



**CITY COUNCIL AGENDA  
May 20, 2013**

6:00 p.m. – 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**

City Scholarship Recipients; Police Memorial Week

**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 April 15, May 6
  - b. APPROPRIATION: Virginia Department of Health Special Nutrition Program Summer Food Service Program – \$95,000 (2<sup>nd</sup> of 2 readings)
  - c. APPROPRIATION: Police Department - Special Events Overtime and Miscellaneous Revenue - \$100,000 (2<sup>nd</sup> of 2 readings)
  - d. APPROPRIATION: Hillsdale Drive Improvements – Appropriation of Payment from Stonefield Developers for Traffic Improvements - \$800,000 (2<sup>nd</sup> of 2 readings)
  - e. RESOLUTION: Addition of Tree Commission Member to PLACE Task Force (1<sup>st</sup> of 1 reading)
  - f. RESOLUTION: FY 2013 Budget Supplement to Police Department for Costs Associated with Investigation – \$127,000 (1<sup>st</sup> of 1 reading)
  - g. ORDINANCE: Affordable Dwelling Unit Amendment (2<sup>nd</sup> of 2 readings)
  - h. ORDINANCE: Amendment to Subdivision Ordinance to Allow an Option to Contribute to Sidewalk Fund (2<sup>nd</sup> of 2 readings)
  - i. ORDINANCE: City Code Change - Chapter 26 – Solid Waste, Article V – Large Item Refuse Collection and Disposal (1<sup>st</sup> of 2 readings)
  - j. ORDINANCE: Increases in Certain Parking Fines (1<sup>st</sup> of 2 readings)
- 2. PUBLIC HEARING / ORDINANCE\*** Proposed Utility Rates for FY 2014 (1<sup>st</sup> of 2 readings)
- 3. PUBLIC HEARING / ORDINANCE\*** Human Rights Commission (2<sup>nd</sup> of 2 readings)
- 4. PUBLIC HEARING** Adoption of the 2013 Comprehensive Plan
- 5. REPORT** Youth Council
- 6. ORDINANCE\*** Stonehenge PUD (2<sup>nd</sup> of 2 readings)
- 7. RESOLUTION\*** Stonehenge PUD Critical Slope Waiver Request (1<sup>st</sup> of 1 reading)

*(Continued on next page)*

**8. RESOLUTIONS\***

Promise House Funding Allocation

- City of Promise Land Transfer & Approval of Development Costs (Transfer of Funding From Within the Capital Projects Funds) - \$306,148.92 (1<sup>st</sup> of 1 reading)
- Authorization to Seek Construction Bids for 210, 206 and 204 8th Street, N.W. (1<sup>st</sup> of 1 reading)
- Acceptance of Property from Habitat for Humanity 210 8th Street, N.W. (1<sup>st</sup> of 1 reading)

**9. ORDINANCE\***

City Speed Limit Reduction (2<sup>nd</sup> of 2 readings)

**10. RESOLUTION\***

1335 Carlton Avenue (PACE Center) SUP (1<sup>st</sup> of 1 reading)

**OTHER BUSINESS  
MATTERS BY THE PUBLIC**

\*ACTION NEEDED

**APPROPRIATION**

**Virginia Department of Health Special Nutrition Program  
Summer Food Service Program  
\$95,000**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$95,000 from the Virginia Department of Health Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs; and

**WHEREAS**, the grant award covers the period from period June 1, 2013 through December 31, 2013.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$95,000, received from the Virginia Department of Health Special Nutrition Program, is hereby appropriated in the following manner:

**Revenue – \$95,000**

Fund: 209                      Internal Order: 1900200                      G/L Account: 430120

**Expenditures - \$95,000**

Fund: 209                      Internal Order: 1900200                      G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$95,000 from the Virginia Department of Health Special Nutrition Program.

**APPROPRIATION**  
**Police Department – Special Events Overtime and Misc. Revenue**  
**\$100,000**

**WHEREAS**, the City of Charlottesville Police Department has received revenue, in excess of budgeted revenue, for reimbursed overtime, totaling \$100,000; and

**WHEREAS**, this revenue \$100,000 will 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 \$100,000 which has been received is hereby appropriated as follows:

**Revenue**

	<b>Fund</b>	<b>Cost Center</b>	<b>G/L Account</b>
\$ 1,500	105	3101001000	430080
\$10,368	105	3101001000	431110
\$ 3,600	105	3101001000	434581
\$34,911	105	3101001000	451999
\$27,708	105	3101001000	434291
\$12,200	105	3101001000	434810
\$ 9,713	105	3101001000	451110

**Expenditures**

	<b>Fund</b>	<b>Cost Center</b>	<b>G/L Account</b>
\$100,000	105	3101001000	599999

**APPROPRIATION**

**Hillsdale Drive Improvements – Appropriation of Payment from Stonefield Developers for  
Traffic Improvements  
\$800,000**

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia, that \$800,000 shall be appropriated for the purpose of traffic improvements at Hillsdale Drive.

**Revenue**

\$800,000                      Fund: 426                      Project #:      P-00767                      G/L Acct: 451999

**Expenditure**

\$800,000                      Fund: 426                      Project #:      P-00767                      G/L Acct: 599999

**BE IT FURTHER RESOLVED** that is appropriation is contingent upon the receipt of \$800,000 from Stonefield Developers.

## RESOLUTION

**BE IT RESOLVED** by the City Council of the City of Charlottesville that the PLACE Design Task Force membership be increased by adding an *ex officio* member from the Tree Commission, such member to be selected by the Tree Commission members.

**RESOLUTION**  
**FY 2013 Budget Supplement to Police Department for Costs Associated with Investigation -**  
**\$127,000**

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Charlottesville, Virginia that the sum of \$127,000 be transferred as follows:

**Transfer From - \$127,000**

<b>Fund</b>	<b>Cost Center</b>	<b>G/L Account</b>
105	1641001000	599999

**Transfer To - \$127,000**

<b>Fund</b>	<b>Cost Center</b>	<b>G/L Account</b>
105	3101001000	599999

**AN ORDINANCE  
AMENDING AND REORDAINING SEC. 34-12 OF CHAPTER 34 (ZONING)  
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
TO CHANGE THE INDEX USED TO CALCULATE  
OPTIONAL CASH CONTRIBUTIONS TO SATISFY AFFORDABLE  
HOUSING REQUIREMENTS FOR DEVELOPMENTS.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Section 34-12 of Article I of Chapter 34 of the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reordained, as follows:

**CHAPTER 34. ZONING**

**ARTICLE I. ADMINISTRATION**

**Sec. 34-12. Affordable dwelling units.**

(a) Upon approval of a rezoning or special use application approving a residential project, or the residential portion of a mixed-use project with a density equal to or greater than 1.0 floor-area ratio (FAR), or an equivalent density based on units per acre, the applicant shall provide on-site affordable dwelling units as part of the project, and the total gross square footage of such units shall be five (5) percent of the amount of the gross floor area of the project that exceeds 1.0 FAR or an equivalent density based on units per acre.

(b) For purposes of this section, "applicant" shall mean the person or entity submitting a rezoning or special use application for approval of a residential or mixed-use project that contains residential dwelling units in the city and shall include the successors or assigns of the applicant.

(c) For purposes of this section, "affordable dwelling units" mean units committed for a thirty-year term as affordable to households with incomes at sixty (60) percent or less of the area median income.

(d) As an alternative, upon approval of a rezoning or special use application approving a residential project, or the residential portion of a mixed-use project with a density equal to or greater than 1.0 FAR, or an equivalent density based on units per acre, the applicant may elect to provide any one (1) of the following:

- (1) Affordable dwelling units at an off-site location in the city, the total gross square footage of such units shall be five (5) percent of the amount of the gross floor area of the project that is over 1.0 FAR, or an equivalent density based on units per acre; or
- (2) A cash contribution to the city's affordable housing fund, which contribution shall be calculated as follows for each of the density tiers described below:



- a. Two dollars (\$2.00) per square foot of gross floor area for residential projects greater than 1.0 FAR or an equivalent density based on units per acre.
- b. For mixed-use projects, cash contributions shall be calculated by applying the proportionate amount of residential gross floor area at two dollars (\$2.00) per square foot.

(e) The cash contribution shall be indexed to the Consumer Price Index in the South Urban Region for Housing in the Charlottesville Metropolitan Statistical Area as published by the Bureau of Labor Statistics and shall be adjusted annually based upon the changes made in January to such index.

(f) Except as otherwise provided, upon approval of a rezoning or special use permit that is subject to this section, any site plan submitted for review in conjunction therewith shall be acted upon by the director of neighborhood development services or planning commission within twenty-one (21) days after the date such plan was officially submitted.

**AN ORDINANCE  
AMENDING AND REORDAINING SECTION 29-182 OF ARTICLE IV  
OF CHAPTER 29 (SUBDIVISION OF LAND) OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
RELATING TO ESTABLISHING AN OPTION TO CONTRIBUTE TO  
THE SIDEWALK FUND IN LIEU OF REQUIRED SIDEWALK  
CONSTRUCTION**

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

**1. Section 29-182 of Article IV (Design and Improvements) of Chapter 29 (Subdivision of Land) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:**

**Sec. 29-182. Standards for streets and alleys.**

(a) . . .

(b) . .

. . . .

(j) *Related improvements.*

- (1) Streets shall be constructed in accordance with the Standards and Design Manual with public facilities and infrastructure within the dedicated right-of-way where required.
- (2) Sidewalks shall be constructed to approved city standards on both sides of every new street, and the dedicated right-of-way for a public street shall be sufficient to permit installation of the sidewalk within the right-of-way on both sides of such street.
- (3) Where land being subdivided or developed fronts on an existing street, and adjacent property on either side has an existing sidewalk, the subdivider shall construct a sidewalk, and shall dedicate land to the public for such sidewalk, to connect to the existing sidewalk. On a residential lot or a lot containing at least one (1) residential unit, the subdivider or developer thereof may, in the alternative, choose to contribute to a sidewalk fund, maintained and administered by the City, an amount equivalent to the cost of the dedication of land for and the construction of a sidewalk on the property.
- (4) Each sidewalk proposed to be accepted for maintenance by the city shall be marked on a plat as being "dedicated to the city for public use," and where practicable shall be located within the dedicated right-of-way for a public street. Each sidewalk proposed to be privately maintained shall be conveyed to a homeowners association or other private individual or entity, for ownership and perpetual maintenance, and shall be located outside the dedicated right-of-way for a public street. The agent or commission may require that a sidewalk proposed by the subdivider be privately maintained instead of being dedicated to the public, if the agent or commission determines there is not a need for the sidewalks to be publicly owned and maintained.

- (5) The agent or commission may vary or approve exceptions to the sidewalk requirements or other design standards that are the subject of this subparagraph. A request for a variance or exception may be made prior to or with submittal of a preliminary plat. If such a request is made, it shall include: a written statement of the justification for the request. In reviewing a request, the agent or commission shall consider, in addition to the factors set forth within section 29-36, and as may be applicable to the particular request: (i) whether a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood; (ii) whether sidewalks on only one (1) side of the street may be appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, tree cover, or wetlands, or because lots are provided on only one (1) side of the street; (iii) whether the sidewalks reasonably can connect into an existing or future pedestrian system in the area; (iv) whether the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit; (v) whether an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider; (vi) whether the sidewalks would be publicly or privately maintained; (vii) whether the waiver promotes the goals of the comprehensive plan, including the applicable neighborhood plan; and (viii) whether waiving the requirement would enable a different principle of the neighborhood plan to be more fully achieved. (1)

2. **This ordinance shall take effect on July 1, 2013.**

**AN ORDINANCE AMENDING AND REORDAINING CHAPTER 2  
(ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990),  
AS AMENDED, BY ADDING A NEW ARTICLE XV ENTITLED HUMAN RIGHTS.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia that Chapter 2 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reordained by adding a new Article XV entitled Human Rights, which Article shall read as follows:

**Article XV. Human Rights**

**Sec. 2-430. Short title.**

This Article shall be known and referred to as the Charlottesville Human Rights Ordinance.

**Sec. 2-431. Unlawful discrimination prohibited.**

(a) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status or disability.

(b) As used herein, the term “discrimination on the basis of sex” is defined to include, but not be limited to, discrimination on the basis of gender identity, transgender status or sexual orientation.

(c) As used herein, the term “unlawful discriminatory practice” includes conduct in violation of any comparable Virginia or federal statute or regulation governing unlawful discrimination.

**Sec. 2-432. Human Rights Commission.**

(a) There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine members appointed by the City Council. The Commission membership shall be broadly representative of the City’s population, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups within the City. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

(b) The Commission shall elect from its members a chair, a vice-chair, and such other officers as the Commission may deem appropriate. The Commission may also adopt rules and procedures to govern the conduct of its affairs.

(c) Members of the Commission shall serve without compensation, but funds may be appropriated in the City’s annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.

(d) All meetings of the Commission shall be advertised in advance and in the manner required by law, and shall be open to the public except for meetings lawfully closed pursuant to the Virginia Freedom of Information Act. At the beginning and at the end of each of its public meetings the Commission will receive public comment in accordance with City Council’s “Rules for Public Participation”.

(e) The Commission may, in its discretion, delegate any of its duties or responsibilities hereunder to a panel of not less than three Commissioners.

(f) There shall be a full-time Director of the Commission, who shall be appointed by the City Manager with the advice and consent of the Commission and who shall serve full time in that capacity. The Director will be responsible for and report to the Commission in the day-to-day operational conduct of the Commission’s activities. The Director shall report directly to the City Manager for administrative and fiscal matters. The City Manager shall delegate to the Director the authority to employ such additional staff as authorized and funded by the City Council, in order for the Commission to fulfill effectively its obligations under this Ordinance.

(g) All City departments, boards and commissions shall cooperate with and provide assistance to the Commission, including the provision of information in response to reasonable requests from the Commission.

(h) Legal counsel shall be provided to the Commission and its staff through the Office of the City Attorney. The City Council may authorize retention of outside counsel where deemed appropriate upon recommendation of the City Attorney.

**Sec. 2-433. Role of the Human Rights Commission.**

The role of the Human Rights Commission is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Commission will:

(a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;

(b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;

(c) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;

(d) Make recommendations regarding the City’s annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination;

**Sec. 2-434. Duties and responsibilities – Community dialogue and engagement.**

(a) The Commission will serve as a forum for the discussion of human rights issues, and

be responsible for conducting ongoing efforts to engage community members in an open, honest and creative dialogue regarding issues of equity and opportunity, including but not limited to issues considered by the City's Dialogue on Race initiative.

(b) The Commission may conduct or engage in educational and informational programs for the promotion of mutual understanding, reconciliation and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community.

**Sec. 2-435. Duties and responsibilities – Systemic issues.**

(a) The Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that:

(1) May be unlawful discriminatory practices; or,

(2) May not constitute unlawful discriminatory practices but nevertheless which produce disparities that adversely impact affect individuals on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability.

(b) Any review undertaken pursuant to this section may be initiated at the request of any other public or private entity, or by the Commission on its own initiative.

(c) The Commission may conduct its own research and review of existing studies and literature, collaborate with other research organizations, organize public focus groups and hold such hearings as may be necessary to identify policies, practices and systems as referenced in (a), above. For each such identified policy, practice or system, the goal of the Commission will be to formulate recommendations and to propose concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices.

**Sec. 2-436. Reserved.**

**Sec. 2-437. Duties and responsibilities – Investigation of individual complaints and issuance of findings.**

(a) The Director will develop and implement a central intake mechanism for receiving and processing individual complaints that allege an unlawful discriminatory practice in the City.

(b) In cases where investigation and remediation are already available in the City, such as employment discrimination complaints within the jurisdiction of the Equal Employment Opportunity Commission ("EEOC") or fair housing complaints addressed by the Piedmont Housing Alliance, the complaint will be referred to that agency so that investigation and enforcement may be initiated by those bodies, which will offer services in the City and, to the extent allowed by law, report their findings to the Commission.

(c) For all other complaints alleging an unlawful discriminatory practice as defined herein within the corporate limits of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, fact-finding, mediation, conciliation, and, if necessary, full investigation of the complaint as he or she deems appropriate to ascertain the facts underlying the charge of discrimination, provided that the complaint may be dismissed by the Director without investigation if it fails to adequately allege a violation of this ordinance or is otherwise deficient on its face. If the complaint is not dismissed the Director will serve a copy on

each respondent named therein. Upon completion of the initial investigation, the Director shall render a written determination of whether there is probable cause to believe a violation of this ordinance has occurred, and the facts supporting such determination. The written determination shall promptly be served on the parties.

(d) If the Director determines that there is probable cause to believe a violation has occurred, the Director will propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means. Nothing herein shall be interpreted as requiring any party to participate in mediation or any other conciliatory efforts. Materials used and communications made during a mediation or informal conciliation shall be confidential, and shall not be disclosed to the public by the Director, the Commission or its staff unless disclosure is authorized in writing by all parties to the dispute.

(e) If the mediation or conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written conciliation or settlement agreement. Unless all parties agree otherwise the execution of a written agreement is solely for the purpose of settling a disputed claim, and does not constitute an admission by any party that the law has been violated. No further action on the initial complaint will be taken by the Commission or its staff once the agreement is executed. If mediation or conciliation is not successful, the Director or designee may conduct further investigation or, if further investigation is not warranted, either dismiss the complaint as not constituting a violation or proceed with the preparation of materials for consideration by the Commission, as provided in section 2-439.1 (b).

(f) In order to fulfill the requirements of this section, the City Manager is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discriminatory conduct as prohibited in section 2-431, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is probable cause to believe a violation of this ordinance has occurred, conducting mediations or conciliations of complaints and advising the Director of the Commission of the results of any investigation, mediation or conciliation of complaints.

**Sec. 2-438. Reserved.**

**Sec. 2-439.1. Enforcement authority – The role of the Commission.**

(a) If the Director determines that there is insufficient probable cause to believe a violation of this ordinance has occurred, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) business days of receipt of notice of the dismissal, the complainant files with the Commission a request for a review of the determination of the Director. On written petition of the complainant the Commission may review the Director's conclusion, and may either overrule or affirm the finding of no probable cause. The parties may submit such additional information as they desire for the Commission's consideration. If the Commission determines that probable cause exists, it shall direct the Director to continue the investigation or proceed with conciliation efforts.

(b) If the Director determines that probable cause to believe a violation did occur and either party declines to participate in mediation or other informal means of resolving the complaint, or if such efforts are attempted but unsuccessful, the Director shall prepare a written summary of the evidence on which the determination of probable cause is based, and shall

recommend appropriate remedies for the discriminatory actions in a report to the Commission. The Commission shall determine by majority vote whether to hold a public hearing on the complaint. The Commission shall base its determination on its judgment as to how enforcement of this ordinance would be best served. If the Commission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this ordinance and the powers of the Commission hereunder.

(c) If a hearing is to be held, the Commission shall promptly notify the parties of the time, date and location of the hearing and serve upon them a statement of the charges against the respondent, the Director's summary of the evidence and recommended remedies, and the issues to be considered at the hearing. The Commission will have the option to consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the hearing to one or more of the allegations or issues. The notice and statement shall be served no later than 14 days prior to the date of the hearing. Hearings of the Commission may be held before the entire Commission or before designated hearing panels, consisting of three or more members of the Commission, as the Commission in its discretion may determine. The Chair or a Commissioner designated by the Chair shall preside over the public hearing, which shall be open to the public.

(d) Whenever the Commission has reasonable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, and the Commission, after a good faith effort to obtain the data and information necessary to determine whether a violation has occurred, has been unable to obtain such information, it may request the City Attorney to apply to the judge of the circuit court of the jurisdiction in which the respondent resides or is doing business for a subpoena *duces tecum* against any person refusing to produce such data and information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. For purposes of this section, "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

(e) In cases to be heard by the Commission the complainant and the responding parties shall be entitled:

- (1) To file written statements or arguments with the Commission prior to the hearing;
- (2) To be represented by privately retained counsel of his or her choice;
- (3) To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;
- (4) To submit rebuttal evidence; and
- (5) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The Commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.



(f) The Director shall be responsible for assuring the development of the evidentiary record before the Commission and may introduce evidence, examine or cross-examine witnesses, or make argument if he or she deems it advisable in order to fully apprise the Commission of the facts or the applicable law. The Commission shall keep a full record of the hearing, which record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the Commission furnish such party a copy of the hearing record and shall reimburse the Commission for the cost of producing the copy. In matters where any party is represented by counsel, the office of the City Attorney shall provide an attorney as counsel to the Commission who will also assist the Director in preparing the case.

(g) If, after the hearing, the Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this ordinance, the Commission shall state its findings and may issue recommendations, to be served promptly on the parties, which recommendations may include notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this ordinance, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the Commission to be so entitled by reason of the violation(s) of this ordinance, or the placement or restoration of any person in or to such status in which the Commission finds he or she would be but for respondent's violation(s) of this ordinance.

(h) If, after receiving the evidence presented at the hearing, the Commission finds that the respondent has not engaged in the alleged violation(s) of this ordinance, the Commission shall state its findings and shall dismiss the complaint. Prompt notice of such action shall be given to the parties.

(i) Nothing herein shall be construed as authorizing the Commission to issue subpoenas, award damages or grant injunctive relief.

#### **Sec. 2-439.2. Enforcement authority – Court enforcement.**

(a) If the Commission finds that a respondent has committed a violation of this ordinance and determines that appropriate remedial measures have not been taken, the Commission, through the City Attorney, and subject to approval by the City Council, may file an appropriate action in any court of competent jurisdiction to prove, *de novo*, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory and / or punitive damages and a recovery of costs and attorney's fees for any person, including the City, injured as a result of a violation of this chapter.

(b) If the City Council approves the institution of any proceeding in court, the proceeding shall be brought in the name of the City Council and the Human Rights Commission of the City of Charlottesville.

#### **Sec. 2-440. Confidentiality.**

It shall be unlawful for any Commissioner, officer, employee, contractor or staff member of the Commission to disclose or make public any complaints, investigative notes, or other correspondence and information furnished to the Commission or its staff in confidence with respect to a complaint, an investigation or conciliation process involving an alleged unlawful

discriminatory practice. A violation of this section shall be a Class 3 misdemeanor.

**Sec. 2-441. Annual Report.**

The Commission shall make an annual comprehensive report to City Council that outlines its efforts during the preceding year in the areas of identifying and addressing systemic or institutional discrimination; processing individual complaints of unlawful discrimination; and facilitating a community dialogue regarding issues of human rights. The report shall also outline the Commission's work plan for the ensuing year, which shall be subject to approval or modification by City Council.

**Sec. 2-442. Severability.**

The provisions of the Article are severable; and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Article, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Article would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

**Sec. 2-443. Reserved.**

ZM-12-04-06

**AN ORDINANCE  
APPROVING A REQUEST TO REZONE PROPERTY LOCATED AT  
STONEHENGE AVENUE FROM R-1S (RESIDENTIAL – SMALL LOT)  
TO PLANNED UNIT DEVELOPMENT (PUD).**

**WHEREAS**, Vulcan Development Company, LLC (“Applicant”), owner of the property on Stonehenge Avenue designated as Parcels 81.8, 91, 120, 120A-C, 121, 122.4, 122.5, 122.6 and 122.7 on City Tax Map 60, submitted an application seeking a rezoning of such property from R-1S (Residential-Small Lot) to Planned Unit Development (PUD), hereinafter the “Proposed Rezoning”; and

**WHEREAS**, joint public hearings on the Proposed Rezoning were held before the City Council and Planning Commission on February 12, 2013 and April 9, 2013, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, legal notice of the public hearings held on February 12, 2013 and April 9, 2013 were advertised in accordance with Va. Code Sec. 15.2-2204; and

**WHEREAS**, the Applicant submitted a Preliminary Proffer Statement dated March 20, 2013, as required by City Code Section 34-64(a), and presented the Preliminary Proffer Statement to the Planning Commission on April 9, 2013; and

**WHEREAS**, on February 12, 2013, the Planning Commission voted to recommend denial of the Proposed Rezoning to the City Council on the basis that: (i) the application provided too few details on how the project would accomplish the standards required of a PUD within the City; (ii) the proposed PUD was not harmonious with the surrounding neighborhood; (iii) the proposal was not of an equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern; and (iv) the development was not an innovative arrangement of buildings and open spaces; and

**WHEREAS**, the Applicant submitted a Final Proffer Statement dated April 10, 2013, as required by City Code Section 34-64(c), and made a part of these proceedings; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Rezoning; that both the existing zoning classifications “R-1S” and PUD zoning classifications (subject to proffered development conditions) are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning from R-1S Residential-Small Lot to Planned Unit Development (PUD), subject to the proffered development conditions set forth within the Final Proffer Statement, the property located on Stonehenge Avenue.

**RESOLUTION APPROVING THE REQUEST TO WAIVE  
THE CRITICAL SLOPE REQUIREMENTS  
OF CITY CODE SECTION 34-1120(b) FOR PROPERTY ON  
STONEHENGE AVENUE.**

**WHEREAS**, the owner of property designated as Parcels 81.8, 91, 120, 120A-C, 121 and 122.4-122.7 on City Real Estate Tax Map 60 (the "Property") requested a waiver of the critical slopes requirements of City Code Sec. 34-1120(b) in connection with a development project on Stonehenge Avenue; and

**WHEREAS**, the Planning Commission hosted meetings on the proposed waiver on August 14, 2012, October 9, 2012, and held joint public hearings with City Council on February 12, 2013 and April 9, 2013 to give the public an opportunity to comment; and

**WHEREAS**, the Planning Commission recommended denial of the request to waive the critical slopes requirements because the benefits of allowing disturbance of the critical slopes in connection with the Stonehenge PUD concept plan did not outweigh the public benefits of the undisturbed slopes;

**WHEREAS**, the City Council finds that the benefits of allowing disturbance of the critical slopes in connection with the Stonehenge PUD concept plan dated March 25, 2013 outweigh the public benefits of the undisturbed slopes; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the request by Vulcan Development Company, LLC, through its agent, Shimp Engineering, for a waiver of the critical slopes requirements for the above-described development, is hereby approved.

**RESOLUTION**  
**City of Promise Land Transfer & Approval of Development Costs**  
**Transfer of Funding From Within the Capital Projects Funds**  
**\$306,148.92**

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$306,148.92 be transferred as follows:

**Transfer From -**

\$273,135.92	Fund: 425	Project: P-00167	G/L Account: 561426
\$ 23,013.00	Fund: 428	Project: P-00341	G/L Account: 561426
\$ 10,000.00	Fund: 426	Project: CP-081	G/L Account: 599999

**Transfer To -**

\$296,148.92	Fund: 426	Project: P-00772	G/L Account: 498010
\$306,148.92	Fund: 426	Project: P-00772	G/L Account: 599999

**RESOLUTION**  
**Authorization to Seek Construction Bids**  
**for 210, 206 and 204 8<sup>th</sup> Street, N.W.**

**WHEREAS**, the City of Charlottesville is committed to assist the City of Promise program by providing \$30,000 in matching funds and serving as the fiscal agent for the Department of Education grant awarded on December 19, 2011, and

**WHEREAS**, by Resolution approved on July 2, 2012, City Council allocated \$20,000 to provide funding for architectural services to design a facility for the City of Promise to be located at 204 8<sup>th</sup> Street N.W.; and

**WHEREAS**, it has been determined that 204 8<sup>th</sup> Street N.W. cannot be economically developed at this time due to a utility conflict; and

**WHEREAS**, it has been determined that the City of Promise facility could more readily be built at 210 8<sup>th</sup> Street, N.W. in order to facilitate on-going planning efforts, current and future implementation activities, as well as community access for City of Promise staff and the Tenth and Page/Westhaven neighborhoods which are the focus of this program; and

**WHEREAS**, 204 8<sup>th</sup> Street N.W., in conjunction with the adjacent 206 8<sup>th</sup> Street N.W. which is utilized primarily for drainage infrastructure, has been deemed to be more suitable as green space or outdoor recreational space until such time as utility upgrades are performed in the area which will allow the lot to be more economically developed for affordable housing; and

**WHEREAS**, staff has recommended use of the property at 210 8<sup>th</sup> Street, N.W. for construction of a facility for the City of Promise and 204 8<sup>th</sup> Street N.W. to be used temporarily for green space and/or outdoor recreation; now, therefore

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the Director of Neighborhood Development Services is hereby authorized, on behalf of the City, to seek bids to construct a facility for the City of Promise at 210 8<sup>th</sup> Street, N.W. and to seek bids for grading / site work to be performed at both 204 and 206 8<sup>th</sup> Street N.W. in order to provide a green space / outdoor recreational area.

**BE IT FURTHER RESOLVED** that the Director of Neighborhood Development Services shall ensure that such construction and site work contracts are not awarded until after the City acquires legal title to the properties at 204 8<sup>th</sup> Street, N.W. and 210 8<sup>th</sup> Street, N.W. from Habitat for Humanity of Greater Charlottesville.

**RESOLUTION**  
**Acceptance of Property from Habitat for Humanity**  
**210 8<sup>th</sup> Street, N.W.**

**WHEREAS**, the City of Charlottesville entered into a Funding Agreement with Greater Charlottesville Habitat for Humanity, Inc. (“Habitat”), dated December 5, 2011, to assist Habitat with the purchase of two (2) properties – 204 8<sup>th</sup> Street, N.W. and 210 8<sup>th</sup> Street, N.W. – to be developed as affordable housing; and

**WHEREAS**, by Resolution approved on July 2, 2012, City Council authorized the acceptance of the property at 204 8<sup>th</sup> Street, N.W. by Deed of Gift from Habitat so the property could be developed in conjunction with the City of Promise grant; and

**WHEREAS**, it has been determined that 204 8<sup>th</sup> Street, N.W. cannot be developed as planned due to existing utility line conflicts, but may be suitable as green space or recreational space; and

**WHEREAS**, staff has recommended acquisition of the property at 210 8<sup>th</sup> Street, N.W. by Deed of Gift from Habitat for the construction of a facility for use by the City of Promise; now, therefore

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City Manager, or his designee, is hereby authorized, on behalf of the City, to execute a Deed of Gift from Habitat for Humanity, in form approved by the City Attorney, for the conveyance of the property at 210 8<sup>th</sup> Street, N.W.

**AN ORDINANCE  
 AMENDING AND REORDAINING SECTION 15-199 OF ARTICLE IV  
 OF CHAPTER 15 (MOTOR VEHICLES) OF THE CODE  
 OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED,  
 TO REDUCE THE SPEED LIMIT ON JEFFERSON PARK AVENUE  
 FROM CLEVELAND AVENUE TO FONTAINE AVENUE.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Section 15-99 of Article IV of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

**Sec. 15-99. Maximum limits on specific streets.**

Pursuant to a traffic engineering and traffic survey as required by Code of Virginia, section 46.2-1300, the following speed limits are imposed as hereinafter set forth and no person shall drive a vehicle at a speed in excess of such limits:

Street	From	To	Speed Limit (mph)
...			
Jefferson Park Avenue	Harris Road	Cleveland Avenue	25
Jefferson Park Avenue	Cleveland Avenue	Fontaine Avenue	<del>35</del> 30
Jefferson Park Avenue	Fontaine Avenue	Emmet Street	35
Jefferson Park Avenue	Emmet Street	West Main Street	25
...			



**RESOLUTION  
GRANTING A SPECIAL USE PERMIT TO ALLOW  
A RESIDENTIAL USE OF UP TO 21 DWELLING UNITS  
PER ACRE ON PROPERTY AT 1335 CARLTON AVENUE**

**WHEREAS**, Hydro Falls LLC and ADC IV Charlottesville LLC (“Applicant”) have requested a special use permit for a residential use of up to 21 dwelling units per acre (DUA) in the M-I zone on property identified on City Tax Map 56 as Parcels 43, 43.1 and 43.2, at 1335 Carlton Avenue, consisting of approximately 4.855 acres (hereafter the “Subject Property”); and

**WHEREAS**, the Subject Property is currently zoned M-I (Manufacturing-Industrial); and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on May 14, 2013, this Council finds that use is allowed under Section 34-480 of the City Code by special use permit, and the special use permit will conform to the criteria applicable to special use permits generally under Section 34-157 of the City Code; now, therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a special use permit is hereby granted to Hydro Falls LLC and ADC IV Charlottesville LLC to allow a residential use of up to 21 DUA on property identified on City Tax Map 56 as Parcel 43.1 and Parcel 43.2, currently addressed as 1335 Carlton Avenue. Approval of this special use permit is conditioned upon the following:

1. The maximum height of buildings on the property shall not exceed 50 feet;
2. A minimum of 30% affordable housing, defined as residents earning up to 60% of area median income, shall be included on the site;
3. The number of bedrooms in any dwelling unit on the site shall not exceed 3 bedrooms;
4. An entrance feature shall be incorporated into all buildings that front on Carlton Avenue;
5. Parking provided shall not exceed the minimum required by City Code. The excess number of spaces shown on the plan submitted to the Planning Commission on May 14, 2013 shall be converted to the same amount of open space.
6. All exterior lighting shall be of the full cut off type;
7. Applicant shall work with Charlottesville Area Transit to facilitate appropriate transit connections for residents;
8. Existing trees greater than 6” in caliper in the open space area on east side of site shall be retained; and
9. Pedestrian linkages shall be provided between buildings, open space on site, and the neighborhood.

**BE IT FURTHER RESOLVED** that this special use permit is only applicable to that portion of the Subject Property identified as Lot “A” (now City TMP 56-43.1) and Lot “B” (now City TMP 56-43.2), on the subdivision plat dated September 18, 2012, last revised October 15, 2012, of record in the Charlottesville Circuit Court Clerk’s Office as Instrument #2012004961. City Council hereby defers action on including Lot “C” (now City TMP 56-43) in the approval of the special use permit for the Subject Property.