



CITY COUNCIL AGENDA
January 18, 2011

6:30 – 7:00 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code
(Second Floor Conference Room)

TYPE OF ITEM

SUBJECT

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS

ANNOUNCEMENTS

“I Am College Material” Seminars

MATTERS BY THE PUBLIC

Public comment will be permitted until 7:35 p.m. (limit of 3 minutes per speaker) and at the end of the meeting on any item, including items on the agenda, provided that a public hearing is not planned or has not previously been held on the matter. Persons are asked to sign up in advance of the start of the meeting.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

1. CONSENT AGENDA*

(Items removed from the consent agenda will be considered at the end of the regular agenda.)

a. Minutes of January 3

b. **APPROPRIATION:**

\$12,520 - Community Attention Youth Internship Program (2nd of 2 readings)

c. **APPROPRIATION:**

\$157,143 – Victim Witness Assistance Program Grant (2nd of 2 readings)

d. **APPROPRIATION:**

\$9,480 – Reimbursement from Albemarle County for Additional Wayfinding Signage (1st of 2 readings)

e. **APPROPRIATION:**

\$14,598.42 – Smith Aquatic Center - Appropriation of Boys & Girls Club Reimbursement (1st of 2 readings)

f. **APPROPRIATION:**

\$1,485 – Virginia Department of Fire Programs, Training Mini – Grant Award (1st of 2 readings)

g. **RESOLUTION:**

Land and Water Conservation Fund Application through the Virginia Department of Conservation and Recreation (1st of 1 reading)

h. **RESOLUTION:**

Restaurant/Music Halls (1st of 1 reading)

i. **ORDINANCE:**

Donation of Land to Habitat for Humanity (2nd of 2 readings)

**2. PUBLIC HEARING /
ORDINANCE**

Sale of Land to Southern Development (1st of 2 readings)

**3. PUBLIC HEARING /
ORDINANCE**

401 4th St (SRO Site) (1st and 2nd readings)

4. REPORT

Water Supply

~~**5. REPORT / RESOLUTION**~~

~~Carver Recreation Center Lease (1st of 1 reading)~~

6. REPORT / ORDINANCE

Electronic Gaming Cafes (1st and 2nd reading)

7. REPORT

SPCA Annual Report and Budget Update

APPROPRIATION
Community Attention Youth Internship Program (CAYIP)
\$12,520

WHEREAS, the City of Charlottesville has been awarded \$12,520 from the Charlottesville Area Community Foundation (CACF).

WHEREAS, the funds will be used to operate the Community Attention Youth Internship Program. The grant award covers the period from January 1, 2011 through June 30th, 2011.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$12,520 is hereby appropriated in the following manner:

Revenue – \$12,520

Fund: 213 Cost Center: 3413003000 G/L Account: 451020

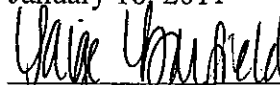
Expenditures - \$12,520

Fund: 213 Cost Center: 3413003000 G/L Account: 530450

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$12,520 from the Charlottesville Area Community Foundation.

Approved by Council

January 18, 2011



Clerk of Council

APPROPRIATION

Charlottesville Victim Witness Assistance Program Grant

\$157,143

WHEREAS, The City of Charlottesville, 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 \$157,143;

WHEREAS, the City is providing a supplement in the amount of \$15,984, the source of which is the Commonwealth Attorney's salary budget (Cost Center: 1401001000; G/L Account: 519999).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$157,143 is hereby appropriated in the following manner:

Revenues

\$105,869	Fund: 209	Cost Center: 1414001000	G/L Account: 430120
\$35,290	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$15,984	Fund: 209	Cost Center: 1414001000	G/L Account: 498010

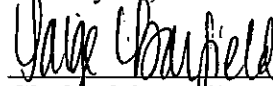
Expenditures

\$143,940	Fund: 209	Cost Center: 1414001000	G/L Account: 510010
\$8,950	Fund: 209	Cost Center: 1414001000	G/L Account: 520010
\$4,253	Fund: 209	Cost Center: 1414001000	G/L Account: 530100

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$141,159 from the Virginia Department of Criminal Justice Services.

Approved by Council

January 18, 2011



Clerk of Council

Land and Water Conservation Fund Authorizing Resolution

A resolution authorizing application(s) for federal funding assistance from the Land and Water Conservation Fund (LWCF) to the Virginia Department of Conservation & Recreation (DCR) as provided in the LWCF Act of 1965, as amended.

WHEREAS, under the provisions of LWCF, federal funding assistance is requested to aid in financing the cost of facility development; and

WHEREAS, Charlottesville City Council considers it in the best public interest to complete the development project described in the application;


NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to make formal application to DCR for funding assistance, and Council agrees to the following conditions:

1. Any fund assistance received be used for implementation and completion of Azalea Park Improvements within the specified timeframe;
2. The City Director of Finance hereby certifies that project funding is currently available and is committed for this project;
3. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required;
4. We acknowledge that any property developed with financial aid from the Land & Water Conservation Fund must be placed in use and be retained as a public outdoor recreation area in accordance with the provisions and requirements of the Land & Water Conservation Fund Act of 1965, as amended;
5. We acknowledge that we are responsible for compliance with the national Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all applicable state and federal laws provided appropriate opportunity for public comment on this application;
6. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required for component approval; and
7. This resolution becomes part of a formal application to the Virginia Department of Conservation & Recreation.

This resolution was adopted by Charlottesville City Council during the meeting held at City Hall in Charlottesville on January 18, 2011

Approved by Council

January 18, 2011


Clerk of Council

**RESOLUTION
TO INITIATE ZONING TEXT AMENDMENTS
TO CONTROL IMPACT OF RESTAURANTS AND MUSIC HALLS
ON NEIGHBORING BUSINESSES AND RESIDENCES.**

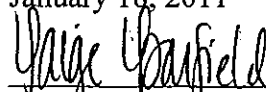
WHEREAS, the City Council of the City of Charlottesville believes that changes to the City Code, Chapter 34 (Zoning) may become necessary to create additional regulatory controls over restaurants and music halls; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare, and good zoning practice require the initiation of a study of certain amendments to Sections 34-156 to 34-184 (Special Use and Provisional Use Permits), Section 34-480 (Commercial Use Matrix), Section 34-796 (Mixed Use Matrix), Sections 34-1170 to 34-1174 (Standards for Provisional Uses), and Section 34-1200 (Definitions), of Chapter 34 (Zoning) of the Charlottesville City Code, 1990, as amended; now, therefore,

BE IT RESOLVED by the City Council of the City of Charlottesville that the Planning Commission is hereby directed to study proposed amendment(s) to the above-listed sections of Chapter 34 of the Charlottesville City Code, 1990 as amended, for additional regulatory control over restaurants and music halls; and

BE IT FURTHER RESOLVED that the Planning Commission will submit its findings and recommendations to the City Council no later than 100 days from the date of this Resolution.

Approved by Council
January 18, 2011



Clerk of Council

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF
CITY-OWNED PROPERTY ON ELLIOTT AVENUE
TO HABITAT FOR HUMANITY**

WHEREAS, the City of Charlottesville is the owner of property currently designated as Parcel 266C on City Real Property Tax Map 29, a portion of which is identified as Lot 1 on the attached proposed subdivision plat dated October 11, 2010, revised October 20, 2010 (hereinafter the "Property"); and

WHEREAS, Habitat for Humanity of Greater Charlottesville, Inc. ("Habitat") wishes to acquire the Property in order to construct a house which will be offered for sale as affordable housing;

WHEREAS, the sale of the Property will fulfill certain elements of City Council's Strategic Plan (Quality Housing Opportunities); and

WHEREAS, in accordance with Virginia Code Section 15.2-1800(B), a public hearing was held on December 20, 2010 to give the public an opportunity to comment on the proposed conveyance of the City property as requested by Habitat; and,

WHEREAS, the City Engineer, the Department of Neighborhood Development Services and the Public Utilities Manager have reviewed the proposed conveyance and have no objection thereto;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the Mayor is authorized to execute a deed of gift, in form approved by the City Attorney, to transfer said Property, designated on the attached subdivision plat as Lot 1 (a portion of existing Parcel 266C on 2010 City Tax Map 29), being approximately 10,482.52 square feet in area, to Greater Charlottesville Habitat for Humanity, Inc. The City Attorney is hereby authorized to take whatever steps are necessary to effect the closing of said property conveyance.

Approved by Council
January 18, 2011



Clerk of Council

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF
CITY-OWNED PROPERTY AT 401 FOURTH STREET, N.W.
TO THE CROSSINGS AT FOURTH AND PRESTON, LLC
FOR CONSTRUCTION AND OPERATION OF A
SINGLE ROOM OCCUPANCY (SRO) FACILITY**

WHEREAS, the City of Charlottesville is the owner of property currently designated as Parcel 26 on City Real Property Tax Map 32 (hereinafter the "Property"), as shown on a survey plat dated January 4, 2010 (the "Plat"); and

WHEREAS, The Crossings at Fourth and Preston, LLC ("The Crossings") wishes to acquire the Property in order to construct a single room occupancy (SRO) facility to provide affordable housing for very low income individuals;

WHEREAS, the sale of the Property will fulfill certain elements of City Council's Strategic Plan (Quality Housing Opportunities); and

WHEREAS, in accordance with Virginia Code Section 15.2-1800(B), a public hearing was held on January 18, 2011 to give the public an opportunity to comment on the proposed conveyance of the City property as requested by The Crossings; and,

WHEREAS, the City Engineer, the Department of Neighborhood Development Services and the Public Utilities Manager have reviewed the proposed conveyance and have no objection thereto;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the Mayor is authorized to execute a special warranty deed, in form approved by the City Attorney, to convey said Property, being approximately 32,431 square feet in area, and shown on the attached plat made by Lincoln Surveying, dated January 4, 2010, to The Crossings at Fourth and Preston, LLC, in accordance with the provisions of the Sales/Purchase Agreement. The City Attorney is hereby authorized to take whatever steps are necessary to effect the closing of said property conveyance.

Approved by Council
January 18, 2011



Clerk of Council

ARTICLE VIII. IMPROVEMENTS REQUIRED FOR DEVELOPMENTS

Division 6. Additional Standards for Specific Uses

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Sec. 34-937. Electronic gaming cafés.

Electronic gaming cafés are prohibited as an ancillary use.

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ARTICLE X. DEFINITIONS

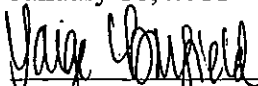
Sec. 34-1200. Definitions.

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Electronic gaming café means a business where persons utilize electronic machines to conduct games, contests, lotteries, schemes, or promotional offerings. The machines include, but are not limited to, computers and gaming terminals. Electronic gaming cafés do not include amusement centers, as defined in Sec. 34-1200. The sale of Virginia Lottery tickets does not, by itself, establish an electronic gaming café. All games, contests, lotteries, schemes, or promotional offerings must be lawfully conducted in accordance with Va. Code Sec. 18.2-325.1, as amended.

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Approved by Council
January 18, 2011


Clerk of Council