



## City Council Meeting Agenda

**October 19, 2026**

City Hall Council Chamber  
605 E. Main St.  
Charlottesville, VA 22902

Juandiego R. Wade, Mayor  
Natalie Oschrin, Vice Mayor  
Jen Fleisher  
Michael K. Payne  
J. Lloyd Snook, III  
Kyna Thomas, Clerk

### 4:00 PM Opening Session

**I. Call to Order/Roll Call**

**II. Agenda Approval**

**III. Reports**

1. Report: Charlottesville Albemarle Regional Transit Authority Update

### 5:30 PM Closed Meeting (if called)

### 6:30 PM Business Session

**IV. Moment of Silence**

**V. Announcements**

**VI. Recognitions/Proclamations**

- Proclamation: Support Your Local Chamber of Commerce Day

**VII. 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.

**VIII. Consent Agenda\*** The consent agenda consists of routine, non-controversial items whereby all items are passed with a single motion and vote. Individuals speaking during Community Matters may address items on the Consent Agenda.

2. Ordinance: Ordinance to renew Franchise Agreement for FiberLight, LLC
3. Resolution: Resolution to Appropriate the Victim Witness Grant - \$313,698 (1 of 2 readings)
4. Resolution: Resolution for Blue Ridge Health District Carryover Request - \$18,000 (1 of 2 readings)
5. Resolution: Resolution to appropriate funding from the Virginia Department of Housing and Community Development FY2027 Continuum of Care Capacity Building Funds - \$25,000 (1 of 2 readings)
6. Resolution: Tonsler Fitness Court
  - a. Resolution: Resolution appropriating \$40,000 from National Fitness Campaign for Installation of an Outdoor Gym at Tonsler Park (1 of 2 readings)
  - b. Resolution: Resolution Appropriating \$149,500 Land and Water Conservation Grant from the Virginia Department of Conservation Grant for Installation of Outdoor Gym at Tonsler Park (1 of 2 readings)

**IX. City Manager Report**

- Report: City Manager Report

**X. Action Items**

7. Public Hearing/Res.: Public Hearing and Resolution to adopt amendments to City Charter (1 of 1 Reading)
8. Resolution: Resolution to Initiate the Five (5)-Year Review to City's Comprehensive Plan and Report on Project Scope
9. Resolution: Resolution allowing the installation of a sign recognizing the sale of enslaved persons in Court Square
10. Resolution: Resolution to Approve Construction Management at Risk Procedures (CMAR)
11. Resolution: Resolution to Appropriate Revenue from Participation in Energy Load Reduction Program in the Amount of \$12,375.53 (1 of 2 readings)
12. Resolution: Resolution to Adopt the City Council 2027 Legislative Agenda

**XI. General Business**

13. Report: Presentation of the Social Services Advisory Board Annual Report
14. Written Report: Land Use and Environmental Planning Committee Semi-Annual Report
15. Written Report: Rivanna Authorities Quarterly Update

**XII. Community Matters (2)**

**XIII. Adjournment**

## **MEETING GUIDELINES**

- 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](http://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) 987-1267 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide 48 hours' notice so that proper arrangements may be made.
- The presiding officer shall ensure that individuals address their comments to City Council at appropriate times, in accordance with the meeting agenda and Council's Rules of Procedure.
- No person who is not a member of the city council shall orally address it until leave to do so has been granted by the city council or until invited to do so by the mayor. (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.
- 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
  - 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.)

# Policy Briefing Summary

## City Council



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|                                 |                                                                                             |
|---------------------------------|---------------------------------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Charlottesville Albemarle Regional Transit Authority Update</b>                          |
| <b>Staff Contact(s):</b>        | Ben Chambers, Transportation Planning Manager, Michael Goddard, NDS Interim Director        |
| <b>Presenter:</b>               | <b>Ben Chambers, Transportation Planning Manager, Michael Goddard, NDS Interim Director</b> |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                                            |

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### Issue

Ongoing work of the Charlottesville Albemarle Regional Transportation Authority

### Background / Rule

In December 2024, the City of Charlottesville, Virginia ("City"), along with Albemarle County, Virginia ("County"), created the Charlottesville Albemarle Regional Transit Authority ("CARTA"). CARTA, enabled by 2009 state legislation, is able to coordinate regional transit expansion priorities and determine a future dedicated revenue source for regional transit services. Over the past year, CARTA, supported by Staff from Thomas Jefferson Planning District Commission ("TJPDC"), the City, and the County, has been reviewing existing transit services and plans to assess the scale of the region's transit needs and determine which priorities would benefit from additional regional funding. As CARTA concludes this study of potential future services, it is looking to clarify the role of CARTA in governing the implementation of those services and recommend changes to its enabling legislation to create a regional source for revenue.

### Analysis

CARTA's current Study of Regional Planning Priorities ("Study") reviewed plans from TJPDC, the former Regional Transit Partnership, CAT, Jaunt, the City, and the County, and documented a comprehensive range of options for transit service expansion. The Study identified opportunities for improvements in frequency and span of service for high-ridership fixed service routes, investments in commuter routes, stronger links to major regional destinations and employers like the University of Virginia, the Charlottesville-Albemarle Airport, and the Downtown Mall, and better connectivity across our urban, suburban, and rural communities. In addition to the existing plans for improvement to CAT services that should come online prior to 2030, this Study has identified approximately \$12 million worth of additional annual transit services that would be feasible to implement starting in 2031. The Study has also identified additional aspirational investments beyond this initial set of transit expansions.

Before the City and the County can request changes to state legislation that could enable CARTA to serve as the vehicle for the kinds of investments identified in the prioritization study, CARTA will be working to answer what the role of CARTA will be in terms of governing regional transit decisions and identifying what opportunities could be available to set dedicated revenue for implementing them.

### Financial Impact

The Study has identified approximately \$12 million in regional transit priorities that could be potentially implemented beginning in 2031. The direct financial impact of these proposed transit service expansions on the City has not been determined yet, as revenue sources and the roles and responsibilities of regional partners including CARTA itself are still in process of being identified.

**Recommendation**

None, informational update only.

**Recommended Motion (if Applicable)**

Not applicable.

**Attachments**

None

# CITY OF CHARLOTTESVILLE



## *Proclamation*

### **SUPPORT YOUR LOCAL CHAMBER OF COMMERCE DAY**

**WHEREAS** chambers of commerce play a vital role in addressing community challenges and advancing opportunities through bold leadership, innovative problem-solving, and collaboration that strengthens local economies, enhances quality of life, and expands access to meaningful employment and opportunity for all residents; and

**WHEREAS**, founded in 1913, the Charlottesville Regional Chamber of Commerce has served as a convener, catalyst, and champion for the business community for more than a century, representing approximately 600 members across Charlottesville, Albemarle, Augusta, Fluvanna, Greene, Louisa, Nelson, and Orange counties, and other localities throughout Virginia; and

**WHEREAS**, in 2026, the Charlottesville Regional Chamber of Commerce has strengthened regional partnerships through its inaugural Chamber2Chamber exchange with Chapel Hill-Carrboro, hosted its first sold-out Economic Forum, and continued advocating for downtown businesses and community needs through engagement with City leadership; and

**WHEREAS** the Charlottesville Regional Chamber of Commerce creates opportunities for businesses to connect, grow, and thrive, convenes regional leaders to address critical issues such as rising health care costs, and has awarded nearly \$50,000 in grant funding to members of its Minority Business Alliance through an ongoing partnership with United Way of Greater Charlottesville; and

**WHEREAS**, recognizing the contributions of local chambers of commerce encourages residents and businesses to invest in organizations such as the Charlottesville Regional Chamber of Commerce, which champions entrepreneurship, fosters economic opportunity, builds resilient communities, and advances shared prosperity throughout the region;

**NOW, THEREFORE, BE IT PROCLAIMED** that the Council of the City of Charlottesville hereby recognizes **October 21, 2026**, as **SUPPORT YOUR LOCAL CHAMBER OF COMMERCE DAY** and encourages all residents and businesses to learn more about the Charlottesville Regional Chamber of Commerce, support local businesses, and celebrate the vital role of a strong and connected business community.

Signed and sealed the 19<sup>th</sup> day of October 2026.

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Juandiego Wade, Mayor

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Kyna Thomas, Clerk

# Policy Briefing Summary

## City Council



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|                                 |                                                                   |
|---------------------------------|-------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Ordinance to renew Franchise Agreement for FiberLight, LLC</b> |
| <b>Staff Contact(s):</b>        | Steven Hicks, Director of Public Works                            |
| <b>Presenter:</b>               | <b>Steven Hicks, Director of Public Works</b>                     |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                  |

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### Issue

FiberLight, LLC ("FiberLight"), has requested a renewal of their expired Franchise Agreement ("FA") with the City of Charlottesville, Virginia ("City"). This renewal will allow FiberLight to perform work on facilities located within the City's Public Right-of-Way ("PROW"). The attached FA contains the recently updated obstruction language that outlines a more robust enforcement mechanism in line with ADA compliance and pedestrian safety throughout the City.

### Background / Rule

This is a renewal of the previous FA that expired in 2022. To protect the integrity and safety of its streets and PROWs, the City establishes FA with telecommunication providers under Article VII §9 of the Virginia Constitution. These FAs grant limited rights to install and maintain facilities within the PROW, while ensuring the City retains authority to regulate the use of public space.

### Analysis

The FiberLight FA incorporates amended Section 206 provisions, which improve the City's ability to manage and enforce compliance in the in the PROW. Specifically, the FA:

- Prohibits obstruction of the PROW, unless explicitly authorized in an approved plan;
- Requires removal of any obstruction within forty-five (45) days after City notification;
- Establishes daily penalties (\$500/day) for failure to remove unauthorized facilities after the deadline; and
- Authorizes the City to remove the obstruction and recover reasonable costs when the company fails to act.

These provisions directly support the City's ADA Transition Plan and reinforce its legal obligation to maintain accessible pedestrian routes. The strengthened language also provides a clear, enforceable framework to address delayed pole transfers and other obstructions in the PROW.

This action aligns with City Council's vision of Organizational Excellence by ensuring consistent, accountable management of the PROW through updated franchise standards. The attached FA strengthens coordination with utility providers, improves operational efficiency, and enhances the City's ability to maintain safe, accessible, and well-managed infrastructure for the community.

### Financial Impact

There is no budgetary impact except for the prescribed measures granted by this FA for the City to recover costs as appropriate for use of the PROW.

### Recommendation

City staff recommends that City Council adopt the attached Ordinance granting a FA to FiberLight consistent with the City's updated FA framework. Approval will:

- Maintain continuity of telecommunications services within the City;
- Ensure FiberLight complies with updated PROW management and enforcement standards; and
- Support the City's broader initiative to eliminate double poles, achieve ADA compliance, and preserve the integrity of public infrastructure.

**Recommended Motion (if Applicable)**

"I make a Motion to approve the first reading of the attached Ordinance granting a FA to FiberLight and to schedule the attached Ordinance for second reading and possible adoption at City Council's next meeting."

**Attachments**

1. FIBERLIGHT LLC FA - 2026\_

ADOPTED BY CITY COUNCIL ON \_\_\_\_\_, 2026

**FIBERLIGHT, LLC**  
**FRANCHISE ORDINANCE**  
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**AN ORDINANCE  
GRANTING A FRANCHISE TO FIBERLIGHT, 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 FiberLight, LLC, a Delaware limited liability company, (the “Company”), is hereby granted a franchise for a period of five (5) years from the effective date hereof. This Ordinance authorizes and empowers the Company to erect, maintain and operate certain Facilities as described in this Ordinance on, over, along, in, under and through the Public Rights-of-Way (as defined in this Ordinance) of the City of Charlottesville, Virginia (the “City”) as its business may from time to time require; provided that:

**ARTICLE I – GENERAL**

**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 Public Rights-of-Way under its jurisdiction in a state of good repair and free from unnecessary encumbrances.

Accordingly, the City hereby enacts this Ordinance to grant to grant 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 local, state, and federal agencies. Under this Ordinance, when excavating and obstructing the Public Rights-of-Way, the Company will bear financial responsibility for its 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.

This Ordinance shall be interpreted so as to benefit the public but does not create any third-party right of action.

**SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY**

This Ordinance granting a 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

its Charter, 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 is not intended 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 of the Commonwealth of Virginia, acting through its authorized agents.

**103.2 COMPANY** means FiberLight, LLC, including its permitted 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 within the scope of this Ordinance as stated in Section 101, above.

**103.5 HOLDOVER PERIOD** means the period between the termination or expiration of the franchise and the date provided in Sections 1104 and 1401.

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

**103.7 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.

**103.8 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, including other dedicated rights-of-way for travel purposes and utility easements belonging to the City (to the extent that they provide for third party usage), paved or otherwise. This definition does not include a state highway system regulated pursuant to the direction of the Commonwealth Transportation Board. This definition does not include any City-owned buildings or structures except those integral to a public street or road such as a bridge or viaduct.

## **ARTICLE II - INSTALLATION**

### **SECTION 201 INITIAL INSTALLATION**

The Company's initial installation of Facilities must be in strict compliance with the approved PROW Plan for the Facilities, a copy of which shall be maintained by the Director within a file within the Department of Public Works. Any additional installation of equipment, lines, cables or other Facilities shall be underground unless it shall be determined by the Director as set forth in Article III that it is not feasible to do so.

### **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 to the extent that such reimbursement is required by and available under 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 WORK**

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 wellbeing of the public.

## **SECTION 205 LOCATION OF FACILITIES**

The Company may not place or install any Facilities within the Public Rights-of-Way pursuant to this Ordinance so as to endanger 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**

The Company may not obstruct the PROW except as clearly specified within an approved PROW plan.

**206.1 REMOVAL OF OBSTRUCTIONS:** Upon notification from the City or an entity that has an Attachment Agreement, the Company shall remove any of its Facilities installed in the PROW contrary to an approved PROW Plan within forty-five (45) of receipt of the notification. If the Company has not removed its obstruction(s) from the PROW within forty-five (45) days of receipt of the notification, the City shall assess the Company a fee of five hundred dollars (\$500) per day the Company has failed to remove the Facility installed in the PROW contrary to an approved PROW Plan. The City, in its sole and absolute discretion, may also remove said offending Facility. In such event, the Company shall pay to the City its reasonable removal costs within thirty (30) days after the City issues a bill for the removal, in addition to the five hundred dollars (\$500) per day fee, such billing to be 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 may collect the costs in any manner authorized by law. 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 natural free and clear passage of water through gutters, culverts, ditches, tiles, or other waterways.

**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 - ADMINISTRATION**

#### **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 franchise to the Company and any of its PROW Plans. The Director may delegate any or all of the duties hereunder to another 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.

The Director may also require submission of a PROW Plan to coordinate with any upcoming City project. The Director will identify to Company the area, scope, and planned timeline of the project. The Company cannot perform any work in the project area except in compliance with the PROW Plan or with the advance written consent of the Director for one year after actual completion of the City project.

The City will not accept any PROW Plan for work to be done during the Holdover Period.

#### **SECTION 303 GOOD CAUSE EXCEPTION**

**303.1 WAIVER:** The Director, in his or her sole and absolute discretion, 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 is 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 must, within forty-five (45) days, either approve the Company's plans for proposed action as described in Section 302 or inform the Company by written explanation of the reasons for disapproval and the actions required to cure disapproval. The Company must 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. The decision of the City Manager is final.

## **SECTION 305 MAPPING DATA**

Immediately after each installation or placement of a Facility within the PROW, the Company shall provide to the City such information as the Director may require documenting the location and elevation of the Facility, 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 - STANDARDS**

### **SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS; QUALITY OF WORK**

Obtaining this franchise shall in no way relieve the Company of its duties 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 or another entity or

person acting on its behalf pursuant to this Ordinance in the Public Rights-of-Way. The Company shall install only such equipment as meets industry standards and shall perform all work to industry standards of quality and skill.

## **ARTICLE V – ALTERATIONS TO THE PROW**

### **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, or of the City's intent to close or vacate any Public Right-of-Way, 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 to the extent that such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law. If the City requests relocation on behalf of any third party, the Company will give notice to the City of the cost for the relocation within a reasonable time not to exceed 30 days, and the third party will have the sole responsibility to the Company for the cost of the relocation. Upon receipt of payment, the Company will promptly undertake and diligently pursue to completion any relocation under this Section 501.

### **SECTION 502 RIGHTS-OF-WAY PATCHING AND RESTORATION**

**502.1 RESTORATION STANDARD:** In accordance with an approved PROW Plan, the Company may disturb or damage the Public Rights-of-Way. The Director has 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 volume and speed of traffic carried by the Public Rights-of-Way and the character of the neighborhood surrounding the Public Rights-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 Public Rights-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 this Article V, 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 issuance of a bill by the City; such bill will be 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 may collect the costs in any manner authorized by law. 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 collect the costs in any manner authorized by law. 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 - LIABILITY**

### **SECTION 601 INDEMNIFICATION AND LIABILITY**

**601.1 SCOPE OF INDEMNIFICATION:** Subject to the following, the Company agrees and binds itself to defend, 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 Public Rights-of-Way 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 attorney's fees and other costs, and will hold the City harmless therefrom.

## **SECTION 602 WAIVER BY THE CITY**

The City waives the applicability of these indemnification provisions with respect to the claim at issue as of the date that the City:

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

## **SECTION 603 INSURANCE**

**603.1** The Company shall also maintain in force; (i) commercial general liability insurance with limits of \$2,000,000 per occurrence for bodily injury (including death) and property damage and \$2,000,000 general aggregate including premises-operations, personal and advertising injury, products/completed operations and coverage for explosion, collapse and underground hazards, covering claims or incidents arising out of or resulting from the operations under this Agreement and; (ii) commercial automobile liability insurance in the amount of \$2,000,000 combined single limit each accident for bodily injury and property damage covering all owned, non-owned and hired vehicles; and (iii) workers

compensation insurance in compliance with the statutory requirements of the state(s) of operation and employer's liability with limits of \$1,000,000 for each accident/disease/policy limit.

All required insurance will be issued by an insurance company licensed, authorized or permitted to conduct business in the State of Virginia, or a form of self-insurance:

Upon receipt of notice from its insurer(s), the Company shall provide the City Attorney with thirty (30) days' prior written notice of cancellation of any required coverage:

The commercial general liability and commercial automobile liability policies shall include the City as an additional insured as their interest may appear under this Agreement and the Company shall provide the City Attorney with a certificate of insurance as evidence of such coverage upon execution of this Franchise Ordinance in a form reasonably 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 Rights-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 – GUARANTEES OF PERFORMANCE**

### **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 must be written by a corporate surety acceptable to the City and authorized to do business in the Commonwealth of Virginia. The Performance Bond must be maintained at this amount through the term of this Franchise Ordinance. Whenever the City calls upon the Performance Bond, the Company will take whatever steps are necessary to replenish the amount available to be called upon under the Performance Bond within ten (10) days of notice from the City regarding same.

### **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 costs or 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 corporate surety bond 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 Engineer or designee shall schedule a 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 – REQUIRED PAYMENTS**

### **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 Facilities.

### **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 – ENFORCEMENT AND INTERPRETATION**

#### **SECTION 901 ENFORCEMENT; RESERVATION OF ALL RIGHTS AND POWERS**

The City may enforce the terms of this Ordinance by any lawful means in its sole and absolute discretion, and the selection of a particular method of enforcement shall not preclude the City from using another method in relation to the same enforcement action or another enforcement action. In addition to any methods of enforcement granted by general law, the City reserves the remedy of self-help, including the right to remove, correct, or relocate any unsafe Facility belonging to the Company. In any litigation arising out of the City's enforcement of this Ordinance, the City may recover its reasonable attorney's fees if it prevails in the litigation.

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 - MAINTENANCE**

### **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. Upon notice from the City, the Company will promptly repair, replace or remove any Facilities not in good order or not in operating condition.

### **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 - TERM**

### **SECTION 1101 INITIAL TERM OF 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 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 HOLDOVER PERIOD; 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 or as otherwise provided in Section 1401 of this Ordinance. Nothing herein shall be construed to grant the Company a perpetual franchise interest.

During the Holdover Period, the Company will abide by all its obligations under this Ordinance as if it remained in effect.

### **SECTION 1104 MODIFICATION**

This Ordinance may be modified by the parties during performance, but no modification shall be valid or enforceable unless in writing and signed by each of the parties hereto.

## **ARTICLE XII – INFORMATION SHARING**

### **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:**

FiberLight, LLC  
Attn: Legal  
950 W. Bethany Drive, Suite 200  
Allen, TX 75013

**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 email to the following:

**To the Company:**  
FiberLight, LLC  
Attn: Legal  
950 W. Bethany Drive, Suite 200  
Allen, TX 75013

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

Steven Hicks  
Director of Public Works  
(434) 970-3703 (office)  
hicks@charlottesville.gov

## **SECTION 1203 REGISTRATION OF DATA**

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

- (a) Name, address and e-mail address if applicable, and telephone number;
- (b) Name, address and e-mail address if applicable, and telephone number of a local representative 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 Franchise Ordinance, and a copy of the insurance policy.

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

## **ARTICLE XIII - TERMINATION**

### **SECTION 1301 TERMINATION OF 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 – DISPOSITION OF FACILITIES UPON TERMINATION**

### **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 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 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 – ASSIGNMENT AND LEASING**

### **SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT**

The franchise granted by this Ordinance shall not be assigned or transferred without the express written approval of the City, which shall not be unreasonably or discriminatorily conditioned, withheld or delayed. The City will not approve of a transfer to any entity that is not properly authorized to do business in the Commonwealth of Virginia or not authorized or equipped to carry on the business contemplated by this Ordinance. As a condition of approval of a transfer, the City may require that the transferee accept liability for any known or unknown claims against the Company arising under this Ordinance.

In addition, 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.

Any lease or IRU granted by the Company terminates upon the termination of the Franchise or the expiration of any grace period provided under Section 1401.

## **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, or to any lender of the Company, contingent upon the Company's providing the City notice 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 - NONEXCLUSIVITY**

### **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 franchises to other parties.

## **ARTICLE XVII – WAIVERS GENERALLY**

### **SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES**

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. No acceptance by the City of any payment by the Company will be considered an accord and satisfaction of disputed claims or debts unless the City provides written agreement that such payment constitutes accord and satisfaction.

## **ARTICLE XVIII - NONDISCRIMINATION**

### **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 – INABILITY TO PERFORM**

### **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 \_\_\_\_\_, 2026.

\_\_\_\_\_  
Clerk of Council

ACCEPTED: The franchise granted by this Ordinance is accepted, and the Company agrees to be bound by its terms and conditions.

FiberLight, LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_



# Policy Briefing Summary

## City Council



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|                                 |                                                                                         |
|---------------------------------|-----------------------------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Resolution to Appropriate the Victim Witness Grant - \$313,698 (1 of 2 readings)</b> |
| <b>Staff Contact(s):</b>        | Taylor Harvey-Ryan, Grants Program Manager                                              |
| <b>Presenter:</b>               | <b>Pat O'Donnell, Director Victim and Witness Assistance Program</b>                    |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                                        |

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### Issue

The City of Charlottesville, through the Commonwealth's Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$188,916.00 in Federal Funds; \$47,230.00 in State General Funds; and a supplemental \$77,552.00 from the Commonwealth Attorney's operating budget for a total award of \$313,698.00.

### Background / Rule

The victim's rights movement began in the 1970's as a result of victims being re-victimized by the criminal justice process. Victims had difficulty navigating the complexities of the criminal justice system and no voice or recourse when their cases were continued or pled out without their knowledge or consent. Prosecutors did not have the time or skills to respond to victims traumatized by this process. To proceed with their case, prosecutors recognized that many victims would need more services than the prosecutor's office could provide. In response to this need, the federal Victims of Crime Act was passed in 1984, and funds became available through the Virginia Department of Criminal Justice to respond to the needs of victims.

### Analysis

The Charlottesville Victim/Witness Assistance Program was established in 1989 to meet the needs of victims of crimes in Charlottesville. This program is one of more than 115 such programs in the state that provides crisis intervention and advocacy; information and support during and after criminal justice proceedings; access to compensation and restitution; referrals to local community agencies; and ensures victims are afforded their rights as outlined in Virginia's Crime Victim and Witness Rights Act. The program also provides training to law enforcement and allied agencies on victim issues. It regularly serves more than 1,100 victims and witnesses each year.

### Financial Impact

The grant requires a City match of \$77,552.00 and will be covered using funds previously appropriated as part of the Commonwealth Attorney's Office Fiscal Year 2027 Adopted Budget. The Victim Witness Assistance Program Grant is renewed annually, and the funds will be received and expensed in the grants fund.

### Recommendation

Staff recommend approval and appropriation of grant funds.

### Recommended Motion (if Applicable)

### Attachments

1. RES\_Victim Witness - 2026



**RESOLUTION #R-\_\_-\_\_**  
**RESOLUTION APPROPRIATING FUNDS FOR**  
**THE CHARLOTTESVILLE VICTIM WITNESS ASSISTANCE PROGRAM IN THE**  
**AMOUNT OF \$313,698.00**

**WHEREAS**, the City of Charlottesville (“City”), through the Commonwealth Attorney’s Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$188,916.00 in federal funds and \$47,230.00 in state general funds for a combined \$236,146.00; and

**WHEREAS** the City is providing a supplement in the amount of \$77,552.00, the source of which is the Commonwealth’s Attorney’s operating budget.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$313,698.00 is hereby appropriated in the following manner:

**Revenues \$313,698**

|           |           |                         |                     |
|-----------|-----------|-------------------------|---------------------|
| \$ 47,230 | Fund: 209 | Cost Center: 1414001000 | G/L Account: 430110 |
| \$188,916 | Fund: 209 | Cost Center: 1414001000 | G/L Account: 430120 |
| \$ 77,552 | Fund: 209 | Cost Center: 1414001000 | G/L Account: 498105 |

**Expenditures \$313,698**

|           |           |                         |                     |
|-----------|-----------|-------------------------|---------------------|
| \$295,507 | Fund: 209 | Cost Center: 1414001000 | G/L Account: 519999 |
| \$ 18,191 | Fund: 209 | Cost Center: 1414001000 | G/L Account: 599999 |

**Transfer**

|          |           |                         |                     |
|----------|-----------|-------------------------|---------------------|
| \$77,552 | Fund: 105 | Cost Center: 1401001000 | G/L Account: 561209 |
|----------|-----------|-------------------------|---------------------|

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$236,146.00 from the Virginia Department of Criminal Justice Services.

Date Adopted:

Certified: \_\_\_\_\_  
Clerk of Council

# Policy Briefing Summary

## City Council



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|                                 |                                                                                                 |
|---------------------------------|-------------------------------------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Resolution for Blue Ridge Health District Carryover Request - \$18,000 (1 of 2 readings)</b> |
| <b>Staff Contact(s):</b>        | Krisy Hammill, Director of Budget, Taylor Harvey-Ryan, Grants Program Manager                   |
| <b>Presenter:</b>               | <b>Ryan McKay, Health Director</b>                                                              |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                                                |

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### Issue

The FY 2026 year-end settlement process for the Blue Ridge Health Department resulted in a \$36,553.20 surplus to be potentially returned to the City. This resulted from higher than projected revenue and vacancy savings. Ryan McKay, Health Department Director, is requesting the City's permission to carry over \$18,000 of those surplus funds into the current year's Health Department budget.

### Background / Rule

In accordance with the funding agreement, any excess funds at the end of the fiscal year are to be returned to agencies funding partners. If the health department wishes to keep any of the excess, approval from City Council is required.

### Analysis

Carryover funds in the amount of \$18,000 are being requested to purchase rapid HIV/STI and syphilis test kits (\$3,000) and to remove and install two new sheds - one for storage and the other for the rabies prevention program (\$15,000).

### Financial Impact

No new funds are being requested in the current fiscal year. This request is to allow the health department to keep excess funds appropriated to them in a prior fiscal year (FY 26). The total excess fund balance was \$36,553.20 of which \$18,000 is being requested and the remaining \$18,553.20 will be returned to the City.

### Recommendation

Staff recommends approval of the resolution.

### Recommended Motion (if Applicable)

### Attachments

1. BRHD FY 2026 Carryover



**RESOLUTION #R-\_\_ - \_\_**  
**Authorization of Carryover for Blue Ridge Health Department**  
**\$18,000**

**WHEREAS**, the Charlottesville-Albemarle Health Department ended the 2026 fiscal year with a surplus of \$36,553.20; and that this surplus is due to vacancy savings and higher than projected revenue; and

**WHEREAS**, the Health Department intends to use these surplus funds to cover the costs of Sexually Transmitted Infection (“STI”) testing kits; and

**WHEREAS**, the Health Department also seeks to use a portion of the surplus funds to remove and replace two storage sheds;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the Charlottesville-Albemarle Health Department is authorized to carry over the sum of \$18,000 from Fiscal Year 2026 for the above-stated purposes.

Date Adopted:

Certified: \_\_\_\_\_  
Clerk of Council

# Policy Briefing Summary

## City Council



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|                                 |                                                                                                                                                                                          |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Resolution to appropriate funding from the Virginia Department of Housing and Community Development FY2027 Continuum of Care Capacity Building Funds - \$25,000 (1 of 2 readings)</b> |
| <b>Staff Contact(s):</b>        | Taylor Harvey-Ryan, Grants Program Manager                                                                                                                                               |
| <b>Presenter:</b>               | <b>Taylor Harvey-Ryan, Grants Program Manager</b>                                                                                                                                        |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                                                                                                                                         |

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### Issue

City of Charlottesville has received a grant in the amount of \$25,000 from the Virginia Department of Housing and Community Development for capacity building for the Continuum of Care.

### Background / Rule

The Office of Budget and Grants Management in coordination with the Blue Ridge Area Coalition for the Homeless (B.R.A.C.H.) received a grant from the Virginia Department of Housing and Community Development. The Virginia Housing Solutions Program (V.H.S.P.) Continuum of Care Balance of State Local Planning Group Capacity Building (C.B.) Program award is \$25,000 and funds to be expended between July 1, 2026 and June 30, 2027.

### Analysis

The City of Charlottesville has staff from the Office of Budget and Grants Management and the Department of Human Services serving on the B.R.A.C.H. Board of Directors. Virginia Homeless Solutions Program (V.H.S.P.) Continuum of Care Balance of State Local Planning Group Capacity Building Program has been granted by DHCD to lead agencies or their designees of the Continuum of Care to support the organizational capacity and administrative needs of the Continuum of Care lead agencies in Virginia. Funds may be used for the following:

1. The development and management of homeless crisis response systems
2. Grant administration and reporting of DHCD administered homeless services programs
3. Staff training
4. Essential operational tasks

### Financial Impact

There is no budgetary impact to the City of Charlottesville as this grant is entirely state funds and no local match is required. All funds will be distributed to sub-recipients.

### Recommendation

Staff recommends the acceptance and appropriation of the FY26 VHSP CB grant funds and the approval for the City Manager to execute the grant agreement and any subsequent amendments as applicable.

### Recommended Motion (if Applicable)

I move to approve the resolution as presented to appropriate the FY27 VHSP CB grant funds in the amount of \$25,000.

I move to approve the City Manager to execute the FY27 VHSP CB grant agreement and any subsequent amendments as applicable for the administration of the FY26 VHSP CB grant award.

**Attachments**

1. FY27 VHSP CB Resolution
2. FY27 VHSP CB Grant Agreement

## RESOLUTION

### **Appropriating Funding in the Amount of \$25,000 To Be Received from the Virginia Department of Housing and Community Development's Virginia Homeless Solutions Program, Continuum of Care Capacity Building Fund Program Year 2026- 2027**

**WHEREAS**, The City of Charlottesville, through the Office of Budget and Grants Management has been notified that it will be awarded a grant from the Virginia Homeless Solutions Program (V.H.S.P.) Continuum of Care and Virginia balance of State Local Planning Group Capacity Building (C.B.) Funds of the Virginia Department of Housing and Community Development in the amount of \$25,000.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that upon receipt of the V.H.S.P. C.B. funding the Commonwealth of Virginia, said funding, anticipated in the sum of \$25,000, is hereby appropriated in the following manner:

#### Revenues

|          |          |               |                        |
|----------|----------|---------------|------------------------|
| \$25,000 | Fund 209 | Order 1900758 | G/L 430110 State Grant |
|----------|----------|---------------|------------------------|

#### Expenditures

|          |          |               |                                 |
|----------|----------|---------------|---------------------------------|
| \$25,000 | Fund 209 | Order 1900758 | G/L 530550 Contractual Services |
|----------|----------|---------------|---------------------------------|

**BE IT FUTHER RESOLVED** that this appropriation is conditioned upon receipt of \$25,000 in funds from the Virginia Department of Housing and Community Development.



**VIRGINIA HOMELESS SOLUTIONS PROGRAM**  
**Grant Agreement**  
**Continuum of Care and Virginia Balance of State Local Planning**  
**Group Capacity Building Funds**  
**Program Year 2026–2027**

**Grant Number: 27-VHSP CB-025**

**AGREEMENT**

This Agreement, entered into on September 21, 2026, by and between the **Virginia Department of Housing and Community Development (hereinafter referred to as “DHCD”)** and **City of Charlottesville (hereinafter referred to as “Grantee”)**, establishes the terms and conditions governing the **Virginia Homeless Solutions Program (VHSP) grant for the 2026–2027 program year.**

Grant Period: July 1, 2026 – June 30, 2027

Total Award Amount: \$25,000

Funds may be used for the development and management of homeless crisis response systems, grant administration and reporting of DHCD-administered homeless services programs, staff training, and essential operational tasks.

**I. Scope of Services**

The VHSP goals are to assist households experiencing homelessness to quickly regain stability in permanent housing and to prevent households from becoming homeless. This funding will support coordinated community-based activities that 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.

VHSP funds may be used for one or more of the following activities as detailed in the HSNH guidelines and must coincide with the year one request submitted by the CoC/LPG lead agency and approved by DHCD:

- The development and management of homeless crisis response systems
- Grant administration and reporting of DHCD-administered homeless services programs
- Staff training
- Essential operational tasks

## II. Conditions

### A. Reimbursement

Funds are disbursed on a reimbursement basis. Grantees must submit remittances in DHCD's CAMS and be able to provide documentation that the work, services, or costs occurred within the grant period and the expenses were paid appropriately by the Grantee.

Grantees may elect to submit remittances on a monthly or bi-monthly basis. The option selected should be adhered to throughout the year. Supporting documentation must clearly indicate the period for which the reimbursement is requested.

#### Remittance Submission Schedule

| Payment Period               | Remittance Submission Timeframe |
|------------------------------|---------------------------------|
| July 1-31, 2026              | August 1-31, 2026               |
| August 1-31, 2026            | September 1-30, 2026            |
| September 1-30, 2026         | October 1-31, 2026              |
| October 1-31, 2026           | November 1-30, 2026             |
| November 1-30, 2026          | December 1-31, 2026             |
| December 1-31, 2026          | January 1-31, 2027              |
| January 1-31, 2027           | February 1-28, 2027             |
| February 1-28, 2027          | March 1-31, 2027                |
| March 1-31, 2027             | April 1-30, 2027                |
| April 1-30, 2027             | May 1-31, 2027                  |
| May 1-31, 2027               | By June 5, 2027                 |
| June 1-30, 2027 (projection) | By June 5, 2027                 |

### B. Reporting

Grantees must submit reports as required by DHCD. Such reports may include, but are not limited to, outcomes and performance reports. Any required reports and their due dates will be announced by DHCD along with any relevant instructions. Submission of reports implies approval from the executive director and is considered final. DHCD reserves the right to withhold reimbursement payments if the Grantee fails to submit the reports.

### **C. Continuum of Care Participation**

Grantees must actively participate in the Homeless Management Information System (HMIS) and regional Continuum of Care or Balance of State Local Planning Groups. In addition, Grantees must ensure full participation in annual point-in-time and housing inventory counts.

### **D. Accounting Requirements**

The Grantee must adhere to Generally Accepted Accounting Principles (GAAP). The Grantee shall establish and maintain separate accounts within its existing accounting system or set up accounts independently. The Grantee shall record in its accounting system all grant payments received pursuant to the grant and all other match funds provided for, accruing to, or otherwise received on account of the grant.

All costs charged to the grant shall be supported by properly executed payrolls, timesheets, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges. All checks, payrolls, contracts, vouchers, or other accounting documents pertaining in whole or in part to the grant shall be clearly identified, readily accessible, and separate and distinct from all other such documents. Such documents shall reside at the offices of the grantee.

### **E. DHCD Notification**

Grantee must notify DHCD of any potentially illegal act, such as misuse of grant funds or fair housing violations, immediately upon knowledge of such act. In addition, Grantee must notify DHCD should any other local, federal, or state agency uncover evidence of any potentially illegal act.

Grantee must notify DHCD if there is a change in agency management and/or fiscal personnel. Failure to do so will constitute a finding and may result in repayment of funds by the Grantee, the de-obligation of current funding and the preclusion of future funding.

### **F. Audit Requirements**

All grantees, sub-grantees, CHDOs, localities, developers, or any other organizations that receive funding during a program year and/or have projects in progress are required to submit financial statements to DHCD. For further detail, please refer to DHCD Audit Policy, available through the following web address: <https://www.dhcd.virginia.gov/sites/default/files/Docx/audit-policy/dhcd-audit-policy.pdf>.

### **G. Suspension and Debarment**

Grantees must comply with 2 CFR Part 180 regarding debarment and suspension.

### **H. Compliance**

Grantees with outstanding audit findings, IRS findings, DHCD monitoring findings or other compliance issues are not eligible to receive allocations. DHCD will work with all interested parties toward the resolution of unresolved matters, where appropriate.

## **I. Record Maintenance**

Records shall be readily accessible to DHCD, appropriate state and federal agencies, and the general public during the course of the grant agreement and shall remain intact and accessible for five years thereafter. The exception is that, in the event that any litigation claim or audit is started before expiration of the five year period, the records shall be retained until such action is resolved.

## **J. Costs Incurred Prior To Grant Agreement Execution**

No costs incurred prior to the start of the contract period shall be eligible for reimbursement with grant funds, unless incurred costs are authorized in writing by DHCD

## **K. Expenditure Review**

DHCD will monitor expenditure rates to ensure state resources are maximized. Failure to expend funds proportionately throughout the contract period may result in the de-obligation of funds. DHCD reserves the right to de-obligate funds at any time during the contract period and reallocate as deemed appropriate within the CoC/LPG or statewide based on compliance, performance, need, and available funding.

## **L. Termination or Suspension**

If, through any cause, the Grantee fails to comply with the terms, conditions, or requirements of the contract documents, DHCD may terminate or suspend this Agreement by giving written notice of the same and specifying the effective date of termination or suspension at least five (5) days prior to such action.

In the case of contract violation by the Grantee, DHCD may request that all or some of the grant funds be returned, even if the Grantee has already expended the funds. The Grantee agrees to return such funds as requested by DHCD within 30 days of the written request.

## **M. Subsequent Contracts**

The Grantee shall remain fully obligated under the provisions of the Grant Agreement notwithstanding its designation of any subsequent or third parties for the undertaking of all or part of the activities for which the Grant assistance is being provided to the Grantee.

The Grantee agrees to ensure that any contractor or subcontractor who is not the Grantee shall comply with all the lawful requirements of the Grantee necessary to ensure that the project for which this assistance is being provided under this Agreement is carried out in accordance with the Grantee's Assurances and Certifications

## **N. Default**

A default is any unapproved use of grant funds. Upon due notice to the Grantee of the occurrence of any such default and the provision of a reasonable opportunity to respond, DHCD may take one or more of the following actions:

- (1) direct the Grantee to submit progress schedules for completing approved activities;
- (2) issue a letter of warning advising the Grantee of the default, establishing a date by which corrective actions must be completed and putting the Grantee on notice that more serious actions will be taken if the default is not corrected or is repeated;
- (3) direct the Grantee to suspend, discontinue or not incur costs for the affected activity;
- (4) require the Grantee to reimburse DHCD for costs inappropriately charged to the program;
- (5) other appropriate action including, but not limited to, any remedial action legally available, such as affirmative litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions and any other available remedies.

No delay or omissions by DHCD in exercising any right or remedy available to it under the Agreement shall impair any such right to remedy or constitute a waiver or acquiescence in any Grantee default.

#### **O. Conflict of Interest**

Grantees and partners must maintain written conflict of interest policies that clearly prohibit personal gain or benefit and must comply with 2 CFR 200.112 regarding conflicts of interest. Grantees shall ensure that the provision of any type or amount of assistance may not be conditional on an individual's or family's acceptance or occupancy of housing owned by the grantee, the sub-grantee, a parent organization, or subsidiary. Grantees/sub-grantees, parent organizations, or subsidiaries may not administer rapid re-housing or prevention assistance and use the assistance for households residing in units owned by the grantee/sub-grantee, parent organization, or subsidiary.

Individuals (employees, agents, consultants, officers, or elected or appointed officials of the grantee or sub-grantee) may not both participate in decision-making related to determining eligibility and receive any financial benefit. This financial benefit may not be received by the specific individual, any member of his/her immediate family, or a business interest. The restriction applies throughout tenure in the position and for a one-year period following tenure.

#### **P. Religious Influence**

The Grantee may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under VHSP. If an organization conducts these activities, then they must be offered separately, in time or location, from the programs or services funded under VHSP, and participation must be voluntary for program participants.

### **III. Additional Assurances**

- A.** Grantee will give the DHCD, the Virginia State Comptroller, HUD, and any other authorized state or federal representatives access to and the right to examine all records, books, papers, or documents related to the Grant.
- B.** In accordance with federal law, the Grantee will provide that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin, in any phase of employment or in any phase of service delivery.

### **IV. Additional Certifications**

The Grantee certifies compliance with:

- i. Freedom of Information Act (5 U.S.C 552) and Virginia Freedom of Information Act;
- ii. Virginia Fair Employment Contracting Act;
- iii. Virginia Fair Housing Law (Va. Code Ann. § 36-96.1) to provide fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, military status, or disability.
- iv. Fair Housing Act (42 U.S.C. 3601-20), and implementing measures under:
  - a. 24 CFR 100 (discriminatory conduct under Fair Housing Act);
  - b. Executive Order 11063 and regulations at 24 CFR 107 (preventing discrimination on the basis of race, color, creed, or national origin);
  - c. 24 CFR Part 8 (prohibiting discrimination against handicapped individuals);
  - d. Title VIII of the Civil Rights Act of 1968, as amended, also known as the Fair Housing Act, prohibits discrimination in housing based on race, color, religion, sex, disability, familial status, or national origin.
- v. The Violence Against Women Act (VAWA), Title IV of the Violent Crime Control and Law Enforcement Act of 1994, and implementing regulations at:
  - a. 28 CFR 90 Violence Against Women
- vi. Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at:
  - a. 24 CFR 146 (nondiscrimination on the basis of age in HUD programs);
  - b. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
- vii. 24 CFR 574.320 (Federal rent standards for rental assistance, requiring rents to be charged no greater than appropriate Fair Market Rent levels);
- viii. 24 CFR Part 35 (Federal lead-based paint provisions, requiring visual inspections and stabilization of paint before commencement of occupancy);
- ix. Encourage participation of locally-owned enterprises in connection with funded activities;
  - a. McKinney-Vento Homeless Assistance Program Regulations;
  - b. Anti-lobbying Certification;
  - c. Drug-Free Workplace

If requested:

- A Grantee that is a unit of local government agrees to assume the status of a responsible Federal official under the National Environmental Policy Act (NEPA) of 1969 and other provisions of Federal law as specified at 24 CFR 58 and 58.5 and agrees to comply with these NEPA regulations.

All Grantees that are not units of local government agree to assist DHCD in carrying out 24 CFR 58 and 58.5.

### **Signatures and Date**

The Agreement is hereby executed by the parties on the date set forth below their respective signatures as follows:

**Virginia Department of Housing and  
Community Development**

**City of Charlottesville**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name/Title:

Printed Name/Title:

Sandra Powell, Sr. Deputy Director

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# Policy Briefing Summary

## City Council



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|                                 |                                                                                                                                 |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Tonsler Fitness Court</b>                                                                                                    |
| <b>Staff Contact(s):</b>        | Chris Gensic, Park and Trail Planner, Riaan Anthony, Director of Parks & Recreation, Taylor Harvey-Ryan, Grants Program Manager |
| <b>Presenter:</b>               | <b>Chris Gensic, Park and Trail Planner</b>                                                                                     |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                                                                                |

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### Issue

City Council action is needed to accept and appropriate funding from two separate grants awarded to the City of Charlottesville to construct an outdoor gym at Tonsler Park, which is part of the recently approved Parks & Recreation's Master Plan that calls for a fitness area at the park.

The Virginia Department of Conservation and Recreation ("DCR") awarded a grant of \$149,500.00 from the Land and Water Conservation Fund Grant Program ("LWCF"), which DCR administers in the Commonwealth of Virginia on behalf of the National Park Service. The LWCF grant requires a local match of \$149,500.00.

The National Fitness Campaign ("NFC"), a private-public wellness initiative that builds and fund installations of its trademarked Fitness Court® in the United States, awarded a grant of \$40,000.00 through NFC's 2025 Aetna-Virginia funding cycle – a joint statewide grant initiative to provide funding to help municipalities and schools construct free outdoor gyms. The NFC grant is confirmed only after City Council passes a Resolution providing confirmation of funding for the remaining project costs and a scheduled shipping date with a storage plan.

### Background / Rule

While the City has a fitness trail at Pen Park, it is not readily available to downtown residents. An outdoor gym at Tonsler would have equipment similar to an indoor gym, such as stationary bicycles and other workout apparatus.

NFC's \$40,000.00 grant requires (1) a Resolution of Adoption endorsed by the local governing body; (2) authorization to proceed documented by formal funding confirmation (commonly a purchase order); and (3) confirmation of a scheduled shipping date for NFC's outdoor gym and storage plans. NFC's Grant Program Requirements (GPR) milestones must be met to maintain funding eligibility. NFC cannot guarantee grant availability within a campaign year if milestone dates are missed because grant funding in each state is limited.

### Analysis

Two grants, a \$149,500.00 Land and Water Conservation Fund (LWCF) grant and a \$40,000.00 National Fitness Campaign (NFC) grant, will help fund the project. Council must accept and appropriate both.

### Financial Impact

The grants will fund the purchase of NFC's outdoor gym. The City will need to create the concrete pad and take on maintenance responsibilities after the outdoor gym is installed. The required grant match will come from previously appropriated funds in the City's CIP fund.

**Recommendation**

Parks & Recreation staff recommend that Council adopt resolutions accepting and appropriating the LWCF grant of \$149,500.00 and the NFC grant of \$40,000.00 for the outdoor gym.

**Recommended Motion (if Applicable)**

I move adoption of the resolutions accepting and appropriating the LWCF grant and the NFC grant for the Tonsler Park outdoor gym.

**Attachments**

1. RES\_\$40,000 Tonsler Park Outdoor Fitness Court
2. RES\_Tonsler Gym Equipment Grant



**#R-26-\_\_**

**RESOLUTION ALLOCATING FUNDS FROM NATIONAL FITNESS CAMPAIGN FOR  
INSTALLATION OF AN OUTDOOR GYM AT TONSLER PARK**

**WHEREAS**, pursuant to Va. Code § 15.2-1806, the City of Charlottesville (the “City”), through the Department of Parks & Recreation, plans to build such a free outdoor gym at Tonsler Park with partial funding help through a \$40,000.00 grant awarded by National Fitness Campaign (“NFC”), a private-public wellness initiative that builds and funds its trademarked outdoor Fitness Court® in the United States; and

**WHEREAS**, while the City has a fitness trail at Pen Park, it is not readily available to downtown residents. An outdoor gym at Tonsler would have equipment similar to an indoor gym, such as stationary bicycles and other workout apparatus; and

**WHEREAS**, NFC’s grant requires (1) a Resolution of Adoption endorsed by the local governing body; (2) authorization to proceed documented by formal funding confirmation (commonly a purchase order); and (3) confirmation of a scheduled shipping date for NFC’s outdoor gym and storage plans; and

**WHEREAS**, NFC’s Grant Program Requirements (“GPR”) milestones must be met to maintain funding eligibility, which includes confirmation of a remaining funding requirement of \$164,050.00. The City understands the scope of this project includes the installation of a concrete pad, as well as the assembly of NFC’s outdoor gym, both to be completed by separate vendors external to NFC.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville that a total of \$40,000.00 be appropriated in the following manner:

**Revenues \$40,000.00**

Fund: 209            Order: 1900742            G/L: 430110

**Expenditures \$40,000.00**

Fund: 209            Order: 1900742            G/L: 530550

Approved by Council  
Date:

\_\_\_\_\_  
Kyna Thomas, MMC  
Clerk of Council



#R-\_\_-\_\_

**RESOLUTION ALLOCATING \$149,500 FROM LAND AND WATER CONSERVATION  
GRANT FROM THE VIRGINIA DEPARTMENT OF CONSERVATION FOR  
INSTALLATION OF OUTDOOR GYM AT TONSLER PARK**

**WHEREAS**, pursuant to Va. Code § 15.2-1806, the City of Charlottesville (the “City”), through the Department of Parks & Recreation, plans to build such a free outdoor gym at Tonsler Park with partial funding help through a \$149,500.00 Land and Water Conservation Fund (“LWCF”) grant through the Virginia Department of Conservation and Recreation; and

**WHEREAS**, the LWCF grant requires placing a permanent deed restriction on Tonsler Park to ensure the park remains open space for public recreation, and matching funds of \$149,500.00.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville that a total of \$149,500.00 from the LWCF grant be appropriated in the following manner:

**Revenues \$149,500.00**

**Fund: 209            Order: 1900742            G/L: 430110**

**Expenditures \$149,500.00**

**Fund: 209            Order: 1900742            G/L: 530550**

**Transfer From**

**Grant Match Amount: \$149,500**

**Fund: 426            WBS Element: P-00777            G/L: 599999**

Date Adopted:

Certified: \_\_\_\_\_  
Clerk of Council



# **City Manager's Report**

*Offices of the City Manager  
Elected & Appointed Officials*

**10-19-2026**

### **City Manager – Sam Sanders (he/him)**

- I participated in a series of employee engagement events coordinated by our Communication & Public Engagement Team. These events, called Sam's Sessions, provided an opportunity for the City Manager's Office to engage with staff to discuss results from our previous employee survey as we prepare to conduct a new one in January.
- I am rolling out an operational framework built on quality and consistency. The leadership team is engaged in the effort to operationalize organizational excellence as how we approach the work and how we embody it daily. At a recent retreat, leaders were engaged in the foundational lesson on how we use organizational excellence to direct us in the execution of our work. The pillars are openly disciplined, strategic advocacy, empowerment, and empathy. More to come on this subject as it relates to the organization's culture.
- On October 6, I attended an employee gathering at Pen Park for the Utilities Department. It was a great opportunity to engage with staff, thank them for their work, and to again congratulate Jason McIlwee on his appointment as Director.
- On October 7, I joined staff in a focused conversation on the Downtown Mall experience. This group, led by Downtown Mall Strategy Manager Brenda Kelley, reviewed maintenance, programming, and investment priorities in what is a quarterly engagement on the City's centerpiece for economic development.
- On October 9, the Finance Department kicked off a quarterly engagement called FINStat. Using the roving reporter structure, Director Chris Cullinan facilitated a discussion of procurement, utility billing, risk management, and accounting with division leaders shared reports on their area of responsibility.
- On October 9, I joined members of the City team for the Minority Business Alliance Gala which was held at The Brick Cellar at Dairy Market. The City has sponsored the event since its inception, and we appreciate the opportunity to celebrate the minority entrepreneurs in our region who are the backbone of community economic development.
- On October 12, I joined Human Resources Director Joe Gilkerson for lunch with Clerk of Circuit Court Llezelle Dugger and her team. We used this as a mini Sam's Session and answered questions, shared stories, and talked about serving the public.
- On October 13, I met with Jeff Richardson for our monthly City-County meeting. We focused on the joint meeting held on October 6 and some upcoming joint executive meetings to continue our collaboration on key topics like transportation and land use planning.

## **Communications & Public Engagement (CAPE) - Director Afton Schneider (she/her)**

- Sam's Sessions - Closing the Loop, Looking Ahead:
  - The City recently concluded Sam's Sessions, an employee engagement initiative designed to close the loop on the 2024 Employee Survey. Three sessions were offered in different formats and locations to provide employees with opportunities to connect directly with City Manager Sam Sanders and City leadership, review survey findings, learn about progress made, and share additional feedback.
  - Led by the Communications and Public Engagement team, the campaign also featured a centralized employee information hub, leadership videos, and interactive feedback tools, including The Loop, which highlighted completed improvements, ongoing efforts, and priorities for the future.
  - The City thanks employees for their participation and valuable input. Feedback gathered will help inform the 2027 Employee Survey and future engagement opportunities, reinforcing the City's commitment to transparency, open communication, and continued connection between employees and leadership.
- Charlottesville Community Media Center:
  - Recently supported the monthly public affairs TV program "[Inside Charlottesville](#)" with coverage of the ReadyKids playground ribbon cutting, Loop de 'Ville at Fontaine Research Park and the Rivanna River Company
  - Provided livestreaming support for the 9/11 25th Anniversary Memorial Ceremony at the Fontaine Fire Station and an edited vignette for social media.
  - Facilitated new episodes of original community programming in our production studio, including "Breaking the Chains" with June Bates and Pastor Lehman Bates, "Open Mic, Open Hearts" with Terry Tyree, and "Rivanna Rider" with Robin Hoffman.

## **Office of Economic Development – Director Chris Engel (he/him)**

- The fall cohort of GO Start-Up recently wrapped up and saw 10 entrepreneurs complete the course to earn their certificates! Offered through the City of Charlottesville Office of Economic Development, GO Start-Up helps individuals take the first steps toward launching a business by providing foundational business knowledge, practical tools, and guidance to turn their ideas into reality. Throughout the program, participants explored key aspects of entrepreneurship, including business planning, marketing, financial management, and strategies for building a successful business. We congratulate this fall's graduates on their accomplishments and look forward to seeing their entrepreneurial journeys continue here in Charlottesville!

**City Treasurer – Jason Vandever (he/him)**

- The Treasurer's Office is busy preparing and reviewing second-half personal property and real estate tax bills. We expect bills to be sent to taxpayers by the end of October. This year's second half tax due date is Monday, December 7. Please contact the Treasurer's Office at [citytreas@charlottesville.gov](mailto:citytreas@charlottesville.gov) with any questions or concerns.

**Budget & Grants Management – Director Krisy Hammill (she/her)**

- Applications are now open for Vibrant Community Fund (VCF), Housing Operations and Program Support (HOPS), and Charlottesville Affordable Housing Fund (CAHF) program funding. Application period deadlines can be found at <https://www.charlottesville.gov/1941/Grants>.

**Finance – Director Chris Cullinan (he/him)**

- The Procurement Division of Finance hosted a Reverse Vendor Fair on September 15 at Carver Recreation Center. This fair is designed for City departments to host tables, allowing vendors to approach departments directly about procurement opportunities, reversing the traditional format. It promotes vendor engagement and strengthens relationships with local suppliers. Over 20 City departments and 75+ vendors participated.
- The City's auditors are on-site the weeks of October 12 and 19 conducting fieldwork and testing as part of the FY26 annual audit.
- The Finance and Information Technology departments partnered to develop and deploy the "City Credit Card Chatbot" job aid. The job aid was designed to help City employees better understand the City's credit card policies, processes, and procedures. The goal is to provide information in a timelier and more intuitive way.

**Office of Emergency Management (OEM) – Emergency Coordinator John Oprandy (he/him)**

- OEM's Emergency Coordinator served on the planning team for the Virginia Unified Readiness Summit, held in Richmond on October 7, drawing roughly 750 preparedness leaders from across the Commonwealth. Rather than a conference of presentations, the summit put participants to work by brainstorming, refining, presenting, and prioritizing practical solutions to shared challenges in communications, planning, operational capacity, and workforce. The day produced six to eight viable solutions to pursue further, ranging from legislative changes and state budget requests to more easily achievable improvements in regional coordination and communication. The real measure of the summit's success will be what gets implemented or advanced from that list in the months ahead.
- OEM joined colleagues from CAPE and the Charlottesville Police Department (CPD) for a two-and-a-half-day Julie Parker Crisis Communications simulation,

recommended by CPD Chief Kochis. The training brought staff from several departments together to sharpen their communications and media skills under crisis conditions, and the group agreed to carry the momentum forward by facilitating its own crisis-communication tabletop exercises.

- OEM kicked off the City's year-long active threat preparedness exercise series, a joint effort with CPD, the Charlottesville Fire Department (CFD), and Charlottesville City Schools, supported by The Olson Group. The series opened with a kickoff meeting and work has begun on the policy review workshop, the first major milestone in the program.

#### **ADA – Coordinator Paul Rudacille (he/him)**

- We are identifying areas across the City for upcoming sidewalk repairs to address vertical height displacements, where uneven surfaces can create barriers and tripping hazards. We are also working with Parks and Recreation to replace the playground at Meade Park with an accessible playground that meets Americans with Disabilities Act requirements.

#### **Office of Sustainability (OS) – Director Kristel Riddervold (she/her)**

- The [landscaping electrification rebate program](#) has launched, providing incentives for City residents and lawn care firms to transition to electric mowers, leaf blowers, and string trimmers.
- The City initiated an LED lighting upgrade project in September that will save energy and improve lighting and occupant experience at five schools. The project will include lighting replacements and occupancy sensor/dimmer control upgrades at CATEC, Sunrise Elementary, Summit Elementary, Tall Oaks Elementary, and Trailblazer Elementary. Tall Oaks is nearing completion and CATEC is set to start in mid-October. The entire project is expected to be completed by the end of the year.
- OS tabled at Charlottesville Pride on September 26.
- OS staff attended the Rivanna River Basin Commission's annual conference on September 30.
- The OS Director attended the 2026 Virginia Clean Energy Summit on October 7 and 8.
- The OS Director participated in the UVA Solar Ecologies Roundtable on October 13.
- OS staff presented the [draft Climate Adaptation and Resilience Plan](#) to the Planning Commission on October 13 and the Land Use and Environmental Planning Committee on October 16. Visit [Connect Charlottesville](#) to learn more about the Plan.
- Supported presentations of the Urban Forest Management Plan to the Tree Commission on September 1, the Parks and Recreation Advisory Committee on October 12, and a staff/community partners open house on October 15.

### **Office of Human Rights – Director Todd Niemeier (he/him)**

- During their regular meeting on September 17, Human Rights Commissioners heard research reports from Human Rights Interns Kattalin Bennett and Shounak Reza. Kattalin's research centered on the impact of luxury student housing development on housing affordability and accessibility in Charlottesville. Shounak researched the availability and access to mental health services in Charlottesville. Both interns are excited to continue their research beyond the internship and will likely return to future Commission meetings with updates.
- The Office of Human Rights had two staffing changes this month. Haadiya Ahmed began serving as the Human Rights Policy & Impact Analyst on September 28 and Chyelle Chatman stepped down from her role as Human Rights Investigator. While we engage in the hiring process for a new Investigator, the Office of Human Rights will temporarily halt the intake of new complaints.
- The Office of Human Rights currently has 26 open discrimination complaint cases: seven are in the process of alternative dispute resolution, nine are under investigation, nine are under review for determination after investigation, and one was reopened for further investigation following a public hearing by the Commission on August 27.

### **Public Works – Director Steven Hicks (he/him)**

- Angus Road/Route 29 Crosswalk Improvements:
  - Public Works continues pedestrian safety improvements at the Angus Road/Route 29 intersection. Installation of the new crosswalk and pedestrian signals is expected to be completed by the end of October. These improvements will enhance pedestrian visibility, accessibility, and safety.
- Snow Mobility Operations:
  - Public Works, in coordination with other City departments, will conduct a Snow Mobility Operations dry run on October 21-22. The exercise will allow operators, supervisors, and street monitors to become familiar with assigned routes, responsibilities, and operational expectations. A citywide meeting is scheduled for October 28 to review this year's winter operations plan, staffing, equipment readiness, and interdepartmental coordination.
- Leaf Collection Program:
  - The City's annual leaf collection program begins October 26, with each neighborhood scheduled for three collection cycles throughout the season. Residents may place loose, unbagged leaves along the curb without obstructing streets or sidewalks. Saturday drop-off service will also be available at 1505 Avon Street Extended. Residents can receive collection

reminders by texting their address to 434-771-0251. Collected leaves will be composted locally, supporting the City's sustainability efforts.

# Policy Briefing Summary

## City Council



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|                                 |                                                                                           |
|---------------------------------|-------------------------------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Public Hearing and Resolution to adopt amendments to City Charter (1 of 1 Reading)</b> |
| <b>Staff Contact(s):</b>        | John Maddux, City Attorney                                                                |
| <b>Presenter:</b>               | <b>John Maddux, City Attorney</b>                                                         |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                                          |

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### Issue

Whether City Council should request that the Virginia General Assembly enact the proposed amendments to the City Charter.

### Background / Rule

The City Charter establishes the City's governmental structure and powers. Amendments require action by the General Assembly. Virginia Code §§ 15.2-201 and 15.2-202 provide the process for requesting amendments, including an advertised public hearing before Council submits its request. The submission must include the proposed amendments, a publisher's affidavit documenting the hearing advertisement, and certified minutes showing Council's action at the hearing.

The proposed amendments update provisions that contain outdated language, incorrect cross-references, or procedures that should be brought into alignment with current state law. They also clarify the City's authority in certain areas of municipal administration.

### Analysis

The proposed amendments update administrative procedures, clarify the City's authority, correct drafting errors and cross-references, and remove outdated requirements. Where appropriate, they replace detailed procedural language with references to general state law, reducing the need for future Charter amendments when those laws change.

These revisions would make the Charter clearer and easier to administer. The attached redline identifies the proposed changes. Following the public hearing, Council may approve the amendments for submission to the City's General Assembly delegation for introduction during the 2027 legislative session. Council's action would authorize that request; enactment of the amendments requires action by the General Assembly.

### Financial Impact

No appropriation is requested with this action. Financial effects associated with implementation of the amendments would be addressed through the City's budget process and any necessary subsequent Council action.

### Recommendation

Staff recommends that Council conduct the public hearing, approve the proposed Charter amendments for submission to the General Assembly, and direct staff to transmit the request and required supporting documentation to the City's legislative delegation.

### Recommended Motion (if Applicable)

“I move that Council approve the proposed amendments to the City Charter, request their enactment by the Virginia General Assembly during its 2027 session, and direct staff to transmit the proposed amendments and required supporting documentation to the City’s legislative delegation.”

**Attachments**

1. Charlottesville Charter Amendments Resolution
2. City of Charlottesville Charter Amendments - Oct 2026

**Resolution Requesting General Assembly Enactment of  
Amendments to the City Charter**

**WHEREAS**, the City Council wishes to update and clarify provisions of the Charter of the City of Charlottesville, as set forth in the proposed amendments attached to this resolution as Attachment A; and

**WHEREAS**, Virginia Code §§ 15.2-201 and 15.2-202 provide for a locality to request that the General Assembly amend its charter following an advertised public hearing; and

**WHEREAS**, City Council held an advertised public hearing on October 19, 2026 to receive public comment on the proposed amendments and has considered the comments received;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville that:

1. Council approves the proposed Charter amendments set forth in Attachment A, which is incorporated into this resolution, and requests that the Virginia General Assembly enact the amendments during its 2027 regular session.
2. The Clerk of Council is directed to transmit this resolution and the proposed amendments, together with the publisher's affidavit documenting the public hearing advertisement and certified copies of the minutes showing Council's action at the hearing, to the City's General Assembly delegation for introduction of the necessary legislation.
3. The City Attorney is authorized to coordinate with the City's legislative delegation and the Division of Legislative Services in preparing legislation consistent with this resolution.

# Attachment A

## CHARTER<sup>1</sup>

### Sec. 1. Body politic and corporate name.

The inhabitants of the territory comprised within the present limits of the City of Charlottesville as hereinafter described, or as the same may be hereafter altered and established as provided by law, shall continue to be one body politic and corporate in fact and its name shall be the City of Charlottesville. The City of Charlottesville shall have and may exercise all the powers which are now or hereafter may be conferred upon or delegated to cities under the Constitution and the general law of the Commonwealth of Virginia as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive. Additionally, the City of Charlottesville shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations pertaining to and incumbent upon the City of Charlottesville as a municipal corporation, and the said City of Charlottesville, as such, shall have perpetual succession, may sue and be sued, may contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

The present boundaries of the City of Charlottesville shall be as described in Chapter 384 of the Acts of the Assembly of 1946, as enlarged by subsequent orders of the Circuit Courts of Albemarle County and the City of Charlottesville or as otherwise provided by law.

(H.B. 1107, § 1, 2020)

### Sec. 2.

[Repealed by H.B. 1107, § 2, 2020]

### Sec. 3. University of Virginia excluded from city.

The grounds, walks, driveways and all the land which on January 1, 1939, belonged to "Rector and Visitors of the University of Virginia," a corporation, although embraced within the boundaries of the City of Charlottesville as described in ~~section 2~~ Chapter 384 of the Acts of Assembly of 1946, shall nevertheless be deemed to be excluded therefrom and shall be, remain and continue in all respects and for all purposes a part of the County of Albemarle; provided, that this exception shall not apply to any of the lands now used and embraced within the streets and roads known as West Main Street, Fry's Spring Road, the Old Lynchburg Road, Rugby Road, State Highway No. 250, State Highway No. 29, nor any sidewalks on such roads, nor to any portion of the right of way of the Chesapeake and Ohio Railroad, and all of said streets, roads and rights of way within the boundary lines ~~set out described~~ in section 2 hereof Chapter 384 of the Acts of Assembly of 1946 shall be in and a part of the City of Charlottesville.

(Acts 1948, Ch. 124)

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<sup>1</sup>Editor's note(s)—The Charter, as amended, is set out herein as it appeared in the Charlottesville City Code of 1976. The basic Charter was enacted by Chapter 384 of the 1946 Acts of the General Assembly. Amendments are indicated by history notes appearing in parentheses ( ) at the end of the amended section. The absence of such a note indicates that the section is derived, unamended, from Acts 1946, Chapter 384. Citations to the Code of Virginia have been made uniform. Words appearing in brackets [ ] were added by the editor.

State law reference(s)—Governmental charters, Code of Virginia, § 15.1-833 et seq.

**Effect of amendment**—The 1948 amendment substituted "which on January one, nineteen hundred thirty-nine belonged" for "belonging," near the beginning of the section.

#### **Sec. 4. Wards.**

The said city shall be divided into wards as now constituted, but the number of wards may be hereafter increased or diminished and the boundaries thereof changed by the city council as authorized by law.

State law reference(s)—Establishment of wards, Code of Virginia, § 15.1-803; election districts or precincts, § 24.1-36 et seq.

#### **Sec. 5. Elective officers; qualifications and terms of certain officers; form of government; corporate powers vested in city council.**

- (a) The municipal authorities of the said city shall consist of a council of five members, one of whom shall be mayor, as hereinafter set forth, unless and until this form be changed in manner prescribed by law, a clerk of the circuit court, an attorney for the Commonwealth, a treasurer, a sheriff, and a commissioner of revenue, who shall be elected by the qualified voters of the City of Charlottesville at elections held at the intervals and on the day prescribed for such elections by the laws of the State. All persons who are qualified voters of the City of Charlottesville shall be eligible to any of the said offices. The terms of offices of all of said officers shall begin and continue for such length of time as is prescribed by law. All the corporate powers of said city shall be exercised by said council, or under its authority, except as otherwise provided herein.
- (b) The form of government for said city shall be the city manager plan as follows: All corporate powers and legislative and executive authority vested in the City of Charlottesville by law shall be and are hereby vested in a council of five members to be elected at large from the qualified voters of the city, except as hereinafter provided.
- (c) Each of said councilors shall receive an annual salary from the city for their services to be set by the council in accordance with the general laws of the Commonwealth.
- (d) In accordance with the general laws of the Commonwealth, the election of councilors shall be held in November of ~~2021 and biennially thereafter each odd-numbered year. At the election in November of 2021 there Three councilors~~ shall be elected ~~two members of council and at the election in November of 2023 2027 and every four years thereafter, there and two councilors~~ shall be elected ~~three members of council to fill vacancies occurring on the first of January in the November 2029 and every four years following the year in which they are elected thereafter. Councilors shall serve terms of four years. The members of the council commencing on the effective date of this charter amendment are hereby confirmed in office until the thirty-first first day of December in the final year of the term of office for which they were elected January following their election.~~ Councilors shall serve terms of four years. The members of the council commencing on the effective date of this charter amendment are hereby confirmed in office until the thirty-first first day of December in the final year of the term of office for which they were elected January following their election.
- (e) The council shall elect a city manager, at the salary to be fixed by the council, who shall serve at the pleasure of the council.

In all other respects the said council shall have and be vested with the same authority heretofore exercised by the council, and in all other respects their duties and liabilities shall be regulated by the general laws of the Commonwealth, not in conflict therewith.

(Acts 1950, Ch. 143; Acts 1962, Ch. 463; Acts 1964, Ch. 137; Acts 1972, Ch. 184; Acts 1974, Ch. 7; H.B. 1107, § 1, 2020)

**Effect of amendments**—The 1950 amendment substituted, in subsection (b), "and executive" for "financial and police" and made many changes in subsection (f), including the addition of the second sentence therein.

The 1962 amendment raised the compensation of councilmen from three hundred dollars per year to twelve hundred dollars per year and that of the mayor from five hundred dollars per year to fifteen hundred dollars per year.

The 1964 amendment deleted the civil and police justice from subsection (a) and rewrote the language of subsection (a); changed "modified commission plan" to "city manager plan" in subsection (b); deleted provisions in subsection (d) authorizing the mayor to preside and vote on all questions; and changed "§§ 15-435 and 15-436" to "§§ 15.1-926 and 15.1-927" in subsection (f).

The 1972 amendment changed "sergeant" to "sheriff" and deleted "two justices of the peace" in subsection (a), completely rewrote subsection (d) and changed the terms of office of the city manager and director of finance from two years to "the pleasure of the council."

The 1974 amendment changed the compensation of councilmen to an amount to be set by the council, not to exceed thirty-six hundred dollars per year, and that of the mayor not to exceed forty-eight hundred dollars per year.

### **Sec. 5.01. City manager.**

Subject to general control by the council as provided in § ~~4(b)~~ 5(e) hereof, the city manager shall have full executive and administrative authority and shall have the right to employ and discharge all employees under his control. All departments of city government, including the fire department and police department, shall be under the general supervision of the city manager. The city manager shall give a bond for the faithful performance of his duties in such sum as the council may require. Subject to the general power of the council as provided in § 5(b) hereof and except as the council may by ordinance otherwise provide, the city manager shall have the powers vested in city managers in accordance with the general laws of the Commonwealth.

(H.B. 1107, § 1, 2020)

### **Sec. 5.02. Director of finance; audit.**

The council shall appoint a director of finance, who shall serve at the pleasure of the council. The director of finance shall have general management and control of the fiscal affairs of the city, including the city's accounting, purchasing, collection, risk management, debt management, financial reporting, and real estate assessment functions. The city manager shall provide supervision of the director of finance.

The director of finance shall ~~contract with a certified public accountant to conduct an audit of~~ cause the city's ~~and each constitutional officer's~~ accounts and records ~~by June 30, including the accounts and records of each year constitutional officer, to be audited annually~~ in accordance with ~~standards established by the Commonwealth's Auditor general laws of Public Accounts the Commonwealth.~~ The ~~certified public accountant~~ audit report shall ~~provide a detailed written report of the city's audit be presented~~ to the council ~~by December 1 of each year. A copy of the audit shall be and made~~ available for public inspection as provided ~~by the public general law.~~

(H.B. 1107, § 1, 2020)

### **Sec. 5.1. Advisory referendum on ordinances or Charter amendments.**

The council ~~shall have authority to order may~~, by resolution directed to the circuit court of the city, request the submission to the qualified voters of the city for an advisory referendum ~~thereon of~~ any proposed ordinance or amendment to ~~the city this~~ charter. ~~Upon The referendum shall be ordered, conducted, and its results ascertained and certified in accordance with the receipt general laws of such resolution, the Commonwealth. If a petition requesting submission of a proposed amendment to this charter is filed with the clerk of the circuit court of the city shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted, and the result thereof ascertained and determined in the manner~~

~~provided by law for the conduct of general elections and by the regular election officials of the city. If a petition requesting the submission of an amendment to this charter, set forth in such petition, is~~ signed by qualified voters equal in number to ~~ten per centum~~ 10 percent of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding submission of the petition, ~~with each signature to which has been~~ witnessed by a person whose affidavit to that effect is attached to the petition, ~~is filed with the clerk of the circuit court of the city, they shall forthwith~~ certify that fact to the circuit court. Upon ~~the such certification of such petition, the circuit court of the city shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to accordance with the qualified voters general laws of the city for their approval or disapproval. Such election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city.~~ Commonwealth. If a majority of those voting ~~thereon at such election~~ approve the proposed amendment ~~such result shall be communicated by~~ the clerk of the circuit court ~~of shall communicate the city result~~ to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.

Nothing contained in this section shall be construed as affecting the provisions of § ~~14~~ 14-a of this charter.

(Acts 1960, Ch. 327; Acts 1962, Ch. 332; H.B. 1107, § 1, 2020)

**Effect of amendments**—The 1960 Act added this section. The 1962 amendment changed the procedure for verification of signatures on petitions.

## **Sec. 6. Clerk of council; minutes; ordinance book.**

The council shall elect a clerk of council to serve at the pleasure of the council. The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have custody of the seal of the city.

At each regular meeting of the council, the minutes of the last regular meeting and all intervening called meetings shall be presented by the clerk of council, and thereupon be corrected, if erroneous, and signed by the mayor. The clerk shall record the minutes in the council's journal of proceedings.

The council shall also require to be kept by its clerk a separate book, termed the General Ordinance Book, in which shall be recorded all ordinances and resolutions of a general and permanent character, properly indexed and open to public inspection. Other documents or papers in the possession of the clerk of the council that may affect the interest of the city shall not be exhibited nor copies thereof furnished, except as may be required by the general laws of the Commonwealth.

There may be elected by the council additional officers and clerks as the council deems proper and necessary, who shall serve at the pleasure of council, and any one or more of said offices may be held and exercised by the same person. ~~It may be competent for the council, in order to secure the services of a suitable person, to elect non residents, but such officer, other than the clerk of the council, shall reside in the city during the officer's tenure of office.~~

(Acts 1972, Ch. 184; Acts 2010, Ch. 217; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment changed the term of office from two years to "the pleasure of the council."

## **Sec. 7. Oaths of office and qualification of officers; failure to qualify.**

The councilors, and other officers elected by the people shall ~~each~~, before entering upon the duties of their offices, take the oaths ~~prescribed for all other officers and otherwise qualify as provided~~ by the general laws of the Commonwealth, ~~and qualify before. Certificates of the circuit court of said city, and in the cases of oaths taken by~~

the mayor and councilors ~~a certificate of such oaths having been taken~~ shall be filed ~~by them, respectively,~~ with the clerk of the council, ~~who shall enter the same and entered~~ upon the council's journal thereof; but if any Failure to take the required oath or either of said officers otherwise qualify shall ~~fail to qualify, create a vacancy only~~ as aforesaid, for ten days after provided by the ~~commencement~~ general laws of the ~~term for which said officer was elected, or shall neglect for a like space of time to give such bond as may be required of, said officer or said officer's office shall be deemed vacant~~ Commonwealth.

(H.B. 1107, § 1, 2020)

State law reference(s)—Oath required, Code of Virginia, § 15.1-38; form of oath, § 49-1.

## **Sec. 8. Vacancy in office of mayor or councilor; vacation of office.**

Whenever, from any cause, a vacancy shall occur in the office of mayor, the council shall elect one of its members as mayor for the remainder of the term. A vacancy in the office of councilor shall be filled by that body in accordance with the general laws of the Commonwealth. An entry of said election shall be made in the journal of proceedings and the General Ordinance Book.

If the mayor or a councilor shall remove from the city limits, such removal shall operate to vacate such mayor's or councilor's office.

(H.B. 1107, § 1, 2020)

## **Sec. 9. ~~Council~~ Mayor and vice-mayor.**

At its first meeting in January ~~2022 and biennially thereafter of each even-numbered year~~, the council shall elect one of its members to act as mayor, who shall preside at its meetings and continue in office for two years. If a vacancy occurs in the office of mayor before the end of their term, such vacancy shall be filled as provided in § 8.

At the same time the council shall elect one of its members to be vice-mayor, who shall preside at such meetings in the absence of the mayor, and who, when the mayor shall be absent or unable to perform the duties of their office, by reason of sickness, or other cause, shall perform any and all duties required of, or entrusted to, the mayor. The mayor, or the vice-mayor, when authorized, as above stated, to act, shall have power at any time to call a meeting.

The mayor, or vice-mayor when performing the duties of the mayor, shall be entitled to a vote on all questions as any other councilor, but in no case shall they be entitled to a second vote on any question.

(Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment changed "September" to "July" and "1922" to "1972" in the first sentence and "section seven" to "section eight" at the end of the second sentence.

## **Sec. 10.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 11.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 12. Same—Council meetings and rules.**

The council shall fix by ordinance the time for holding their stated meetings, and no business shall be transacted at a special meeting, unless by unanimous consent, except that for which it shall have been called, and

every call for a special meeting shall specify the object thereof. Three councilors shall constitute a quorum for the transaction of business at any meeting of the council.

The council shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by vote of two-thirds of all the members elected to it, expel a member for malfeasance or misfeasance in office. The council shall keep a journal of its proceedings, and its meetings shall be open, except when it votes to hold an executive or closed session pursuant to the general laws of the Commonwealth.

(Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment rewrote the second and last sentences of this section regarding executive sessions and exhibition of documents and papers.

State law reference(s)—General requirement for open meetings, Code of Virginia, § 2.1-343; executive or closed meetings, § 2.1-344.

### **Sec. 13.**

[Repealed by H.B. 1107, § 2, 2020]

### **Sec. 14. Council powers enumerated.**

The council of the city, except as hereinbefore provided, shall have the power within said city to control and manage the fiscal and municipal affairs of the city and all property, real and personal, belonging to said city; they shall have power to provide a revenue for the city, and appropriate the same to its expenses, also to provide the annual assessments of taxable persons and property in the city, and it may make such ordinances, orders, and by-laws relating to the foregoing powers of this section as it shall deem proper and necessary. The council shall also have power to make such ordinances, by-laws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in them:

First. *Streets and Sidewalks—Generally.* To close, extend, widen, narrow, lay out, grade, improve and otherwise alter streets and public alleys in the said city, and have them properly lighted and kept in good order, and it may make or construct sewers or ducts through the streets or public grounds of the city, and through any place, or places whatsoever, when it may be deemed expedient by the said council. The ownership of any land included in any street that is closed shall be in accord with the general laws of the Commonwealth. Council may have over any street or alley in the city, which has been, or may be ceded to the city, like authority as over streets or alleys, and may prevent or remove any structure, obstruction or encroachment over, or under, or in a street or alley, or any sidewalk thereof.

Second. *Obstructions; cleaning sidewalks.* To prevent the cumbering of the streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatsoever; to compel the occupant or owner of buildings or grounds to remove snow, dirt or rubbish from the sidewalks in front thereof.

Third. *Fires and fire prevention.* To extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department for said city; to regulate the size of materials, and construction of buildings hereafter erected, in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure, or addition thereto which, by reason of dilapidation, defect of structure, or other causes, may have, or shall, become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick or iron.

Fourth. *Breadth of tires on vehicles.* To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of every kind and description used upon the streets of said city.

Fifth. *Preservation of health; hospitals; births and deaths.* To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, prevent the introduction ~~of~~ spreading of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the appointment and organization of a board of health or other board to have the powers of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the officers of the city have; to regulate the burial, cremation, or disposition of the dead; to compel the return of births and deaths to be made to its health department, and the return of all burial permits to such department.

Sixth. *Cemeteries.* To acquire by purchase, condemnation, or otherwise, either within or without the city, lands to be appropriated, improved and kept in order as places for the interment of the dead, and may charge for the use of the grounds in said places of interment, and may regulate the same; to prevent the burial of the dead in the city, except in public burying grounds; to regulate burials in said grounds; to require the keeping and return of bills of mortality by the keepers (or owners) of all cemeteries, and shall have power within the city to acquire by purchase, condemnation, or otherwise, such lands, and in such quantity as it may deem proper or necessary for the purpose of burying the dead; provided, however, that no part of such cemeteries, when established or enlarged, shall be within one hundred feet of any residence without the consent of the owner of the legal and equitable title of such residence, and provided further that the provisions of the general laws of the Commonwealth, as now existing or hereafter amended, for condemnation of land thereunder so far as applicable shall apply to condemnation proceedings by the city hereunder.

The title to any land acquired by condemnation hereunder shall vest in the City of Charlottesville.

Seventh. *Quarantine.* To establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State, and of the United States.

Eighth. *Nuisances, etc.* To require and compel the abatement and removal of all nuisances within the said city, or upon any property owned by said city, without its limits, at the expense of the person or persons causing the same, or the occupant or owner of the ground whereon the same may be; to prevent and regulate slaughter houses, and soap and candle factories within said city, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to regulate the location of stables, and the manner in which they shall be constructed and kept.

Ninth. *Stagnant water or offensive substances on property.* If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or occupant thereon shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said council may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, and may collect the expense of so doing from the said owner or occupant by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected; provided, that reasonable notice shall be first given to the said owner or occupant or their agent. In case of nonresident owners, who have no agent in said city, such notice may be given by publication for not less than ten days, in any newspaper published in said city, such publication to be at the expense of said owner, and cost thereof to be collected as a part of the expense hereinbefore provided for.

Tenth. *Explosives and flammables; carrying concealed weapons.* To direct the location of all buildings for storing gunpowder or other explosives or combustible substances; to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosives or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons.

Eleventh. *Animals and fowl generally.* To prevent the running at large in said city of all animals and fowls, and to regulate and prohibit the keeping or raising of the same within said city, and to subject the same to such confiscation, levies, regulations and taxes as it may deem proper.

Twelfth. *Use of streets; abuse of animals.* Insofar as not prohibited by the general laws of the Commonwealth, to prevent the riding or driving of animals at improper speed, to regulate the speed and manner of use upon the streets of said city of all animals or vehicles; to prevent the flying of kites, throwing of stones, or the engaging in any employment or sport in the streets or public alleys, dangerous or annoying to the public, and to prohibit and punish the abuse of animals.

Thirteenth. *[Repealed.]*

Fourteenth. *Offenses generally.* To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame, and gaming houses; to prevent lewd, indecent or disorderly conduct or exhibitions in the city, and to expel from said city persons guilty of such conduct.

Fifteenth. *[Repealed.]*

Sixteenth. *Ordinances necessary for general welfare; effect on other powers.* And the said council shall also have power to make such other and additional ordinances as it may deem necessary for the general welfare of said city; and nothing herein contained shall be construed to deprive said city of any of the powers conferred upon it, either by general or special laws of the State of Virginia, except insofar as the same may be inconsistent with the provision of this charter.

Seventeenth. *Official bonds.* Said council shall have power to require and take from such officers and employees, as they may see fit, bonds with security and in such penalty as they may prescribe, which bonds shall be made payable to the city by its corporate name, and conditioned for the faithful discharge of their duties; such bonds shall be filed with the clerk of the council.

Eighteenth. *Gas works, water works, and electric light works.* Said council shall have power to erect, or authorize or prohibit the erection of gas works, waterworks, or electric light works in or near the city, and to regulate the same. Subject to any covenants securing indebtedness of the city's natural gas utility, the council may include as an expense of operating the utility an annual payment in lieu of taxes representing taxes that would have accrued had the utility not been municipally owned. The amount of any such payment shall be determined annually by the council under a reasonable formula established as part of the city's budget or utility rate-setting process and shall be paid from the natural gas utility fund into the general fund.

Nineteenth. *Pollution of water.* To prohibit the pollution of water which may be provided for the use of the city.

Twentieth. *Additional and incidental powers; jurisdiction beyond corporate limits.* To pass all by-laws, rules and ordinances, not repugnant to the Constitution and laws of the State, which they may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property, including authority to keep a city police force; and to do such other things, and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is, or shall be granted to, or vested in said city, or officers thereof, or which may be necessarily incident to a municipal corporation; and to enable the authorities of said city more effectually to enforce the provisions of this section, and any other powers conferred upon them by this charter, their jurisdiction, civil and criminal, is hereby declared to extend one mile beyond the corporate limits of said city.

Twenty-first. *[Repealed.]*

(Acts 1950, Ch. 413; Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendments**—The 1950 amendment increased the amount of floating debt authorized by paragraph 21 from \$100,000 to \$200,000.

The 1972 amendment rewrote paragraphs 1 and 17 and repealed paragraph 15.

#### **Sec. 14-a. Approval of public housing projects by council.**

Before the Charlottesville Redevelopment and Housing Authority undertakes any public housing project within the city it shall obtain the approval of the council on each construction site, as hereinafter set forth. The application for approval shall have a plat, certified by a registered surveyor or engineer, or a plat prepared from the current city land book showing city parcel numbers of the land concerned and attested by the city assessor, attached to and made a part of such application. The plat shall identify the proposed site and show the proposed development of the site.

The council shall advertise for at least two weeks in a newspaper published in the city that the authority has applied for the approval of the council under this section and shall give notice therein of the time and place for a hearing on such request, which hearing shall be at least thirty days from the date of the first advertisement. The council may approve such application following such hearing.

(Acts 1960, Ch. 230; Acts 1962, Ch. 332; Acts 1970, Ch. 93; Acts 1973, Ch. 359)

**Effect of amendments**—The 1960 Act added this section.

The 1962 amendment completely rewrote the first paragraph of this section and made numerous changes in the second paragraph.

The 1970 amendment added a sentence repealed by the 1973 amendment.

The 1973 amendment eliminated voter authority to petition for a referendum on applications for approval of public housing projects.

#### **Sec. 14-b.**

[Repealed by H.B. 1107, § 2, 2020]

#### **Sec. 15.**

[Repealed by H.B. 1107, § 2, 2020]

#### **Sec. 16. Special assessments for local improvements.**

Local assessments upon abutting landowners for making and improving the sidewalks upon the streets and improving and paving the alleys, and for either the construction or for the use of sewers, may be imposed not in excess of the peculiar benefits resulting therefrom to such abutting landowner. And the same shall be regulated as prescribed by the general laws.

#### **Sec. 17. Enactment and enforcement of ordinances, ~~etc.; punishment for violation; enjoining violation; use of county jail; appeal to circuit court.~~**

To carry into effect the powers herein enumerated, and all other powers conferred upon said city and its council by the laws of Virginia, said council shall have power to make and pass all proper and needful orders, by-laws, and ordinances not contrary to the Constitution and laws of said State, and to prescribe reasonable fines and penalties, including imprisonment ~~in as authorized by the city jail~~ general laws of the Commonwealth, which fines, penalties or imprisonment shall be imposed, recovered and enforced by the courts of the Commonwealth. The city may maintain a suit to restrain by injunction, the violation of any ordinance, notwithstanding such ordinance may

provide punishment for its violation. All fines imposed for the violation of the city charter, by-laws, or ordinances, shall be paid into the city treasury.

(Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment deleted a ninety day limitation on imprisonment and added "(judge of the municipal court)" following civil and police justice in the second and third sentences.

Editor's note(s)—The "civil and police justice (judge of the municipal court)" referred to in this section is now the judge of the district court.

## **Sec. 18.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 19. Fiscal year; budget; levy of taxes.**

The city's fiscal year shall begin on July 1 of every year and conclude on June 30 of the following year.

The city manager shall prepare and submit to the council a budget. The budget shall serve as a financial plan for the city, and the city manager in the budget message shall describe the important features of the budget, indicate any major changes from the current financial and expenditure policies, and include such other material as the city manager deems desirable or as the council may from time to time require. The budget shall show all estimated income, indicating the property tax levy, and all proposed expenditures, including debt service and capital program, and shall be in a form the manager deems desirable or the council may require. The total of proposed general fund expenditures shall not exceed the total of estimated general fund income.

A brief synopsis of the budget shall be published in a newspaper or newspapers having general circulation in the city, and notice shall be given of a public hearing as provided for by the general laws of the Commonwealth. After the conclusion of the public hearing, the council may insert new items of expenditures or may increase, decrease, or strike out items of expenditure in the budget.

Prior to the end of each fiscal year, the council shall pass an appropriation ordinance, which shall be based on the budget submitted by the city manager, and shall levy such taxes for the ensuing fiscal year as may be necessary to meet the appropriations made and all sums required by law to be raised for account of the city debt. The total amount of appropriations shall not exceed the estimated revenues of the city.

(H.B. 1107, § 1, 2020)

State law reference(s)—Municipal budgets, Code of Virginia, § 15.1-159.8 et seq.

## **Sec. 20. Tax levy; subjects of taxation; rate; lien on real property; sale of land for delinquent taxes.**

In order to execute its powers and duties and to meet the wants and purposes of the city, the council is hereby vested with power and authority to levy taxes upon persons, property, real and personal, privileges, businesses, trades, professions and callings and upon such other subjects of taxation and in such amounts as the council shall deem necessary and proper to provide such sums of money as they shall deem expedient without limitation as to subject, except such as may be expressly provided by general laws or Constitutional provision and without limitation as to rate except such as may be provided by the Constitution of this State.

Taxes assessed against real estate subject to taxes shall be a lien on the property and the name of the person listed as owner shall be for convenience in collection of taxes. The lien for taxes shall not be limited to the interest of the person assessed but shall be on the entire fee simple estate. There shall be no lien when for any year the

same property is assessed to more than one person and all taxes assessed against the property in one of the names have been paid for that year.

When taxes are assessed against land in the name of a life tenant or other person owning less than the fee or owning no interest, the land may be sold pursuant to the general laws of the Commonwealth.

(Acts 1948, Ch. 124; Acts 1950, Ch. 413; Acts 1958, Ch. 111; H.B. 1107, § 1, 2020)

**Effect of amendments**—The 1948 amendment rewrote this section.

Prior to the 1950 amendment the first paragraph concluded with the words "without limitation as to subject or rate except such as may be provided by the laws of this state and of the United States."

The 1958 amendment added the last two paragraphs in this section.

Editor's note(s)—The references to the Code of Virginia contained in the third paragraph above are obsolete. See now, the appropriate sections of title 58.1.

## **Sec. 21. Appropriations for advertising city.**

The council may each year make appropriation out of the city revenues of an amount not exceeding three cents on each one hundred dollars of the assessed value of the property in the city assessed for taxation for use in purposes which will, in the judgment of the council, advertise the city.

State law reference(s)—Expenditures for promoting resources and advantages of city, Code of Virginia, § 15.1-10.

## **Sec. 22. License taxes generally; licenses for vehicles using streets; schedule of charges for vehicles for hire.**

License taxes may be imposed by ordinance on businesses, trades, professions and callings and upon the persons, firms, associations and corporations engaged therein and the agent thereof without limitation as to subject or rate except such as may be provided by the Constitution of this state and the Constitution of the United States.

License taxes not inconsistent with general law may be imposed upon vehicles using the streets of the city, and the council may prescribe a schedule of charges for vehicles using said streets for hire.

(Acts 1950, Ch. 413)

**Effect of amendment**—The 1950 amendment rewrote that portion of the section which follows the words "and the agent thereof."

State law reference(s)—Local license taxes, Code of Virginia, § 58.1-3700 et seq.

## **Sec. 23. Collection of revenue; custodian of city funds.**

The revenue from these and other sources shall be collected, paid over, and accounted for at such times and to such persons as the council shall order, and pursuant to such ordinance as now exists or may hereafter be passed by the council. The city treasurer shall be the custodian of all the funds of the city.

## **Sec. 24.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 25. Borrowing.**

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution of Virginia or general laws of the Commonwealth.

Notes in anticipation of collection of revenue may be issued, when authorized by council, at any time during the fiscal year, provided the notes shall mature not later than twelve (12) months after date of issue, and in an amount not in excess of the revenues anticipated.

Bonds and notes of the city shall be issued in the manner provided by the general laws of the Commonwealth. In the issuance of bonds and notes, the city shall be subject to the limitations as to amounts that are contained in Article VII, Section 10 of the Constitution of Virginia.

(H.B. 1107, § 1, 2020)

## **Sec. 26.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 27.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 28. Sale of public utilities; approval by voters.**

The rights of the city in its gas, water and electric works and sewer plant, now owned, or hereafter acquired, shall not be sold, until and except such sale shall have been approved by a majority of the qualified voters of the city, voting on the question at a special election ordered by the council as provided by the general laws of the Commonwealth.

(H.B. 1107, § 1, 2020)

## **Sec. 29. City sheriff.**

The city sheriff shall attend the terms of the circuit court of the city and shall act as the officer thereof; the sheriff may appoint one or more deputies, who may be removed from office by the sheriff, and may discharge any of the duties of the office of sheriff, but the sheriff and their sureties shall be liable therefor. The city sheriff shall also have all power and authority and perform all duties imposed by general law upon sheriffs of cities.

(Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment changed "sergeant" to "sheriff."

## **Sec. 30. Authority of officers appointed by council.**

The officers of said city elected or appointed by the council shall, during the time they are in office, have all the power and authority of like officers in the state under its general laws, unless the same be abridged or restricted by the council.

**Sec. 31.**

[Repealed by H.B. 1107, § 2, 2020]

**Sec. 32.**

[Repealed by Acts 1972, Chapter 184.]

**Sec. 33.**

[Repealed by H.B. 1107, § 2, 2020]

**Sec. 34. Salaries fixed by council.**

The salaries of all officers who receive stated compensation for their services from the city shall be fixed by the council.

**Sec. 35.**

[Repealed by H.B. 1107, § 2, 2020]

**Sec. 36. Granting franchises.**

The regulation and restrictions for granting any franchise in the city shall be as provided by the general laws of the Commonwealth.

(H.B. 1107, § 1, 2020)

**Sec. 37. Receipt and disbursement of monies by treasurer.**

All moneys belonging to said city shall be paid over to the treasurer, and no money shall be paid out by them except as the same shall have been appropriated and ordered to be paid by the council, and the said treasurer shall also pay the same upon warrants approved in such manner as may be prescribed by ordinance of the council.

(H.B. 1107, § 1, 2020)

**Sec. 38. Recovery against treasurer and sureties.**

If the said treasurer shall fail to account for and pay over all of the moneys that shall come into their hands when required by the council, it shall be lawful for the council, in the corporate name of the city, by motion before any court of record having jurisdiction in the City of Charlottesville, to recover from the treasurer and their sureties, or their personal representatives, any sum that may be due from said treasurer to said city on ten days' notice.

(H.B. 1107, § 1, 2020)

**Sec. 39. Collection of fines.**

~~All fines imposed for any violation of any city ordinance or State law~~ Fines and penalties shall be collected by ~~the clerk of the district court; and if said clerk shall fail to collect, account~~ accounted for, and ~~pay over all distributed in accordance with~~ the fines in their hands for collection, it shall be lawful for the council to recover the

~~same, so far as the same are accruing to the city, by motion, in the corporate name general laws of the city, before the circuit court of said city, against the said clerk, their sureties on their said bond, or any or either of them, the clerk or the sureties' executors or administrators, on giving ten days' notice of the same Commonwealth.~~

(H.B. 1107, § 1, 2020)

#### **Sec. 40. Animals running at large.**

The council shall have power to make such ordinances, by-laws, orders and regulations as they may deem necessary to prevent dogs, hogs and other animals from running at large in the limits of the city, and may subject the owners thereof to such fines, regulations and taxes as the council may deem proper, and may sell said animals at public auction to enforce the payment of said fines and taxes; and may order such dogs, as to which there is default, to be euthanized as provided for by the general laws of the Commonwealth.

(H.B. 1107, § 1, 2020)

#### **Sec. 41. Taking or damaging private property.**

The city shall not take or damage any private property for streets, or other public purposes, without making to the owner, or owners, thereof just compensation for the same. But in all cases where the city council cannot by agreement obtain title to the ground necessary for such purposes, it shall be lawful for it to apply to the circuit court of the county in which the land shall be situated, or to the proper court of the city having jurisdiction of such matters, if the subject lie within the city, to condemn the same.

#### **Sec. 42. Encroachments upon streets.**

In every case where a street in the city has been or shall be encroached upon by any fence, building, or otherwise, the city council may require the owner or owners, if known, and if unknown the occupant or occupants of the premises so encroaching to remove the same. If such removal shall not be made within the time ordered by the city council, it may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with cost, for which there shall be a lien on the premises so encroaching, which lien may be enforced in a court of equity having jurisdiction of the subject. No encroachment upon any street, however long continued, shall constitute an adverse possession thereto, or confer any right upon the person claiming thereunder as against said city.

(H.B. 1107, § 1, 2020)

#### **Sec. 43. Filing claim for damages condition precedent to action against city.**

No action shall be maintained against the said city for damages for ~~a~~ an injury to any person or property alleged to have been sustained by reason of the negligence of the city, or any officer, agent or employee thereof, unless a written statement of the claimant, their agent or attorney, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed, as provided by the general laws of the Commonwealth.

(Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment deleted the requirement that the statement of the claimant be certified by oath.

State law reference(s)—Notice requirements of general law, Code of Virginia, § 8.01-222.

#### **Sec. 44. Continuance of rights, etc., of city; continuance of ordinances and resolutions.**

All rights, privileges and properties of the City of Charlottesville heretofore acquired and possessed, owned and enjoyed by any act now in force, not in conflict with this act, shall continue undiminished and remain vested in said city under this act; and all laws, ordinances and resolutions of the corporation of Charlottesville now in force, and not inconsistent with this act, shall be and continue in full force and effect in the City of Charlottesville, until regularly repealed.

#### **Sec. 45.**

[Repealed by H.B. 1107, § 2, 2020]

#### **Sec. 45-a. School board.**

The City of Charlottesville shall constitute a single school district. The school board of the city shall consist of seven members. ~~In accordance with the general laws of the Commonwealth, three of the Four~~ school board members shall be elected in November ~~2021~~ 2027 and ~~every~~ four ~~years thereafter, and three school board~~ members shall be elected in November ~~2023 to fill vacancies occurring on the first of January in the 2029 and~~ ~~every four~~ years ~~following the year in which they are elected thereafter.~~ School board members shall serve terms of four years. ~~The members of the school board commencing on the effective date of this Charter are hereby confirmed in office until the thirty-first first day of December in the final year of the term of office for which they were elected January following their election.~~ The board shall have all powers and perform all duties granted to and imposed upon school boards of cities by the general laws of the Commonwealth.

(Acts 1948, Ch. 124; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1948 act added this section.

State law reference(s)—School boards, Code of Virginia, § 22.1-48 et seq.

#### **Sec. 46. Water supply and sewerage system.**

That the corporate authorities of said city be, and they are hereby, authorized and empowered to erect suitable dams and reservoirs, and to lay suitable pipes to supply said city with an adequate supply of water, and to establish and construct a sewerage system for said city; and for such purpose to acquire, either by purchase or by condemnation, according to the provisions of the general laws of the Commonwealth for the condemnation of lands by incorporated cities, such lands and so much thereof as may be necessary for the aforesaid purposes.

(H.B. 1107, § 1, 2020)

#### **Sec. 47. Elections.**

All elections under this charter shall conform to the general laws of the Commonwealth in regard to elections by the people.

(H.B. 1107, § 1, 2020)

State law reference(s)—Elections, Code of Virginia, § 24.1-1 et seq.

#### **Sec. 48. County property within city limits; arbitration; school property in Charlottesville school district; Miller School.**

The property now belonging to the county of Albemarle within the limits of the City of Charlottesville shall be within and subject to the joint jurisdiction of the county and city authorities and officers, and shall not be subject to taxation by the authorities of either county or city; and if the county and city aforesaid cannot agree upon the terms of joint occupancy and use of such property in regard to which settlements may not have already been effected, the right of said city to such joint occupancy and use being hereby recognized, then the board of arbitration herein provided for shall determine the terms of such joint occupancy and use, and said board of arbitration shall determine what rights, if any, the city aforesaid has in all other county property; but this is subject to the recognition of the right of the city, as well as the county (through the district school board or otherwise) in the school property in Charlottesville school district; and nothing herein contained shall affect the rights of the inhabitants of said city to participate in the benefits of the Miller School in said county.

(H.B. 1107, § 1, 2020)

#### **Sec. 49. Board of arbitrators established; composition; duties; awards.**

A board of arbitrators composed of three members, one to be selected by the board of supervisors of Albemarle County, one by the council of Charlottesville, and they to choose a third, is hereby established, whose duty it shall be to adjust and decide the matters hereinbefore submitted to them, and all such other questions as may arise between said city and county, growing out of the extension of the corporation limits, and the establishment of a city government. The awards of said arbitrators shall be entered upon the records as the judgments of the city court or the county circuit court, as the arbitrators may designate.

#### **Sec. 50. Same person may hold county and city office.**

And it is further provided that the same person shall be eligible to and, if elected, may hold a county office and a city office, if the said offices be of the same nature, at the same time; provided, such officer lives within the city limits; and any person otherwise qualified, who is a resident of the City of Charlottesville, shall be eligible to election or appointment to any county office of Albemarle County.

#### **Sec. 50.1. Adoption of certain sections of Code of Virginia.**

The City of Charlottesville shall have all powers granted to localities by the Constitution of Virginia and the general laws of the Commonwealth, provided, however, that in no event shall a conflict between the general laws of the Commonwealth and this Charter be held to reduce or limit any powers heretofore possessed by the City of Charlottesville pursuant to Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, as amended.

(Acts 1962, Ch. 56; Acts 1964, Ch. 137; Acts 1970, Ch. 93; H.B. 1107, § 1, 2020)

**Effect of amendments**—The 1962 act added this section.

The 1964 amendment added the references to title 15.1 of the Code of Virginia.

The 1970 amendment deleted references to certain individual sections of title 15.1 and adopted all sections from 15.1-837 through 15.1-907.

#### **Sec. 50.2. Search warrants.**

- (a) Search warrants. In addition to the means and conditions under which search warrants may be issued pursuant to provisions of general law, [a](#) magistrate, or a judge of any court having jurisdiction of the trial of cases to whom complaint is made, if satisfied that there is probable cause therefor, shall issue a warrant to

search specified places for the following conditions: violations of ordinances of the City of Charlottesville related to health and safety; of persons and property including violations of ordinances concerning minimum housing standards, health and sanitation regulations, and plumbing, building, and fire prevention codes.

A search warrant issued pursuant to the authority granted in this charter section shall be directed to persons charged with the responsibility of enforcing State statutes and local ordinances relating to health and safety of persons and property and shall command such person to search the place or places described therein for violations of State statutes and local ordinances relating to health and safety of persons and property.

- (b) Affidavit preliminary to issuance of search warrants. No search warrant shall be issued until there is filed with the officer authorized to issue the same an affidavit of some person reasonably describing the area, house, place, vehicle or baggage to be searched, the things or conditions to be searched for thereunder, alleging briefly material facts, constituting the probable cause for the issuance of such warrant and alleging substantially the offense or group of potential offenses in relation to which such search is to be made. Facts which may be pertinent are (1) department or board experience showing the need of periodic area inspections, (2) the pattern of the last inspections made, and (3) department or board judgment that an inspection is now needed, particularly in light of the time elapsed since the last inspection.

Such affidavit shall be certified by the clerk of the circuit court of the City of Charlottesville and shall by said clerk be preserved as a record and shall at all times be subject to inspection by the public. For the purposes of this section, probable cause shall be satisfied upon the showing of the reasonableness of a need to conduct periodic area-wide inspections with respect to health and safety of persons and property.

(Acts 1970, Ch. 93; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1970 act added this section.

### **Sec. 50.3. Qualifications of members of advisory boards and commissions.**

General provisions of law notwithstanding, the planning commission and members of boards or agencies appointed by city council, the mayor, or by the city manager, who serve without pay and who serve only for the purpose of making studies or recommendations, or advising or consulting with city council, shall not be prohibited from such service merely because they contract directly or indirectly with the city. Any such member of an advisory board or agency who knows, or may reasonably be expected to know, that they have a material financial interest in any transaction in which the agency of which they are an officer or employee is or may be in any way concerned, shall disclose such interest and disqualify themselves from voting or participating in any official action thereon in behalf of such agency. If disqualifications in accordance with this section leave less than the number required by law to act, the remaining member or members shall have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.

(Acts 1970, Ch. 93; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1970 act added this section.

### **Sec. 50.4. Terms of Charlottesville Redevelopment and Housing Authority commissioners; authority of council.**

There shall be not less than five nor more than seven members of the Charlottesville Redevelopment and Housing Authority Board of Commissioners.

Commissioners shall hold their offices at the pleasure of council for terms not to exceed four years; provided, that the city council may at any time, and from time to time, adopt an ordinance terminating the terms of all the commissioners and designating one or more council members as commissioners of the Charlottesville Redevelopment and Housing Authority. The remaining members of the Board, if any, shall be appointed by council

from the public at large. The Board shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by the general laws of the Commonwealth; provided that notwithstanding any other provision of law to the contrary, a city council member shall receive no compensation for serving as a commissioner of such Authority, nor shall they continue to serve as a commissioner after they cease to be a member of city council.

(Acts 1978, Ch. 709; Acts 1990, H.B. No. 34, § 1; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1978 act added this section and the 1990 act amended it to read as set out above.

### **Sec. 50.5. Authority of city council to adopt and enforce a noise ordinance.**

- A. The city council by ordinance may prohibit or regulate loud, disturbing or excessive noises originating within its jurisdiction. Such ordinance may prescribe the decibel levels, degrees or types of sound which are unacceptable within the city limits, but the ordinance must exempt from its prohibitions during the daytime (6:00 a.m. to 10:00 p.m.) the following:
1. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools or the University of Virginia.
  2. Athletic contests and other officially sanctioned activities in city parks.
  3. Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property.
  4. Gardening, lawn care, tree maintenance or removal and other landscaping activities.
  5. Church bells or carillons.
  6. Religious or political gatherings and other activities protected by the First Amendment of the United States Constitution.
  7. Activities for which the regulation of noise has been preempted by federal law.
  8. Public and private transportation, refuse collection and sanitation services.
- B. The decibel level of any such noise may be measured by the use of a sound level meter which measures sound pressure levels. Such measurements shall be accepted as prima facie evidence of the level of noise at issue in any court or legal proceeding. The accuracy of the sound level meter may be tested by a calibrator. In any court or legal proceedings in which the accuracy of the calibrator is in issue, the court shall receive as evidence a sworn report of the results of any test of the calibrator for accuracy. Such report shall be considered by the court or jury in determining guilt or innocence.
- C. Any individual operating a sound level meter pursuant to the provisions of this section and the local noise ordinance shall issue a certificate which will indicate:
1. that the sound level meter used to take the decibel level reading was operated in accordance with the manufacturer's specifications;
  2. that the city has on file a sworn report which states that the sound level meter has been tested within the past twelve months and has been found to be accurate;
  3. the name of the accused;
  4. the location of the noise;
  5. the date and the time the reading was made; and
  6. the decibel level reading.

The certificate, as provided for in this section, when duly attested by the operator taking the decibel level reading, shall be admissible in any court in any criminal or civil proceeding as evidence of the facts therein stated

and of the decibel level reading. A copy of such certificate shall be delivered to the accused upon the request of the accused or the accused's attorney.

(Acts 1989, Ch. 122, § 1; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1989 act added this section.

#### **Sec. 50.6. Authority of City Council to impose civil penalties for wrongful demolition of historic buildings.**

- A. Notwithstanding the provisions of any state law which authorize civil penalties for the violation of a local zoning ordinance, city council may adopt an ordinance which establishes a civil penalty for the demolition, razing or moving of a building or structure without approval by the board of architectural review or city council, when such building or structure is subject to the city's historic preservation zoning ordinance. The penalty established by the ordinance shall be imposed on the party deemed by the court to be responsible for the violation and shall not exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition.
- B. An action seeking the imposition of such a penalty shall be instituted by petition filed by the city in circuit court, which shall be tried in the same manner as any action at law. It shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The filing of any action pursuant to this section shall preclude a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.
- C. The defendant may, within twenty-one days after the filing of the petition, file an answer and without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties, or as established by the court, the petition shall be dismissed from the court's docket.
- D. Nothing in this section shall preclude action by the zoning administrator pursuant to the general laws of the Commonwealth either by separate action or as a part of the petition seeking a civil penalty.

(Acts 1990, S.B. No. 17, § 1; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1990 act added this section.

#### **Sec. 50.7. Powers relating to housing and community development.**

In addition to the powers granted by other sections of this charter and any other provision of the general laws of the Commonwealth, the city shall have the power:

- (a) To make grants and loans of funds to low- or moderate-income persons to aid in the purchase of any land, building, dwelling, or dwelling unit in the city; and to offer real estate tax deferral to low- or moderate-income persons who own any land, building, dwelling, or dwelling unit within the city. The city shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this subsection; and
- (b) To make grants of funds to owners of dwellings or dwelling units in the city for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low- or moderate-income person.

For purposes of this section, the phrase "low- or moderate-income persons" shall have the same meaning as the phrase "persons and families of low and moderate income" as that phrase is used in the Virginia Housing Development Authority Act, and shall be applied using the income guidelines issued by the Virginia Housing Development Authority for use in its single family mortgage loan program.

In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized to participate in any state or federal program related thereto and to use state, federal, or private funds in the exercise of such powers.

The expenditure of any public funds as authorized in this section is hereby declared to be in furtherance of a public purpose.

(Acts 2006, Ch. 268; H.B. 998; S.B. 202; H.B. 1107, § 1, 2020)

### **Sec. 51. Severability.**

If any portion of this Charter is declared unconstitutional, invalid, or illegal by a court of ~~last resort of this State in proper case~~ competent jurisdiction, such invalidity shall not affect or invalidate any other clause, sentence, paragraph, or part of this Charter but shall be confined exclusively to the portion so held invalid. All portions of this Charter not expressly held to be unconstitutional, invalid, or illegal shall remain in full force and effect.

(H.B. 1107, § 1, 2020)

# CHARTER<sup>1</sup>

## Sec. 1. Body politic and corporate name.

The inhabitants of the territory comprised within the present limits of the City of Charlottesville as hereinafter described, or as the same may be hereafter altered and established as provided by law, shall continue to be one body politic and corporate in fact and its name shall be the City of Charlottesville. The City of Charlottesville shall have and may exercise all the powers which are now or hereafter may be conferred upon or delegated to cities under the Constitution and the general law of the Commonwealth of Virginia as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive. Additionally, the City of Charlottesville shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations pertaining to and incumbent upon the City of Charlottesville as a municipal corporation, and the said City of Charlottesville, as such, shall have perpetual succession, may sue and be sued, may contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

The present boundaries of the City of Charlottesville shall be as described in Chapter 384 of the Acts of the Assembly of 1946, as enlarged by subsequent orders of the Circuit Courts of Albemarle County and the City of Charlottesville or as otherwise provided by law.

(H.B. 1107, § 1, 2020)

## Sec. 2.

[Repealed by H.B. 1107, § 2, 2020]

## Sec. 3. University of Virginia excluded from city.

The grounds, walks, driveways and all the land which on January 1, 1939, belonged to "Rector and Visitors of the University of Virginia," a corporation, although embraced within the boundaries of the City of Charlottesville as described in ~~section 2~~ Chapter 384 of the Acts of Assembly of 1946, shall nevertheless be deemed to be excluded therefrom and shall be, remain and continue in all respects and for all purposes a part of the County of Albemarle; provided, that this exception shall not apply to any of the lands now used and embraced within the streets and roads known as West Main Street, Fry's Spring Road, the Old Lynchburg Road, Rugby Road, State Highway No. 250, State Highway No. 29, nor any sidewalks on such roads, nor to any portion of the right of way of the Chesapeake and Ohio Railroad, and all of said streets, roads and rights of way within the boundary lines ~~set out described~~ in section 2 hereof Chapter 384 of the Acts of Assembly of 1946 shall be in and a part of the City of Charlottesville.

(Acts 1948, Ch. 124)

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<sup>1</sup>Editor's note(s)—The Charter, as amended, is set out herein as it appeared in the Charlottesville City Code of 1976. The basic Charter was enacted by Chapter 384 of the 1946 Acts of the General Assembly. Amendments are indicated by history notes appearing in parentheses ( ) at the end of the amended section. The absence of such a note indicates that the section is derived, unamended, from Acts 1946, Chapter 384. Citations to the Code of Virginia have been made uniform. Words appearing in brackets [ ] were added by the editor.

State law reference(s)—Governmental charters, Code of Virginia, § 15.1-833 et seq.

**Effect of amendment**—The 1948 amendment substituted "which on January one, nineteen hundred thirty-nine belonged" for "belonging," near the beginning of the section.

#### **Sec. 4. Wards.**

The said city shall be divided into wards as now constituted, but the number of wards may be hereafter increased or diminished and the boundaries thereof changed by the city council as authorized by law.

State law reference(s)—Establishment of wards, Code of Virginia, § 15.1-803; election districts or precincts, § 24.1-36 et seq.

#### **Sec. 5. Elective officers; qualifications and terms of certain officers; form of government; corporate powers vested in city council.**

- (a) The municipal authorities of the said city shall consist of a council of five members, one of whom shall be mayor, as hereinafter set forth, unless and until this form be changed in manner prescribed by law, a clerk of the circuit court, an attorney for the Commonwealth, a treasurer, a sheriff, and a commissioner of revenue, who shall be elected by the qualified voters of the City of Charlottesville at elections held at the intervals and on the day prescribed for such elections by the laws of the State. All persons who are qualified voters of the City of Charlottesville shall be eligible to any of the said offices. The terms of offices of all of said officers shall begin and continue for such length of time as is prescribed by law. All the corporate powers of said city shall be exercised by said council, or under its authority, except as otherwise provided herein.
- (b) The form of government for said city shall be the city manager plan as follows: All corporate powers and legislative and executive authority vested in the City of Charlottesville by law shall be and are hereby vested in a council of five members to be elected at large from the qualified voters of the city, except as hereinafter provided.
- (c) Each of said councilors shall receive an annual salary from the city for their services to be set by the council in accordance with the general laws of the Commonwealth.
- (d) In accordance with the general laws of the Commonwealth, the election of councilors shall be held in November of ~~2021 and biennially thereafter each odd-numbered year. At the election in November of 2021 there Three councilors~~ shall be elected ~~two members of council and at the election in November of 2023 2027 and every four years thereafter, there and two councilors~~ shall be elected ~~three members of council to fill vacancies occurring on the first of January in the November 2029 and every four years following the year in which they are elected thereafter. Councilors shall serve terms of four years. The members of the council commencing on the effective date of this charter amendment are hereby confirmed in office until the thirty-first first day of December in the final year of the term of office for which they were elected January following their election.~~ Councilors shall serve terms of four years. The members of the council commencing on the effective date of this charter amendment are hereby confirmed in office until the thirty-first first day of December in the final year of the term of office for which they were elected January following their election.
- (e) The council shall elect a city manager, at the salary to be fixed by the council, who shall serve at the pleasure of the council.

In all other respects the said council shall have and be vested with the same authority heretofore exercised by the council, and in all other respects their duties and liabilities shall be regulated by the general laws of the Commonwealth, not in conflict therewith.

(Acts 1950, Ch. 143; Acts 1962, Ch. 463; Acts 1964, Ch. 137; Acts 1972, Ch. 184; Acts 1974, Ch. 7; H.B. 1107, § 1, 2020)

**Effect of amendments**—The 1950 amendment substituted, in subsection (b), "and executive" for "financial and police" and made many changes in subsection (f), including the addition of the second sentence therein.

The 1962 amendment raised the compensation of councilmen from three hundred dollars per year to twelve hundred dollars per year and that of the mayor from five hundred dollars per year to fifteen hundred dollars per year.

The 1964 amendment deleted the civil and police justice from subsection (a) and rewrote the language of subsection (a); changed "modified commission plan" to "city manager plan" in subsection (b); deleted provisions in subsection (d) authorizing the mayor to preside and vote on all questions; and changed "§§ 15-435 and 15-436" to "§§ 15.1-926 and 15.1-927" in subsection (f).

The 1972 amendment changed "sergeant" to "sheriff" and deleted "two justices of the peace" in subsection (a), completely rewrote subsection (d) and changed the terms of office of the city manager and director of finance from two years to "the pleasure of the council."

The 1974 amendment changed the compensation of councilmen to an amount to be set by the council, not to exceed thirty-six hundred dollars per year, and that of the mayor not to exceed forty-eight hundred dollars per year.

### **Sec. 5.01. City manager.**

Subject to general control by the council as provided in § ~~4(b)~~ 5(e) hereof, the city manager shall have full executive and administrative authority and shall have the right to employ and discharge all employees under his control. All departments of city government, including the fire department and police department, shall be under the general supervision of the city manager. The city manager shall give a bond for the faithful performance of his duties in such sum as the council may require. Subject to the general power of the council as provided in § 5(b) hereof and except as the council may by ordinance otherwise provide, the city manager shall have the powers vested in city managers in accordance with the general laws of the Commonwealth.

(H.B. 1107, § 1, 2020)

### **Sec. 5.02. Director of finance; audit.**

The council shall appoint a director of finance, who shall serve at the pleasure of the council. The director of finance shall have general management and control of the fiscal affairs of the city, including the city's accounting, purchasing, collection, risk management, debt management, financial reporting, and real estate assessment functions. The city manager shall provide supervision of the director of finance.

The director of finance shall ~~contract with a certified public accountant to conduct an audit of~~ cause the city's ~~and each constitutional officer's~~ accounts and records ~~by June 30, including the accounts and records of each year constitutional officer, to be audited annually~~ in accordance with ~~standards established by the Commonwealth's Auditor general laws of Public Accounts the Commonwealth.~~ The ~~certified public accountant~~ audit report shall ~~provide a detailed written report of the city's audit be presented~~ to the council ~~by December 1 of each year. A copy of the audit shall be and made~~ available for public inspection as provided ~~by the public general law.~~

(H.B. 1107, § 1, 2020)

### **Sec. 5.1. Advisory referendum on ordinances or Charter amendments.**

The council ~~shall have authority to order may~~, by resolution directed to the circuit court of the city, request the submission to the qualified voters of the city for an advisory referendum ~~thereon of~~ any proposed ordinance or amendment to ~~the city this~~ charter. Upon The referendum shall be ordered, conducted, and its results ascertained and certified in accordance with the receipt general laws of such resolution, the Commonwealth. If a petition requesting submission of a proposed amendment to this charter is filed with the clerk of the circuit court of the city shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted, and the result thereof ascertained and determined in the manner

~~provided by law for the conduct of general elections and by the regular election officials of the city. If a petition requesting the submission of an amendment to this charter, set forth in such petition, is~~ signed by qualified voters equal in number to ~~ten per centum~~ 10 percent of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding submission of the petition, ~~with each signature to which has been~~ witnessed by a person whose affidavit to that effect is attached to the petition, ~~is filed with the clerk of the circuit court of the city, they shall forthwith~~ certify that fact to the circuit court. Upon ~~the such certification of such petition, the circuit court of the city shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to accordance with the qualified voters general laws of the city for their approval or disapproval. Such election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city.~~ Commonwealth. If a majority of those voting ~~thereon at such election~~ approve the proposed amendment ~~such result shall be communicated by~~ the clerk of the circuit court ~~of shall communicate the city result~~ to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.

Nothing contained in this section shall be construed as affecting the provisions of § ~~14~~ 14-a of this charter.

(Acts 1960, Ch. 327; Acts 1962, Ch. 332; H.B. 1107, § 1, 2020)

**Effect of amendments**—The 1960 Act added this section. The 1962 amendment changed the procedure for verification of signatures on petitions.

## **Sec. 6. Clerk of council; minutes; ordinance book.**

The council shall elect a clerk of council to serve at the pleasure of the council. The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have custody of the seal of the city.

At each regular meeting of the council, the minutes of the last regular meeting and all intervening called meetings shall be presented by the clerk of council, and thereupon be corrected, if erroneous, and signed by the mayor. The clerk shall record the minutes in the council's journal of proceedings.

The council shall also require to be kept by its clerk a separate book, termed the General Ordinance Book, in which shall be recorded all ordinances and resolutions of a general and permanent character, properly indexed and open to public inspection. Other documents or papers in the possession of the clerk of the council that may affect the interest of the city shall not be exhibited nor copies thereof furnished, except as may be required by the general laws of the Commonwealth.

There may be elected by the council additional officers and clerks as the council deems proper and necessary, who shall serve at the pleasure of council, and any one or more of said offices may be held and exercised by the same person. ~~It may be competent for the council, in order to secure the services of a suitable person, to elect non-residents, but such officer, other than the clerk of the council, shall reside in the city during the officer's tenure of office.~~

(Acts 1972, Ch. 184; Acts 2010, Ch. 217; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment changed the term of office from two years to "the pleasure of the council."

## **Sec. 7. Oaths of office and qualification of officers; failure to qualify.**

The councilors, and other officers elected by the people shall ~~each~~, before entering upon the duties of their offices, take the oaths ~~prescribed for all other officers and otherwise qualify as provided~~ by the general laws of the Commonwealth, ~~and qualify before. Certificates of the circuit court of said city, and in the cases of oaths taken by~~

the mayor and councilors ~~a certificate of such oaths having been taken~~ shall be filed ~~by them, respectively,~~ with the clerk of the council, ~~who shall enter the same and entered~~ upon the council's journal thereof; but if any Failure to take the required oath or either of said officers otherwise qualify shall ~~fail to qualify, create a vacancy only~~ as aforesaid, for ten days after provided by the ~~commencement~~ general laws of the ~~term for which said officer was elected, or shall neglect for a like space of time to give such bond as may be required of, said officer or said officer's office shall be deemed vacant~~ Commonwealth.

(H.B. 1107, § 1, 2020)

State law reference(s)—Oath required, Code of Virginia, § 15.1-38; form of oath, § 49-1.

## **Sec. 8. Vacancy in office of mayor or councilor; vacation of office.**

Whenever, from any cause, a vacancy shall occur in the office of mayor, the council shall elect one of its members as mayor for the remainder of the term. A vacancy in the office of councilor shall be filled by that body in accordance with the general laws of the Commonwealth. An entry of said election shall be made in the journal of proceedings and the General Ordinance Book.

If the mayor or a councilor shall remove from the city limits, such removal shall operate to vacate such mayor's or councilor's office.

(H.B. 1107, § 1, 2020)

## **Sec. 9. ~~Council~~ Mayor and vice-mayor.**

At its first meeting in January ~~2022 and biennially thereafter of each even-numbered year~~, the council shall elect one of its members to act as mayor, who shall preside at its meetings and continue in office for two years. If a vacancy occurs in the office of mayor before the end of their term, such vacancy shall be filled as provided in § 8.

At the same time the council shall elect one of its members to be vice-mayor, who shall preside at such meetings in the absence of the mayor, and who, when the mayor shall be absent or unable to perform the duties of their office, by reason of sickness, or other cause, shall perform any and all duties required of, or entrusted to, the mayor. The mayor, or the vice-mayor, when authorized, as above stated, to act, shall have power at any time to call a meeting.

The mayor, or vice-mayor when performing the duties of the mayor, shall be entitled to a vote on all questions as any other councilor, but in no case shall they be entitled to a second vote on any question.

(Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment changed "September" to "July" and "1922" to "1972" in the first sentence and "section seven" to "section eight" at the end of the second sentence.

## **Sec. 10.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 11.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 12. Same—Council meetings and rules.**

The council shall fix by ordinance the time for holding their stated meetings, and no business shall be transacted at a special meeting, unless by unanimous consent, except that for which it shall have been called, and

every call for a special meeting shall specify the object thereof. Three councilors shall constitute a quorum for the transaction of business at any meeting of the council.

The council shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by vote of two-thirds of all the members elected to it, expel a member for malfeasance or misfeasance in office. The council shall keep a journal of its proceedings, and its meetings shall be open, except when it votes to hold an executive or closed session pursuant to the general laws of the Commonwealth.

(Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment rewrote the second and last sentences of this section regarding executive sessions and exhibition of documents and papers.

State law reference(s)—General requirement for open meetings, Code of Virginia, § 2.1-343; executive or closed meetings, § 2.1-344.

### **Sec. 13.**

[Repealed by H.B. 1107, § 2, 2020]

### **Sec. 14. Council powers enumerated.**

The council of the city, except as hereinbefore provided, shall have the power within said city to control and manage the fiscal and municipal affairs of the city and all property, real and personal, belonging to said city; they shall have power to provide a revenue for the city, and appropriate the same to its expenses, also to provide the annual assessments of taxable persons and property in the city, and it may make such ordinances, orders, and by-laws relating to the foregoing powers of this section as it shall deem proper and necessary. The council shall also have power to make such ordinances, by-laws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in them:

First. *Streets and Sidewalks—Generally.* To close, extend, widen, narrow, lay out, grade, improve and otherwise alter streets and public alleys in the said city, and have them properly lighted and kept in good order, and it may make or construct sewers or ducts through the streets or public grounds of the city, and through any place, or places whatsoever, when it may be deemed expedient by the said council. The ownership of any land included in any street that is closed shall be in accord with the general laws of the Commonwealth. Council may have over any street or alley in the city, which has been, or may be ceded to the city, like authority as over streets or alleys, and may prevent or remove any structure, obstruction or encroachment over, or under, or in a street or alley, or any sidewalk thereof.

Second. *Obstructions; cleaning sidewalks.* To prevent the cumbering of the streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatsoever; to compel the occupant or owner of buildings or grounds to remove snow, dirt or rubbish from the sidewalks in front thereof.

Third. *Fires and fire prevention.* To extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department for said city; to regulate the size of materials, and construction of buildings hereafter erected, in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure, or addition thereto which, by reason of dilapidation, defect of structure, or other causes, may have, or shall, become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick or iron.

Fourth. *Breadth of tires on vehicles.* To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of every kind and description used upon the streets of said city.

Fifth. *Preservation of health; hospitals; births and deaths.* To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, prevent the introduction ~~of~~ spreading of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the appointment and organization of a board of health or other board to have the powers of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the officers of the city have; to regulate the burial, cremation, or disposition of the dead; to compel the return of births and deaths to be made to its health department, and the return of all burial permits to such department.

Sixth. *Cemeteries.* To acquire by purchase, condemnation, or otherwise, either within or without the city, lands to be appropriated, improved and kept in order as places for the interment of the dead, and may charge for the use of the grounds in said places of interment, and may regulate the same; to prevent the burial of the dead in the city, except in public burying grounds; to regulate burials in said grounds; to require the keeping and return of bills of mortality by the keepers (or owners) of all cemeteries, and shall have power within the city to acquire by purchase, condemnation, or otherwise, such lands, and in such quantity as it may deem proper or necessary for the purpose of burying the dead; provided, however, that no part of such cemeteries, when established or enlarged, shall be within one hundred feet of any residence without the consent of the owner of the legal and equitable title of such residence, and provided further that the provisions of the general laws of the Commonwealth, as now existing or hereafter amended, for condemnation of land thereunder so far as applicable shall apply to condemnation proceedings by the city hereunder.

The title to any land acquired by condemnation hereunder shall vest in the City of Charlottesville.

Seventh. *Quarantine.* To establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State, and of the United States.

Eighth. *Nuisances, etc.* To require and compel the abatement and removal of all nuisances within the said city, or upon any property owned by said city, without its limits, at the expense of the person or persons causing the same, or the occupant or owner of the ground whereon the same may be; to prevent and regulate slaughter houses, and soap and candle factories within said city, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to regulate the location of stables, and the manner in which they shall be constructed and kept.

Ninth. *Stagnant water or offensive substances on property.* If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or occupant thereon shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said council may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, and may collect the expense of so doing from the said owner or occupant by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected; provided, that reasonable notice shall be first given to the said owner or occupant or their agent. In case of nonresident owners, who have no agent in said city, such notice may be given by publication for not less than ten days, in any newspaper published in said city, such publication to be at the expense of said owner, and cost thereof to be collected as a part of the expense hereinbefore provided for.

Tenth. *Explosives and flammables; carrying concealed weapons.* To direct the location of all buildings for storing gunpowder or other explosives or combustible substances; to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosives or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons.

Eleventh. *Animals and fowl generally.* To prevent the running at large in said city of all animals and fowls, and to regulate and prohibit the keeping or raising of the same within said city, and to subject the same to such confiscation, levies, regulations and taxes as it may deem proper.

Twelfth. *Use of streets; abuse of animals.* Insofar as not prohibited by the general laws of the Commonwealth, to prevent the riding or driving of animals at improper speed, to regulate the speed and manner of use upon the streets of said city of all animals or vehicles; to prevent the flying of kites, throwing of stones, or the engaging in any employment or sport in the streets or public alleys, dangerous or annoying to the public, and to prohibit and punish the abuse of animals.

Thirteenth. *[Repealed.]*

Fourteenth. *Offenses generally.* To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame, and gaming houses; to prevent lewd, indecent or disorderly conduct or exhibitions in the city, and to expel from said city persons guilty of such conduct.

Fifteenth. *[Repealed.]*

Sixteenth. *Ordinances necessary for general welfare; effect on other powers.* And the said council shall also have power to make such other and additional ordinances as it may deem necessary for the general welfare of said city; and nothing herein contained shall be construed to deprive said city of any of the powers conferred upon it, either by general or special laws of the State of Virginia, except insofar as the same may be inconsistent with the provision of this charter.

Seventeenth. *Official bonds.* Said council shall have power to require and take from such officers and employees, as they may see fit, bonds with security and in such penalty as they may prescribe, which bonds shall be made payable to the city by its corporate name, and conditioned for the faithful discharge of their duties; such bonds shall be filed with the clerk of the council.

Eighteenth. *Gas works, water works, and electric light works.* Said council shall have power to erect, or authorize or prohibit the erection of gas works, waterworks, or electric light works in or near the city, and to regulate the same. Subject to any covenants securing indebtedness of the city's natural gas utility, the council may include as an expense of operating the utility an annual payment in lieu of taxes representing taxes that would have accrued had the utility not been municipally owned. The amount of any such payment shall be determined annually by the council under a reasonable formula established as part of the city's budget or utility rate-setting process and shall be paid from the natural gas utility fund into the general fund.

Nineteenth. *Pollution of water.* To prohibit the pollution of water which may be provided for the use of the city.

Twentieth. *Additional and incidental powers; jurisdiction beyond corporate limits.* To pass all by-laws, rules and ordinances, not repugnant to the Constitution and laws of the State, which they may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property, including authority to keep a city police force; and to do such other things, and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is, or shall be granted to, or vested in said city, or officers thereof, or which may be necessarily incident to a municipal corporation; and to enable the authorities of said city more effectually to enforce the provisions of this section, and any other powers conferred upon them by this charter, their jurisdiction, civil and criminal, is hereby declared to extend one mile beyond the corporate limits of said city.

Twenty-first. *[Repealed.]*

(Acts 1950, Ch. 413; Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendments**—The 1950 amendment increased the amount of floating debt authorized by paragraph 21 from \$100,000 to \$200,000.

The 1972 amendment rewrote paragraphs 1 and 17 and repealed paragraph 15.

#### **Sec. 14-a. Approval of public housing projects by council.**

Before the Charlottesville Redevelopment and Housing Authority undertakes any public housing project within the city it shall obtain the approval of the council on each construction site, as hereinafter set forth. The application for approval shall have a plat, certified by a registered surveyor or engineer, or a plat prepared from the current city land book showing city parcel numbers of the land concerned and attested by the city assessor, attached to and made a part of such application. The plat shall identify the proposed site and show the proposed development of the site.

The council shall advertise for at least two weeks in a newspaper published in the city that the authority has applied for the approval of the council under this section and shall give notice therein of the time and place for a hearing on such request, which hearing shall be at least thirty days from the date of the first advertisement. The council may approve such application following such hearing.

(Acts 1960, Ch. 230; Acts 1962, Ch. 332; Acts 1970, Ch. 93; Acts 1973, Ch. 359)

**Effect of amendments**—The 1960 Act added this section.

The 1962 amendment completely rewrote the first paragraph of this section and made numerous changes in the second paragraph.

The 1970 amendment added a sentence repealed by the 1973 amendment.

The 1973 amendment eliminated voter authority to petition for a referendum on applications for approval of public housing projects.

#### **Sec. 14-b.**

[Repealed by H.B. 1107, § 2, 2020]

#### **Sec. 15.**

[Repealed by H.B. 1107, § 2, 2020]

#### **Sec. 16. Special assessments for local improvements.**

Local assessments upon abutting landowners for making and improving the sidewalks upon the streets and improving and paving the alleys, and for either the construction or for the use of sewers, may be imposed not in excess of the peculiar benefits resulting therefrom to such abutting landowner. And the same shall be regulated as prescribed by the general laws.

#### **Sec. 17. Enactment and enforcement of ordinances, ~~etc.; punishment for violation; enjoining violation; use of county jail; appeal to circuit court.~~**

To carry into effect the powers herein enumerated, and all other powers conferred upon said city and its council by the laws of Virginia, said council shall have power to make and pass all proper and needful orders, by-laws, and ordinances not contrary to the Constitution and laws of said State, and to prescribe reasonable fines and penalties, including imprisonment ~~in as authorized by the city jail~~ general laws of the Commonwealth, which fines, penalties or imprisonment shall be imposed, recovered and enforced by the courts of the Commonwealth. The city may maintain a suit to restrain by injunction, the violation of any ordinance, notwithstanding such ordinance may

provide punishment for its violation. All fines imposed for the violation of the city charter, by-laws, or ordinances, shall be paid into the city treasury.

(Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment deleted a ninety day limitation on imprisonment and added "(judge of the municipal court)" following civil and police justice in the second and third sentences.

Editor's note(s)—The "civil and police justice (judge of the municipal court)" referred to in this section is now the judge of the district court.

## **Sec. 18.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 19. Fiscal year; budget; levy of taxes.**

The city's fiscal year shall begin on July 1 of every year and conclude on June 30 of the following year.

The city manager shall prepare and submit to the council a budget. The budget shall serve as a financial plan for the city, and the city manager in the budget message shall describe the important features of the budget, indicate any major changes from the current financial and expenditure policies, and include such other material as the city manager deems desirable or as the council may from time to time require. The budget shall show all estimated income, indicating the property tax levy, and all proposed expenditures, including debt service and capital program, and shall be in a form the manager deems desirable or the council may require. The total of proposed general fund expenditures shall not exceed the total of estimated general fund income.

A brief synopsis of the budget shall be published in a newspaper or newspapers having general circulation in the city, and notice shall be given of a public hearing as provided for by the general laws of the Commonwealth. After the conclusion of the public hearing, the council may insert new items of expenditures or may increase, decrease, or strike out items of expenditure in the budget.

Prior to the end of each fiscal year, the council shall pass an appropriation ordinance, which shall be based on the budget submitted by the city manager, and shall levy such taxes for the ensuing fiscal year as may be necessary to meet the appropriations made and all sums required by law to be raised for account of the city debt. The total amount of appropriations shall not exceed the estimated revenues of the city.

(H.B. 1107, § 1, 2020)

State law reference(s)—Municipal budgets, Code of Virginia, § 15.1-159.8 et seq.

## **Sec. 20. Tax levy; subjects of taxation; rate; lien on real property; sale of land for delinquent taxes.**

In order to execute its powers and duties and to meet the wants and purposes of the city, the council is hereby vested with power and authority to levy taxes upon persons, property, real and personal, privileges, businesses, trades, professions and callings and upon such other subjects of taxation and in such amounts as the council shall deem necessary and proper to provide such sums of money as they shall deem expedient without limitation as to subject, except such as may be expressly provided by general laws or Constitutional provision and without limitation as to rate except such as may be provided by the Constitution of this State.

Taxes assessed against real estate subject to taxes shall be a lien on the property and the name of the person listed as owner shall be for convenience in collection of taxes. The lien for taxes shall not be limited to the interest of the person assessed but shall be on the entire fee simple estate. There shall be no lien when for any year the

same property is assessed to more than one person and all taxes assessed against the property in one of the names have been paid for that year.

When taxes are assessed against land in the name of a life tenant or other person owning less than the fee or owning no interest, the land may be sold pursuant to the general laws of the Commonwealth.

(Acts 1948, Ch. 124; Acts 1950, Ch. 413; Acts 1958, Ch. 111; H.B. 1107, § 1, 2020)

**Effect of amendments**—The 1948 amendment rewrote this section.

Prior to the 1950 amendment the first paragraph concluded with the words "without limitation as to subject or rate except such as may be provided by the laws of this state and of the United States."

The 1958 amendment added the last two paragraphs in this section.

Editor's note(s)—The references to the Code of Virginia contained in the third paragraph above are obsolete. See now, the appropriate sections of title 58.1.

## **Sec. 21. Appropriations for advertising city.**

The council may each year make appropriation out of the city revenues of an amount not exceeding three cents on each one hundred dollars of the assessed value of the property in the city assessed for taxation for use in purposes which will, in the judgment of the council, advertise the city.

State law reference(s)—Expenditures for promoting resources and advantages of city, Code of Virginia, § 15.1-10.

## **Sec. 22. License taxes generally; licenses for vehicles using streets; schedule of charges for vehicles for hire.**

License taxes may be imposed by ordinance on businesses, trades, professions and callings and upon the persons, firms, associations and corporations engaged therein and the agent thereof without limitation as to subject or rate except such as may be provided by the Constitution of this state and the Constitution of the United States.

License taxes not inconsistent with general law may be imposed upon vehicles using the streets of the city, and the council may prescribe a schedule of charges for vehicles using said streets for hire.

(Acts 1950, Ch. 413)

**Effect of amendment**—The 1950 amendment rewrote that portion of the section which follows the words "and the agent thereof."

State law reference(s)—Local license taxes, Code of Virginia, § 58.1-3700 et seq.

## **Sec. 23. Collection of revenue; custodian of city funds.**

The revenue from these and other sources shall be collected, paid over, and accounted for at such times and to such persons as the council shall order, and pursuant to such ordinance as now exists or may hereafter be passed by the council. The city treasurer shall be the custodian of all the funds of the city.

## **Sec. 24.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 25. Borrowing.**

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution of Virginia or general laws of the Commonwealth.

Notes in anticipation of collection of revenue may be issued, when authorized by council, at any time during the fiscal year, provided the notes shall mature not later than twelve (12) months after date of issue, and in an amount not in excess of the revenues anticipated.

Bonds and notes of the city shall be issued in the manner provided by the general laws of the Commonwealth. In the issuance of bonds and notes, the city shall be subject to the limitations as to amounts that are contained in Article VII, Section 10 of the Constitution of Virginia.

(H.B. 1107, § 1, 2020)

## **Sec. 26.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 27.**

[Repealed by H.B. 1107, § 2, 2020]

## **Sec. 28. Sale of public utilities; approval by voters.**

The rights of the city in its gas, water and electric works and sewer plant, now owned, or hereafter acquired, shall not be sold, until and except such sale shall have been approved by a majority of the qualified voters of the city, voting on the question at a special election ordered by the council as provided by the general laws of the Commonwealth.

(H.B. 1107, § 1, 2020)

## **Sec. 29. City sheriff.**

The city sheriff shall attend the terms of the circuit court of the city and shall act as the officer thereof; the sheriff may appoint one or more deputies, who may be removed from office by the sheriff, and may discharge any of the duties of the office of sheriff, but the sheriff and their sureties shall be liable therefor. The city sheriff shall also have all power and authority and perform all duties imposed by general law upon sheriffs of cities.

(Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment changed "sergeant" to "sheriff."

## **Sec. 30. Authority of officers appointed by council.**

The officers of said city elected or appointed by the council shall, during the time they are in office, have all the power and authority of like officers in the state under its general laws, unless the same be abridged or restricted by the council.

**Sec. 31.**

[Repealed by H.B. 1107, § 2, 2020]

**Sec. 32.**

[Repealed by Acts 1972, Chapter 184.]

**Sec. 33.**

[Repealed by H.B. 1107, § 2, 2020]

**Sec. 34. Salaries fixed by council.**

The salaries of all officers who receive stated compensation for their services from the city shall be fixed by the council.

**Sec. 35.**

[Repealed by H.B. 1107, § 2, 2020]

**Sec. 36. Granting franchises.**

The regulation and restrictions for granting any franchise in the city shall be as provided by the general laws of the Commonwealth.

(H.B. 1107, § 1, 2020)

**Sec. 37. Receipt and disbursement of monies by treasurer.**

All moneys belonging to said city shall be paid over to the treasurer, and no money shall be paid out by them except as the same shall have been appropriated and ordered to be paid by the council, and the said treasurer shall also pay the same upon warrants approved in such manner as may be prescribed by ordinance of the council.

(H.B. 1107, § 1, 2020)

**Sec. 38. Recovery against treasurer and sureties.**

If the said treasurer shall fail to account for and pay over all of the moneys that shall come into their hands when required by the council, it shall be lawful for the council, in the corporate name of the city, by motion before any court of record having jurisdiction in the City of Charlottesville, to recover from the treasurer and their sureties, or their personal representatives, any sum that may be due from said treasurer to said city on ten days' notice.

(H.B. 1107, § 1, 2020)

**Sec. 39. Collection of fines.**

~~All fines imposed for any violation of any city ordinance or State law~~ Fines and penalties shall be collected by ~~the clerk of the district court; and if said clerk shall fail to collect, account~~ accounted for, and ~~pay over all distributed in accordance with the fines in their hands for collection, it shall be lawful for the council to recover the~~

~~same, so far as the same are accruing to the city, by motion, in the corporate name general laws of the city, before the circuit court of said city, against the said clerk, their sureties on their said bond, or any or either of them, the clerk or the sureties' executors or administrators, on giving ten days' notice of the same Commonwealth.~~

(H.B. 1107, § 1, 2020)

#### **Sec. 40. Animals running at large.**

The council shall have power to make such ordinances, by-laws, orders and regulations as they may deem necessary to prevent dogs, hogs and other animals from running at large in the limits of the city, and may subject the owners thereof to such fines, regulations and taxes as the council may deem proper, and may sell said animals at public auction to enforce the payment of said fines and taxes; and may order such dogs, as to which there is default, to be euthanized as provided for by the general laws of the Commonwealth.

(H.B. 1107, § 1, 2020)

#### **Sec. 41. Taking or damaging private property.**

The city shall not take or damage any private property for streets, or other public purposes, without making to the owner, or owners, thereof just compensation for the same. But in all cases where the city council cannot by agreement obtain title to the ground necessary for such purposes, it shall be lawful for it to apply to the circuit court of the county in which the land shall be situated, or to the proper court of the city having jurisdiction of such matters, if the subject lie within the city, to condemn the same.

#### **Sec. 42. Encroachments upon streets.**

In every case where a street in the city has been or shall be encroached upon by any fence, building, or otherwise, the city council may require the owner or owners, if known, and if unknown the occupant or occupants of the premises so encroaching to remove the same. If such removal shall not be made within the time ordered by the city council, it may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with cost, for which there shall be a lien on the premises so encroaching, which lien may be enforced in a court of equity having jurisdiction of the subject. No encroachment upon any street, however long continued, shall constitute an adverse possession thereto, or confer any right upon the person claiming thereunder as against said city.

(H.B. 1107, § 1, 2020)

#### **Sec. 43. Filing claim for damages condition precedent to action against city.**

No action shall be maintained against the said city for damages for ~~a~~ an injury to any person or property alleged to have been sustained by reason of the negligence of the city, or any officer, agent or employee thereof, unless a written statement of the claimant, their agent or attorney, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed, as provided by the general laws of the Commonwealth.

(Acts 1972, Ch. 184; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1972 amendment deleted the requirement that the statement of the claimant be certified by oath.

State law reference(s)—Notice requirements of general law, Code of Virginia, § 8.01-222.

#### **Sec. 44. Continuance of rights, etc., of city; continuance of ordinances and resolutions.**

All rights, privileges and properties of the City of Charlottesville heretofore acquired and possessed, owned and enjoyed by any act now in force, not in conflict with this act, shall continue undiminished and remain vested in said city under this act; and all laws, ordinances and resolutions of the corporation of Charlottesville now in force, and not inconsistent with this act, shall be and continue in full force and effect in the City of Charlottesville, until regularly repealed.

#### **Sec. 45.**

[Repealed by H.B. 1107, § 2, 2020]

#### **Sec. 45-a. School board.**

The City of Charlottesville shall constitute a single school district. The school board of the city shall consist of seven members. ~~In accordance with the general laws of the Commonwealth, three of the Four~~ school board members shall be elected in November ~~2021~~ 2027 and ~~every~~ four ~~years thereafter, and three school board~~ members shall be elected in November ~~2023 to fill vacancies occurring on the first of January in the 2029 and~~ ~~every four~~ years ~~following the year in which they are elected thereafter.~~ School board members shall serve terms of four years. ~~The members of the school board commencing on the effective date of this Charter are hereby confirmed in office until the thirty-first first day of December in the final year of the term of office for which they were elected January following their election.~~ The board shall have all powers and perform all duties granted to and imposed upon school boards of cities by the general laws of the Commonwealth.

(Acts 1948, Ch. 124; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1948 act added this section.

State law reference(s)—School boards, Code of Virginia, § 22.1-48 et seq.

#### **Sec. 46. Water supply and sewerage system.**

That the corporate authorities of said city be, and they are hereby, authorized and empowered to erect suitable dams and reservoirs, and to lay suitable pipes to supply said city with an adequate supply of water, and to establish and construct a sewerage system for said city; and for such purpose to acquire, either by purchase or by condemnation, according to the provisions of the general laws of the Commonwealth for the condemnation of lands by incorporated cities, such lands and so much thereof as may be necessary for the aforesaid purposes.

(H.B. 1107, § 1, 2020)

#### **Sec. 47. Elections.**

All elections under this charter shall conform to the general laws of the Commonwealth in regard to elections by the people.

(H.B. 1107, § 1, 2020)

State law reference(s)—Elections, Code of Virginia, § 24.1-1 et seq.

#### **Sec. 48. County property within city limits; arbitration; school property in Charlottesville school district; Miller School.**

The property now belonging to the county of Albemarle within the limits of the City of Charlottesville shall be within and subject to the joint jurisdiction of the county and city authorities and officers, and shall not be subject to taxation by the authorities of either county or city; and if the county and city aforesaid cannot agree upon the terms of joint occupancy and use of such property in regard to which settlements may not have already been effected, the right of said city to such joint occupancy and use being hereby recognized, then the board of arbitration herein provided for shall determine the terms of such joint occupancy and use, and said board of arbitration shall determine what rights, if any, the city aforesaid has in all other county property; but this is subject to the recognition of the right of the city, as well as the county (through the district school board or otherwise) in the school property in Charlottesville school district; and nothing herein contained shall affect the rights of the inhabitants of said city to participate in the benefits of the Miller School in said county.

(H.B. 1107, § 1, 2020)

#### **Sec. 49. Board of arbitrators established; composition; duties; awards.**

A board of arbitrators composed of three members, one to be selected by the board of supervisors of Albemarle County, one by the council of Charlottesville, and they to choose a third, is hereby established, whose duty it shall be to adjust and decide the matters hereinbefore submitted to them, and all such other questions as may arise between said city and county, growing out of the extension of the corporation limits, and the establishment of a city government. The awards of said arbitrators shall be entered upon the records as the judgments of the city court or the county circuit court, as the arbitrators may designate.

#### **Sec. 50. Same person may hold county and city office.**

And it is further provided that the same person shall be eligible to and, if elected, may hold a county office and a city office, if the said offices be of the same nature, at the same time; provided, such officer lives within the city limits; and any person otherwise qualified, who is a resident of the City of Charlottesville, shall be eligible to election or appointment to any county office of Albemarle County.

#### **Sec. 50.1. Adoption of certain sections of Code of Virginia.**

The City of Charlottesville shall have all powers granted to localities by the Constitution of Virginia and the general laws of the Commonwealth, provided, however, that in no event shall a conflict between the general laws of the Commonwealth and this Charter be held to reduce or limit any powers heretofore possessed by the City of Charlottesville pursuant to Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, as amended.

(Acts 1962, Ch. 56; Acts 1964, Ch. 137; Acts 1970, Ch. 93; H.B. 1107, § 1, 2020)

**Effect of amendments**—The 1962 act added this section.

The 1964 amendment added the references to title 15.1 of the Code of Virginia.

The 1970 amendment deleted references to certain individual sections of title 15.1 and adopted all sections from 15.1-837 through 15.1-907.

#### **Sec. 50.2. Search warrants.**

- (a) Search warrants. In addition to the means and conditions under which search warrants may be issued pursuant to provisions of general law, [a](#) magistrate, or a judge of any court having jurisdiction of the trial of cases to whom complaint is made, if satisfied that there is probable cause therefor, shall issue a warrant to

search specified places for the following conditions: violations of ordinances of the City of Charlottesville related to health and safety; of persons and property including violations of ordinances concerning minimum housing standards, health and sanitation regulations, and plumbing, building, and fire prevention codes.

A search warrant issued pursuant to the authority granted in this charter section shall be directed to persons charged with the responsibility of enforcing State statutes and local ordinances relating to health and safety of persons and property and shall command such person to search the place or places described therein for violations of State statutes and local ordinances relating to health and safety of persons and property.

- (b) Affidavit preliminary to issuance of search warrants. No search warrant shall be issued until there is filed with the officer authorized to issue the same an affidavit of some person reasonably describing the area, house, place, vehicle or baggage to be searched, the things or conditions to be searched for thereunder, alleging briefly material facts, constituting the probable cause for the issuance of such warrant and alleging substantially the offense or group of potential offenses in relation to which such search is to be made. Facts which may be pertinent are (1) department or board experience showing the need of periodic area inspections, (2) the pattern of the last inspections made, and (3) department or board judgment that an inspection is now needed, particularly in light of the time elapsed since the last inspection.

Such affidavit shall be certified by the clerk of the circuit court of the City of Charlottesville and shall by said clerk be preserved as a record and shall at all times be subject to inspection by the public. For the purposes of this section, probable cause shall be satisfied upon the showing of the reasonableness of a need to conduct periodic area-wide inspections with respect to health and safety of persons and property.

(Acts 1970, Ch. 93; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1970 act added this section.

### **Sec. 50.3. Qualifications of members of advisory boards and commissions.**

General provisions of law notwithstanding, the planning commission and members of boards or agencies appointed by city council, the mayor, or by the city manager, who serve without pay and who serve only for the purpose of making studies or recommendations, or advising or consulting with city council, shall not be prohibited from such service merely because they contract directly or indirectly with the city. Any such member of an advisory board or agency who knows, or may reasonably be expected to know, that they have a material financial interest in any transaction in which the agency of which they are an officer or employee is or may be in any way concerned, shall disclose such interest and disqualify themselves from voting or participating in any official action thereon in behalf of such agency. If disqualifications in accordance with this section leave less than the number required by law to act, the remaining member or members shall have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.

(Acts 1970, Ch. 93; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1970 act added this section.

### **Sec. 50.4. Terms of Charlottesville Redevelopment and Housing Authority commissioners; authority of council.**

There shall be not less than five nor more than seven members of the Charlottesville Redevelopment and Housing Authority Board of Commissioners.

Commissioners shall hold their offices at the pleasure of council for terms not to exceed four years; provided, that the city council may at any time, and from time to time, adopt an ordinance terminating the terms of all the commissioners and designating one or more council members as commissioners of the Charlottesville Redevelopment and Housing Authority. The remaining members of the Board, if any, shall be appointed by council

from the public at large. The Board shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by the general laws of the Commonwealth; provided that notwithstanding any other provision of law to the contrary, a city council member shall receive no compensation for serving as a commissioner of such Authority, nor shall they continue to serve as a commissioner after they cease to be a member of city council.

(Acts 1978, Ch. 709; Acts 1990, H.B. No. 34, § 1; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1978 act added this section and the 1990 act amended it to read as set out above.

### **Sec. 50.5. Authority of city council to adopt and enforce a noise ordinance.**

- A. The city council by ordinance may prohibit or regulate loud, disturbing or excessive noises originating within its jurisdiction. Such ordinance may prescribe the decibel levels, degrees or types of sound which are unacceptable within the city limits, but the ordinance must exempt from its prohibitions during the daytime (6:00 a.m. to 10:00 p.m.) the following:
1. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools or the University of Virginia.
  2. Athletic contests and other officially sanctioned activities in city parks.
  3. Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property.
  4. Gardening, lawn care, tree maintenance or removal and other landscaping activities.
  5. Church bells or carillons.
  6. Religious or political gatherings and other activities protected by the First Amendment of the United States Constitution.
  7. Activities for which the regulation of noise has been preempted by federal law.
  8. Public and private transportation, refuse collection and sanitation services.
- B. The decibel level of any such noise may be measured by the use of a sound level meter which measures sound pressure levels. Such measurements shall be accepted as prima facie evidence of the level of noise at issue in any court or legal proceeding. The accuracy of the sound level meter may be tested by a calibrator. In any court or legal proceedings in which the accuracy of the calibrator is in issue, the court shall receive as evidence a sworn report of the results of any test of the calibrator for accuracy. Such report shall be considered by the court or jury in determining guilt or innocence.
- C. Any individual operating a sound level meter pursuant to the provisions of this section and the local noise ordinance shall issue a certificate which will indicate:
1. that the sound level meter used to take the decibel level reading was operated in accordance with the manufacturer's specifications;
  2. that the city has on file a sworn report which states that the sound level meter has been tested within the past twelve months and has been found to be accurate;
  3. the name of the accused;
  4. the location of the noise;
  5. the date and the time the reading was made; and
  6. the decibel level reading.

The certificate, as provided for in this section, when duly attested by the operator taking the decibel level reading, shall be admissible in any court in any criminal or civil proceeding as evidence of the facts therein stated

and of the decibel level reading. A copy of such certificate shall be delivered to the accused upon the request of the accused or the accused's attorney.

(Acts 1989, Ch. 122, § 1; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1989 act added this section.

#### **Sec. 50.6. Authority of City Council to impose civil penalties for wrongful demolition of historic buildings.**

- A. Notwithstanding the provisions of any state law which authorize civil penalties for the violation of a local zoning ordinance, city council may adopt an ordinance which establishes a civil penalty for the demolition, razing or moving of a building or structure without approval by the board of architectural review or city council, when such building or structure is subject to the city's historic preservation zoning ordinance. The penalty established by the ordinance shall be imposed on the party deemed by the court to be responsible for the violation and shall not exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition.
- B. An action seeking the imposition of such a penalty shall be instituted by petition filed by the city in circuit court, which shall be tried in the same manner as any action at law. It shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The filing of any action pursuant to this section shall preclude a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.
- C. The defendant may, within twenty-one days after the filing of the petition, file an answer and without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties, or as established by the court, the petition shall be dismissed from the court's docket.
- D. Nothing in this section shall preclude action by the zoning administrator pursuant to the general laws of the Commonwealth either by separate action or as a part of the petition seeking a civil penalty.

(Acts 1990, S.B. No. 17, § 1; H.B. 1107, § 1, 2020)

**Effect of amendment**—The 1990 act added this section.

#### **Sec. 50.7. Powers relating to housing and community development.**

In addition to the powers granted by other sections of this charter and any other provision of the general laws of the Commonwealth, the city shall have the power:

- (a) To make grants and loans of funds to low- or moderate-income persons to aid in the purchase of any land, building, dwelling, or dwelling unit in the city; and to offer real estate tax deferral to low- or moderate-income persons who own any land, building, dwelling, or dwelling unit within the city. The city shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this subsection; and
- (b) To make grants of funds to owners of dwellings or dwelling units in the city for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low- or moderate-income person.

For purposes of this section, the phrase "low- or moderate-income persons" shall have the same meaning as the phrase "persons and families of low and moderate income" as that phrase is used in the Virginia Housing Development Authority Act, and shall be applied using the income guidelines issued by the Virginia Housing Development Authority for use in its single family mortgage loan program.

In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized to participate in any state or federal program related thereto and to use state, federal, or private funds in the exercise of such powers.

The expenditure of any public funds as authorized in this section is hereby declared to be in furtherance of a public purpose.

(Acts 2006, Ch. 268; H.B. 998; S.B. 202; H.B. 1107, § 1, 2020)

## **Sec. 51. Severability.**

If any portion of this Charter is declared unconstitutional, invalid, or illegal by a court of ~~last resort of this State in proper case~~ competent jurisdiction, such invalidity shall not affect or invalidate any other clause, sentence, paragraph, or part of this Charter but shall be confined exclusively to the portion so held invalid. All portions of this Charter not expressly held to be unconstitutional, invalid, or illegal shall remain in full force and effect.

(H.B. 1107, § 1, 2020)

# Policy Briefing Summary

## City Council



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|                                 |                                                                                                                 |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Resolution to Initiate the Five (5)-Year Review to City's Comprehensive Plan and Report on Project Scope</b> |
| <b>Staff Contact(s):</b>        | Victoria Kanellopoulos, City Planner                                                                            |
| <b>Presenter:</b>               | <b>Victoria Kanellopoulos, City Planner</b>                                                                     |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                                                                |

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### Issue

Neighborhood Development Services ("NDS") desires for City Council, via the attached Resolution, to initiate the Five (5)-Year Review of the City's Comprehensive Plan ("Comp Plan"), per Virginia Code Section § 15.2-2230.

This Agenda item also includes a Report with a Presentation (attached) with an overview of the proposed Project scope.

### Background / Rule

In November 2021, City Council formally adopted the City's Comp Plan. Since then, there have been several amendments thereto, including adopting the Climate Action Plan and the Parks & Recreation Master Plan.

### Analysis

Per Virginia State Code § 15.2-2230, each locality must review its Comp Plan at least every five (5) years to determine whether it is advisable to amend the Comp Plan. While there have been several amendments to the City's Comp Plan to date, it is best practice to complete a review of the Comp Plan every five (5) years and determine if additional changes are needed. Virginia Code § 15.2-2229, attached, authorizes City Council to initiate Comp Plan Amendments by majority vote and to refer the same to the Planning Commission ("PC") for review/recommendation.

The attached Presentation provides an overview of the City's draft process and approach for reviewing the City's Comp Plan and Project objectives. The Comp Plan review is an opportunity to evaluate and respond to challenges, opportunities, and emerging issues that have been identified since the City adopted the updated Comp Plan in 2021.

The Comp Plan review will be informed by feedback and expertise from City Staff, community members, the PC, and City Council, along with qualitative and quantitative data, State Code requirements, and best practices. This will include:

- Updating existing conditions data and trends;
- Incorporating any new State Code requirements;
- Alignment with City plans that have been completed since November 2021 and coordinating with in-progress plans that are moving in parallel;
- Evaluating strategies and priorities and where changes are needed; and
- Opportunities for community input and information-sharing throughout the process.

The community, PC, and City Council will be informed throughout the Project, and will be engaged at

key points to ask for input and feedback. City Staff will provide regular Project status updates and share upcoming opportunities for engagement, including through a future Connect Charlottesville page. City Staff will also hold Work Sessions with both the PC and City Council and will share the PC's recommendations and feedback with City Council. On September 22, 2026, City Staff held a Work Session with the PC to ask for feedback on the five (5)-year Comp Plan review scope, and a summary of the PC's feedback is included on Slide 18.

### **Financial Impact**

There is no direct financial impact associated with this request to initiate the Comp Plan review. City Staff anticipates using consultant services to support the Comp Plan review, once the Project process is formally initiated.

### **Recommendation**

City NDS Staff recommends City Council, as authorized by Virginia Code § 15.2-2229, adopt the attached Resolution initiating a review of the City's Comp Plan, and to refer the same to the City's PC for review/recommendation.

### **Recommended Motion (if Applicable)**

"I make a Motion, as authorized by Virginia Code § 15.2-2229, to adopt the attached Resolution initiating a review of the City's Comp Plan and refer the same to the City's PC for review/recommendation."

### **Attachments**

1. Comprehensive Plan 5-Year Review Presentation October 19 2026
2. Relevant Virginia Code Sections for Comprehensive Plans
3. Resolution City Council Comprehensive Plan 5-Year Review



# **Comprehensive Plan 5-Year Review**

**City Council**

**October 19, 2026**

# Agenda

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- Review of the Cville Plans Together process / current Comp Plan
- Comprehensive Plans: purpose, how implemented, topics included
- Draft process and approach for how the City will review the 2021 Comprehensive Plan
- Project objectives for the 5-year review
- Resolution for Council to initiate the 5-year review



- ## **Cville Plans Together**
- **Affordable Housing Plan**
  - **Comprehensive Plan**
  - **Development Code**

# Cville Plans Together Process

Was a community process for updating the future vision for the city, with a focus on equity and affordability.



(March 2021)



(Nov 2021)



(In effect as of Feb 2024)



An **Affordable Housing Plan**, as part of the Comprehensive Plan, to create a unified strategy for housing Charlottesville’s residents.



An update to the **Citywide Comprehensive Plan**, to guide the ways that the city will change and grow in the future.



An updated **Zoning Ordinance**, to ensure that development takes place in a clear and effective manner, and to work toward correcting injustice related to land use.

# Cville Plans Together Process: Comprehensive Plan

## Five Guiding Principles

These are community-input-driven priorities that apply to the entire Plan.



Equity & Opportunity



Community Culture & Unity



Local & Regional Collaboration



Environmental Stewardship & Sustainability



Connections & Access



# Comprehensive Plan Priority Areas

## Six Priority Areas For Implementation

- Support the development of more housing throughout the city, with a focus on creation of more housing that is **affordable to more people**, especially those with the greatest need.
- Make sure all people have **access to shelter, food, job opportunities**, and other resources they need to thrive and succeed.
- Work to both mitigate and prepare for the **impacts of climate change**.
- Make it safer, easier, and more desirable to **walk, ride a bicycle, utilize public transportation**, or use other non-single-occupancy vehicle transportation options.
- **Keep Charlottesville green**, make it greener, and **protect the natural environment** and the many benefits it provides.
- Continue to evolve and improve **communication and collaboration**.



# Comprehensive Plan Future Land Use Objectives

- Build upon land use recommendations from other plans.
- Ensure citywide, equitable opportunities for **additional housing**.
- Increase opportunities for **development near community hubs and amenities, to maximize access**.
- Explore the potential of **vacant or underutilized properties**.
- Establish correlations between the **City's land uses, UVA, and the County's Urban Ring**.
- Increase access to transit, as well as walking and biking infrastructure.
- Protect, preserve, and enhance **natural and cultural resources**.
- Ensure **long term economic sustainability** of the City by planning for a wide range of commercial land use types.





# **Draft Approach and Scope for the Comprehensive Plan 5- Year Review**

# What is a Comprehensive Plan?

- Supports the **City's Vision Statement: *To be a place where everyone thrives***, by guiding how and where the city should accommodate projected population and employment growth and the delivery of the infrastructure, amenities, and services to provide current and future community members with a high quality of life.
- Recommendations guide:
  - Initiating and evaluating plans, policies, and programs
  - Developing the capital improvement program (CIP)
  - Evaluating and developing local ordinance changes (e.g. zoning, water protection)
  - Review of certain applications



## 20-year vision for our community



Future Land  
Use



Transportation



Natural  
Environment



Housing



Parks



Economic  
Prosperity  
& Mobility



Historic and  
Cultural  
Resources



Community  
Facilities &  
Services



Community  
Engagement

# What is the City's process for reviewing the Comp Plan?

The process is still being scoped, and an initial outline is provided below. There will be opportunities for community participation throughout the process, along with work sessions and finally public hearings with the Planning Commission and City Council.



## 1) Project Scoping

- Project objectives, resources, budget, timeline
- Community engagement plan



## 2) Where are we now and where are we headed?

- Existing conditions data & trends analysis and projections
- Identify challenges, opportunities and emerging issues to address



## 3) How do we achieve the Plan goals and vision?

- Updates where needed to Plan recommendations (strategies)
- Updated priorities for implementation



## 4) How do we monitor progress and make adjustments?

- Metrics and process for tracking and reporting
- Process and cadence for Comp Plan reviews and Small Area Planning

# How is the City approaching this Comp Plan review?

The Comp Plan review is an opportunity to coordinate with the range of parallel City projects that are either completed or in progress, which cover many of the 2021 Plan chapters.

Relevant to all Chapters:

- Climate Action Plan implementation
- Adaptation & Resilience Plan
- Connect Charlottesville



Housing Studies

- Missing Middle Housing Working Group
- Multiple housing studies including tax abatement, in-lieu fees, CSRAP (rental assistance) evaluation



Environmental Review Project

- Urban Forest Management Plan
- Stormwater management regulations update
- Flood Resilience Planning (Community Flood Preparedness Fund Grant)
- High Performance Buildings
- EV Charging Study
- Critical slopes and stream buffers to also be evaluated during this project



Community Facilities & Services Updates

- Parks and Recreation Master Plan completed 2025
- In-progress minor update to Community Facilities & Services Chapter



Economic Mobility Action Plan

- Co-designed with residents, particularly from communities which have historically experienced the least upward mobility



Citywide Mobility Plan

- Will include existing conditions analysis, goals, policy guidance, recommendations, and prioritization

# How is the City approaching this Comp Plan review?

The Comp Plan review is an opportunity to evaluate and respond to challenges, opportunities, and emerging issues that have been identified since the 2021 Comp Plan and subsequent Development Code.

- Recent (past 6-12 months) community feedback shows support for previously identified values and goals, such as housing affordability and multimodal transportation, but differing opinions on the best ways to achieve those outcomes.
- Larger projects close to "core neighborhoods" have drawn concerns especially regarding the potential for displacement and neighborhood change.
- There is limited information to date on Development Code implementation, as the Code has only been in effect since February 2024 and development applications have had limited time to fully move through the process.
- There is continued community interest in topics that relate to and support land use and housing, including transportation, protecting the natural environment and historic resources, and parks/recreation.

## Where are we now and where are we headed?

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This is Step 2 in the proposed project process and includes analyzing data to address questions such as:

- Where have development and redevelopment been occurring?
- How many affordable housing units have been built, and where?
- Where are development and redevelopment likely to occur moving forward?
- What are the changing demographics of our community?

## Where are we now and where are we headed?

- Anticipated challenges, opportunities, and emerging issues that should be addressed with the Comp Plan review:
  - Address continued concern about displacement and neighborhood change, especially in/around 'core neighborhoods'.
  - Increase multimodal transportation options to support new development and redevelopment (noting that the Comp Plan review will be coordinated with the Mobility Plan).
  - Address barriers to housing development (esp. missing middle housing) while protecting the natural environment, ensuring the city has high quality public infrastructure and buildings, and supporting walkability and quality of place.
  - Align Comp Plan with new (since 2021) plans, streamlining and updating Comp Plan strategies where possible.
  - Revisit limited and smaller-scale commercial uses in residential districts.
  - Provide opportunities for community members to learn and understand how the City makes decisions and what tools are available, building on the Community Engagement chapter.



## Objectives for the Comp Plan 5-Year Review

# Comprehensive Plan 5-Year Review: Objectives

The City's approach to this Comp Plan review informed the project objectives, which are outlined on this and the following slide:

- Review and potentially update the City's Comprehensive Plan to meet the State Code requirement for the 5-year review
- Update existing conditions and trends data, including updated population and employment projections
- Incorporate any new (since Nov 2021) State Code requirements for Comp Plans that apply to the City
- Align any Comp Plan updates with City plans that have been completed since Nov 2021 (e.g. Climate Action Plan, Parks and Rec Master Plan)



# Comprehensive Plan 5-Year Review: Objectives

- Evaluate current Plan strategies and priorities and where changes are needed
  - This would include any potential major policy or other substantive Plan changes
  - The community will be informed throughout the Comp Plan review process and will be asked to provide feedback at key points; this is an area where community feedback will be especially important
- Establish a process for regular tracking and reporting on Plan metrics and implementation progress, in coordination with the City's Strategy Office
- Establish a framework and approach for Small Area Planning
- Coordinate across related projects that will be moving in parallel (e.g. Mobility Plan)



# Summary of the Planning Commission's Feedback

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Themes from the Planning Commission's work session on September 22, 2026:

- This project should be a review and not a Plan rewrite. Should focus on priority issues (e.g. concerns about displacement) while keeping the same overall vision and goals.
- Regional collaboration is needed for the Comp Plan review, especially between the City, County, and UVA. Consider opportunities such as the City and County's upcoming transportation plans and the regional housing needs assessment.
- Moving forward, need to establish baselines and use metrics to report on Comp Plan implementation progress and where adjustments may be needed.



## **Resolution to Initiate the Comp Plan 5-Year Review**



## Recommended Motion for Council

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“I make a Motion, as authorized by Virginia Code § 15.2-2229, to adopt the attached Resolution initiating a review of the City’s Comp Plan and refer the same to the City’s PC for review/recommendation.”

### **Virginia Code § 15.2-2229. Amendments.**

After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, as required by § [15.2-2204](#). If the governing body desires an amendment, it may prepare such amendment and refer it to the local planning commission for public hearing or direct the local planning commission to prepare an amendment and submit it to public hearing within 60 days or such longer timeframe as may be specified after written request by the governing body. In acting on any amendments to the plan, the governing body shall act within 90 days of the local planning commission's recommending resolution; however, if a comprehensive plan amendment is initiated by the locality for more than 25 parcels, the governing body shall act within 150 days of the local planning commission's recommending resolution. If the local planning commission fails to make a recommendation on the amendment within the aforesaid timeframe, the governing body may conduct a public hearing, which shall be advertised as required by § [15.2-2204](#).

Code 1950, §§ 15-908, 15-921, 15-964.7; 1958, c. 389; 1962, c. 407, § 15.1-453; 1975, c. 641; 1997, c. [587](#); 2000, c. [893](#); 2010, c. [821](#); 2020, cc. [132](#), [760](#).

### **Virginia Code § 15.2-2230. Plan to be reviewed at least once every five years.**

At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.

Code 1950, § 15-964.8; 1962, c. 407, § 15.1-454; 1975, c. 641; 1997, c. 587.

**RESOLUTION #R-\_\_-\_\_\_\_**

**RESOLUTION INITIATING THE FIVE (5)-YEAR REVIEW TO CITY'S  
COMPREHENSIVE PLAN**

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**WHEREAS**, Virginia Code § 15.2-2230 requires that each locality review its Comprehensive Plan ("Comp Plan") at least once every five (5) years to determine whether it is advisable to amend the Comp Plan; and

**WHEREAS**, In November 2021, City Council formally adopted the City's Comp Plan, and since then, there have been several Amendments thereto, including adopting the Climate Action Plan and the Parks & Recreation Master Plan; and

**WHEREAS**, it is best practice to periodically review the Comp Plan informed by qualitative and quantitative data, Virginia Code requirements, best practices, City Staff expertise, community input, City Planning Commission ("PC") feedback, and City Council direction; and

**WHEREAS**, it is desirable to have recommendations, goals, strategies, and policies that reflect the City's current priorities, policies, plans, and values, and that reflect current conditions and projected future growth and change; and

**WHEREAS**, Virginia Code § 15.2-2229 authorizes City Council to initiate Comp Plan Reviews and Amendments by majority vote and to refer the same to the PC for review/recommendation.

**NOW, THEREFORE, BE IT RESOLVED**, by City Council as authorized by Virginia Code §§ 15.2-2229 and 15.2-2230, that City Council hereby initiates a review of the City's Comp Plan, and refers the same to the City's PC for review/recommendation.

Date Adopted: \_\_\_\_\_

Certified: \_\_\_\_\_  
Clerk of Council

# Policy Briefing Summary

## City Council



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|                                 |                                                                                                                |
|---------------------------------|----------------------------------------------------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Resolution allowing the installation of a sign recognizing the sale of enslaved persons in Court Square</b> |
| <b>Staff Contact(s):</b>        | Jeffrey Werner, Historic Preservation and Design Planner, James Freas, Deputy City Manager                     |
| <b>Presenter:</b>               | <b>James Freas, Deputy City Manager, Michael Goddard, NDS Interim Director</b>                                 |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                                                               |

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### Issue

A group of citizens, identified as the Court Square Enslavement Memorial (CSEM) group, have requested that Council place a marker on a lightpost near to the building known as "0 Court Square" and that this marker should read, " Auction Block of Enslaved Persons; Early 1800s - 1865; Removed 1920s." The Historic Resources Committee has submitted the attached statement on the proposal.

### Background / Rule

There is an extensive history of discussion around memorializing the sale of enslaved people in Court Square, which is well documented in the attached statement from the Historic Resources Committee. Ultimately, any sign or memorial must be approved by Council.

### Analysis

Staff has identified four potential directions for Council to consider:

1. Council could accept the proposal as submitted. A resolution has been provided to that effect.
2. Council could advise the Court Square Enslavement Memorial group to consider the feedback they have received from the Historic Resources Committee and City Council and bring back a new, different proposal.
3. In anticipation of upcoming planning for Court Square Park, and the establishment of our Public Art Commission, Council could direct staff to work with the Commission and in conjunction with the park planning process, to consider some form of memorial recognizing the City's history of the sale of enslaved persons. This work should be done consistent with the Blue Ribbon Commission report recommendations and with public engagement. Unless Council directs that Court Square planning be re-prioritized, the current Parks Master Plan anticipates this work in 2035.
4. Council could deny the request and take no action.

### Financial Impact

### Recommendation

### Recommended Motion (if Applicable)

### Attachments

1. FINAL-2026-09-21\_HRC Position Auction Block

## 2. CSEM\_Resolution

## **CHARLOTTESVILLE HISTORIC RESOURCES COMMITTEE**

### **POSITION STATEMENT: CSEM Auction Block Proposal**

*Submitted: September 17, 2026 Revised: September 21, 2026*

Below is HRC's response to City Council's request for comments regarding the Court Square Enslavement Memorial (CSEM) proposal. This position statement addresses CSEM's request that the City install in the public right-of-way adjacent to Number Nothing a marker to memorialize the site of a stone auction block dedicated to the sales of enslaved persons between ca. 1820 and 1865. On the marker, CSEM proposes the following text (See Appendix C, Image 1):

*Auction Block of Enslaved Persons  
Early 1800s – 1865  
Removed 1920s*

## **POSITION STATEMENT**

### **Position On CSEM Plaque Proposal:**

HRC concurs with the view that the brutal reality of sales of enslaved people in Charlottesville and Albemarle County must be kept alive in the collective memory. HRC is committed to fully, accurately, and formally disseminating the terrible legacy of Charlottesville's slave trade. We note, however, that the current CSEM proposal is not an historically accurate means to this end and may serve to limit the broader story of enslavement at Court Square. While HRC commends the wider intentions advocated by CSEM, we feel that the current proposal placed before Council would put forth inaccurate historical information.

### **Position On Accuracy:**

No credible evidence has been identified or provided to support the concept that a dedicated slave auction block existed within the Courthouse Square vicinity.

The apparent theory that an auction block ever existed began with circumstantial second-hand accounts compiled by Mary Rawlings in her 1942 book. No first-hand primary resource accounts have been identified that mention the presence of a slave auction block. Refer to Appendix B.

Extensive research shows that enslaved individuals were sold in several locations including the Courthouse door and steps, neighborhood taverns, and private homes. No contemporaneous firsthand accounts have been found of enslaved individuals being sold on a platform or block of any kind specifically dedicated to this purpose. This finding led to the 2025 installation of a State historical marker noting that auctions occurred in several locations *throughout* Court Square.

### **Basis for Position:**

This position is based on research undertaken by several professional and volunteer historians over the last quarter of a century. Prior to creating this statement, the HRC reviewed auction block commemoration efforts dating from the 1940s to the present day. HRC also reviewed original source material including newspaper articles and advertisements, oral histories, books, reports, and other primary and secondary source materials.

## QUESTIONS AND CONSIDERATIONS

HRC offers the following questions for City Council to ask of CSEM to help clarify CSEM's goals:

- Why is this site singularly more important for memorialization as an historic venue for the sale of enslaved people than any other location within Court Square?
- Do you have concerns with the newly-placed [2025 Court Square historic marker](#) that currently tells the story of sales of enslaved people?
- Are the groups and individuals endorsing your auction block plaque proposal aware that the proposed text is not historically accurate?
- Do you have new academically-researched and source-supported information that specifically notes the verified presence of an auction block at your proposed plaque location?

HRC offers the following considerations to City Council to aid in resolving the concerns brought forth by CSEM related to their auction block plaque proposal:

- Contact local Descendant communities directly to determine their organization-wide response to the proposal
- Consider involving the [International Coalition of Sites of Conscience](#) for assistance in mediating project goals and concerns
- Consider relocating the 2025 "Slavery in Court Square" Historic Marker to a more prominent location (noting that this would likely be on County-owned property at the courthouse)
- Involve the City's Parks and Recreation Department as a stakeholder given recent completion of their [Master Plan](#) which incorporates improvement options for Court Square such as interpretive signage and art
  - Please see Section 7.6 Court Square Grounds (PDF page 113)

## APPENDICES

[Appendix A](#): refer to the letter sent by James Freas to Council on January 7, 2025 highlighting HRC's previous position on this issue and that this position has not changed.

[Appendix B](#): refer to the Summary History of Auction Block References for an understanding of how unsubstantiated claims about an auction block carried forward from the 1940s.

[Appendix C](#): refer here for supporting images.

[Appendix D](#): refer to the Summary of Auction Block Memorialization Efforts for a chronological understanding of auction block reinstallation efforts through the present day.

[Appendix E](#): refer here for additional readings and resources.

## ***APPENDIX A: January 7<sup>th</sup>, 2025 Neighborhood Development Services Letter***

From: Freas, James <freasj@charlottesville.gov>  
Sent: Tuesday, January 7, 2025 1:29 PM  
To: Council <Council@charlottesville.gov>  
Cc: Freeman Hobs Allan <freemanhobs@gmail.com>

Subject: Court Square Historical Marker Request

Councilors,

For several years the City has discussed ways to appropriately interpret and present the legacy of slavery in early Charlottesville, particularly at Court Square. In February, in coordination with the Virginia Department of Historic Resources, the City's Historic Resources Committee (HRC) will install at Court Square Park a state historical marker with the following text:

### **Sales of Enslaved People in Court Square**

Between 1762 and 1865, auctioneers sold enslaved men, women, and children at various locations in Court Square: outside taverns, at the Jefferson Hotel, at the "Number Nothing" building, in front of the Albemarle Co. Courthouse (where sales were then recorded), and, according to tradition, from a tree stump. After Thomas Jefferson's death, 33 enslaved people from his Monticello estate were auctioned at the Eagle Hotel in Jan. 1829 to satisfy his debts. Enslaved Charlottesville residents Fountain Hughes and Maria Perkins recalled Court Day sales as dreaded occasions that separated Black families. Such sales were frequent in Virginia, where the domestic slave trade was central to the economy.

Additionally, in June 2024 the HRC distributed an updated Downtown Walking Tour Map, which discusses the legacy of slavery, specifically the buying and selling of enslaved persons at several locations within Court Square. In 2023, the City supported the archeological investigation at the Swan Tavern site, which revealed artifacts associated with 18th and early 19th century African Americans, most likely enslaved individuals.

Council has received a request that the City install in the sidewalk near Number Nothing, in Court Square, "a post containing a corrected gray slate marker on the city's curbside corner [that] should read: Traditional Site of Slave Auction Block."

In repeated e-mails and at two meetings in 2024, this individual also presented this request to the HRC. The committee declined to endorse the request, stating:

1. The committee continues to honor a 2020 request from descendants of enslaved individuals that no temporary or permanent plaque/marker be considered until there is a broader discussion with descendant community. (In response to the February 2020 theft of the bronze plaque from the sidewalk at Number Nothing, the HRC had proposed a temporary sign. See HRC's Feb. 17, 2020, letter to Council.)
2. No provenance or primary sources corroborate anecdotal reports of a dedicated auction block.
3. Primary sources show auctions occurred at multiple sites in Court Square.

The recommendation of staff and the HRC at this time is that further interpretation and presentation, and possibly memorialization, of the legacy of slavery in early Charlottesville be incorporated into the planning/design work being considered for the Court Square Park. This recommendation should not be construed as limiting a potential recognition to the park space, only that the park planning process offers the opportunity to publicly consider the nature of the recognition. Consistent with the 2016 recommendations of the Blue Ribbon Commission on Race, Memorials and Public Spaces, the HRC recommends that process include active engagement with the community of people in the area who are descendants of enslaved persons. If you have any further questions on this topic, I would be happy to discuss.

Best,  
James  
James Freas, AICP (he/him)  
Deputy City Manager for Operations  
City of Charlottesville  
City Hall  
610 East Market Street  
Charlottesville, VA 22902

## **APPENDIX B: Summary History of Auction Block References**

**Summary:** There is no credible evidence that a dedicated "slave auction block" ever existed in the vicinity of Court Square.

The view that there was a slave auction block relies on the writings of Mary Rawlings, the leading local historian of the mid-20th century and, in 1940, a co-founder of the Albemarle Historical Society. Her scholarship and personal efforts earned Rawlings recognition from the society as an "honorary lifetime president" in 1950. Among her books was an annotated reprint of [\*Early Charlottesville: Recollections of James Alexander \(1828-1874\)\*](#). A footnote on page 19 in the book outlines the only mention that a slave auction block may ever have existed. In that 1942 publication Rawlings quoted Homan W. Walsh:

At some later period, traditions of the slave trade gathered about this house [Number Nothing]. Some hold that the lot was used for this purpose. Mr. Homan W. Walsh, whose offices—formerly those of Mr. Dan Harmon—occupied the southern half, informs us: "I have, of course, heard the building was a slave auction room...I have never heard of a sign on the wall relating to its use as a slave market. When I commenced practicing law in Mr. Harmon's office in 1906 and for several years afterward, there was at the side of the office at the curb a large stone, perhaps 18 inches wide and 30 inches long, which it was said was the auction block for selling enslaved people...It was taken away years ago by some employees of the city, when cleaning the streets or paving this section.

Stones of these dimensions were found throughout Charlottesville and likely served as carriage or horse mounting blocks. [See *Images #3 and #4 in Appendix C*]. It could be that Mr. Walsh was looking directly outside his window or perhaps he was looking across the street to the mounting block located at the former Colonial Hotel (now 300 Court Square) and shown in Image #3. While no evidence exists that these blocks were not also used as auction sites, no evidence suggests that they were used as anything other than mounting blocks.

In a subsequent book published in 1958, [\*Historical Guide to Old Charlottesville\*](#), Rawlings expanded on her earlier research:

Number Nothing...is the original house on this lot. It was built in 1820...Traditions of the slave trade cluster here. Until some forty years ago there was on its Southern side, at the curb, a large stone, some eighteen inches high, by fifteen inches wide, and thirty long, which was known as the slave block. Here the village auctioneers long functioned, and doubtless when slaves were brought in, their dealers made use of these facilities. A fragment of an old sign may still be deciphered on this wall: "...and Bros. Auction Rooms." The stone was unintentionally removed during recent street repairs.

Rawlings' findings, published about 75 years after the last local slave auction, relies on what someone recalls being told decades earlier. Her confident assertion that "doubtless when slaves were brought in, their dealers made use of these facilities" goes far beyond the hearsay evidence she presents. Within the quoted references, note also the use of circumstantial words "heard" and "it was said" as indication that Rawlings had not thoroughly researched her claims.

The only other reference to a slave auction block is found in a recent book *Charlottesville: An American Story* by Deborah Baker. This book offers a different perspective. A City resident, Mary Carey, is quoted at age 70 as saying, "The actual slave auction block was still in Court Square."

That recollection suggests the slave auction block was still in place in the 1950s or later but photographs from that era and earlier show no such block and no other mention has been found.

Rawlings' reference to a "fragment of an old sign" points to a still-visible trace of a painted sign on Number Nothing's south face that reads "and Bros. Auction Rooms." We know little about Benson and Brothers' auction office that occupied at least part of Number Nothing. The firm published an advertisement for a slave auction to be held on January 2, 1865. A third advertisement promoted a sale scheduled for March 6, 1865, but it is unlikely that the sale took place, given that Charlottesville was occupied by U.S. Cavalry under Maj. Gen. Philip Sheridan at the time.

Other newspaper advertisements state that slave auctions were held at various sites throughout the area including private homes, taverns, and the courthouse door. The historical record indicates transactions at locations throughout Court Square, for example: *at the Central Hotel (1820); at the front door of the Court house (1822); before the door of the Swan Tavern (1824); before the Courthouse door (1827); before the door of the Eagle Tavern (1828); before the door of Mr. Garnett's tavern (1828); in front of the Court House door (1828); at the corner between the Central Hotel and Court House square (1829); in front of the Court House (1846); at the Court House (1858); H.Benson & Bro.'s (1862); and on the Public Square (1865).*

No advertisements have been found that tout the services of a slave trader or an auctioneer who specialized in the sale of human beings and who may have used an auction block. Regarding Number Nothing and its association with the slave trade, Number Nothing was built circa 1820 as a mercantile building, almost 61 years after the Town of Charlottesville was established and the Albemarle County Court House was relocated there from Scottsville. It is not known when H. Benson & Brothers occupied the building, nor how the building was used prior to that. A very cursory research of slave auctions advertised in newspapers dating from 1820 through 1865 verify that at least 143 sales events of enslaved people occurred throughout Albemarle County and the (then) Town of Charlottesville. Of these records, only three have been found that advertise an auction at Benson & Brothers auction house (i.e. Number Nothing) with the earliest dating to December 16, 1862. Additionally, of the 143 ads, 72 were for sales outside of Town and of those inside Town and Court Square, 35 (or approximately 57%) took place at the Courthouse.

In addition to advertisements for slave auctions held in various locations, more recent testimony does not support the presence of a dedicated slave auction block. In 1949, when he was 101 years old, former slave Fountain Hughes told an interviewer of "an auction bench, an' they'd put you on, up on the bench an' bid on you jus' same as you bidding on cattle." A bench is not, obviously, a dedicated auction block. In 1999, Rebecca Fuller McGuinness, then 106 years old, recalled a tree stump in front of the courthouse. "My grandmother told me that they used to sell slaves on that tree stump," she told a newspaper interviewer.

In the 1950s, the historical society, seeking to promote tourism and historical knowledge, attached to several Court Square buildings simple slate markers with white painted lettering. Some of these remain visible, and one was attached to Number Nothing that indicated the location of a slave auction block. The information on that sign has led to the present discussion.

The HRC's previous engagement with this issue resulted in the installation in 2025 of a new State historical marker. Located near the former location of the Stonewall Jackson statue, that sign reads:

***Sales of Enslaved People in Court Square***

*Between 1762 and 1865, auctioneers sold enslaved men, women, and children at various locations in Court Square: outside taverns, at the Jefferson Hotel, at the "Number Nothing" building, in front of the Albemarle County Courthouse (where sales were then recorded), and, according to tradition, from a tree stump. After Thomas Jefferson's death, 33 enslaved people from his Monticello estate were auctioned at the Eagle Hotel in January 1829 to satisfy his debts. Enslaved Charlottesville residents Fountain Hughes and Maria Perkins recalled Court Day sales as dreaded occasions that separated Black families. Such sales were frequent in Virginia, where the domestic slave trade was central to the economy.*

Though not directly related, located on Courthouse grounds is another relatively new two-sided marker. Erected through the efforts of the Equal Justice Initiative, the sign tells the story of John Henry James, a local resident lynched by an angry mob in western Albemarle County. The sign's other side, titled "Lynching in America," explains the widespread use of lynching as a terror tactic.

Based on this extensive research, with complete confidence, the HRC can state there is no basis for claims that—within Court Square or anywhere within the Town of Charlottesville (which became a City in 1888)—there was a single location dedicated to the sale of enslaved individuals.

## APPENDIX C: Related Images

**Image 1: Current CSEM Plaque Proposal**



**Image 2: Ex. Court Square Marker Installed 2025**



**Image #3: Ca. 1915 Mounting Block Once Located in Front of the Colonial Hotel (300 Court Square)**



Rufus W. Holsinger. Colonial Hotel Charlottesville.  
<https://search.lib.virginia.edu/items/uva-lib:1043135>

University of Virginia Library - [search.lib.virginia.edu](https://search.lib.virginia.edu)

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**Image #4: Contemporary Advertisement for Recycled Mounting Blocks in Similar Dimensions as the stone shown in Image #3 and described in Rawlings' book**

**HOW IT MAY HAVE LOOKED**  
Circa Late 1800s – Early 1900s

Carriage Steps provided an easier way to mount into carriages and early automobiles.

**AS IT LOOKS TODAY**

**CLEANED UP MOCK UP**

**HOW IT WAS USED**

**ABOUT CARRIAGE STEPS**

- Common in the late 1800s to early 1900s
- Placed at the curb to help passengers step into high vehicles
- Made of limestone or concrete
- Surviving examples are rare
- This one appears to be unusually large and well preserved
- The name may be the owner, builder, or stone company

**TOP VIEW**

Approx. 40-44"

16-18"

**CARRIAGE STEPS**  
A GLIMPSE INTO THE PAST

**Image #5a: 1962 Daily Progress article noting the installation of the original gray slate markers throughout the City as a project of the Albemarle Historical Society**



Image #5b: 1962 Daily Progress article noting the installation of the original gray slate markers throughout the City as a project of the Albemarle Historical Society

# Society Installing Plaques On City's Historical Buildings

A score of markers on historic buildings and sites in the Court Square area are being put up by the Albemarle Historical Society in connection with Charlottesville's 200th Anniversary celebration.

The slate plaques were attached to buildings yesterday, and street markers giving the original name of streets in the area are scheduled to go up next week.

Buildings marked are the Albemarle County Court House, the rear of which was constructed in 1803; the Albemarle office building, 1939; and the town hall, built in 1851 and now the Park View apartments.

The row of buildings which extends from East Jefferson Street (the auto license bureau) down onto East Sixth Street is marked as site of a storehouse, the first public library, and a watchmakers shop, all from the early 1800's.

The Monticello Hotel annex was the site of the Eagle Tavern until

1863; the hotel site once housed the first town post office and shops.

The Red Land Club building is on the site of the Swan Tavern, built after 1773. "Number nothing" Court Square lacked a number because it was a vacant lot, which later housed a mercantile business.

Also to be marked will be Christ Church, built on the site

of the town's First (Episcopal) Church, constructed in 1826; and several residences.

Eight streets will be marked with their original names: Court Street, now East Fifth; School Street, East Third; Union Street, East Fourth; Church Street, East Second; Green Street, First; Hill Street, West Second; Maiden Lane, now High Street; and County Road, the extension of Jefferson Street outside of the Court Square area.

Miss Evelina Magruder is chairman of the historic markers committee of the Albemarle Historical Society, assisted by Charles Smith and Mrs. J. Rawlings Thompson.

Slates for the building markers were contributed by City Building Inspector C. Frank Muse; and the work on the plaques was contributed by George Lex, who operates an advertising business at Shadwell.

## Firemen Called Out on 2 Alarms

Firemen answered two calls yesterday and today — two beds on fire.

At 10:19 last night a bed was on fire at 319 Sixth St. SE in a house occupied by Ed Jett. At 3:33 this morning another bed was on fire at 228 14th St. in a house occupied by Thomas Carver. No injuries were reported and damage was slight, firemen said.

WINA Appoints

**Image #6: Granite Wall Plaque installed by HRC in 2003.**



**Image #7: In-ground Bronze Plaque Installed by City of Charlottesville in 2009 and Removed by Freeman Allan**



## **APPENDIX D: Summary Auction Block Memorialization Efforts**

| <u>Date/period</u>     | <u>Event</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1762–1865</b>       | Slave sales take place in Court Square. The City of Charlottesville's historical marker states that enslaved men, women, and children were sold at multiple locations around the square, including outside taverns, at the courthouse, at the Jefferson Hotel, at Number Nothing, and—according to tradition—from a tree stump.                                                                                                                                                                                                                     |
| <b>January 1, 1829</b> | 33 enslaved people from Thomas Jefferson's Monticello estate were auctioned at the Eagle Hotel following Jefferson's death, to help satisfy his debts. This is one of the best-documented slave auctions connected with Court Square.                                                                                                                                                                                                                                                                                                               |
| <b>1850s–1860s</b>     | Benson & Bro's Auction operated from the Number Nothing building. Newspaper advertisements show the firm dealing in both goods and enslaved people although sales led by Benson & Bro's did not always occur at their building.                                                                                                                                                                                                                                                                                                                     |
| <b>1865</b>            | The legal slave trade ends in Charlottesville, Virginia.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>1942</b>            | First documented reference to an auction block possibly existing at Number Nothing appears in Albemarle County Historical Society's 1942 re-print of " <i>Early Charlottesville: Recollections of James Alexander 1828-1874</i> " originally published in 1874 and edited by Mary Rawlings. Annotations added in the reprint include circumstantial mention of a stone "slave block" at Number Nothing and claims its association with the "...Benson and Bros. Auction Rooms" sign on the building. Refer to Appendix B for historical references. |
| <b>1962</b>            | Albemarle Historical Society places hand-lettered slate-shingle plaques denoting historical sites, including a plaque at Number Nothing denoting the location of a slave auction block (See Images #5a and #5b). This plaque is removed at an unknown time.                                                                                                                                                                                                                                                                                         |
| <b>1963</b>            | ACHS circulates a second reprint of an annotated version of Alexander's <i>Recollections</i> book. The reprint again includes the 1942 annotation referring to the auction block. Subsequent citations in other documents and publications referencing an auction block appear to point back to the 1942 annotation.                                                                                                                                                                                                                                |
| <b>2002</b>            | HRC and ACHS publish and circulate the <i>Historic Charlottesville Tour Book</i> which notes that auction of enslaved persons occurred in Court Square. City of                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>2003</b>            | Coinciding with the dedication of street and sidewalk improvements in Court Square, the HRC installed granite wall plaques at five locations that provided information about the history of Court Square. The plaque at Number Nothing referred to the building's connection to the slave trade. At some point after the improvements were completed, the HRC was notified that the slate shingle marker on the south wall of Number Nothing had been removed, when or by whom is unknown.                                                          |

| <u>Date/period</u>       | <u>Event</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2009</b>              | HRC installs in the sidewalk near the west wall of Number Nothing a bronze plaque denoting location of “Slave Auction Block.” This was not intended to mark a precise location only to indicate a block was reported near Number Nothing. Because the then-owner of Number Nothing did not permit installation of a plaque onto the building a decision was made to install it in the sidewalk.                                                                                                                                                                                                                                                                                                                                                             |
| <b>2011</b>              | HRC and ACHS print and circulate the <i>Historic Charlottesville Tour Map</i> which notes that auction of enslaved persons occurred in Court Square.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>2016</b>              | Charlottesville’s Blue Ribbon Commission on Race, Memorials and Public Spaces (BRC) discusses the Number Nothing site and the former stone block. The Commission recommends more extensive interpretation of the slave trade and its impact on Charlottesville.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>February 6, 2020</b>  | Richard “Freeman” Allan, III illegally removes from the sidewalk at Number Nothing the 2009 bronze plaque and attempts to also remove the granite marker installed on the Number Nothing wall in 2003. The dislodged granite marker is later removed by the building owner and given to NDS staff. The bronze plaque is later recovered and CPD returns the plaque to NDS staff.                                                                                                                                                                                                                                                                                                                                                                            |
| <b>February 25, 2020</b> | City Council endorsed an HRC proposal to install at the sidewalk near Number Nothing a temporary marker acknowledging the site’s connection to the slave trade. Not intended as a permanent marker or memorial the feature is meant only to provide interpretation while the City considers a longer-term response to the recommendations of the Blue Ribbon Commission.                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>March 8, 2020</b>     | At an HRC subcommittee meeting members of the descendant community request that the HRC not install any markers at Number Nothing—temporary or permanent—until there is dialogue with the descendant community. Respecting this request, the HRC does not install the previously endorsed temporary marker. After this request, subsequent research by the HRC revealed that except for Homan Walsh’s account in 1942, no historic documentation existed supporting the claim of a dedicated slave auction block located at Number Nothing. Further research revealed that sale of enslaved individuals occurred at locations throughout Court Square, with the majority occurring at the Court House and very few auctions associated with Number Nothing. |
| <b>October 2023</b>      | Charlottesville’s Historic Resources Committee applies to the Virginia Department of Historic Resources for a new state historical marker addressing slave sales throughout Court Square.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>March 3, 2025</b>     | Charlottesville unveils a new state historical marker titled “Sales of Enslaved People in Court Square.” Rather than identifying Number Nothing as the sole auction site, the marker explains that sales occurred at several locations throughout Court Square between 1762 and 1865.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| <u>Date/period</u>   | <u>Event</u>                                                                                                                                                            |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>November 2025</b> | Deputy City Manager James Freas directs CSEM to consult with Descendant community and Parks & Recreation Department. Freas directs CSEM to ask City Council for a vote. |
| <b>May 2026</b>      | Council encourages CSEM to hold off on their request until the new Arts Commission is formed                                                                            |
| <b>June 2026</b>     | CSEM asks Council to vote on their plaque proposal by the end of July 2026                                                                                              |

## **APPENDIX E: Additional Resources**

Charlottesville Blue Ribbon Commission on Race, Memorials, and Public Spaces (December 19, 2016), Report to City Council by Historic Resources Committee

Charlottesville City Council Agenda for March 7, 2022 “Historic Resources Committee status report on memorialization.” See PDF page 44

[https://weblink.charlottesville.org/public/0/edoc/800901/AGENDA\\_20220307Mar07.pdf](https://weblink.charlottesville.org/public/0/edoc/800901/AGENDA_20220307Mar07.pdf)

Contested Histories, “Slave Auction Plaque in Charlottesville, USA”, Contested Histories Case Study #215 (January 2026), Institute for Historical Justice and Reconciliation (IHJR) at the European Association of History Educators (EuroClio), retrieved from [link], CC BY 4.0.

[https://contestedhistories.org/wp-content/uploads/USA\\_Slave-Auction-Plaque-in-Charlottesville.pdf](https://contestedhistories.org/wp-content/uploads/USA_Slave-Auction-Plaque-in-Charlottesville.pdf)

Court Square Walking Tour (Image of in-ground auction block memorial)

<https://www.thesemonuments.org/home/#slave-auction-block>

Cville Weekly “Why I did it:” County resident confesses to taking slave auction block”

<https://c-ville.com/why-i-did-it-county-resident-confesses-to-taking-slave-auction-block/>

NBC29 News February 6, 2020 “Slave auction markers missing from Charlottesville’s Court Square”

<https://www.29news.com/2020/02/06/slave-auction-marker-missing-charlottesvilles-court-square>

Schulman, Gayle M. “Site of Slave Block?” The Magazine of Albemarle County History, vol. 58, 2000.

[https://albemarlehistory.org/wp-content/uploads/2022/01/MACH58\\_2000-Schulman-12212021.pdf](https://albemarlehistory.org/wp-content/uploads/2022/01/MACH58_2000-Schulman-12212021.pdf)

**RESOLUTION #R-\_\_-\_\_\_\_**

**RESOLUTION ALLOWING THE INSTALLATION OF A SIGN RECOGNIZING THE  
SALE OF ENSLAVED PERSONS IN COURT SQUARE**

---

**WHEREAS**, the sale of enslaved people occurred in a number of different locations in the area of Court Square; and

**WHEREAS**, a marker was previously located on, or in front of, the building known as 0 Court Square; and

**WHEREAS**, this marker identified 0 Court Square as a location where such sales of enslaved people occurred; and

**WHEREAS**, the Court Square Enslavement Memorial group has proposed a sign to be affixed to a lightpost near the 0 Court Square building.

**NOW, THEREFORE, BE IT RESOLVED**, by City Council that City Council hereby directs the City Manager to allow the installation of a sign in the location described above that reads: "Auction Block of Enslaved Persons; Early 1800s – 1865; Removed 1920's."

Date Adopted: \_\_\_\_\_

Certified: \_\_\_\_\_  
Clerk of Council

# Policy Briefing Summary

## City Council



---

|                                 |                                                                                |
|---------------------------------|--------------------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Resolution to Approve Construction Management at Risk Procedures (CMAR)</b> |
| <b>Staff Contact(s):</b>        | Bruce White, Capital Development Manager                                       |
| <b>Presenter:</b>               | <b>Bruce White, Capital Development Manager</b>                                |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                               |

---

### Issue

Resolution Approving CMAR Procedures

### Background / Rule

Construction Manager at Risk ("CMAR") is a construction delivery model alternative to the traditional public procurement model known as Design, Bid, and Build ("DBB"). When utilized on appropriate projects, CMAR provides better cost control, reduces the risk of change orders, and reduces unanticipated impacts during construction when compared to traditional DBB projects. CMAR is particularly well-suited to complex projects, because it integrates the experience and construction perspective of a contractor into the design development process.

The Virginia Public Procurement Act ("VPPA") permits the use of CMAR by a public body in certain instances and with certain prerequisites, including the adoption of written procedures for the selection, evaluation, and award of CMAR contracts. The attached Resolution adopts written procedures which are consistent with those developed by the Virginia Department of General Services ("DGS") and comply with the VPPA requirements for use of CMAR.

CMAR contracts have several features which increase the potential for project success. First, is the utilization of a rigorous competitive negotiation process for selection of the contractor. This allows the City of Charlottesville, Virginia ("City"), to select a contractor based upon a measured evaluation of the contractor's qualifications, in addition to anticipated cost. The second key factor is that the contractor is integrated into the project team during the schematic design phase of the project.

The contractor imparts a crucial constructability perspective during the development phase and becomes a critical partner in the project team – fostering accountability and ownership of the resultant project. Through contractor engagement at an early stage in the design process, ambiguities, errors, or omissions in the plans and specifications are resolved before the price for construction is established. Potential impact on timely completion and project cost is thereby minimized.

The contractor can negotiate subcontracts during the pre-construction phase, thus allowing the contractor to present a Guaranteed Maximum Price ("GMP") based in part on agreed subcontract pricing, rather than estimated costs. Moreover, a more cooperative spirit is developed for the construction phase as the contractor gains a sense of "ownership" in the design by having actively contributed to it and by sharing responsibility for any errors or omissions. Achieving timely completion with reduced potential for change orders is therefore much more likely than under the traditional Competitive Sealed Bidding approach.

### Analysis

Prior to embarking on CMAR delivery on a specific project, City stakeholders must first apply rigorous analysis to justify its use. CMAR delivery is appropriate for “Complex Projects” as defined by Virginia Code § 2.2-4379. There is a multifactor test. Stakeholders must carefully document and justify their findings and recommendations for CMAR delivery to the City’s Purchasing Agent for approval.

Once the City’s Purchasing Agent approves CMAR use on an individual project, a two (2) step procurement process is used. Step 1 is pre-qualification using a Request for Qualifications (“RFQ”). Step 2 involves a Request for Proposals (“RFP”) to identify the single construction manager who will complete the project.

Once the City chooses a contractor, CMAR contracts are also established in two (2) distinct phases: (1) pre-construction services; and (2) construction. The pre-construction phase is normally performed for a lump sum price, and includes value engineering, cost estimating, design validation, and constructibility reviews. In the construction phase, the contractor assumes the role of general contractor, purchasing material and equipment, assembling and paying subcontractors, and managing the construction for a GMP, which is negotiated between the City and the contractor.

The attached CMAR Procedures were modeled after DGS procedures contained in the Construction and Professional Services Manual (“CPSM”), 2026 Edition, of July 31, 2026. These CPSM Procedures provide excellent guidance for City to follow and include detailed provisions and forms related to an RFQ and a subsequent RFP.

Once these Procedures are adopted by City Council, CMAR delivery may be considered for suitable future CIP projects. At present, two (2) City projects — (1) the JMRL Main Library Rehabilitation; and (2) the new CAT Maintenance Facility — are considered excellent candidates for CMAR delivery.

#### **Financial Impact**

None.

#### **Recommendation**

City Staff recommends City Council adopt the attached Resolution approving the City of Charlottesville, Virginia, Construction Management at Risk Procedures.

#### **Recommended Motion (if Applicable)**

“I move to adopt the Resolution approving the City of Charlottesville, Virginia, Construction Management at Risk Procedures.”

#### **Attachments**

1. CMAR Agenda Summary 9.15.2026
2. CMAR Procedures 9.10.2026
3. CMAR Resolution 9.10.2026

**ISSUE:**

Resolution Approving City of Charlottesville, Virginia, **Construction Management at Risk Procedures.**

**BACKGROUND:**

Construction Manager at Risk (“CMAR”) is a construction delivery model alternative to the traditional public procurement model known as Design, Bid, and Build (“DBB”). When utilized on appropriate projects, CMAR provides better cost control, reduces the risk of change orders, and reduces unanticipated impacts during construction when compared to traditional DBB projects. CMAR is particularly well-suited to complex projects, because it integrates the experience and construction perspective of a contractor into the design development process.

The Virginia Public Procurement Act (“VPPA”) permits the use of CMAR by a public body in certain instances and with certain prerequisites, including the adoption of written procedures for the selection, evaluation, and award of CMAR contracts. The attached Resolution adopts written procedures which are consistent with those developed by the Virginia Department of General Services (“DGS”) and complies with the VPPA requirements for use of CMAR.

CMAR contracts have several features which increase the potential for project success. First, is the utilization of a rigorous competitive negotiation process for selection of the contractor. This allows the City of Charlottesville, Virginia (“City”), to select a contractor based upon a measured evaluation of the contractor’s qualifications, in addition to anticipated cost. The second key factor is that the contractor is integrated into the project team during the schematic design phase of the project.

The contractor imparts a crucial constructability perspective during the development phase and becomes a critical partner on the project team – fostering an accountability and ownership of the resultant project. Through contractor engagement at an early stage in the design process, ambiguities, errors, or omissions in the plans and specifications are resolved before the price for construction is established. Potential impact on timely completion and project cost is thereby minimized.

The contractor can negotiate subcontracts during the pre-construction phase, thus allowing the contractor to present a Guaranteed Maximum Price (“GMP”) based in part on agreed subcontract pricing, rather than estimated costs. Moreover, a more cooperative spirit is developed for the construction phase as the contractor gains a sense of “ownership” in the design by having actively contributed to it and by sharing responsibility for any errors or omissions. Achieving timely completion with reduced potential for change orders is therefore much more likely than under the traditional Competitive Sealed Bidding approach.

**ANALYSIS:**

Prior to embarking on CMAR delivery on a specific project, City stakeholders must first apply rigorous analysis to justify its use. CMAR delivery is appropriate for “Complex Projects” as defined by Virginia Code § 2.2-4379. There is a multifactor test. Stakeholders must carefully document

and justify their findings and recommendations for CMAR delivery to the City's Purchasing Agent for approval.

Once the City's Purchasing Agent approves CMAR use on an individual project, a two (2) step procurement process is used. Step 1 is Prequalification using a Request for Qualifications ("RFQ"). Step 2 involves a Request for Proposals ("RFP") to identify the single construction manager who will complete the project.

Once the City chooses a contractor, CMAR contracts are also established in two (2) distinct phases: (1) preconstruction services; and (2) construction. The preconstruction phase is normally performed for a lump sum price, and includes value engineering, cost estimating, design validation, and constructability reviews. In the construction phase, the contractor assumes the role of general contractor, purchasing material and equipment, assembling and paying subcontractors, and managing the construction for a GMP, which is negotiated between the City and the contractor.

The attached CMAR Procedures were modeled after DGS procedures contained in the Construction and Professional Services Manual ("CPSM"), 2026 Edition, of July 31, 2026. *See* Section 7.2. These CPSM Procedures provide excellent guidance for the City to follow and include detailed provisions and forms related to an RFQ and a subsequent RFP.

Once these Procedures are adopted by City Council, CMAR delivery may be considered for suitable future CIP projects. At present, two (2) City projects --- (1) the JMRL Main Library Rehabilitation; and (2) the new CAT Maintenance Facility --- are considered excellent candidates for CMAR delivery.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

City Staff recommends City Council adopt the attached Resolution approving the City of Charlottesville, Virginia, Construction Management at Risk Procedures.

**RECOMMENDED MOTION:**

"I move to adopt the attached Resolution approving the City of Charlottesville, Virginia, Construction Management at Risk Procedures."

**ATTACHMENTS (2):**

1. Resolution # R \_\_\_\_\_; and
2. City of Charlottesville, Virginia, Construction Management at Risk Procedures.

## **CITY OF CHARLOTTESVILLE, VIRGINIA, CONSTRUCTION MANAGEMENT AT RISK PROCEDURES**

In accordance with the Virginia Code, the following procedures (“Procedures”) for the procurement of Construction Management at Risk (“CMAR”) contracts, under the purview of Virginia Code § 2.2-4379, as amended, are hereby adopted for use by the City of Charlottesville, Virginia (“City”), by the Council of the City of Charlottesville, Virginia (“City Council”), on \_\_\_\_\_. These Procedures shall be effective \_\_\_\_\_.

### **A. LEGISLATIVE AUTHORITY**

Under authority in Virginia Code § 2.2-4382, as amended, the City may enter into a CMAR contract, provided that City:

- (1) Receives approval from City Council;
- (2) Complies with the requirements of Virginia Code § 2.2-4382, as amended; and
- (3) Has by Ordinance or Resolution implemented procedures consistent with the procedures adopted by the Secretary of Administration for utilizing CMAR contracts.

### **B. OVERVIEW**

(1) CMAR is an alternative construction delivery method to Competitive Sealed Bids that is typically used for Design, Bid, Build (“DBB”) delivery. In CMAR delivery, City holds two (2) contracts: (1) a contract for professional Architectural and Engineering (“A/E”) design services; and (2) a two (2)-part contract with the CMAR Contractor. The CMAR Contractor initially provides pre-construction services and then transitions to construction related services where the Contractor provides a Guaranteed Maximum Price (“GMP”) and is “At Risk” for constructing the entire project for the agree-upon GMP.

- (2) In drafting these Procedures, Virginia Department of General Services (“DGS”) guidance provided an excellent roadmap for CMAR execution. City officials should refer to the current edition of DGS’s Construction and Professional Services Manual (“CPSM”), and the accompanying DGS forms library when implementing these CMAR Procedures.

### **C. CRITERIA FOR USE OF CMAR**

CMAR contracts may be approved for use on City projects where:

- (1) Prior to making a determination to use CMAR, City has in its employ, or under contract, a licensed architect or engineer with professional competence appropriate to the project who shall: (i) advise City regarding the use of a CMAR

contract for the project; and (ii) assist City with the preparation of the Request for Proposal (“RFP”) and the evaluation of such proposals; and

- (2) City stakeholders balance and document whether the project meets the criteria of a “Complex Project,” as defined in Virginia Code § 2.2-4379, as amended. One (1) or more of the following factors should be present: difficult site location, unique equipment required, specialized building systems, multifaceted program; accelerated schedule, historic designation, intricate phasing, or some other aspect that makes the DBB project delivery method not practical; and
- (3) City Department stakeholders make a written determination that the DBB project delivery method is not practicable or fiscally advantageous when compared to CMAR delivery.

**D. PROCEDURE FOR APPROVAL TO USE CMAR**

- (1) Request for Approval
  - (a) After analyzing the Section C Criteria for Use of CMAR, prior to taking any further action, a City Department shall request authority, in writing, and receive approval from City’s Purchasing Agent to use a CMAR contract for a project.
  - (b) The request shall justify the use of a CMAR contract, including the stipulations that the CMAR contract will be initiated no later than the Schematic Phase of design and that the criteria found in Paragraph “C” of these Procedures have been met. These justifications/determinations for the use of a CMAR contract shall also be stated in the Request for Qualifications (“RFQ”) and maintained in the procurement file.
- (2) Approval of, or exceptions to these Procedures, may be granted by City’s Purchasing Agent, who is the approving authority for requests to use CMAR.

**E. CMAR SELECTION PROCEDURES**

On projects approved for CMAR, procurement of the contract shall be a two (2)-step process. The following procedures shall be used in selecting a CMAR and awarding a contract:

- (1) The City Attorney’s Office shall be advised that the CMAR procurement process has been approved for a specific project.
- (2) City shall appoint an Evaluation Committee (“Committee”) which shall consist of at least three (3) City Staff Members. The Committee shall include a licensed professional engineer or architect, either City Staff or under contract.

- (3) The basis of the award of the contract shall be in accordance with Virginia Code § 2.2-4382, as amended. It is noted that cost is a critical component of the selection process.

(4) **PREQUALIFICATION (STEP 1)**

On projects approved for CMAR, City shall conduct a prequalification process as follows to determine which Offerors are qualified to be invited to respond to the RFP; (STEP 2).

- have
- (a) City shall prepare an RFQ containing the project scope, site and survey data (if available), the criteria to be used to evaluate RFQ Responses, and other relevant information, including any unique capabilities or qualifications that will be required of the Contractor. All Offerors shall have a licensed Class “A” Contractor registered in the Commonwealth of Virginia as part of the Project Team. Prior CMAR or previous experience with City shall not be considered as a prerequisite or factor considered for prequalification of a CMAR. However, in the selection of a contractor, City may consider the experience of each Contractor on comparable CMAR projects.
  - (b) The RFQ shall be posted in accordance with the current standards for the posting of public bids in the Virginia Code and in accordance with the latest City’s Purchasing Procedures, but at least public notice of the RFQ shall be posted on the DGS’ central electronic procurement website known as eVA, or City’s website, at least thirty (30) days prior to the date set for receipt of qualification proposals.
  - (c) The Committee shall evaluate each responding firm's RFQ responses and any other relevant information and shall determine those deemed qualified with respect to the criteria established for the project.
  - (d) Prequalification shall be determined based upon the RFQ Criteria, and, as and shall result in a short list of two (2) to five (5) Offerors.
  - (e) At least thirty (30) days prior to the date established for the submission of proposals, City shall advise in writing each Offeror, which sought prequalification, whether that Offeror has been prequalified. Prequalified Offerors that are not selected for the short list shall likewise be provided with the reasons for such decision. If an Offeror is denied prequalification, the written notification to such Offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.

(5) **REQUEST FOR PROPOSALS (STEP 2) - SELECTION OF A CONSTRUCTION MANAGER**

- (a) City shall send an RFP to the Offerors on the short list and request submission of formal proposals from them. The criteria for award shall be included in the RFP.
- (b) Proposals shall only be accepted from Step 1 Prequalified short-listed firms. Proposals as described in the RFP shall be submitted to the Committee.
- (c) The Committee will evaluate and rank the proposals. After evaluation and ranking of the proposals, the Committee shall:
  - (1) Conduct negotiations with two (2) or more Offerors submitting the highest ranked proposals; or
  - (2) Should the Committee determine, in writing, and at its sole discretion, that only one (1) Offeror is fully qualified, or that one (1) Offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that Offeror.
- (d) The Committee shall make its recommendation on the selection of a Construction Manager to City's Purchasing Agent. The contract shall be awarded to the Offeror who is fully qualified and has been determined will provide the best value in response to the RFP.
- (e) The City Department shall request authority to award a contract from City Council.
- (f) City's Purchasing Agent will notify all Offerors who submitted proposals which Offeror was selected for the project. Alternatively, City's Purchasing Agent may notify all Offerors who submitted proposals of City's intent to award the contract to a particular Offeror at any time after City has selected the Construction Manager. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one (1) Offeror.
- (g) Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers.

**F. CMAR CONTRACTUAL TERMS**

- (1) Any CMAR contract entered into by City shall contain provisions requiring that:
  - (i) not more than ten percent (10%) of the construction work (measured by cost of the work) will be performed by the Construction Manager with its own forces; and
  - (ii) that the remaining ninety percent (90%) of the construction work will be performed by subcontractors of the Construction Manager, which the

Construction Manager must procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. This requirement shall not apply to CMAR contracts involving infrastructure projects. Documentation shall be placed in the file detailing the reasons any work is not procured by publicly advertised competitive sealed bidding. City's Purchasing Agent may modify these contractual requirements, in whole or in part, for projects where it would be fiscally advantageous to the public to increase the amount of construction work performed by the Construction Manager.

- (2) CMAR contracts are normally structured in two (2) parts.
  - (a) Part 1: Pre-Construction Services. These services typically relate to work as an advisor to City and the Design Team in areas such as: constructability, material availability, scheduling, cost estimating, and value engineering. This portion of the contract will normally be a fixed fee, or cost plus fee contract.
  - (b) Part 2: Construction Services. This portion of the contract is contingent upon the Construction Manager providing an agreeable GMP to City. Once that occurs, and the parties have an executed contract, the project can proceed to construction with the Construction Manager at risk for delivering the project at GMP.

Dated: \_\_\_\_\_

**RESOLUTION APPROVING CONSTRUCTION MANAGEMENT AT RISK  
PROCEDURES AND AN AMENDMEN TO CITY CODE SECTION**

**BE IT RESOLVED**, that the Council of the City of Charlottesville, Virginia (“City Council”), pursuant to legal authority in Virginia Code § 2.2-4382, hereby adopts the following “City of Charlottesville, Virginia, Construction Management at Risk Procedures:”

**CITY OF CHARLOTTESVILLE, VIRGINIA, CONSTRUCTION MANAGEMENT AT  
RISK PROCEDURES**

In accordance with the Virginia Code, the following procedures for the procurement of Construction Management at Risk (“CMAR”) contracts, under the purview of Virginia Code § 2.2-4379, as amended, are hereby adopted for use by the City of Charlottesville, Virginia (“City”), by the Council of the City of Charlottesville, Virginia (“City Council”), on \_\_\_\_\_. These Procedures shall be effective \_\_\_\_\_.

**A. LEGISLATIVE AUTHORITY**

Under authority in Virginia Code § 2.2-4382, as amended, City may enter into a CMAR contract, provided that City:

- (1) Receives approval from City Council;
- (2) Complies with the requirements of Virginia Code § 2.2-4382, as amended; and
- (3) Has by Ordinance or Resolution implemented procedures consistent with the procedures adopted by the Secretary of Administration for utilizing CMAR contracts.

**B. OVERVIEW**

- (1) CMAR is an alternative construction delivery method to Competitive Sealed Bids that is typically used for Design, Bid, Build (“DBB”) delivery. In CMAR delivery, City holds two (2) contracts: (1) a contract for professional Architectural and Engineering (“A/E”) design services; and (2) a two (2)-part contract with the CMAR Contractor. The CMAR Contractor initially provides pre-construction services and then transitions to construction related services where the Contractor provides a Guaranteed Maximum Price (“GMP”) and is “At Risk” for constructing the entire project for the agree-upon GMP.
- (2) In drafting these Procedures, Virginia Department of General Services (“DGS”) guidance provided an excellent roadmap for CMAR execution. City officials should refer to the current edition of DGS’s Construction and Professional Services Manual (“CPSM”), and the accompanying DGS forms library when implementing these CMAR procedures.

**C. CRITERIA FOR USE OF CMAR**

CMAR contracts may be approved for use on City projects where:

- (1) Prior to making a determination to use CMAR, City has in its employ, or under contract, a licensed architect or engineer with professional competence appropriate to the project who shall: (i) advise City regarding the use of a CMAR contract for the project; and (ii) assist City with the preparation of the Request for Proposal (“RFP”) and the evaluation of such proposals;
- (2) City stakeholders balance and document whether the project meets the criteria of a “Complex Project,” as defined in Virginia Code § 2.2-4379, as amended; and
- (3) City Department stakeholders make a written determination that the DBB project delivery method is not practicable or fiscally advantageous when compared to CMAR delivery.

**D. PROCEDURE FOR APPROVAL TO USE CMAR**

- (1) Request for Approval
  - (a) After analyzing Section “C,” Criteria for Use of CMAR, prior to taking any further action, a City Department shall request authority, in writing, and receive approval from the City’s Purchasing Agent to use a CMAR contract for a project.
  - (b) The request shall justify the use of a CMAR contract, including the stipulations that the CMAR contract will be initiated no later than the Schematic Phase of design and that the criteria found in Section “B” of these Procedures have been met. These justifications/determinations for the use of a CMAR contract shall also be stated in the Request for Qualifications (“RFQ”) and maintained in the procurement file.
- (2) Approval of, or exceptions to these Procedures, may be granted by the City’s Purchasing Agent, who is the approving authority for requests to use CMAR.

**E. CMAR SELECTION PROCEDURES**

On projects approved for CMAR, procurement of the contract shall be a two (2)-step process. The following procedures shall be used in selecting a CMAR and awarding a contract:

- (1) The City Attorney’s Office shall be advised that the CMAR procurement process has been approved for a specific project.

- (2) The City shall appoint an Evaluation Committee (“Committee”) which shall consist of at least three (3) City Staff Members. The Committee shall include a licensed professional engineer or architect, either City Staff or under contract.
- (3) The basis of the award of the contract shall be in accordance with Virginia Code § 2.2-4382, as amended. It is noted that cost is a critical component of the selection process.
- (4) **PREQUALIFICATION (STEP 1)**

On projects approved for CMAR, City shall conduct a Prequalification process as follows to determine which Offerors are qualified to be invited to respond to the RFP; (STEP 2).

- (a) City shall prepare an RFQ containing the project scope, site and survey data (if available), the criteria to be used to evaluate RFQ Responses, and other relevant information, including any unique capabilities or qualifications that will be required of the contractor. All Offerors shall have a licensed Class “A” contractor registered in the Commonwealth of Virginia as part of the project team. Prior CMAR or previous experience with the Division shall not be considered as a prerequisite or factor considered for prequalification of a CMAR. However, in the selection of a contractor, the City may consider the experience of each contractor on comparable CMAR projects.
- (b) The RFQ shall be posted in accordance with the current standards for the posting of public bids in the Virginia Code and in accordance with the latest City’s Purchasing Procedures, but at least public notice of the RFQ shall be posted on the DGS’ central electronic procurement website known as eVA, or City’s website, at least thirty (30) days prior to the date set for receipt of qualification proposals.
- (c) The Committee shall evaluate each responding firm's RFQ responses and any other relevant information and shall determine those deemed qualified with respect to the criteria established for the project.
- (d) Prequalification shall be determined based upon the RFQ criteria, and, as and shall result in a short list of two (2) to five (5) Offerors.
- (e) At least thirty (30) days prior to the date established for the submission of proposals, City shall advise in writing each Offeror, which sought prequalification, whether that Offeror has been prequalified. Prequalified Offerors that are not selected for the short list shall likewise be provided with the reasons for such decision. If an Offeror is denied prequalification, the written notification to such Offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.

(5) **REQUEST FOR PROPOSALS (STEP 2) - SELECTION OF A CONSTRUCTION MANAGER**

- (a) City shall send an RFP to the Offerors on the short list and request submission of formal proposals from them. The criteria for award shall be included in the RFP.
- (b) Proposals shall only be accepted from Step 1 Prequalified short-listed firms. Proposals as described in the RFP shall be submitted to the Committee.
- (c) The Committee will evaluate and rank the proposals. After evaluation and ranking of the proposals, the Committee shall:
  - (1) Conduct negotiations with two (2) or more Offerors submitting the highest ranked proposals; or
  - (2) Should the Committee determine, in writing, and at its sole discretion, that only one (1) Offeror is fully qualified, or that one (1) Offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that Offeror.
- (d) The Committee shall make its recommendation on the selection of a Construction Manager to the City's Purchasing Agent. The contract shall be awarded to the Offeror who is fully qualified and has been determined will provide the best value in response to the RFP.
- (e) The City Department shall request authority to award a contract from City Council.
- (f) The City's Purchasing Agent will notify all Offerors who submitted proposals which Offeror was selected for the project. Alternatively, the City's Purchasing Agent may notify all Offerors who submitted proposals of City's intent to award the contract to a particular Offeror at any time after City has selected the Construction Manager. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one (1) Offeror.
- (g) Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers.

**F. CMAR CONTRACTUAL TERMS**

- (1) Any CMAR contract entered into by City shall contain provisions requiring that:
  - (i) not more than ten percent (10%) of the construction work (measured by cost of

the work) will be performed by the Construction Manager with its own forces; and (ii) that the remaining ninety percent (90%) of the construction work will be performed by subcontractors of the Construction Manager, which the Construction Manager must procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. This requirement shall not apply to CMAR contracts involving infrastructure projects. Documentation shall be placed in the file detailing the reasons any work is not procured by publicly advertised competitive sealed bidding. The City’s Purchasing Agent may modify these contractual requirements, in whole or in part, for projects where it would be fiscally advantageous to the public to increase the amount of construction work performed by the Construction Manager.

- (2) CMAR contracts are normally structured in two (2) parts.
  - (a) Part 1: Pre-Construction Services. These services typically relate to work as an advisor to City and the Design Team in areas such as: constructability, material availability, scheduling, cost estimating, and value engineering. This portion of the contract will normally be a fixed fee, or cost plus fee contract.
  - (b) Part 2: Construction Services. This portion of the contract is contingent upon the Construction Manager providing an agreeable GMP to City. Once that occurs, and the parties have an executed contract, the project can proceed to construction with the Construction Manager at risk for delivering the project at GMP.

Date Introduced: \_\_\_\_\_

Date Adopted: \_\_\_\_\_

Certified: \_\_\_\_\_  
Clerk of Council

# Policy Briefing Summary

## City Council



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|                                 |                                                                                                                                             |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Resolution to Appropriate Revenue from Participation in Energy Load Reduction Program in the Amount of \$12,375.53 (1 of 2 readings)</b> |
| <b>Staff Contact(s):</b>        | Kirk Vizzier, Kristel Riddervold, Director of the Office of Sustainability                                                                  |
| <b>Presenter:</b>               | <b>Kirk Vizzier, City Energy Management Coordinator</b>                                                                                     |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                                                                                            |

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### Issue

In March 2025, the City of Charlottesville enrolled in the Emergency Load Response Program (ELRP) with PJM Interconnection, LLC (electric grid operator) as part of their demand response offerings. Through this program, the City of Charlottesville can earn revenue by temporarily reducing energy usage at participating sites/facilities to reduce the energy load on the PJM electric grid.

### Background / Rule

An Energy and Water Management Program (EWMP) was created in June 2020 for the appropriation of revenue generated from energy management and water management projects/programs. The City participates in other PJM energy management programs including the Energy Efficiency Program where past revenue earned has been appropriated to the EWMP Fund. The Emergency Load Response Program offers another source of revenue from energy management practices that is to be paid out on an annual (sometimes quarterly) basis.

- From October 2019 – November 2025, the City earned \$3,770 from the PJM Energy Efficiency Program, which was appropriated to the Energy and Water Management Fund.
- In August 2026, the City received payment in the amount of \$12,375.53 in the PJM Emergency Load Response Program for reducing energy usage at participating sites during the May 2025 – April 2026 year.

It is recommended that revenue generated from the PJM Emergency Load Response Program and all other PJM energy management programs be appropriated to the EWMP Fund.

### Analysis

Participation in PJM energy management programs supports the goals of Climate Action, which is a strategic outcome area of the City's Strategic Plan and the Climate Action Plan is part of the City's Comprehensive Plan. Climate Action includes efforts related to climate adaptation and resilience planning. PJM programs provide a mechanism for the City to support the stability of the electricity grid, improving electricity resilience throughout the Charlottesville area. In addition, reduced energy usage at City facilities will achieve greenhouse gas reductions bringing the City closer to meeting its Climate Action goals.

### Financial Impact

These funds, received through the City's participation in the PJM energy management programs, will support energy and water efficiency measures.

### Recommendation

Staff recommends City Council adoption of the attached Resolution.

**Recommended Motion (if Applicable)**

"I move to adopt the attached Resolution appropriating PJM Energy Management Programs Revenue to the Energy and Water Management Program Fund."

**Attachments**

1. RESOLUTION ELRP Revenue Appropriation



**RESOLUTION #R-\_\_-\_\_**  
**APPROPRIATING PJM ENERGY MANAGEMENT PROGRAM REVENUE TO THE**  
**ENERGY AND WATER MANAGEMENT PROGRAM FUND**

**WHEREAS**, PJM is the regional transmission organization that coordinates the movement of wholesale electricity; and

**WHEREAS**, the City of Charlottesville has been participating in PJM energy management programs, including the Emergency Load Response Program and the Energy Efficiency Program, that provide a mechanism for the City to support the stability of the electricity grid, improving electricity resilience throughout the Charlottesville area.

**WHEREAS**, participation in these PJM energy management programs results in payment to the City by PJM; and

**WHEREAS**, the City of Charlottesville has recently received a payment of \$12,375.53 from PJM Interconnection, LLC from participation in PJM energy management programs; and

**WHEREAS**, this revenue is intended to be used for further energy and water management projects that support City Climate Action goals;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville that the recently earned revenue from PJM Interconnection, LLC., in the sum of \$12,375.53, and any additional revenue received from PJM energy management programs during the fiscal year is hereby automatically appropriated as follows:

**Revenues:**

\$12,375.53      Fund: 105      Internal Order: 2000157      G/L Account: 451020

**Expense:**

\$12,375.53      Fund: 105      Internal Order: 2000157      G/L Account: 599999

Date Adopted:

Certified: \_\_\_\_\_  
Clerk of Council

# Policy Briefing Summary

## City Council



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|                                 |                                                                     |
|---------------------------------|---------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Resolution to Adopt the City Council 2027 Legislative Agenda</b> |
| <b>Staff Contact(s):</b>        | Steven King, Assistant to the City Manager                          |
| <b>Presenter:</b>               | <b>Steven King, Assistant to the City Manager</b>                   |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                    |

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### Issue

Establishing a yearly set of legislative priorities provides clear guidance for advocacy efforts, ensures alignment with community needs, and strengthens the city's voice in regional and state-level policymaking.

### Background / Rule

Each year, local governments in the Thomas Jefferson Planning District (TJPD) region establish legislative priorities to guide their advocacy during the General Assembly session. For the City of Charlottesville, this work is led by City Council's Legislative Committee, which meets regularly throughout the year to plan, review, and discuss potential legislative items. Recommendations from City departments, advisory commissions and boards, and partner agencies inform the Committee's discussions, ensuring that the City's priorities reflect both organizational needs and broader community interests.

This structured process allows City Council to present a clear statement of legislative positions to state legislators and identify any requests for legislative action. This year, the Legislative Committee introduced a new tiered system for evaluating and scoring potential items to better define the level of support sought from State elected officials. After reviewing recommendations, Council scored each item and assigned it to one of four categories—Tier 1, Tier 2, Tier 3, or Do Not Support—ranging from actively carrying a bill to signing onto related legislation or declining to pursue an item. This framework ensures consistency and transparency in how priorities are set. Once adopted, these positions guide coordinated advocacy throughout the General Assembly session, supported by the City Manager's Office, the City Attorney's Office, and TJPD's legislative liaison, who monitor legislation, provide analysis, and advance the City's interests.

### Analysis

Council will consider the adoption of its 2027 Legislative Agenda as an action item. The final draft will be provided to TJPD and all members of the local delegation for their ongoing work to represent the issues shared by their constituents.

### Financial Impact

### Recommendation

The recommendation is to approve the 2027 Legislative Agenda as an indication of City Council's interests during the upcoming General Assembly session.

### Recommended Motion (if Applicable)

**Attachments**

1. Resolution Adopting Legislative Priorities
2. Proposed Legislative Priorities Revised

**RESOLUTION  
ADOPTING THE CITY OF CHARLOTTESVILLE'S  
2027 LEGISLATIVE AGENDA**

**WHEREAS**, City Council wishes to establish legislative priorities to guide the City's advocacy during the 2027 session of the Virginia General Assembly; and

**WHEREAS**, City Council's Legislative Committee has developed a tiered legislative agenda informed by recommendations from City departments, boards and commissions, and community partners;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia, that:

1. City Council adopts the six-page document entitled "Proposed Legislative Priorities," attached as Exhibit A and incorporated into this resolution, including its Tier 1, Tier 2, and Tier 3 designations, as the City's 2027 Legislative Agenda.
2. The City Manager, or designee, in consultation with the City Attorney and in coordination with the Thomas Jefferson Planning District Commission's legislative liaison, is authorized to communicate and advocate for positions consistent with the adopted agenda, including through testimony, correspondence, and coordination with legislators, state agencies, and regional partners.
3. The City Manager shall transmit this resolution and the adopted agenda to the City's General Assembly delegation and the Thomas Jefferson Planning District Commission and provide City Council with updates on significant legislative developments.

Adopted by City Council on \_\_\_\_\_, 2026.



## CITY OF CHARLOTTESVILLE

*To be a place where everyone thrives*

### **Proposed Legislative Priorities**

#### **TIER 1**

- *Planning & Zoning*
  - Delegate Special Exceptions Approval by amending § 15.2-2286 to allow governing bodies to delegate the authority to grant special exceptions to their Planning Commissions, rather than reserving that function exclusively to themselves.
  - Clarify Local Hardship Standards by modifying § 15.2-2286 to permit local jurisdictions to define through ordinance the conditions under which a “hardship” exists for zoning relief applications.
  - Modifying state law by broadening and clarifying the definition of “blighted property” for eminent domain purposes; Removing overly burdensome elements from the definition of “derelict” in the code; Increasing the tax penalties a locality can place on a blighted or derelict property; and expanding the penalties and fines authorized under the finding of a nuisance by a citizen-initiated special grand jury.
- *Transportation*
  - Advocate that the Virginia Department of Rail and Transportation's (DRPT) 'Commonwealth Corridor' plan to create an east-west passenger rail connection between Charlottesville, Richmond, and Hampton Roads is included DPRT's 2026 Statewide Rail Plan. Advocate for state funding to implement DRPT's 'Commonwealth Corridor' plan.
- *Development/ADA*
  - Enable ADA compliance by streamlining pole transfers and establishing a One Touch Make Ready process by amending Title 56 of the Code of Virginia to:
    - Require attaching entities to transfer facilities within 30 days after notice that a replacement pole is ready.
    - Establish expedited procedures when double poles affect ADA access, pedestrian safety, traffic operations, emergency response, or active infrastructure projects.

- Direct the SCC to establish a coordinated One Touch Make Ready process allowing qualified contractors to perform eligible transfers for multiple entities.
- Require pole owners to remove obsolete poles within 15 days after all attachments have been transferred, unless documented safety or engineering conditions prevent removal.
- Require pole owners and attaching entities to maintain current contact information and use electronic notices for replacement-pole activity and outstanding transfers.
- Authorize SCC enforcement for repeated or unreasonable failures to meet required timelines.
- Allow localities to formally identify double poles affecting public safety or accessibility and request expedited resolution.
- Clarify the process for correcting ADA or pedestrian accessibility conflicts by amending Title 56 of the Code of Virginia to:
  - Allow localities, after engineering or accessibility review, to formally designate utility facilities creating a documented ADA or pedestrian obstruction.
  - Require utilities to evaluate the obstruction and develop relocation or mitigation plans within defined timeframes.
  - Establish clear timelines for completing relocation when feasible.
  - Provide expedited procedures for priority locations such as intersections, curb ramps, accessible routes, transit stops, schools, government buildings, and documented pedestrian safety concerns.
- Create an SCC coordination and escalation process when a locality and utility cannot agree on need, feasibility, schedule, or responsibility.
- Establish reasonable standards for assigning financial responsibility, accounting for cases where facilities predate sidewalks and situations where utilities impede ADA compliance.
- Allow relocation work to align with utility upgrades or capital projects when it reduces cost or disruption.
- Require consideration of alternative relocation, consolidation, undergrounding where appropriate, or 2 facility modification before concluding a conflict cannot be resolved.

- *Taxes*

- Amend § 58.1-3703.1(A)(4)(b) to clearly distinguish good-faith jurisdictional errors from fraud or failure to obtain a license. Under this amendment, when a taxpayer shows that

they in good faith obtained a business license and paid the business license tax to the wrong Virginia locality, that mistake will not be treated as fraud or non-licensure. In such cases, the correct locality may assess and collect only:

- The tax due for the current license year, and
- The tax for the three preceding license years.

- Elections

- Amend the Virginia State Code to specify that ranked-choice voting applies to all local offices, including school board elections

## **TIER 2**

- Planning & Zoning

- Enable “Housing Near Jobs” Zoning Reform by adding § 15.2-2286.2 to permit by-right multi-unit development in commercial zones statewide (as proposed in HB 816/SB 454).
  - Direct DHCD to study potential regulatory modifications to allow cost-effective elevators in residential midrise buildings that meet safety standards but are less costly than full commercial elevators, improving affordability in multi-unit construction.
  - Commission a General Assembly study on how state-level daycare licensure standards affect the viability of urban childcare centers, with the aim of identifying scalable, cost-effective licensing for facilities under 12 children in dense neighborhoods.

- *Transportation*

- Extend the delegation of building-code enforcement for state-funded bus shelters by local officials until 2032.

- *Emergency Management*

- Any legislation establishing a state grant fund for local emergency management planning, preparedness, and mitigation, consistent with VEMA’s 2027 platform.
  - Any measure that shifts VDEM core programmatic functions to the general fund or otherwise increases the agency’s pass-through of federal grant funding to cities and counties.
  - The funding mechanism recommended by the Emergency Management Needs Evaluation once it reaches the General Assembly.

- *Human Rights/Economic Security*

- Increase and sustain funding for the State Rental Assistance Program, providing adults with intellectual and developmental disabilities the financial means to lease private market rental housing and the opportunity to choose where and with whom they live.

- Renew legislation protecting access to courthouses, schools, health care facilities, polling places, and other essential public institutions from civil immigration enforcement absent a valid judicial warrant.
- Increase and sustain state funding for deeply affordable housing, with particular attention to households with incomes below 30% of Area Median Income and those at greatest risk of housing instability and homelessness.
- Increase and sustain investment in the Virginia Housing Trust Fund, providing predictable and sustained resources for the creation, preservation, rehabilitation, and support of affordable housing.
- *Tax*
  - Preserving local administration of the Transient Occupancy Tax (TOT) and oppose any legislation that would transfer authority over TOT collection, enforcement, or revenue distribution from local governments to the Virginia Department of Taxation.
- *Health*
  - Request that the Virginia Department of Medical Assistance Services (DMAS) pursue an 1115 waiver amendment under the federal Health-Related Social Needs (HRSN) authority to add medical respite care as a reimbursable Medicaid service
  - Request that the Virginia Department of Housing and Community Development (DHCD) explicitly include “medical respite” as an eligible use under both the Virginia Homeless Solutions Program (VHSP) and the Housing Trust Fund’s Homeless Reduction Grant (HTF-HRG).
- *Sustainability*
  - Allocate \$600,000 to support the operations of the Energy Resource Hub initiative for 3 years. This Charlottesville/Albemarle partnership aims to help community members improve the energy and water performance of their homes and businesses by assisting them in navigating and accessing local, state, federal, and utility program incentives.
  -

### **TIER 3**

- *Planning & Zoning*

- Authorize a one-time appropriation for planning and initial construction of the World Heritage Trail connecting UVA and Monticello. This cultural infrastructure project would enhance pedestrian and heritage tourism, aligning with regional goals.
  - Clarify that if a demolition permit for a historic property is not granted and the owner elects to offer the property for sale for 12 months, after which they can proceed with the demolition, they must publicly advertise that the property is for sale.
  - Adjust Notice Requirements in Areas Without Daily Newspapers by amending § 15.2-2204 to allow alternate notice methods (e.g., digital publication or public posting) for jurisdictions where no daily-print newspaper exists.
- *Emergency Management*
    - Support for VEMA’s 2027 legislative platform, and for any legislation establishing a state grant fund for local emergency management planning, preparedness, and mitigation.
    - Support for the funding mechanism recommended by the Emergency Management Needs Evaluation once that report is delivered to the General Assembly.
- *Human Rights/Economic Security*
    - Strengthen state support for preservation of existing affordable housing. State housing policy should prioritize preservation and rehabilitation of existing affordable properties, including subsidized properties at risk of conversion to market-rate housing, alongside the production of new affordable housing.
    - Amend and reenact Code of Virginia §§ 55.1-1258 and 55.1-1314 to prohibit retaliatory nonrenewal against all tenants who engage in legally protected activity.
    - Improve language accessibility to state agencies and public-facing state information. Establish and adequately fund consistent statewide standards for interpretation, translation of vital documents, and meaningful language access in state agencies, courts, schools, and other public programs and services.
- *Health*
    - Fund a full-time Tick Surveillance Coordinator position within the Virginia Department of Health, ensuring dedicated leadership and oversight of vector surveillance efforts statewide.
      - Allocate resources to modernize tick surveillance data systems
      - Provide recurring research funding

- *Sustainability*
  - Support data center reform legislation to minimize environmental impacts and reduce financial burden on ratepayers (e.g., building data disclosure, cost-share reform, transmission cost allocation).
  - Maintain the intent of the Virginia Clean Economy Act (VCEA), in particular in light of the Dominion/Next Era acquisition negotiations.
  - Support review of the methodology for allocating funding from the Regional Greenhouse Gas Initiative (RGGI) to expand access beyond current eligible recipients.

# **Charlottesville Department of Social Services Advisory Board**

## **ANNUAL REPORT TO CITY COUNCIL**

### **FY2026 Annual Report**

The Charlottesville Department of Social Services (CDSS) Advisory Board is pleased to present its FY2026 Annual Report to City Council. We appreciate Council's continued support and the opportunity to share the Department's accomplishments, program changes, and priorities over the past fiscal year.

### **Vision & Mission**

CDSS remains committed to joining with the community to meet essential needs, promote self-sufficiency, and enhance quality of life.

FY2026 was a year of continued service to individuals and families, organizational growth, and significant change across the human services landscape. The Department continued to provide essential benefits, protective services, prevention supports, and opportunities for stability while adapting to evolving federal and state requirements.

Throughout the year, staff worked to maintain accessible and responsive services while managing changing program requirements, increasing administrative demands, workforce capacity considerations, and the needs of the community. Investments in technology, financial systems, facilities, staff development, and community partnerships supported the Department's ability to meet these demands and strengthen service delivery.

This report highlights the Department's key accomplishments, significant program changes, operational priorities, and areas of focus for the year ahead. Accompanying local data provides a broader view of the volume of services delivered and the individuals and families served during FY2026.

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### **Benefit Programs — FY2026**

The Department administers federal and state benefit programs that help individuals and families meet essential needs, including food, medical care, child care, energy assistance, employment supports, and financial assistance.

## **SNAP Program:**

FY2026 brought significant federal and state changes to the Supplemental Nutrition Assistance Program (SNAP), requiring local departments to adapt eligibility, verification, case processing, and customer service practices while continuing to provide timely assistance to eligible households.

### **Key Updates**

- **Eligibility:** Federal changes narrowed SNAP eligibility for certain noncitizens and modified other eligibility provisions.
- **Work Requirements:** Work requirements expanded to additional adults ages 55–64, and exemptions related to homelessness, veteran status, former foster care status, and households with children age 14 or older were changed.
- **Verification:** Additional documentation and verification requirements affected income and allowable expenses, including shelter, utilities, medical expenses, and dependent care.
- **Older and Disabled Households:** Virginia transitioned customers receiving SNAP through the Virginia Capped Assistance Program (VaCAP) to the Elderly Simplified Application Project (ESAP). The transition changed how affected cases are evaluated and how benefits are calculated.
- **Income and Benefits:** Annual federal adjustments increased SNAP income standards and benefit amounts for FY2026.
- **Program Modernization:** Virginia began issuing chip-enabled EBT cards in September 2026 to replace magnetic-stripe cards. Beginning November 1, 2026, sweetened carbonated beverages will no longer be eligible for purchase with SNAP benefits.

Beginning October 1, 2026, the federal share of SNAP administrative costs decreases from 50 percent to 25 percent, increasing the state share to 75 percent. State General Fund support has been provided to address the increased state obligation while maintaining the 15.5 percent local match rate for state-supported SNAP administration.

The change will continue to be monitored for its impact on local administrative costs and workload. In addition, beginning October 1, 2027, states may be responsible for a portion of SNAP benefit costs based on the state's payment error rate. Virginia's enacted FY2027–FY2028 budget includes funding to address this potential future obligation.

Overall, these changes increase the importance of accurate eligibility determinations, timely verification, customer communication, quality assurance, and staff training while creating additional operational and fiscal considerations for local SNAP administration.

### **Medicaid Program:**

FY2026 included significant federal changes to Medicaid eligibility and enrollment requirements that will affect Virginia Medicaid members and local eligibility operations beginning in FY2027. Virginia Medicaid and local departments of social services spent FY2026 preparing for these changes through updated policies, systems, staff training, and customer outreach.

### **Key updates**

- **Community Engagement/Work Requirements:** Beginning January 1, 2027, certain Medicaid Expansion adults ages 19–64 will be required to demonstrate participation in work, education, training, community service, or other qualifying activities for at least 80 hours per month, subject to applicable exemptions and exceptions.
- **Six-Month Renewals:** Beginning January 1, 2027, Medicaid Expansion members will have eligibility reviewed every six months rather than annually, increasing the frequency of eligibility reviews and member contacts.
- **Noncitizen Eligibility:** Beginning October 1, 2026, eligibility requirements for certain nonpregnant, noncitizen adults will become more restrictive, requiring updated eligibility determinations and verification.
- **Retroactive Coverage:** Beginning January 1, 2027, retroactive Medicaid coverage will be reduced to one month for Medicaid Expansion and two months for other Medicaid eligibility groups.

Local departments will need to closely monitor workload and staffing capacity and evaluate resource needs to maintain timely eligibility determinations, accurate case processing, and quality customer service. Continued staff training, customer education, system enhancements, and coordination with community partners will be important to implementation.

The increased workload and resource needs will also be considered as part of future staffing and local budget planning.

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### **Energy Assistance Program:**

FY2026 continued to provide critical energy assistance to eligible households through the Low Income Home Energy Assistance Program (LIHEAP) and Percentage of Income Payment Program (PIPP), while Virginia prepared for significant changes to PIPP beginning in FY2027.

### **Key Updates**

- **LIHEAP:** Continued support for heating, cooling, and energy-related emergencies, with ongoing efforts to improve access and program administration.
- **PIPP Funding:** State funding decreased from **\$122 million in FY2025 to \$119.5 million in FY2026**. The reduction was monitored for its potential impact on program capacity and the households served.

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### **TANF and VIEW Program:**

FY2026 continued to support low-income families through Temporary Assistance for Needy Families (TANF) and the Virginia Initiative for Education and Work (VIEW), with an emphasis on financial assistance, employment, training, and long-term self-sufficiency.

### **Key Updates**

- **Family Assistance:** TANF continued to provide temporary cash assistance and supportive services to eligible families with children.
- **Employment and Self-Sufficiency:** VIEW continued to connect participating TANF recipients with employment, education, training, and other services designed to promote economic independence.
- **Eligibility and Verification:** Virginia updated TANF requirements related to verification of childhood immunizations. The change includes provisions for addressing barriers to obtaining required documentation before sanctions may be imposed.

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### **Services Programs — FY2026**

The Department provides assessment, intervention, and prevention, protective, and case management services to support the safety, stability, and well-being of children, families, older adults, and vulnerable adults.

### **Child and Adult Services:**

FY2026 continued to focus on promoting safety, stability, and well-being through prevention, assessment, intervention, and ongoing support services. Staff responded to reports and referrals, assessed safety and service needs, supported children and families in their homes and communities, and coordinated with community partners to reduce risk and promote stable outcomes.

### **Key Updates**

- **Intake and Assessment:** Responded to an increase in community reports and referrals to assess immediate safety and service needs, and connected children, adults, and families with appropriate resources.
- **In-Home and Prevention Services:** Supported families and individuals in maintaining safe and stable living environments while addressing identified risks and strengthening family functioning with stabilized caseloads from previous year.
- **Child Protective Services and Foster Care:** Continued efforts to ensure child safety, support family preservation when appropriate, and provide stable placements and

permanency for children unable to safely remain in their homes. Our team has had a decrease in children in foster care.

- **Adult Protective Services:** Responded to concerns involving abuse, neglect, and exploitation of vulnerable adults and coordinated services and protective interventions based on assessed needs. Volume of reports this year have been fairly consistent with previous year.
- **State Oversight and Accountability:** FY2026 legislation expanded the Commonwealth's authority to monitor local social services and child welfare operations and to require corrective action when a local department or board fails to meet applicable requirements or actions create substantial risks to the health, safety, or well-being of children or adults. In certain circumstances, the legislation provides authority for temporary state intervention or control.

These changes reinforce the importance of consistent service delivery, compliance, documentation, and accountability while supporting the Department's continued focus on safety and positive outcomes.

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## **Administrative Support— FY2026**

The Administrative Division provides the financial, staffing, technology, procurement, facility, and organizational infrastructure necessary to support the Department's programs and services.

### **Key updates**

- **Financial Systems:** Prepared for the transition from the Kinship financial platform to Umbrella, effective October 1, 2026, in collaboration with City Information Technology (IT), which developed the new system to support the Department's financial operations.
- **Staffing Capacity:** Maintained a low vacancy rate throughout the year while continuing to address capacity challenges associated with sustaining service levels and meeting the Department's operational demands.
- **Fiscal and Contract Management:** Worked with community members and vendors to facilitate timely payments for services rendered and made continued progress in strengthening management of the Comprehensive Services Act (CSA) contract. The division also supported timely access to funds and services that help individuals and families address barriers to stability and enhance the safety and well-being of children.
- **Technology and Information Management:** Secured and implemented new technology resources to strengthen documentation, improve organizational capacity, and enhance information sharing across the Department. These investments support more efficient workflows, better access to information, and staff's ability to coordinate services effectively.
- **Security and Facilities:** Initiated planning and coordination for security improvements and office renovations approved through the Capital Improvement Program (CIP). The division began working with Procurement to identify and secure a security services firm

using funding approved in the FY2027 budget and partnered with Public Works to begin the office renovation process.

- **Staff Engagement and Development:** Continued to prioritize employee engagement, professional development, and access to the resources needed for staff to effectively perform their roles and support the Department's mission.

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## **Challenges Ahead — FY2027**

As the Department moves into FY2027, continued changes in federal and state requirements will create new demands across programs and service areas. The Department will remain focused on maintaining timely, accurate, and responsive services while adapting to changes in eligibility, verification, reporting, and service-delivery requirements.

- **Increasing Workload and Service Complexity:** Changes to Medicaid, SNAP, energy assistance, and other programs will require additional eligibility determinations, renewals, verification, customer communication, documentation, and case management. At the same time, Child and Adult Services will continue to respond to the ongoing needs of children, families, older adults, and vulnerable adults.
- **Staffing, Capacity, and Succession Planning:** Maintaining adequate staffing capacity, managing caseloads, retaining qualified employees, and supporting staff development will remain critical as program requirements and service demands evolve. The Department has a multigenerational workforce, making succession planning an important organizational priority. Recent and anticipated retirements, particularly among experienced supervisory staff, highlight the need to develop future leaders, preserve institutional knowledge, and ensure continuity of program operations.
- **Fiscal Stewardship and Resource Needs:** Changes in federal and state funding structures, including changes to Medicaid and SNAP administrative funding and continued changes in energy assistance programs, will require careful monitoring of local fiscal impacts and available resources. Ensuring timely access to funds that address barriers to family stability and child safety will remain an important operational priority.
- **Technology, Facilities, and Infrastructure:** Continued investment in technology, financial systems, and information sharing, security, and office facilities will be necessary to support effective service delivery. Implementation of the Umbrella financial platform, technology improvements, security enhancements, and office renovations will require continued coordination and organizational capacity.
- **Vendors and Providers:** Working to address barriers that prevent community resources to meet contractual requirements needed in order to render services for the children and families connected to our programs.
- **Housing and Shelter:** Supporting families that do not have access to housing stability in the absence of a family shelter with the capacity to meet the volume of children and families facing displacement.

## **Moving Forward**

The Department will continue to work collaboratively with staff, clients, community partners, vendors, the City, and state agencies to address these challenges. Maintaining a strong focus on **workforce development, succession planning, resources, technology, and service quality** will be essential to meeting changing requirements while ensuring that individuals and families receive the services and supports they need.

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## **Local Program Data**

The accompanying local data provides a detailed view of FY2026 program activity, including the volume of applications, cases, individuals and families served, services provided, expenditures, and other measures of Department activity. Where appropriate, FY2025 and FY2026 data are presented together to provide context regarding changes in service demand and workload.

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**Respectfully submitted,**

**Charlottesville Department of Social Services Advisory Board Members:**

Cher Stewart

Tyler Dick

Avan Batten

Jennifer Fleisher

Nicole Hawker

Rebecca Schmidt

Toya Trager

Linda Milchus-Watson

**Charlottesville Department of Social Services Director:**

Leon Henry

## **Appendix A- Supporting Data Charts**

### **Social Services Child and Adult Services Program Data:**

The following data provide a snapshot of Child Protective Services (CPS), Adult Protective Services (APS), foster care, and permanency activity. Year-over-year comparisons are provided where available, along with key FY2026 service and permanency outcomes.

### **Year-over-Year Service Activity**

| <b>Service Measure</b>       | <b>Current Period</b> | <b>Prior Period</b> | <b>Change</b>        |
|------------------------------|-----------------------|---------------------|----------------------|
| CPS Reports of Abuse/Neglect | 890 FY25              | 810 FY24            | +80 (+9.9%)          |
| CPS Referrals Validated      | 463 FY25              | 329 FY24            | +134 (+40.7%)        |
| APS Reports of Abuse/Neglect | 279 FY26              | 281 FY25            | -2 (-0.7%)           |
| Children in Foster Care      | 92 FY26               | 108 FY25            | -16 (-14.8%)         |
| Kinship Care Rate            | 59% FY26              | 55% FY25            | +4 percentage points |

CPS reports of abuse and neglect increased by 9.9% from FY2024 to FY2025, while validated referrals increased by 40.7%. APS reports remained relatively stable, decreasing by 0.7%. The number of children in foster care decreased by 14.8%, while the kinship care rate increased by 4 percentage points.

### **CPS Referral Activity**

| <b>Measure</b>          | <b>FY2024</b> | <b>FY2025</b> | <b>Change</b>           |
|-------------------------|---------------|---------------|-------------------------|
| CPS Referrals Received  | 810           | 890           | +80 (+9.9%)             |
| CPS Referrals Validated | 329           | 463           | +134 (+40.7%)           |
| Validation Rate         | 40.6%         | 52.0%         | +11.4 percentage points |

The CPS validation rate increased from 40.6% in FY2024 to 52.0% in FY2025, an increase of 11.4 percentage points.

## **FY2026 Permanency and Service Outcomes**

| Service Measure                | FY2026       |
|--------------------------------|--------------|
| Children Pending Permanency    | 82           |
| Fostering Futures – Over 18    | 10           |
| Average Time in Foster Care    | 17.59 months |
| Adoptions                      | 13           |
| Reunifications                 | 10           |
| Family Planning Meetings (FPM) | 155          |

FY2026 activity included 82 children pending permanency, 10 youth participating in Fostering Futures after age 18, 13 adoptions, and 10 reunifications. The average time in foster care was 17.59 months, with 155 Family Planning Meetings conducted.

## **Social Services Benefit Program Participation and Childcare:**

The following data provide a snapshot of participation in key social services programs and childcare services based on the most recent reporting periods available. Year-over-year comparisons are provided where applicable.

### **SNAP Participation**

| Measure        | July 2026 | July 2025 | Change        |
|----------------|-----------|-----------|---------------|
| Households     | 2,258     | 2,582     | -324 (-12.5%) |
| Persons Served | 4,049     | 4,797     | -748 (-15.6%) |

SNAP participation in July 2026 included 2,258 households and 4,049 individuals, representing year-over-year decreases of 12.5% in households and 15.6% in persons served.

### **TANF Participation**

| Measure        | February 2026 | February 2025 | Change             |
|----------------|---------------|---------------|--------------------|
| Combined Cases | 101           | 130           | -29 (-22.3%)       |
| Persons Served | 313           | 466           | -153 (-32.8%)      |
| TANF Payments  | \$57,060      | \$77,173      | -\$20,113 (-26.1%) |

TANF participation in February 2026 included 101 combined cases and 313 individuals, with \$57,060 in total payments. Compared with February 2025, cases, persons served, and payments decreased by 22.3%, 32.8%, and 26.1%, respectively.

### **Medicaid Enrollment**

| Measure          | September 2026 | September 2025 | Change       |
|------------------|----------------|----------------|--------------|
| Members Enrolled | 8,107          | 8,733          | -626 (-7.2%) |

As of September 16, 2026, Medicaid enrollment totaled 8,107 members, a decrease of 626 members (7.2%) from September 2025.

### **Children Served Through Childcare**

| Fiscal Year           | Fee Children Served | TANF Children Served* | Total Children Served |
|-----------------------|---------------------|-----------------------|-----------------------|
| FY2027                | 141                 | 46                    | 187                   |
| FY2026                | 131                 | 42                    | 173                   |
| Year-over-Year Change | +10 (+7.6%)         | +4 (+9.5%)            | +14 (+8.1%)           |

\*FY2027 TANF children served include TANF, VIEW, and Transitional participants.

A total of 187 children were served through childcare programs in FY2027, an increase of 14 children (8.1%) from FY2026.

### **Energy Assistance**

| Program            | 2025 Applications | 2025 Approved | 2026 Applications | 2026 Approved     |
|--------------------|-------------------|---------------|-------------------|-------------------|
| Cooling Assistance | 615               | 471           | 634               | 463               |
| Fuel Assistance    | 575               | 518           | Begins 10/13/26   | 232 pre-approved* |
| Crisis Assistance  | 97                | 12            | 57                | 6                 |

\*The 232 pre-approved Fuel Assistance households will not need to reapply for 2026.

Cooling Assistance applications increased from 615 in 2025 to 634 in 2026, while approvals decreased from 471 to 463. The 2026 Fuel Assistance program begins October 13, 2026, with 232 households pre-approved. Crisis Assistance applications decreased from 97 to 57, with approvals decreasing from 12 to 6.

A primary reason for Crisis Assistance denials was that applicants did not have a utility cutoff or disconnect at the time of application, which is a program eligibility requirement.

### **Funding Overview- Service Delivery:**

| <b>Programs</b>                                 | <b>FY25 Amounts<br/>(USD)</b> | <b>FY24 Amounts<br/>(USD)</b> |
|-------------------------------------------------|-------------------------------|-------------------------------|
| Medicaid & FAMIS payments to providers          | \$104,324,470                 | \$99,593,830                  |
| SNAP                                            | \$9,911,646                   | \$9,847,031                   |
| Children's Services Act (CSA) payments          | \$6,582,512                   | \$4,986,321                   |
| Staff, Administrative & Operations              | \$6,838,894                   | \$6,585,721                   |
| Adoption Assistance payments                    | \$3,291,000                   | \$3,399,764                   |
| Title IV-E Foster Care payments                 | \$278,762                     | \$257,120                     |
| Child Care Subsidy payments                     | \$1,242,891                   | \$1,129,912                   |
| TANF (Temporary Assistance to Needy Families)   | \$1,090,706                   | \$1,389,032                   |
| Fostering Futures Foster Care Assistance        | \$69,374                      | \$75,306                      |
| Kinship Guardianship Assistance                 | \$37,410                      | \$21,051                      |
| LIHEAP (Low-Income Home Energy Assist. Program) | \$504,720                     | \$532,878                     |
| Auxiliary Grant payments to providers           | \$204,717                     | \$156,950                     |
| Other Purchased Services for clients            | \$147,444                     | \$143,965                     |
| Central Service Cost Allocation                 | \$195,199                     | \$164,709                     |
| VIEW (VA Initiative for Education and Work)     | \$138,996                     | \$132,767                     |
| Independent Living Services                     | \$21,403                      | \$55,303                      |
| Refugee Assistance                              | \$30,306                      | \$20,133                      |
| General Relief                                  | \$10,980                      | \$3,792                       |
| State/Federal Funding                           | \$134,921,429                 | \$128,495,585                 |
| Department Local Match                          | \$4,368,646                   | \$3,981,861                   |
| Local Match for Children's Services Act (CSA)   | \$2,474,917                   | \$1,855,705                   |
| <b>Total Expenditures</b>                       | <b>\$141,764,992</b>          | <b>\$134,333,151</b>          |

Adequate funding is essential to maintaining the capacity to deliver mandated and critical services to individuals and families. Resources support the staff, programs, and direct service activities necessary to respond to community needs, manage service demands, and ensure continuity and quality of service delivery.

**Source:** Department program records and reporting data for the periods indicated.

# Policy Briefing Summary

## City Council



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|                                 |                                                                         |
|---------------------------------|-------------------------------------------------------------------------|
| <b>Regarding:</b>               | <b>Land Use and Environmental Planning Committee Semi-Annual Report</b> |
| <b>Staff Contact(s):</b>        | Jason McIlwee, Director                                                 |
| <b>Presenter:</b>               | <b>Jason McIlwee, Director</b>                                          |
| <b>Date of Proposed Action:</b> | October 19, 2026                                                        |

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### Issue

The attached written Report is intended to inform City Council of the Land Use and Environmental Planning Committee ("LUEPC") Meetings, and City Council is briefed twice a year on the topics discussed at said Meetings.

### Background / Rule

In 1986, the Planning and Coordination Council ("PACC") was established with the purpose of promoting cooperation in planning and community development among the City of Charlottesville, Virginia ("City"), Albemarle County, Virginia ("County"), and the University of Virginia ("UVA"). As an advisory body, PACC fostered cooperative planning and provided guidance and recommendations for decisions made by the City, the County, and UVA.

In November 2019, City Council, the County Board of Supervisors, and UVA approved dissolution of the PACC and established the LUEPC to broaden PACC's collaboration beyond land use and to include environmental topics and sustainability. Also, LUEPC would allow professional staff to develop solutions on a continuous basis with regularly scheduled reports to leadership of all three (3) entities. LUEPC is intended to be a vehicle to collaborate and coordinate land use and development plans and projects and to consider environmental and infrastructure issues facing the community.

### Analysis

For the first half of 2026, LUEPC met both virtually and in-person. The Committee has continued concentrating on project discussion and coordination. The Agendas for the monthly LUEPC Meetings are developed around themes – either geographical areas or specific topics. LUEPC's Semi-Annual Report for the first half of 2026 (attached) has been compiled and includes the highlights of the Meetings. The Agenda and Meeting Minutes for the LUEPC's Meetings are published on the Thomas Jefferson Planning District Commission's website for the community to review.

### Financial Impact

None.

### Recommendation

There are no City Staff recommendations, and the attached Report is intended to inform City Council of LUEPC's Meetings.

### Recommended Motion (if Applicable)

Not applicable.

### Attachments

1. LUEPC Semi-Annual Report - January to June 2026





## Land Use and Environmental Planning Committee First Half-Yearly Report JANUARY-JUNE 2026

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The Land Use and Environmental Planning Committee (LUEPC) was established to replace the Planning and Coordination Council (PACC) by the County of Albemarle, the City of Charlottesville, and the University of Virginia (UVA) in 2019. The Committee shares and coordinates land use and development plans and projects; considers environmental and infrastructure issues facing the community, and, from time to time, advances ideas and solutions supporting the mutual advantage of these entities. As part of its charge the Committee shall, not less than twice each year, submit a report summarizing the group's work.

The County, City and the University face similar environmental planning and project challenges. The committee, by its nature, creates opportunities to address these shared challenges by coordinating community messaging and institutional practices. The first half of 2026 continued the focus on project discussions and coordination. The agendas for the monthly meeting are formed around themes - either geographical areas or specific topics. This report focuses on some of the key themes under discussion, and VDOT representatives are invited on a quarterly basis to share updates on transportation projects. The Committee's meeting minutes and presentations are posted on the LUEPC website which is hosted by the Thomas Jefferson Planning District Commission (TJPDC): <https://vapacc.org>.

### Charge Statement

The Land Use and Environmental Planning Committee was established to share and coordinate land use and development plans and projects, consider environmental and infrastructure issues facing the community, and, from time to time, advance ideas and solutions that support our mutual advantage. The LUEPC may also serve as an advisory committee to the City, County, and UVA. The Committee will meet regularly to discuss timely issues from each entity and share that information with the public and each entity's senior leadership at bi-annual updates of all three entities. Through its work, the Committee further seeks to ensure that the actions, policies, and processes of the Committee are reflective of an ongoing commitment by the entities to support an equitable and inclusive community. The Committee defines equity as all community members having access to community benefits and opportunities needed to reach their full potential and to experience optimal well-being and quality of life; inclusion means that all people shall be respected and valued as members of this community. The Three-Party Agreement dated May 5, 1986, remains in effect as to land use planning between the City, County and UVA.



## Land Use and Environmental Planning Committee Summary of Activity

First Half Yearly Report January-June 2026

Virtual meetings were routinely held via the Zoom meeting platform. For 2026, in-person quarterly meetings were held at the County of Albemarle, 401 McIntire Road, Charlottesville, Virginia with the County serving as Chair and UVA serving as Vice-Chair. In 2027, UVA will serve as Chair and the City as Vice-Chair of LUEPC.

### **January Meeting Canceled**

#### **February 20, 2026**

##### TRANSPORTATION

Presenter: Sean Nelson, VDOT

- [Regional Infrastructure Coordination Planning Framework](#)
- Update on Fontaine Ave Project (Discussion only)

#### **March 20, 2026**

##### AFFORDABLE HOUSING

Presenter: Kellie Brown, City of Charlottesville

- [Student/Affordable Housing](#)

Presenter: Morgan Hultman, Albemarle County

- [Albemarle County Affordable Housing Trust Fund](#)

#### **April 17, 2026**

##### RIVANNA STATION FUTURES & UTILITIES

Presenter: Blake Abplanalp, Albemarle County

- [Rivanna Station Futures](#)

Presenter: Jennifer Whitaker, RWSA

- [Northern Service Area Utility Program](#)

#### **May 15, 2026**

##### TRANSPORTATION INFRASTRUCTURE

Presenter: Jason Burch, Charlottesville Airport Authority

- [To Boston and the Future of CHO](#)

Presenters: Julia Monteith & Scott Silsdorf; UVA

- [UVA Health System Parking & Transportation Plan](#)

Presenter: Kevin McDermott, Albemarle County

- [Three Notched Trail Update](#)

### **June Meeting Canceled**



LUEPC Membership

Albemarle County

Community Development Director

Facilities and Environmental Services Director

Representative from the County Planning Commission

City of Charlottesville

Neighborhood Development Services Director

Director of Public Works

Director of Utilities

Representative from the City Planning Commission

University of Virginia

Architect for the University

Director of Facilities Management Operations

Director of Real Estate and Leasing Services

University of Virginia Foundation

Director of Design and Development

Director of Real Estate Asset Management

Rivanna Water and Sewer Authority

Executive Director



# Policy Briefing Summary

## City Council



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|                                 |                                             |
|---------------------------------|---------------------------------------------|
| <b>Regarding:</b>               | <b>Rivanna Authorities Quarterly Update</b> |
| <b>Staff Contact(s):</b>        | Kyna Thomas, Clerk of Council               |
| <b>Presenter:</b>               | n/a                                         |
| <b>Date of Proposed Action:</b> | October 19, 2026                            |

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### Issue

Quarterly report provided by the Rivanna Authorities (Rivanna Water & Sewer Authority and the Rivanna Solid Waste Authority)

### Background / Rule

### Analysis

### Financial Impact

### Recommendation

Acknowledge receipt of the report.

### Recommended Motion (if Applicable)

### Attachments

1. October 2026\_RWSA RSWA\_ City\_ Quarterly Update

October 6, 2026

The Honorable Charlottesville City Council  
P.O. Box 911  
Charlottesville, VA 22902

Re: Quarterly Update – October

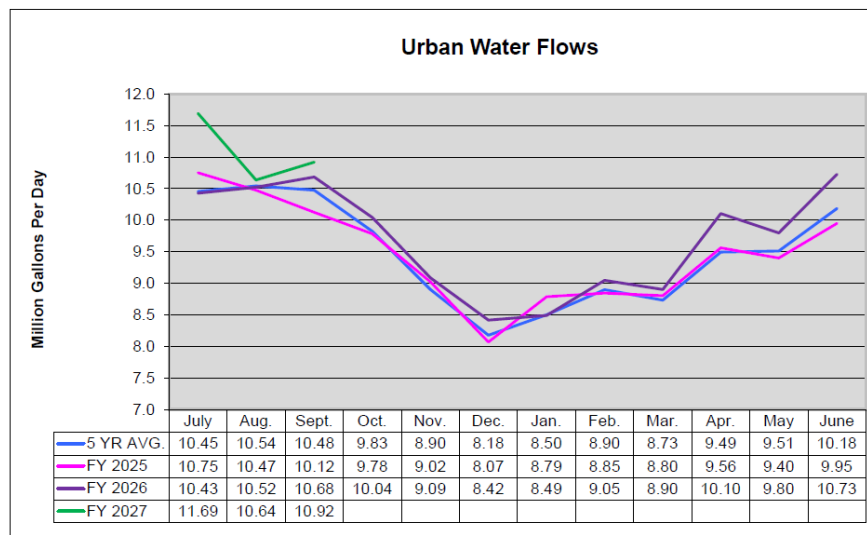
Councilors:

This quarterly update is to provide general information on the public drinking water supply and treatment, wastewater collection and treatment, and refuse disposal and recycling programs managed by the Rivanna Authorities for the benefit of the Charlottesville/Albemarle community, as follows:

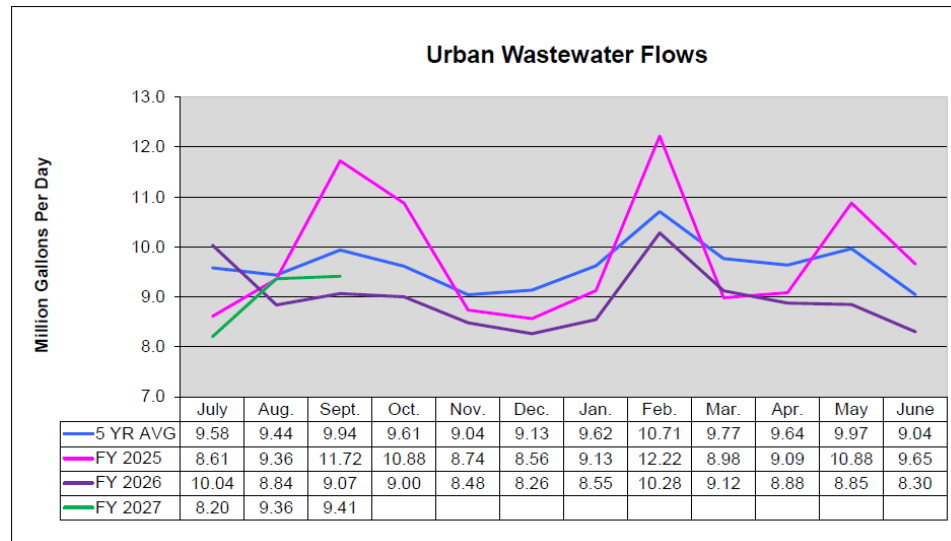
### 1. Drinking Water Supply:

- Our three Urban reservoirs (Sugar Hollow, South Rivanna, Ragged Mountain) are 91% full, with a total storage capacity of about 2.7 billion gallons. Water demand in the Urban area (City and adjacent developed areas of the County) averaged about 10.9 million gallons per day (MGD) in September.
- Beaver Creek Reservoir (Crozet) is 84% full, with a total storage capacity of about 500 million gallons. Water demand in Crozet averaged 0.66 MGD in September.
- Totier Creek Reservoir (Scottsville) is 100% full, with a total storage capacity of about 155 million gallons. Water demand in Scottsville averaged 0.061 MGD (61,000 gallons) in September.
- Drought Conditions: The “Drought Watch” was lifted on September 28 as conditions have improved and our primary reservoir, the South Rivanna Reservoir, has refilled and is overflowing.

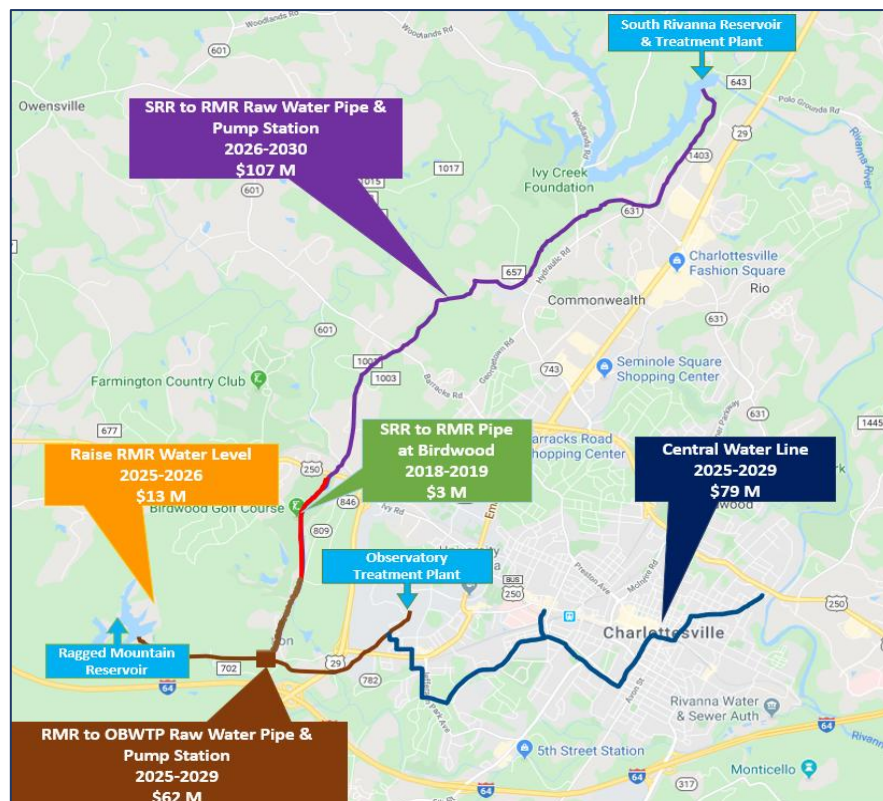
- Production of drinking water for the Urban area averaged 10.92 MGD in September 2026 (FY 2027), which was higher than the five-year average for September (10.48 MGD), as shown by the following graph:



- Urban wastewater treatment for September 2026 (9.41 MGD), including flows from Crozet but not from Scottsville, was below the five-year average for September (9.94 MGD) due to the lower-than-normal precipitation which reduced the unintended infiltration of stormwater into the wastewater system, as shown by the graph below:

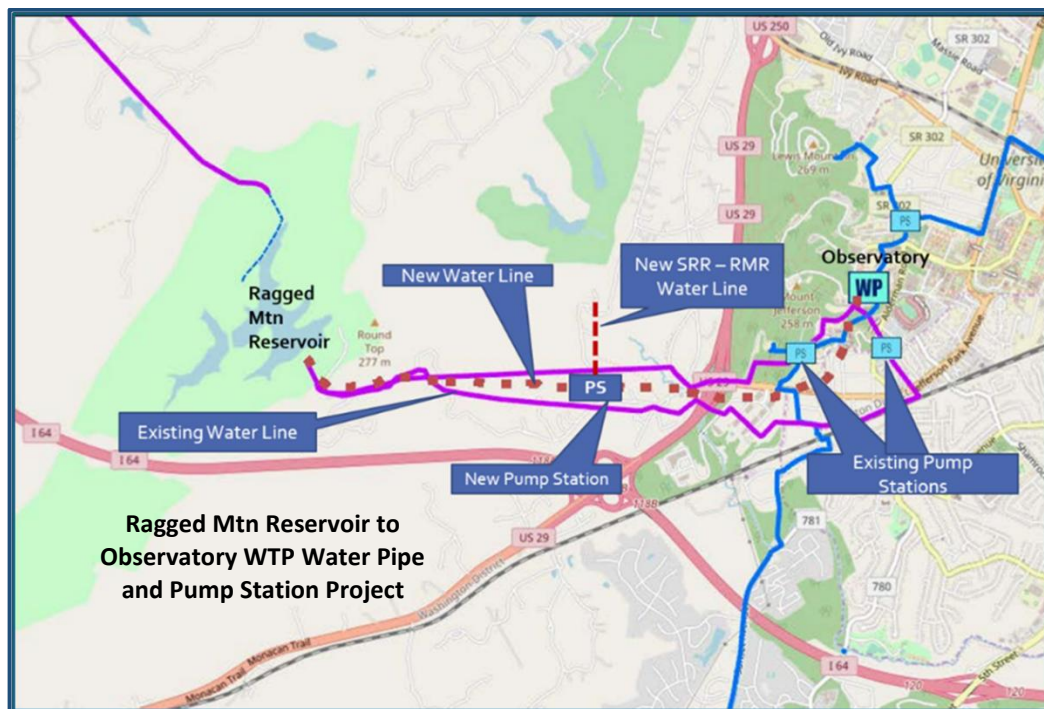


- A general overview of significant current and future drinking water, wastewater and solid waste Capital Improvement Projects is provided below. Cost allocations between the Charlottesville Department of Utilities (Utility funds) and the Albemarle County Service Authority (ACSA), are identified for each water and sewer project, while General Funds from the City and County are indicated for any solid waste (refuse and recycling) project. Several of these generational projects are part of the community's Water Supply Plan established in 2012 to increase the capacity of our drinking water system, as shown below.



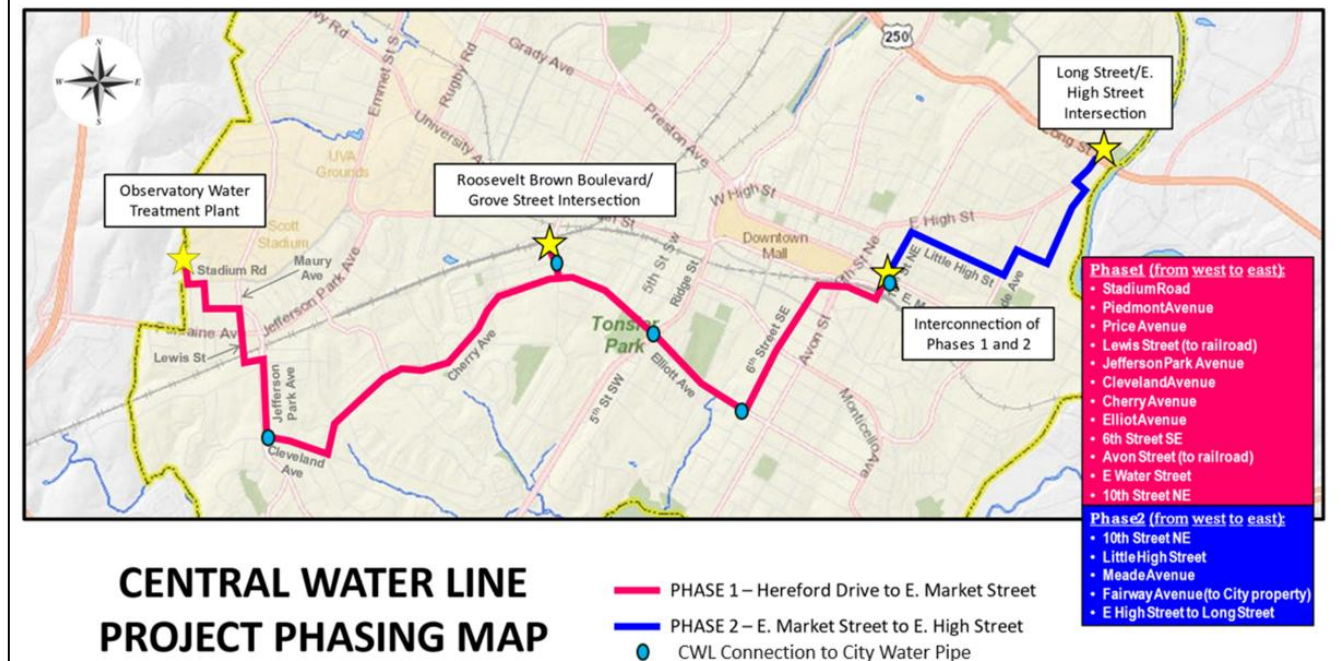
### Construction is underway on the following major projects:

- Water Pipe and Pump Stations Replacement, Ragged Mtn Reservoir to Observatory Water Treatment Plant
  - Scope: Replace two water pipes and two water pumping stations with four miles of 36” ductile iron piping and one new water pumping station to convey untreated water from the Ragged Mtn Reservoir to the Observatory WTP. The existing facilities have reached the end of their service lives and require replacement to reliably provide untreated water to the recently upgraded Observatory WTP.
  - Completion: February 2025 – June 2029
  - Cost: \$62 million: 52% ACSA / 48% City Utilities

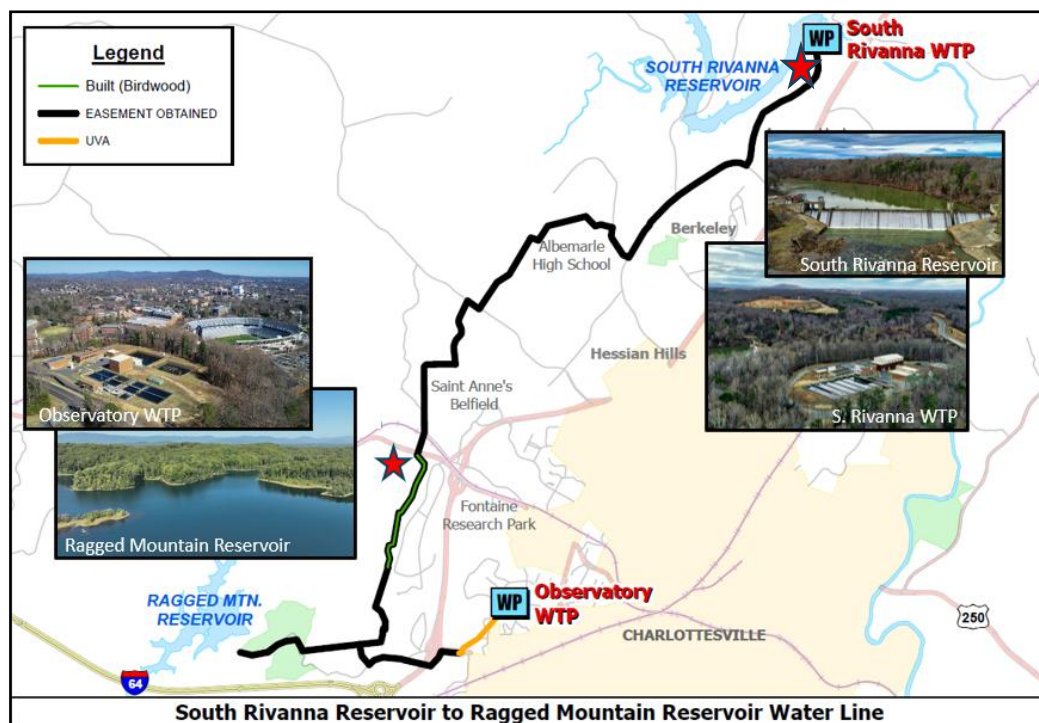


- Urban Area “Central Water Line”
  - Scope: Provide 24” and 36” ductile iron piping to more effectively distribute drinking water for the benefit of City and County residents and businesses. This five-mile-long piping project with two railroad crossings will extend from the Stadium Road area to the Long Street bridge near Pantops. The project will be completed in two concurrent phases of work, as shown by the map below, due to underground conflicts in E. High Street which delayed design of the piping in that area. Pipe installation is currently being completed under the JPA railroad track and in Jefferson Park and Cleveland Avenues. Information meetings are being held with communities along the alignment as construction approaches those areas.
  - Completion: November 2025 – December 2029
  - Cost: \$79 million: 52% ACSA / 48% City Utilities

## Central Water Line Project



- South Rivanna Reservoir to Ragged Mountain Reservoir Pipe and Pump Station
  - Scope: Construct 6.5 miles of 36" ductile iron piping and one pump station to transfer untreated water between the South Rivanna and Ragged Mtn Reservoirs, as required by the community's drinking water supply plan. The new pipe will connect to an existing pipe near Birdwood GC and Rt. 250W. A new pump station and raw water intake structure will be completed at the South Rivanna Reservoir. This infrastructure will increase the water storage capacity of Ragged Mtn Reservoir from 1.4 to 2.1 billion gallons.
  - Completion: March 2026 – December 2030
  - Cost: \$107 million: 80% ACSA / 20% City Utilities



- Ragged Mtn Reservoir Water Level Increase

- Scope: Clear vegetation around the reservoir and complete minor modifications to the intake tower and dam to increase the normal pool level 12 feet and provide 700 million gallons of additional water storage in the reservoir.

The height of the dam will not be increased as it was built to the maximum elevation when constructed in 2014. The trails around the reservoir were also constructed above the maximum water elevation in 2014 and will not be significantly impacted by the project. Upon completion of the project, water can be transferred to Ragged Mtn from Sugar Hollow Reservoir when there is 30 million gallons per day or more spilling from Sugar Hollow Reservoir until the new pipeline from S. Rivanna Reservoir is completed. A project information meeting was held in August 2025 with neighbors along Reservoir Road and others from the community.

- Completion: September 2025 - December 2026
- Cost: \$13 million: 80% ACSA / 20% City Utilities

- South Rivanna River Crossing

- Scope: Provide a second pipe (24" diameter; 1200 feet long) to convey treated drinking water under the river using trenchless technology. The second pipe will provide a redundant water supply and increase capacity to serve the northern area of the Urban Water System.

- Completion: January 2025 – September 2027
- Cost: \$6.5 million: 100% ACSA

- Red Hill Water Treatment Plant Upgrade

- Scope: Provide an additional building to contain water treatment equipment including a granular activated carbon filter.

- Completion: January 2025 – June 2027
- Cost: \$2 million: 100% ACSA, with partial grant from County

- Moore's Creek Administration Building Renovation and Addition

- Scope: Renovate the existing administration building constructed in the 1980's, including improvements to the Laboratory and Information Technology spaces. The project also includes an addition to provide spaces for a community education center and staff currently housed in trailers.

- Completion: August 2025 – December 2027
- Cost: \$29.6 million: 52% ACSA / 48% City Utilities

- Moore's Creek Structural and Concrete Rehabilitation

- Scope: Repair concrete basins and wastewater treatment facilities constructed in the late 1970's.

- Completion: May 2025 – May 2027
- Cost: \$15.5 million: 52% ACSA / 48% City Utilities

- Moore's Creek Upfits and Gravity Thickener Improvements
  - Scope: Renovate the Maintenance and Operations buildings and repair the sludge gravity thickener system and secondary clarifier influent valves.
  - Completion: May 2025 – May 2027
  - Cost: \$11.8 million: 52% ACSA / 48% City Utilities
- Crozet Wastewater Pump Stations Rehabilitation
  - Scope: Replace pumps, valves, and electrical gear in four pump stations constructed in the 1980's which convey wastewater from Crozet to the Moore's Creek Treatment Plant.
  - Completion: April 2026 – July 2027
  - Cost: \$12.3 million: 100% ACSA
- Crozet Water Treatment Plant GAC Expansion
  - Scope: Provide additional building space and equipment to increase the water treatment capacity of the granular activated carbon filter system from 1 to 2.7 million gallons per day.
  - Completion: March 2026 – May 2028
  - Budget: \$12 million: 100% ACSA with \$7 M VDH grant
- Glenmore Wastewater Treatment Plant Repairs
  - Scope: Replace treatment equipment which has reached the end of its service life.
  - Completion: June 2026 – August 2027
  - Budget: \$2 million: 100% ACSA

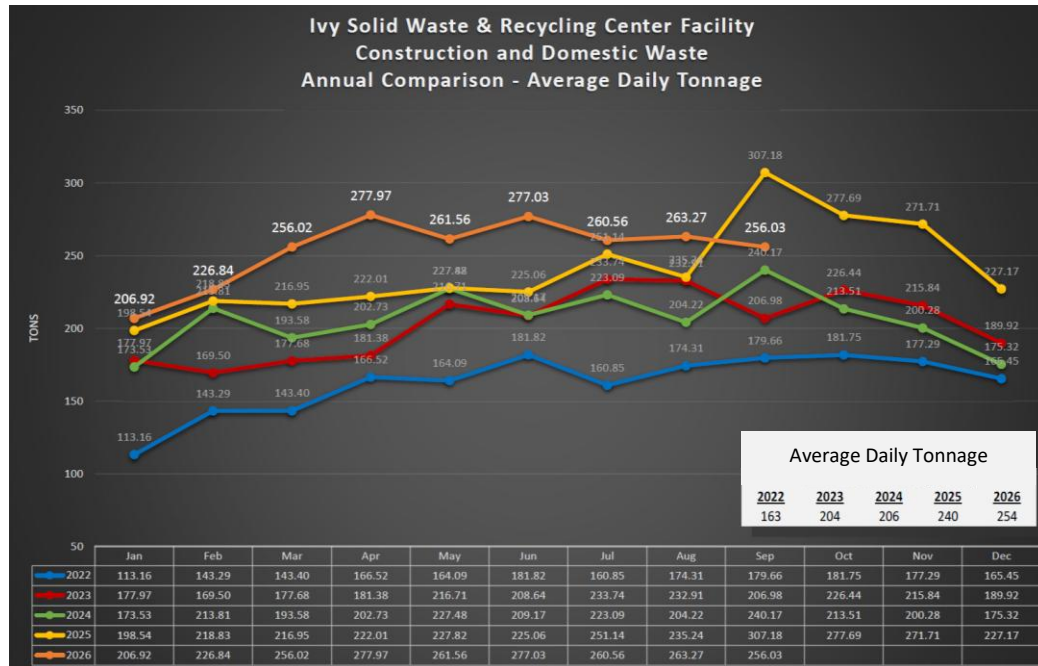
**Construction will begin in 2027 - 2030 for the following major projects:**

- Airport Rd Water Storage Tank and Pumps
  - Scope: Provide one 1 million-gallon, steel, ground-level water storage tank along with larger pumps and larger emergency power generator.
  - Completion: March 2027 – March 2029
  - Cost: \$7.2 M: 99% ACSA w/ 10% of Tank by City Utilities
- Beaver Creek Pump Station and Piping Improvements
  - Scope: Replace the water pump station and piping which convey untreated water from the reservoir to the Crozet Water Treatment Plant.
  - Completion: March 2027 – December 2029
  - Cost: \$39 million: 100% ACSA
- Beaver Creek Reservoir Dam and Spillway Modifications
  - Scope: Replace the spillway to increase the volume of water the spillway can release from the reservoir during storm events to protect the dam.
  - Completion: January 2030 – December 2032
  - Cost: \$34 million: 100% ACSA with partial federal grant

- Dam Concrete and Steel Repairs
  - Scope: Repairs to the South Rivanna, Lickinghole Creek, Totier Creek, and Sugar Hollow concrete dams.
  - Completion: March 2027 – May 2028
  - Cost: \$2.8 M: 52% ACSA/ 48% City Utilities
- Woodburn, Pantops, and Observatory Water Tank Painting
  - Scope: Repairs and painting of water storage tanks.
  - Completion: June 2027 – June 2030
  - Cost: \$6.1 M: 52% ACSA/ 48% City Utilities
- S. Rivanna Water Treatment Plant Wastewater Piping
  - Scope: Construction of a wastewater pipe that will convey residual sludge from the treatment plant to the sanitary sewer system in lieu of hauling sludge off site.
  - Completion: March 2028 – June 2029
  - Cost: \$1.1 M: 52% ACSA/ 48% City Utilities
- Dam Public Safety Improvements
  - Scope: Provide sirens, signage, boat barriers, and other public safety features downstream of Sugar Hollow, South Rivanna and Ragged Mtn Reservoir dams.
  - Completion: June 2027 – December 2028
  - Cost: \$4 M: 52% ACSA/ 48% City Utilities
- N. Rivanna River Crossing and Piping
  - Scope: Provide a second pipe to convey treated drinking water under the river using trenchless technology, as well as replacement of water piping along Rt 29 near the N. Rivanna River. The second pipe will provide a redundant water supply and increase capacity to serve the northern area of the Urban Water System.
  - Completion: September 2027 – December 2030
  - Cost: \$16.5 M: 100% ACSA
- Northern Convenience Center (RSWA)
  - Scope: Construct a recycling and bagged refuse disposal facility located in the Rt. 29N area.
  - Completion: September 2027 – July 2028
  - Cost: \$1.8 M: 100% County
- Upper Schenks Branch Wastewater Piping Replacement, Phase II
  - Scope: Replace sewer piping installed in the mid 1950's to increase system capacity in conjunction with the City's sewer upgrade program. The new piping will be located along McIntire Road between the McIntire Recycling Center and Preston Avenue.
  - Completion: 2018 - 2020
  - Cost: \$10 - 15 million: 100% City Utilities

5. Transfers from the Ivy Solid Waste and Recycling Center:

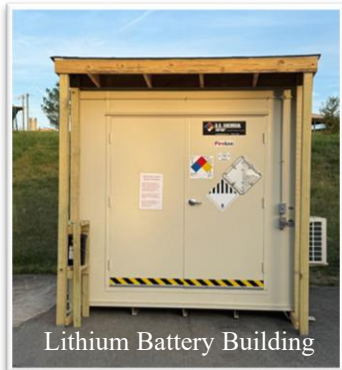
Average daily refuse volume at the Ivy Transfer Station has increased from 180 tons per day in September 2022 to 256 tons per day in September 2026, as shown below. Our contract hauler is driving about 15 trailer loads of refuse to Henrico County for disposal each day, Monday – Friday.



6. RSWA Special Collection Days

Fall Special Collections of electronic waste, household hazardous waste, furniture/mattresses, appliances, and tires at the ISWRC will conclude in October. Participation of City and County customers has been robust.

7. Lithium Battery Disposal Program



The first month's load of lithium batteries collected at the ISWRC was picked up by our Household Hazardous Waste Contractor, Arcwood Environmental from Abingdon, VA. Items collected and recycled included: 5 gallons of Lithium Batteries, 35 gallons of Lithium-Ion Batteries, and 5 gallons of Nickel Cadmium Batteries.

Please let me know if you have any questions.

Sincerely,

William I. Mawyer, Jr., P.E.  
Executive Director

cc: RSWA Board of Directors  
RSWA Board of Directors