-served" individuals by introducing resources, providing peer support, and advocating for fairness, thereby advancing out

community. Home to Hope helps individuals find housing, employment, and other resources to assist individuals in making the transition easier.

The Home to Hope program does not receive any grant funding at this time. Previously, the program received funding from Albemarle County to provide services to residents of Albemarle County during the COVID-19 global health emergency.

Job Center

The Job Center does not administer nor receive any grant funding at this time.

Office of Sustainability

The Office of Sustainability does not administer nor receive any grant funding at this time.

Human Rights

The Charlottesville Office of Human Rights (OHR) receives individual complaints of discrimination, conducts community outreach, and provides staff support to the Human Rights Commission. The Human Rights Commission is a volunteer group of individuals appointed by City Council to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil and human rights. The Commission provides recommendations to City Council and engages with the public on matters relating to civil and human rights.

OHR does not administer nor receive any grant funding at this time.

City Departments

Finance Department

The Finance Department provides comprehensive financial management, accounting, and reporting services for the City of Charlottesville. The Finance Department does not administer nor receive any grant funding at this time.

Procurement

Manages material and equipment acquisition across city government.

Real Estate Assessor's Office

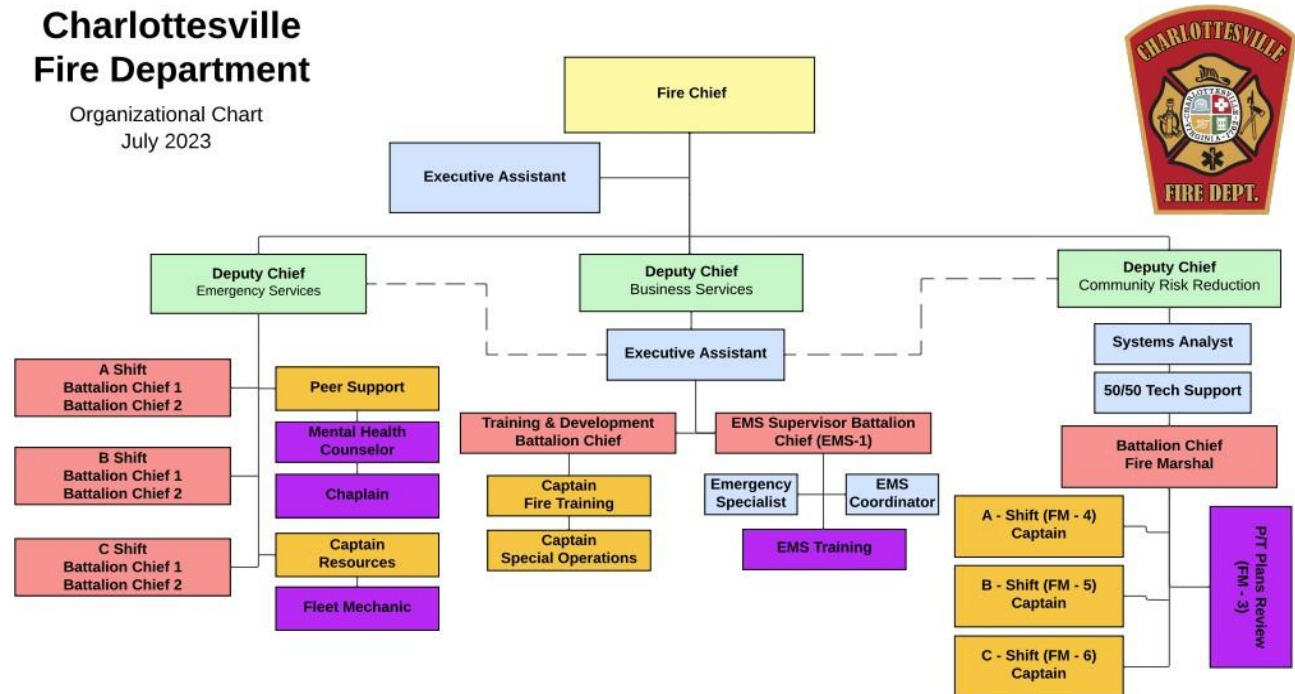
The Real Estate Assessor's Office is responsible for assessing all parcels in the city annually, maintaining assessment information online, and providing various services to homeowners, attorneys, land surveyors, realtors, title researchers, and prospective homebuyers/sellers.

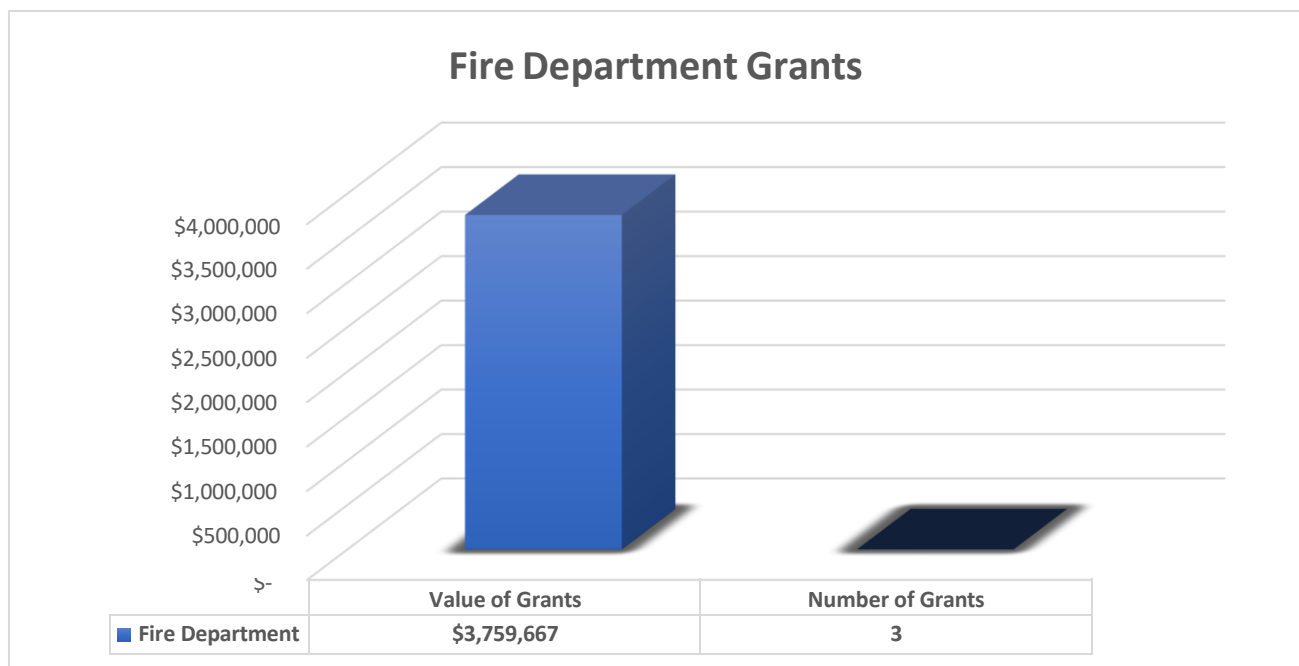
Risk Management Office

Provides overall risk management services for the city as well as debt management.

Fire Department

The Charlottesville Fire Department provides fire protection, emergency response, and fire safety education to the City of Charlottesville and the University of Virginia. The Fire Department currently administers three (3) grants totaling \$3,759,667.





1. SAFER Grant
 - a. **Funder:** U.S. Department of Homeland Security
 - b. **Allocation:** \$3,498,300
 - c. **Recurring/ Renewable grant:** Yes
 - d. **Period of Performance:** 3/1/2021-3/31/2024
 - e. **Summary:** This grant supports staffing for adequate fire and emergency response. The City of Charlottesville utilizes this three-year grant for personnel and fringe benefits for fire fighters.

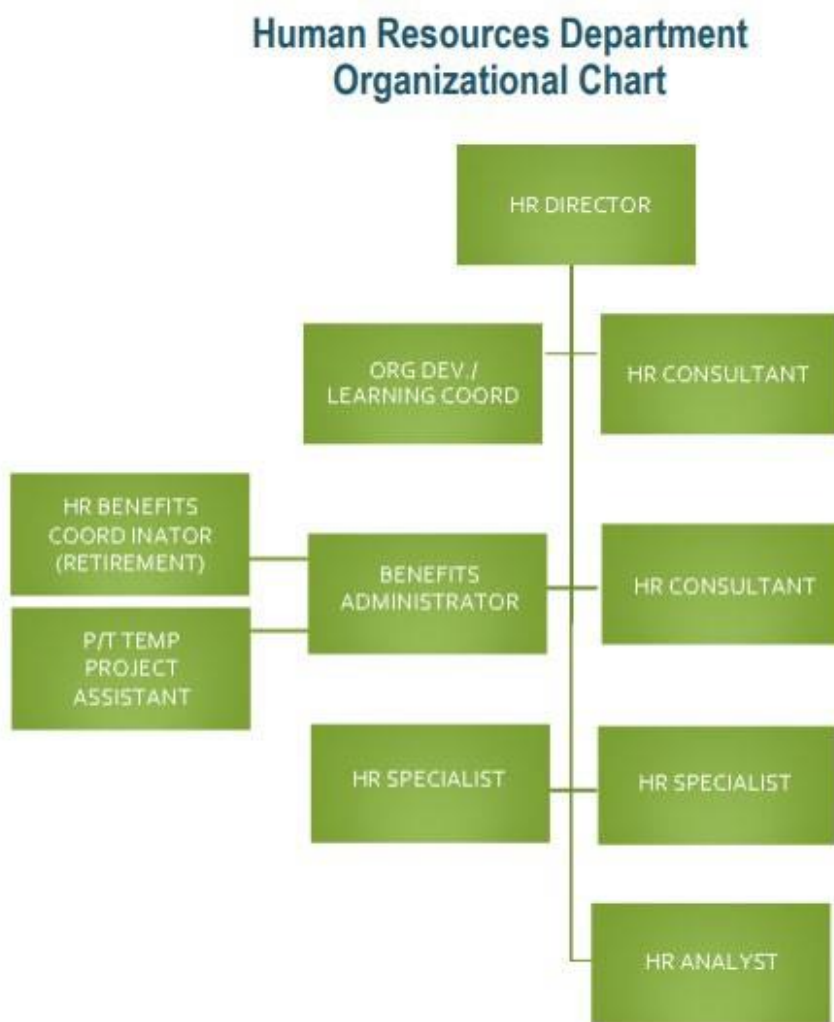
2. State Homeland Security Grant Program
 - a. **Funder:** Virginia Department of Emergency Management (VDEM)
 - b. **Allocation:** \$51,764
 - c. **Recurring/Renewable grant:**
 - d. **Period of Performance:** 10/1/2022 – 6/30/2024
 - e. **Summary:** For the replacement of one complete set of extrication tools.

3. Commonwealth of Virginia Department off Fire Programs
 - a. **Funder:** Commonwealth of Virginia
 - b. **Allocation:** \$209,603
 - c. **Recurring/ Renewable grant:** Yes, annually
 - d. **Period of Performance:** Continuous/Ongoing
 - e. **Summary:** Virginia Code provides for the collection of an annual levy from the insurance industry. The State Corporation Commission collects that levy, transfers the funds to the Fire Program Fund, where they are distributed to local jurisdictions to supplement the local funding for fire service-based training, training supplies, training equipment, prevention activities, and response equipment.

Human Resources

The Human Resources Department recruits and refers job applicants, administers personnel regulations, handles employee payroll and worker's compensation, coordinates the employee benefits package, and directs career development programs.

Human Resources does not administer nor receive any grant funding at this time, and delivers services through the following organizational chart:



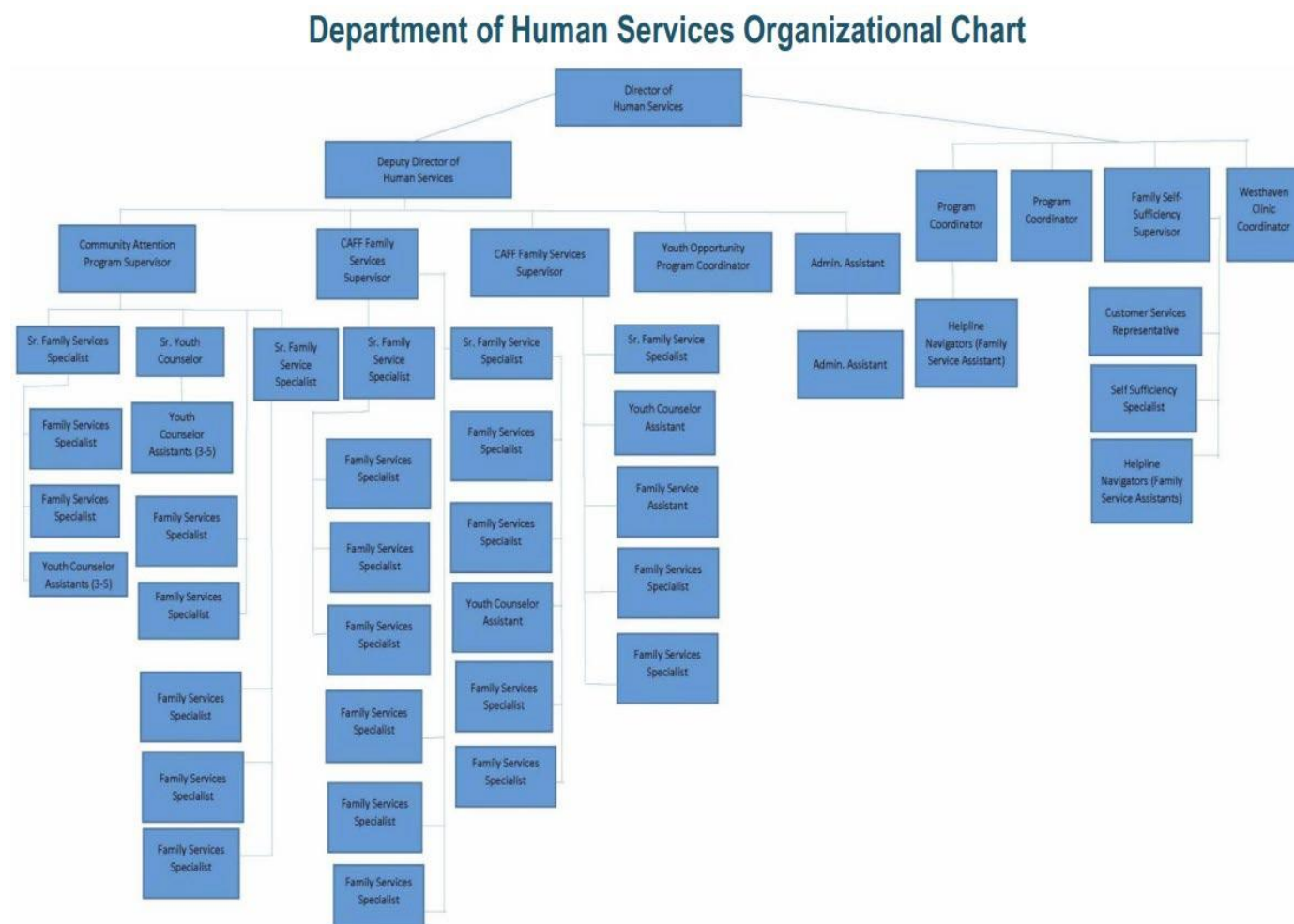
Human Services Department

The Department of Human Services (DHS), created in 2010, includes all of the residential, foster family, and community-based services of the Community Attention Programs and a variety of human services programs and initiatives.

DHS administers the City's Vibrant Communities Fund with the goal to provide funding support to non-profit organizations to invest in programs that align with City Council priorities and promote community well-being.

Vibrant Communities Fund is comprised of competitive and non-competitive applications. The non-competitive applications include *intergovernmental* agreements which are formal cooperative programs with the City and *fundamental* programs for which no existing Memorandums of Understanding exist with the City, but the programs are components required by a locality. The competitive applications contain two categories, *operational* and *new and emerging* (organizations that are 5 years old or young). Operational program categories include health and safety, economic impact and jobs, and arts and culture.

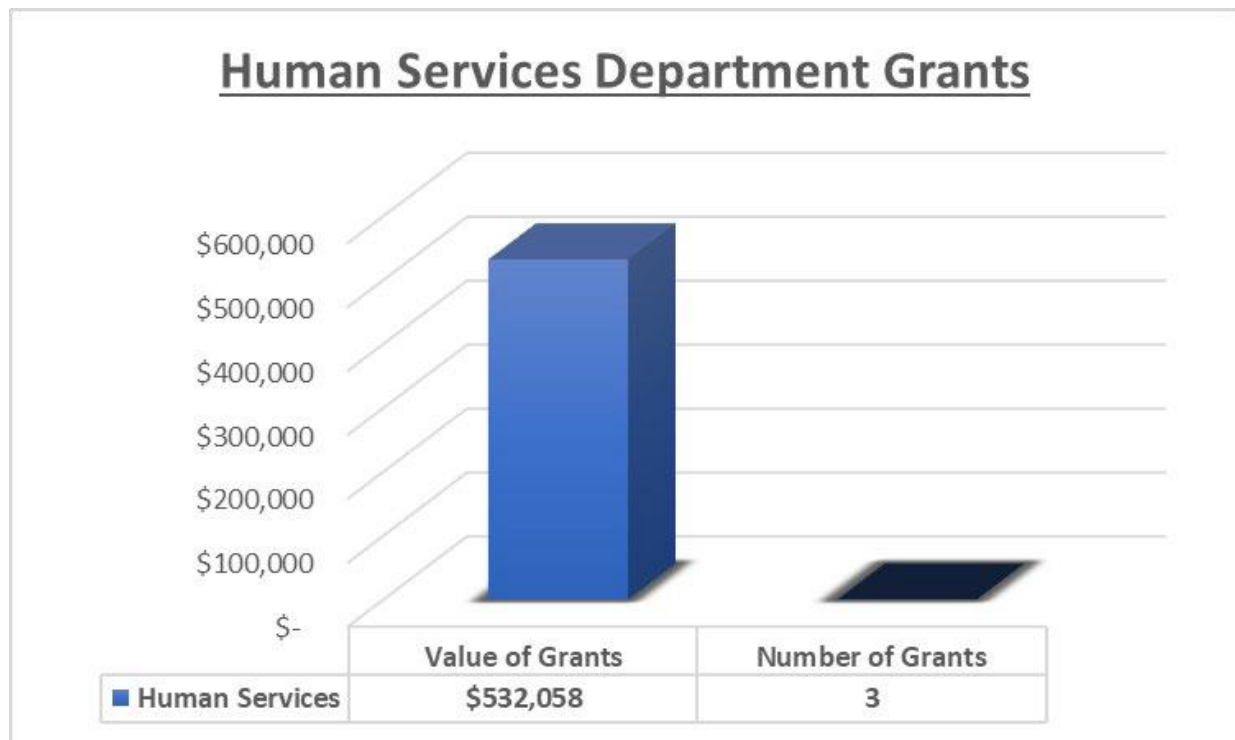
The Human Resources Department completes its day-to-day work within the following organizational structure:



Areas of Opportunity: The Vibrant Communities Fund (VCF) does not currently have a monitoring and compliance mechanism in place. OCS is developing a tool for monitoring and compliance which will be implemented with the next round of applications. In addition, monitoring and compliance will be used to evaluate technical assistance needs for organizations as well as assist with data collection to ensure funds are targeted to the areas and agencies with the greatest need. Lastly, the reporting requirements are not currently used to inform funding decisions. Recommendation is to evaluate the reporting requirements and how they can best be used to inform funding decisions in the future.

Pass Through Funds Managed by the Department of Human Services

The Department of Human Services manages two pass-through grants and one grant to support the department's youth program. These three (3) grants total \$532,058.



1. Delinquency Prevention and Youth Development Services
 - a. **Funder:** Virginia Juvenile Community Crime Control Act (VJCCCA)
 - b. **Allocation:** \$292,058
 - i. **Total Program Budget:** \$452,704 (City contribution: \$108,415, Albemarle: \$52,231)
 - c. **Renewable/Recurring Grant:** Yes
 - d. **Period of Performance:** 7/1/2022-6/30/2023
 - e. **Summary:** In July 2010 Charlottesville became the fiscal agent for the Virginia Juvenile Community Crime Control Act (VJCCCA) funds for both Charlottesville and Albemarle County. This funding stream was established by the 1995 Virginia General Assembly to create balanced, community-based systems of sanctions, programs, and services for

juvenile offenders. Funds are used to support the Community Attention programs and require a local maintenance of effort match from both the City and the County.

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

2. Runaway Emergency Shelter Program Grant

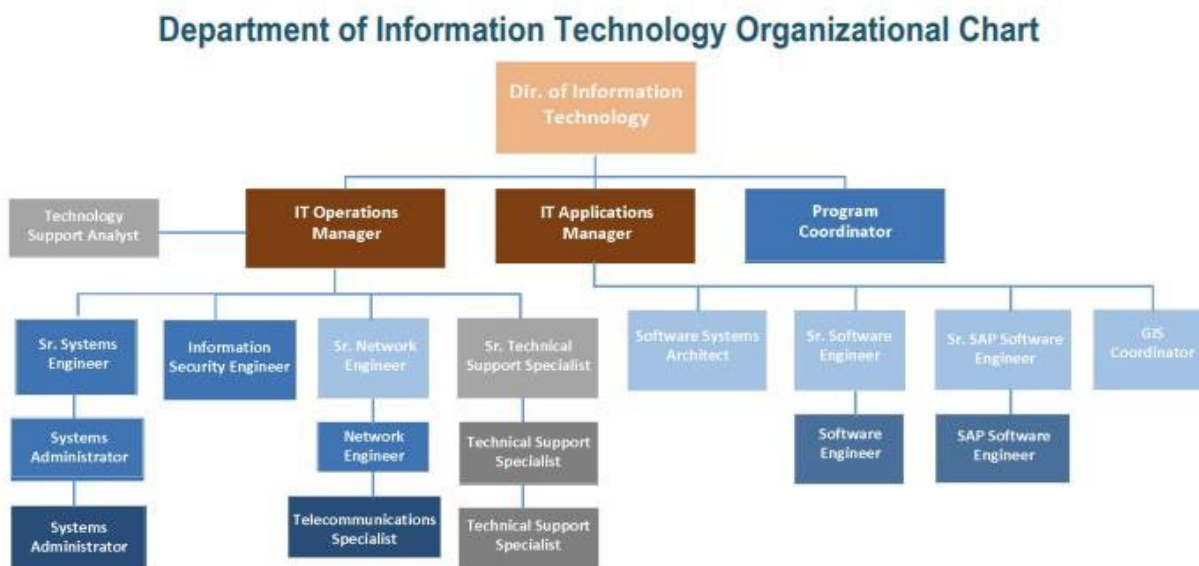
- a. **Funder:** Department of Health and Human Services Administration for Children and Families
- b. **Allocation:** \$209,444
- c. **Recurring/ Renewable Grant:** No (3rd and final year of renewable grant)
- d. **Period of Performance:** 7/1/2022-6/30/2023
- e. **Summary:** Community Attention, in partnership with Children, Youth and Family Services (CYFS), applied for and received a grant from the Department of Health and Human Services Administration for Children and Families. The funds are intended to support services that provide emergency shelter, counseling and after care services for youth experiencing homelessness for the purpose of keeping them safe and off the streets, with a goal of reunification with family. Funded services include 24/7 emergency shelter, individual and family counseling to help resolve conflict and develop new communication skills to facilitate reunification with the family; and additional support services that help youth build meaningful connections with their community and encourage positive youth development.

3. Community Attention Youth Internship Program (CAYIP)

- a. **Funder:** Batten Family Fund
- b. **Allocation:** \$40,000
- c. **Recurring/Renewable Grant:** Yes, can apply again next year.
- d. **Period of Performance:** 11/01/2022 – 10/31/2023
- e. **Summary:** This grant is designated to support C.A.Y.I.P. (Community Attention Youth Internship Program), a program that offers local youth the opportunity to apply for and participate in a paid internship with local businesses, organizations and city departments. Funds will be used to support stipends for youth interns participating in the program.

Information Technology Department

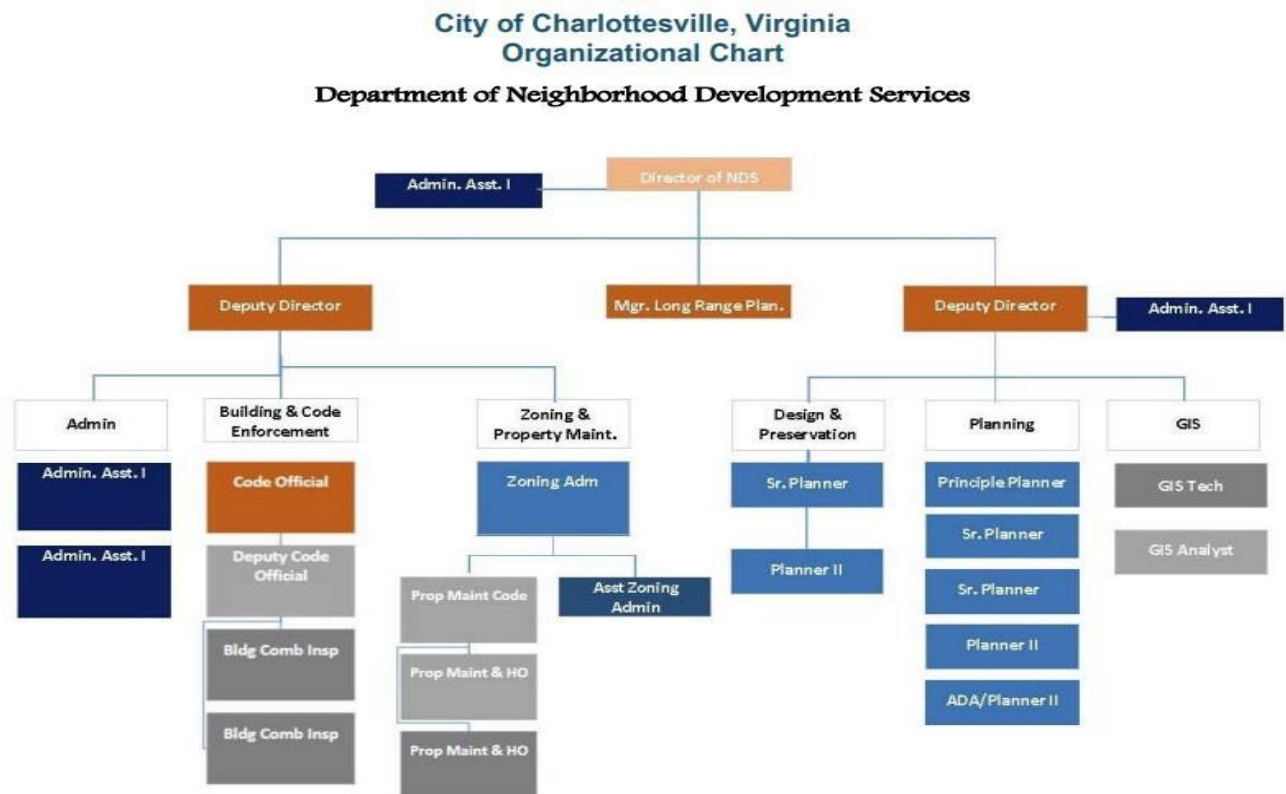
The Department of Information Technology (IT) assists all City departments by centrally supporting the City's computer and telecommunications systems and providing technical support to City employees. Information Technology is organized as follows:



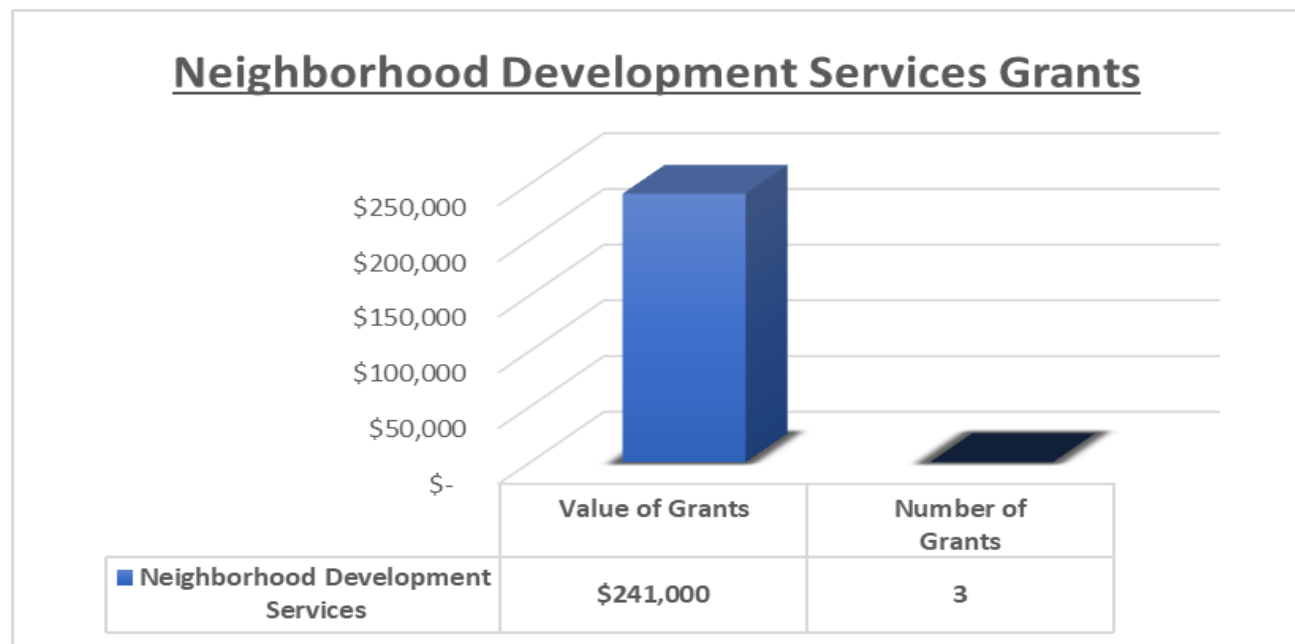
The Department of Information Technology does not administer nor receive any grant funding at this time.

Neighborhood Development Services Department

Neighborhood Development Services (NDS) contains the City's Planning, Zoning, Building Permitting and Inspections, and Property Maintenance functions and is structured as follows:



NDS currently administers three (3) grants totaling \$241,000.



Planning Division

1. Safe Routes to School Program – UPC# 121656

- a. **Funder:** Virginia Department of Transportation
- b. **Allocation:** \$230,000
- c. **Renewable/ Recurring Grant:** Yes
- d. **Period of Performance:** 10/2022-9/2024
- e. **Summary:** This is the 7th year that the Virginia Department of Transportation (VDOT) has awarded Charlottesville a Safe Routes to School (SRTS) Non-Infrastructure (Activities and Programs) Grant. The funds are used for education, encouragement, evaluation, and enforcement programs related to Safe Routes to School from October 2022 through September 2024. The Non-Infrastructure Grant will also fund a SRTS coordinator who works within the school division to promote and facilitate the program.

The grant requires the city to update the SRTS Activities and Programs Plan (APP), a written document that outlines a community's intentions for enabling and encouraging students to engage in active transportation (i.e., walking or bicycling) as they travel to and from school. The plan details the number of students living within ¼ to 2 miles of their school and demonstrates the potential benefits that can be accrued from a coordinated SRTS program (nearly 30% of students live within ½ mile of school and nearly 70% live within 1 mile of school). The SRTS APP was originally created through a team-based approach involving key community stakeholders and members of the public to both identify key behaviors related to barriers to active transportation and, to use the four non- infrastructure related E's (education, encouragement, enforcement, and evaluation) to address them. The APP update reflects minimal changes from last year's plan, but emphasizes lessons learned since our Coordinator was hired in October 2016.

The following short-term recommendations were developed to enhance the program:

- Institute bike riding, repair, and safety curriculum
- Develop a division wide SRTS website
- Facilitate biking and walking incentive program
- Regularly host walk- and bike-to-school days
- Consistently host annual Bicycle Rodeos
- Conduct bike safety check
- Student Transportation Committee
- Expand the bike helmet give-away program
- Administer student travel tallies
- Keep records of participation in workshops, biking and walking trains, bike rodeos, afterschool clubs, and other events

SRTS Activities and Programs Plan will continue to serve as a guiding document to assist in promoting, encouraging, and enabling walking and bicycling to school.

The grant requires a 20% match (\$45,961). We anticipate receiving in-kind donations from the Charlottesville Area Mountain Bike Club for bicycle fleet maintenance. As a reimbursable grant, costs will be incurred and reimbursed by VDOT.

2. VDHR Cost Share Program
 - a. **Funder:** Virginia Department of Historic Resources
 - b. **Allocation:** \$6,000 (City is contributing \$9,000, total project budget: \$15,000)
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 7/1/2022-6/30/2023
 - e. **Summary:** Complete a nomination of the Downtown Mall for listing on the Virginia Landmarks Register (VLR) and National Register of Historic Places (NRHP).
3. VDHR Certified Local Government – Ground Penetrating Radar and Archaeological Assessment of McKee Block in Court Square
 - a. **Funder:** Virginia Department of Historic Resources (VDHR)
 - b. **Allocation:** \$5,000 (City is contributing \$5,000, total project budget: \$10,000)
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 7/1/2023-6/30/2024
 - e. **Summary:** GPR survey coupled with documentary research and limited archaeological ground-truthing on an area approximately 80-feet x 220-feet, approximately 17,600 square feet (0.41- acres). McKee Block was a mixed-race commercial -residential site that dates to early 19th century that was razed by the city in 1918 to accommodate the statue of Thomas “Stonewall” Jackson. To the extent possible, investigation will locate and identify remnant of the structures formerly occupying the site, such that: a) if present, a plan for more extensive investigation can be developed; and b) the results of the investigations (s) are incorporated into the planned redesign of this city park, such that any extant resources are protected and preserved.

Zoning Division

The Zoning Division does not administer nor receive any grant funding at this time.

Building Division

The Building Division does not administer nor receive any grant funding at this time.

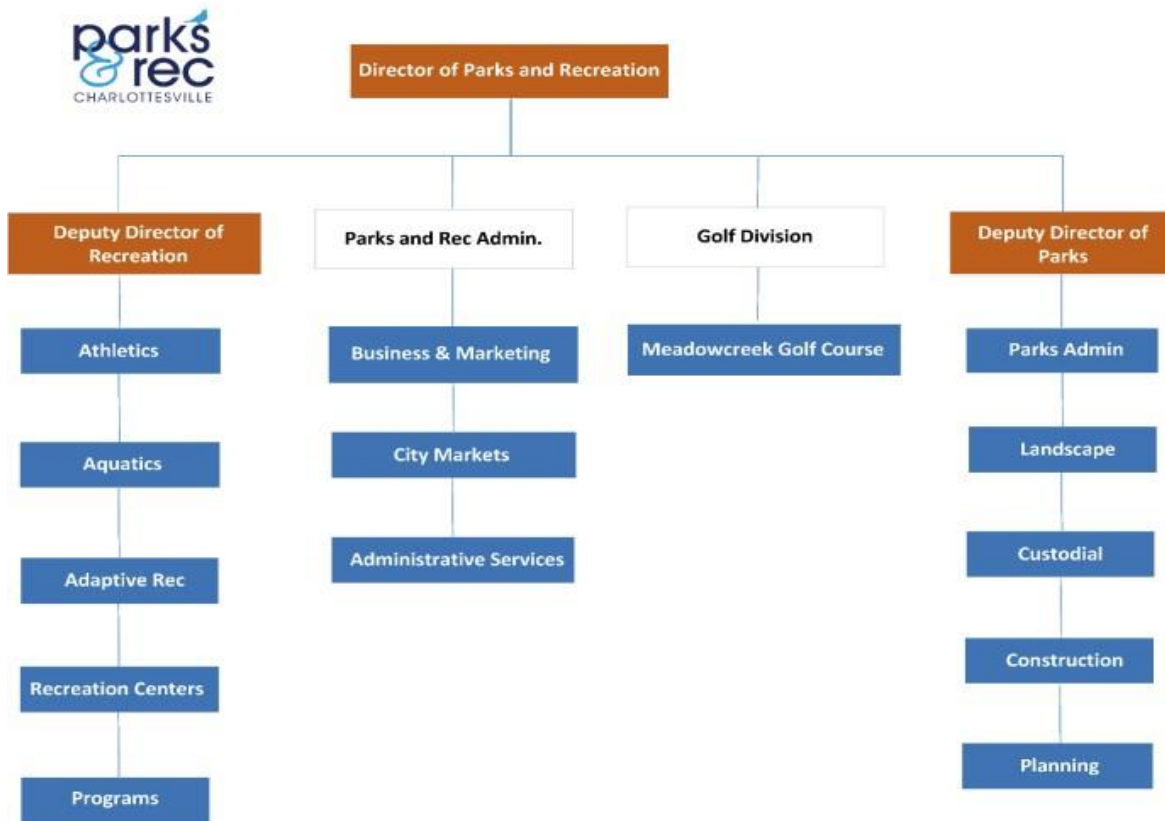
Property Maintenance Division

The Property Maintenance Division does not administer nor receive any grant funding at this time.

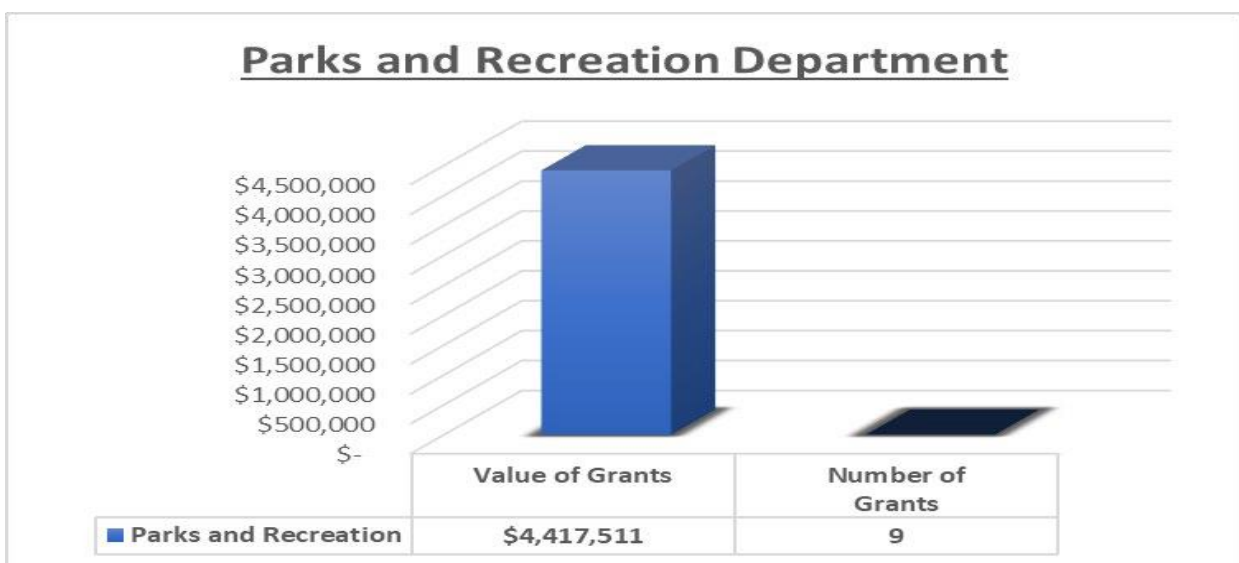
Parks & Recreation Department

The mission of Parks and Recreation is to enhance the quality of life for all through stewardship of public land and parks and to provide quality recreational experiences, and the department delivers this mission through the following organizational chart:

Department of Parks and Recreation Organizational Chart



The Parks Department currently manages nine (9) grants which totals \$4,417,511.



Parks Division

1. VDOT TAP (Transportation Alternatives) for Rugby Avenue Trail – UPC# 111393
 - a. **Funder:** Virginia Department of Transportation
 - b. **Allocation:** \$414,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 1/23/2018-10/1/2023
 - e. **Summary:** Construct shared use trail on Rugby Avenue into McIntire Park
2. VDOT TAP (Transportation Alternatives) - Meadow Creek Trail and Bridge – UPC# 113592
 - a. **Funder:** Virginia Department of Transportation
 - b. **Allocation:** \$800,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 10/18/2018-10/1/2023
 - e. **Summary:** Construct trail and bridge along and across meadow creek
3. Land Acquisition Moore's Creek – VLCF
 - a. **Funder:** Virginia Department of Conservation and Recreation, Virginia Land Conservation Fund (VLCF)
 - b. **Allocation:** \$175,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 12/31/2022-12/31/2024
 - e. **Summary:** Purchase land on Moore's Creek (purchase completed in 2023)
4. Moore's Creek Land Acquisition – LWCF
 - a. **Funder:** Virginia Department of Recreation (DCR) and U.S. National Parks Service (NPS), Land and Water Conservation Fund
 - b. **Allocation:** \$175,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 10/1/2022-9/30/2025
 - e. **Summary:** Purchase land on Moore's Creek (purchase completed in 2023)
5. Washington Park Bike Ramp – UPC# 113861
 - a. **Funder:** Virginia Department of Transportation, Highway Safety Improvement Programs (HSIP)
 - b. **Allocation:** \$188,350
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 11/18/2019-10/1/2023
 - e. **Summary:** Build ADA and Bike/Ped ramp connection from lower Washington Park to Madison Avenue
6. Meadow Creek Bridge – DCR
 - a. **Funder:** Virginia Department of Recreation- Recreations Trails Fund (FHWA)
 - b. **Allocation:** \$397,511
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 2/12/2018-12/31/2023

- e. **Summary:** Construct trail and bridge along and across Meadow Creek
- 7. Washington Bike Ramp
 - a. **Funder:** Virginia Outdoors Foundation
 - b. **Allocation:** \$50,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 3/1/2017-6/30/2023
 - e. **Summary:** Purchase property adjacent to McEntire Park for trail project.
- 8. Land Acquisition West McIntire Park
 - a. **Funder:** Virginia Department of Transportation- Transportation Alternatives Program (TAP)
 - b. **Allocation:** \$375,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 1/26/2016-12/31/2023
 - e. **Summary:** Construct trail and bridge along meadow creek near Greenbrier Park
- 9. Charlottesville Urban Forest Management Plan – An Adaptive Approach
 - a. **Funder:** U.S. Department of Agriculture/U.S. Forest Service (USDA/USFS)
 - b. **Allocation:** \$150,000
 - c. **Recurring/Renewable Grant:** No
 - d. **Period of Performance:** 1/1/2024 – 1/1/2029
 - e. **Summary:** Charlottesville will utilize this funding to update its existing Urban Forest Management Plan which will be used to guide the city’s adaptive natural resources planning.

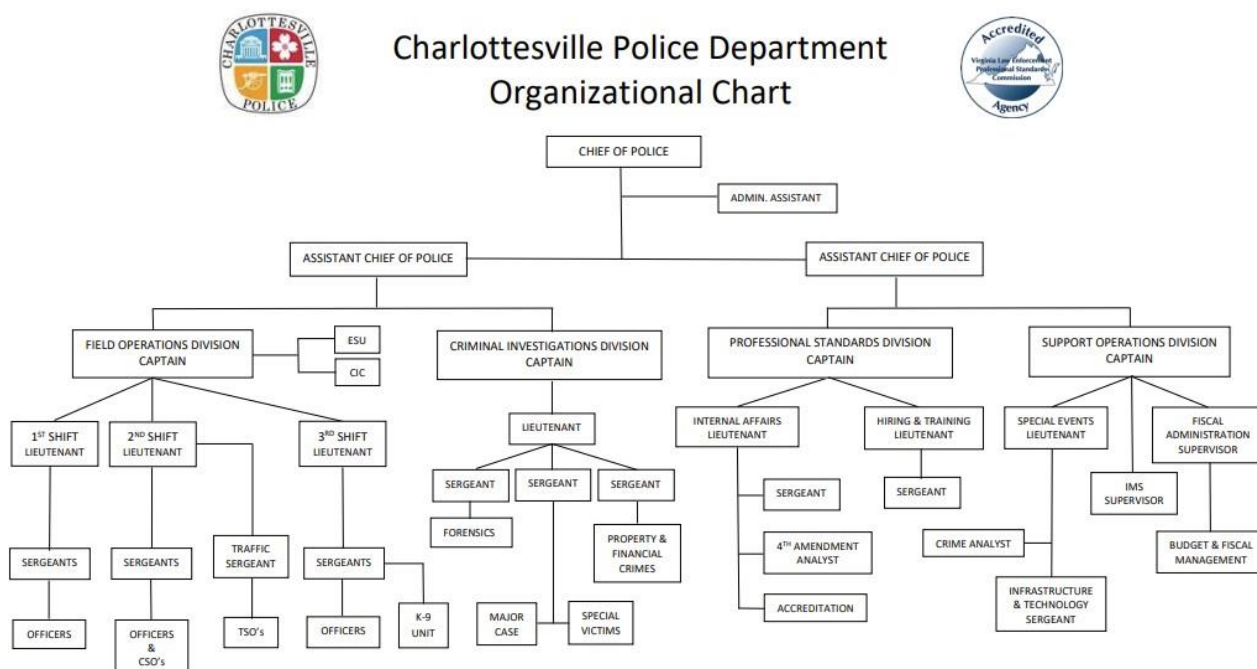
Recreation Division

The Recreation Division does not administer nor receive any grant funding at this time.

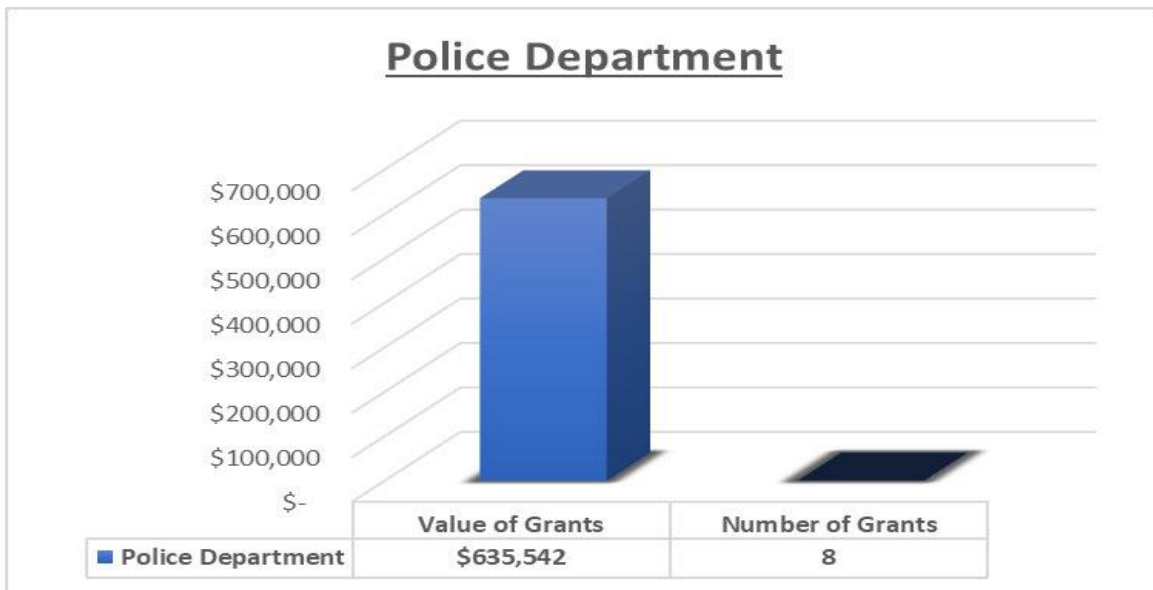
Police Department

The Charlottesville Police Department's mission reads "In partnership with the community, we strive to improve the quality of life of those who live, work, and visit our city. We will do this by creating a safe and secure environment through professional, empathetic, relational, and accountable policing practices. With community policing as our foundation, we strive to maintain trust and legitimacy through respectful, transparent, and impartial public safety practices."

The Police Department operates under the following organizational chart:



The Charlottesville Police Department (CPD) manages eight (8) grants totaling \$635,542. Three of the seven grants are renewable annually.



1. BJA FY21 Edward Byrne Memorial Justice Assistance Grant (JAG) Program- Local Solicitation
 - a. **Funder:** U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA)
 - b. **Allocation:** \$23,284
 - c. **Recurring/ Renewable grant:** Yes, annually
 - d. **Period of Performance:** 10/31/2020- 9/30/2023
 - e. **Summary:** These funds will allow CPD to train three officers to become International Police Mountain Bike Association (IPMBA) certified instructors, increasing the ability of CPD and other local area agencies to access this valuable training; increase the number of patrol vehicles that can transport bicycles; and outfit newly certified bicycle patrol officers with required equipment.

2. BJA FY22 Edward Byrne Memorial Justice Assistance Grant (JAG) Program- Local Solicitation
 - a. **Funder:** U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA)
 - b. **Allocation:** \$23,549
 - c. **Recurring/ Renewable grant:** Yes, annually
 - d. **Period of Performance:** 10/1/2021- 9/30/2023
 - e. **Summary:** To fund a limited term Police Background Investigator to support the CPD's hiring efforts.

3. BJA FY23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program- Local Solicitation
 - a. **Funder:** U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA)
 - b. **Allocation:** \$27,486
 - c. **Recurring/ Renewable grant:** Yes, annually
 - d. **Period of Performance:** 10/1/2023 – 9/30/2023
 - e. **Summary:** To fund CPD to continue to employ a limited term Background Investigator to assist with pre-employment background checks for CPD applicants.

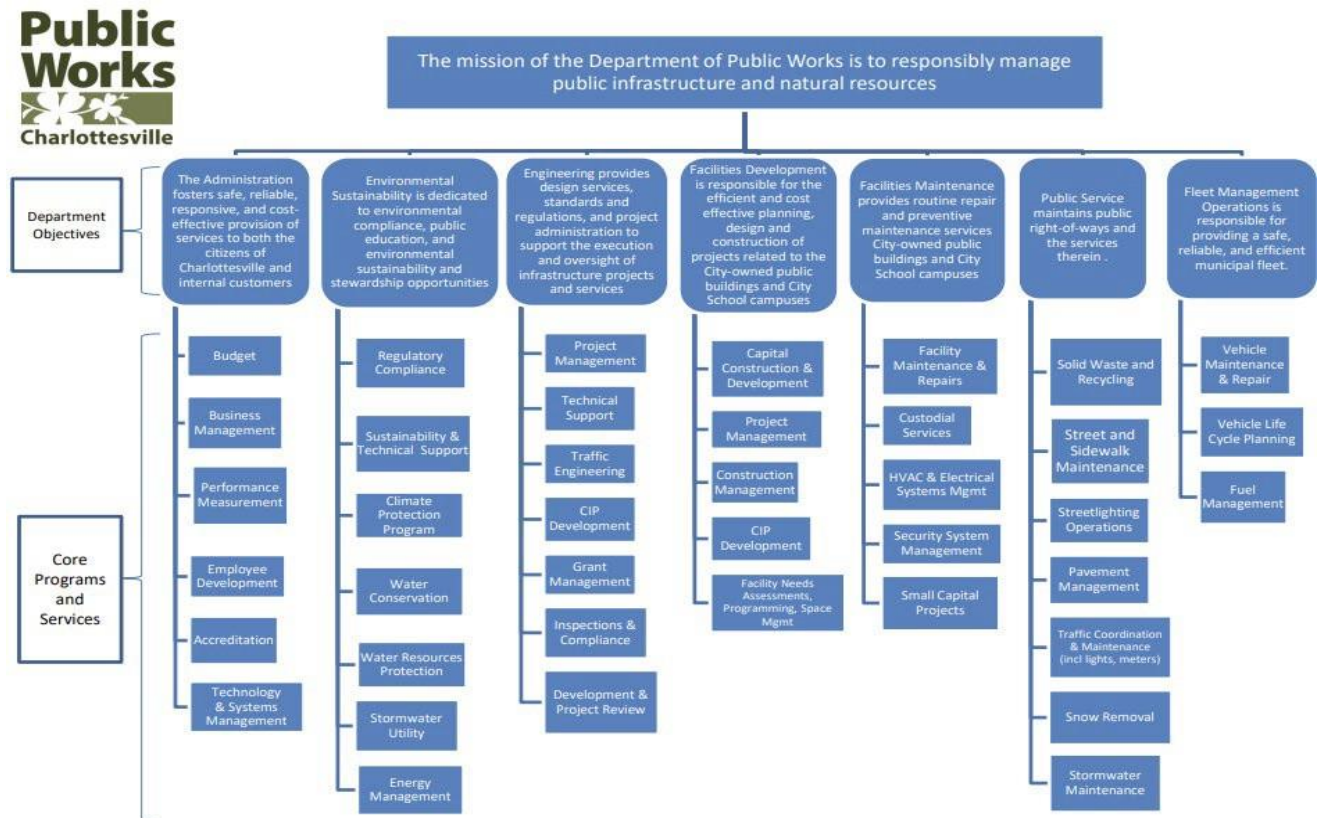
4. Bureau of Justice Assistance (BJA) Coronavirus Emergency Supplemental Funding (CESF) Program Fiscal Year 2020
 - a. **Funder:** U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA)
 - b. **Allocation:** \$80,781
 - c. **Recurring/ Renewable grant:** No
 - d. **Period of Performance:** 1/20/2020-7/31/2023
 - e. **Summary:** To fund the purchase of personal protective equipment (PPE), cleaning supplies and a logistics trailer.
5. Patrick Leahy Bulletproof Vest Partnership
 - a. **Funder:** U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA)
 - b. **Allocation:** \$16,942
 - c. **Recurring/ Renewable grant:** Yes, annually
 - d. **Period of Performance:** 9/21/2022-8/31/2024
 - e. **Summary:** Provides a 50% Reimbursement for Police Dept. Ballistic panels used in bulletproof vests.
6. ARPA Law Enforcement Grant Program
 - a. **Funder:** Virginia Department of Criminal Justice Services
 - b. **Allocation:** \$447,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 7/1/2022-6/30/2024
 - e. **Summary:** The City of Charlottesville Police Department will utilize the ARPA funding to address violent crime in the City of Charlottesville. Funding will be used to purchase items that increase the efficiency and effectiveness of deploying the Police Department's limited resources. The items will document incidents more accurately to build stronger cases for successful prosecution, increase community engagement and build public trust; teach officers de-escalation techniques; and focuses on technologies that improve officer and citizen safety. Items include a total station system, crime data analysis software, mobile command truck, night vision system, cradle point and generator for logistics trailer, community response vehicle, virtual reality system, additional patrol bicycles and racks, mobile tethered aerial unit, and truck vault for a mobile aerial unit.
7. HEAT Program Training Grant
 - a. **Funder:** Virginia Department of Police
 - b. **Allocation:** \$4,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 2/15/2023-6/30/2023
 - e. **Summary:** Funds to be used to reimburse the Charlottesville Police Department for sending officers to the 2023 SEIAATI Vehicle Crimes Conference in Virginia Beach.

8. HEAT Program Equipment Grant

- a. **Funder:** Virginia Department of Police
- b. **Allocation:** \$12,500
- c. **Recurring/ Renewable Grant:** No
- d. **Period of Performance:** 7/1/2023-6/30/2024
- e. **Summary:** Funding to be used to partially fund Flock Safety Stationary License Plate Reader cameras if approved throughout the City of Charlottesville. The Flock system is expected to assist in locating stolen motor vehicles more efficiently and to reduce the number of motor vehicle thefts over time.

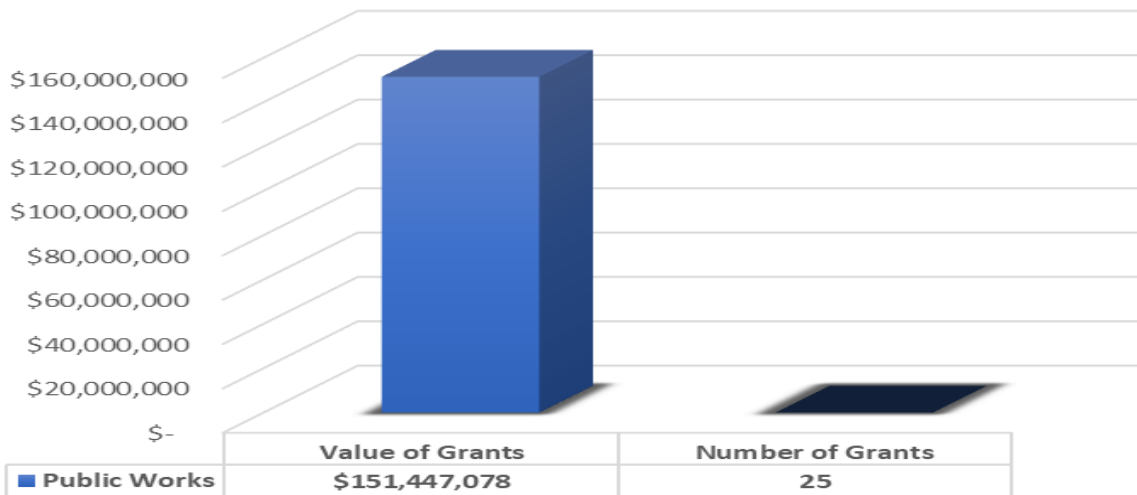
Public Works Department

The mission of the Department of Public Works is to provide professional public works services to manage natural and built systems, and foster community health, safety, and sustainability. The Department is organized as follows:



The Public Works Department is currently administering 29 grants that are in various phases of work. The total funding amount for these grants is \$162,795,078.

Public Works Department Grants



1. Belmont Bridge Replacement – UPC# 75878
 - a. **Funder:** Virginia Department of Transportation
 - b. **Allocation:** \$ 38,078,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 4/2021-1/2024
 - e. **Summary:** Bridge replacement (without added capacity) from Garrett Street/Levy Avenue to East Market Street.

2. Sidewalk Construction for City of Charlottesville (FY13) – UPC# 102887
 - a. **Funder:** Virginia Department of Transportation, Revenue Sharing Program
 - b. **Allocation:** \$160,000 (plus \$160,000 local match for project budget total of \$320,000)
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 7/2012-4/2020
 - e. **Summary:** Sidewalk construction for various routes throughout Charlottesville, including Harris Road.

3. Melbourne Road NS RR Deck Replacement – UPC# 110890
 - a. **Funder:** Virginia Department of Transportation, State of Good Repair (SGR)
 - b. **Allocation:** \$2,662,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 1/2019-6/2023
 - e. **Summary:** Bridge maintenance; Melbourne Road over Norfolk Southern Railroad.

4. Rte. 250 over Rugby Ave Restorative Maintenance – UPC# 110891
 - a. **Funder:** Virginia Department of Transportation, State of Good Repair (SGR)
 - b. **Allocation:** \$2,467,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 1/2019-6/2023
 - e. **Summary:** Bridge maintenance, Rte. 250 Bypass bridge over Rugby Avenue.

5. Rte. 250 over Rte. 29 Bus Restorative Maintenance – UPC# 110892
 - a. **Funder:** Virginia Department of Transportation, State of Good Repair (SGR)
 - b. **Allocation:** \$3,682,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 1/2019-6/2023
 - e. **Summary:** Bridge maintenance, US 250 Bypass over Rte. 29.
6. Rte. 250 Bypass NSRR Restorative Maintenance – UPC# 110893
 - a. **Funder:** Virginia Department of Transportation, State of Good Repair (SGR)
 - b. **Allocation:** \$3,159,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 1/2019-6/2023
 - e. **Summary:** Bridge repair, restorative maintenance of Rte. 250 Bypass over Norfolk Southern Railway.
7. Construct Multi-Use Path along McIntire Rd (Hillcrest) – UPC# 100548
 - a. **Funder:** Virginia Department of Transportation, Highway Safety Improvement Program
 - b. **Allocation:** \$885,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 12/2020-3/2025
 - e. **Summary:** Construct multi-use path from stairway along McIntire Road and reconstruct the Harris Street/McIntire Road intersection.
8. Charlottesville/ Construct New ADA Improvements in Various Locations – UPC# 108755
 - a. **Funder:** Virginia Department of Transportation, Revenue Sharing Program
 - b. **Allocation:** \$511,000 (plus \$511,000 local match, total project \$1,021,000)
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 2/2017-12/2023
 - e. **Summary:** New ADA improvements in various locations
9. Charlottesville/Construct New Sidewalks in Various Locations – UPC# 108757
 - a. **Funder:** Virginia Department of Transportation, Revenue Sharing Program
 - b. **Allocation:** \$368,000 (plus \$368,000 local match, total project \$736,000)
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 2/2017-9/2023
 - e. **Summary:** New sidewalks in various locations
10. FY17 East High Street Streetscape – UPC# 109480
 - a. **Funder:** Virginia Department of Transportation
 - b. **Allocation:** \$8,356,000 (plus \$750,000 local match, total project \$9,106,000)
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 07/2016 – 06/2026
 - e. **Summary:** Add bike lanes, rebuild sidewalks, road diet portions of East High Street from Locust Ave west to High and 9th from High to Market and then along Market St to 8th.

11. FY17 Fontaine Avenue Streetscape – UPC# 109484
 - a. **Funder:** Virginia Department of Transportation (VDOT)
 - b. **Allocation:** \$17,176,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 09/2016 – 01/2026
 - e. **Summary:** Fontaine Avenue Streetscape improvements; Westerly Avenue to JPA
12. FY17 Emmet Street Streetscape – UPC# 109551
 - a. **Funder:** Virginia Department of Transportation (VDOT), Smart Scale
 - b. **Allocation:** \$17,735,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 09/2016 – 03/2027
 - e. **Summary:** Emmet Street corridor streetscape and intersections; reconstruction without added capacity, south of Ivy Road to Arlington Boulevard
13. FY18 Barracks Road/ Emmet Streetscape – UPC# 111796
 - a. **Funder:** Virginia Department of Transportation, Smart Scale
 - b. **Allocation:** \$9,137,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** Not Reported
 - e. **Summary:** Right turn lanes will be added to northbound Emmet St (Rte. 29) and westbound Barracks Rd, bike/pedestrian improvements and improvements to transit facilitates
14. Multi-modal Improvements 2018 (Citywide) – UPC# 113175
 - a. **Funder:** Virginia Department of Transportation, Multi-Modal
 - b. **Allocation:** \$217,000 (plus \$217,000 local match)
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 3/2019-12/2024
 - e. **Summary:** Construction of new multi-modal improvements (sidewalks, trails, ADA improvements) located throughout the city. Identified priorities include 2015 Pedestrian and Bicyclist Plan, Streets that Work & Strategic Investment Area Plans.
15. Pedestrian Improvements at Monticello Ave and 2nd Street Intersection – UPC# 113917
 - a. **Funder:** Virginia Department of Transportation, Highway Safety Improvement Program
 - b. **Allocation:** \$982,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 11/2018-7/2025
 - e. **Summary:** Construct curb extensions at intersection to increase visibility of pedestrians and reducing the crossing distance. Construct bus stop to encourage passengers entering and exiting bus to cross behind bus to allow the bus to safely enter travel stream when break in traffic.

16. Preston Avenue/Harris Street – UPC# 113918
- a. **Funder:** Virginia Department of Transportation, Highway Safety Improvements Program (HSIP) and VA Safety Funds
 - b. **Allocation:** \$539,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 10/2021-5/2028
 - e. **Summary:** Pedestrian improvements at Preston Avenue/Harris Street
17. Dairy Road Bridge – UPC# 118295
- a. **Funder:** Virginia Department of Transportation, State of Good Repair (SGR)
 - b. **Allocation:** \$8,110,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 10/2021-8/2026
 - e. **Summary:** Bridge replacement without added capacity, Dairy Road over Rte. 250 Bypass
18. 10th Street at Grady Avenue – UPC# 113916
- a. **Funder:** Virginia Department of Transportation, HSIP and VA Safety Funds
 - b. **Allocation:** \$664,000
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 10/2022-5/2027
 - e. **Summary:** Pedestrian and bike improvements at 10th Street and Grady Avenue
19. Smart20- 5th/ Ridge/McIntire Improvements – UPC# 115476
- a. **Funder:** Virginia Department of Transportation
 - b. **Allocation:** \$6,103,034
 - c. **Recurring/ Renewable Grant:**
 - d. **Period of Performance:**
 - e. **Summary:** Facilities for pedestrians and bicycles on 5th Street near Ridge Street
20. Emmet Street Streetscape, Phase 2 – UPC# 118867
- a. **Funder:** Virginia Department of Transportation
 - b. **Allocation:** \$20,465,490
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 12/2025-3/2033
 - e. **Summary:** Provide bicycle and pedestrian accommodations along Emmet Street between Arlington Blvd and Barracks Rd to include a shared use path on the east side of Emmet St. and on-road bicycle facilitates along both sides of the road.
21. Rte. 250 Bypass Eastbound Turn Lane Extension at Hydraulic Road – UPC# 116906
- a. **Funder:** Virginia Department of Transportation
 - b. **Allocation:** \$236,554
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** Not Reported
 - e. **Summary:** Rte. 250 Bypass Eastbound turn lane extension at Hydraulic Road

22. Multi-modal Improvements 2020 (Citywide) – UPC# 116907
- a. **Funder:** Virginia Department of Transportation, Revenue Sharing
 - b. **Allocation:** \$605,000 (plus \$394,000 local match)
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 11/2024-1/2030
 - e. **Summary:** Multi-modal improvements
23. SMART 22 – Ridge Street Safety Improvements – UPC# 118877
- a. **Funder:** Virginia Department of Transportation
 - b. **Allocation:** \$8,738,000
 - c. **Recurring/Renewable Grant:** No
 - d. **Period of Performance:** 7/1/2023 – 6/30/2027
 - e. **Summary:** Facilities for pedestrians and bicycles on Ridge Street
24. Rte. 250 Resurfacing – UPC# 118882
- a. **Funder:** Virginia Department of Transportation
 - b. **Allocation:** \$71,000
 - c. **Recurring/Renewable Grant:** No
 - d. **Period of Performance:** Complete
 - e. **Summary:** Rte. 250 Bypass Resurfacing from Fire Station to Rugby Avenue
25. Construct sidewalk on Harris Street – UPC# 122052
- a. **Funder:** Virginia Department of Transportation
 - b. **Allocation:** \$340,000 (local match of \$340,000; total project \$680,000)
 - c. **Recurring/Renewable Grant:**
 - d. **Period of Performance:** Complete
 - e. **Summary:** Facilities for pedestrians and bikes on Harris Street, from Rivanna Avenue to Allied Street

Social Services Department

The Department of Social Services manages a state-supervised, locally administered public social services system that directs benefit programs to help meet the basic needs and promote self-sufficiency for low-income individuals and their families, and family services programs to protect children and adults from abuse and neglect and support the development of healthy families.

Due to the nature of the grant awards allocated to the Department of Social Service based on the number of residents served, their grants have not been included in this Issue of the report.

Charlottesville Area Transit Department

Charlottesville Area Transit (CAT) provides bus service to the greater Charlottesville/Albemarle County area via more than a dozen routes within the city and beyond and to the grounds of UVA. CAT buses operate seven days a week, including operation of school bus transit for city and county public schools. The CAT mission is “to enhance the quality of life and economic health of the City of Charlottesville and the urban ring of the County of Albemarle by providing reliable, safe, and affordable public transportation options and dependable pupil transportation services to the Charlottesville City School System.”

CAT grants are not included in this Issue of the report as the department manages their grants utilizing their federal requirements which require quarterly reporting. Transit grants will be included in the next Issue of the Grants Inventory Report.

- **Public Transportation**

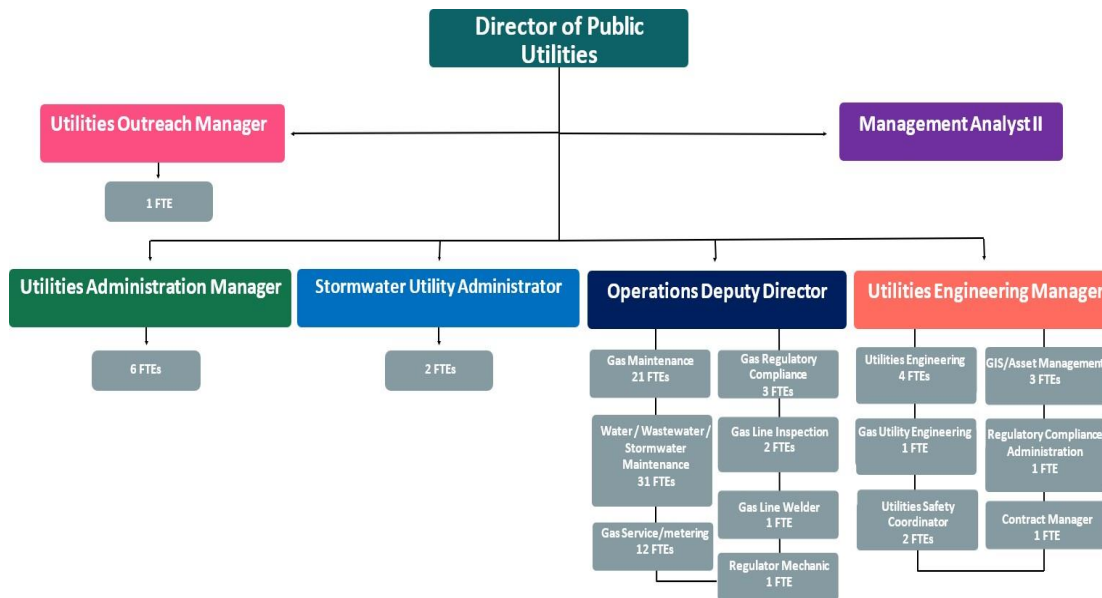
The grants in Public Transportation will be included in the next Issue of this Report.

- **Pupil Transportation**

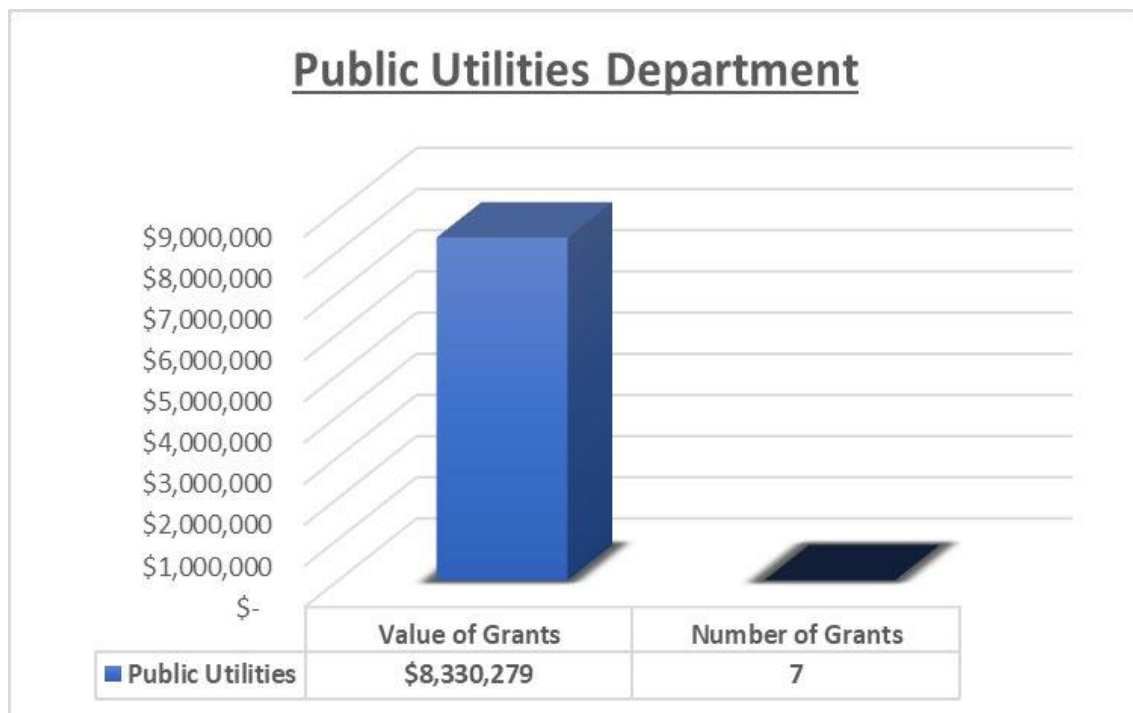
The grants in Pupil Transportation will be included in the next Issue of this Report.

Public Utilities Department

The Charlottesville Department of Utilities provides the Charlottesville community with drinking water that exceeds safety standards, efficient wastewater services, and safe and reliable natural gas, that are all delivered at a reasonable cost in an environmentally responsible manner. The Department is organized as follows:



The Public Utilities Department current manages seven (7) grants which total \$8,330,279.



Wastewater Utility

The Wastewater Utility does not administer nor receive any grant funding at this time.

Gas Utility

1. Pipeline and Hazardous Material Safety Administration (PHMSA), Natural Gas Distribution Infrastructure Safety Modernization Grant Program (NGDISM)
 - a. **Funder:** U.S. Department of Transportation
 - b. **Allocation:** \$7,120,650
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 4/5/2023-4/5/2026
 - e. **Summary:** Replace outdated/obsolete metal and plastic pipe with high-density polyethylene pipe (HDPE) and move 20 gas meters to exterior of buildings.

Stormwater Utility

1. 2D Stormwater Management Model of Moore's Creek Watershed
 - a. **Funder:** Virginia Department of Conservation and Recreation (DCR)
 - b. **Allocation:** \$153,500 (Total Project Budget \$307,000 with 50% city match)
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 9/27/2021-9/27/2024
 - e. **Summary:** Build a model to identify flooding issues across the watershed, including potential future issues due to climate change.
 - f. **Project Status:** On schedule to complete the project well ahead of grant schedule, despite some delays from original project work schedule.
2. City of Charlottesville Flood Resiliency Planning
 - a. **Funder:** Virginia Department of Conservation and Recreation (DCR)
 - b. **Allocation:** \$94,276 (Total Project Budget \$125,701 with 25% city match)
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 4/8/2022-4/8/2025
 - e. **Summary:** Develop a flood resiliency plan.
3. Meadow Creek and Rivanna River Stormwater Management Model
 - a. **Funder:** Virginia Department of Conservation and Recreation (DCR)
 - b. **Allocation:** \$275,000 (Total Project Budget \$550,000 with 50% city match)
 - c. **Recurring/ Renewable Grant:** No
 - d. **Period of Performance:** 1/6/2023-1/26/2026
 - e. **Summary:** Develop stormwater management model of City systems to identify existing flooding and potential flooding due to climate change.
4. Stormwater Local Assistance Fund (SLAF)
 - a. **Funder:** Virginia Department of Environmental Quality (DEQ)
 - b. **Allocation:** \$267,800
 - c. **Recurring/Renewable Grant:** No
 - d. **Period of Performance:** August 2023 – April 2024
 - e. **Summary:** Assistance to design/install water quality projects

5. Kenwood Circle Bioretention Retrofit

- a. **Funder:** Virginia Department of Environmental Quality (DEQ)
- b. **Allocation:** \$169,053
 - i. Total Project Budget: \$225,403.56 (additional 25% match)
- c. **Recurring/ Renewable Grant:** No
- d. **Period of Performance:** 1/22/2023-1/22/2025
- e. **Summary:** Drainage improvements along Kenwood Lane and bioretention pond on Kenwood Circle (design + construction)
- f. **Summary:** Drainage improvements along Kenwood Lane and bioretention pond on Kenwood Circle (design + construction)

Water Utility

1. Water Service Line Inventory

- a. **Funder:** Virginia Department of Health (VDH)
- b. **Allocation:** \$250,000
- c. **Recurring/ Renewable Grant:** No
- d. **Period of Performance:** 11/9/2022-10/16/2024
- e. **Summary:** Develop a city-wide water service line inventory to meet the EPA's Lead Service Line Inventory Mandate.

Overall Areas of Opportunity Regarding Grants in both Offices and Departments

The following are areas of opportunity:

- Monitoring/ Compliance
- Tracking
- Quarterly Reporting
- Collaboration between departments regarding project and grant priorities
- Needs Assessment for future grant opportunities

Summary and Next Steps

The City of Charlottesville has a total of 95 active grants across the various Offices and Departments, and these grants total \$193,689,277 in revenue. The next step of the process would be to evaluate the status of each of the projects and gain better understanding for future grant needs. In addition, regular monitoring and compliance checks are strongly recommended.

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



Agenda Date:	March 18, 2024
Action Required:	None
Presenter:	James Freas, Director of NDS
Staff Contacts:	James Freas, Director of NDS
Title:	Zoning Ordinance Work Plan

Background

With the adoption of the Charlottesville Development Code, the City has now completed the original Cville Plans Together program covering an affordable housing plan and comprehensive plan with new zoning to implement them both. As we worked through this process, a number of additional projects were identified that would need their own dedicated time. These projects are identified in the attached with some notes around approach and timeframe. However, not all of these projects can be pursued simultaneously, so staff is seeking feedback from Council on your priorities and adjustments to the presented schedule.

Discussion

See attached

Alignment with City Council's Vision and Strategic Plan

Approving this report will facilitate Council's affordable housing and related land use goals in furtherance of its vision of organizational excellence.

Community Engagement

The items in the work plan may be traced to the Council's work on the development code/new zoning ordinance. The need for the projects on the work plan arose, in part, from public comment during the adoption process.

Budgetary Impact

None

Recommendation

Provide feedback on items contained in the work plan.

Alternatives

Staff will not have the necessary feedback from Council to prioritize items in the work plan.

Attachments

1. NDS_Workplan_Council_031824



CITY OF CHARLOTTESVILLE

To be a place where everyone thrives

Department of Neighborhood Development Services

Memorandum

To: City Council

From: James Freas, Director, Neighborhood Development Services

Date: March 18, 2024

Re: NDS Work Plan: Small Area Plans & Regulation Amendments

CC: Sam Sanders, City Manager
Planning Commission

With the adoption of the Charlottesville Development Code, the City has now completed the original Cville Plans Together program covering an affordable housing plan and comprehensive plan with new zoning to implement them both. As we worked through this process, a number of additional projects were identified that would need their own dedicated time. These projects are identified below with some notes around approach and timeframe. However, not all of these projects can be pursued simultaneously, so staff is seeking feedback from Council on your priorities and adjustments to the presented schedule.

Project	Estimated Start	Timeframe
10 th & Page / Rose Hill / Preston Corridor Small Area Plan	June 2024	18 to 24 months
Environmental Regulation Review & Update	May 2024	12 to 16 months
Short Term Rental Requirements	Sept 2024	6 to 8 months
Starr Hill Plan Implementation	Nov 2024	6 to 8 months
On-Street Parking Policy	April 2024	6 to 8 months
Pre-Approved Building Program	April 2024*	On-going*
Entrance Corridor Design Guidelines	2025	12 to 16 months
Noise Ordinance Review & Update	2025	6 to 8 months

Project Details

10th & Page / Rose Hill / Preston Corridor Small Area Plan

We are developing a community-engaged planning process, building on the experiences gained in the Cherry Ave, Star Hill, and Comprehensive Plan processes. What that means is that we will collaborate with the community to develop the planning process and to create a plan that is responsive to the issues identified. Implementation will be considered from the very beginning with a focus on what can be accomplished in a five-year period. Next steps include initial conversations in the community and bringing a resolution to Council to expend planning funds from the CIP.

Environmental Regulation Review & Update

During the process of drafting the Charlottesville Development Code, there were numerous requests for changes to the City's environmental regulations. These included ideas such as significant changes to, or elimination of, the Critical Slopes rules, expansion of the stream buffer program, changes to the stormwater management rules, and implementation of rules related to reducing the risk of climate change and climate resiliency. Ultimately, the time, resources, and study necessary to pursue these objectives was beyond the scope of that project and requires its own focused project. The objective of this project would be to align the City's environmental regulations with the Comprehensive Plan. Important to this project will be the idea of seeking the best possible environmental outcomes for the City while recognizing that the costs imposed by these regulations directly impacts the viability and cost of development, challenging the City's housing objectives.

Short Term Rental Requirements

There are two primary objectives of this review of the short-term rental requirements of the zoning ordinance – 1) find ways to mitigate or address the negative impacts of short-term rentals, and 2) to reduce the administrative burden of monitoring and enforcing these requirements.

Starr Hill Plan Implementation

The Starr Hill Plan was adopted by Council in 2021 as a “vision plan”. The primary identified deficiency in the plan was an implementation plan. Staff will convene stakeholders and City agencies to develop an implementation chapter for this plan.

On-Street Parking Policy

This project will propose a new on-street parking policy/program consistent with the new zoning ordinance and recognizing that no minimum requirements for on-site parking are included in the new zoning ordinance. The focus will be on managing on-street parking as a shared resource.

Pre-Approved Building Program

As more and more communities across the country adopt new zoning that promotes missing middle housing types, as we have done in the Charlottesville zoning ordinance, there is a growing recognition of the challenges these small projects face. Pre-approved building plans

have emerged as a solution that significantly reduces the review process, with its attendant costs and uncertainties. Staff is also exploring a solution for stormwater management for small-scale infill projects that can expedite review while ensuring compliance. On the building side, the likely first application of this idea would be with accessory cottages. This program will be implemented incrementally, building type by building type, sometimes supported by city funding, other times through work with partners. Experience within other communities is that once a program is in place, the individual building plans get reviewed periodically and removed or replaced.

Entrance Corridor Design Guidelines

The Entrance Corridors are among the areas most likely to see redevelopment under the new Development Code. These guidelines are out of date and need to be updated relative to the new Comprehensive Plan and Zoning.

Noise Ordinance Review & Update

Based on complaints regularly received from residents, it is increasingly clear that the noise ordinance is not meeting community expectations. As drafted, it has a number of ambiguities that make enforcement difficult. In an increasingly mixed-use urban environment, it is imperative that the noise ordinance is clear and effective.

Other Elements of the NDS Work Plan

The projects listed above do not represent the entirety of the work of the department. The day-to-day work of enforcing the zoning, property maintenance, and building codes continues as well as the review of development applications. This work represents the majority of staff time and attention. In addition, there are a number of specific ongoing projects and programs to be recognized.

Transportation Planning Program – Council will be receiving a detailed presentation on this program at the April 15, 2024 meeting. This program has a significant role in coordinating the City's transportation capital improvement program, including sidewalks, bicycle infrastructure, scooters, and street safety and function generally. The NDS Transportation Division works closely with CAT, Charlottesville Schools, the Bike / Ped Advisory Board, DPW, VDOT, the MPO, Albemarle County, and others to advance a safe and efficient multi-modal transportation system for the City and implementing the Comprehensive Plan and City Council's Strategic Plan. A few of the larger projects underway with our partners include the Move Safely Blue Ridge plan being led by the TJPDC and funded by a Federal Safe Streets and Roads for All planning grant, CAT's Transit Strategic Plan, and a 5th Street design study led by and funded by VDOT.

Zoning Ordinance Education & Improvement – The new zoning ordinance represents a significant change in how the City approaches zoning that will support new development while also promoting urban design outcomes that enhance livability and a pedestrian first urban environment. Implementing this new zoning ordinance will be a continual learning process, both in terms of learning from experience and making tweaks to the rules and also in the sense of educating staff, designers, and the public on the use of the new code. Staff looks forward to

reporting back to Council on our experience in the future. Staff will also begin a program of annual code clean-ups in the Nov/Dec timeframe that will bring forward tweaks and corrections for Council consideration and adoption.

Comprehensive Plan Implementation – Adopted in November 2021, the Comprehensive Plan drives NDS’s work plan. During 2024 the City will reach the halfway point in the period of time between the adoption of the plan and the state required 5-year review – an appropriate time for a check-in on implementation progress. Staff will provide that update, along with discussion around indicators that can track the City’s success towards the objectives of the plan.

CITY OF CHARLOTTESVILLE



PROCLAMATION

WOMEN'S HISTORY MONTH 2024

WHEREAS women of every race, class and ethnic background have made historic contributions to the growth and strength of Charlottesville in countless recorded and unrecorded ways; and

WHEREAS women play a critical economic, cultural and social role in every sphere of life in Charlottesville; and

WHEREAS particularly important in the establishment of early charitable, philanthropic and cultural institutions in our City, women have served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist, emancipation, industrial labor, civil rights, environmental and peace movements, which have created a more fair and just society for all; and

WHEREAS despite these contributions, the role of women has consistently been overlooked and undervalued in the literature, leadership, teaching and study of American history and it is therefore fitting that we recognize their numerous accomplishments; and

WHEREAS the 2024 theme of the National Women's History Month is "Women who advocate for equity, diversity, and inclusion," a recognition of women who are committed to embracing everyone and excluding no one in our common quest for freedom and opportunity; and

WHEREAS the City of Charlottesville reaffirms its commitment to uplifting and safeguarding women's rightful place in our history and in our society;

NOW, THEREFORE, the Council of the City of Charlottesville, Virginia, proclaims the month of March 2024 in Charlottesville as Women's History Month.

Signed and sealed this 18th day of March 2024.

Juandiego R. Wade, Mayor

Attest:

Kyna Thomas, Clerk of Council

CITY COUNCIL REGULAR MEETING MINUTES
January 2, 2024 at 4:00 p.m.
Council Chamber

ORGANIZATIONAL MEETING

The Charlottesville City Council met for its Organizational Meeting on January 2, 2024, with all councilors present: Natalie Oschrin, Michael Payne, Brian Pinkston, Lloyd Snook and Juandiego Wade. City Manager Sam Sanders opened the meeting and led the nomination process for selecting the city mayor for the two-year term ending December 31, 2025.

Councilor Pinkston nominated Councilor Wade, seconded by Councilor Snook. Mr. Pinkston made remarks in support of the nomination and Mr. Wade accepted. No other nominations were made. By a vote of 5-0, Council selected Juandiego Wade as mayor (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

Newly elected Mayor Wade nominated Councilor Pinkston for the position of Vice Mayor, seconded by Councilor Snook. Mr. Wade made remarks in support of the nomination and Mr. Pinkston accepted. No other nominations were made. By a vote of 5-0, Council selected Juandiego Wade as mayor (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

Mayor Wade and Vice Mayor Pinkston made remarks thanking Mr. Snook for his service as mayor, recounting successes during their time in office, and looking forward to future decisions as a new city council. Immediate past mayor Lloyd Snook recounted accomplishments from the past two years, as follow-up to his commitments made upon assuming the role of mayor in January 2022.

REPORTS

1. PRESENTATION: Budget Presentations - Constitutional Officers/Offices

City Manager Sam Sanders introduced the presenting departments.

Taylor Yowell, Voter Registrar, provided the update for the Office of Voter Registration and Elections.

The Honorable Llezelle Dugger provided the department update for the Clerk of the Circuit Court Office.

The Honorable Joseph Platania provided an overview of operations for the Office of the Commonwealth's Attorney.

The Honorable Todd Divers provided the update for the Office of the Commissioner of Revenue.

The Honorable Jason Vandever and Chief Deputy Chad Thorne, provided the update for the Office of the City Treasurer.

On motion by Wade, seconded by Snook, Council voted unanimously to recess the meeting from 5:21 p.m. until 6:30 p.m.

BUSINESS SESSION

The business session began with a moment of silence.

ANNOUNCEMENTS

Councilor Natalie Oschrein made remarks on the occasion of her first City Council meeting.

Vice Mayor Pinkston announced the Dr. Martin Luther King, Jr. event on January 15, coordinated by Mr. Alex-Zan.

Mayor Wade announced the local Alpha Phi Alpha Chapter's first annual Dr. Martin Luther King, Jr. scholarship brunch on January 15.

BOARD/COMMISSION APPOINTMENTS FOR CITY COUNCIL

On motion by Pinkston, seconded by Snook, Council by a vote of 5-0 adopted the following slate of councilor appointments to boards and commissions, as discussed during the meeting.

Charlottesville Redevelopment & Housing Authority (CRHA):	PAYNE
Historic Resources Committee (ad-hoc as needed by committee):	SNOOK
Housing Advisory Committee (HAC):	PAYNE
Legislative Committee:	SNOOK, OSCHRIN
Minority Business Commission:	WADE
Retirement Commission:	PINKSTON
School Capital Projects Committee:	WADE, PINKSTON
Social Services Advisory Board:	PINKSTON
Albemarle Charlottesville Regional Jail (ACRJ) Authority Board:	PINKSTON
Charlottesville Albemarle Convention and Visitors Bureau:	WADE
Charlottesville Community Scholarship Program:	OSCHRIN
Darden Towe Memorial Park Committee:	SNOOK, OSCHRIN
Jefferson Area Board for Aging Board of Directors (JABA):	WADE
Jefferson Area Community Criminal Justice Board:	SNOOK
LEAP Governance Board:	PAYNE
Metropolitan Planning Organization (MPO):	PINKSTON, OSCHRIN alt.
Piedmont Housing Alliance Kindewood Advisory Committee:	PAYNE (by PHA action 2022)
Regional Housing Partnership:	PAYNE, SNOOK alt.
Regional Transit Partnership (RTP):	PINKSTON, OSCHRIN
Rivanna River Basin Commission:	SNOOK, PAYNE
Rivanna Solid Waste Authority (RSWA):	PINKSTON
Rivanna Water and Sewer Authority (RWSA):	PINKSTON

Thomas Jefferson Planning District Commission (TJPDC):
Virginia Career Works-Piedmont:
Virginia First Cities:

PAYNE, OSCHRIN
WADE
WADE, SNOOK alt.

CONSENT AGENDA

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record. Mayor Wade opened the floor for public comment and there were no speakers. On motion by Snook, seconded by Payne, Council unanimously adopted the Consent Agenda (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

2. MINUTES: November 6 regular meeting
3. RESOLUTION: Resolution to allocate additional Funds for the Information Technology Data Center HVAC replacement - \$169,970

RESOLUTION

Allocation of Additional Funds for the IT Data Center HVAC Replacement \$169,970

WHEREAS, the City of Charlottesville FY24 Capital Improvement Program (CIP) includes \$318,386 in funding for the replacement of the air conditioning units in the Information Technology (IT) Data Center; and

WHEREAS, the cost proposals for the replacement exceeds the available funds; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the additional funds needed for this project will be transferred from the Capital Improvement Program Contingency Account and from an existing account previously budgeted for energy improvement projects as follows:

Transfer From:

\$ 88,976	Fund: 426	WBS: CP-080	G/L Account: 599999
\$ 80,994	Fund: 426	WBS: P-01013	G/L Account: 599999

Transfer To:

\$ 169,970	Fund: 426	Funded Program: 10000023	G/L Account: 599999
------------	-----------	--------------------------	---------------------

4. RESOLUTION: Resolution to appropriate funding from the FY23 State Criminal Alien Assistance Program (SCAAP) Grant for Albemarle Charlottesville Regional Jail - \$16,768 (carried)

CITY MANAGER REPORT

City Manager Sanders stated that he is paying attention to recent events that have occurred on Charlton Avenue, and the Charlottesville Police Department is engaged to ensure the community stays safe. He reflected on ongoing projects such as employee classification and compensation implementation; collective bargaining; implementing the City's Strategic Plan; and filling key leadership positions. Responding to Councilor Payne, Mr. Sanders stated that the Charlottesville Area Transit (CAT) Alternative Fuels Study will be presented on January 16.

COMMUNITY MATTERS

Mayor Wade opened the floor for comments from the public.

1. Gudrun Campbell, city resident, spoke about sustainable, reliable transit and sustainable affordable housing, requesting investment in a land bank and land trust model.
2. Anne Bryan Hemenway, city resident, requested inclusion of the Central Library in the five-year Capital Improvement Plan for renovations.
3. Dave Graf, lead transit mechanic for Charlottesville Area Transit (CAT), spoke about employment concerns.
4. John Ertl, city resident and representative for the ATU (Amalgamated Transit Unit), spoke about challenges with the City's outside counsel during the negotiation process.
5. Matthew Ray, CAT employee, spoke about contention with ongoing collective bargaining negotiations.
6. Gregory Weaver, city resident, spoke in support of increasing pay for CAT drivers, in support of the new zoning ordinance and suggested investing in land banks and utilizing community land trusts.
7. Peter Gates, city resident and officer of the Cville 100 Climate Alliance, spoke in opposition to the compressed natural gas (CNG) fuel option for CAT fleet.
8. Elizabeth Stark, city resident, spoke about solutions for creating and preserving affordable housing, investing in land banks and the community land trust model.
9. Joe Oschrin spoke in support of his sister, new Council Member Natalie Oschrin.
10. Matthew Gillikin, city resident, spoke in support of CAT and shared personal experience with the public transit system. He spoke about the need for good faith negotiations with collective bargaining. He spoke about inclusionary zoning and the need to study the financial feasibility.

ACTION ITEMS

5. RESOLUTION: Resolution to establish days, times and places of Regular Meetings of the Charlottesville City Council during Calendar Year 2024

On motion by Pinkston, seconded by Oschrin, Council by a 5-0 vote adopted the resolution establishing days, times and places for Regular Meetings of the Charlottesville City Council during Calendar Year 2024.

RESOLUTION
Establishing Days, Times and Places of Regular Meetings of the Charlottesville City Council During Calendar Year 2024

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, THAT pursuant to Virginia Code Sec. 15.2-1416, the regular meetings of the Charlottesville City Council shall be conducted on the following days, times, and places during calendar year 2024:

DATES		
January 2, 2024 (<i>Tuesday</i>)	May 6, 2024	September 3, 2024 (<i>Tuesday</i>)
January 16, 2024 (<i>Tuesday</i>)	May 20, 2024	September 16, 2024
February 5, 2024	June 3, 2024	October 7, 2024
February 20, 2024 (<i>Tuesday</i>)	June 17, 2024	October 21, 2024
March 5, 2024 (<i>Tuesday</i>)	July 1, 2024	November 4, 2024
March 18, 2024	July 15, 2024	November 18, 2024
April 1, 2024	August 5, 2024	December 2, 2024
April 15, 2024	August 19, 2024	December 16, 2024

TIME: 4:00 p.m. work session;
5:30 p.m. closed meeting (if called);
6:30 p.m. business meeting upon conclusion of the closed meeting agenda

LOCATION: City Hall Council Chamber
605 E. Main Street, 2nd
Floor Charlottesville, VA
Electronic participation via Zoom, with registration available
at: www.charlottesville.gov/zoom

BE IT FURTHER RESOLVED THAT any regular meeting may be adjourned from day to day, or from time to time, or from place to place, not beyond the day and time fixed by this resolution for the next regular meeting, until the business before this City Council is completed. Notice of any regular meeting continued in this manner shall be reasonable under the circumstances and shall be given as provided in subsection D of Virginia Code Section 2.2-3707.

BE IT FURTHER RESOLVED THAT, in the event that the Mayor, or the Vice Mayor if the Mayor is unavailable or otherwise unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regular meeting, that regular meeting shall be continued to the next business day on which the said hazardous conditions no longer exist. Such finding and declaration shall be communicated to all city councilors and to the press as promptly as possible, along with the date and time on which the

continued meeting will commence. All public hearings and other agenda matters previously advertised shall be conducted at the continued meeting with no further advertisement.

6. RESOLUTION: Resolution to appropriate funding from the Capital Improvement Plan Contingency Account to Virginia Supportive Housing for Premier Circle PSH - \$750,000 (carried)

City Manager Sanders summarized the request and emphasized the priority that he has placed on homelessness intervention. Realizing a local funding gap of \$1.5 Million, the City and Albemarle County have proposed to each fund half. After discussion, Council agreed to move the item forward to the January 16 meeting for a second reading and vote on the Consent Agenda.

COMMUNITY MATTERS (2)

Mayor Wade opened the floor for comments from the public and there were no speakers.

The meeting adjourned at 7:31 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MINUTES
Joint Public Hearing with Planning Commission
January 9, 2024 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. Mayor Juandiego Wade called City Council to order following the Planning Commission opening of the public hearing portion of their regular meeting. The following Council members were present: Natalie Oschrein, Brian Pinkston, Lloyd Snook and Juandiego Wade.

Commissioner Habbab recused himself from participating in the public hearing based on his employment.

City Council and the Planning Commission heard a presentation from Budget Director Krisy Hammill regarding the Charlottesville Capital Improvement Program (CIP) for Fiscal Years 2025-2029 for consideration in the areas of Affordable Housing, Education, Public Safety & Justice, Facilities Management, Transportation & Access, Parks & Recreation, and Technology Infrastructure. She stated that the presentation was also made at a Planning Commission meeting in November 2023.

Steven Hicks, Interim Public Works Director, answered questions about climate action components of the CIP.

When asked about the cost of a homelessness strategy, City Manager Sam Sanders provided information about multiple projects and ongoing work to determine the scope of needs, and he stated that a composite cost has not yet been determined. He answered additional questions about Central Library renovations, Walker Upper Elementary School, and restrooms in city parks.

Council was asked whether they had questions before opening the public hearing. Mr. Snook and Mr. Pinkston suggested putting funds away in preparation for updates that will be needed for Walker Upper Elementary School. Mr. Pinkston also suggested getting the design done for Central Library renovations within the next couple of years. Ms. Oschrein asked about the Riverview Park restroom, a list of tree plantings, the bailer facility for the Solid Waste Authority, climate action initiatives and a number of other line items.

Planning Commission Chair Hosea Mitchell opened the public hearing.

- David Plunkett, Director of Jefferson Madison Regional Library, asked for consideration of including the Central Library renovation in the five-year CIP.
- Elizabeth Stark, city resident, suggested examining ways to take more control of the city's housing future by investing in land banks and land trust housing.
- Peter Krebs, Piedmont Environmental Council, shared ideas for improving bike and pedestrian infrastructure.
- Perri Meldon, city resident, suggested that the city invest in a land bank/land trust initiative.

Chair Mitchell closed the public hearing and the Planning Commission deliberated, moving the CIP forward to Council with recommendations to increase sidewalk funding to pre-pandemic levels and including Central Library renovations. City Council business concluded at 7:12 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT

CHARLOTTESVILLE CITY COUNCIL

Budget Development Work Session

March 7, 2024 at 6:00 PM

CitySpace, 100 5th Street NE

The Charlottesville City Council met on Thursday, March 7, 2024, in a work session to discuss Fiscal Year 2025 budget development. Fiscal Year (FY) 2025 budget development documents were made available on the City website at: <https://www.charlottesville.gov/169/Budget>. Vice Mayor Brian Pinkston the meeting to order at 6:01 p.m. with the following members present: Brian Pinkston, Natalie Oschrein and Michael Payne. Mayor Juandiego Wade gave prior notice that he would arrive late because of work obligations.

City Manager Sam Sanders made opening statements summarizing the work session agenda and overall budgeting process.

Budget Director Krisy Hammill presented an overview of FY2024 to FY2025 revenue and expenditure changes.

Councilor Snook arrived at 6:04 p.m.

Director of Finance Chris Cullinan provided an update on American Rescue Plan funds – projects, expense reimbursements, and spending requirements. He also reviewed the FY23 Year-end Appropriation.

Mayor Wade arrived at 6:50 p.m.

Ms. Hammill reminded Council about upcoming dates for budget work sessions, public hearings, advertising dates for any proposed tax increases, and budget approval.

Council engaged in discussion and agreed to advertise a three cent increase in the real estate tax rate.

Mayor Wade opened the floor for comments from the public and there were no speakers.

The meeting adjourned at 7:30 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date:	March 18, 2024
Action Required:	Adoption of Franchise Agreement (first reading)
Presenter:	Jacob Stroman, City Attorney
Staff Contacts:	Ryan Franklin, Assistant City Attorney Jonathan Dean, Public Service Manager
Title:	Ordinance for creating Shenandoah Mobile Franchise Agreement (2nd reading)

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 Shenandoah Mobile LLC.

Discussion

Approval is needed for the creation of this Franchise Agreement in order to continue operations and regulation 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 Shenandoah Mobile 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 use of the Public-Rights-of-Way.

Recommendation

Staff recommends approval of this agreement.

Alternatives

N/A

Attachments

1. Shenandoah Franchise Agreement

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
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	8
SECTION 601 INDEMNIFICATION AND LIABILITY.....	9
SECTION 602 WAIVER BY THE CITY	9
SECTION 603 INSURANCE.....	10
SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS.....	10
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 FRANCHISING COSTS	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	15
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.....	18
SECTION 1801 NO DISCRIMINATION	18
ARTICLE XIX.....	19
SECTION 1901 FORCE MAJEURE	19
ARTICLE XX.....	19
SECTION 2001 EFFECTIVE DATE	19

**AN ORDINANCE
GRANTING A TELECOMMUNICATIONS FRANCHISE TO
SHENANDOAH MOBILE, 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 Shenandoah Mobile, LLC, (the "Company"), its successors and assigns, is hereby granted a telecommunications franchise for a period of five (5) years from the effective date hereof 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 provisions.

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 Shenandoah Mobile, 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. Any additional installation of lines, cable, equipment or other Facilities shall be underground unless it shall be determined by the Director, pursuant to Article III, that it is not feasible to do so.

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

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

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

SECTION 203 INSPECTION BY THE CITY

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

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION

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

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS

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

SECTION 206 OBSTRUCTION OF THE PROW

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

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

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

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

ARTICLE III

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY

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

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 a detailed PROW Plan of the proposed action to the Director for review and approval.

SECTION 303 GOOD CAUSE EXCEPTION

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

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

If the City becomes aware of an emergency regarding the Company's facilities, the City will attempt to contact the Company's emergency representative as indicated in Section 1202. In any event, the City shall take whatever action it deemed necessary by the Director to make an appropriate and reasonable response to the emergency. The costs associated with the City's 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 sixty (60) days, either approve the Company's plans for proposed action as described in Section 302 or inform the Company of the reasons for disapproval. The Company shall designate a responsible contact person with whom officials of the Department of Public Works can communicate on all matters relating to equipment installation and maintenance.

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

SECTION 305 MAPPING DATA

Upon completion of each installation within the PROW, the Company shall provide to the City such information necessary to document the location and elevation of the installation, 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 and location of above-ground appurtenances.

ARTICLE IV

SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS

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

ARTICLE V

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

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

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION

502.1 RESTORATION STANDARD: Where the Company disturbs or damages the Public Rights-of-Way, the Director shall have the authority to determine the manner and extent of the

restoration of the Public Rights-of-Way, and may do so in written procedures of general application or on a case-by-case basis. In exercising this authority, the Director will consult with any state or federal standards for rights-of-way restoration and shall be further guided by the following considerations:

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

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

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

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

502.5 DUTY TO CORRECT DEFECTS: The Company shall correct defects in patching, or restoration performed by it or its agents. Upon notification from the City, the Company shall correct all restoration work to the extent necessary, using the method determined by

the Director. Such work shall be completed after receipt of the notice from the Director within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure.

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

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

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

ARTICLE VI

SECTION 601 INDEMNIFICATION AND LIABILITY

601.1 SCOPE OF INDEMNIFICATION: Subject to the following, the Company agrees and binds itself to indemnify, keep and hold the City, City Council ("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 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, its officers, or employees, 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, its officers, or employees, either independently or jointly with the Company, the Company will pay the judgment, including all reasonable costs, and will hold the City harmless therefrom.

SECTION 602 WAIVER BY THE CITY

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

- (a) elects to conduct its own defense against such claim;
- (b) fails to give prompt notice to the Company of any such claim such that the Company's ability to defend against such claim is compromised;

- (c) denies approval of a settlement of such claim for which the Company seeks approval; or
- (d) fails to approve or deny a settlement of such claim within thirty (30) days of the Company seeking approval.

SECTION 603 INSURANCE

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

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

The policy shall include the City as an additional insured party, and the Company shall provide the City Attorney with a certificate of such coverage before execution of this franchise in a form acceptable to the City Attorney.

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 twenty-five thousand dollars (\$25,000). 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 franchise.

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND

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

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

SECTION 703 PURPOSE OF PERFORMANCE BOND

The Performance Bond shall serve as security for:

- (a) the faithful performance by the Company of all terms, conditions and obligations of this Ordinance;
- (b) any expenditure, damage or loss incurred by the City occasioned by the Company's failure to comply with all rules, regulations, orders, permits and other directives of the City issued pursuant to this Ordinance;

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

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE

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

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

ARTICLE VIII

SECTION 801 COMPENSATION/PROW USE FEE.

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

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

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

SECTION 802 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 upon the Company's request. 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:

Shenandoah Mobile, LLC
Attn: Industry Affairs & Regulatory
500 Shentel Way
Edinburg, VA 22824

To the City:

City of Charlottesville
Attn: City Manager
605 East Main Street
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:
Shenandoah Mobile, LLC
Network Operations Center
(540) 984-5531

To the City:
Gas Dispatchers
(434) 970-3800 (office)
Emergency (434)293-9164 (leaks)
(434) 970-3817 (facsimile)

Steven Hicks
Director of Public Works
(434) 970-3536 (office)
(434) 970-3817 (facsimile)

SECTION 1203 REGISTRATION OF DATA

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

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

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

ARTICLE XIII

SECTION 1301 TERMINATION OF TELECOMMUNICATIONS FRANCHISE

The franchise granted by this Ordinance may be terminated:

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

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

ARTICLE XIV

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

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

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

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

ARTICLE XV

SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT

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

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

SECTION 1502 SUCCESSORS AND ASSIGNS

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

ARTICLE XVI

SECTION 1601 NONEXCLUSIVE FRANCHISE

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

ARTICLE XVII

SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES

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

SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED

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

ARTICLE XVIII

SECTION 1801 NO DISCRIMINATION

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

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

ARTICLE XIX

SECTION 1901 FORCE MAJEURE

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

ARTICLE XX

SECTION 2001 EFFECTIVE DATE

This Ordinance shall be effective upon its passage.

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

Clerk of Council

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

By SHENANDOAH MOBILE, LLC
Ch Kyle
Its VICE PRESIDENT
Date 2/2/2024

Exhibit A

Small Cell Site List

Scott Stadium
317 Montebello Circle
Charlottesville, VA 22903
Coordinates: 38.03052, -78.51131

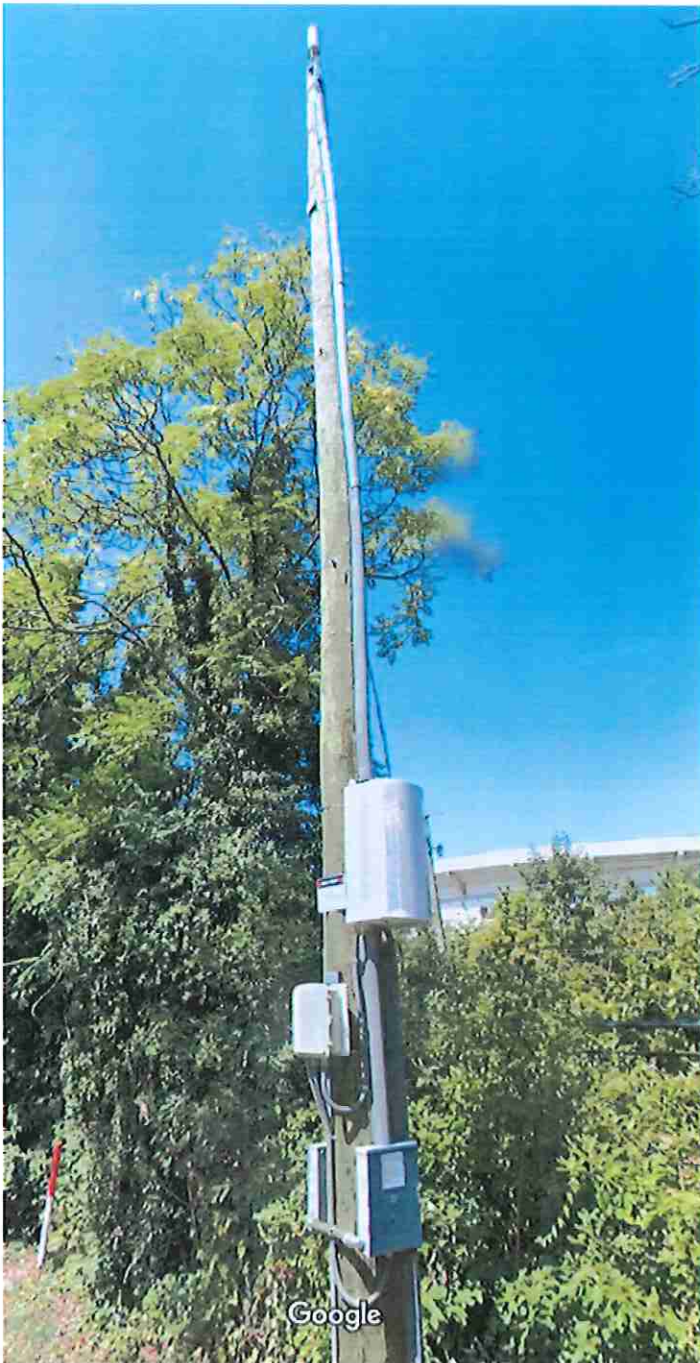


Exhibit A

Small Cell Site List

John Paul Jones Arena
400 Emmet Street North
Charlottesville, VA 22903
Coordinates: 38.04369, -78.50496



CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date:	March 18, 2024
Action Required:	Appropriate \$150,000 from USDA for the Charlottesville Urban Forest Management Plan
Presenter:	Steven Gaines, Urban Forester, Kristel Riddervold, Director, Robert Mathes, Management Specialist II Landscape
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate USDA Forest Service Urban and Community Forestry Inflation Reduction Grant for Charlottesville Urban Forest Management Planning - \$150,000 (1 of 2 readings)

Background

The City of Charlottesville was awarded \$150,000 from the United States Department of Agriculture (USDA) for the Forest Service Urban and Community Forestry Inflation Reduction Grant to support Charlottesville Urban Forest Management Planning. This grant application was a collaborative effort between the Department of Parks and Recreation and the Office of Sustainability, with support from the Office of Community Solutions. The City of Charlottesville has delivered Urban Forest Management Programming for several decades but is currently relying on a 2009 program plan. This core objective of this project is to produce a comprehensive, adaptive management plan. These funds will specifically support the areas of Charlottesville that meet the “disadvantaged communities” criteria set by USDA.

Discussion

The City of Charlottesville recently received an award notification for \$150,000 from USDA to comprehensively review and significantly update the City’s 2009 Urban Forest Management Plan (UFMP). Since the City’s original effort to establish a formal plan, the City has evolved its approach toward increased environmental stewardship, expanded sustainability goals, and commitments to equity and inclusion. In 2023, Charlottesville adopted its first community wide Climate Action Plan and set strategic goals to achieve a 45% reduction of greenhouse gas emissions by 2030 and achieve carbon neutrality by 2050. In addition to targeting emissions reductions related to specific sources and activities, a major climate action component of the plan focuses on urban tree canopy and comprehensive natural resources stewardship. The core goal of this project proposal is to update the current urban forest management plan to integrate climate action goals, specifically targeting increased and equitable urban canopy coverage and greater stewardship capacity through volunteer training and use of spatial technology.

The overall objective is to produce a comprehensive, adaptive management plan. The plan will involve public input regarding management priorities of urban forests on both public and private properties, channeling key goals from past projects and directly linking them to an adaptive management approach and utilizing spatial data to target vulnerable regions of the City’s urban forest landscape.

The management plan components are detailed below:

- Align with the City's Comprehensive plan and recently adopted Climate Action Plan
- Establish a formal urban tree canopy goal
- Integrate outcomes from various tree-related and climate projects conducted over the past 5 years
- Develop methods to allow the public to visualize progress, including plantings, hazard tree removals, and invasive plant control/ containment
- Develop training and engagement opportunities
- Engage difficult-to-engage and previously underrepresented communities

- Address urban forest needs and opportunities across both public and private properties
- Establish the City's UFMP in a regional context
- Connect City residents, students, and business to implementation
- Ensure the updated UFMP addressed identified climate risks and vulnerabilities

The services of one or more technical consultants will be engaged through a competitive procurement process and the project is estimated to take approximately 18 to 24 months to complete.

Alignment with City Council's Vision and Strategic Plan

This project aligns with Council's Strategic Plan Framework - Strategic Outcome Area: Climate Action. This project aligns with the City's Comprehensive Plan and the Climate Action Plan.

Community Engagement

The City of Charlottesville is fortunate to have several community-based organizations who will be integral to this project and who are actively involved in projects and programs related to trees and natural resources, which include ReLeaf, Charlottesville Area Tree Stewards, Rivanna Conservation Alliance, Virginia Master Naturalists (Rivanna Chapter), and Charlottesville Tree Commission. In addition, the City plans to conduct stakeholder (including general community) engagement and communicate with/survey general public regarding urban forest benefits and priorities, in addition to opinion towards tree maintenance, establishment, planting, and preservation of trees on privately-owned property as a part of this project.

Budgetary Impact

Project has no budgetary impact to the City budget. In addition to the \$150,000 in grant funding, \$150,000 from the Climate Initiative Fund will support a comprehensive, citywide effort.

Recommendation

Staff recommends appropriating the \$150,000 from USDA for the Urban Forest Management Plan along with \$150,000 from the Climate Initiative Fund.

Alternatives

City Council may choose to not accept the grant award and then would need to rely solely on City funds to complete the update of a comprehensive, adaptive, citywide Urban Forest Management Plan.

Attachments

1. USDN Resolution

RESOLUTION
Appropriating Funding in the Amount of \$150,000 To Be Received from Urban Sustainability Directors Network (USDN)

WHEREAS, The City of Charlottesville, through the Office of Community Solutions, has been notified that it will be awarded a grant from Urban Sustainability Directors Network (USDN) for the United States Forest Service (USFS) Investment Recovery Act (IRA) Federal Award, in the amount of \$150,000.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the USFS IRA funding from the Urban Sustainability Directors Network, said funding, anticipated in the sum of \$150,000, is hereby appropriated in the following manner:

Revenues			
\$150,000	Fund 210	Order 1900548	GL 432190 (Federal pass-thru)
Expenditures			
\$150,000	Fund 210	Order 1900548	GL 599999 Contractual Services

BE IT FURTHER RESOLVED that this appropriation is conditioned upon receipt of \$150,000 in funds from the Urban Sustainability Directors Network.

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



Agenda Date:	March 18, 2024
Action Required:	Approval
Presenter:	Llezelle Dugger, Clerk of Court
Staff Contacts:	Llezelle Dugger, Clerk of Court Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution appropriating funding in the amount of \$21,458 to be received from Library of Virginia Circuit Court Records Preservation Grants Review Board (1 of 2 readings)

Background

The Clerk of Court for the Charlottesville Circuit Court applied for and received a grant from the Library of Virginia (LVA). The LVA Circuit Court Records Preservation (CCRP) Grants Review Board convenes twice each year to evaluate grant applications submitted by Virginia's circuit court clerks and to award grant funds for processing, conserving, securing, and increasing access to circuit court records. The board is part of the Library of Virginia's Circuit Court Records Preservation Program, which was established in 1991 to aid in preserving the records of the Commonwealth's circuit courts.

Discussion

This grant amount will provide vital funding to support the Clerk's efforts to preserve permanent records such as land records, will books, vital records, and court order books covering documents from 1888-1901, 1947-1949, and 1950-1952. Once the project is complete, the historical documents will be in plastic sleeves that allow access to the historical documents without risking continued deterioration of the documents through human touch.

Alignment with City Council's Vision and Strategic Plan

This grant supports the City's Organizational Excellence Strategic Outcome Area and its focus on the deliverance of excellent services to the community.

Community Engagement

This grant will continue our efforts to serve our community through the professional management of records by preserving important legal documents and expanding their availability to the community.

Budgetary Impact

There is no budgetary impact for the City of Charlottesville as the entire project is funded by a state grant.

Recommendation

Staff recommends the approval and appropriation of grant funds.

Alternatives

Council may elect to not accept the funds but an alternative funding source would need to be provided to complete the project.

Attachments

1. CharlottesvilleCity_2024FY-121_ApprovalLetter
2. CCRP Resolution



LIBRARY OF VIRGINIA

Sandra Gioia Treadway
Librarian of Virginia

Feb. 21, 2024

Grant Agreement Number: 2024FY-121

The Honorable Llezelle Agustin Dugger
Clerk of the Circuit Court
City of Charlottesville
315 East High St.
Charlottesville, VA 22902

Dear Ms. Dugger,

The Circuit Court Records Preservation Grants Review Board met on Tuesday, Feb. 13th, 2024 to consider 124 applications submitted from 101 localities. It is our pleasure to inform you that your Item Conservation grant application to the Virginia Circuit Court Records Preservation Program has been **approved in the full amount of \$21,458.00**. The following item(s) have been approved by the Review Board: **Deed Book 11, Corp. Ct., 1900-1901; General Index to Deeds 11, Corp. Ct., 1947-1949; General Index to Deeds 12, Corp. Ct., 1950-1952; General Index to Wills 1, Corp. Ct., 1888-1982; Land Book 1889-1894; Land Book 1895-1898**. This grant is subject to the stated amount, availability of funds, and any provisos listed in this letter or on the enclosed CCRP Grants Program Application Certification form. Please review these provisos carefully to determine the scope and/or limitations of the project.

You will find the Award Certification form included with this letter. This agreement, along with the original grant application, details the term of your project, the portion of your project supported with grant funds, and the specific work that is to be accomplished. It will also indicate your fiscal and program reporting requirements. Please read the agreement carefully and return it electronically or by mail **within fifteen days of receipt** to Michelle Washington at the Library of Virginia (Michelle.Washington@lva.virginia.gov). Contact your item conservation vendor representative to make arrangements for them to collect the approved items. If you have any questions regarding this award or agreement, please contact Greg Crawford at (804) 692-3505.

We appreciate your interest in preserving Virginia's documentary heritage and extend our best wishes for a successful project. We will look forward to working with this year in preparation for the 2025FY grant cycle.

Sincerely,

Gregory E. Crawford
State Archivist

Teresa Hash Dobbins
President, Virginia Court Clerks' Association

RESOLUTION

Appropriating Funding in the Amount of \$21,458 to be received from Library of Virginia Circuit Court Records Preservation Grants Review Board

WHEREAS, The City of Charlottesville, through the Clerk of Circuit Court Office, has been notified that it will be awarded a grant from the Library of Virginia Circuit Court Records Preservation Grants Review Board (CCRP), in the amount of \$21,458;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the CCRP funding from the Commonwealth, said funding, anticipated in the sum of \$21,458, is hereby appropriated in the following manner:

Revenues

\$21,458	Fund 209	Order 1900546	GL 430110 State Grants
----------	----------	---------------	------------------------

Expenditures

\$21,458	Fund 209	Order 1900546	GL 530010 Professional Services
----------	----------	---------------	---------------------------------

BE IT FURTHER RESOLVED that this appropriation is conditioned upon receipt of \$21,458 from the Library of Virginia Circuit Court Records Preservation Grants Review Board.

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



Agenda Date:	March 18, 2024
Action Required:	Ordinance adoption
Presenter:	Jacob Stroman, City Attorney
Staff Contacts:	Jacob Stroman, City Attorney
Title:	Ordinance amending the Charlottesville Code of Ordinances, Section 2-98(b) to increase the appropriation amount requiring two readings from \$1001.00 to \$5000.00. (1 of 2 readings)

Background

At Council's retreat last January, it discussed the possible amendment of Charlottesville City Code 2-98(b) which would dispense with a second reading for appropriations of \$5000.00 or less. The current limit in the ordinance is \$1000.00 or less.

Discussion

The proposed ordinance offers some efficiency by dispensing with a second reading for relatively small appropriations. If passed, it would allow appropriated funds at or below the new limit to be accessed earlier. There will also be some savings in Council and staff time in preparing and considering small appropriations a second time.

Alignment with City Council's Vision and Strategic Plan

The proposed ordinance aligns with Council's Vision and Strategic Plan to promote organizational excellence by more efficiently managing small appropriations.

Community Engagement

Not applicable.

Budgetary Impact

None

Recommendation

Move the ordinance forward for a second reading at Council's April 1, 2024 regular meeting.

Alternatives

Council may decline to adopt the ordinance, in which case all appropriations in excess of \$1000.00 up to \$5,000.00 will continue to have two readings.

Attachments

1. Ord. Amend. Sec. 2-98 2024.Final (2)

**AN ORDINANCE
AMENDING CITY CODE
SECTION 2-98
INCREASING THE AMOUNT THRESHOLD FOR
APPROPRIATIONS REQUIRING A SECOND READING**

WHEREAS, City Code Section 2-98 (b) currently contains a limit of \$1,000.00 whereby no ordinance or resolution appropriating money exceeding that amount shall be passed by the City Council on the same day of its introduction nor shall an ordinance or resolution be valid unless at least three (3) days intervene between introduction and passage; and

WHEREAS, increasing this appropriation limit from \$1,001.00 to \$5,000.00 will eliminate the need for a second reading for appropriations of \$5,000.00 or less; and

WHEREAS, City Council finds that increasing the proposed limit is reasonable and will help facilitate efficiency for smaller appropriations; therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that City Code, Section 2-98 (b), of the City of Charlottesville, 1990, as amended, be and hereby is amended as follows:

Sec. 2-98. - Procedure for appropriating money, imposing taxes, etc.

- (a) For every ordinance or resolution appropriating money exceeding one hundred dollars (\$100.00), imposing or releasing taxes, authorizing the borrowing of money, creating a debt or donating any property of the city, where the value of such property is one hundred dollars (\$100.00) or more, a vote of a majority of all members elected to the council shall be necessary and the "ayes" and "noes" shall be entered on the minutes of the council.
- (b) No ordinance or resolution appropriating money exceeding the sum of one thousand dollars ~~(\$1,000.00)~~ **(\$5,000.00)** imposing taxes or authorizing the borrowing of money shall

be passed by the city council on the same day of its introduction, nor shall any such ordinance or resolution be valid unless at least three (3) days intervene between its introduction and passage. This subsection shall not apply to the annual appropriations provided for in [section 11-4](#) of this Code.

(Code 1976, § 2-37)

Cross reference— Finance, [Ch. 11](#); taxation, [Ch. 30](#).

BE IT FURTHER ORDAINED THAT the City's Clerk of Council shall provide the approved amendment to CivicPlus (Municode) for updating to the City Code.

Approved as to form:

Jacob P. Stroman
Jacob P. Stroman
City Attorney

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



Agenda Date:	March 18, 2024
Action Required:	Approval of Business Personal Property Tax Refund
Presenter:	Todd Divers, Commissioner of the Revenue
Staff Contacts:	Jason Vandever, City Treasurer Jacob Stroman, City Attorney
Title:	Resolution for refund of Business Tangible Personal Property Tax payment

Background

In 2022, a 501(c)3 organization moved to a location in the City of Charlottesville. It reported tangible business personal property to the City for tax year 2023, was billed, and paid the tax. Subsequently, it was determined that the entity is exempt by classification from local property taxation pursuant to the Code of Virginia. The tax paid in error amounts to \$25,784.10.

Discussion

As a 501(c)3 enterprise, the entity is not subject to a business license for activity conducted in furtherance of its charitable purpose. However, it was discovered that the entity derives income outside of that charitable purpose, which it declares on the appropriate federal Schedule 990T (used by nonprofits to report unrelated business income - UBI). UBI is subject to local business license.

After applying the overpayment to the 2023 and 2024 business license, a balance of \$10,941.56 remains to be refunded, (plus interest to be determined by the date of the refund - approximately \$275).

City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$10,000 (City Code Sec. 30-6b).

Per City Code Sec. 30-6(b), the Commissioner of the Revenue has provided to the City Attorney information necessary to enable him to consent to the determination of the Commissioner of the Revenue that the tax paid by the taxpayer was erroneous and should therefore be refunded with interest. The refund has therefore been approved for presentment to Council by the City Attorney, Commissioner of the Revenue, and City Treasurer.

Alignment with City Council's Vision and Strategic Plan

N/A

Community Engagement

N/A

Budgetary Impact

The refund will reduce current year Personal Property Tax revenue (GL 400100) by \$10,941.56 and current year Interest revenue (GL 400120) by approximately \$275.

Recommendation

Approval of the tax refund.

Suggested Motion: “I move the RESOLUTION authorizing a refund of \$10,941.56 plus interest to a taxpaying entity or business, for business tangible personal property taxes paid in error for 2023.”

Alternatives

None

Attachments

1. Refund Resolution
2. Tax Refund Sign-Off (part 1) - signed

Suggested Motion: "I move the RESOLUTION authorizing a refund of \$10,941.56 plus interest to a taxpaying entity or business, for business tangible personal property taxes paid in error for 2023"

RESOLUTION

Authorizing a refund of \$10,941.56, plus an as yet to be determined amount of interest, to a taxpaying entity or business, for business tangible personal property taxes paid in error for 2023

WHEREAS, the Commissioner of the Revenue has determined that a taxpaying entity or business paid 2023 Business Personal Property Tax to the City of Charlottesville in error; and

WHEREAS, that taxpaying entity or business has requested a refund of the amount paid in error; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$10,941.56; and

WHEREAS, an amount of interest that is dependent on the actual date of the refund will also be due; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$10,000.00; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$10,941.56, plus an as yet to be determined amount of interest (approximately \$275), payable to that taxpaying entity or business.



MEMORANDUM

Commissioner of the Revenue
City of Charlottesville
605 E. Main Street, Room A130
P O Box 2964
Charlottesville, VA 22902-2964
434-970-3160
citycor@charlottesville.gov

To: Jacob Stroman, Charlottesville City Attorney
From: Todd Divers, Commissioner of the Revenue
Date: February 28, 2024
Re: Refund of Business Tangible Personal Property Tax

City Code Sec. 30-6(b) requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$10,000:

Sec. 30-6. - Correction of assessments.

...

(b) In the event that the assessing official determines that they have erroneously assessed an applicant with a local tax, they shall exonerate the applicant from the payment of so much as is erroneously charged, if not already paid into the city treasury. If the assessment has been paid, the city council shall, upon the certificate of the assessing official with the consent of the city attorney that such assessment was erroneous, direct the city treasurer to refund the excess to the taxpayer, with interest if authorized by law. However, the city treasurer is hereby authorized to approve and issue, without the above-referenced certificate, any refund up to ten thousand dollars (\$10,000.00) resulting from an erroneous assessment.

...

This memorandum is meant to provide you with the information necessary to enable you to consent to my determination that the below-referenced tax was paid in error, and should therefore be refunded. Your signature below indicates your agreement with my determination. This document will be included with other materials presented to City Council for their consideration and approval.

FACTS

In 2022, a 501(c)3 organization, moved to a location in the City of Charlottesville. It reported tangible business personal property to the City for tax year 2023, was billed, and paid the tax. Subsequently, it was determined that the entity is exempt from local property tax by classification pursuant to the Code of Virginia. The tax paid in error amounts to \$25,784.10.

A 501(c)3 enterprises, is not subject to a business license for activity conducted in furtherance of its charitable purpose. However, it was discovered that this entity also derives income outside of that charitable purpose, which it declares on the appropriate federal Schedule 990T (used by nonprofits to report unrelated business income - UBI). UBI is subject to local business license.

After applying the overpayment to the 2023 and 2024 business license, a balance of \$10,941.56 remains. It is my determination that this amount, along with interest (to be determined by the date of the refund - approximately \$275), should be refunded to the taxpayer.

Sincerely,



Todd D. Divers
Charlottesville Commissioner of the Revenue

I agree with the Commissioner of the Revenue's determination that the above-referenced tax assessment was paid in error, and that the indicated refund is appropriate.

Jacob P. Stroman
Jacob P. Stroman (Feb 29, 2024 14:59 EST)

Jacob Stroman, Charlottesville City Attorney

02/29/2024

Date



City Manager's Report

City Departments

3-18-2024

City Manager – Sam Sanders (he/him)

- Congratulations to the following individuals who were appointed to serve on the Parks and Recreation Advisory Board:
 - Kent Merritt
 - Mark Denison
 - Jenny Taylor
 - Jeff McDonald
 - Jeanette Abi-Nader
- I recorded a Rental Relief Information video with Commissioner of Revenue Todd Divers in the City's Community Studio; this piece will be shared across multiple mediums in support of our efforts to connect eligible applicants to this relief program.
- James Freas and I met with CRHA leadership and representatives from EJP Consulting Group for preliminary planning of CRHA's application to HUD for the Choice Neighborhoods Program for an implementation grant to support affordable housing and economic development in the 10th & Page, Venable, and Rose Hill neighborhoods.
- Participated in a WINA Radio Interview with Jay Hart that aired last weekend regarding collective bargaining.
- Held a Press Conference on Wednesday, March 6th to review the City Manager's Proposed FY25 Budget to Council.

Deputy City Manager for Social Equity – Ashley Marshall (she/her)

- Charlottesville Part of Winning 2023 National League of Cities Capstone Challenge
 - The City of Charlottesville's Office of Social Equity applied for the 2023 NLC Capstone Challenge in 2023, a competitive program that pairs capstone and enterprise partners with localities to create solutions for member's needs. The City, along with two other localities, partnered with City Health Dashboard to look at the potential connection that historic housing segregation may have on modern health and economic disparities. We are thrilled to say that CityHealth Dashboard's work with Charlottesville, Houston, TX,, and Rochester, NY won the 2023 competition! Charlottesville has previously worked with CityHealth Dashboard through their 2021 inaugural Put Your City On the Map competitive opportunity and were one of the first 22 localities with populations of 50,000 or less to ever be included on the Dashboard. You can see CityHealth Dashboards final report at <https://www.cityhealthdashboard.com/alerts> and also look up key health data about our community through their site's mapping tool.
- Annual Eggstravaganza Event on March 23, 2024
 - The Parks and Recreation Department will host its Annual Eggstravaganza event, a free and family-friendly egg hunt, on Saturday, March 23rd, at McIntire Park. The event will feature an egg hunt, arts & crafts, a photo opportunity with a bunny, bounce houses, and food vendors. Further, all attendees will be able to provide input on the Parks & Recreation Master Plan that is currently being developed. This year's event is in conjunction with Albemarle County Parks and Recreation. For more information please call (434) 970-3572 or visit our website at: <https://www.charlottesville.gov/CivicAlerts.aspx?AID=1730>

- Foster Parent Information Session in April 2024
 - The Department of Human Services will be hosting its next foster parent information session on April 10, virtually at 6:15. To register: <https://www.charlottesville.gov/260/Become-a-Foster-Parent>
- Applications Open for Spring & Summer 2024 Teen CAYIP Internships
 - The Department of Human Services will host its teen internship program, CAYIP, during Spring and Summer 2024. The Spring Session will be held from April 15, 2024, to June 9, 2024, and the application window for that session opens on March 18, 2024, at 8am and close March 29, 2024, at 5pm. The Summer Session will be held from June 24, 2024, to August 4, 2024, and the application window for youth interested in the summer session will open April 1, 2024, at 8am and close May 1, 2024, at 5pm. Youth and Parents interested in CAYIP, as well as organizations who are interested in hosting an intern can learn more at: <https://www.charlottesville.gov/256/Community-Attention-Youth-Internship>

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

- The Police Department Has begun a community engagement initiative in conjunction with the Boys and Girls Club called "courtside chats." Officers will engage with youth, and share ideas about community solutions. Officers will also play basketball with the youth who are present.
- The Police Department has advertised its second Community Police Academy which will begin on April 11, 2024 and finish on June 6, 2024. This program requires a commitment of one night a week for 9 weeks.
- The Police Department is continuing the community walks weekly. We are asking for any suggestions as to areas the community would like us to visit and discuss issues, concerns, and opportunities with.

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

- Four members of IT attended the 2024 ESRI Federal GIS Conference in Washington DC on February 13 and 14. Potential uses of AI in GIS, connecting sensors to GIS, and leveraging GIS tools to develop apps for City staff were some of the many takeaways from the conference.

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

- Troon Golf has been awarded a contract to manage operations at Meadowcreek Golf Course starting on March 15th.
- Vendor applications are open for Farmers in the Park, which will move from Meade Park to Pen Park in 2024 due to a turf revitalization project. The market will still operate on Wednesdays, from 3 PM to 7 PM, between May and September.
- The Eggstravaganza event, a free and family-friendly egg hunt, will take place on Saturday, March 23rd, at McIntire Park. You can find more information about the event on the Parks & Recreation | Charlottesville, VA website.

- The Master Plan Community Outreach events will be held in different neighborhoods throughout the city, where CPRD will provide entertainment, music, and refreshments. This outreach will allow community members, including stakeholders, citizens, local churches, civic groups, and business owners, to share their feedback on what they want to see from our parks and recreation department over the next 10 to 15 years. The events are scheduled for April 21st at Crow Recreation Center, April 28th in Westhaven neighborhood, May 4th at Washington Park, and May 11th at Forest Hills Park.
- The fountain on the downtown mall will be fully operational starting on April 12.
- All outdoor restrooms will be open to the public starting on April 15.
- Park mowing is expected to begin in early April, but the start date may be earlier depending on the weather.
- The horticulture crew is currently mulching beds and preparing for spring planting.

Human Services – Misty Graves (she/her)

- The Department of Human Services partners with the UVA School of Nursing to staff the Westhaven CARES Center (formally Westhaven Nursing Clinic). Since July 1, 2023, this program has met 58 individual requests for food insecurity related needs with their on-site food pantry and/or food vouchers. The number of beneficiaries is 145 thus far.
- The Community Resource Hotline (CRL) continues to distribute rental/mortgage/utility bill relief for Charlottesville residents. So far this year, the Department of Human Services in partnership with the United Way, has distributed \$750,731.00.
- Community Attention Foster Families (CAFF) was awarded a BAMA grant from the Community Area Foundation and will be utilizing those dollars to engage in radio ads to recruit foster families. CAFF actively searches for a diverse pool of families in and around the city of Charlottesville, Albemarle County, and surrounding communities with a specific need for families and individuals willing to foster older youth and teens. Their next foster parent information session is April 10, virtually at 6:15. To register: <https://www.charlottesville.gov/260/Become-a-Foster-Parent>
- DHS's Community Based Services is working diligently to prepare for the launch of summer programming. The Community Attention Youth Internship Program (CAYIP) is currently recruiting for new sites to host youth. The Summer program is June 24th – August 4th. Applications for youth will open April 1st and close May 1st. If interested in becoming a host site OR learning more about applying: <https://www.charlottesville.gov/256/Community-Attention-Youth-Internship>

Public Works – Director Steven Hicks (he/him)

- Streetlight outages can be reported via Dominion using their reporting tool that residents can utilize here: <https://www.dominionenergy.com/virginia/report-outage-or-emergency/streetlight-and-watchlight-outages>

Utilities – Director Lauren Hildebrand (she/her)

- The Department of Utilities offered 250 free trees to residents through the Arbor Day Foundation's Energy-Saving Trees Program. This is the third year Utilities has offered this program, which aims to educate residents on strategic tree planting to aid home energy conservation and to help reduce energy bills. The Energy-Saving Trees Program also serves to reinforce safe digging practices by having residents contact Virginia 811 prior to planting their tree. Utilities worked with the City's Arborist to determine the most suitable tree species for the community to plant, offering five species to choose from. Tree reservations opened to the community on March 4th, with 200 trees reserved in the first 48 hours, and the remaining 50 in short order. The tree pick-up event was held March 22nd and 23rd at the Public Works/Utilities Administration Building. The Department of Utilities thanks the community for their enthusiastic support of the Energy-Saving Trees Program and for continuing to make it a tree-mendous success!

Social Services – Director Sue Moffett (she/her)

- March is Social Work Appreciation Month! Big shout out to the hard working and dedicated Family Services Staff who serve the most vulnerable in our community!

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



Agenda Date: March 18, 2024

Action Required:

Presenter:

Staff Contacts:

Title: Tax Rate Public Hearings

Background

Discussion

Alignment with City Council's Vision and Strategic Plan

Community Engagement

Budgetary Impact

Recommendation

Alternatives

Attachments

None

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



Agenda Date:	March 18, 2024
Action Required:	Public Hearing
Presenter:	Samuel Sanders, Jr., City Manager
Staff Contacts:	Krisy Hammill, Director of Budget
Title:	Real Estate Tax Rate for the City Manager's Proposed FY 2025 Budget

Background

Pursuant to Section 5 of the Charter of the City of Charlottesville, and Virginia Code Title 15.2, Chapter 25, a proposed budget was prepared by the City Manager and presented to City Council for consideration. After public notice given in accordance with law, public hearings are conducted by City Council on the City Manager's proposed budget, on the proposed equalized tax rate, and on the other tax rates to be adopted in order to levy taxes in support of the adopted budget, Council is required to vote on these matters.

Discussion

The total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 5.00 percent. The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.9178 per \$100 of assessed value. This rate will be known as the "lowered tax rate." The City Manager's FY 2025 Proposed Budget proposes to adopt a real estate tax rate of \$0.98 per \$100 of assessed value, which represents a \$0.02 tax increase. Once a tax rate is advertised as part of a public hearing notice, Council may consider a lower rate than what was advertised, but it may not consider a rate higher than the advertised rate. To provide Council with the most flexibility, a tax rate increase of \$0.03 was advertised and could be considered as part of the adopted budget.

Alignment with City Council's Vision and Strategic Plan

The new revenue supports several initiatives that are included in the City's Strategic Plan including strong emphasis on affordable housing, education, transportation and supporting our employees.

Community Engagement

There are several opportunities for the community to provide input into the budget with several public hearings on the budget and a few minutes reserved at the end of each budget work session for public comment and input, along with the Community Budget Forum. In addition, this ordinance change requires a separate public hearing, which was advertised via a legal ad, in the Daily Progress with information on this public hearing and the tax rate change, on March 11, 2024.

Budgetary Impact

Staff estimates that the \$0.02 rate change will generate an additional \$2,213,040 in FY 2025 revenue and is included in the City Manager's FY 2025 Proposed Budget. Each \$0.01 to the tax rate is estimated to generate an additional \$1,106,250 in revenue.

Recommendation

N/A

Alternatives

Council could elect not to raise the real estate tax rate at this time, or approve a different rate increase. If that's the case, staff will have to identify additional revenue or expenditure reductions in order to balance the budget.

Attachments

None

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



Agenda Date:	March 18, 2024
Action Required:	Public Hearing
Presenter:	Samuel Sanders, Jr., City Manager
Staff Contacts:	Krisy Hammill, Director of Budget
Title:	Lodging Tax Rate for the City Manager's Proposed FY2025 Budget

Background

The City currently levies a 8% transient occupancy, or lodging, tax (hereinafter "lodging tax"), which is the tax paid by all overnight guests at area hotels, bed and breakfasts and short-term air bnb type facilities. As part of the FY 2025 budget, a lodging tax increase of 1% is proposed, raising the lodging tax rate to 9%. The City estimates that this change will bring in an additional \$1,062,500 in FY 2025 revenue. This additional revenue is included in the FY 2025 City Manager's Proposed Budget.

Discussion

A portion of this revenue supports the Charlottesville Albemarle Convention and Visitors Bureau, which receives 30% of the first 5% of actual lodging tax revenues (pursuant to a joint agreement with Albemarle County). The remaining funds support the City's operating General Fund budget.

Alignment with City Council's Vision and Strategic Plan

The new revenue supports several initiatives that are included in the City's Strategic Plan including strong emphasis on affordable housing, education, transportation and supporting our employees.

Community Engagement

There were several opportunities for the community to provide input into the budget with several public hearings on the budget and a few minutes reserved at the end of each budget work session for public comment and input, along with the Community Budget Forum. In addition, this ordinance change requires a separate public hearing, which was advertised via a legal ad, in the Daily Progress with information on this public hearing and the tax rate change, on March 11, 2024.

Budgetary Impact

Staff estimates that the rate change will generate an additional \$1,062,500 in FY 2025 revenue and is included in the City Manager's Proposed Budget.

Recommendation

N/A

Alternatives

Council could elect not to raise the lodging tax rate at this time, or approve a different rate increase. If that's the case, staff will have to identify additional revenue or expenditure reductions in order to balance the budget.

Attachments

1. Draft budget ordinance - transient room tax 3.11.24

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 30-253 OF CHAPTER 30 (TAXATION)
INCREASING THE TRANSIENT OCCUPANCY TAX FROM 8% TO 9%**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that:

(1) Section 30-253 of Article IX (Transient Occupancy Tax) of Chapter 30 (Taxation) is hereby amended and reordained, as follows:

Sec. 30-253. Levied.

There is hereby imposed and levied upon every transient obtaining lodging within the city, in addition to all other taxes and fees of every kind now imposed by law, a tax equivalent to ~~eight-nine~~ (89) percent of the total room charge paid for the lodging by the transient, or on the transient's behalf.

(2) This ordinance shall take effect on July 1, 2024.

BE IT FURTHER ORDAINED THAT the City's Clerk of Council shall provide the approved amendment to CivicPlus (Municode) for updating to the City Code.

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



Agenda Date:	March 18, 2024
Action Required:	Public Hearing
Presenter:	Samuel Sanders, Jr., City Manager
Staff Contacts:	Krisy Hammill, Director of Budget
Title:	Meals Tax Rate for the City Manager's Proposed FY2025 Budget

Background

The City currently levies a 6.5% meals tax on the purchaser of every meal sold in the city by a restaurant or caterer. As part of the FY 2025 budget, an increase of 1% is proposed, raising the tax rate to 7.5%. The City estimates that this change will bring in an additional \$3,054,545 million in revenue for FY2025. This additional revenue is included in the FY 2025 City Manager's Proposed Budget.

Discussion

The meals tax is paid by consumers of prepared hot foods sold for immediate consumption on and off a premises including restaurant and grocery store food bars. This tax does not apply to foods purchased for home consumption and preparation, which are taxed at 2.5%. Meals tax revenue continues to grow, projected to generate \$19.5 million in FY 2024 and with the proposed increase to 7.5%, revenues are expected at \$22.8 million in FY 2025.

Alignment with City Council's Vision and Strategic Plan

The new revenue supports several initiatives that are included in the City's Strategic Plan including strong emphasis on affordable housing, education, transportation and supporting our employees.

Community Engagement

There are several opportunities for the community to provide input into the budget with several public hearings on the budget and a few minutes reserved at the end of each budget worksession for public comment and input, along with the Community Budget Forum. In addition, this ordinance change requires a separate public hearing, which was advertised via a legal ad, in the Daily Progress with information on this public hearing and the tax rate change, on March 11, 2024.

Budgetary Impact

Staff estimates that the rate change will generate an additional \$3.1 million in FY 2025 revenue and is included in the City Council's FY 2020 Proposed Budget.

Recommendation

N/A

Alternatives

Council could elect not to raise the meals tax rate at this time, or approve a different rate increase. If that's the case, staff will have to identify additional revenue or expenditure reductions in order to balance the budget.

Attachments

1. Draft budget ordinance - meals tax 3.11.24

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 30-283 OF CHAPTER 30 (TAXATION)
INCREASING THE MEAL TAX FROM 6.5% TO 7.5%**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that:

(1) Section 30-283 of Article X (Meal Tax) of Chapter 30 (Taxation) is hereby amended and reordained, as follows:

Sec. 30-283. Levied.

~~(1)~~ In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the purchaser of every meal sold in the city by a restaurant or caterer. The rate of this tax shall be ~~6~~7.5 percent of the amount paid for the meal. There shall be no tax if the total amount paid is less than thirteen cents (\$0.13); on larger amounts a fractional cent of tax due shall be rounded to the next higher cent.

~~(2) The city manager shall, no later than October 1, 2016, report to city council the total amount of meals tax revenue received by the city for the period from July 1, 2015 through June 30, 2016, and the average annual amount of meals tax revenue received by the city for the three (3) fiscal years immediately prior to July 1, 2015. If the amount of the fiscal year 2016 meals tax revenue is at least ten (10) percent less than the prior three-year average, on a rate-adjusted basis, the city manager's report shall also include an analysis of the factors that may be responsible for the decline in meals tax revenue. If city council finds that the decline in revenue is attributable to the one (1) percent increase in the meals tax, which became effective July 1, 2015, city council shall take the necessary actions to repeal the one (1) percent increase, effective at midnight, June 30, 2017.~~

(2) This ordinance shall take effect on July 1, 2024.

BE IT FURTHER ORDAINED THAT the City's Clerk of Council shall provide the approved amendment to CivicPlus (Municode) for updating to the City Code.

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



Agenda Date:	March 18, 2024
Action Required:	Approve Resolution
Presenter:	Chris Engel, Director of Economic Development
Staff Contacts:	Rob Hubbard
Title:	Public hearing and resolution for lease renewal for communications equipment at Market Street Parking Garage

Background

The City owns the Market Street Parking Garage located in the 500 block of East Market Street. The garage provides public parking and has a number of retail and office tenants located in the commercial space.

Discussion

The City was recently approached by Celco Partnership, trading as Verizon Wireless ("Verizon"), to renew its current lease of space for antennas and associated radio equipment for a third five-year term. The existing antennas consist of two omnidirectional antennas approximately 20 inches in height and 2.5 inches in diameter. The antennas are concealed within the existing light fixtures on the side of the building. Radio equipment cabinets are located interior to the building; they are not visible from the Downtown Mall or from Market or Water Street. The purpose of this wireless facility within the Verizon Wireless network is to provide additional wireless capacity, sometimes referred to as "densification," on the Mall and at the Pavilion for the high levels of data usage from foot traffic concentrated downtown, especially during events when the data demands for calling/texting and photo and video transmission spike. Adding targeted small cell facilities in areas of high data usage not only satisfy data demand from nearby users but relieve the network traffic on "macro" sites (e.g. cell towers and large building rooftop installations) serving large areas of the City.

The Board of Architectural reviewed and approved a Certificate of Appropriateness for this installation in 2013. City Council approved the original lease in 2014 and a renewal in 2019.

The renewal amendment has been reviewed by the City Attorney's Office. The term is for an additional 5 years and includes a 5% rent increase.

All costs to install, operate and maintain the equipment are the sole responsibility of Verizon Wireless.

Alignment with City Council's Vision and Strategic Plan

Community Engagement

VA Code Sec. 15.2-1800(B) requires that any time the City leases public property to a private party, the City must hold a public hearing prior to entering into the lease.

Budgetary Impact

This facility provides wireless communications services to residents and visitors on the Downtown Mall at no cost to the City. The antennas are located between the light fixtures' glass panes, and the equipment is wall-mounted beside the elevator, so the facility does not use any space that would be leasable to another tenant or that could be used for parking. As the equipment is located in a city-owned parking facility, the rent accrued from the lease helps support the Parking Enterprise Fund.

Recommendation

City Staff recommends approval of the lease renewal as presented.

Alternatives

City Council may adopt the Resolution or decline to do so.

Attachments

1. RESOLUTION APPROVING LEASE OF PROPERTY TO VERIZON
2. SC Charlottesville Mall - 2nd Amendment to Ground Lease
3. Verizon Wireless MSPG Amendment 2019
4. Verizon Wireless MSPG Lease 2014

**RESOLUTION APPROVING LEASE OF PROPERTY
ON THE MARKET STREET PARKING GARAGE
TO CELLCO PARTNERSHIP (T/A VERIZON WIRELESS)**

WHEREAS, Cellco Partnership, trading as Verizon Wireless ("Verizon"), proposes to renew and amend its existing lease of certain property on the Market Street Parking Garage structure, for the purpose of installing telecommunications equipment ("Lease");

WHEREAS, City Staff and Verizon have negotiated proposed terms and conditions for the Lease, as set forth within the draft proposed Lease Agreement submitted for City Council's consideration at a public hearing duly advertised and conducted on March 18, 2024; and

WHEREAS, upon consideration of the recommendations of staff and of the terms and conditions of the proposed Lease Agreement, this Council finds that the proposed Lease Agreement is in the public interest, will promote the public welfare, safety and convenience, will promote economic development and tourism in Downtown Charlottesville, and contains terms that are satisfactory and mutually advantageous;

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the City Manager is hereby authorized to execute a final Lease Agreement consistent with the terms and conditions of the proposed Lease Agreement considered by Council at the March 18, 2024 Council meeting, which final Lease Agreement must be approved by the City Attorney as to form prior to signature.

SECOND AMENDMENT TO LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT (this “**Amendment**”) made this _____, by and between CITY OF CHARLOTTESVILLE, with a mailing address of P.O. Box 911, Charlottesville, VA 22902 (“**Lessor**”), and CELLCO PARTNERSHIP, a general partnership of the State of Delaware, dba Verizon Wireless, with its principal office located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 866-862-4404) (hereinafter designated “**Lessee**”).

EXPLANATORY STATEMENT

A. Pursuant to a Lease Agreement dated December 16, 2013, as amended by a First Amendment to Lease Agreement dated April 1, 2019 (collectively, the “**Lease Agreement**”), Lessee leases from Lessor certain space at 513 East Market Street, Charlottesville, Virginia 22902 (Tax Parcel # 530091000), as more particularly set forth in the Lease Agreement (the “**Property**”).

B. Lessor and Lessee now desire to amend the Lease Agreement to extend the term and modify the rent and annual rental adjustment on the terms and conditions set forth in this Amendment.

NOW, THEREFORE, WITNESSETH, that Lessor and Lessee, in consideration of the foregoing Explanatory Statement and the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

1. **Explanatory Statement; Defined Terms.** The Explanatory Statement of this Amendment forms an integral part hereof. The use of initially capitalized terms in this Amendment shall have the meaning ascribed to them in the Lease Agreement unless the context requires otherwise.

2. **Term.** Effective as of June 1, 2024, the Lease Agreement Term set forth in Section 3 of the Lease Agreement shall be amended and restated to be a five (5) year period commencing on June 1, 2024 (the “**New Commencement Date**”) and expiring at 11:59pm on May 31, 2029 unless terminated or otherwise modified as the Agreement may provide.

3. **Reset of Rent and Rent Escalation.** Effective as of the New Commencement Date, the annual rent shall be reset to be an amount equal to Nine Thousand Four Hundred Fifty and no/100 Dollars (\$9,450.00), which shall continue to be paid in equal monthly installments in advance according to the terms of the Lease Agreement.

4. **Notice Addresses.** Effective as of the date of this Amendment, the Lessee’s notice address in Section 17 of the Lease Agreement is modified to be as follows:

Lessee Site Name: Charlottesville Mall SC
MDG Location ID: 5000118376

Lessee: Cellco Partnership
d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate

With a copy to:

Basking Ridge Mail Hub
Attn: Legal Intake
One Verizon Way
Basking Ridge, NJ 07920

5 **No Other Amendments.** In all other respects, the Lease Agreement shall remain in full force and effect and binding on the each of Lessor and Lessee and each of their respective successors and assigns, except as amended herein.

6. **Representations.** Each party hereto hereby represents to the other that it has the power to execute this Amendment and that the execution and delivery of this Amendment (a) has been authorized by all proper action, (b) has been executed by a duly authorized representative of such party, and (c) constitutes the valid and binding obligation of such party.

[signatures on the following page]

Lessee Site Name: Charlottesville Mall SC
MDG Location ID: 5000118376

IN WITNESS WHEREOF, the duly authorized representatives of the parties hereto have executed this Amendment as of the date first above written.

APPROVED AS TO FORM:

By: _____
Name: _____
Title: _____

Lessor:
CITY OF CHARLOTTESVILLE

By: _____
Name: _____
Title: _____

Date: _____

Lessee:
CELLCO PARTNERSHIP d/b/a Verizon Wireless

By: _____
Name: _____
Title: _____

Date: _____

CITY OF CHARLOTTESVILLE
Liezelle Agustin Dugger
CLERK OF COURT
Charlottesville, VA 22902



60 2019 00001556

Instrument Number: 2019- 00001556

As
Amendment

Recorded On: May 14, 2019

Parties: CCITY OF CHARLOTTESVILLE

To

CELLCO PARTNERSHIP

Recorded By: WILLIAMS MULLEN CLARK DOBBINS

Num Of Pages:

Comment: 530091000

**** Examined and Charged as Follows: ****

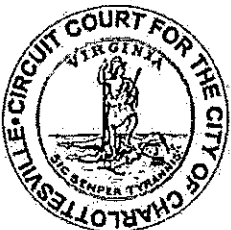
Amendment	6.50	10 or Fewer Pages	14.50
Recording Charge:	21.00		

**** THIS PAGE IS PART OF THE INSTRUMENT ****

I hereby certify that the within and foregoing was recorded in the Register of Deeds Office For: CITY OF CHARLOTTESVILLE, VA
File Information:

Record and Return To:

Document Number:	2019- 00001556	WILLIAMS MULLEN CLARK DOBBINS
Receipt Number:	30975	
Recorded Date/Time:	May 14, 2019 01:17:39P	804-420-6000
Book-Vol/Pg:		CHARLOTTESVILLE VA 22902
Cashier / Station:	G Williams / Cash Workstation 2	



THE COMMONWEALTH OF VIRGINIA - CITY OF CHARLOTTESVILLE

I certify that the document to which this authentication is affixed is a true copy of a record in the Clerk's Office of the Circuit Court for the City of Charlottesville, Virginia and that I am the custodian of that record.

Liezelle Agustin Dugger
Liezelle Agustin Dugger - Clerk of Court

CLERK OF COURT - CIRCUIT COURT - CITY OF CHARLOTTESVILLE, VA

 Official Receipt for Recording in:

Charlottesville Circuit Court Clerk
 CHARLOTTESVILLE Circuit Court
 315 East High Street
 Charlottesville, VA 22902

Issued To:

WILLIAMS MULLEN CLARK DOBBINS

804-420-6000
 CHARLOTTESVILLE VA 22902

Recording Fees

Filing Type	Number	Time	Recording Amount
AM	00001556	01:17:39p	6.50
106 Technology Trust		5.00	
145 Virginia State Library		1.50	
530091000			
DR-CCITY OF CHARLOTTESVILLE			
IN-CELLCO PARTNERSHIP			
100FPGS		01:17:39p	14.50
301 Deeds		14.50	

21.00

Collected Amounts

Payment Type	Amount
2-Check	21.00
567123	21.00

Total Received :	21.00
Less Total Recordings:	21.00
Change Due :	.00

Thank You
 LLEZELLE AGUSTIN DUGGER - CLERK OF COURT

By - Gwen Williams

Receipt# Date Time
 0030975 05/14/2019 01:17p

4916

2019 00001552

Prepared by and return to:
Lori H. Schweller, Esq.
VSB No. 42399
Williams Mullen
321 E. Main St., Suite 400
Charlottesville, VA 22902

Parcel No. 530091000

Recordation tax is governed by Va. Code § 58.1-807.F.
Site Name: Charlottesville Mall

MEMORANDUM OF FIRST AMENDMENT TO LEASE

THIS MEMORANDUM OF FIRST AMENDMENT TO LEASE (the "Memorandum"), dated as of the 15th day of APRIL, 2019, by and between the CITY OF CHARLOTTESVILLE, with mailing address of P.O. Box 911, Charlottesville, VA 22902, hereinafter designated LESSOR; and CELLCO PARTNERSHIP d/b/a Verizon Wireless with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 866-862-4404), hereinafter designated LESSEE. LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party."

Pursuant to Section 55-57.1 of the Code of Virginia (1950), as amended, Lessor and Lessee do hereby state the following:

R-1. LESSOR and LESSEE entered into a Lease Agreement dated December 16, 2013 (the "Agreement"), whereby LESSEE leased from LESSOR certain space at 513 East Market Street, Charlottesville, Virginia 22902 for the installation, operation, and maintenance of a communications facility, as more fully described in the Agreement; and

R-2. LESSOR and LESSEE entered into a Memorandum of Lease Agreement ("Original Memorandum") dated December 30, 2013.

R-3. LESSOR and LESSEE entered into a First Amendment to Lease Agreement dated April 1, 2019 (the "First Amendment") in order to extend the term by an additional five (5) years, as described in the Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, with the above recitals incorporated herein by reference, the parties hereto agree to be legally bound to this Memorandum as follows:

1. Pursuant to the First Amendment, the Term of the Agreement shall be for a period of five (5) years, commencing on June 1, 2019 and expiring at 11:59 p.m. on May 31, 2024 unless terminated or otherwise modified as the Agreement may provide.

2. Except for the amendments stated in the First Amendment and this Memorandum, all provisions of the Original Memorandum remain unchanged, and this Memorandum is not intended to replace, supersede or release LESSEE's rights under the Original Memorandum or under the Agreement.

3. A copy of the Agreement, the Original Memorandum and First Amendment is on file in the offices of LESSOR and LESSEE.

4. The terms, covenants and provisions of the Agreement, Original Memorandum and First Amendment shall extend to and be binding upon the respective administrators, successors and assigns of LESSOR and LESSEE.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK;
COUNTERPART SIGNATURE PAGES FOLLOW]

LESSOR: CITY OF CHARLOTTESVILLE

By: [Signature] (SEAL)

Name: Michael C. Murphy

Title: Interim City Manager

COMMONWEALTH OF VIRGINIA

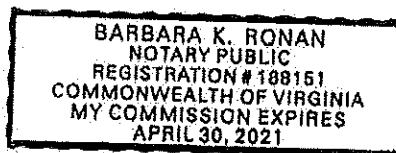
CITY/COUNTY OF Charlottesville to-wit:

The foregoing instrument was acknowledged before me this 16th day of April, 2019, by Michael Murphy, whose title is City Manager, and who executes this instrument on behalf of the CITY OF CHARLOTTESVILLE, being authorized to do so.

[Signature]
Notary Public

My commission expires: 4/30/2021

My registration number: 188151



LESSEE: CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS

By: [Signature] (SEAL)

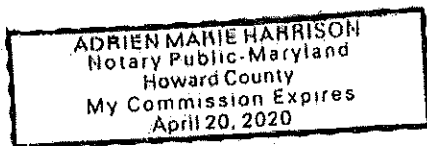
Name: Thomas O'Malley

Title: Director – Network Field Engineering

STATE/COMMONWEALTH OF Maryland
CITY/COUNTY OF Howard, to-wit:

The foregoing instrument was acknowledged before me this 3 day of
May 2019, by Thomas O'Malley as Director – Network Field Engineering of
CELLCO PARTNERSHIP d/b/a Verizon Wireless, on behalf of the partnership.

My commission expires: April 20, 2020 Adrien Marie Harrison Notary Public
My registration number: 643379



FIRST AMENDMENT TO

LEASE AGREEMENT

This First Amendment to Lease Agreement (the "Amendment") made this 1ST day of APRIL, 2019, between the CITY OF CHARLOTTESVILLE, with mailing address of P.O. Box 911, Charlottesville, VA 22902, hereinafter designated LESSOR; and CELLCO PARTNERSHIP d/b/a Verizon Wireless with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 866-862-4404), hereinafter designated LESSEE. LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party."

WITNESSETH

WHEREAS, LESSOR and LESSEE entered into a Lease Agreement on December 16, 2013 (the "Agreement"), whereby LESSEE leased from LESSOR certain space at 513 East Market Street, Charlottesville, Virginia 22902, as more fully described in the Agreement, for installation, operation, and maintenance of a communications facility;

WHEREAS, pursuant to the terms of the Agreement, the Term commenced on June 1, 2014 and will expire, if not renewed, on May 31, 2019; and

WHEREAS, LESSOR and LESSEE desire to amend the Agreement to extend the term.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree to be legally bound to this Amendment as follows:

1. The first paragraph of Section 3 ("Term; Rental") shall be amended and restated to provide that the Term shall be for a period of five (5) years, commencing on June 1, 2019 and expiring at 11:59 p.m. on May 31, 2024 unless terminated or otherwise modified as the Agreement may provide.

2. All remaining provisions of the Agreement shall remain in full force and effect as to all other terms and conditions and shall remain binding on the Parties.

3. The Agreement and this Amendment contain all agreements, promises or understandings between LESSOR and LESSEE, and no verbal or oral agreements, promises or understandings shall be binding upon either the LESSOR or LESSEE in any dispute, controversy or proceeding at law, and any addition, variation or modification to the Agreement and/or this Amendment shall be void and ineffective unless made in writing and signed by the parties. In the event any provision of the Agreement and/or this Amendment is found to be invalid or unenforceable, such a finding shall not affect the validity and enforceability of the remaining provisions of the Agreement and/or this Amendment.

4. LESSOR and LESSEE each hereby warrant to the other that the person executing this Amendment on behalf of the warranting party has the full right, power and authority to enter into, and execute, this Amendment on that party's behalf, and that no consent from any

other person or entity is necessary as a condition precedent to the legal effect of this Amendment.

5. Seal. The Parties acknowledge and agree that this Amendment is signed under seal, and that this Amendment and the Agreement have been and are intended to be a deed of lease signed under seal satisfying the requirements of the Statute of Conveyances in the Virginia Code §55-2 (as the same may be amended from time to time), as affected by Virginia Code §11-2 (as the same may be amended from time to time).

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

APPROVED AS TO FORM:

By: *Lisa Roberts*
Title: Chief Deputy
City Attorney

WITNESS

Barbara Roman

LESSOR:

CITY OF CHARLOTTESVILLE

By: *Michael C. Murphy*

Name: Michael C. Murphy

Its: Tobacco City Manager

Date: 4/16/19

LESSEE:

CELLCO PARTNERSHIP

D/B/A VERIZON WIRELESS

By: *Thomas O'Malley*

Its: Director - Network Field Engineering

Date: 5/9/19

WITNESS

Adrian Harrison

2. Pursuant to the Agreement, LESSOR has leased to LESSEE (i) an approximately 6' x 6' space vertical lease area (the "Wall Space"), within the parking garage building (the "**Building**") located at 513 East Main Street, Charlottesville, Virginia 22902, (the Building and the land on which the Building is situated, together, are hereinafter sometimes collectively referred to as the "**Property**"), for the installation, operation and maintenance of communications equipment; together with (ii) such additional space on the sides and/or roof of the Building sufficient for the installation, operation and maintenance of antennas within existing exterior lighting fixtures (the "**Antenna Space**"); together with (iii) the non-exclusive right to use such additional space within the Building and on the roof of the Building for the installation, operation and maintenance of wires, cables, conduits and pipes (the "**Cabling Space**") running between and among the Wall Space and Antenna Space and to all necessary electrical and telephone utility sources located within the Building or on the Property; together with (iv) the non-exclusive right of ingress and egress from a public right-of-way, seven (7) days a week, twenty four (24) hours a day, over the Property and in and through the Building to and from the Premises (as hereinafter defined) for the purpose of installation, operation and maintenance of LESSEE's communications facility. The Wall Space, Antenna Space and Cabling Space are hereinafter collectively referred to as the "**Premises**" and are as shown on **Exhibit A** attached hereto and made a part hereof. In the event there are not sufficient electric and telephone, cable or fiber utility sources located within the Building or on the Property, LESSOR agrees to grant LESSEE or the local utility provider the right to install such utilities on, over and/or under the Property and through the Building, as necessary for LESSEE to operate its communications facility, provided the location of such utilities shall be as reasonably designated by LESSOR.
3. The terms, covenants and provisions of the Agreement, the terms of which are hereby incorporated by reference into this Memorandum, shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of LESSOR and LESSEE.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
[SIGNATURES ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, hereunto and to a duplicate hereof, LESSOR and LESSEE have caused this Memorandum to be duly executed on the date first written hereinabove.

LESSOR:

CITY OF CHARLOTTESVILLE

By: Maurice Jones
Its: CITY MANAGER
Date: 12-19-13

COMMONWEALTH OF VIRGINIA)
CITY OF CHARLOTTESVILLE)

ACKNOWLEDGEMENT

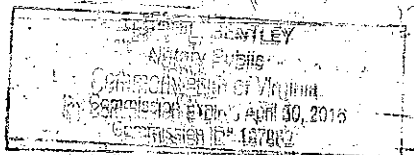
I, Terry Bentley, a Notary Public for said County and State, do hereby certify that Maurice Jones personally came before me this day and acknowledged that s/he is the City Manager of **CITY OF CHARLOTTESVILLE**, and s/he, being authorized to do so, executed the foregoing **MEMORANDUM OF LEASE AGREEMENT** as his/her own act and deed and on its behalf.

WITNESS my hand and official Notarial Seal, this 19th day of December, 2013.

Terry Bentley
Notary Public

My Commission Expires on the 30th day of April, 2016.

SEAL:



Approved as to form
By: T. L. L. L.
Asst. City Attorney
Deputy

LESSEE:

CELLCO PARTNERSHIP
D/B/A VERIZON WIRELESS

BY: [Signature] (SEAL)

David R. Heverling
Area Vice President Network

DATE: 12/30/13

STATE OF MASSACHUSETTS)

COUNTY OF WORCESTER)

ACKNOWLEDGMENT

I, Diane Gazzola, a Notary Public for said County and State, do hereby certify that David R. Heverling personally came before me this day and acknowledged that he is the Area Vice President Network of **CELLCO PARTNERSHIP** d/b/a Verizon Wireless, and that he, as Area Vice President Network being authorized to do so, executed the foregoing **MEMORANDUM OF LEASE AGREEMENT** on behalf of **CELLCO PARTNERSHIP** d/b/a Verizon Wireless.

2013 WITNESS my hand and official Notarial Seal, this 30 day of Dec.,

[Signature]
Notary Public

My Commission Expires:

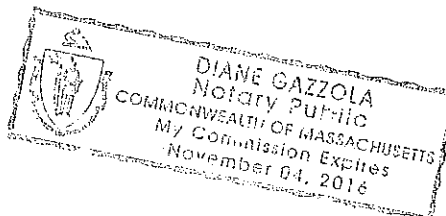
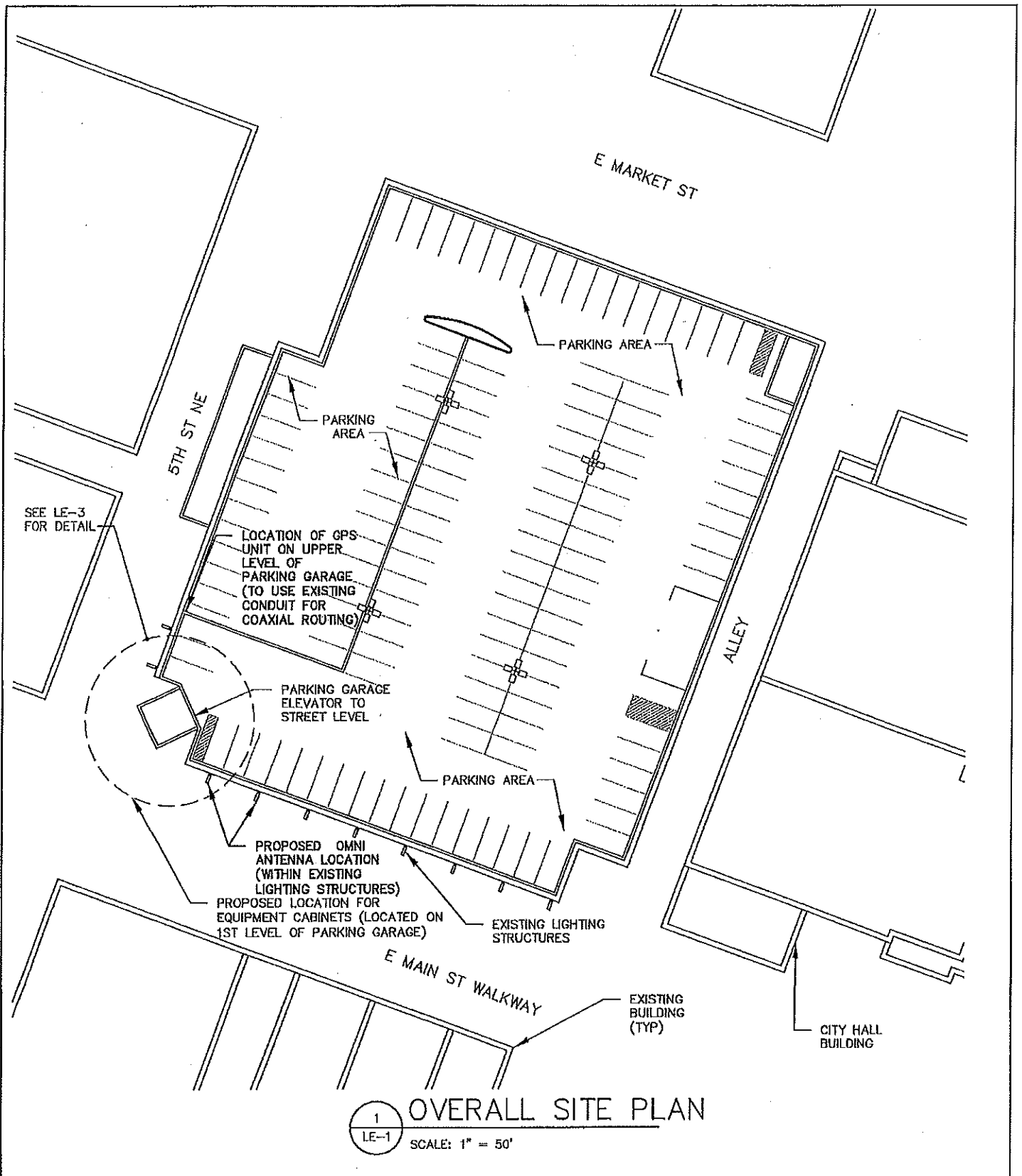


EXHIBIT "A"

**SITE PLAN OF WALL SPACE
ANTENNA SPACE AND CABLING SPACE**

See attached.



TECTONIC

• PLANNING
• ENGINEERING
• SURVEYING
• CONSTRUCTION
MANAGEMENT

TECTONIC Engineering & Surveying Consultants P.C.
8839 Mayland Drive, Suite 102
Richmond, VA 23294

Phone: (804) 217-8504
Fax: (804) 270-0541

www.tectonicoengineering.com

SITE NAME: VZW-CHARLOTTESVILLE-SC

513 EAST MAIN ST
CHARLOTTESVILLE, VA 22902

TEC WO:6642.08

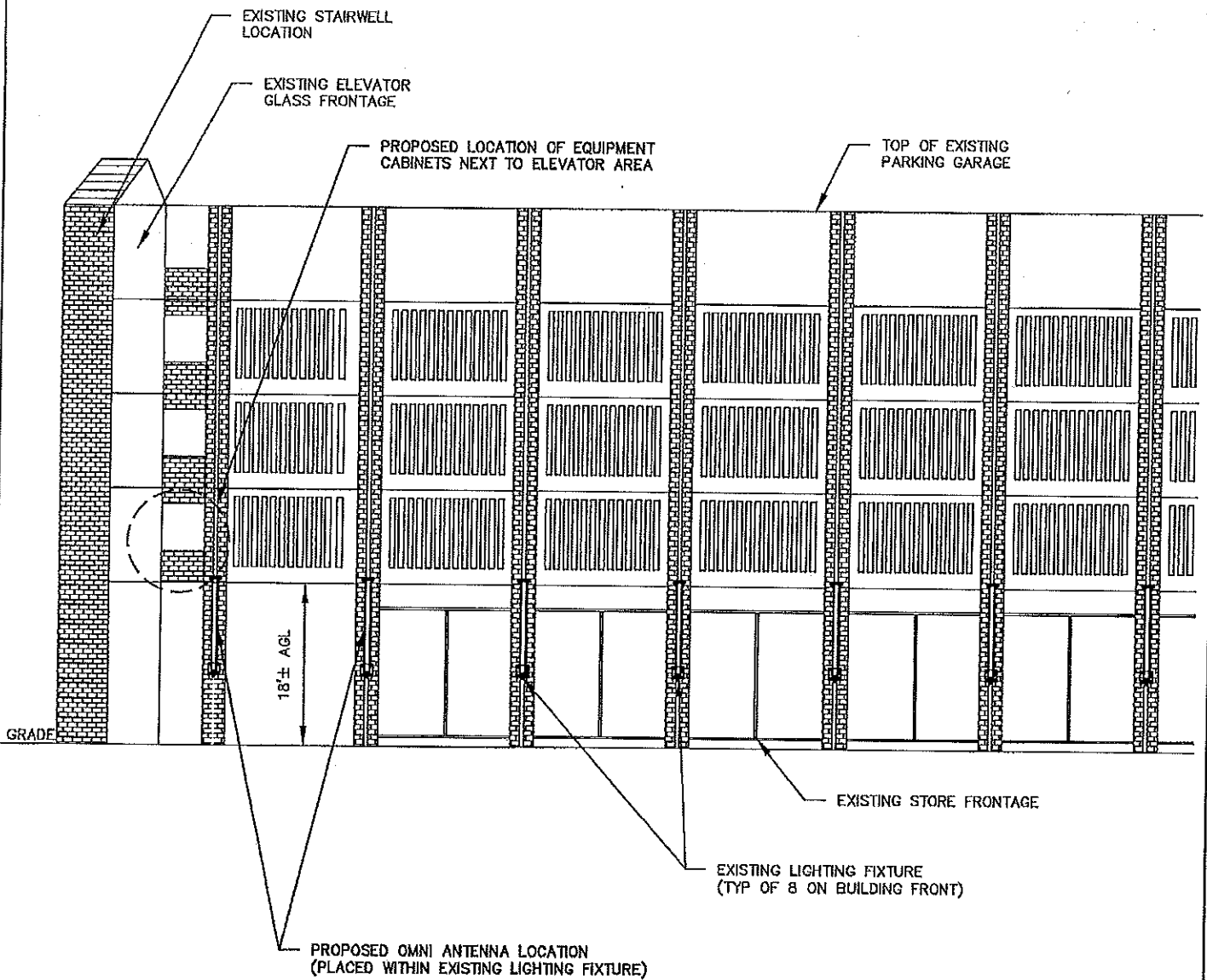
ISSUED BY: CAL

DATE:10/9/13

SCALE: AS NOTED

SHEET: LE-1

REV: 1



1
LE-3 ELEVATION VIEW
SCALE: 1" = 20'

TECTONIC

• PLANNING
• ENGINEERING
• SURVEYING
• CONSTRUCTION
MANAGEMENT

TECTONIC Engineering & Surveying Consultants P.C.
8639 Mayland Drive, Suite 102
Richmond, VA 23294

Phone: (804) 217-8504
Fax: (804) 270-0541

www.tectonicengineering.com

SITE NAME: VZW-CHARLOTTESVILLE-SC

513 EAST MAIN ST
CHARLOTTESVILLE, VA 22902

TEC WO:6642.08

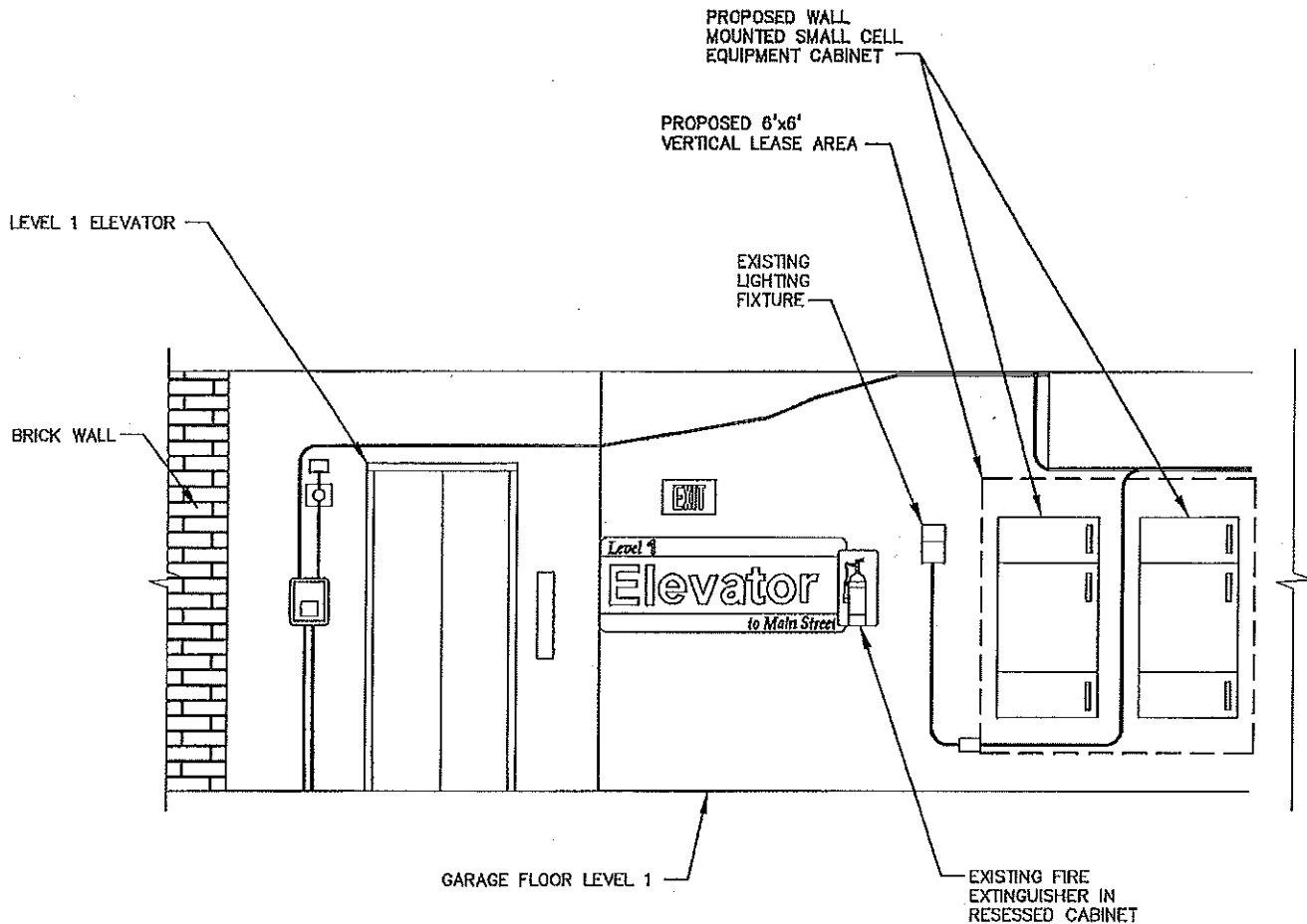
ISSUED BY: CAL

DATE: 10/9/13

SCALE: AS NOTED

SHEET: LE-2

REV: 1



1
LE-2

LEVEL 1 ELEVATION VIEW

SCALE: 1/4" = 1'-0"

TECTONIC

TECTONIC Engineering & Surveying Consultants P.C.
8839 Mayland Drive, Suite 102
Richmond, VA 23294

Phone: (804) 217-8504
Fax: (804) 270-0541

www.tectonicengineering.com

• PLANNING
• ENGINEERING
• SURVEYING
• CONSTRUCTION
MANAGEMENT

SITE NAME: VZW-CHARLOTTESVILLE-SC

513 EAST MAIN ST
CHARLOTTESVILLE, VA 22902

TEC WO:6642.08

ISSUED BY: CAL

DATE: 10/9/13

SCALE: AS NOTED

SHEET: LE-3

REV: 1

LEASE AGREEMENT

This Lease Agreement (the "Agreement") made this ____ day of _____, 201__, between **CITY OF CHARLOTTESVILLE**, with a mailing address of P.O. Box 911, Charlottesville, VA 22902, hereinafter designated LESSOR and **CELLCO PARTNERSHIP** d/b/a Verizon Wireless with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 866-862-4404), hereinafter designated LESSEE. LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party."

WITNESSETH:

In consideration of the mutual covenants contained herein and intending to be legally bound hereby, the Parties hereto agree as follows:

1. **PREMISES.** LESSOR hereby leases to LESSEE: (i) an approximately 6' x 6' space vertical lease area (the "Wall Space"), within the parking garage building (the "**Building**") located at 513 East Main Street, Charlottesville, Virginia 22902, (the Building and the land on which the Building is situated, together, are hereinafter sometimes collectively referred to as the "**Property**"), for the installation, operation and maintenance of communications equipment; together with (ii) such additional space on the sides and/or roof of the Building sufficient for the installation, operation and maintenance of antennas within existing exterior lighting fixtures (the "**Antenna Space**"); together with (iii) the non-exclusive right to use such additional space within the Building and on the roof of the Building for the installation, operation and maintenance of wires, cables, conduits and pipes (the "**Cabling Space**") running between and among the Wall Space and Antenna Space and to all necessary electrical and telephone utility sources located within the Building or on the Property; together with (iv) the non-exclusive right of ingress and egress from a public right-of-way, seven (7) days a week, twenty four (24) hours a day, over the Property and in and through the Building to and from the Premises (as hereinafter defined) for the purpose of installation, operation and maintenance of LESSEE's communications facility. The Wall Space, Antenna Space and Cabling Space are hereinafter collectively referred to as the "**Premises**" and are as shown on **Exhibit A** attached hereto and made a part hereof. In the event there are not sufficient electric and telephone, cable or fiber utility sources located within the Building or on the Property, LESSOR agrees to grant LESSEE or the local utility provider the right to install such utilities on, over and/or under the Property and through the Building, as necessary for LESSEE to operate its communications facility, provided the location of such utilities shall be as reasonably designated by LESSOR.

2. **CONDITION OF PROPERTY.** LESSOR shall deliver the Premises to LESSEE in as-is condition. LESSEE represents and warrants that it has been given access to the Premises prior to the execution of this Agreement, for the purpose of conducting its own investigations and making its own determinations as to whether the Premises are suitable for LESSEE's intended use and occupancy.

3. **TERM; RENTAL.**

This Agreement shall be effective as of the date of execution by both Parties (the "Effective Date"), provided, however, the initial term of occupancy shall be for a period of five (5) years (the "Term") commencing on the first day of the calendar month following the day that LESSEE commences any alteration or improvement of the Premises for or in connection with the installation of

its equipment on the Premises (the "Commencement Date"). LESSEE shall give LESSOR twenty-four (24) hours' advance notice of the date on which any alteration or improvement is to commence. Such notice may be in writing, or by telephone, e-mail or fax.

During the Term of this Agreement LESSEE shall pay **annual rent of \$9,000.00**, payable in equal monthly installments on the first day of the month, in advance, to LESSOR at the notice address set forth in Paragraph 17, or to such other person, firm or place as LESSOR may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date by notice in accordance with Paragraph 17. Notwithstanding the foregoing, LESSOR and LESSEE agree that the initial rental payment shall be made by LESSEE within thirty (30) days of the Commencement Date.

Upon agreement of the Parties, LESSEE may pay rent by electronic funds transfer and in such event, LESSOR agrees to provide to LESSEE bank routing information for such purpose upon request of LESSEE.

LESSEE will provide a completed Internal Revenue Service Form W-9 (most recent version) or equivalent.

4. ELECTRICAL. LESSEE shall, at all times during the Term, have a right of access to electrical service and telephone service within the Premises. If permitted by the local utility company servicing the Premises, LESSEE shall furnish and install an electrical meter at the Premises for the measurement of electrical power used by LESSEE's installation. In the alternative, if permitted by the local utility company servicing the Premises, LESSEE shall furnish and install an electrical sub-meter at the Premises for the measurement of electrical power used by LESSEE's installation, with billing directly to LESSEE.

During any power interruption at the Premises, LESSEE shall be permitted at any time during the Term, to install, maintain and/or provide access to and use of, as necessary, a temporary power source, and all related equipment and appurtenances within the Premises, or elsewhere on the Property in such locations as reasonably approved by LESSOR; however, LESSOR's obligation to provide a location shall be limited to space within the Building that is not otherwise leased to or managed by a person or entity other than LESSOR. LESSEE shall have the right to install conduits connecting the temporary power source and related appurtenances to the Premises. No temporary power source shall (i) generate any noise or sound in excess of that permitted by local ordinance of the City of Charlottesville, Virginia, or (ii) generate any noise or sound that will unreasonably disturb the conduct of business by tenants of any commercial space within the Building.

5. INTENTIONALLY OMITTED.

6. USE; GOVERNMENTAL APPROVALS. LESSEE shall use the Premises for the purpose of constructing, maintaining, repairing and operating a communications facility and uses incidental thereto. LESSEE shall have the right to replace, repair, add or otherwise modify its utilities, equipment, antennas and/or conduits or any portion thereof and the frequencies over which the equipment operates, within the Premises. It is understood and agreed that LESSEE's right and ability to use the Premises is contingent upon its obtaining after the execution date of this Agreement all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or Local authorities as well as a satisfactory building structural analysis which will permit LESSEE use of the Premises as set forth above. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval

issued to LESSEE is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; and (iii) LESSEE determines that such Governmental Approvals may not be obtained in a timely manner, LESSEE shall have the right to terminate this Agreement upon written notice to the LESSOR. All rent paid by the LESSEE prior to said termination date shall be retained by LESSOR. In the event that no Commencement Date occurs within twelve (12) months of the effective date of this Agreement, LESSOR shall have the right to terminate this Agreement upon notice to the LESSEE.

7. INDEMNIFICATION. Each Party shall indemnify and hold the other harmless against any claim of liability or loss from personal injury or property damage resulting from or arising out of the negligence or willful misconduct of the indemnifying Party, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the other Party, or its employees, contractors or agents. Notwithstanding the foregoing, LESSOR's obligations under this paragraph shall not include or extend to any circumstance(s), claims, damages or liabilities from which LESSOR is immune from liability or suit under the laws of the Commonwealth of Virginia. No terms, conditions or provisions within this paragraph or this Agreement are intended, and they shall not be construed, as a waiver of any sovereign, governmental, municipal or other immunity to which the LESSOR may be entitled.

8. INSURANCE. LESSOR and LESSEE each agree that at its own cost and expense, each will maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence ("Required Insurance"). LESSEE shall obtain an endorsement of its commercial general liability policy or policies, to name the LESSOR as an additional insured party thereunder.

9. LIMITATION OF LIABILITY. Except for indemnification pursuant to Paragraphs 7 and 21, neither Party shall be liable to the other, or any of their respective agents, representatives, employees for any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise.

10. ANNUAL TERMINATION. Notwithstanding anything to the contrary contained herein, provided LESSEE is not in default hereunder beyond applicable notice and cure periods, during the Term LESSEE shall have the right to terminate this Agreement upon the annual anniversary of the Commencement Date provided that three (3) months prior notice is given to LESSOR.

11. INTERFERENCE. LESSEE agrees to install equipment of the type and frequency which will not cause harmful interference, which is measurable in accordance with then existing industry standards, to any equipment of LESSOR or other lessees of the Property which existed on the Property prior to the date this Agreement is executed by the Parties. In the event LESSEE's equipment causes any such interference, and after LESSOR has notified LESSEE in writing of such interference, LESSEE will take all commercially reasonable steps necessary to correct and eliminate the interference, including but not limited to, at LESSEE's option, powering down such equipment and later powering up such equipment for intermittent testing. In no event will LESSOR be entitled to terminate this Agreement or relocate the equipment as long as LESSEE is making a good faith effort to remedy the interference issue. LESSOR agrees that, following the Commencement Date, LESSOR and/or any other tenants of the Property who currently have or in the future take possession of the Property will be permitted to install only such

equipment that is of the type and frequency which will not cause harmful interference, which is measurable in accordance with then existing industry standards, to the then existing equipment of LESSEE, provided that (i) LESSEE must inform LESSOR prior to installation or modification thereof, of the nature and type(s) of equipment installed by LESSEE, such that LESSOR and other lessees of the Property may have the opportunity to avoid such interference prior to installation, and (ii) LESSOR's obligation under this paragraph shall not extend to any property management agreement for the Building, or any tenancy of the Building, existing on the effective date of this Agreement, which LESSOR has no ability to modify. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and therefore, either Party shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance.

12. REMOVAL AT END OF TERM. LESSEE shall, upon expiration of the Term, or within ninety (90) days after any earlier termination of the Agreement, remove its equipment, conduits, fixtures and all personal property and restore the Premises to their original condition, reasonable wear and tear and casualty damage excepted. LESSOR agrees and acknowledges that all of the equipment, conduits, fixtures and personal property of LESSEE shall remain the personal property of LESSEE and LESSEE shall have the right to remove the same at any time during the Term, whether or not said items are considered fixtures and attachments to real property under applicable laws. If such time for removal causes LESSEE to remain on the Premises after termination of this Agreement, LESSEE shall continue to pay rent until such time as the removal of the building, antenna structure, fixtures and all personal property are completed.

13. INTENTIONALLY OMITTED.

14. RIGHTS UPON SALE. Should LESSOR, at any time during the Term decide (i) to sell or transfer all or any part of the Property or the Building thereon to a purchaser other than LESSEE, or (ii) to grant to a third party by easement or other legal instrument an interest in and to that portion of the Building and or Property non-exclusively used or occupied by LESSEE, such sale or grant of an easement or interest therein shall be under and subject to this Agreement and any such purchaser or transferee shall recognize LESSEE's rights hereunder under the terms of this Agreement..

15. QUIET ENJOYMENT AND REPRESENTATIONS. LESSOR covenants that LESSEE, on paying the rent and performing the covenants herein, shall peaceably and quietly have, hold and enjoy the Premises. LESSOR represents and warrants to LESSEE as of the execution date of this Agreement, and covenants during the Term that LESSOR is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Agreement. LESSOR further covenants during the Term that there are no liens, judgments or impediments of title, and that there are no covenants, easements or restrictions, which prevent or adversely affect the use or occupancy of the Premises by LESSEE as set forth within this Agreement.

16. ASSIGNMENT. This Agreement may be sold, assigned or transferred by the LESSEE without any approval or consent of the LESSOR to the LESSEE's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of LESSEE's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization. As to other parties, this Agreement may not be sold, assigned or transferred without the consent of the LESSOR, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of LESSEE or transfer upon partnership or corporate dissolution of LESSEE shall constitute an assignment hereunder.

17. NOTICES. Wherever this Agreement directs notice to be given by one party to the other, such notice must be in writing and shall be deemed validly given if sent by certified U.S. mail, return receipt requested, or by delivery using a commercial courier, provided the courier's regular business is delivery service, addressed as follows:

LESSOR: City of Charlottesville
P.O. Box 911
Charlottesville, Virginia 22902
Attention: Director of Economic Development

LESSEE: Cellco Partnership
d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate

Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing. At any time, either Party may change its notice address, by giving notice to the other Party.

18. RECORDING. LESSOR agrees to execute a Memorandum of this Agreement which LESSEE may record with the appropriate recording officer. The date set forth in the Memorandum of Lease is for recording purposes only and bears no reference to commencement of either the Term or rent payments.

19. DEFAULT. In the event there is a breach by a Party with respect to any of the provisions of this Agreement or its obligations under it, the non-breaching Party shall give the breaching Party notice of such breach. After receipt of such notice, the breaching Party shall have thirty (30) days in which to cure any breach. If the breaching Party commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion, then the breaching Party shall have such extended period of time beyond the 30 day period as may reasonably be necessary to complete its cure of the breach. The non-breaching Party may not maintain any action or effect any remedies for default against the breaching Party unless and until the breaching Party has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, LESSOR shall have five (5) days after receipt of notice of a breach, if the breach consists of LESSOR's failure to perform an obligation and such failure unreasonably interferes with LESSEE's ability to conduct its business in the Premises.; If the nature of LESSOR's obligation is such that more than five (5) days after such notice is reasonably required for its performance, then it shall not be a default under this Agreement if performance is commenced by LESSOR within such five (5) day period and thereafter diligently pursued to completion.

20. REMEDIES. In the event of a default by either Party with respect to a material breach of this Agreement, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate the Agreement and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the Premises are located. Further, upon a default, the non-defaulting Party may at its option (but without obligation to do so), perform the defaulting Party's duty or obligation on the defaulting Party's behalf. The costs and expenses of any such performance by the non-defaulting Party shall be due and payable to the non-defaulting Party by the

defaulting Party upon invoice therefor. If LESSEE undertakes any such performance on LESSOR's behalf and LESSOR does not pay LESSEE the full undisputed amount within thirty (30) days of its receipt of an invoice setting forth the amount due, LESSEE may offset the full undisputed amount due against all fees due and owing to LESSOR under this Agreement until the full undisputed amount is fully reimbursed to LESSEE.

21. ENVIRONMENTAL.

a. LESSEE and LESSOR will each be responsible for all obligations of compliance with any and all environmental and industrial hygiene laws, including any regulations, guidelines, standards, or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene conditions or concerns as may now or at any time hereafter be in effect, that are or were in any way related to their individual activity or activities now conducted in, on, or in any way related to the Premises, Building or Property.

b. LESSEE shall not cause or permit any Hazardous Materials to be placed, stored, generated, used, released or disposed of in, on under, or about the Premises, the Building or the Property, unless it has complied with the following: (i) LESSEE shall comply with all environmental laws and regulations, and with prudent business practices, with respect to such Hazardous Materials; and (ii) the presence of Hazardous Materials must be back-up batteries, fuel for a generator, electronics, cable or other items reasonably necessary for the operation of LESSEE's communications equipment within the Premises and (iii) with respect to liquid or gaseous hazardous materials, including oil, petroleum products and/or flammable substances, the substances may only be placed, stored, generated or used as permitted in this Agreement or with the permission of LESSOR. LESSEE shall immediately notify the LESSOR upon the discovery of any Hazardous Materials used or stored in violation of this provision, or of any threat of release of Hazardous Materials, on, in, under or emanating from the Premises, the Building or the Property; of any illness caused by exposure thereto; and of any actual, threatened or potential environmental, health or safety liability, including but not limited to claims, lawsuits, notices of violation, complaints and investigations. This Agreement shall not make LESSEE responsible for any pre-existing environmental condition or contamination or for any environmental condition or contamination to the extent not resulting from the activities of LESSEE.

c. As used herein, the term "Hazardous Materials" means: (i) any oil, petroleum products, flammable substances, explosives, radioactive materials, hazardous wastes or substances, toxic wastes or substances or any other wastes, materials, or pollutants, which pose a hazard to the Building or Property or to the safety and/or health of persons thereabouts, or which cause the Building or Property to be in violation of any federal, state, or local laws governing or regulating hazardous materials; (ii) asbestos in any form, urea formaldehyde foam insulation, transformers or other equipment that contain dielectric fluid containing regulated levels of polychlorinated biphenyls, or radon gas; (iii) any chemical, material or substance defined as or included in the definition of "hazardous substances", "hazardous waste", "hazardous material", "extremely hazardous waste", "restricted hazardous waste", "toxic substance" or similar words and phrases, under any applicable local, state or federal laws, or any regulations adopted or publications promulgated pursuant thereto, including, but not limited to: the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §§9601 et seq., as amended; the Hazardous Materials Transportation Act, 49 U.S.C. §§1801 et seq., as amended; the Federal Water Pollution Control Act (CWA), 33 U.S.C. §§1251 et seq., as amended; The Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§6901 et seq., as amended; the Toxic Substances Control Act (TSCA), 15 U.S.C. §§32601 et seq., as amended; (iv) any other chemical,

material or substance, exposure to which is prohibited, limited or regulated by any governmental authority, and which may or could pose a hazard to the health and safety of occupants of the Building or Property, or to any person entering upon the Premises, the Building or the Property; and (v) any other chemical, material or substance which may or could pose a hazard to the environment or to any person.

22. CASUALTY. In the event of damage by fire or other casualty to the Premises that cannot reasonably be expected to be repaired within forty-five (45) days following same or, if the Property is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt LESSEE's operations at the Premises for more than forty-five (45) days, then LESSEE may, at any time following such fire or other casualty, provided LESSOR has not commenced the restoration required to permit LESSEE to resume its operation at the Premises, terminate this Agreement upon fifteen (15) days prior notice to LESSOR. Any such notice of termination shall cause this Agreement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this Agreement and the Parties shall make an appropriate adjustment, as of such termination date, with respect to payments due to the other under this Agreement. Notwithstanding the foregoing, the rent shall abate during the period of repair following such fire or other casualty in proportion to the degree to which LESSEE's use of the Premises is impaired.

23. APPLICABLE LAWS. During the Term, LESSOR shall maintain the Premises in compliance with all applicable laws, rules, regulations, ordinances, directives, covenants, easements, zoning and land use regulations, and restrictions of record, permits, building codes, and the requirements of any applicable fire insurance underwriter or rating bureau, now in effect or which may hereafter come into effect (collectively, "Laws"). LESSEE shall, in respect to the condition of the Premises and at LESSEE's sole cost and expense, comply with (a) all Laws relating solely to LESSEE's specific and unique nature of use of the Premises; and (b) all building codes requiring modifications to the Premises due to the improvements being made by LESSEE in the Premises. LESSEE shall have no obligation to comply with Laws relating to the Building in general which are unrelated to LESSEE's specific use of the Premises.

24. MISCELLANEOUS. This Agreement contains all agreements, promises and understandings between the LESSOR and the LESSEE regarding this transaction, and no oral agreement, promises or understandings shall be binding upon either the LESSOR or the LESSEE in any dispute, controversy or proceeding. This Agreement may not be amended or varied except in a writing signed by all parties. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns hereto. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights hereunder shall not waive such rights and such party shall have the right to enforce such rights at any time. This Agreement and the performance thereof shall be governed interpreted, construed and regulated by the laws of the Commonwealth of Virginia without reference to its choice of law rules.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

LESSOR:

CITY OF CHARLOTTESVILLE

By: _____

Name: _____

Its: _____

Date: _____

WITNESS

LESSEE:

CELLCO PARTNERSHIP

D/B/A VERIZON WIRELESS

By: _____

David R. Heverling

Its: Area Vice President Network

Date: _____

WITNESS

EXHIBIT "A"

**SITE PLAN OF WALL SPACE
ANTENNA SPACE AND CABLING SPACE**

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	March 18, 2024
Action Required:	Approval of the BEACON Shared-Use Commercial Kitchen Infrastructure Enhancements Project, an economic development initiative of the New Hill Development Corporation, an naming New Hill Development Corporation as the designated awardee for CDBG funds previously approved by Council for public facilities & infrastructure projects as part of the current HUD-approved Annual Action Plan for Program Year 2023-24
Presenter:	Anthony Warn, Grants Analyst
Staff Contacts:	Anthony Warn, Grants Analyst Taylor Harvey-Ryan, Grants Program Manager
Title:	Public hearing and resolution to approve the New Hill Development Corporation's BEACON Commercial Kitchen Infrastructure Enhancements Project as a Minor Amendment to the CDBG Action Plan for Program Year 2023-24, in the Amount of \$89,896.51

Background

The City of Charlottesville is an Entitlement Community as designated by the U.S. Department of Housing & Urban Development (HUD) and, as such, is the recipient of annual allocations of federal funds through HUD's Community Development Block Grants (CDBG) program. The city has used CDBG funds over the years to support many beneficial community development programs, including many focused on supporting economic development within the Charlottesville community.

At a public meeting on September 19, 2022, City Council approved a set of priorities for the city's CDBG program (#R-22-115), among which was that at least \$89,896.51 be dedicated to funding Public Facilities & Infrastructure activities. At a public meeting on June 5, 2023, Council approved the city's Annual Action Plan, and as no public facilities/infrastructure applications had been received in the initial Notice of Funding Availability (NOFA) round, an item was included in the action plan for a suitable program to be named later.

Discussion

Development of the BEACON Shared-Use Commercial Kitchen Initiative

In April of 2021, the New Hill Development Corporation (NHDC) presented to City Council the Starr Hill Vision Plan, which Council endorsed (#R-21-041). Out of this Vision Plan grew a proposal to renovate an large unoccupied but historic property within Kathy's Shopping Center in the Belmont neighborhood into a shared-use commercial kitchen and small business incubator. As has been noted elsewhere, there is currently only one shared-use commercial kitchen currently in operation

between Richmond and Roanoke. Trinity Episcopal Church, located in Charlottesville, currently operates a small commercial kitchen that due to its small size (approximately 500 square feet) often has to turn away requests by local entrepreneurs to use its facility.

Upon completion, the BEACON Shared-Use Commercial Kitchen will offer to local entrepreneurs in the food and beverage a wide range of services including, but not limited to: a number of leasable workspaces within a newly renovated 11,500+ square foot workspace in which they can prepare their food/beverage products for sale, including two specially designed workspaces for products that require strict preparation environments (e.g., vegan, kosher and halal products); space for storage of user-owned equipment; a large commercial freezer and large commercial cooler unit; a space dedicated to allowing users to package their products for resale; and an onsite retail spot in which users can feature the products developed on site.

Additionally, NHDC recognizes the need for small business entrepreneurs to develop strength in the culinary arts as well as the knowledge necessary to launch and grow a small business, and as such has partnered with the Community Investment Collaborative (CIC) to enable participants in the BEACON's 'Food Business Bootcamp' training program to also participate in CIC's long-running "Entrepreneur Workshop" 16-week training course.

Construction is currently underway.

Historic Property

The site currently under development, located at 221 Carlton Road within the city's historic Belmont neighborhood, is the former home to several minority-owned enterprises, notably Lewis Produce, later renamed Kathy's Produce. Originally founded as a produce-oriented enterprise in the mid-1970s, Lewis Produce was long an anchor tenant for what grew into the current Kathy's Shopping Center, home to many successful enterprises, including the very successful Catering Outfit.

Building on the legacy of local entrepreneurs Charles and Kathy Lewis and their long-standing commercial enterprise, the BEACON Shared-Use Commercial Kitchen initiative seeks to maintain sustain this space as "a vibrant community hub where food entrepreneurs can connect, share ideas, celebrate each other's successes, and draw inspiration from one another's culinary talents."

Public Endorsements & Financial Supports

The BEACON Commercial Kitchen initiative received numerous public endorsements and financial supports, including:

- A \$50,000 grant from the Virginia Agriculture and Forestry Industries Development program
- A \$189,000 grant from Virginia Department of Housing and Community Development (DHCD) as part of their Growing Opportunities Fund
- \$500,000 from City Council as part of the America Rescue Plan (ARP) Strategic Investment Account

Anticipated Economic Benefits

As has been noted elsewhere, the anticipated economic benefits of the BEACON Shared-Use Commercial Kitchen initiative are many. For example, the Weldon Cooper Center for Public Service at the University of Virginia (UVA) conducted a recent study that indicates the project will deliver positive economic impacts through, among others: direct construction and renovation activities; increased tax revenues for the city and payments to the city for utilities services; direct payroll benefits for multiple on-site staff needed to implement to proposed services; and increased local economic activity for local entrepreneurs who utilize the services to be provided.

In addition to the benefits that will become available to area small business owners and entrepreneurs, the BEACON Commercial Kitchen is anticipated to create a number of employment opportunities within the food and beverage industry for area residents that are projected to be well above the current Low-Median Household Income for Black city residents.

Finally, the direct infrastructure enhancements to be funded through this proposal will provide the completed BEACON Commercial Kitchen with greater capacity than originally planned for in the form of larger sewer, water and electrical connections to public utilities.

Successful Proof of Concept

In addition to the many public recognitions of the potential of this initiative, NHDC has been operating since 2022 a demonstration Pilot Kitchen at 204 East Market Street on the downtown mall that serves as a successful 'proof of concept' for the larger proposal. In this small space, for example, NHDC has successfully completed two cohorts of trainees and conducted numerous 1:1 consultations with individuals. In addition, from this space the BEACON Kitchen has been providing under contract meals for several local entities, including the MACAA and Barrett Early Learning Center, Meals on Wheels and the Boys & Girls Clubs, thereby providing a strong foundation on which the new enterprise can build.

Unanticipated Construction Delays

As often happens with construction projects of this scale, especially those focused on renovating older properties for new uses and to meet new code requirements, progress on the ongoing renovations of the site has encountered several unanticipated obstacles. Specifically, in developing their construction budget, NHDC based their calculations for site work, or those costs associated with infrastructure work needed to prepare a site for the proposed physical structure, on preliminary guidance from the city based on the site plan in development at that time. Specifically, increases in line size from 5/8" to 1.5".

Upon final approval of the site plan, Public Utilities identified several areas in which connections to city utilities (e.g., sewer, water, electrical) needed to be larger than initially anticipated, thereby incurring significant unanticipated costs for NHDC. These unanticipated infrastructure enhancements have slowed the current site work, thereby pushing back the timeline by which NHDC can enact the interior renovations and installation of the numerous commercial-grade items needed for the final program, many of which have already been ordered.

Applicability as a HUD-approved CDBG Activity

As part of the development of this proposal, staff consulted with HUD to ensure that the proposal met

the requirements for funding as a HUD eligible activity. HUD staff has provided preliminary written confirmation that this proposal does meet HUD requirements to be established as a CDBG-funded eligible activity in that it meets HUD's Low/Moderate Area Benefit (LMA) national objective and can be structured either as a 'Water/Sewer Improvements' activity (03J) and/or as a 'Commercial/Industrial: Building Acquisition, Construction, Rehabilitation' activity (17C), among others.

Alignment with City Council's Vision and Strategic Plan

The proposal now before Council is closely aligned to the 2023 City Council Strategic Plan Framework/Strategic Outcome Areas and vision of the City of Charlottesville as a city in which everyone can thrive. Specifically, the underlying BEACON Commercial Kitchen initiative has been developed with the goal of supporting the **Economic Prosperity** of the region's food and beverage industry by offering important supports to local entrepreneurs and important educational opportunities to those interested in entering this burgeoning career field.

Additionally, the project is planned to offer important Educational benefits through career training opportunities and to build on and strengthen important Partnerships among area entities engaged in the food and beverage industry, as outlined in the Impact analysis for PLANning (IMPLAN) study recently conducted by the Weldon Cooper Center for Public Service at the University of Virginia (UVA).

Community Engagement

The BEACON Commercial Kitchen project benefits from a long record of community engagement dating back to 2017. The current year's CDBG Annual Action Plan similarly benefits from considerable community engagement, including a public Notice of Funding Availability and applications process, review by the volunteer CDBG/HOME Taskforce, and multiple public hearings before the city's Planning Commission and City Council.

Budgetary Impact

The funds to be awarded in support of this proposal are entirely from federal sources and have been allocated to the City by HUD for use during the current program year. In addition, the appropriation of these funds to be used to support Public Facilities & Infrastructure activities was previously approved by City Council on June 5, 2023 as part of the current year Annual Action Plan for the CDBG program. (This Annual Action Plan was subsequently approved by HUD and is currently in effect). As such, no adverse impacts on the City budget are anticipated.

To the contrary, the proposal before Council here today is anticipated to contribute positively to the local economy through the significant construction/renovations activities currently underway and the planned business incubator component, as well as facilitating approximately \$40,000 in payments from NHDC to the city's Department of Public Utilities to enact new connections to municipal sewer and water lines.

Recommendation

Staff recommends Council vote in approval of the BEACON Commercial Kitchen Infrastructure Enhancements Program, an economic development initiative of the New Hill Development Corporation, and to name the New Hill Development Corporation as the designated subrecipient of

previously appropriated CDBG funds, to be enacted as a Minor Amendment to the CDBG Annual Action Plan currently underway for Program Year 2023-24.

Alternatives

As the project proposed here today before Council has been identified by numerous sources as one of strong merit and likely to contribute positively to the local economy, and as the funds to be awarded here have been allocated to the City by HUD for use during the current program year, no alternatives are presented. Council could, of course, choose not to approve the proposed program, at which point staff will have to begin anew the search for eligible public facilities/infrastructure projects to be considered.

Attachments

1. CDBG PY23 BEACON Commercial Kitchen Infrastructure (\$89,896) Approval & Award Resolution
2. Council (2023-05-01) CDBG PY23 Action Plan - Approval (#R-23-084)
3. Economic Impact IMPLAN Report on Anticipated Economic Benefits of the BEACON Commercial Kitchen Initiative, by the UVA Weldon Cooper Center (2024)
4. Governor Northam Announces More Than \$4.4 Million to Revitalize Communities Across Virginia _ DHCD
5. Press Release (2023) Virginia Agriculture and Forestry Industries Development Fund Infrastructure Grants award of \$50,000 (page 3)

RESOLUTION

Resolution to Approve the 2024 BEACON Shared-Use Commercial Kitchen Infrastructure Enhancements Program and to Award Associated Community Development Block Grant Funds to New Hill Development Corporation, in the Amount of \$89,896.51

WHEREAS the City of Charlottesville is and has been an Entitlement Community, as designated by the U.S. Department of Housing and Urban Development (HUD), and as such Council has previously approved the appropriation of \$89,896.51 within the Community Development Block Grant (CDBG) Fund to support Public Facilities & Infrastructure activities within the City of Charlottesville; and

WHEREAS activities that foster economic development within entitlement communities are a core priority for HUD and constitute a major category of eligible activities for CDBG programs; and

WHEREAS the proposed infrastructure enhancements outlined within the current proposal are anticipated to support the economic development of the local community with specific benefits for low- and moderate-income city residents seeking to obtain or enhance employment opportunities within the food and beverage industry;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the proposed BEACON Commercial Kitchen Infrastructure Enhancements Program, as presented here before Council today, is approved and that the Office of Community Solutions (OCS) is hereby authorized to begin working with the staff of the New Hill Development Corporation (NHDC) to implement the approved program; and

BE IT FURTHER RESOLVED that in support of this program appropriations previously approved by Council (#R-23-084) to the following expenditure account(s) in the CDBG Fund be awarded for use by the New Hill Development Corporation in support of the proposal approved today by Council:

Fund	SAP Account Code	New Funded Program	Amount of Award
218	1900520	BEACON Commercial Kitchen Infrastructure Enhancements Program (NHDC)	\$89,896.51

Subtotal, Previously Approved Appropriation to be Awarded = \$89,896.51

As these funds were previously approved and appropriated by City Council on June 5, 2023, no new appropriations are called for in order to enact this program.

Approved by Council
March 18, 2024

Kyna Thomas, MMC
Clerk of Council



CITY COUNCIL AGENDA

June 5, 2023

CERTIFICATIONS

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 participate electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. 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 **APPROVED 5-0 (PINKSTON/PURYEAR)**

Reports

1. Report: Charlottesville Albemarle Convention and Visitors Bureau Update
2. Report: Human Rights Commission 2022 Annual Report
3. Report: ADA (Americans with Disabilities Act) Transition Plan Introduction

5:30 PM CLOSED SESSION pursuant to Sections 2.2-3711 and 2.2-3712 of the Virginia Code (boards and commissions)

Vote to meet in closed session APPROVED 5-0 (PAYNE/PURYEAR)

Vote to certify closed session APPROVED 5-0 (PAYNE/WADE)

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

Consent Agenda* **APPROVED 5-0 (PINKSTON/PAYNE)**

4. Minutes: April 17 regular meeting; May 12 special meeting; May 19-20 Strategic Planning Work Session
5. Resolution: Appropriating Additional Funding Received from the Virginia Department of Social Services for Adoption Assistance - \$450,000 (2nd reading)
#R-23-076
6. Resolution: Appropriating Funds for Virginia Department of State Police (VSP) - Help Eliminate Auto Theft (HEAT) Program - \$4,000 (2nd reading)
#R-23-077
7. Resolution: Appropriating additional funding received from the Virginia Department of Social Services for the VIEW Program - \$46,000 (2nd reading)
#R-23-078
8. Resolution: Appropriating Additional Funding Received from the Virginia Department of Social Services for Various Programs - \$56,634 (2nd reading)
#R-23-079
9. Resolution: Appropriating funding from the COVID Homelessness Emergency Response Program (CHERP) to the City's Department of Human Services for Expenditure - \$14,419.60 (2nd reading)
#R-23-080
10. Resolution: Appropriating a grant of public funds for housing assistance to low- and moderate-income homeowners within the City of Charlottesville - \$1,360,000 (2nd reading)
#R-23-081
11. Ordinance: Amending and re-ordaining Section 30-254 (Exemptions), Section 14-19

#O-23-082

(Class IV: Repair, Personal, Business and Other Services, and All Other Businesses and Occupations Not Specifically Listed, Excepted, Exempted in this Chapter), and Section 34-1200 (Definitions), to update language. (2nd reading)

12. Resolution: Appropriating Insurance Claim Reimbursement for The Avon Fuel Station Replacement Project - \$40,000 (1 of 2 readings)
13. Resolution: Appropriating Virginia Department of Criminal Justice Services (DCJS) American Rescue Plan Act (ARPA) for Law Enforcement Equipment Grant 2023 - \$447,000 (1 of 2 readings)
14. Resolution: Appropriating grant funding from the Virginia Department of Emergency Management (VDEM) Emergency Shelter Upgrade Assistance Fund - \$445,307 (1 of 2 readings)
15. Resolution: #R-23-083 Accepting Oak Lawn Court, Oak Lawn Drive, and Porter Avenue into the City street system (1 reading)
16. Resolution: #R-23-084 Amending Resolution #R-23-063: Appropriation of Community Development Block Grant Funds Anticipated from the U.S. Department of Housing and Urban Development as part of the City's FY 2023-2024 Annual Action Plan, approximately \$410,468 (1 reading)

City Manager Report

- Report: June 2023 City Manager 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

17. Public Hearing/Ord.: Authorizing the conveyance of city-owned sanitary sewerline easement on West Main Street and Water Street for CODE Building project (1 of 2 readings)
18. Public Hearing/Ord.: Amending and reordaining Chapter 31 (Utilities) of the Code of the City of Charlottesville, 1990, as amended, to establish new utility rates and service fees for City gas, water and sanitary sewer (1 of 2 readings)
19. Resolution: #R-23-085 Consenting to City Manager's appointment of City Attorney (1 reading)
APPROVED 5-0 (PINKSTON/WADE)
20. Appeal: #R-23-086 Appeal of BAR (Board of Architectural Review) denial of Certificate of Appropriateness for Demolition of an Individually Protected Property at 104 Stadium Road. BAR # 22-02-03. (discussed and deferred on May 15)
APPROVED Certificate of Appropriateness for Demolition 4-1 (PINKSTON/WADE; Payne opposed)
21. Resolution: Appropriating Charlottesville Supplemental Rental Assistance program (CSRAP) funding (FY23) for use in acquisition of property - \$137,500 (1 of 2 readings)
22. Resolution: Appropriating supplemental Federal Transit Administration and State Capital Funding - \$7,323,087 (1 of 2 readings)
23. Resolution: Appropriating funding received from UVA donation to Emmet Street and Fontaine Avenue Streetscape Projects - \$5,000,000 (1 of 2 readings)
24. Resolution: Appropriating \$5,300,000 to the Charlottesville City School Board for the Acquisition of CATEC (1 of 2 readings)

RESOLUTION

**Amended Appropriation of Community Development Block Grant Funds Anticipated
from the U.S. Department of Housing and Urban Development as part of the City's
FY 2023-2024 Annual Action Plan, in the Amount of Approximately \$410,468**

WHEREAS the City of Charlottesville has been advised by the U.S. Department of Housing and Urban Development of an anticipated Community Development Block Grant (CDBG) allocation for the 2023-2024 fiscal year in the approximated amount of \$410,468; and

WHEREAS City Council has received recommendations for the expenditure of funds from the city's CDBG/HOME Task Force, as reviewed and approved by the City Planning Commission, which conducted a public hearing thereon as provided by law; now, therefore

BE IT RESOLVED by the City Council of Charlottesville, Virginia, that upon receipt of anticipated CDBG funding from the U.S. Department of Housing and Urban Development (HUD), said funds are hereby appropriated to the following individual expenditure accounts in the Community Development Block Grant Fund in accordance with the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations, as set forth below:

Community Services

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900514	Resident-Centered Redevelopment (Charlottesville Public Housing Association of Residents)	\$40,000.00

Economic Development

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900515	Microenterprise Entrepreneur Programs (Community Investment Collaborative)	\$25,000.00
218	1900516	Beginning Level Workforce Development (Literacy Volunteers of Charlottesville/Albemarle)	\$64,477.89

CDBG Housing

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900517	Charlottesville Critical Rehab Program (Albemarle Housing Improvement Program)	\$64,000.00
218	1900518	Coordinated Entry into Homelessness System of Care (The Haven at First & Market St.)	\$45,000.00

Programmatic Funds

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	3914001000	Planning & Admin	\$82,093.60

218	1900520	Council Priority: Public Facilities & Improvements	\$89,896.51
-----	---------	--	-------------

Subtotal CDBG Funding Recommendations **\$410,468.00**

In the event that funding received from the U.S. Department of Housing and Urban Development for FY 2023-2024 differs from the amounts referenced above, all appropriated amounts may be administratively increased/reduced at the same prorated percentage of change to actual funding received. No subrecipient's grant may be increased above their initial funding request without further consideration by Council.

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of not less than \$410,468 in CDBG funds from the Department of Housing and Urban Development for FY 2023-2024, and all subrecipient awards are also conditioned upon receipt of such funds.

BE IT FURTHER RESOLVED that the amounts appropriated above within this resolution will be provided as grants to public agencies or private non-profit, charitable organizations (individually and collectively, "subrecipients") and shall be utilized by the subrecipients solely for the purpose stated within their grant applications. The City Manager is hereby authorized to enter into agreements with each subrecipient as deemed advisable, to ensure that the grants are expended for their intended purposes and in accordance with applicable federal and state laws and regulations. To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and provide for guidance and assistance in the subrecipients' execution of the funded programs.

	<u>Aye</u>	<u>No</u>
Payne	<u> x </u>	<u> </u>
Pinkston	<u> x </u>	<u> </u>
Puryear	<u> x </u>	<u> </u>
Snook	<u> x </u>	<u> </u>
Wade	<u> x </u>	<u> </u>

Approved by Council
June 5, 2023



Kyna Thomas, MMC
Clerk of Council

Economic Impact Analysis of New Hill Development Corporation BEACON's Kitchen

Economic impact analysis used in this report relies on IMPLAN (Impact analysis for PLANning), a commercial input-output model. IMPLAN produces industry-specific economic multipliers that show how new firm spending affects the local economy. The total economic impact consists of three parts: a “direct effect,” “an indirect effect,” and an “induced effect.” The “direct effect” measures firm-related employment and economic activity in the region. Employment and expenditures connected to New Hill Development Corporation BEACON's Kitchen cause a “ripple effect” on the local economy when money is re-spent. For example, regional businesses furnish supplies and services to tenant businesses. These businesses spend a portion of their sales revenues on their supplies and services from other regional firms who, in turn, purchase a portion of their supplies and services from other regional firms. This cascading sequence of spending continues until the subsequent rounds of spending dissipate due to leakages in the form of spending outside the region. The cumulative effect of these initial expenditures on region firms goods and services and cascading rounds of inter-industry purchases is referred to as the “indirect effect.” The final component of total impact (the “induced effect” or “induced impact”) is attributable to the spending of households. For example, the tenant firms pay their employees for their services. The households of these workers then purchase goods and services from regional firms who in turn receive a portion of their labor, material and public service inputs from within the region. Again leakages occur at each round due to purchases outside the region. The “induced effect” is the sum of the impacts associated with these household purchases.

The impact analysis is conducted using IMPLAN Pro of software. The study region consists of the City of Charlottesville and Albemarle County. Economic impacts are evaluated within IMPLAN using four different measures: (a) total industrial output, (b) labor income, (c) employment, and (e) estimated local tax revenues. Total industry output is the total value of industry production during a period. It measures sales of intermediate inputs for use in production as well as sales of products to final consumers. Labor income represents flows to workers and business owners in the form of employee compensation and proprietary income. Employment is measured in terms of person-years of employment. A person-year of employment is a job of one year in duration. Employment includes full-time and part-time employment as well as the self-employed and is measured by place of work.

New Hill Development Corporation provided key input data for economic impact modeling. This information included:

- ***Construction and equipment spending for the renovated and equipped facility.*** The former expenditures (estimated at \$1.5 million) were entered into the IMPLAN model as construction sales for IMPLAN Sector "Maintenance and repair construction of nonresidential structures. The latter (\$600,000) were entered as margins (trade markup factors) for IMPLAN Sector "Wholesale trade." The percentage of direct spending resulting in sales to regional businesses was estimated using IMPLAN regional purchase coefficients, meaning that part of the sales occurs outside the region and do not contribute to economic impacts.
- ***BEACON Kitchen employment and payroll.*** Employment and payroll projections were for the first and fifth year of operations were used to estimate annual economic impacts when the facility opens. During the first year, the facility is estimated to create 19 total jobs.

Four of these jobs will be New Hill Development employees involved in administration and operation of the facility with average wages of \$50,480. These figures were entered as IMPLAN inputs for employment and labor compensation for the IMPLAN "Office administrative services" sector. The other 15 jobs will be connected to tenant businesses established in the food and beverage manufacturing industries offering average wages of \$44,500. This was estimated by aggregating numerous food and beverage industries into a new custom "food and beverage manufacturing" sector using the IMPLAN "Aggregation Builder" feature. Employment and payroll were entered for this in year five, an estimated 13 New Hill Development workers will be employed, and 77 jobs will be connected to tenant businesses established in the food and beverage manufacturing industry. Real average wages and salaries are assumed to be the same as the first year.

TABLE 1. Construction and Equipment Spending Economic Impacts

Impact Type	Employment	Labor Income	Output
Direct Effect	8	\$438,829	\$1,303,732
Indirect Effect	2	\$104,383	\$298,099
Induced Effect	2	\$88,165	\$281,087
Total Effect	12	\$631,377	\$1,882,917

Source: Weldon Cooper Center for Public Service based on IMPLAN

TABLE 2. First Year of Operations Economic Impacts

Impact Type	Employment	Labor Income	Output
Direct Effect	19	\$869,420	\$8,007,697
Indirect Effect	10	\$511,873	\$1,407,056
Induced Effect	5	\$223,074	\$711,430
Total Effect	34	\$1,604,367	\$10,126,183

Source: Weldon Cooper Center for Public Service based on IMPLAN

TABLE 3. Fifth Year of Operations Economic Impacts

Impact Type	Employment	Labor Income	Output
Direct Effect	90	\$4,041,052	\$40,183,867
Indirect Effect	51	\$2,572,814	\$7,069,618
Induced Effect	24	\$1,068,243	\$3,406,825
Total Effect	164	\$7,682,108	\$50,660,309

Source: Weldon Cooper Center for Public Service based on IMPLAN

TABLE 4. Local Tax Revenue Impacts

Construction and Equipment Spending	\$26,634
First Year of Operations	\$447,128
Fifth Year of Operations	\$2,271,093

Source: Weldon Cooper Center for Public Service based on IMPLAN

NOTE: Local government tax revenues were estimated at 43% of total state and local tax revenue impacts. This assumption is based on Virginia local government share of total state and local tax revenues from the U.S. Census Bureau, 2019 Annual Surveys of State and Local Government Finances.

GOVERNOR NORTHAM ANNOUNCES MORE TO REVITALIZE COMMUNITIES ACROSS VIRGINIA

October 20, 2021

GRANTS WILL SUPPORT ENTREPRENEURS AND BOOST LOCAL ECONOMIES

Governor Ralph Northam today announced that local business owners and community organizations will benefit from more than \$4.4 million in grants. These projects will create and support business development, economic recovery, and the redevelopment of industrial and commercial structures. “This is about renovating old buildings, investing in neighborhoods, and launching new businesses,” **said Governor Northam**. “These projects will support local business owners.”

The Virginia Department of Housing and Community Development administers these important programs, as well as some American Rescue Act funds. The Industrial Revitalization Fund leverages local and private resources to redevelop deteriorated structures. This creates more long-term employment and revitalization.

Community Business Launch grants help prepare businesses for success. Entrepreneurs can receive training and help with developing business plans.

The Virginia Statewide Business District Resurgence Grant supports historically economically disadvantaged communities and business districts.

“This funding will expand job growth, nurture entrepreneurial ecosystems, and provide support to communities most affected by the pandemic,”

“Supporting this funding means supporting the Commonwealth’s small businesses and an economic future that works for all Virginians.”

2022 Industrial Revitalization Fund Awardees:

VUMAC Adaptive Reuse: Boutique Hotel | \$600,000

Town of Blackstone

Blackstone Hotel Partners is rehabilitating a former women’s college into a boutique hotel with 109 rooms, a restaurant, microbrewery, gift shop, and more. The project includes infrastructure improvements, including water and sewer lines, stormwater solutions, sidewalks and curbs, electrical service, and a backup generator for the building. The project will create 35 jobs in total.

Hotel Petersburg | \$600,000

City of Petersburg

The city of Petersburg will renovate a 65-room hotel that was originally built in 1915. The owner, Tabb Street Development, will operate the facility as a collection of boutique hotels in the region. The project is expected to create 60 full-time and 40 part-time jobs.

Carver Food Incubator and Community Kitchen | \$470,000

Culpeper County

The former George Washington Carver Regional High School, located on Route 15 in Culpeper, was constructed in 1948 and served as the regional high school. Culpeper County is renovating the property to become a cultural, agricultural, and vocational business incubator with educational and research facilities.

kitchen, which will be used as a food business incubator, providing food truck services, a point source for locally grown products, and a commercial Enterprises Center will manage the kitchen. The project is expected to create 28-38 full-time positions.

2510 Jefferson Avenue | \$250,000

City of Newport News

The city of Newport News will renovate a 1930-building into retail and office space. The Newport News Economic Development Authority acquired the building and created the Critical Community Improvements Plan, which outlines the plan for the 2510 Jefferson Avenue building. The project is expected to

2022 Community Business Launch Awardees:

RDA Dream Launch Entrepreneurship Program | \$90,000

City of Danville

The Downtown Danville Association will organize a nine-week business training series, followed by a business plan pitch competition, focused on the district adjacent to downtown Danville. Downtown Danville Association and its many partner organizations will focus on business types that seek to identify potential entrepreneurs fitting with both the history and future of the area. At completion, the project will train more than 85 entrepreneurs and create jobs.

Uptown Partnership Community Business Launch | \$90,000

City of Martinsville

Uptown Partnership, in partnership with the Advancement Foundation, will host a 12-week business workshop series, followed by a business plan pitch competition. Uptown Partnership recently completed a retail market analysis in 2021 and will use that information to guide its entrepreneurial outreach strategies, with a focus on food and retail catering to the needs of uptown residents. At completion, the project will create or expand three businesses and create at least five jobs.

Town of Bedford Business Launch | \$65,000

Town of Bedford

The town of Bedford, in partnership with the Advancement Foundation, will host a 12-week series of business planning workshops culminating in a business plan pitch competition, seeking to open in Centertown Bedford. Bedford aims to diversify its retail business mix with a focus on small-scale manufacturing businesses being made. At completion, Bedford will create or expand three businesses and create at least five jobs.

Bristol Community Business Launch | \$60,000

City of Bristol

Believe in Bristol will host a six-week business training series followed by a business plan pitch competition, focused on downtown Bristol. Believe in Bristol wants to attract manufacturers and would like to emphasize the addition of these types of retailers to downtown. At completion, Believe in Bristol will create or expand businesses and create at least five jobs.

Wood Avenue Revitalization | \$45,000

Town of Big Stone Gap

The town of Big Stone Gap will host a six-week business training series followed by a business plan pitch competition, focused on Wood Avenue. The town will focus on specialty retail and restaurants to fill a critical mass of vacant properties in order to turn around a highly visible area of the town. At completion, the project will create or expand businesses and create at least five jobs.

Homegrown for Hopewell | \$45,000*City of Hopewell*

Hopewell Downtown Partnership, in partnership with Virginia State University, will host a six-week business workshop series, followed by a business plan competition. The Hopewell Downtown Partnership will focus on businesses that will fill gaps in available services for residents and visitors to Hopewell, such as a small conference center/hotel. At completion, the project will create or expand three businesses and create at least five jobs.

Scottsville Community Business Launch | \$40,000*Town of Scottsville*

The town of Scottsville, in partnership with the Community Investment Collaborative, will host an eight-week business workshop series followed by a business plan competition. The town of Scottsville recently completed an assessment of its retail and housing market, identifying several retail business categories: merchandise, grocery, and specialty retail. At completion, the project will create or expand three businesses and create at least five jobs.

2022 Virginia Statewide Business District Resurgence Grant Awardees**“Made in Bristol:” Small-Scale Manufacturing for State Street | \$150,000***City of Bristol*

Building on its small-scale manufacturing strategic plan, the city of Bristol will initiate a Made in Bristol membership program open to any and all small businesses. The program will provide access to training, technical assistance and capacity-building grants specific to the needs of small producers. SWaM businesses will be particularly impacted, providing stability and growth among existing businesses, providing direct assistance to at least 20 businesses.

North Main Hill Neighborhood Business District Revitalization Program | \$150,000*Downtown Danville Association | City of Danville*

The Downtown Danville Association will partner with the Danville Regional Foundation and the city of Danville Office of Economic Development to launch a business district revitalization program in historically BIPOC neighborhoods adjacent to downtown, such as North Main Hill. The organization aims to develop an action plan limited to business assistance, marketing, façade improvement programs, and place making rooted in economic inclusion. Upon completion, the program will provide business training and start-ups, execute at least one resident-driven project, and lay the groundwork for infrastructure improvements such as street lighting and landscaping.

Black Entrepreneurial Advancement and Community Opportunity Network (BEACON) Incubator Project | \$150,000*New Hill Development Corporation | City of Charlottesville*

New Hill Development Corporation, in partnerships with the city of Charlottesville, Community Investment Collaborative, Operation Hope, and the Charlottesville Community Kitchen, will create an incubator, accelerator, commercial kitchen, and co-working space for Black food and beverage entrepreneurs in and around the Starr Hill community of Charlottesville. The project will include identification and outreach, rent a commercial kitchen, provide culinary business training, conduct a pop-up restaurant event and organize a community event. The project will assist at least 24 businesses, create 10 new businesses, create at least 12 jobs, and build organizational capacity for growing the project.

Chamberbrook Arts and Business District Master Plan Activation | \$150,000*Real Chances Inc. | City of Richmond*

Real Chances Inc., in partnership with the Storefront for Community Design and the FORM Coalition, will conduct master planning and early site design for the Chamberbrook Arts and Business District at the northern gateway into the city of Richmond. Real Chances Inc. will work with design and planning consultants to develop a master plan for the district.

organize pop-up retail and place making projects, offer business start-up training/coaching, and administer business start-up grants. Upon completion, the project will create a new commerce platform, assist five businesses, and improve six commercial buildings in the Chamberbrook district.

Entrepreneurial Support Hub for Businesses on Williamson Road Corridor | \$150,000

Williamson Road Area Business Association | City and County of Roanoke and County of Salem

Williamson Road Area Business Association (WRABA) will develop a new shared workspace/incubator adjacent to WRABA's existing space to support entrepreneurs hoping to open businesses along the Williamson Road corridor. WRABA plans to complete its facility buildout, execute start-up grants, and provide technical assistance for the purpose of the hub.

Waynesboro Renaissance | \$116,000

Waynesboro Economic Development | City of Waynesboro

Building on the city's strategy to support small business recovery downtown and create a path to a Waynesboro renaissance, funding will be used for technical assistance, marketing/promotions, and a downtown housing study. This project will assist businesses in historically economically distressed areas along their historic main street, and prepare the area for new investment.

757 Makerspace - Peninsula Expansion | \$100,000

Economic Development Authority of the City of Hampton | City of Hampton

A spin-off of the successful 757 Makerspace in Norfolk, this project creates access to the same resources North of the James and expands access to Langley AFB, Newport News Shipbuilding, VIMS, Hampton University, William & Mary, and all of their suppliers. This project will be executed in partnership with various programs, including BIPOC students and their families. Through the StartWheel online platform, they will promote entrepreneurial activities and provide resources.

B-Cubed Entrepreneurial Ecosystem Expansion | \$100,000

City of Harrisonburg and County of Rockingham

The city of Harrisonburg, as part of a multi-partner effort called B-Cubed (Black- and Brown-owned Business) Growth Program, will support new business retention program to focus on the needs of underserved entrepreneurs who will benefit from more coaching, larger grants to overcome undercapitalization. The B-Cubed Growth Program will assist 30 businesses and provide 30 grants.

Expansion of Bloom Co-Working Space and Incubator | \$100,000

Partnership Development Foundation | City of Portsmouth

The Partnership Development Foundation will support the expansion of the Bloom coworking and incubator space in Portsmouth, which will provide educational programming to grow into successful businesses. Bloom is currently providing subsidized space and services for small-business entrepreneurs and will target Portsmouth small businesses and veterans, minorities, persons with a disability, and women. This incubation and co-working space will generate the revenue of associated businesses and individuals, and increase job creation.

Filling Street Level Vacancies in Arts and Culture District | \$100,000

Venture Richmond | City of Richmond

Venture Richmond will identify and fill vacant or underutilized retail storefronts along the Broad Street section of Richmond's Arts and Culture District in 2020 and recruit existing small, women, and minority (SWaM) and immigrant-owned businesses to fill vacancies in the district. Building and business development grants from the city of Richmond. New start-ups will be eligible for business training and mentoring through the Metropolitan Business League and grants from the city.

We Care Recovery and Small Business Resiliency | \$100,000*Metropolitan Business League | City of Richmond and County of Henrico*

The Metropolitan Business League (MBL) will expand the capacity of its existing "We Care" recovery and resiliency project in order to provide social justice demonstrations. Through this program, MBL provides direct grants, financial counseling, technical assistance, and corporate training serving Black and Brown business owners in low- to moderate-income areas.

Childcare Business Support in the Historic Triangle | \$100,000*Inner Peace Coalition Inc. | City of Williamsburg and County of James City*

Inner Peace Coalition Inc., in partnership with James City County Department of Social Services, will provide business support services to small businesses in the Historic Triangle area, with an emphasis on businesses providing child care services. Inner Peace Coalition Inc. plans to conduct outreach, train business owners. The organization will train at least 150 entrepreneurs and create at least two new businesses.

Small Scale Developer Education and Activation | \$95,000*Hopewell Downtown Partnership | City of Hopewell*

Hopewell Downtown Partnership (HDP) will train a cohort of small, woman, and minority developers to tackle projects in Hopewell, update Hopewell investment guide. Hopewell Downtown Partnership plans to organize a series of small-scale real estate development trainings, including advanced trainings that are ready to begin right away. Hopewell Downtown Partnership will train 120 small-scale developers, including at least 30 of whom will be small-scale developers.

Lawrenceville Merchants Assistance Program | \$88,000*IDA of Brunswick | County of Brunswick*

The IDA of Brunswick will provide SWaM retail merchants with technical assistance and mentoring, joint marketing opportunities and the development of new merchants and makers, with an emphasis on Lawrenceville. This project will leverage existing entrepreneurial initiatives to provide additional support to merchants.

Southeast Commercial District Business Assistance | \$86,000*Newport News Economic Development Authority | City of Newport News*

The Newport News Economic Development Authority (NNEDA) will support existing small business growth and entrepreneurship in the southeast disadvantaged area of Newport News. In partnership with the Women's Empowerment Development, NNEDA plans to offer hands-on technical assistance as well as distributed commercial locations within the broader Southeast Community.

Strategic Plan for Inclusion of Fifth Street Corridor in Downtown Lynchburg Association Service Area | \$64,000*Downtown Lynchburg Association | City of Lynchburg*

Downtown Lynchburg Association (DLA) will conduct a strategic action plan to expand DLA's service district to include Fifth Street, a historical district. DLA plans to follow up its strategic planning with place making projects such as murals, interpretive signs, and beautification along with enhanced support for business owners.

Southeast Community Commercial District Strategic Action Plan | \$50,000*City of Newport News*

Womens Empowerment Development Inc., (WED), in partnership with the city of Newport News Economic Development Authority (NNEDA), will conduct an assessment of potential gaps and opportunities in the historic Jefferson Avenue and Chestnut Avenue commercial districts. WED will conduct an assessment of potential gaps and opportunities in the framework for community-driven, comprehensive revitalization and vitality, entrepreneurship readiness, and start-up SWaM business support services.

B-Force Accelerator | \$50,000

Black Brand | City of Portsmouth

Black Brand will expand capacity of the existing microenterprise assistance, B-Force Accelerator program. This expansion will provide technical assistance to business owners to increase their ability to access capital, scale up, increase revenue, decrease expenses, and develop a professional network.

Gainsboro Neighborhood Business Assistance Program | \$50,000

City of Roanoke

The city of Roanoke will complete a needs assessment for merchants in the Gainesboro commercial district. The results of the assessment will be used to develop a revitalization plan for the historically underserved neighborhood commercial district adjacent to downtown Roanoke.

Welcome Back to Business | \$50,000

South Hill Chamber of Commerce | Town of South Hill

The South Hill Chamber of Commerce will develop a public space for outdoor dining and events, façade improvement program, business tech campaign to draw customers to the central business district. This program seeks to expand the availability of business support services to historically underserved businesses. The South Hill Chamber of Commerce will serve 30 businesses, improve 10 downtown businesses, and provide assistance to ten historically disadvantaged businesses.

Commercial Real Estate Rehabilitation Incentive Enhancements | \$50,000

Town of South Hill

The town of South Hill seeks to further capitalize existing façade improvement funds for building owners and offer reimbursable grants for business building improvement projects and will include outreach and engagement to ensure the inclusion of traditionally underserved business owners to create a more resilient business district.

Start Smart Education for Early Stage Low and Moderate Income Entrepreneurs | \$10,000

BizWorks | County of Chesterfield

BizWorks Enterprise Center will organize and host a series of small-scale business startup classes and mentoring focused on low- and moderate-income entrepreneurs in Chesterfield County. BizWorks Enterprise Center plans to conduct extensive outreach to nearby residents. Biz Works will offer business training and mentoring. The Center will train 30 students, retain and strengthen 10 businesses, create at least five jobs, and generate \$50,000 in loans.

Governor's Agriculture and Forestry Industries Development Fund Infrastructure Grants

The Governor's Agriculture and Forestry Industries Development Fund (AFID) program was expanded in 2021 to include the AFID Infrastructure Grant Program. AFID Infrastructure grants are for capital projects at new and existing food hubs, farmers' markets, commercial kitchens and other value-added facilities such as those used for processing and packaging meats, dairy products, produce, or other Virginia-grown products. The AFID Infrastructure Grant Program has two grant rounds annually. Application materials are available by contacting the Office of Agriculture and Forestry Development at the Virginia Department of Agriculture and Consumer Services. Twenty-nine grants totaling \$742,772 have been awarded to twenty-four unique localities through three grant rounds.

Below is a list of the projects that have been awarded AFID funds for Infrastructure Grants. Clicking on the links below will take you to summaries of the projects, or you can browse all of the projects on the pages following.

- [Aquaculture](#)
 - [Mobile Oyster Processing Vessel \(Northampton County\)](#)
- [Commercial Kitchens](#)
 - [Bramble Hollow Farm Commercial Kitchen Expansion \(Bedford County\)](#)
 - [EcoFriendly Foods: Commercial Kitchen Project \(Bedford County\)](#)
 - [Equipment for BEACON Shared-Use Commercial Kitchen for New Hill Development Corporation \(City of Charlottesville\)](#)
 - [George Washington Carver Food Enterprise Center \(Culpeper County\)](#)
- [Community Canneries](#)
 - [Boiler Replacements for Franklin County Community Canneries \(Franklin County\)](#)
 - [Prince Edward County Cannery Boiler Project \(Prince Edward County\)](#)
 - [Prince Edward County Cannery – Equipment Replacement \(Prince Edward County\)](#)
- [Craft Beverage](#)
 - [Northern Neck Brewery Project \(Westmoreland County\)](#)
- [Equipment/Infrastructure Upgrades](#)
 - [Expansion of processing capabilities and infrastructure for three goat dairies in King William and King & Queen Counties \(King William and King & Queen Counties\)](#)
 - [Cool Connections - New Market Produce Aggregator \(Shenandoah County and Town of New Market\)](#)
 - [Sheep Wool Baler Project \(Grayson County\)](#)
 - [RVA Street Foodies \(City of Richmond\)](#)
 - [Oil Tank Installation \(Shenandoah County\)](#)
- [Farmers' Markets](#)
 - [Dorey Park Farmers' Market Improvements \(Henrico County\)](#)
 - [Uptown Martinsville Farmers' Market Vendor and Consumer Enhancements \(City of Martinsville\)](#)
 - [Farmers' Market Improvements and Cold Storage for Produce \(Fauquier County\)](#)
 - [Scott County Farmers' Market \(Scott County\)](#)
 - [Galax Farmers' Market Expansion \(City of Galax\)](#)
- [Food Hubs](#)
 - [LEAP Hub: a food and community center \(City of Roanoke\)](#)
- [Fruit and Vegetable Processing](#)
 - [Project Cool \(Carroll County\)](#)

- [Cider Sure 5500 UV Machine \(Nelson County\)](#)
- [Grain Milling](#)
 - [Green Sprig Ag Food Grade Grain Milling Facility \(Franklin County\)](#)
 - [Woodson's Mill \(Nelson County\)](#)
- [Meat Processing](#)
 - [Adding Much-Needed Meat Processing Capacity \(Floyd County\)](#)
 - [Equipment Needs for T&E Meats \(City of Harrisonburg\)](#)
 - [Piedmont Processing Cooler/Freezer Expansion \(Orange County\)](#)
 - [Processing Expansion at Kelly Turkeys \(Albemarle County\)](#)
 - [KC Farms Meats Processing Smoker and Freezer Expansion \(Franklin County\)](#)

Aquaculture

Mobile Oyster Processing Vessel

Applicant: Northampton County
Announced: June 2022
Award: \$25,000
Website: <https://www.rubysalts.com/>

Northampton County is requesting funding to support the Ruby Salts Oyster Cooperative, a collective of five oyster farms. Funding will be used to purchase a pontoon barge to act as a mobile processing facility that will efficiently perform all farming and husbandry activities, from seed to harvest. Customizable attachments will streamline oyster production and the use of on-site solar power will reduce the Cooperative's environmental impact.

Commercial Kitchens

Bramble Hollow Farm Commercial Kitchen Expansion

Applicant: Bedford County
Announced: June 2022
Award: \$9,000
Website: <http://www.bramblehollowfarm.com/>

Bedford County is partnering with Bramble Hollow Farm, a member of Edible Goose Creek, a small, sustainable food-focused farming collective, to expand the commercial kitchen facility located on the farm. Few commercial kitchen facilities exist in the area, so this facility is serving a local community need for producing value-added products. The funding request is for the purchase of a commercial tilt kettle for producing Bramble Hollow Farm's popular chicken stock and other members' products.

EcoFriendly Foods: Commercial Kitchen Project

Applicant: Bedford County
Announced: December 2022
Award: \$21,500
Website: <https://www.ecofriendly.com/>

Bedford County seeks funding to support a new commercial kitchen by established meat processor EcoFriendly Foods. The company has had success selling value-added products, such as hand pies, soups, and stews, which are prepared in rented kitchen space. The company anticipates sales to double with consistent access to a kitchen facility. Grant funds will purchase commercial kitchen equipment, including a tilt skillet and additional refrigerated storage space.

Equipment for BEACON Shared-Use Commercial Kitchen for New Hill Development Corporation

Applicant: City of Charlottesville
Announced: December 2022
Award: \$50,000
Website: <https://www.newhilldev.org/>

The Charlottesville Economic Development Authority requests funding to support New Hill Development Corporation, an African American led non-profit community development corporation, in the construction of a shared-use commercial kitchen. The Black Entrepreneurial Advancement and Community Opportunity Network (BEACON) kitchen will include packaging and production equipment to house up to 16 local food businesses. The BEACON kitchen will offer lower rental fees, helping producers overcome a barrier to entry for food startups.

George Washington Carver Food Enterprise Center

Applicant: Culpeper County
Announced: December 2022
Award: \$50,000
Website: <https://www.gwcarc.org/>

Culpeper County seeks funding to purchase and install a walk-in freezer and cooler as part of a larger commercial kitchen project in the George Washington Carver Food Enterprise Center, a non-profit focused on food security and training in the Piedmont. This facility will serve as a food business incubator and will offer courses on value-added food production, food safety, and business management. The center will primarily serve the broader Rappahannock-Rapidan region, as well as users from beyond.

Community Canneries

Boiler Replacements for Franklin County Community Canneries

Applicant: Franklin County
Announced: December 2021
Award: \$25,000
Website: <https://franklincountyfreshfoods.org/category/canning>

Funding for this project will support infrastructure improvements for the Callaway Cannery and Glade Hill Community Canneries. The canneries allow for community members and local producers to support each other and preserve their harvests. Funds will go toward replacing the boilers at the facilities, which have been in operation for 80 years.

Prince Edward County Cannery Boiler Project

Applicant: Prince Edward County
Announced: December 2021
Award: \$25,000
Website: <https://www.co.prince-edward.va.us/departments/cannery>

Prince Edward County seeks funds to replace the nearly 50 year old boiler system at the Prince Edward County Cannery, which has been unable to keep pace with growing demand. As an FDA-registered Food Canning Establishment and VDACS-inspected commercial kitchen, the facility serves both public and commercial clients through an innovative partnership with the non-profit Virginia Food Works.

Prince Edward County Cannery – Equipment Replacement

Applicant: Prince Edward County
Announced: December 2022
Award: \$50,000
Website: <https://www.co.prince-edward.va.us/departments/cannery>

Prince Edward County seeks funding for equipment upgrades at its community cannery, a shared-use facility that is operated commercially by the food business incubator non-profit Virginia Food Works. Since 2020, the non-profit reports that nearly 100 clients have clocked nearly 1,700 hours of facility usage preparing foods for commercial sale. The public also relies on the cannery's services to prepare and process seasonal vegetables and meats to supply foods for their families and businesses. This project builds on the AFID-funded installation of a new boiler at the facility. New funding will be used to replace many vital components of the cannery's infrastructure, to include steam pipes, traps, valves, gauges, a half-ton chain hoist, pressure/temperature recorders, steam pot stems, and other equipment.

Craft Beverage

Northern Neck Brewery Project

Applicant: Westmoreland County

Announced: June 2022

Award: \$25,000

Westmoreland County is pursuing the tourism- and local food-focused community development strategy of recruiting a new brewery and pub to downtown Montross. A vacant, former retail facility will be renovated into the new home of Northern Neck Brewing Company with the goal of creating a family-friendly destination for tourists and residents alike. Funding will be used to purchase brewery equipment and will leverage nearly \$250,000 in additional investment to create a new brewery and pub focused on locally sourced produce, meat, and seafood.

Equipment/Infrastructure Upgrades

Expansion of processing capabilities and infrastructure for three goat dairies in King William and King & Queen Counties

Applicant: King William County

Announced: December 2021

Award: \$16,675

Website: <https://www.beeskneesfarmkw.com/>
<https://riverwatchgoats.com/>
<https://www.facebook.com/pages/category/Dairy-Farm/Cardinal-Lane-Farm-125403708092567/>

King William and King & Queen Counties partnered to apply for funding for new equipment that will serve three goat dairies (Bees Knees Farm, Riverwatch Farm, and Cardinal Lane Farm). The farms practice sustainable agriculture, source local hay, and sell their products to local retailers and wineries. Funding will be utilized to purchase a commercial milking system, cheese processing equipment, and milk house expansion.

Cool Connections - New Market Produce Aggregator

Applicant: Shenandoah County

Announced: December 2021

Award: \$25,000

Website: <https://jonhenrygeneralstore.com/>

Shenandoah County requests funding to enable local produce aggregator Jon Henry General Store to flash-freeze high volumes of Virginia-grown fruits and vegetables from producers in the Shenandoah Valley region and then package the frozen produce into retail ready bags for wholesale distribution to local retailers. Funds will be used to offset the cost of the purchase and installation of a new flash freezing unit and walk-in freezer.

Sheep Wool Baler Project

Applicant: Grayson County

Announced: June 2022

Award: \$25,000

Website: <https://www.nrvsheepandgoatclub.com/>

Grayson County is partnering with the New River Valley Sheep & Goat Club to purchase a baler in support of regional sheep's wool production. The discrepancy in the value of baled wool versus non-

baled wool is extreme, and the purchase of the baler will allow producers to sell directly to the end buyer and see as much as a 400% increase in profit. This project is also receiving grant funding from the Tobacco Region Revitalization Commission.

RVA Street Foodies

Applicant: City of Richmond
Announced: June 2022
Award: \$20,000
Website: <https://www.facebook.com/RVAStreetFoodies/>

The City of Richmond requests funding to support RVA Street Foodies, an Urban Social Enterprise Mobile Market that provides SNAP eligible foods using a food cart model. This Mobile Market model creates employment and entrepreneurship opportunities, and strengthens the local food system by increasing access to healthy food options. Funding will be used to purchase additional food carts that will be used to reach targeted underserved communities to offer fresh fruits and vegetables sourced from Virginia farmers.

Oil Tank Installation

Applicant: Shenandoah County
Announced: June 2022
Award: \$25,000
Website: <https://www.rt11.com/>

Shenandoah County is requested funding to support Route 11 Potato Chips' urgent need for oil storage, as global supply chain disruptions have threatened the reliability of sunflower oil delivery. Route 11 has been in operation for over 25 years and purchases more than one million pounds of Virginia-grown potatoes each year. Funding will be used to purchase and install four oil tanks, enabling Route 11 to purchase in bulk and guarantee a continuous, lower cost supply of oil.

Farmers' Markets

Dorey Park Farmers' Market Improvements

Applicant: Henrico County
Announced: December 2021
Award: \$16,000
Website: <https://www.doreyparkfarmersmarket.org/>

The County of Henrico seeks funding to support the Dorey Park Farmers' Market (DPFM). DPFM recently completed their fourth year in operation, hosting 25-30 vendors, 17 of whom are producers or create value-added agriculture products from Virginia-grown products. DPFM offers SNAP benefits and a SNAP Match program for purchases of fresh food. Funding will be used to add electricity for vendors, landscaping to outline the market space, signage, and a structure to house market management and SNAP benefits.

Uptown Martinsville Farmers' Market Vendor and Consumer Enhancements

Applicant: City of Martinsville
Announced: December 2021
Award: \$4,088
Website: <https://www.martinsville-va.gov/resources/shopping/uptown-farmer-s-market>

This project will assist the City of Martinsville in improving the Uptown Martinsville Farmers' Market. Funds will be used to purchase shades to protect produce and vendors from the sun, new commercial grade scales to speed transactions, and a storage shed. In addition to securing valuable items when the

market is closed, it will serve as an office for the market manager and provide an easily identifiable location for customers to go to take advantage of SNAP benefits.

Farmers' Market Improvements and Cold Storage for Produce

Applicant: Fauquier County
Announced: June 2022
Award: \$7,500
Website: <https://www.fauquiercounty.gov/government/departments-a-g/agricultural-development/farmers-markets>

The County of Fauquier recently completed a Farmers Market Feasibility Study in 2021 and is requesting funding to support recommendations from the study to increase both consumer and producer participation. Funding will be used to purchase signage and infrastructure upgrades, including tables, tents, and a sound system, and the purchase of two cold storage units.

Scott County Farmers' Market

Applicant: Scott County
Announced: June 2022
Award: \$25,000

Scott County seeks funding to construct a farmers market within the town of Nickelsville. Currently, Nickelsville residents must travel a minimum of 20 miles to access the nearest grocery store or farmers market, a burden both for consumers and farmers. Funds will be used to design and construct the facility in Nickelsville.

Galax Farmers' Market Expansion

Applicant: City of Galax
Announced: December 2022
Award: \$50,000
Website: <https://www.facebook.com/galaxfarmersmarket/>

The city of Galax seeks funding to improve the Galax Farmers' Market. When the Galax Farmers' Market was constructed in 2000, brick pavers were built around two oak trees that have since died. As a result, the remaining space is unsightly and inaccessible to people with disabilities. This funding will be used to rebuild the patio, which will improve the appearance and overall customer experience. In addition, the new patio will increase the space available for vendors and market opportunities for local producers. Appalachian Independence, a group that advocates for people with disabilities, has provided strong support for this project.

Food Hubs

LEAP Hub: a food and community center

Applicant: City of Roanoke
Announced: December 2022
Award: \$50,000
Website: <https://www.leapforlocalfood.org/food-hub>

The city of Roanoke requests funding to support the Local Environmental Agriculture Project (LEAP), a non-profit focused on creating economically viable outlets for local farmers and food producers, such as farmers markets and commercial kitchens. LEAP aggregates and distributes food to an estimated 10,000 people each year. In addition, LEAP's commercial kitchen supports over 40 food businesses with equipment, resources, and training. Their farmers markets host 50 local vendors, the majority of which are meat, produce, and dairy producers. In 2021, LEAP received support from the city of Roanoke to

create a commercial kitchen and food hub in the underserved West End neighborhood. Funds will be used for the purchase and installation of a large walk-in cooler at the new food hub.

Fruit and Vegetable Processing

Project Cool

Applicant: Carroll County
Announced: December 2022
Award: \$50,000
Website:

Carroll County seeks funding to support the Virginia Produce Company with the purchase and installation of high-efficiency vacuum cooling equipment for produce. Vacuum cooling safely chills produce and removes problematic surface moisture in a fraction of the time as conventional methods, while also using 75% less energy. This rapid and efficient cooling method reduces product lost through moisture damage and increases shelf life, which expands the potential customer market. The Virginia Produce Company sources from more than 40 farms in the region to supply fresh produce to major food retailers.

Cider Sure 5500 UV Machine

Applicant: Nelson County
Announced: December 2022
Award: \$50,000
Website:

Nelson County requests funding to purchase new UltraUV processing equipment for two apple orchards, Silver Creek and Seamans' Orchards. Due to the increased demand for fresh sweet cider, the orchards seek to upgrade to a larger UV processing machine to triple production. The equipment will be located at a packing shed owned by the orchards and will be able to process the majority of juice apples grown in Nelson County. The UV treatment allows orchards to produce an FDA-approved product with an extended shelf life, which will allow locally produced cider to be distributed throughout the region.

Grain Milling

Green Sprig Ag Food Grade Grain Milling Facility

Applicant: Franklin County
Announced: June 2022
Award: \$10,000
Website: <https://www.commongrainalliance.org/>

Franklin County is requesting funding to support Green Sprig Ag (GSA), a grain milling operation run by a 5th generation farmer and a member of the Common Grain Alliance, a mid-Atlantic network of grain farmers. GSA produces both animal and food grade grains and needs to make facility upgrades to more efficiently produce food grade grains. Funds will be used to renovate an existing building to meet food grade standards for the purpose of cleaning, storing, and processing grain, both for grain grown on the farm and for other local growers.

Woodson's Mill

Applicant: Nelson County

Announced: June 2022

Award: \$22,500

Website: <https://www.deeprootsmilling.com/>

Nelson County has requested funding to help Deep Roots Milling (DRM), a founding member of the Common Grain Alliance and a leader in regional grain processing, grow both retail and wholesale sales. DRM operates at Woodson's Mill, c. 1794, the only water-powered mill still in operation in Virginia. Funding will be used to upgrade the mill's third floor to create a sifting room and to purchase new bagging equipment.

Meat Processing

Adding Much-Needed Meat Processing Capacity

Applicant: Floyd County

Announced: December 2021

Award: \$23,124

Website: <https://www.thefirehousefarms.com/>

The Economic Development Authority of Floyd County is partnering with Firehouse Farms to establish a new meat processing facility for local livestock farmers. The facility will open as a custom-exempt facility later this winter and will become a USDA-inspected facility in two to three years. Funding will be used to purchase needed equipment for the facility, including meat saws, a meat grinder, and a vacuum sealer.

Equipment Needs for T&E Meats

Applicant: City of Harrisonburg

Announced: December 2021

Award: \$25,000

Website: <https://temeats.com/>

The City of Harrisonburg seeks funding to make necessary infrastructure improvements to T&E Meats, a small, USDA-inspected red meat slaughterhouse and meat packing facility that has been in operation since 1940 and serves roughly 300 producers each year. Funding for this project will be used to replace the packing room's outdated cooling system and purchase a new patty making machine.

Piedmont Processing Cooler/Freezer Expansion

Applicant: Orange County

Announced: June 2022

Award: \$25,000

Website: <https://www.facebook.com/PiedmontProcessing>

Orange County seeks funding to increase Piedmont Processing's meat processing capacity, helping both Piedmont Processing and the 75 to 100 local producers that rely on the facility to produce their meat locally. Piedmont Processing's growth is currently limited by insufficient cooler space for aging beef. Funding will be used to purchase a walk-in freezer that will increase Piedmont Processing's cooler space by 40%.

Processing Expansion at Kelly Turkeys

Applicant: Albemarle County

Announced: December 2022

Award: \$24,000

Website: <https://www.facebook.com/KellyBronzeTurkeysUSA/>

Albemarle County requests funding to purchase grinding, vacuum packaging, and freezing equipment for Kelly Turkeys to expand its existing product line of whole birds and bone-in breasts by adding ground turkey to its offerings. In operation since 2015, Kelly Turkeys grows and processes KellyBronze birds, an internationally known breed of heritage turkeys raised using sustainable farming methods.

KC Farms Meats Processing Smoker and Freezer Expansion

Applicant: Franklin County

Announced: December 2022

Award: \$33,333

Website: <https://www.kcfarmsva.com/>

Franklin County seeks funding to support an expansion by KC Farms Meats, a family-owned custom meat processing business. KC Farms Meats offers custom meat processing services to 39 livestock producers in the region who sell directly to their customers. Funds will be used to purchase a new smoker and walk-in freezer, which will allow the business to expand its product offerings to include specialty sausages, hotdogs, bacon, and ham.

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



Agenda Date:	March 18, 2024
Action Required:	Adoption of Franchise Agreement (first reading)
Presenter:	Jacob Stroman, City Attorney
Staff Contacts:	Steven Hicks, Public Works Director Ryan Franklin, Assistant City Attorney Jonathan Dean, Public Service Manager
Title:	Ordinance adopting the WANRock Telecommunications Franchise Agreement

Background

This is a very important project designed to increase internet accessibility and speed to all users of this network at the Charlottesville Public Schools. This also helps 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 WANRack.

Discussion

Approval is needed for the creation 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 WANRack.

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 WANRack's use of the Public-Rights-of-Way.

Recommendation

Staff recommends approval of this agreement.

Alternatives

N/A

Attachments

1. WANRack Franchise Agreement

Approved by City Council on _____

WANRACK, LLC
TELECOMMUNICATIONS FRANCHISE

TABLE OF CONTENTS

ARTICLE I1

SECTION 101 PURPOSE AND SCOPE1

SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY1

SECTION 103 DEFINITIONS2

ARTICLE II2

SECTION 201 INITIAL INSTALLATION2

SECTION 202 SUBSEQUENT INSTALLATION2

SECTION 203 INSPECTION BY THE CITY3

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION3

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS3

ARTICLE III4

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY4

SECTION 302 SUBMISSION OF PROW PLAN5

SECTION 303 GOOD CAUSE EXCEPTION5

SECTION 304 DECISION ON PROW PLAN BY THE DIRECTOR5

SECTION 305 MAPPING DATA5

ARTICLE IV6

SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS6

ARTICLE V6

SECTION 501 RELOCATION OF COMPANY FACILITIES WITHIN THE PUBLIC RIGHTS-OF WAY6

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION6

ARTICLE VI8

SECTION 601 INDEMNIFICATION AND LIABILITY9

SECTION 602 WAIVER BY THE CITY9

SECTION 603 INSURANCE10

SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS10

ARTICLE VII11

SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND11

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND11

SECTION 703 PURPOSE OF PERFORMANCE BOND11

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE12

ARTICLE VIII12

SECTION 801 COMPENSATION/PROW USE FEE12

SECTION 802 FRANCHISING COSTS13

SECTION 803 NO CREDITS OR DEDUCTIONS13

SECTION 804 REMITTANCE OF COMPENSATION/LATE PAYMENTS, INTEREST ON LATE PAYMENTS13

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	15
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	18
SECTION 1801 NO DISCRIMINATION	18
ARTICLE XIX	19
SECTION 1901 FORCE MAJEURE	19
ARTICLE XX	19
SECTION 2001 EFFECTIVE DATE	19

**AN ORDINANCE
GRANTING A TELECOMMUNICATIONS FRANCHISE TO
WANRACK, 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 WANRACK, LLC (the “Company”), its successors and assigns, is hereby granted a telecommunications franchise for a period of five (5) years from the effective date hereof 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 provisions.

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 WANRack, 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. Any additional installation of lines, cable, equipment or other Facilities shall be underground unless it shall be determined by the Director, pursuant to Article III, that it is not feasible to do so.

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 its Facilities in the City's PROWs are relocated underground, the Company will also, at such time, relocate its Facilities on those posts, poles, and other overhead apparatus underground at its expense. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

SECTION 203 INSPECTION BY THE CITY

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

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION

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

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS

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

SECTION 206 OBSTRUCTION OF THE PROW

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

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

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

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

ARTICLE III

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY

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

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 a detailed PROW Plan of the proposed action to the Director for review and approval.

SECTION 303 GOOD CAUSE EXCEPTION

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

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

If the City becomes aware of an emergency regarding the Company's facilities, the City will attempt to contact the Company's emergency representative as indicated in Section 1202. In any event, the City shall take whatever action it deemed necessary by the Director to make an appropriate and reasonable response to the emergency. The costs associated with the City's 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 sixty (60) days, either approve the Company's plans for proposed action as described in Section 302 or inform the Company of the reasons for disapproval. The Company shall designate a responsible contact person with whom officials of the Department of Public Works can communicate on all matters relating to equipment installation and maintenance.

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

SECTION 305 MAPPING DATA

Upon completion of each installation within the PROW, the Company shall provide to the City such information necessary to document the location and elevation of the installation, 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 and location 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 the Facilities owned by the Company and lines to accommodate same, the Company shall relocate at its own expense any such Facilities within one hundred eighty (180) days of receipt of the notice. At Company's request, the city may consent to a longer period, such consent not to be unreasonably or discriminatorily withheld, conditioned or delayed. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION

502.1 RESTORATION STANDARD: Where the Company disturbs or damages the Public Rights-of-Way, the Director shall have the authority to determine the manner and extent of the

restoration of the Public Rights-of-Way and may do so in written procedures of general application or on a case-by-case basis. In exercising this authority, the Director will consult with any state or federal standards for rights-of-way restoration and shall be further guided by the following considerations:

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

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

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

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

502.5 DUTY TO CORRECT DEFECTS: The Company shall correct defects in patching, or restoration performed by it or its agents. Upon notification from the City, the Company shall correct all restoration work to the extent necessary, using the method determined by

the Director. Such work shall be completed after receipt of the notice from the Director within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure.

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

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

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

ARTICLE VI

SECTION 601 INDEMNIFICATION AND LIABILITY

601.1 SCOPE OF INDEMNIFICATION: Subject to the following, the Company agrees and binds itself to indemnify, keep and hold the City, 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 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, its officers, or employees, 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, its officers, or employees, either independently or jointly with the Company, the Company will pay the judgment, including all reasonable costs, and will hold the City harmless therefrom.

SECTION 602 WAIVER BY THE CITY

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

- (a) elects to conduct its own defense against such claim;
- (b) fails to give prompt notice to the Company of any such claim such that the Company's ability to defend against such claim is compromised;

- (c) denies approval of a settlement of such claim for which the Company seeks approval; or
- (d) fails to approve or deny a settlement of such claim within thirty (30) days of the Company seeking approval.

SECTION 603 INSURANCE

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

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

The policy shall include the City as an additional insured party, and the Company shall provide the City Attorney with a certificate of such coverage before execution of this franchise in a form acceptable to the City Attorney.

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 twenty-five thousand dollars (\$25,000). 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 franchise.

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND

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

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

SECTION 703 PURPOSE OF PERFORMANCE BOND

The Performance Bond shall serve as security for:

- (a) the faithful performance by the Company of all terms, conditions and obligations of this Ordinance;
- (b) any expenditure, damage or loss incurred by the City occasioned by the Company's failure to comply with all rules, regulations, orders, permits and other directives of the City issued pursuant to this Ordinance;

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

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE

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

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

ARTICLE VIII

SECTION 801 COMPENSATION/PROW USE FEE.

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

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

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

SECTION 802 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 upon the Company's request. 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:

WANRack, LLC
Attn: Legal Department
4550 West 109th Street, Suite 115
Overland Park, KS 66211

To the City:

City of Charlottesville
Attn: City Manager
605 East Main Street
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:

Ryan Hook
Regional Construction Manager
(240) 346-9956
ryan.hook@wanrack.com

To the City:

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

Steven Hicks
Director of Public Works
(434) 970-3536 (office)
(434) 970-3817 (facsimile)

SECTION 1203 REGISTRATION OF DATA

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

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

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

ARTICLE XIII

SECTION 1301 TERMINATION OF TELECOMMUNICATIONS FRANCHISE

The franchise granted by this Ordinance may be terminated:

- (a) by the Company, at its election and without cause, by written notice to the City at least sixty (60) days prior to the effective date of such termination; or
- (b) by either the Company or the City, after thirty (30) days written notice to the other party of the occurrence or existence of a default of the franchise granted by this

Ordinance, if the defaulting party fails to cure or commence good faith efforts to cure, such default within sixty (60) days after delivery of such notice.

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

ARTICLE XIV

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

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

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

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

ARTICLE XV

SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT

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

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

granted under this Ordinance.

SECTION 1502 SUCCESSORS AND ASSIGNS

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

ARTICLE XVI

SECTION 1601 NONEXCLUSIVE FRANCHISE

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

ARTICLE XVII

SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES

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

SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED

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

ARTICLE XVIII

SECTION 1801 NO DISCRIMINATION

The Company's rights, privileges and obligations under the franchise granted by this Ordinance shall be no less favorable than those granted by the City to and shall not be interpreted by the

City in a less favorable manner with respect to any other similarly situated entity or person or user of the City's Public Rights-of-Way.

ARTICLE XIX

SECTION 1901 FORCE MAJEURE

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

ARTICLE XX

SECTION 2001 EFFECTIVE DATE

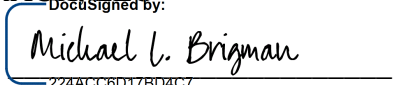
This Ordinance shall be effective upon its passage.

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

Clerk of Council

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


WANRACK, LLC

By  DocuSigned by:
224ACC6D17BD4C7...

Its President

Date 3/7/2024

APPROVED AS TO FORM:


Jacob P. Stroman, City Attorney

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



Agenda Date:	March 18, 2024
Action Required:	Resolution (2 readings)
Presenter:	Antoine Williams, Housing Program Manager
Staff Contacts:	Alexander Ikefuna, Director of Community Solutions Antoine Williams, Housing Program Manager Madelyn Metzler, Housing Compliance Coordinator
Title:	Award of FY24 Charlottesville Affordable Housing Fund (CAHF) and FY25 Housing Operations and Program Support (HOPS)

Background

The City's FY24 budget included the Charlottesville Affordable Housing Fund (CAHF) funding. A Notice of Funding Availability (NOFA) was issued in July 2023, announcing timelines and the amount of funding available for the CAHF Grant program. The notice specified \$835,000 available for CAHF with an application deadline of November 16, 2023. The recommendations for the FY24 CAHF allocations are below.

Starting in FY24, affordable housing-specific applications were removed from the Vibrant Community Fund process and reviewed separately. This affordable-housing-specific application process is now called the Housing Operations & Program Support (HOPS) program.

The City's FY24 budget included funding for HOPS through the Charlottesville Affordable Housing Fund (CAHF). A Notice of Funding Availability (NOFA) was issued in July 2023 announcing \$585,000 available with an October 16, 2023, application deadline for the HOPS program.

The recommendations for the FY24 CAHF and FY25 HOPS allocations are below.

Discussion

Staff received six (6) applications CAHF applications and seventeen (17) HOPS applications for funding by the submission deadline. A total of \$2,217,332 in funding was requested in the CAHF applications and \$1,717,220 was requested in HOPS applications. The CAHF Committee reviewed and scored the applications individually and as a group. The committee first ranked the importance of the type of service being provided, its alignment with the City's affordable housing goals, and the quality and completeness of the application. These rankings were made collectively as a committee and categorized, as follows:

- A = support/benefit/need for services, no follow-up questions for applicant
- B = questions as to the benefit provided or alignment with City goals
- C = request not clear/limited benefit or alignment with City goals

The grid below shows how the type of rankings aligned:

	A	B	C
CAHF	3 applications	2 applications	1 application
HOPS	5 applications	7 applications	5 applications

The committee members individually scored the applications based on the quality of applications and programs using a scoring tool developed by the Committee. Following an overall discussion of every application and ranking applications based on the type of service provided, the committee then finalized their individual scores. Following tabulation of committee members' individual scoring and discussion of any scores with wide discrepancies, the Committee came to a scored rating based on averages of each reviewer's score, with a maximum possible score of 105 for CAHF applications and 110 for HOPS applications.

The grid below shows how the quality rankings aligned:

	65-74	75-84	85-94	95 to maximum
CAHF	1 application	2 applications	2 applications	1 application
HOPS	4 applications	3 applications	2 applications	8 applications

Due to the amount of funding proposed as available through this application cycle, and following review of the type of service rankings and the average scoring rankings, the committee recommends that four (4) of the CAHF applications be funded at between 56% and 100% of their requested funding and that eight (8) of the HOPS applications be funded at between 70% and 87% of their requested funding.

A summary of the applications and the recommendations for **FY24 CAHF** allocations are presented below:

Applicant	Project Name	Request	Description
Albemarle Housing Improvement Program	Charlottesville Critical Rehabilitation Program	\$210,000	Funds for emergency home repairs, energy-efficiency upgrades, accessibility modifications, and maintenance tasks for six households. Private project funds will be leveraged with an anticipated investment of up to \$35,000 per unit.
Charlottesville Redevelopment and Housing Authority	CRHA Homeownership Program	\$550,000	Funds for affordable homeownership opportunities through acquisition, rehabilitation, and downpayment assistance. Anticipated investment of \$225,000 per unit.
Community Services Housing, Inc.	Rehabilitation Repairs to Preserve Community Services Housing Properties	\$74,054	Funds for critical repairs at four CSH properties, supporting 13 units. Anticipated investment of up to \$5,696 per unit.

Habitat for Humanity of Greater Charlottesville	Habitat Core 2024	\$525,000	Funds for new construction and renovation of homes to provide affordable homeownership opportunities for 18 households. Anticipated investment of \$15,000 to \$35,000 per unit.
Piedmont Housing Alliance	501 Cherry Avenue	\$375,000	Funds to increase affordability for three units within a redevelopment project including affordable housing and community facilities. Anticipated investment of \$125,000 per unit.
Virginia Supportive Housing	Premier Circle Permanent Supportive Housing	\$483,278	Funds to leverage project funds for homeless individuals. Anticipated investment of \$6,041 per unit in total, or \$7,107 per unit expected to be occupied by a city resident.

The Charlottesville Affordable Housing Plan recommends that targeted funding awards should be allocated as follows:

Level of Funding	Percentage of Funding	Amount of Funding	Households Served
Tier 1	50%	\$417,500	serving households with incomes up to 30% of Area Median Income (AMI)
Tier 2	30%	\$250,500	serving households with incomes up to 60% of Area Median Income (AMI)
Tier 3	20%	\$167,000	serving households with incomes up to 80% of Area Median Income (AMI)

However, if City Council approves the allocation as recommended by the CAHF Committee, funding by Tier level, as recommended, should be awarded as follows:

Level of Funding	Percentage of Funding	Amount of Funding	Households Served
Tier 1	59%	\$494,369	serving households with incomes up to 30% of Area Median Income (AMI)
Tier 2	35%	\$290,315	serving households with incomes up to 60% of Area Median Income (AMI)
Tier 3	6%	\$50,315	serving households with incomes up to 80% of Area Median Income (AMI)

After careful consideration and discussion of all applications, the CAHF Committee recommended the following awards of CAHF funding:

- AHIP’s Charlottesville Critical Rehabilitation Program: \$117,196
- Community Services Housing, Inc.’s Rehabilitation Repairs to Preserve CSH Properties: \$74,054
- Habitat for Humanity of Greater Charlottesville’s Habitat Core 2024: \$393,750
- Piedmont Housing Alliance’s 501 Cherry Avenue: \$250,000

The Committee did not recommend funding for applications from CRHA and Virginia Supportive Housing. While the projects proposed in the applications may have merit, the Committee assigned them a lower priority in the context of competing applications and the limited funding available in the CAHF.

CRHA’s application requested funds to support a program to acquire Naturally Occurring Affordable Housing (NOAH) units. In essence the funds would provide a reserve to cover part of the costs of housing acquisition when suitable units are identified. The Committee recommends that Council may want to consider alternative funding approaches for such efforts within the context of an overall NOAH acquisition strategy.

Virginia Supportive Housing requested funds to support its construction of permanent supportive housing in the Premier Circle project. The Committee recognizes the critical need for this housing but recommends that the complexity of the budget and funding aspects of the project should be considered for additional funding outside of the CAHF process as it is currently constituted.

A summary of the applications and the recommendations for **FY25 HOPS** allocations are presented below:

Applicant	Project Name	Request	Description
Albemarle Housing Improvement Program (AHIP)	Charlottesville Critical Emergency Repair Program	\$300,000	Requested funding would directly support client intakes, counseling, consultation, program planning, management, and administration. The program provides critical repairs, housing rehabilitation, and energy-efficient upgrades to low-income households in the city. The primary goals include ensuring homeowner safety, preserving and enhancing homes, preventing displacement, and maintaining affordable housing.
Blue Ridge Area Coalition for the Homeless (BRACH)	Homeless System of Care Coordination	\$50,000	Requested funding would directly support increased staffing capacity within BRACH to provide better system coordination and to support innovative partnerships, housing development, collaborative program applications, and long-term planning. The program enhances the coordination of the homeless service system, reducing homelessness by making it rare, brief, and non-recurring.

Blue Ridge Area Coalition for the Homeless (BRACH)	Homeless System of Care Centralized Access – Homeless Information Line	\$40,000	Requested funding would directly support full-time equivalent staffing of the Homeless Information Line. The Homeless Information Line serves as the primary access point for homeless services, providing information and employing diversion techniques and referrals to community resources.
Central Virginia Legal Aid Society (CVLAS)	Charlottesville Housing Outreach Attorney	\$113,600	Requested funding would directly support a full time attorney to focus on stabilizing owner and renter households in the City through prevention of illegal and improper evictions and foreclosures. CVLAS offers free legal representation and community legal education to low-income and elderly clients in civil law cases. With a history spanning over 50 years, they serve vulnerable residents facing legal issues in various areas, including housing.
Charlottesville Redevelopment and Housing Authority (CRHA)	CRHA Resident Services Program	\$150,000	Requested funding is for operational support of the Resident Services Program. The program focuses on the intersection of economic opportunity, personal wellness, and stable housing. The program includes housing stability initiatives, Family Self-Sufficiency (FSS) programs, workforce development, and community engagement efforts, and aims to empower residents and seeks to address their needs, involving them in the redevelopment and modernization process.
Community Services Housing, Inc. (CSH)	Community Services Housing	\$78,620	Requested funding would support the provision of affordable, inclusive, and supportive housing for individuals with disabilities and extremely low incomes in Charlottesville by ensuring residents have access to housing and vital services, including case management, mental health support, and recovery services.
Georgia's Friends, Inc.	Transitional Living Services Pilot Program	\$25,000	Requested funding would support the expansion of existing services, which aid women in the early stages of recovery from substance-use disorders and co-occurring mental health challenges. Expansion would include providing a continuum of care for graduates, offering a Level 2 recovery residence, financial assistance, and support programs. This program addresses barriers such as

			high living costs, debt, and felony convictions, enabling women to achieve long-term sobriety and independence.
Habitat for Humanity of Greater Charlottesville (HFH Charlottesville)	HFH Charlottesville Homeownership Program	\$75,000	Requested funding would support additional staff capacity and allow HFH Charlottesville to continue their traditional homeownership program while aggressively expanding partnerships with local realtors, affordable mortgage lenders, nonprofit financial service organizations, private funders and local builders and developers that will increase accessibility to homeownership in the City. The existing program empowers low- and very low-income families (25-60% AMI) to achieve homeownership and financial stability through financial coaching, homebuyer education, employment assistance, housing navigation, and community resource connections.
Legal Aid Justice Center (LAJC)	Housing Legal Services	\$50,000	Requested funding would support the Housing Legal Services program, which utilizes both attorneys and community organizers to prevent evictions, protect the rights of low-income renters, and increase the quality and quantity of affordable housing in Charlottesville.
Local Energy Alliance Program, Inc (LEAP)	Reducing Energy Burdens (REB)	\$85,000	Requested funding would support capacity building of the program, which supports affordable housing through reducing energy burdens for low-income households in the City. Expanded capacity will allow LEAP to reach more City residents and provide deeper home energy retrofits addressing beneficiary needs not covered by other City and utility funding streams.
New Hill Development, Inc.	New Hill Affordable Housing Initiative	\$50,000	Requested funding would support doubling the number of first-time homebuyer workshops offered each month, enabling of New Hill's program coordinator to focus exclusively on housing initiatives, providing administrative support to the VIDA program, and ongoing coaching efforts for the First Time Homebuyers program as well as foreclosure mitigation.
People and Congregations Engaged in Ministry (PACEM)	PACEM Case Management	\$100,000	Requested funding would directly support a base salary for two specialized case managers: one focusing on women, and one focusing on seniors. PACEM's housing-focused case management

			provides guests with the knowledge and support needed to leave their shelter for permanent, stable housing.
Piedmont Housing Alliance (PHA)	Charlottesville Affordable Housing Program	\$185,000	Requested funding would support critical frontline staff, enabling them to directly engage with and provide vital resources for 2,500+ of Charlottesville's most vulnerable and resilient low-income families to stabilize finances, improve lives, and strengthen our community.
Public Housing Association of Residents (PHAR)	PHAR Internship Program	\$45,000	Requested funding would support operational costs of the PHAR Internship Program, which educates and empowers public housing and Section 8 residents, enabling them to engage with city officials and advocate for a more equitable, responsive, and inclusive community. This 6-month, hands-on civic participation experience is designed to uplift historically marginalized individuals, including residents of majority-black public housing communities, to enhance their quality of life and community engagement.
Restoration and Hope House LLC	Restoration and Hope House Program	\$150,000	Requested funding would support assisting non-violent female offenders transitioning from prison back into society by addressing the lack of facilities with adequate resources to support these women; to focus on helping individuals develop positive mindsets and routines related to physical and mental support within the broader community; and to provide secure housing and connect female ex-offenders with employment opportunities.
The Haven at First & Market Inc (the "Haven")	Vital Housing Services	\$150,000	Requested funding would support the salaries of Housing Team staff and functions at The Haven necessary to operate Vital Housing Services, such as: Homeless Management Information System (HMIS) administration, website administration, Human Resources support, strategic leadership, and IT support.
The Haven at First & Market Inc (the "Haven")	The Haven Day Shelter	\$110,000	Requested funding would support the salaries and benefits of Day Shelter staff who provide essential services and support to city residents experiencing homelessness, ensuring a safe and welcoming environment for stability, resources, and housing interventions year-round and during emergencies.

After careful consideration and discussion of all applications, the CAHF Committee recommended the following awards of HOPS funding:

- BRACH's Homeless System of Care Coordination Program: \$35,000
- BRACH's Homeless Information Line Program: \$28,000
- Community Services Housing's Community Services Housing Program: \$55,034
- Habitat for Humanity of Greater Charlottesville's Homeownership Program: \$65,250
- PACEM's Case Management Program: \$70,000
- Piedmont Housing Alliance's Charlottesville Affordable Housing Program: \$148,000
- The Haven's Vital Housing Services Program: \$95,716
- The Haven's Day Shelter Program: \$88,000

Alignment with City Council's Vision and Strategic Plan

The recommendations align with the 2021 Affordable Housing Plan, and City Council's Strategic Plan Framework/Strategic Outcome Areas (SOA): Housing, Partnerships, Mobility/ Economic Prosperity, Justice, Equity, Diversity, and Inclusion.

1. Alignment with Affordable Housing and Comprehensive Plans: The funding recommendations made by the CAHF Committee for the CAHF and HOPS programs align with the goals and priorities outlined in Charlottesville's Affordable Housing and Comprehensive Plans. The recommended funding supports initiatives addressing homelessness prevention, legal assistance, homeownership support, and affordable housing development, key focus areas of the city's affordable housing plan.
2. SOA Housing: *Housing Choice and Mobility*: The CAHF and HOPS programs support a variety of initiatives aimed at improving housing affordability and accessibility. These include critical repairs, housing rehabilitation, homelessness prevention, legal aid for housing-related issues, and homeownership programs. By providing diverse housing options, the program directly contributes to housing choice and mobility for all residents, as outlined in the Affordable Housing Plan.
3. SOA Economic Prosperity: *Driving Prosperity for All*: Investing in affordable housing initiatives through the CAHF and HOPS programs ensure that all residents have access to stable and affordable housing. Stable housing is foundational for pursuing economic opportunities, building wealth, and contributing to community prosperity. By fostering economic stability for residents, the program drives economic prosperity for the entire community.
4. SOA Partnerships: *Magnify Positive Community Outcomes through Capacity Support*: The CAHF and HOPS programs involve collaboration with various stakeholders, including nonprofit organizations, housing authorities, legal aid services, and community development organizations. These partnerships amplify the positive outcomes of affordable housing initiatives by leveraging resources, expertise, and community networks. By fostering meaningful collaborations, the program enhances the effectiveness of initiatives addressing housing needs.
5. Commitment to Justice, Equity, Diversity, and Inclusion: The CAHF and HOPS programs reflect the city's commitment to justice, equity, diversity, and inclusion by addressing housing needs across various demographic groups and socioeconomic backgrounds. By providing housing support to vulnerable populations and advancing social and economic justice, the program contributes to creating a more inclusive and equitable community.

In summary, the CAHF and HOPS Grants programs and the CAHF Committee's funding recommendations align closely with Charlottesville's vision for creating an environment where everyone can thrive. Through these grants support for affordable housing initiatives, the programs contribute to economic prosperity, foster partnerships,

and promote justice, equity, diversity, and inclusion. Moving forward, continued investment in the CAHF and HOPS Grants programs will be essential for advancing the city's goals for inclusive and equitable community development.

Community Engagement

This allocation of CAHF and HOPS funding is in keeping with the provisions in the Affordable Housing Plan and 2021 Comprehensive Plan recommended by the Planning Commission and approved by the City Council. Both documents went through an extensive public engagement process. Also, the application review was done by the CAHF Committee, members of which are appointed by the City Council as representatives from staff and the community.

Budgetary Impact

This request does not encumber any additional funding from the City budget. Funding for CAHF and HOPS was allocated in the Capital Improvement Program (CIP) FY23/24 budget. This approval allocates this FY23/24 CIP funding.

Recommendation

Staff recommends City Council approve the attached Resolutions awarding FY24 CAHF funding. If approved, the funding will support various levels of affordable housing, as follows:

- AHIP's Charlottesville Critical Rehabilitation Program: \$117,196
- Community Services Housing, Inc.'s Rehabilitation Repairs to Preserve CSH Properties: \$74,054
- Habitat for Humanity of Greater Charlottesville's Habitat Core 2024: \$393,750
- Piedmont Housing Alliance's 501 Cherry Avenue: \$250,000

Staff recommends City Council approve the attached Resolutions awarding FY25 HOPS funding. If approved, the funding will support various programs related to affordable housing and homelessness, as follows:

- BRACH's Homeless System of Care Coordination Program: \$35,000
- BRACH's Homeless Information Line Program: \$28,000
- Community Services Housing's Community Services Housing Program: \$55,034
- Habitat for Humanity of Greater Charlottesville's Homeownership Program: \$65,250
- PACEM's Case Management Program: \$70,000
- Piedmont Housing Alliance's Charlottesville Affordable Housing Program: \$148,000
- The Haven's Vital Housing Services Program: \$95,716
- The Haven's Day Shelter Program: \$88,000

Alternatives

City Council could decide to provide the recommended projects with different levels of funding than those recommended. Council could also decide to fund a different set of the projects outlined above or choose to not award any funding for any of these projects at this time.

Attachments

None

**RESOLUTION APPROVING ALLOCATION OF FY24
CHARLOTTESVILLE AFFORDABLE HOUSING FUND (CAHF) FOR
AFFORDABLE HOUSING PROJECTS AND INITIATIVES IN THE
AMOUNT OF \$835,000**

WHEREAS, the City of Charlottesville, Virginia, having established the Charlottesville Affordable Housing Fund (CAHF) Grant Program to provide financial support for community agency programs aiding in affordable housing and homelessness relief, hereby allocates \$835,000 from the Charlottesville Affordable Housing Fund (CAHF) Grant Program under Fund 426 Project: CP-084, as per the Capital Improvement Program budget for FY2024,

NOW THEREFORE, BE IT RESOLVED that the City Council, having received and reviewed recommendations from the CAHF Committee on the expenditure of CAHF funds for the CAHF Grant Program, resolves to allocate the amount to the following CAHF applicants:

Fund	Project	GL Account	Applicant	Funded Project/Initiative	CAHF Award
426	CP-084	530670	Albemarle Housing Improvement Program	Charlottesville Critical Rehabilitation Program	\$117,196
426	CP-084	530670	Community Services Housing, Inc. (CSH)	Rehabilitation Repairs to Preserve CSH Properties	\$74,054
426	CP-084	530670	Habitat for Humanity of Greater Charlottesville	Habitat Core 2024	\$393,750
426	CP-084	530670	Piedmont Housing Alliance	501 Cherry Avenue	\$250,000

BE IT FURTHER RESOLVED that all funding awards within this resolution shall be provided as grants to the entities listed under the “Applicant” column above to be used solely for the purposes outlined in their respective grant applications and any subsequent grant agreement. The City Manager is authorized to negotiate and execute funding grant agreements with each recipient to ensure proper utilization of funds.

Approved by Council
March 18, 2024

Kyna Thomas, CMC
Clerk of Council

**RESOLUTION APPROVING ALLOCATION OF FY24 HOUSING
OPERATIONS AND SUPPORT (HOPS) PROGRAM FUNDING FOR
AFFORDABLE HOUSING AND HOMELESSNESS SUPPORT
PROGRAMS
IN THE AMOUNT OF \$585,000**

WHEREAS, the City of Charlottesville, Virginia, having established the Housing Operations & Program Support (HOPS) program to provide financial support for community agency programs aiding in affordable housing and homelessness relief, hereby allocates \$585,000 from the Charlottesville Affordable Housing Fund (CAHF) under Fund 426 Project: CP-084, as per the Capital Improvement Program budget for FY2024.

NOW THEREFORE, BE IT RESOLVED that the City Council, having received and reviewed recommendations from the CAHF Committee on the expenditure of CAHF funds for the HOPS program, resolves to allocate the amount to the following HOPS applicants:

Fund	Project	GL Account	Applicant	Program /Initiative	Award
426	CP-084	530670	Blue Ridge Area Coalition for the Homeless	Homeless System of Care Coordination Program	\$35,000
426	CP-084	530670	Blue Ridge Area Coalition for the Homeless	Homeless Information Line Program	\$28,000
426	CP-084	530670	Community Services Housing, Inc. (CSH)	CSH Program	\$55,034
426	CP-084	530670	Habitat for Humanity of Greater Charlottesville	Homeownership Program	\$65,250
426	CP-084	530670	People and Congregations Engaged in Ministry	Case Management Program	\$70,000
426	CP-084	530670	Piedmont Housing Alliance	Charlottesville Affordable Housing Program	\$148,000
426	CP-084	530670	The Haven at First & Market Inc	Vital Housing Services Program	\$95,716
426	CP-084	530670	The Haven at First & Market Inc	Day Shelter Program	\$88,000

BE IT FURTHER RESOLVED that all funding awards within this resolution shall be provided as grants to the entities listed under the “Applicant” column above to be used solely for the purposes outlined in their respective grant applications and any subsequent grant agreement. The City Manager is authorized to negotiate and execute funding grant agreements with each recipient to ensure proper utilization of funds.

Approved by Council
March 18, 2024

Kyna Thomas, CMC
Clerk of Council

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



Agenda Date:	March 18, 2024
Action Required:	Adoption of Amendments to Rules and Procedures
Presenter:	Jacob Stroman, City Attorney
Staff Contacts:	Kyna Thomas, Clerk of Council
Title:	Resolution amending and re-enacting City Council Rules and Procedures

Background

At its retreat last January, Council discussed several proposed changes to its Rules and Procedures. Those changes are presented for Council's consideration.

Discussion

The attachments include both track changes and clean versions of the proposed amendments. The most significant changes are as follows:

1. The amendments remove the references to Town Halls and Work Sessions since those meetings are already included in Special Meetings.
2. The amendments move the first Community Matters public comment period up to before consideration of the consent agenda.
3. The amendments include a section on the roles of various officers. It incorporates existing language regarding the Mayor's role as the presiding officer and the City Attorney's role as Parliamentarian, but adds language on the role of the City Clerk and the City's Office of Communications.
4. The amendments add new provisions prohibiting conduct which may interfere with a Council Meeting. Prohibited conduct includes incitement of violence, profanity, vulgarity, personal attacks on Councilors, City staff and the public, and behavior which intimidates others.
5. There is a new section on public hearings reflecting Council's preference at its retreat that it wishes to conduct its own public hearings on land use matters rather than conducting joint public hearings with the Planning Commission.
6. The amendments delete references to all virtual meetings which have been discontinued since the end of the COVID-19 pandemic.

Alignment with City Council's Vision and Strategic Plan

The amendments reflect Council's commitment to the strategic goal of organizational excellence.

Community Engagement

Not applicable

Budgetary Impact

None

Recommendation

Adopt the Resolution implementing the amendments.

Alternatives

If Council fails to adopt the Resolution, its Rules and Procedures will remain unchanged.

Attachments

1. CC Rules and Proced. 2024 (CLEAN)

RESOLUTION
Approving Amendments to the City Council Rules and Procedures

BE IT RESOLVED by the Council of the City of Charlottesville, that City Council's Rules and Procedures are amended as follows:

Charlottesville City Council Rules and Procedures

These *Charlottesville City Council Rules and Procedures* are designed to help City Council conduct its affairs in a timely and efficient manner, while encouraging a robust and meaningful dialogue with members of the community.

I. MEETINGS

A. Generally

1. Regular meetings. Council will adopt a schedule for its regular meetings at its first regular meeting in January each year. Changes to the date, time, or location(s) of regular meetings during the calendar year may be made by resolution of Council.
2. Special meetings. Special meetings, including emergency meetings, may be scheduled, and held in addition to the schedule of regular meetings. Public notice and procedural requirements for special meetings are governed by the Virginia Freedom of Information Act (FOIA) and City Code § 2-42.

For special meetings, the purpose and nature of the meeting will dictate whether public comment will be allowed. Time for public comment may or may not be allocated depending on the nature of the meeting and at the discretion of Council.

3. Organizational Meeting. At the first meeting of January in each even numbered year, an Organizational Meeting shall be conducted to select the Mayor and Vice Mayor. The City Manager shall preside at the Organizational Meeting until election of the new Mayor. The City Manager shall accept nominations from Councilors for the position of Mayor. The City Manager will then accept a motion to close the nomination process.

After a motion to close the nomination process is approved by the Council, each Councilor will be provided five minutes to speak about the Mayoral nominees. After all Councilors have concluded their remarks, the Clerk of Council will then call the roll and each Councilor shall state their choice for the position of Mayor. At the conclusion of the Council's Mayoral election, the newly elected Mayor will preside over the election of Vice Mayor. The Mayor shall accept nominations from Councilors for the position of Vice Mayor. The Mayor will then accept a motion to close the nomination process. After a motion to close the nomination process is approved by the Council, each Councilor will be provided five minutes to speak about the Vice Mayoral nominees.

After all Councilors have concluded their remarks, the Clerk of Council will then call the roll and each Councilor shall state their choice for the position of Vice Mayor. The Mayor and Vice Mayor shall be elected for terms of two years.

4. Continuance of Regular Meetings Due to Weather or Other Hazardous Conditions. At its first meeting each year, City Council may fix the day or days to which a regular meeting will be continued, if the mayor (or vice-mayor, if the mayor is unavailable or unable to act) issues a declaration that weather or other conditions are such that it is hazardous for members to attend the regular meeting. If no such

provisions are set out in the annual resolution establishing regular meeting dates, then the declaration shall state the date and time to which the meeting shall be continued, and public notice of the continued meeting shall be given contemporaneously with notice given to city Councilors. (See Va. Code 15.2-1416).

5. At a work session conducted in January of each even numbered year, the City Manager and Clerk of Council will coordinate a Council orientation for all City Councilors providing training and education on City operations and City Council Policies and Procedures.

B. Agenda and Materials

1. The City Manager shall prepare a proposed agenda nine business days before the meeting for review by the Mayor. The proposed agenda for a regular meeting, and related agenda packets/ materials, shall be “finalized” on the Wednesday immediately preceding the regular meeting date (the proposed agenda does not actually become final until approved by City Council at the meeting). The Clerk may update materials provided for a regular meeting once, on the Friday preceding the regular meeting date.

Any staff or Council member who seeks to add items to a meeting agenda should notify the City Manager and the Mayor at least ten business days before the date of the meeting. Last minute submissions are discouraged but may occur from time to time when a matter that requires action expeditiously was not known in time to be presented during the normal agenda development process.

Citizens may suggest an item for consideration on a Council meeting agenda by submitting the suggestion in writing to the City Manager.

Subject to applicable FOIA requirements, last minute additions to a regular meeting agenda shall be prepped and provided to Councilors, but City Council must vote as to whether the item will be added to the agenda, during the “approval of the agenda” portion of the meeting.

2. The Order of Business at each regular meeting of Council shall be as follows (the opening session of each meeting will begin at the regular meeting start-time specified in the Annual Meeting Resolution, as amended. Additionally, times may be also identified within a meeting agenda as approximate starting time(s) for specific portions of the agenda):

Opening Session

- i. Call to order
- ii. Roll call (establish quorum)
- iii. Agenda Approval
- iv. Work Session (Reports or Work Session items)

Closed Meeting (if called) or Recess

Business Session

- i. Moment of Silence
- ii. Announcements (including Council reports of meeting attendance)
- iii. Special Recognitions (if any)
- iv. Community Matters
- v. City Manager Report
- vi. Consent Agenda

- vii. Action Items (Items pulled from the Consent Agenda for discussion move to the end of Action Items.)
- viii. General Business i) Includes any reports submitted as written only; it also includes items of a general nature to be considered by Council. After the presiding officer has stated the item for consideration, staff may be asked to provide a brief summary. With the Council's consent, items may be added to the agenda under General Business to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

Community Matters (Two)

Adjournment

3. The City Manager will provide appropriate agenda materials for the Council. The proposed agenda and agenda packets/materials for upcoming City Council meetings shall be made available for public inspection by appointment in the Clerk of Council's Office at the same time the materials are furnished to Councilors. Posting on the City's website is not required by FOIA, but agenda packets/materials timely received by the date set for finalizing an agenda shall also be posted on the City's website. Reasonable efforts will be made by the Clerk of Council to post late-received submissions on the City's website, but time commitments of the Clerk may not permit re-formatting and re-publication of materials on the website, particularly when multiple late submissions are involved. (Va. Code §2.2-3707(F), FOIA Advisory Council AO-05-12)

4. Council may defer any item for which all relevant information has not been provided to the Clerk within the times set forth within these procedures.

5. Agenda Items.

- Consent Agenda: the consent agenda may be used for eligible items and may include, but is not limited to, routine and noncontroversial appropriations, grant applications, contracts, resolutions, ordinances, second readings, and the minutes. Any item may be removed at the request of a Councilor. If any Councilor requests that an item be removed from the consent agenda for further discussion, the item shall be added to the end of the regular action item agenda for discussion and action. If a Councilor requests a separate vote on an item but does not wish to have further discussion on the item, the item will be voted upon after the remainder of the consent agenda is acted upon.

Approval of Consent Agenda: Those items not removed from the consent agenda shall be acted upon by a single vote of Council.

- Once the Agenda is approved at the beginning of the meeting, all of the Agenda items shall be heard in the order in which they appear on the approved Agenda. A majority of Councilors may agree to take out of sequence any listed on the approved agenda. At any time, a regular meeting may be adjourned from day to day, or from time to time, or from place to place (but not beyond the time fixed for commencement of the next regular meeting, until all the business set forth on a regular meeting agenda is completed. Notice of any meeting continued under this provision shall be reasonable and shall be given to the public in accordance with FOIA. (Va. Code § 15.2-1416(C))
- Each agenda item shall be given an approximate time limit. Generally, the total time allocated to any agenda item that does not include a scheduled public hearing shall not exceed twenty (20) minutes, unless the presiding officer, after consultation with the other Councilors, determines otherwise.

- Opening presentations for agenda items shall be limited to ten (10) minutes, unless the presiding officer, in consultation with the other Councilors, determines otherwise.
- For each agenda item, an individual or Councilor shall be designated as the main Presenter who will introduce the item to Council; however other presenters may also be recognized during Council's consideration of an Agenda Item (for example, and without limitation: rezoning applicants or their consultants, staff members, City/staff consultants, etc.) After presentation of the item, Councilors may ask clarifying questions of any presenter, if necessary. If a public hearing is scheduled, the public hearing will be conducted before any motion is initiated by a Councilor.

C. Transaction of Business

1. General.

- Unless otherwise specifically provided by law, Council may conduct business and vote upon any matter properly before it, at any meeting at which a quorum is present.
- Informal discussion of a subject is permitted while no motion is pending.
- In making motions and transacting its business, Council shall follow the rules set forth within these Meeting Procedures. If a question of procedure arises that cannot be resolved by the provisions within these Procedures, the Parliamentarian will consult Robert's Rules of Order and apply them to a resolution of the question.
- If in speaking, any member violates these Rules, the presiding officer will call the member to order. If there is no appeal, the decision of the presiding officer shall be submitted to. If the decision is in favor of the member who was called to order, they may proceed; otherwise, they shall not proceed except by leave of the Council. (City Code §2-70)

2. Motions, generally.

- Any member, including the presiding officer, may make a motion. A member may make only one motion at a time.
- Except as otherwise noted, all motions require a second; a motion dies for lack of a second.
- Except as otherwise noted, each member is required to obtain the floor, by addressing the presiding officer, before making motions or speaking either to other Councilors or to members of the public.

3. Substantive Motions.

- A substantive motion is any motion that deals with the merits of an item of business and that is within the Council's legal powers, duties, and responsibilities.
- A substantive motion is out of order while another substantive motion is pending.

4. Procedural Motions.

- A procedural motion is a motion that Council may use to "act upon" a substantive motion, by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

- Only the following procedural motions, and no others are in order. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is unavailable.

Procedural Motions

- i. Appeal a Procedural Ruling of the Presiding Officer (an appeal is in order immediately after a decision is announced and at no other time; the maker need not be recognized by the presiding officer, the motion does not require a second, and if made in a timely manner, the motion may not be ruled out of order.)
- ii. Motion to Adjourn, to be made without preliminary remarks, and to be decided without debate
- iii. Take a brief recess
- iv. Suspend the rules (City Code Sec. 2-66: 4/5 vote is required)
- v. Defer consideration of a Substantive Matter (“lay on the table”), to be decided without debate
- vi. To postpone, either indefinitely, or to a day or hour certain
- vii. Call the question, subject to the provisions of City Code § 2-76 (not in order until each member has had an opportunity to speak once; the motion is not amendable or debatable)
- viii. Motion to amend (a motion may be amended no more than twice; once a motion has received a second, it is up to the entire group to decide whether or not it should be changed by amendment; prior to receiving a second, a motion may be amended with the permission of the person who made the motion)
- ix. Substitute motion (no more than one substitute motion may be made; if a substitute motion is adopted and replaces the original motion, no further substitute motions may be made)
- x. Withdrawal of motion (a motion may be withdrawn by its maker any time before it is amended, or before the presiding officer puts the motion to a vote, whichever occurs first)
- xi. Motion to reconsider, subject to the restrictions set forth within City Code §§2-73 and 2-74 (provided, however, that this motion may not be used in a land use decision involving a rezoning or a special use permit)
- xii. Other motions expressly referenced in City Code §2-72.

5. Debate.

- In the event that conflicts arise among members as to the order for speaking, the presiding officer shall apply the following rules: the maker of a motion is entitled to speak first, if he/she/they wishes to do so; a member who has not spoken on an issue shall be recognized before someone who has already spoken.
- The presiding officer may participate in the debate prior to declaring a matter ready for a vote.
- Council members shall not engage in electronic communications among themselves during a meeting, regarding any motion that is on the floor for debate.

- In making a motion, a member shall endeavor to state the basis of the motion within a period not more than 5 minutes. In debating a motion, or in proposing amendments or substitute motions, each member shall try to state the basis of that procedural motion within a period of less than 3 minutes. In asking a question of a speaker, Council members should take not more than 3 minutes to phrase the question. When a question is under debate, no motion shall be entertained unless specifically provided for, except for the motions listed in City Code §2-72.

- In debate, speakers shall be collegial in their language and shall avoid all reference to personalities. No member shall interrupt another without the consent of the presiding officer, except when making a point of order.

6. Voting.

- The presiding officer shall call the question, either: (i) after a motion to call the question has received a second and has been voted upon, or (ii) at their discretion, any time after each member has had at least one opportunity to speak during debate. After the vote is taken, the presiding officer shall announce that the motion is adopted or failed and the vote count.

- If any member abstains from voting, the reason for the abstention shall be included in the minutes of the meeting.

- In the event that a substantive matter does not require a recorded vote, then the presiding officer may call for approval of that matter by voice vote or acclamation. (Generally, this process should be used only when a matter is simple, clear to all present and requires no discussion.)

7. Officers.

a. Mayor: the Mayor shall preside at all meetings of City Council (“presiding officer”). The Vice Mayor shall be the presiding officer in the Mayor’s absence.

Meetings of City Council shall be governed according to these Meeting Procedures, except where provided otherwise by the Virginia Code or the Code of the City of Charlottesville. Matters not addressed within by one of those sources shall be resolved in accordance with Robert’s Rules of Order.

- At each Council meeting, the presiding officer shall preserve order and decorum, and shall have the authority:

i. To decide questions of order (City Code Sec. 2-69);

ii. To determine whether a speaker is compliant with these Rules of Procedure, and to entertain and rule on objections from other members on this ground;

iii. To entertain and answer questions of procedure;

iv. To call a brief recess at any time;

v. To adjourn in an emergency

- A decision by the presiding officer on any matter listed in C.i. through C.iii. above may be appealed to Council upon the question “Shall the decision of the chair be sustained as the decision of the Council?”. Such a motion is in order immediately after the presiding officer announces his/her/their decision, and at no other time. Upon an appeal, no debate shall be allowed if the question pertains to a question of “decorum”, and the question shall immediately be voted upon. But if the question relates to

the priority of business, or to relevancy or applicability of propositions, the appeal may be debated among Councilors prior to a vote. (City Code Sec.2-69)

- The presiding officer shall ensure that individuals address their comments to City Council at appropriate times, in accordance with the meeting agenda and these Rules of Procedure. Otherwise, no person shall address City Council until leave to do so has been granted by the City Council or until invited to do so by the presiding officer. Remarks shall at all times be addressed directly to Council, and not to staff, the audience, or the media. (City Code sec.2-71)
- Remarks and actions that disrupt the progress of the Council meeting, and remarks from persons other than Councilors, the City Manager, the City Attorney, or a Presenter for an Agenda Item are not permitted, other than within the portions of a meeting Agenda set aside for “Community Matters”, comment on a Consent Agenda item, or a public hearing.

The presiding officer shall call an individual to order, including a Councilor, when that individual goes afoul of these rules. The following are examples of remarks and behavior that are not permitted:

- i. Interrupting a speaker who is addressing Council at the speaker’s microphone, or interrupting a speaker who has otherwise been invited to address Council during Community Matters or a Public Hearing;
- ii. Interrupting a Councilor who is speaking;
- iii. Shouting, and talking (either individually or in concert with others) in a manner that prevents a speaker or a Councilor from being heard or that otherwise hinders the progress of the meeting;
- iv. Blocking paths for emergency exit from the meeting room; engaging in any conduct that prevents a member of the audience from seeing or hearing Councilors during a meeting; standing on chairs or tables within the Council meeting room;
- v. Threats or incitement of violence toward Councilors, City staff or members of the public;
- vi. Engaging in conduct that is a criminal offense under the City Code or the Virginia Code;
- vii. Campaigning for elected office;
- viii. Promotion of private business ventures;
- ix. Using profanity or vulgarity;
- x. Personal attacks against Councilors, City staff or members of the public; or
- xi. Behavior which tends to intimidate others

During a City Council meeting the presiding officer shall have control of the Council Chambers and the connecting halls and corridors within City Hall, and any other venue where a Council meeting is being held. In case of any conduct described above, the presiding officer may take measures deemed appropriate, including but not limited to suspending the meeting until order is restored, ordering areas to be cleared by the Sergeant at Arms, or requiring any individual to exit the meeting room and adjacent premises (connecting halls and corridors.)

- b. City Attorney:

The City Attorney shall serve as the Parliamentarian for the purposes of interpreting these Meeting Procedures, and the Code of Virginia (1950), as amended, and Robert's Rules of Order, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Councilors.

c. City Clerk:

The City Clerk shall prepare and publish the agenda and prepare minutes. The City Clerk shall also prepare the list of speakers for the Community Matters sections of the Agenda.

d. Sergeant at Arms:

Pursuant to City Code § 2-43, the Sergeant at Arms shall assist the Presiding Officer in maintaining order at Council Meetings.

8. Any person who has been expelled from a Council meeting shall be barred by the presiding officer, from reentering the Council meeting from which he/she/they was expelled, subject to appeal to Council or motion passed by Council.

D. Community Matters, Public Hearings and Other Comment Opportunities

1. Community Matters – Time shall be reserved during each regular City Council meeting for Community Matters. The purpose of Community Matters is to offer individuals an opportunity to state a position, provide information to City Council, comment on the services, policies, and affairs of the City, or present a matter that, in the speaker's opinion, deserves the attention of City Council.

a. At Council's regularly scheduled meetings, two Community Matters opportunities will be afforded for members of the public. One Community Matters opportunity will be offered early in the meeting, prior to taking up matters on a consent agenda, action items agenda, or items for General Business. At this first Community Matters period, up to sixteen (16) individuals may speak, as follows:

- i. up to 8 individuals selected randomly from a list of people who have signed up in advance, and
- ii. up to 8 individuals who have raised their hand as directed by the presiding officer at the designated time during the meeting on a first-come/first-served basis.

A second Community Matters session will be offered as the final agenda item at each regular meeting, during which individuals who did not speak during the first Community Matters period may be given an opportunity to address Council.

b. Each person who speaks during a Community Matters segment will have up to three (3) minutes.

- i. Speakers may concede their allotted time; the person whose name is written on the speaker sheet must be the person who begins speaking, although they may be accompanied by others to the podium and may share their time with them. Each speaker shall begin by clearly stating his/her/their name and place of residence (or, if speaking on behalf of a business, by giving the location of the business).
- ii. Written materials presented at Community Matters must be given to the Clerk prior to speaking and will be distributed to the Council. For distribution of hard copies to Councilors, eight copies should be provided; however, electronic distribution is preferred and may be sent to

Council@charlottesville.gov. Electronic presentations cannot be accommodated during Community Matters.

- iii. Issues raised in Community Matters may be referred to the City Manager by the presiding officer, with a request that the City Manager bring back a suggested response to issues raised in Community Matters.
2. Public hearings – From time to time, Council will conduct public hearings on specific topics as required by law or as Council otherwise deems appropriate. The purpose of a public hearing is for Council to receive public comments on a specific topic.

The order of public hearings shall be as follows:

- i. The presiding officer shall open the public hearing
 - ii. Hearings shall begin with a brief presentation from a staff member. The presentation shall summarize the facts about the issue and any staff or other recommendation (such as the Planning Commission in the case of land use matters). Council members may seek clarification during the presentation.
 - iii. In land use cases, the applicant or their representative shall have an opportunity to speak following staff. The presentation shall be limited to ten (10) minutes.
 - iv. The presiding officer shall then solicit comments from the public. Each speaker must clearly state their name and address. There shall be a time limit of three (3) minutes for each individual speaker.
 - v. After public comments have been received in a land use case, the applicant or their representative may respond with a rebuttal limited to no more than five (5) minutes.
 - vi. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing. Following the closing of the public hearing, the presiding officer will ask for a motion. Following a motion and a second, the presiding officer will ask for discussion. Following the conclusion of discussion, Council will vote on the pending motion.
3. Written Comments – To provide an additional mechanism to communicate with Council, an "Online Matters by the Public" form is provided on the City website for electronically submitting comments. These comments are distributed to all Council members. Citizens may also contact Councilors via their City email addresses (available on the City's website) or by written correspondence sent in care of the Clerk of Council.

E. Recess

1. By motion, Council may take a brief recess during the meeting, or the Presiding Office may declare a recess at their discretion.
2. The Council's goal at regular meetings is to adjourn no later than 11:00p.m.
3. Suspension of Meeting Procedures
 - No rule set forth within these Meeting Procedures can be suspended except by the consent of four Council members. Suspension of the rules may be made by a motion. (*City Code section 2- 66*)

F. Miscellaneous

1. Persons with disabilities may request reasonable accommodations by contacting ada@charlottesville.gov or (434) 970-3182. Persons are encouraged to make requests in advance.
2. All regular City Council meetings are broadcast live on Charlottesville's TV10. Streaming video of the meetings is available for viewing online at the time of the meeting and as an archived video on the next business day following a meeting. Archived meetings can be downloaded in audio or video format from the City website. Charlottesville TV 10 runs repeats of the most recent meeting throughout the month on Mondays, Wednesdays, and Fridays at 7:00 p.m. and Tuesdays, Thursdays, and Saturday mornings at 9:00 a.m. until the next meeting is held.
3. These City Council Meeting Rules and Procedures will be posted on the City's website.
4. These Council Meeting Rules and Procedures are adopted by the Council pursuant to the Charter of the City of Charlottesville and Section 2-66 of the City Code, and effective upon adoption these Rules supersede prior rules. The rules and procedures set forth within this document do not create substantive rights for third parties or participants in proceedings before City Council, and City Council reserves the right to suspend or amend the rules in the manner provided in the City Code. The failure of City Council to strictly comply with the provisions of this document shall not invalidate any action of City Council.

G. Policy for Electronic Participation by Councilors in Council meetings

1. **Purpose and Applicability.** It is the policy of the City Council of the City of Charlottesville that individual members of the Council may participate in Council meetings by electronic means as permitted by Virginia Code Section 2.2-3708.3 (B). The purpose of the policy is to comply with the requirements of Section 2.2-3708.2 of the Code of Virginia and to allow for and govern participation by one or more Councilors in Council meetings by electronic communication means. All proceedings pursuant to this policy shall be performed in accordance with Virginia Code Section 2.2-3708.3 (B), as that statute may hereafter be amended. This policy shall apply to the entire City Council membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
2. **Quorum Required.** The City Council may consider a request for participation by electronic communication means only if a quorum of the Council is physically assembled at the primary or central meeting location, and there is an arrangement for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
3. **Permissible Reasons for Electronic Participation.** Participation by a Councilor in a meeting by electronic communication means shall only be allowed for one of the reasons set forth within Virginia Code Section 2.2-3708.3 (B) (1), (2), or (4). Each Councilor shall be limited each calendar year to participation by electronic means for personal reasons (Virginia Code Section 2.2-3708.3(B)(4)) in two meetings, or twenty-five percent (25%) of the meetings held by City Council per calendar year, rounded up to the next whole number, whichever is greater.
4. **Approval.** Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a Councilor's participation from a remote location is challenged, then the City Council shall vote whether to allow such participation. If the City Council votes to disapprove the Councilor's participation because such participation would violate this policy, such disapproval shall be recorded in the Council's minutes with specific reasons cited for the disapproval.

5. Approval Process. No Councilor may participate in a meeting by electronic communications means unless the Councilor requests and the Council approves the participation in accordance with this policy.

- A Councilor may request to participate in a meeting by electronic communication means if the Councilor notifies the Mayor and the Clerk of Council on or before the day of the meeting that the Councilor is unable to attend due to the following:

- i. Personal (Va. Code §2.2-3708.3(B)(4)): an emergency or personal matter, provided that the Councilor identifies with specificity the nature of the emergency or personal matter, or

- ii. Temporary or Permanent Disability, or Medical Condition (Va. Code §2.2-3708.3(B)(1) or (2)): a Councilor has a temporary or permanent disability or other medical condition that prevents the Councilor's physical attendance, or a medical condition of a member of a Councilor's family requires the Councilor to provide care that prevents the Councilor's attendance.

- The Councilor must also notify the Clerk of Council of the remote location from which the Councilor would participate by electronic communication means.

- At the meeting, the Clerk of Council shall announce the information received from the absent Councilor. If the Council member's request is in all respects compliant with this policy, then by motion and majority vote of the quorum of Councilors physically assembled at the central meeting location, City Council may approve or disapprove the absent Councilor's request. If participation by a member through electronic communication means is approved the Clerk of Council shall record in the minutes of the meeting the remote location from which the Councilor participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2 of Va. Code §2.2-3708.3(B), the Clerk of Council shall also include in the meeting minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 4 of Va. Code §2.2-3708.3(B), the Clerk of Council shall also include in the meeting minutes the specific nature of the personal matter cited by the member.

- Upon adoption of a motion to approve the Councilor's participation by electronic communication means, the Councilor shall be allowed to fully participate in the meeting by electronic communication means.

- If a Councilor's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy set forth above, such disapproval shall be recorded in the minutes with specificity, inclusive of the following information:

- i. the motion;

- ii. the vote thereon;

- iii. the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition;

- iv. the remote location from which the Councilor would participate in the meeting; and

- v. the specific aspect of this policy that would be violated by the Councilor's proposed participation by electronic communication means, as summarized by the quorum of Councilors physically present.

II. THE COUNCIL – MANAGER RELATIONSHIP

- A. Per City Code §2-157 and in the interests of efficient management, if Council members seek answers from City staff, they should generally attempt to do so through the City Manager. In any event, when asking questions of staff, Council members should advise the City Manager of same.
- B. Members of the City Council, including the Mayor, shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Council members shall explicitly state they do not represent their body or the City, nor will they allow the inference that they do. No member of City Council may purport to speak on behalf of the City on matters that have not been voted on by Council or that do not represent official City policy unless authorized by vote of the City Council.
- C. If a Councilor wishes to convene a gathering that will involve the use of City meeting space or the assistance of non-Council staff, the gathering must be approved by the City Manager, with notice given to the Clerk of Council and other Councilors of the date, time, place, and purpose of the gathering.
- D. If any Councilor convenes or plans to attend an event or gathering to which any other Councilors may also be invited, he/she/they shall advise the Clerk of Council and the City's FOIA Officer at least one day in advance of the time and place of the event or gathering.
- E. Council members shall respect and adhere to the Council/Manager structure of Charlottesville City government as outlined in the Charlottesville City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards and Commissions, and the public. Except as provided by the City Code, Council members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

Ref. City Charter, §5.01, §5.02

Ref. City Code §2-36; 2-39; 2-146 through 2-158

III. CITY COUNCIL EXPENDITURES

- A. Each fiscal year, as part of Council's approval of the annual budget for the City, or as amended during the year, Council appropriates a certain amount of public funds for expenditure by "City Council/Clerk of Council" and for "City Council Strategic Initiatives". Public funds appropriated in these categories may be expended by City Council in accordance with this Council Procedure document, as follows:
 - 1. **Council-authorized purchases and expenditures**—public funds within City Council's budget appropriation, including any discretionary funds contemplated to be expended for uses specifically designated by individual Councilors within Council's budget appropriation, may be expended for lawful purposes specifically approved by a vote of City Council, including, without limitation:
 - i. Charitable donations authorized by state statute;

ii. Compensation to individuals serving on a City-Council created advisory agency, as defined in Va. Code §2.2-3101 (task force, commission or other group - regardless of name). (Note: If City Council creates an advisory agency, City Council may specifically authorize members of the advisory agency to be compensated for their attendance at regularly scheduled meetings and in training. Compensation may be paid to an individual member, only if the City Council action which established the advisory agency: (i) specifically authorizes the amount of compensation to be paid, (ii) designates the manner in which compensation may be paid (City-issued check, cash-equivalent (e.g., gift card), or other form of payment), and (iii) identifies the fund or budget expenditure line item from which the compensation is to be paid.) Ref. Va. Code §15.2- 1411.

iii. Purchases of goods or services for a City Council meeting, function, or retreat, or purchase of office supplies, travel reservations for an individual Councilor, etc., arranged by the Clerk of Council in his/her/their role as “decentralized buyer” for the City (for example: a facilitator for a Council workshop; catering and meals for a City Council meeting or retreat; consulting services for a City Council initiative, etc.).

iv. Emergency travel expenses, which may be arranged and authorized by the City Manager, in circumstances where an individual Councilor’s credit card fails to function while the Councilor is traveling on City business.

v. Payment for the expenditures listed in (i)-(iii), above, shall be arranged by the Clerk of Council or City Manager, on behalf of City Council, using the credit card issued by the City to the Clerk or by other form of payment used by the City in the normal course of business. Individual Councilors’ credit cards shall not be used to pay for those expenditures.

2. **Reimbursement of individual Councilors’ and Council-staff members’ City-business expenses** —pursuant to Va. Code §15.2-1414.6 each individual Councilor is eligible to be reimbursed for any expenses incurred by such individual Councilor for official City business (“Reimbursables”). Any such Reimbursables must be itemized and documented by stamped “paid” receipts to the extent feasible.

i. Following are examples of authorized Reimbursables:

- registration fees, meals and/or travel and parking expenses for attendance at official functions, general assembly sessions, or ceremonies/special events to which City Council, or an individual Councilor, or a Council staff member, is invited or is required to attend;
- individual dues for membership in organizations related to Council duties, and travel to seminars and meetings of those organizations (e.g., VML, Virginia First Cities, National League of Cities, etc.);
- meals or refreshments for an individual Councilor himself/herself/themself, while meeting with one or more constituents, if receipts are supported by documentation meeting IRS standards for allowable business expenses (identification of the purpose of the meeting, the topic(s) discussed, the person(s) participating in the meeting, etc.);
- home office supplies for individual Councilors, such as copier paper, “cloud” storage for records, office furniture, pens, etc.

ii. In lieu of incurring a Reimbursable expense and then submitting a reimbursement request to the City, any individual Councilor or Council staff may use a city credit card issued to such

Councilor/ staff member to purchase Reimbursables. Requirements for documentation of purchases made with a City-issued credit card, as well as daily per- diems and mileage reimbursement rates, shall be the same as established by the City Manager/ Director of Finance for City employees.

- iii. No credit card issued to an individual City Councilor shall be used to purchase any goods, services or items other than:
 - a) Reimbursables
 - b) Tokens of sympathy or appreciation for the Clerk of Council and his/her/their staff, the City Manager and his/her/their deputies and assistants, and the Finance Director and his/her/their deputies and assistants, to recognize birthdays, work anniversaries, sympathy for the loss of a family member, and similar circumstances). The value of a credit card transaction for any such purchase shall not exceed \$50
 - c) Goods, services or items approved by City Council, as a body, to be purchased with an individual Councilor's card (*for example, City Council may vote to authorize an individual Councilor who is leading a City- Council sponsored trip to charge certain group expenses to the City credit card issued to that Councilor*).
 - d) If any individual Councilor desires to use a City credit card that is issued to him/her/them, but is not sure whether or not a particular purchase constitutes a Reimbursable, as defined above, it shall be the responsibility of the Councilor to seek guidance (from Council, as a body, the Clerk of Council, the Finance Director, or the City Attorney's Office) prior to using the credit card to make the purchase.

Inquiry shall be made regardless of whether similar purchase(s) have previously been made prior to the adoption of these Council Rules and Procedures.

3. **Prohibited Expenditures, by Credit Card and Otherwise:** the following expenditures of City funds are PROHIBITED and are UNAUTHORIZED as to every individual Councilor and each member of Council's staff:

No City funds shall be used to obtain, purchase, or pay for any of the following—whether the purchase or payment is made or obtained by means of a City-issued credit card, expense reimbursement request, City-issued check, cash, or cash equivalent (gift card) or otherwise:

- i. Alcoholic beverages,
- ii. Smoking products and paraphernalia,
- iii. Personal items and services (i.e., goods, services, or items other than Reimbursables) for an individual Councilor or any other individual,
- iv. Gifts or donations to any individual(s),
- v. Non-essential services and gratuities: mini-bar fees, service gratuities in excess of 20% for meals or transportation services, movies, personal telephone calls made from a hotel phone, etc.,
- vi. Vehicle fuel,
- vii. Cash (cash advances, wire transfers, money orders, credits for returned merchandise, etc.),

- viii. Any purchase or expenditure that exceeds funding that is available within City Council's fiscal year budget at the time of the purchase or obligation of City funds,
- ix. All other unauthorized purchases and expenditures—meaning any purchase or expenditure other than one specifically authorized within these Council Rules and Procedures.

B. Oversight of Council Expenditures

1. The Clerk of Council shall send quarterly budget-to-actual expenditure reports to City Council, reporting all expenditures from City Council's budget for the preceding month (inclusive of credit card purchases), as well as the total amount of funds remaining to be spent during the fiscal year. It shall be the responsibility of City Council, as a body, to review the budget-to-actual expenditure reports and to address any apparent concerns as a group, with Council staff and each other.

2. If any Councilor or Council staff member has a question about whether any credit card purchase or other expenditure complies with this Council Procedure, they may seek assistance from the Finance Director or City Attorney, as needed. If the question cannot be resolved by Council, as a body, the matter shall be reviewed by the City Attorney in consultation with the City Manager and Director of Finance and/or reported to law enforcement for investigation.

Notwithstanding the foregoing: if Council as a body fails to promptly take action, or if there is cause to believe that a violation of the requirements of this Council Procedure is knowing or intentional and a financial loss in excess of \$300 (ref. City Code §2-45) will occur to the City while awaiting a response by Council, any City official or Council staff shall have a right to seek review of the matter by law enforcement.

3. Any City Councilor who uses a credit card, or otherwise obligates City funds to be expended, for purposes not authorized by this Council Procedure may be subject to civil fines, payment of reimbursement to the City, and/ or criminal prosecution (ref. City Code §2-45, City Code §22-33, and Va. Code §18.2-112).

Approved as to form:

Jacob P. Stroman
City Attorney

ORDINANCE

Amending and reordaining City Code Article II. Section 2-38. Organizational Meeting and Section 2-39. Elections, Terms and General Powers and Duties of Mayor, Vice-mayor and Mayor Pro Tempore; Mayor's Veto

WHEREAS Charlottesville City Council elections occur in November for positions beginning January 1 the following calendar year; and

WHEREAS the City Council seeks to align its Rules and Procedures with the Code of Virginia and the City Code, and to conduct its Organizational Meeting to elect a mayor and vice mayor at the beginning of the calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia **THAT** Article II. Section 2-38. Organizational Meeting, and Section 2-39. Elections, Terms and General Powers and Duties of Mayor, Vice-mayor and Mayor Pro Tempore; Mayor's Veto of the Code of the City of Charlottesville (1990), as amended is hereby amended, re-ordained and re-enacted, as follows:

Sec. 2-38. Organizational meeting.

The city council shall meet for organization on the first day of ~~July~~ January after the election of its members (unless that day is a Sunday or a legal holiday, in which case it shall meet on the following day). In case of unavoidable absence from such meeting of any member elect, the meeting may be adjourned from time to time as the council may deem proper.

(Code 1976, § 2-6)

Sec. 2-39. Election, terms and general powers and duties of mayor, vice-mayor and mayor pro tempore; mayor's veto.

- (a) The city council shall, at its first meeting in ~~July~~ January after the regular biennial election of council members or as soon thereafter as practicable, elect one (1) of its members mayor. The mayor shall continue in office two (2) years. If a vacancy occurs in the office of mayor before the end of the term, such vacancy shall be filled as provided by section 8 of the Charter. The mayor shall have no veto power.
- (b) At the same time, the city council shall elect one (1) of its members to be vice-mayor, who shall continue in office two (2) years. If a vacancy occurs in the office before the end of their term, such vacancy shall be filled as provided by section 8 of the Charter.
- (c) The mayor shall preside at the meetings of the city council and when, from any cause, they shall be absent, the vice-mayor shall preside. In the absence of both, a mayor pro tempore may be elected.
- (d) The vice-mayor, in the absence of the mayor and while acting as mayor, shall be vested with all the rights and duties of the mayor.

(Code 1976, § 2-7; 9-7-21(1), § 2)

This ordinance shall be effective upon its approval.

