



**CITY COUNCIL AGENDA
July 1, 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**

Parks & Recreation Month; USCM Peace Resolution

MATTERS BY THE PUBLIC

Public comment will be permitted for the first 12 speakers who 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 June 3, June 17

b. **APPROPRIATION:** Domestic Violence Services Coordinator Grant - \$44,336 (2nd of 2 readings) **passed**

c. **APPROPRIATION:** Virginia Commission of the Arts Challenge Grant - \$5,000 (2nd of 2 readings) **passed**

d. **APPROPRIATION:** Sidewalk Construction Funds – Appropriate \$50,000 from State Revenue Sharing & Transfer \$50,000 within Capital Improvement Program (1st of 2 readings) **carried**

e. **APPROPRIATION:** Revenue Sharing Program for Bridge Rehabilitation - \$155,000 (1st of 2 readings) **carried**

f. **APPROPRIATION:** Landscaping, Public Lecture Series and Final Intersection Configuration for McIntire Road Extended – Virginia Department of Transportation Funds – \$100,030 (1st of 2 readings) **pulled for report; carried**

g. **APPROPRIATION:** Tonsler Park Basketball Lighting Replacement Grant – \$100,000 (1st of 2 readings) **carried**

h. **RESOLUTION:** EPA Agreement (1st of 1 reading) **passed**

i. **RESOLUTION:** Authorizing Issuance of a Revenue Bond on Behalf of St. Anne’s Belfield School (1st of 1 reading) **passed**

j. **RESOLUTION:** Permit Parking on 7th Street SW (1st of 1 reading) **passed**

k. **ORDINANCE:** Amendment to Retirement Ordinance (2nd of 2 readings) **passed**

l. **ORDINANCE:** Release of Easements across 301 West Main Street (2nd of 2 readings) **passed**

m. **ORDINANCE:** West Main Street Density Zoning Ordinance (1st of 2 readings) **carried**

2. REPORT*

CAT Update: Routes 11 & 7 **passed (no formal resolution)**

3. RESOLUTION*

Sidewalk Waiver Request: 812 Druid Ave. (1st of 1 reading) **waiver approved 4-1 (Smith no)**

4. RESOLUTION*

Sidewalk Waiver Request: 1517 E. Market St. (1st of 1 reading) **waiver approved 5-0**

5. REPORT

Update on City Development

*ACTION NEEDED

APPROPRIATION

Domestic Violence Services Coordinator Grant

\$44,336

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney’s Office, has received the Domestic Violence Services Coordinator Grant from the Virginia Department of Criminal Justice Services in the amount of \$38,336 in Federal pass-thru funds, Albemarle County is to contribute an additional \$6,000 in local cash match.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$44,336 is hereby appropriated in the following manner:

Revenues

\$38,336	Fund: 209	Cost Center: 1414002000	G/L Account: 430120
\$ 6,000	Fund: 209	Cost Center: 1414002000	G/L Account: 432030

Expenditures

\$44,336	Fund: 209	Cost Center: 1414002000	G/L Account: 519999
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$38,336 from the Virginia Department of Criminal Justice Services, and \$6,000 from the County of Albemarle, Virginia.

Appropriation
Virginia Commission of the Arts Challenge Grant
\$5,000

WHEREAS, the Virginia Commission for the Arts has notified the City of Charlottesville of its grant award in the Local Government Challenge Grant category; and

WHEREAS, the grant award will be split evening between the Virginia Discovery Museum and the Piedmont Council for the Arts for their activities during the FY 2014 fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$5,000 is hereby appropriated in the following manner:

Revenues

\$2,500	Fund: 209	Internal Order: 1900201	G/L Account: 430080
\$2,500	Fund: 209	Internal Order: 1900202	G/L Account: 430080

Expenditures

\$2,500	Fund: 209	Internal Order: 1900201	G/L Account: 540100
\$2,500	Fund: 209	Internal Order: 1900202	G/L Account: 540100

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Manager is hereby authorized to sign the following documents, in form approved by the City Attorney or his designee.

- (1) Consent Agreement and Final Order in the proceeding by the Environmental Protection Agency against the City of Charlottesville, Virginia – Docket No. CWA-03-2013-0127.

- (2) Administrative Order on Consent in the proceeding by the Environmental Protection Agency against the City of Charlottesville, Virginia – Docket No. CWA-03-2013-0130DN.

**RESOLUTION
OF THE CITY COUNCIL OF
THE CITY OF CHARLOTTESVILLE, VIRGINIA**

WHEREAS, the Economic Development Authority of the City of Charlottesville, Virginia ("Authority"), has considered the application of St. Anne's Belfield, Inc. (the "Borrower") requesting the issuance of the Authority's revenue bonds, in one or more series from time to time, in an amount not to exceed \$15,000,000 ("Bonds") to assist the Borrower in (1) financing the acquisition, construction, renovation and equipping of certain capital projects located at the Borrower's campus at 2132 Ivy Road in the City of Charlottesville, Virginia (the "Campus") including without limitation (a) expansion and renovation of the Borrower's approximately 7,000 square foot dining and kitchen facilities; (b) expansion and renovation of the Borrower's approximately 2700 square foot student commons area; (c) improvements to Campus roadways and paths; (d) construction or renovation of an approximately 500 seat auditorium facility; and (e) acquisition and renovation of one or more residences for faculty housing located adjacent to or near the Campus primarily on Minor Road, Twyman Road and/or Morris Road (the "Project"), (2) financing working capital and capitalized interest, and (3) paying financing and issuance costs related to the issuance of the Bonds, and has held a public hearing on June 11, 2013;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of the City of Charlottesville, Virginia ("City"), the Project is located in the City, and the City Council of the City of Charlottesville, Virginia ("Council") constitutes the highest elected governmental unit of the City;

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA:

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds, as required by the Code, does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the

Project, the Borrower or any other person. The Bonds shall provide that the Authority and the City, among others, shall not be obligated to pay the Bonds or the interest thereon or other costs incident thereto, and neither the faith or credit nor the taxing power of the Commonwealth of Virginia or the City shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

Adopted by the City Council of the City of Charlottesville, Virginia this 1st day of July, 2013.

RESOLUTION
APPROVING THE 300 BLOCK OF 7th STREET SW
AS A RESTRICTED PARKING AREA

WHEREAS, residents of the 300 block of 7th Street SW have requested that City Council designate that block as a restricted parking area; and

WHEREAS, in accordance with City Code Section 15-201, *et seq.*, the City Traffic Engineer has conducted on street parking surveys and mailed notice to all residents of the affected area that Council will consider designating such area as a restricted parking area; and

WHEREAS, the surveys have shown that at least 75% of the total number of on street parking spaces in the proposed restricted parking area were occupied, and at least 50% of the total number of on street parking spaces in that area were occupied by commuter vehicles; and

WHEREAS, in accordance with City Code Section 15-203(b)(3), the City Manager has certified that the parking surveys have met the minimum parking occupancy requirements for permit parking controls; and

WHEREAS, Council has considered:

- (a) the purpose and intent of the permit parking ordinance and regulations;
- (b) the alternate means of transportation, if any, to and from the restricted parking area being established;
- (c) the adverse impact that restricting parking in such area might have on nearby neighborhoods that do not have permit parking;
- (d) the adverse impact that such restrictions may have on the non-residents of the proposed restricted parking area and their ability to find available parking near their place of work; and
- (e) the hours, if any, during which the proposed restricted parking area is affected by commuter vehicles; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville that the 300 block of 7th Street SW is hereby designated as a restricted parking area.

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 19-106 OF
ARTICLE IV (SUPPLEMENTAL RETIREMENT OR PENSION PLAN)
OF CHAPTER 19 (PERSONNEL) OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATING TO LIFE INSURANCE BENEFITS FOR CITY EMPLOYEES
HIRED ON OR AFTER JULY 1, 2012**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Section 19-106 of Article IV of Chapter 19 of the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reordained as follows:

Sec. 19-106. - Death benefit for certain employees.

(a) Upon retirement after July 1, 2000, an employee shall be eligible for life insurance in the amount of his or her basic life insurance provided by the city at his or her date of retirement. Effective the first of each month thereafter, the benefit amount of life insurance shall be reduced by 2% until it reaches one-half (1/2) of the amount at time of retirement. However, in the case of a person who becomes a member after June 30, 2012, such person shall be eligible for such life insurance only if the employee ~~he is~~ has at least ten (10) years of creditable service. Further, the benefit amount of such person's life insurance upon retirement shall be reduced effective the first of each month thereafter by ~~25% per year~~ 3% until it reaches one-half (1/2) the amount of their final salary as of the date at time of retirement.

(b) Every employee initially employed by the city on or after January 1, 1978 who has retired, is receiving a benefit as of July 1, 2000, and was covered by the city's group life insurance program at the time of retirement, shall no longer be eligible for a post-retirement lump sum benefit from the retirement fund but shall be eligible for life insurance as set forth in subsection (a).

**AN ORDINANCE
AUTHORIZING THE ABANDONMENT OF
DRAINAGE AND SEWER EASEMENTS ACQUIRED BY THE CITY
ACROSS PROPERTY AT 301 AND 315 WEST MAIN STREET**

WHEREAS, The Mooney West Main Street, LLC is the owner of property located at the intersection of Ridge-McIntire Road and West Main Street, designated as Parcels 197, 198 and 199 on City Tax Map 32; and

WHEREAS, The Mooney West Main Street, LLC has requested abandonment by the City of three (3) utility easements in order to accommodate construction of a hotel on the subject property, said easements being described as follows: (i) Drainage easement reserved in 1972 by deed dated June 20, 1973 with attached plat dated October 5, 1972, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 348, Page 499; and (ii) Sanitary sewer and storm sewer easements acquired by the City by deed dated June 6, 1967 with attached plat dated April 17, 1967, of record in the aforesaid Clerk's Office in Deed Book 292, Page 174; and

WHEREAS, the City's Director of Utilities has reviewed the request and determined that the City no longer has a need for the above-described drainage easement, and has no objection to abandonment of the sanitary sewer and storm sewer easements after new sewer lines are installed, pass inspection, and new sewer easements are dedicated to the City; 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 these easements; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute two Quitclaim Deeds, in form approved by the City Attorney, to abandon the above-described drainage and sewer easements; provided, however, that the Quitclaim Deed to abandon the existing sanitary sewer and storm sewer easements shall not be recorded in the Circuit Court Clerk's Office until: (1) the Director of Utilities has confirmed to the City Attorney that replacement sewer lines have been installed and passed City inspection, and (2) new sewer easements have been dedicated to and accepted by the City.

RESOLUTION
Sidewalk Waiver Request
812 Druid Avenue

WHEREAS, application has been made for a waiver of the requirement under City Code Section 34-1124(b) to construct a sidewalk at 812 Druid Avenue, where a single family house is currently under construction; and,

WHEREAS, City staff has submitted to Council comments and recommendations regarding the sidewalk waiver request, and Council has reviewed the matter.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the sidewalk waiver request for 812 Druid Avenue is hereby approved for the following reasons:

1. There are no other sidewalks in the 800 block of Druid Avenue.
2. Construction of a sidewalk in front of 812 Druid Avenue would create a narrowing of the street which will impact automobile traffic on Druid Avenue.

RESOLUTION
Sidewalk Waiver Request
1517 East Market Street

WHEREAS, application has been made for a waiver of the requirement under City Code Section 34-1124(b) to construct a sidewalk at 1517 East Market Street, where a single family house is currently under construction; and,

WHEREAS, City staff has submitted to Council comments and recommendations regarding the sidewalk waiver request, and Council has reviewed the matter.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the sidewalk waiver request for 1517 East Market Street is hereby approved for the following reasons:

1. There are no other sidewalks for several hundred feet on either side of 1517 East Market Street.
2. Construction of a sidewalk in front of 1517 East Market Street might require the removal of a mature dogwood tree, and an existing fire hydrant and electrical pole could obstruct the sidewalk.