



**CITY COUNCIL AGENDA  
May 16, 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**

National Public Works Week, Customer Service Employee Recognition; Bike Week; Charlottesville City Scholarship Program

**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 May 2

b. APPROPRIATION:

\$5,625 – Downtown Mall Directional Signage Purchases (2<sup>nd</sup> of 2 readings)

c. APPROPRIATION:

\$22,840 – City Hall Window Damage - Appropriation of settlement from Nautilus Insurance Company (2<sup>nd</sup> of 2 readings)

d. APPROPRIATION:

\$22,500 – Police Department - Reimbursed Overtime (2<sup>nd</sup> of 2 readings)

e. APPROPRIATION:

\$187,500 – Market Street Parking Garage - Replacement of PARC Equipment (1<sup>st</sup> of 2 readings)

f. APPROPRIATION:

\$23,000 – 2010 State Homeland Security Program Grant (Hazmat) (1<sup>st</sup> of 2 readings)

g. RESOLUTION:

Resolution Supporting the Moratorium on Uranium Mining in Virginia (1<sup>st</sup> of 1 reading)

h. RESOLUTION:

Initiation of Text Change Regarding University Related Uses (1<sup>st</sup> of 1 reading)

i. RESOLUTION:

Initiation of Zoning Text and Map Amendments - 104 Stadium Road (1<sup>st</sup> of 1 reading)

j. ORDINANCE:

Unzoned Properties (2<sup>nd</sup> of 2 readings)

k. ORDINANCE:

Abandonment of Storm Drain Easement (2<sup>nd</sup> of 2 readings)

l. ORDINANCE:

14 and Under Helmet Ordinance (1<sup>st</sup> of 2 readings)

**2. PUBLIC HEARING/  
ORDINANCE\***

Utility Rates (1<sup>st</sup> of 2 readings)

**3. PUBLIC HEARING\***

Rivanna Pumping Station (1<sup>st</sup> of 1 reading)

**4. REPORT**

Final Transit Development Plan (CTG)

**5. REPORT**

Bicycle Safety Committee Update

**6. REPORT**

Athletic Field Allocation Study

**OTHER BUSINESS**

**MATTERS BY THE PUBLIC**

Limit of 3 minutes per speaker.

**APPROPRIATION**

**Downtown Mall Directional Signage Purchases  
\$5,625**

**WHEREAS**, as part of the Downtown Mall project, the hanging directional signs for side street businesses were removed and replaced with new signs that have slots for individual businesses to purchase at \$125 each.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$5,625, received to date for the purchases of signs by Downtown Mall business be appropriated in the following manner:

**Revenue**

\$5,625                      Fund: 425              Project: P-00130              G/L: 451999

**Expenditure**

\$5,625                      Fund: 425              Project: P-00130              G/L: 599999

**BE IT FURTHER RESOLVED** that future funds received from for this purpose will be considered as a continuing appropriation and immediately available unless further altered by Council.

Approved by Council  
May 16, 2011

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

**APPROPRIATION**  
**City of Charlottesville Lump Sum Facilities Development Improvement Fund**  
**\$22,840**

**WHEREAS**, the City of Charlottesville has received compensation from Nautilus Insurance, as a result of damage to windows at City Hall by the contractor in the amount of \$22,840.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$22,840 received from Nautilus Insurance is hereby appropriated in the following manner:

**Revenues - \$22,840**

Fund: 425

Project: CP-004

G/L Account: 451110

**Expenditures - \$22,840**

Fund: 425

Project: CP-004

G/L Account: 530670

Approved by Council  
May 16, 2011

  
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Clerk of Council

**APPROPRIATION**

Police Department – Insurance Recovery and Misc. Revenue and Fees  
\$22,500

**WHEREAS**, the City of Charlottesville Police Department has received revenue, in excess of budgeted revenue, for reimbursed overtime, totaling \$22,500; and

**WHEREAS**, this revenue (\$22,500) is proposed to cover operational expenses of the Police specified below for the remainder of the fiscal year.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$22,500 which has been received is hereby appropriated as follows:

**Revenue**

Fund: 105

Cost Center: 3101001000

G/L Account: 433040

**Expenditures**

Fund: 105

Cost Center: 3101001000

G/L Account: 599999

Approved by Council  
May 16, 2011

  
Clerk of Council

**RESOLUTION  
SUPPORTING THE MORATORIUM  
ON URANIUM MINING IN VIRGINIA**

**WHEREAS**, in 1983, in response to proposals to mine uranium in the Commonwealth of Virginia, the General Assembly enacted a legislative moratorium on the mining of uranium in Virginia, which remains in effect today; and

**WHEREAS**, a company known as Virginia Uranium, Inc. has proposed to establish one of the largest uranium mining operations in North America in Pittsylvania County and has stated to its investors, that it will seek legislation to repeal the moratorium in the 2012 session of the General Assembly; and

Whereas, other localities in Virginia, including but not limited to the counties of Culpeper, Fauquier, Floyd, Madison, Orange and Patrick have all been identified as potential sites for additional uranium mining, thereby extending the potential effects of such mining far beyond Pittsylvania County, and

**WHEREAS**, the 1985 report of the Virginia Uranium Administrative Group is now over a quarter-century old and thus fails to address scientific, environmental, social and economic changes which have since occurred; and

**WHEREAS**, in 2010 the City of Virginia Beach commissioned a study which concluded that uranium mining could significantly impact water quality in Kerr Lake Reservoir and Lake Gaston resulting in radiation levels in the water 10-20 times above the Safe Drinking Water Act levels; and

**WHEREAS**, in 2011 the Kerr-Tar Regional Council of Governments, consisting of twenty-one localities in North Carolina, passed a resolution supporting the moratorium on uranium mining in Virginia and emphasizing the potentially hazardous effects of uranium mining upon the water supply of over one million residents of Virginia and North Carolina; and

**WHEREAS**, in Virginia, Orange County and the Town of Halifax have also passed resolutions supporting the continuance of the moratorium; and

**WHEREAS**, the 2011 National Academy of Sciences "Uranium Mining in Virginia" study, while not yet completed, will not address the criteria mandated by Chapter 3 of the 1983 Virginia Acts of Assembly, specifically section 45.1-285.6 of the Code of Virginia, as necessary for study before any consideration of a

legislative framework allowing uranium mining may be competently conducted;  
and

**WHEREAS**, Virginia Uranium Inc has not disclosed the specific nature of its proposed mining, milling and tailings management, the safety of which thus cannot be addressed by the National Academy of Sciences Study, but which are nevertheless specifically mandated as criteria for study in section 45.1-285.6(E);  
and

**WHEREAS**, because Virginia Uranium Inc, is paying for the National Academy of Sciences Study, this Council questions the perception of impartiality of a study paid for by the very business which is being studied; and

**WHEREAS**, no study can adequately address the social and psychological effect upon prospective business, industry and population considering locating in proximity to uranium mining; and

**WHEREAS**, this Council is convinced that the social and psychological effect of uranium mining will be unquestionably negative, without regard to the assurances in any study of the safety of uranium mining, and will result in business, industry and population deciding to locate in areas other than those in proximity to uranium mining; and

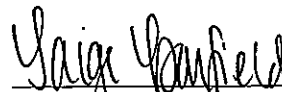
**WHEREAS**, such decisions by prospective business, industry and residents will diminish, and potentially destroy, the economic development efforts of our entire region, and will sacrifice our economic future, including business recruitment, real estate values and retention of youth in our communities, with all the social stresses and ills attendant upon such economic decline, merely for the sake of the limited number of jobs directly created by uranium mining; and

**WHEREAS**, such destructive effects upon the efforts to improve the economy of this region will result in additional strain upon the financial resources of local, state and federal governments, through increased expenditures on social services programs, financial assistance, and subsidies, and will render the millions already spent in economic development ineffective; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of \_\_\_\_\_ supports the continuation of the moratorium on uranium mining in Virginia and believes that uranium mining in Southern Virginia would be destructive to its people and economy, and detrimental to the people and economy of Virginia as a whole.

**BE IT FURTHER RESOLVED**, that the City Administration is directed to publicize this Resolution and communicate it to the legislative delegations representing this City in the General Assembly and United States Congress, to invite and urge all communities and governing bodies potentially affected by uranium mining to join this City in adopting this Resolution, and to take such additional action as is deemed necessary to further the intent of this Resolution.

Approved by Council  
May 16, 2011

  
Clerk of Council

**RESOLUTION**

Be It Resolved by the City Council of the City of Charlottesville that the Planning Commission initiate a study of proposed amendments to Chapter 34, Articles III (Residential District), IV (Commercial District), VI (Mixed Use District), and X (Definition) of the City Code to investigate the proper location for University related uses.

Be It Further Resolved that the Planning Commission will submit its findings and recommendations to the City Council no later than July 31, 2011.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_.

Approved by Council  
May 16, 2011

  
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Clerk of Council



**A RESOLUTION  
TO INITIATE AN AMENDMENT TO THE ZONING CODE AND ZONING MAP  
THAT WILL ADD THE PROPERTY AT 104 STADIUM ROAD (CITY TMP 16-2), TO  
THE LIST OF INDIVIDUALLY PROTECTED PROPERTIES (IPP) SUBJECT TO THE  
CITY'S HISTORIC PRESERVATION AND ARCHITECTURAL DESIGN CONTROL  
OVERLAY DISTRICT ORDINANCE**

**WHEREAS**, the property at 104 Stadium Road (City Tax Map Parcel 16-2), owned by Woodrow Too LLC, is the site of the Stone House, a house built in 1927 blending old Virginia architecture with Bavarian influences; and

**WHEREAS**, the property is not under historic conservation protection by federal, state or local laws, but with an Individually Protected Property (IPP) designation, the property would be subject to design review by the Board of Architectural Review, as well as site plan review; and

**WHEREAS**, City Council has made the designation of 104 Stadium Road as an IPP a condition of sale of the adjoining lot at 409 Stadium Road to Woodrow Too, LLC; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare, and good zoning practice require the initiation of an amendment to the zoning code and zoning map to add the property at 104 Stadium Road to the list of individually protected properties found in Section 34-273(b) of the Charlottesville City Code, 1990, as amended;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville that the amendment to the zoning code as indicated herein is initiated, and this matter is referred to the City Board of Architectural Review for a recommendation pursuant to City Code Sec. 34-274; and to the City Planning Commission for an advertised joint public hearing following notice as required by Virginia Code Sec. 15.2-2204, and for a recommendation by the Commission to City Council, said recommendations to address whether the property at 104 Stadium Road (City Tax Map Parcel 16-2), should be designated as an individually protected property subject to the City's Historic Preservation and Architectural Design Control Overlay District Ordinance.

**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  
May 16, 2011

  
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Clerk of Council

**AN ORDINANCE  
TO ADD A NEW SECTION 34-13 TO ARTICLE I (ADMINISTRATION)  
OF CHAPTER 34 (ZONING) OF THE CODE OF THE  
CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
DESIGNATING ANY PARCEL NOT CLASSIFIED BY THE  
ZONING MAP AS R-1 RESIDENTIAL.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that there is hereby added to Article I of Chapter 34 of the Charlottesville City Code, 1990, as amended, a new section to be numbered 34-13, to read as follows:

**Sec. 34-13. Unzoned parcels.**

Any parcel of land unclassified by the official zoning map and for which none of the rules of interpretation in this chapter apply, and land newly annexed to the city, is hereby designated as being within the R-1 single-family residential district until otherwise designated by the city council.

Approved by Council  
May 16, 2011

  
Clerk of Council

**AN ORDINANCE  
AUTHORIZING ABANDONMENT AND RELEASE  
OF AN EASEMENT FOR STORM DRAINAGE FACILITIES  
ACROSS PROPERTY IN THE PATON STREET SUBDIVISION.**

**WHEREAS**, William Sibley, the owner of property designated as 515 Hanover Street (Parcel 94.11 on City Real Estate Tax Map 23 in the Paton Street Subdivision), has requested abandonment of a storm drain easement crossing his property, said easement being granted to the City by Deed of Easement dated February 22, 1993 and shown on the attached plat dated December 22, 1992; and

**WHEREAS**, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the abandonment of this easement; and

**WHEREAS**, the staff of the Engineering Division and Public Utilities Division have reviewed the request and determined that the City no longer has a need for the storm drain easement since the storm drain line was relocated into the Hanover Street right of way; now, therefore

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Quitclaim, in form approved by the City Attorney, to abandon the above-described easement.

Approved by Council  
May 16, 2011

  
Clerk of Council

Prepared by Charlottesville City Attorney's Office  
Tax Map 23-94.11  
Consideration \$0

**This deed is exempt from recordation taxes imposed by Va. Code Sec. 58.1-802  
pursuant to Va. Code Sec. 58.1-811(C)(4)**

THIS QUITCLAIM DEED made this \_\_\_\_\_, 2011, by and between the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation, (hereinafter, the "City"), Grantor, and WILLIAM L. SIBLEY, Grantee, whose address is 515 Hanover Street, Charlottesville, VA 22903.

WITNESSETH:

WHEREAS, Grantee is the owner of the certain real property in the City of Charlottesville, Virginia, designated on City Real Estate Tax Map 23 as Parcel 94.11 and more particularly described in a deed recorded in the Clerk's Office of the City of Charlottesville, Virginia, in instrument number 201100\_\_\_\_\_ (the "Property"); and,

WHEREAS, the City is the benefactor of a perpetual easement for the construction, replacement, maintenance, extension and repair of storm drain facilities on the Property, said easement being recorded in the aforesaid Clerk's Office in Deed Book 597, Page 901; and,

WHEREAS, the City has agreed to abandon the said drainage easement because the storm drainage facilities have been relocated and the easement is no longer necessary .

WITNESSETH:

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, the Grantor does hereby release and forever quitclaim and abandon all its right, title and interest in and to that certain easement granted by Alice Haney by a deed dated February 22, 1993 and recorded in the aforesaid Clerk's Office in Deed Book 597, Page 901.

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an ordinance adopted by City Council on \_\_\_\_\_, 2011.

WITNESS the following signature and seal:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: \_\_\_\_\_  
Dave Norris, Mayor

COMMONWEALTH OF VIRGINIA  
CITY CHARLOTTESVILLE, to wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by Dave Norris, Mayor, on behalf of the City of Charlottesville, Virginia.

\_\_\_\_\_  
NOTARY PUBLIC  
Registration #: \_\_\_\_\_