

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



Agenda Date:	August 19, 2024
Action Required:	Approval of the Ordinance and Repeal of City Code Secs. 18-24(b) and 18-25(f), respectively
Presenter:	Eden Ratliff, Deputy City Manager
Staff Contacts:	Robinson Hubbard, Deputy City Attorney
Title:	Public Hearing and Ordinance to repeal City Code Sec. 18-24(b) and 18-25(f) pursuant to the Ragged Mountain Reservoir Settlement Agreement

Background

In April 2017, Albemarle County ("the County") filed a legal action in Charlottesville Circuit Court ("Circuit Court") against the City challenging permitted activities at the Ragged Mountain Reservoir ("the Reservoir"). While located in the County, the Reservoir is owned by the City, and supplies water to residents and businesses in both localities. The litigation involved determining which recreational activities are permitted at the Reservoir. The County sought to prohibit bicycling and permit horseback riding at the Reservoir, while corresponding provisions of the City Code permitted bicycling and prohibited horseback riding at the Reservoir.

The Charlottesville Circuit Court found in favor of the County, and the City appealed this action to the Court of Appeals of Virginia. The two parties then entered into a Settlement Agreement which ended litigation on the matter.

City Council approved this Settlement Agreement on March 4, 2024.

Discussion

The Settlement Agreement contained the following terms:

1. The City would withdraw its appeal from the Court of Appeals of Virginia.
2. The City would repeal Charlottesville City Code Secs. 18-24(b) and 18-25(f).
3. The County would be allowed (but not required) to install signs at strategic locations on the Reservoir notifying visitors that bicycling and/or horseback riding is not permitted.
4. The County would maintain primary law enforcement responsibilities at the Reservoir.
5. The City maintains authority to exercise police property over the Reservoir or persons using the Reservoir, or to send law enforcement officers to the Reservoir to protect the property or enforce the laws of the Commonwealth.

The proposed ordinance simply strikes the portions of the City Code which allows bicycling and horseback riding at the Reservoir.

Alignment with City Council's Vision and Strategic Plan

Approval of this Ordinance is aligned with improving and/or maintaining a positive working relationship with the County.

Community Engagement

N/A

Budgetary Impact

N/A

Recommendation

Approval of the Ordinance

Alternatives

Council can elect not to take any action, putting the City in violation of the terms of the Settlement Agreement.

Attachments

1. Agreement between Charlottesville Albemarle ending RMNA litigation Fully Signed 20240311
2. ORD - Repeal Sec. 18-24(b) and 18-25(f) 2024 - 8.14.2024