



CITY COUNCIL AGENDA
February 19, 2013

TYPE OF ITEM

SUBJECT

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS ANNOUNCEMENTS VSA Poetry Recognition; The Big Read; African American History Month

MATTERS BY THE PUBLIC Public comment will be permitted for the first 12 speakers to sign up in advance of the meeting (limit of 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

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 for January 22

b. **APPROPRIATION:** Contribution for Urban Forest Improvements and Invasive Species Removal in Riverview Park - \$4,000 (2nd of 2 readings)

c. **APPROPRIATION:** Contribution from the American Heritage Foundation for the Charlottesville Fire Department Wellness and Fitness Program - \$5,000 (2nd of 2 readings)

d. **APPROPRIATION:** Appropriation of Visitor's Bureau Fund Balance - \$100,000 (2nd of 2 readings)

e. **APPROPRIATION:** Route 250 Bypass Interchange at McIntire Road – Appropriate \$2,598,762.81 and Transfer \$71,090.07 (2nd of 2 readings)

f. **APPROPRIATION:** Albemarle County Reimbursement for the Fire Protection Assessments Project - \$8,241.78 (1st of 2 readings)

g. **APPROPRIATION:** Disproportionate Minority Contact in Juvenile Justice - \$55,556 (1st of 2 readings)

h. **RESOLUTION:** West Main Streetscape Improvements – \$350,000 Fund Transfer (1st of 1 reading)

i. **RESOLUTION:** Zoning Text Initiation – Parking Lots and Garages (1st of 1 reading)

j. **ORDINANCE:** Emergency Communications Center (ECC) Cost Allocation Agreement between City and County (2nd of 2 readings)

2. REPORT / ORDINANCE* **Classifying Marijuana Possession as a Class IV Misdemeanor**
 (1st of 2 readings)

3. REPORT **Stormwater Utility**
ORDINANCE* Stormwater Utility Ordinance (2nd of 2 readings)
RESOLUTION* Resolution Establishing the Water Resources Protection Program (WRPP) Advisory Committee (1st of 1 reading)

4. REPORT / RESOLUTION* **Council Meeting Guidelines** (1st of 1 reading)

5. REPORT **ADA Curb Ramp Inventory and Pedestrian Initiatives**

6. REPORT **Advocates for a Sustainable Albemarle Population (ASAP) Report**

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION
Contribution for Urban Forest Improvements and Invasive Species
Removal in Riverview Park
\$4,000

WHEREAS, the City of Charlottesville Parks and Recreation Department has received a donation of \$4,000 from an anonymous citizen; and

WHEREAS, the donation will be used for improving the urban forest in Riverview Park.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$4,000, received from the donor, is hereby appropriated in the following manner:

Revenue – \$4,000

Fund: 105

Internal Order: 1800032

G/L Account: 451020

Expenditures - \$4,000

Fund: 105

Internal Order: 1800032

G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$4,000 from the donor.

APPROPRIATION

**Contribution from the American Heritage Foundation for the Charlottesville Fire Department
Wellness and Fitness Program
\$5,000**

WHEREAS, the City of Charlottesville Fire Department has received a donation of \$5,000 from the American Heritage Foundation; and

WHEREAS, the donation will be used for the Fire Department’s wellness and fitness initiatives.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$5,000, received from the American Heritage Foundation, is hereby appropriated in the following manner:

Revenue – \$5,000

Fund: 105 Internal Order: 2000115 G/L Account: 451020

Expenditures - \$5,000

Fund: 105 Internal Order: 2000115 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$5,000 from the American Heritage Foundation:

BE IT FURTHER RESOLVED, that this and future contributions to this account shall be considered automatically appropriated and not deemed to expire unless further altered by Council.

APPROPRIATION

CACVB use of Fund Balance

\$100,000

WHEREAS, the CACVB has a fund balance of \$818,923 as of the end of Fiscal Year 2012, and \$300,000 of that fund balance was carried forward in the year-end appropriation;

WHEREAS, a portion of that fund balance will be used for various marketing expenses in excess of CACVB's FY2013 operating budget; and

WHEREAS, the CACVB Board has approved the use of an additional \$100,000 of the remaining fund balance for this purpose:

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$100,000 is hereby appropriated in the following manner according to the following budget:

Expenditures - \$100,000

\$100,000 Fund: 986 CC: 8101001000 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the approval of the CACVB board.

APPROPRIATION AND TRANSFER

Route 250 Bypass Interchange at McIntire Road

WHEREAS, a total of \$2,603,274.98 in funding for the Route 250 Bypass Interchange at McIntire Road project requires appropriation;

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

Revenues

\$2,285,141.88	Fund: 426	WBS: P-00201	G/L Account: 451999
\$1,265,791.00	Fund: 426	WBS: P-00201	G/L Account: 430120
\$ - 963,909.00	Fund: 426	WBS: P-00201	G/L Account: 430080
\$ 16,121.10	Fund: 426	WBS: P-00201	G/L Account: 451999
\$ 130.00	Fund: 426	WBS: P-00201	G/L Account: 451999

Expenditures

\$2,603,274.98	Fund: 426	WBS: P-00201	G/L Account: 599999
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BE IT FURTHER RESOLVED, that \$1,000 of this appropriation is conditioned upon receipt of remaining insurance settlement.

RESOLUTION

Transfer of Funds in the Capital Improvements Program Fund for West Main Streetscape Improvements \$350,000

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$350,000 be transferred as follows:

Transfer From

<u>Amount</u>	<u>Fund</u>	<u>Project/Cost Center</u>	<u>G/L Account</u>
\$250,000	427	P-00511	599999
\$100,000	425	P-00127	561427

Transfer To

<u>Amount</u>	<u>Fund</u>	<u>Project/Cost Center</u>	<u>G/L Account</u>
\$100,000	427	P-00336	498010
\$350,000	427	P-00336	599999

Approved by Council
February 19, 2013



Clerk of Council

**RESOLUTION
TO INITIATE ZONING TEXT AMENDMENTS
TO REGULATE PARKING LOTS AND PARKING GARAGES**

WHEREAS, the City Council of the City of Charlottesville believes that changes to the City Code, Chapter 34 (Zoning) may be necessary to create additional regulatory controls over parking lots and parking garages; 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 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 potential amendment(s) to Chapter 34 of the Charlottesville City Code, 1990, as amended, related to regulation of parking lots and parking garages; 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.

**AN ORDINANCE
APPROVING AN ADDENDUM TO THE JANUARY 20, 1984 AGREEMENT
BY AND AMONG THE CITY OF CHARLOTTESVILLE,
THE COUNTY OF ALBEMARLE, AND THE UNIVERSITY OF VIRGINIA
FOR THE FUNDING AND OPERATION OF THE
EMERGENCY COMMUNICATIONS CENTER (ECC)**

WHEREAS, the City of Charlottesville, Albemarle County and the University of Virginia have jointly funded and undertaken the operation of a joint dispatch center for the purpose of performing direct dispatching functions for the City, County and UVA law enforcement personnel pursuant to a joint exercise of powers Agreement dated January 20, 1984; and

WHEREAS, this Council desires to amend the January 20, 1984 Agreement (Addendum #2) to revise the funding formula for the Emergency Communications Center to be simpler and more equitable; now, therefore

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the above-described Addendum #2 to the January 20, 1984 Agreement, attached hereto and incorporated herein, is hereby approved, and the City Manager or his designee is hereby authorized to execute Addendum #2 on behalf of the City of Charlottesville, Virginia.

**ADDENDUM #2 TO AGREEMENT DATED JANUARY 20, 1984
BY AND AMONG THE COUNTY OF ALBEMARLE, VIRGINIA,
THE CITY OF CHARLOTTESVILLE, VIRGINIA, AND
THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA**

This Addendum #2, dated January 1, 2013, to the Agreement dated January 20, 1984, and first amended October 10, 2002, by and among the COUNTY OF ALBEMARLE, VIRGINIA, the CITY OF CHARLOTTESVILLE, VIRGINIA, and the RECTOR and VISITORS OF THE UNIVERSITY OF VIRGINIA (collectively referred to as the "Participants").

The Participants agree to the following modifications to the Agreement:

1. Section IV ("Allocation of Costs") is deleted and replaced with the following paragraphs:

a. Operating Costs. Beginning with the fiscal year commencing July 1, 2013, the Management Board shall submit the annual budget request for the Center to each Participant by January 15th of each year in a format generally in accordance with the Uniform Financial Reporting System of the Auditor of Public Accounts for the Commonwealth of Virginia. Operating costs will be allocated among the Participants in direct proportion to their respective shares of the percentage of the numbers of calls for service received by the Center. In preparing for the budget for each year, the Management Board shall obtain the actual number of calls received by the Center for the immediately preceding 12 month period of October 1 through September 30. The Management Board shall use such actual call numbers to recompute the allocation formula for each next ensuing fiscal year. The recomputation shall be made as soon after January 1 as possible to make accurate figures available to the Participants for their annual budget. A hypothetical example of the Funding Formula calculated under this section if it had applied to fiscal year 2012-2013 is attached hereto as Exhibit A. The budget shares for the Participants under the formula calculated under this section are set forth on Exhibit B attached hereto.

b. Capital Improvements Costs. Non-recurring capital items for the Center shall be submitted to each Participant as part of its Capital Improvement Plan (CIP). Capital items include (i) land acquisition, and construction of new facilities; (ii) renovations or additions to existing facilities; (iii) major studies such as facility or systems assessments, engineering or feasibility studies related to facility or system needs; and (iv) equipment requirements. Funding for capital items shall be subject to approval by the Participants. The cost for capital items for the Center shall be allocated among the Participants according to their percentage of actual calls to the Center as determined in section IV(a) above for the fiscal year such capital items are approved by a Participant; provided, however, that each Participant's percentage of cost for a capital item shall not be recomputed each year, but shall remain constant for such capital item. By way of example, the Computer Aided Dispatch System (CADS) is a capital item. The cost allocation of the CADS project is based on the cost allocation among the Participants in effect at the time that project was approved by the Participants and shall remain constant throughout such project, notwithstanding the recalculation of allocations for operating costs pursuant to section IV(a) above.

c. 800 MHz System. Notwithstanding paragraphs a and b above, the capital and operational cost allocation of the 800 MHz Public Safety Project (the 800 MHz System) was established by an Agreement dated June 27, 2003 among the Participants, with the cost allocation based on the number of radios used in the 800 MHz System by the Participants and certain third party users. The capital cost allocation of the 800 MHz System shall remain fixed pursuant to the terms of the Agreement dated June 27, 2003. The operational cost of the 800 MHz System shall continue to be recomputed each year allocating the cost to the Participants equal to the percentage of the number of radios used by each Participant in the 800 MHz System. Unless otherwise agreed to, the capital and operational cost for any communications system

which replaces the 800 MHz System will also be allocated among the Participants equal to the percentage of the number of radios used by each Participant in such replacement system.

d. Fund Balance. The Center may retain a year-end fund balance not to exceed twenty-five percent (25%) of the Center's total annual operating budget. The Management Board will, after each fiscal year audit, return to each Participant its share of any carryover funds in excess of those amounts necessary to fund the reserve fund. The return of such funds to each Participant will be prorated using the allocation formula calculated pursuant to section IV(a) above for such fiscal year. In lieu of returning such funds, the Management Board may formally request alternative uses for such carryover funds, subject to the approval of the Participants.

2. Except as amended hereby, the Agreement remains in full force and effect and the Participants hereby ratify and confirm the provisions, terms and conditions set forth in the Agreement and any amendments or addenda thereto.

WITNESS the following signatures.

COUNTY OF ALBEMARLE

Thomas C. Foley, County Executive

Date

Approved as to form:

County Attorney

CITY OF CHARLOTTESVILLE

Maurice Jones, City Manager

Date

Approved as to form:

City Attorney

**RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA**

Date

Approved as to form:

University Counsel

Proposed Funding Formula

	County	City	UVA	Totals
PD/Fire/EMS Calls	69,826	53,008	21,296	144,130
Percentage	48.45%	36.78%	14.77%	100.00%
	69,826	53,008	21,296	144,130
Percentage	48.45%	36.78%	14.77%	
FY 13 Budget	\$5,326,614			
Minus Internal 800 MHz Public Safety*	\$500,863			
Minus 800 MHz Outside Agencies**	\$271,011			
Total	\$4,554,740			
Total multiplied by % above	\$2,206,772	\$1,675,233	\$672,735	
Internal 800 MHz Public Safety*	\$288,107	\$122,841	\$89,915	
Minus Other Revenue	\$240,189	\$182,335	\$73,222	\$495,746
Total Owed per locality	\$2,254,690	\$1,615,739	\$689,428	
* Internal public safety agencies include:				
Albemarle County Public Safety (37.33%)	\$288,107			
City of Charlottesville Public Safety (15.91%)	\$122,841			
University of Virginia Public Safety (11.65%)	\$89,915			
	\$500,863 ***			
* Outside agencies include (billed individually):				
Albemarle County Schools (11.03%)	\$85,166			
City of Charlottesville Public Works (3.98%)	\$30,710			
City of Charlottesville Schools (2.09%)	\$16,147			
City of Charlottesville Transit (2.30%)	\$17,730			
UVA Transit (2.91%)	\$22,479			
Charlottesville-Albemarle Regional Airport (2.13%)	\$16,463			
Albemarle -Charlottesville Regional Jail (6.23%)	\$48,123			
Rivanna Water & Sewer Authority (2.30%)	\$17,730			
Alcohol, Tobacco & Firearms (0.17%)	\$1,266			
Albemarle County Service Authority (1.97%)	\$15,197			
	\$271,011 ***			

*** These would be billed separately as part of the 800 MHz infrastructure budget
The public safety agencies for each jurisdiction would be included in the localities
portion of the regular budget.

CHARLOTTESVILLE-UVA-ALBEMARLE COUNTY
EMERGENCY COMMUNICATIONS CENTER
BUDGET SHARES

FISCAL YEAR 2012-2013

Description	Cost Center	Albemarle	Charlottesville	UVA	Others	TOTAL
Operations	31040	\$744,421 48.45%	\$565,114 36.78%	\$226,937 14.77%	\$0 0.00%	\$1,536,472
Admin	31041	\$706,479 48.45%	\$536,312 36.78%	\$215,370 14.77%	\$0 0.00%	\$1,458,161
Telecom. 911	31042	\$113,858 48.45%	\$86,433 36.78%	\$34,710 14.77%	\$0 0.00%	\$235,000
EMD	31043	\$159,680 48.45%	\$121,218 36.78%	\$48,678 14.77%	\$0 0.00%	\$329,576
Emergency Services	31045	\$70,487 48.45%	\$53,509 36.78%	\$21,488 14.77%	\$0 0.00%	\$145,485
PS Technology	31046	\$111,391 48.45%	\$84,561 36.78%	\$33,958 14.77%	\$0 0.00%	\$229,909
Co.Fire Com.	31047	\$148,612 48.45%	\$112,816 36.78%	\$45,304 14.77%	\$0 0.00%	\$306,733
800 MHz	31048	\$288,107 37.33%	\$122,841 15.91%	\$89,915 11.65%	\$271,011 35.11%	\$771,874
City Fire	31049	\$151,844 48.45%	\$115,270 36.78%	\$46,290 14.77%	\$0	\$313,404
Total Budget Share		\$2,494,879	\$1,798,074	\$762,650	\$271,011	\$5,326,614
Revenues		-\$240,189	-\$182,335	-\$73,222	\$0	-\$495,746
Total Due		\$2,254,690	\$1,615,739	\$689,428	\$271,011	\$4,830,868

Other Outside Revenues
29,000 (Interest)
10,500 (OES Grant)
453,600 (Wireless Fund)
2,646 (FBI)

\$495,746.00 Total Other Outside Revenues

Total Shares Due FY- 2012-2013
Albemarle County - \$2,254,690
City of Charlottesville - \$1,615,739
University of Virginia - \$689,428
800 MHz Infrastructure Others - \$271,011

**AN ORDINANCE
ADDING A NEW ARTICLE VI (STORMWATER UTILITY) TO CHAPTER 10
(WATER PROTECTION) OF THE CODE OF
THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
TO ESTABLISH A STORMWATER UTILITY FEE TO SUPPORT
A LOCAL STORMWATER MANAGEMENT PROGRAM.**

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

1. There is hereby added to the Charlottesville City Code, 1990, as amended, a new article, to be numbered Article VI, to Chapter 10 of the Charlottesville City Code, to read as follows:

CHAPTER 10. WATER PROTECTION

ARTICLE VI. STORMWATER UTILITY

Sec. 10-100. Authority.

The City is authorized by Virginia Code § 15.2-2114 et seq. to establish a utility and to enact a system of service charges to support a local stormwater management program consistent with the Virginia Stormwater Management Act (Virginia Code § 10.1-603.1 et seq.) or any other state or federal regulation governing stormwater management.

Sec. 10-101. Purpose.

The City Council finds that an adequate, sustainable source of revenue for stormwater management activities is necessary to protect the general health, safety, and welfare of the residents of the City. Further, the City Council finds that property with higher amounts of impervious area contributes greater amounts of stormwater and pollutants to the stormwater management system and waters of the commonwealth and should carry a proportionate burden of the cost. Therefore, the City Council determines that it is in the best interest of the public to enact a Stormwater Utility Fee that allocates program costs to all property owners based on impervious area.

Sec. 10-102. Definitions.

The following definitions shall apply to this Article unless the context clearly indicates otherwise:

Billing Unit means 500 square feet of impervious area.

Director means the Director of Public Works or the Director's authorized representative.

Impervious area means area covered by hard surfaces such as structures, paving, compacted gravel, concrete, or other man-made features that prevent, restrict, or impede the downward passage of stormwater into the underlying soil.

Unimproved parcel means any parcel regardless of zone or land use that has less than 300 square feet of impervious area.

Sec. 10-103. Stormwater Utility Fee.

(a) A Stormwater Utility Fee is hereby imposed on every parcel of improved real property in the City that appears on the real property assessment rolls as of December 31 of each year. All Stormwater Utility Fees and other income from the Fees shall be deposited into the Water Resources Protection Fund.

(b) The rate per billing unit to be used for calculating the Stormwater Utility Fee shall be \$1.20 per month.

(c) Except as otherwise provided in this Article, the impervious area for a property shall be determined by the City using aerial photography, as-built drawings, final approved site plans, field surveys or other appropriate engineering and mapping analysis tools.

(d) Notwithstanding subsection (a) above, and consistent with Virginia Code § 15.2-2114, the Stormwater Utility Fee shall be waived in its entirety for the following:

(1) A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system; except that the waiver of charges shall apply only to property covered by any such permit;

(2) Public roads and street rights-of-way that are owned and maintained by state or local agencies including property rights-of-way acquired through the acquisitions process; and,

(3) Unimproved parcels.

Sec. 10-104. Stormwater Utility Fee calculation.

(a) It is the intent of City Council to set the Stormwater Utility Fee at an amount that will be sufficient to provide for a balanced operating and capital improvement budget for the stormwater utility. Income derived from the utility charges shall be dedicated special revenue and may not exceed the actual costs incurred to operate and maintain the City's stormwater management system.

(b) Unless otherwise specified in this Article, the monthly Stormwater Utility Fee for all property in the City shall be calculated in the following manner:

(1) Determine the impervious area of each parcel of real property in square feet.

(2) Divide the property's impervious area by the billing unit.

(3) Round the resulting calculation to the next highest whole number to determine the number of billing units and multiply by the rate established in Section 10-103 (b) to obtain the monthly Stormwater Utility Fee for the property.

(c) The Stormwater Utility Fee applicable to property held by a common interest community association, as defined in Virginia Code § 55-528, shall be charged directly to the association based on the methodology established in subsection (a) above, except that the Director may develop alternative methodologies for billing fees associated with property held by a common interest community association, including but not limited to dividing the fee among the lots other than the common area that constitute the common interest community.

Sec. 10-105. Stormwater Utility Fee credits.

(a) The City Council shall adopt by resolution a system of credits in accordance with Virginia Code § 15.2-2114.D that provide for full or partial waivers of charges to any person who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings. The amount of the waiver shall be based in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility. The credit policy may also, in accordance with Virginia Code § 15.2-2114.E, provide for full or partial waivers of charges to public or private entities that implement or participate in strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system.

(b) The Department of Public Works will develop written policies to implement the system of credits. No credit will be authorized until the City Council approves written policies to implement the system of credits; a copy of the approved policies shall be on file with the Department of Public Works. Nothing shall prevent the City Council from modifying the adopted system of credits, and such modifications may apply to holders of existing credits.

Sec. 10-106. Water Resources Protection Fund.

(a) The Water Resources Protection Fund is hereby established as a dedicated enterprise fund. The fund shall consist of revenue generated by the Stormwater Utility Fee as well as any other deposits that may be made from time to time by the City Council.

(b) The Water Resources Protection Fund shall be dedicated special revenue used only to pay for or recover costs for the following:

(1) The acquisition, as permitted in Virginia Code § 15.2-1800, of real and personal property, and interest therein, necessary to construct, operate, and maintain stormwater control facilities;

(2) The cost of administration of the Water Resources Protection Program;

(3) Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, whether publicly or privately owned, that serve to control stormwater;

- (4) Facility operation and maintenance;
- (5) Monitoring of stormwater control devices and ambient water quality; and
- (6) Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

Sec. 10-107. Billing, enforcement, and interest.

(a) The Stormwater Utility Fee shall be billed twice annually to the record owner of each parcel subject to the Fee. All such bills shall be mailed not later than fourteen (14) days prior to the due dates of June fifth and December fifth, as the case may be, unless a petition for adjustment has been made in accordance with City Code § 10-108 below. Any fee not paid in full by the respective due date shall be considered delinquent. The billing for the Stormwater Utility Fee may be combined with other billings and, when combined, the order in which payments will be applied will be as follows:

- (1) Stormwater Utility Fee
- (2) All other taxes and fees.

(b) A delinquent Stormwater Utility Fee, in accordance with Virginia Code § 15.2-2114.G, shall be subject to the legal rate of interest provided in Virginia Code § 6.2-301 (A). Such interest shall be applied to late payments overdue for more than thirty (30) days, and shall be calculated for the period commencing on the first day following the day such Fee is first due, until the date the Fee is paid in full.

(c) A delinquent Stormwater Utility Fee, along with cumulative interest, shall constitute a lien on the property ranking on a parity with liens for unpaid taxes and shall be collected in the same manner as provided for the collection of unpaid taxes.

Sec. 10-108. Petitions for adjustments.

(a) Any property owner may request an adjustment of the Stormwater Utility Fee by submitting a request in writing to the Director within 30 days after the date the bill is mailed or issued to the property owner. Grounds for adjustment of the Stormwater Utility Fee are limited to the following:

- (1) An error was made regarding the square footage of the impervious area of the property;
- (2) The property is exempt under the provisions of Sec. 10-103(d) above;
- (3) There is a mathematical error in calculating the Stormwater Utility Fee;
- (4) The identification of the property owner invoiced is in error; or,

(5) An approved credit was incorrectly applied.

(b) The property owner shall complete a Stormwater Utility Fee Adjustment application form available on the City's website or supplied by the Director.

(c) If the application alleges an error in the amount of the impervious area, a plan view of the property's impervious area will be provided by the City with labeled dimensions of all impervious areas within the property boundaries, including buildings, patios, driveways, walkways, parking areas, compacted gravel areas, and any other separate impervious structures identified in the City's impervious area database.

(d) If the applicant is not satisfied with this assessment, the applicant may:

(1) Request a meeting with the Director; and/or,

(2) Submit an appeal with a revised plan signed and sealed by a Professional Engineer or Professional Land Surveyor licensed in the Commonwealth of Virginia attesting to the accuracy of the impervious area measurements.

(e) The requirement for a plan view of the property's impervious area required in subsection (c) above may be waived by the Director, if at the sole discretion of the Director the error is obvious and is the result of a technical error or oversight by the City. In such case, the City shall be responsible for recalculating the impervious area of the property.

(f) The Director shall make a determination within 45 days of receipt of a complete submittal for the request for adjustment. In the event that the Director finds that the appeal is deficient or incomplete, the Director shall offer the owner 60 days to supply the missing information. The 45 day time for a decision will begin at such time as the requested information is provided. If the information requested is not provided to the Director within 60 days of the original request, the petition will be deemed withdrawn.

(g) The Director's decision on a Stormwater Utility Fee adjustment petition is a final decision from which an aggrieved party may appeal to the Circuit Court for the City of Charlottesville.

2. This ordinance shall take effect on January 1, 2014 with first billing in April/May 2014. The first billing will cover the six month period from January 1, 2014 to June 30, 2014.

**A RESOLUTION
ESTABLISHING A STORMWATER UTILITY / WATER RESOURCES
PROTECTION PROGRAM ADVISORY COMMITTEE**

WHEREAS, the City is developing a comprehensive Water Resources Protection Program (WRPP), designed to ensure regulatory compliance, address drainage and flooding problems, provide for stormwater infrastructure rehabilitation and environmental protection and restoration, and promote public education, outreach and involvement; and,

WHEREAS, the City is also proposing the establishment of a stormwater utility that includes a Water Resources Protection Fund, with dedicated revenue through a stormwater utility fee levied on improved real property in the City; and,

WHEREAS, the City Council and City staff members responsible for the continued development and implementation of the WRPP and stormwater utility will benefit from the guidance, oversight and recommendations that can be provided by a Council-appointed advisory committee.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that there is hereby established a City of Charlottesville WRPP Advisory Committee as follows:

(a) City Council shall appoint an advisory committee between seven and eleven members.

(b) The committee will include, but not be limited to, City homeowners, representatives of the City's business community, representatives of local institutions and services agencies, and individuals with technical expertise and subject matter interest in stormwater management and its impact on water quality. The initial appointments will include two members appointed for a one year term; two members appointed for a two year term; and three members appointed for a three year term. Thereafter all appointments shall be for three year terms. The initial appointments will be made effective January 1, 2014.

(c) The duties of the advisory committee shall be as follows:

- To engage in matters pertaining to the Water Resources Protection Program;
- To conduct periodic assessments of program priorities and funding needs, including recommendations for potential adjustments in the stormwater utility fee rate by City Council once specific program objectives or milestones have been satisfied;
- To monitor the formulation and implementation of the Water Resources Protection Program including the following elements:
 - Master planning
 - Infrastructure rehabilitation, repair, and maintenance

- Progress with respect to pollutant reduction requirements established via the municipal separate storm sewer system (MS4) general permit
 - Capital drainage program;
- To meet with the Program Administrator at least three (3) times per year for the purpose of making recommendations on policy matters concerning the water resources protection program;
- To make an annual report to City Council.