



**CITY COUNCIL AGENDA**  
**October 7, 2013**

4:00 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**

Disability Employment Awareness Month; Domestic Violence Awareness Month;  
World Habitat Day

**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 September 16

b. **APPROPRIATION:** Charlottesville High School Stadium Bleacher Replacement – Water Protection Performance Bond Release - \$22,103.28 (2<sup>nd</sup> of 2 readings) **PASSED**

c. **APPROPRIATION:** Victim Witness Assistance Program Grant - \$176,057 (2<sup>nd</sup> of 2 readings) **PASSED**

d. **APPROPRIATION:** Authorizing Police Cruiser Purchase - \$214,000 (2<sup>nd</sup> of 2 readings) **PASSED**

e. **APPROPRIATION:** Gordon Avenue Library Masonry Project – Albemarle County Reimbursement - \$1,487.50 (1<sup>st</sup> of 2 readings) **CARRIED**

f. **APPROPRIATION:** Central Library Elevator Replacement – Albemarle County Joint Project Reimbursement – \$4,708.19 (1<sup>st</sup> of 2 readings) **CARRIED**

g. **APPROPRIATION:** Reimbursement for Form Base Code Class Registration Fees - \$400 (1<sup>st</sup> of 1 reading) **PASSED**

h. **APPROPRIATION:** Emergency Solutions Grant - \$57,715 (1<sup>st</sup> of 2 readings) **CARRIED**

i. **RESOLUTION:** Acquisition of Property for Parkland (Quarry Park near Monticello Avenue) - \$212,500 (1<sup>st</sup> of 1 reading) **PASSED**

j. **RESOLUTION:** Special Use Permit for 723 Nalle Street (1<sup>st</sup> of 1 reading) **PASSED**

k. **RESOLUTION:** Special Use Permit for 217 W. High Street (1<sup>st</sup> of 1 reading) **PASSED**

l. **RESOLUTION:** In Support of Reducing Greenhouse Gas Pollution Under the Clean Air Act (1<sup>st</sup> of 1 reading) **PASSED**

m. **RESOLUTION:** Charlottesville Area Transit Advisory Board (1<sup>st</sup> of 1 reading) **PASSED**

n. **ORDINANCE:** Abandonment of 1625 Brandywine Trail Access Easement (2<sup>nd</sup> of 2 readings) **PASSED**

o. **ORDINANCE:** Supporting Equal Access to Employee Benefits for All Lawfully Married City Employees (2<sup>nd</sup> of 2 readings) **PASSED**

p. **ORDINANCE:** Allowing the Local Courts to Assess a Courthouse Construction Fee (2<sup>nd</sup> of 2 readings) **PASSED**

q. **ORDINANCE:** 250 Bypass Speed Limits (1<sup>st</sup> of 2 readings) **CARRIED**

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

Dominion Power Easement for Undergrounding Lines at Meadow Creek Gardens Park (1<sup>st</sup> of 2 readings) **CARRIED**

**3. PUBLIC HEARING /  
ORDINANCE\***

Convey Right of Way at 1808 Meadowbrook Heights Rd. (1<sup>st</sup> of 2 readings) **CARRIED**

**4. PUBLIC HEARING /  
ORDINANCE\***

Rivanna Water and Sewer Authority Easement for Rivanna Pump Station (1<sup>st</sup> of 2 readings) **CARRIED**

**5. RESOLUTION\***

SUP 925 E. Market St. (1<sup>st</sup> of 1 reading) **PASSED** (Galvin NO)

**6. ORDINANCE\***

Closing a Portion of Garrett St. (1<sup>st</sup> of 2 readings) **DENIED**

**7. ORDINANCE\***

Tree Conservation Ordinance (1<sup>st</sup> of 2 readings) **CARRIED, with revisions. Will bring for 2<sup>nd</sup> vote to November 4 meeting**

**8. REPORT**

2040 Long Range Transportation Plan

**9. REPORT**

Promise Neighborhood Grant Update

**OTHER BUSINESS**

\*ACTION NEEDED

**MATTERS BY THE PUBLIC**

**APPROPRIATION.**

**Albemarle County Reimbursement for the Charlottesville High School Bleacher Replacement  
Water Protection Performance Bond.  
\$22,103.28**

**WHEREAS**, Albemarle County has submitted payment to the City of Charlottesville in the amount of \$22,103.28.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$22,103.28 from Albemarle County is hereby appropriated in the following manner:

**Revenues - \$22,103.28**

Fund: 426                      Funded Program: P-00655                      G/L Account: 432030

**Expenditures - \$22,103.28**

Fund: 426                      Funded Program: P-00655                      G/L Account: 599999

**APPROPRIATION.**

**Charlottesville Victim Witness Assistance Program Grant.**

**\$176,057.**

**WHEREAS,** The City of Charlottesville, through the Commonwealth Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$143,982; and

**WHEREAS,** the City is providing a supplement in the amount of \$32,075, the source of which is the Commonwealth Attorney's salary budget (Cost Center: 1401001000; G/L Account: 561209).

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$176,057 is hereby appropriated in the following manner:

**Revenues.**

\$ 71,991	Fund: 209	Cost Center: 1414001000	G/L Account: 430110.
\$71,991	Fund: 209	Cost Center: 1414001000	G/L Account: 430120.
\$ 32,075	Fund: 209	Cost Center: 1414001000	G/L Account: 498010.

**Expenditures.**

\$167,975	Fund: 209	Cost Center: 1414001000	G/L Account: 519999.
\$ 8,082	Fund: 209	Cost Center: 1414001000	G/L Account: 599999.

**Transfer.**

\$ 32,075	Fund: 105	Cost Center: 1401001000	G/L Account: 561209.
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**BE IT FURTHER RESOLVED,** that this appropriation is conditioned upon the receipt of \$143,982 from the Virginia Department of Criminal Justice Services.

**APPROPRIATION.**  
**Police Cruiser Purchase - \$214,000.**

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Charlottesville, Virginia that the sum of \$214,000 will be appropriated as follows:

**Expense.**

**Fund:** 106.

**Cost Center:** 3101001001.

**G/L Account:** 541040.

**BE IT ALSO RESOLVED**, the Police Department will replenish the Equipment Replacement Fund balance by making three equal annual installments using Police Department funds budgeted for equipment replacement.

**APPROPRIATION.**

**Reimbursement for Form Based Code Class Registration Fees  
\$400.**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$400, received as reimbursement for the Form Based Code Class, is hereby appropriated in the following manner:

**Revenue – \$400.**

Fund: 105

Cost Center: 3901001000

G/L Account: 451999

**Expenditures - \$400.**

Fund: 105

Cost Center: 3901001000

G/L Account: 530210

**RESOLUTION  
PURCHASE OF LAND (~12 ACRES)  
MOORE’S CREEK AT QUARRY PARK  
FROM A.G. DILLARD**

**WHEREAS**, A.G. Dillard has offered to sell to the City of Charlottesville approximately 12 acres of land that is the property designated as Parcel 307 on City Tax Map 60CT and Parcel 16 on County Tax Map 77, under terms and conditions outlined in a written agreement attached hereto as Attachment 1; and

**WHEREAS**, the subject property, more particularly described in Attachment 2 (Property Description), is located adjacent to Moore’s Creek and Quarry Park, as shown on a drawing made by the Parks & Recreation Department entitled “Proposed Property Acquisition – A.G. Dillard – Quarry / Moores Creek”; and

**WHEREAS**, the City’s Department of Parks and Recreation has recommended acquisition of the subject property to provide increased green space and trails, preserve an old grove of large oak trees, and allow for future stream restoration activity; now, therefore

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City Manager is authorized to execute the written agreement attached as Attachment 1, on behalf of the City; and the City Department of Parks and Recreation is hereby directed to conduct any additional investigations and assessments as may be necessary or advisable prior to the closing of this transaction; and upon the satisfactory results of any investigations and assessments, and upon a finding by the City Attorney of satisfactory, insurable title, the City Attorney is hereby authorized, on behalf of the City, to proceed to closing in accordance with the terms and conditions set forth within Attachment 1, and to accept a deed of conveyance on behalf of the City.

**AGREEMENT  
FOR THE SALE/ PURCHASE OF LAND**

**THIS AGREEMENT** is made as of the 19th day of September, 2013, between **A.G. DILLARD, JR. PAVING, INC.** and **A.G. DILLARD, INC.**, (together, hereinafter referred to as "Seller"), and the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, (hereinafter "Purchaser", or "City") whose address is P.O. Box 911, Charlottesville, Virginia, 22902.

**WITNESSETH:**

**WHEREAS**, Seller is the fee simple owner of the following described land (hereinafter, the "Property"), to wit:

All that certain tract or parcel of land, with improvements thereon and appurtenances thereunto pertaining, lying partly in the City of Charlottesville, Virginia, and in Albemarle County, Virginia, designated respectively as Parcel 307 on City of Charlottesville Tax Map 60, and as Parcel 16 on Albemarle County Tax Map 77, containing each consisting of approximately 6.3 acres and together, consisting of approximately 12.7 acres, more or less, as more particularly shown on the attached plat made by Draper Aden Associates, dated July 30, 2013 (the "Plat"), being the same Property acquired by Seller by a deed dated April 29, 1977, recorded among the land records of the City of Charlottesville in Deed Book 383, at Page 762; and

**WHEREAS**, Seller agrees to sell and the City agrees to buy the above-described Property;

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants contained herein, Seller and Purchaser do hereby set forth their agreement as follows:

**I. PURCHASE PRICE**

The Purchase Price of the Property is two hundred twelve thousand five hundred dollars (\$212,500.00), the balance of which shall be paid to Seller at Closing by City check, or wired funds, after deduction of the following:

- A. Real estate taxes which have accrued and/or are due and owing to the City of Charlottesville and County of Albemarle, up to and through the date of Closing, including, without limitation, any deferred taxes, penalties and interest;



- B. Payments which have accrued and/or are due and owing to any third party, in amounts necessary to obtain full satisfaction and release of the lien of any deed(s) of trust and any other liens attached to the Property;
- C. Payment of the recordation taxes applicable to grantors, in the amounts necessary for recordation of the Deed of Conveyance in the land records of the Circuit Courts for the City of Charlottesville and the County of Albemarle.

## II. TITLE

At Closing, Seller shall convey to the City good and marketable fee simple title to the Property, by deed of general warranty containing English Covenants of title, free of all liens, tenancies, defects and encumbrances, except as otherwise indicated herein, and subject only to such restrictions and easements as shall then be of record which do not affect the use of the Property for the City's intended purposes or render title to the Property unmarketable.

## III. TERMS AND CONDITIONS

- A. Conditions Precedent to Closing. The City's obligation to proceed to Closing under this Agreement is expressly conditioned and made contingent upon all of the following conditions being met:
  - 1) City's receipt of the results, satisfactory to it in its sole discretion, of a title examination to be performed by City at its own expense; and
  - 2) City's receipt of the results, satisfactory to it in its sole discretion, of: (a) an environmental review by City staff, and, if desired by the City, a Phase I Environmental Assessment and Report (Phase I Report) conducted and prepared by an environmental engineering and inspection company selected by City at City's expense, and (b) such other investigations, assessments, studies, tests, surveys and reports as may be reasonably required by the City or recommended within in the Phase I Report. If desired by the City, the Phase I report may include testing for any underground or aboveground storage tanks located on the Property;

The City and its employees, agents and contractors shall have the right to enter upon the Property for the purpose of conducting the investigations, assessments, studies, tests and surveys specified herein; provided, however, that no such activity undertaken by the City, its employees, agents or contractors shall change the character or topography of the Property, except for minor changes (e.g., the pulling of soil samples; disturbance of vegetation

resulting from the driving of motor vehicles over the surface of the Property, etc.). The City shall hold the Seller harmless against any loss or liability to person or property, resulting from the City's entry on the Property and the conduct of such entry.

In the event the results of the City's investigations, assessments, studies, tests, surveys or reports, or any of them, are unsatisfactory to the City, the City may terminate this Agreement by written notice given to the Seller.

- 3) Seller's agreement to sell the Property shall be submitted to the Charlottesville City Council for approval by resolution. If City Council rejects the terms of the sale/purchase of this land, for whatever reason, this agreement shall be null and void and each party shall be relieved of all obligations under this agreement
- 4) City's receipt of a proposed Deed, at least ten (10) days prior to Closing, for review and approval by the City Attorney's Office; and

B. Other Terms and Conditions

- 1) Seller shall be responsible for payment of any and all real estate taxes accrued and/or due on the Property up to and through the date of Closing. Prior to Closing, Seller shall pay all deferred taxes, penalties and interest, outstanding liens, and similar charges, if any, which are owed or outstanding with respect to the Property as of the date of Closing. All taxes, assessments, interest, rent and mortgage insurance, if any, shall be prorated as of the date of Closing. In the event the Property, or any portion thereof, is taxed under special land use assessment, and this sale results in the disqualification of the Property from eligibility, then the Seller shall pay, when assessed, whether at or after Closing, any rollback taxes assessed.
- 2) Seller shall deliver to the City an affidavit on a form acceptable to the City, signed by Seller, that no labor or materials have been furnished to the Property within the statutory period for the filing of mechanics' or materialmen's liens against the Property, or, if labor or materials have been furnished during the statutory period, that the costs thereof have been paid. Seller shall also deliver to the City applicable 1099 IRS Forms and certificates, applicable non-foreign status and state residency certificates, and certificates confirming release and satisfaction of all outstanding liens, judgments, and other financial encumbrances of the Property.
- 3) Seller shall be responsible for preparing and obtaining: the deed of conveyance, the certificate for non-foreign status and state residency, and the applicable IRS Form 1099, all required affidavits and certificates of satisfaction, and for payment of Seller's attorney fee(s). Seller shall also be responsible for payment of all recordation taxes applicable to grantors,

as necessary for recordation of the deed of conveyance in the land records of the City of Charlottesville and of Albemarle County. Except as otherwise agreed herein, all other expenses of or relating to this Agreement and the transactions set forth herein, including, without limitation, title examination costs, environmental investigations and assessments, insurance premiums, recording costs, shall be borne by the City.

- 4) All risk of loss or damage to the Property by fire, windstorm, casualty or other cause is assumed by the Seller until Closing. From the date of Seller's signature of this Agreement Seller shall not commit, or suffer any other person or entity to commit, any waste or damage to the Property or any appurtenances thereto. From the date of Seller's signature of this Agreement, Seller shall not permit the manufacture, use, storage or disposal of any hazardous wastes and/or toxic substances in or upon the Property or any portion thereof, including any adjoining waterways and drainage ditches.
- 5) This agreement may not be assigned by either Seller or the City, without the advance written consent of the other.
- 6) This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, without giving effect to any conflict of laws principles thereof.
- 7) This agreement is binding upon the parties hereto and their respective heirs, personal representatives, successors and assigns.
- 8) This Agreement contains the final agreement between the parties hereto, and they shall not be bound by any terms, conditions, oral statements, warranties or representations not contained herein.

### III. CLOSING

- (a) Closing will take place in the Office of the City Attorney in City Hall (605 E. Main Street, Charlottesville, Virginia) within thirty (30) days of the date on which the City's authorized representative signs this Agreement, or as soon thereafter as all of the conditions precedent listed in Section II (A) of this agreement have been met to the satisfaction of the City.
- (b) Seller shall deliver possession of the Property to the City at Closing, free and clear of all leases and licenses.

IN WITNESS WHEREOF, the parties have caused this this Agreement to be executed by their duly authorized representatives:

A.G. DILLARD, JR. PAVING, INC., Seller

By: Alan G. Dillard, Jr.

Its: PRESIDENT

Date signed: Sept. 24, 2013

A.G. DILLARD, INC., Seller

By: Alan G. Dillard, Jr.

Its: PRESIDENT

Date signed: Sept. 24, 2013

CITY OF CHARLOTTESVILLE, VIRGINIA, Purchaser

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date signed: \_\_\_\_\_

Approved as to Form:

Funds are Available:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Director of Finance

**ATTACHMENT 2**  
**Property Description**

All that certain tract or parcel of land, with improvements thereon and appurtenances thereunto pertaining, lying partly in the City of Charlottesville, Virginia, and in Albemarle County, Virginia, designated respectively as Parcel 307 on City of Charlottesville Tax Map 60, and as Parcel 16 on Albemarle County Tax Map 77, containing each consisting of approximately 6.3 acres and together, consisting of approximately 12.7 acres, more or less, as more particularly shown on the attached plat made by Draper Aden Associates, dated July 30, 2013 (the "Plat"), being the same Property acquired by Seller by a deed dated April 29, 1977, recorded among the land records of the City of Charlottesville in Deed Book 383, at Page 762.

**RESOLUTION  
GRANTING A SPECIAL USE PERMIT  
FOR THE SUBDIVISION OF 723 NALLE STREET**

**WHEREAS**, T. J. Southmayd (“Applicant”) has requested an infill special use permit for the vacant lot located at 723 Nalle Street, identified on City Tax Map 30 as Parcel 40, consisting of approximately 0.25 acres or 10,890 square feet (“Subject Property”); and

**WHEREAS**, Applicant has requested an infill special use permit to allow for subdivision of the Subject Property into two 5,445 square foot single-family residential lots with the following reductions: (a) a reduction of the required lot frontage from 50’ to 36’; and (b) a reduction of the lot size requirements from 6,000 square feet to 5,445 square feet; and

**WHEREAS**, the Subject Property is zoned “R-1S” (Residential District-Small Lot Single Family) and, pursuant to §34-165 of the City Code, such modifications for use of the property are allowed by Special Use Permit; and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on September 10, 2013, this Council finds that such use is allowed under City Code Section 34-165 by special use permit, and will conform to the criteria applicable to special permits generally under Chapter 34 of the City Code; now, therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that an infill special use permit is hereby approved and granted to T. J. Southmayd for subdivision of 723 Nalle Street into two 5,445 square foot single-family residential lots, with variations in minimum lot size and regulations subject to the following conditions, exception, and/or modifications:

1. Staff must approve specific LID features presented on an engineered plan.
2. The height of the structure shall be limited to 30 feet.
3. The existing street tree being removed shall be replaced with one large, or two medium, trees per lot.
4. A build-to line shall be established consistent with the average existing setbacks on the street, with approval of staff.
5. Each residence shall include a full front porch, as presented in the applicant’s narrative.
6. A minimum S-1 screening shall be established in the rear yard, adjacent to the parking area.
7. In the City’s permit parking program, each dwelling unit shall be eligible to receive not more than one parking permit and one guest permit.

**RESOLUTION  
GRANTING A SPECIAL USE PERMIT TO ALLOW  
A RESIDENTIAL USE OF UP TO 25 DWELLING UNITS  
PER ACRE ON PROPERTY AT 217 WEST HIGH STREET**

**WHEREAS**, property owner Byrd Leavell (“Applicant”) has requested a special use permit to allow for residential density of up to 25 DUA on the property identified on City Tax Map 33 as Parcel 131, located at 217 West High Street, consisting of approximately 5,227 square feet or 0.12 acres (hereafter the “Subject Property”); and

**WHEREAS**, the Subject Property is currently zoned R-3 (Residential) with Architectural Design Control District Overlay; and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on September 10, 2013, this Council finds that such use is allowed under Section 34-420 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 Byrd Leavell, to allow residential density of up to 25 DUA on the Subject Property. Approval of this special use permit is conditioned upon the following:

1. A reduction of yard requirements on the property to 12 feet in the front yard, 2 feet on the east side yard, 7 feet on the west side yard, and 2 feet in the rear yard. These setbacks are the current setbacks on the property.
2. A modification of the requirements for recreational space in Section 34-366(a)(3) to allow the required recreational space be adult/mixed-use space.

**RESOLUTION OF THE CITY OF CHARLOTTESVILLE  
TO THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY  
IN SUPPORT OF REDUCING GREENHOUSE GAS POLLUTION  
UNDER THE CLEAN AIR ACT**

WHEREAS, the decade from 2000 to 2010 was the warmest on record<sup>1</sup>, 2005 and 2010 tied for the hottest years on record<sup>2</sup>; and 2012 was the hottest year on record for the contiguous U.S.<sup>3</sup>; and the current level of CO<sub>2</sub> in the atmosphere is approximately 397 parts per million<sup>4</sup> (ppm); and

WHEREAS, one of the world's leading climate scientists, Dr. James Hansen, stated in 2008: "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and climate change suggest that CO<sub>2</sub> will need to be reduced from its current 385 ppm to at most 350 ppm"<sup>5</sup>; and

WHEREAS, the Environmental Protection Agency determined that current and future greenhouse gas concentrations endanger public health<sup>6</sup>, and according to the Global Humanitarian Forum climate change is already responsible every year for some 300,000 deaths, 325 million people seriously affected, and economic losses worldwide of U.S. \$125 billion<sup>7</sup>; and

WHEREAS, extreme weather events, most notably heat waves and precipitation extremes, are striking with increased frequency<sup>8</sup>, with deadly consequences for people and wildlife; in the United States in 2011 alone, a record 14 weather and climate disasters occurred, including droughts, heat waves, and floods, that cost at least \$1 billion each in damages and loss of human lives<sup>9</sup>; and

WHEREAS, climate change creates conditions that lead to more destructive storms like 2012's Superstorm Sandy<sup>10</sup>, by loading storms with more energy and more rainfall<sup>11</sup>, raising sea levels and causing storm surge to ride on a higher sea surface causing more coastline floods<sup>12</sup>, and warming the Arctic and melting sea ice, which causes changes in the jet stream that are bringing more extreme weather to the U.S.<sup>13</sup>; and

WHEREAS, climate change is affecting food security by reducing the growth and yields of important crops<sup>14</sup>; droughts, floods and changes in snowpack are altering water supplies<sup>15</sup>; as of October 2, 2012, 64.6 percent of the contiguous U.S. was experiencing moderate-to-exceptional drought<sup>16</sup>; and in 2012, the U.S. Department of Agriculture designated more than half (50.3 percent) of all U.S. counties disaster areas, mainly due to drought<sup>17</sup>; and

WHEREAS, scientists have concluded that by 2100 as many as one in ten species may be on the verge of extinction due to climate change<sup>18</sup>; and

WHEREAS, the world's land-based ice is rapidly melting, threatening water supplies in many regions and raising sea levels<sup>19</sup>, and Arctic summer sea ice extent has decreased to about half what it was several decades ago<sup>20</sup>, and reached a record low in 2012<sup>21</sup>, with an accompanying drastic reduction in sea-ice thickness and volume<sup>22</sup>, which is severely jeopardizing ice-dependent animals<sup>23</sup>; and



WHEREAS, global sea level is rising 60 percent faster than projected by the Intergovernmental Panel on Climate Change<sup>24</sup>; the U.S. East Coast is a hotspot for sea level rise with rates three to four times faster than the global average<sup>25</sup>; sea level rise is accelerating in pace<sup>26</sup>; and sea level could rise by one to two meters in this century, threatening millions of Americans with severe flooding<sup>27</sup>; and

WHEREAS, for four decades, the Clean Air Act has protected the air we breathe through a proven, comprehensive, successful system of pollution control that saves lives and creates economic benefits exceeding its costs by many times<sup>28</sup>; and

WHEREAS, with the Clean Air Act, air quality in this country has improved significantly since 1970, despite major growth both in our economy and industrial production; and

WHEREAS, between 1970 and 1990, the six main pollutants covered by the Clean Air Act — particulate matter and ground-level ozone (both of which contribute to smog and asthma), carbon monoxide, lead, sulfur and nitrogen oxides (the pollutants that cause acid rain) — were reduced by between 47 percent and 93 percent, and airborne lead was virtually eliminated; and

WHEREAS, the Clean Air Act has produced economic benefits valued at \$2 trillion or 30 times the cost of regulation; and

WHEREAS, the U.S. Supreme Court ruled in *Massachusetts vs. EPA* (2007) that greenhouse gases are “air pollutants” as defined by the Clean Air Act, and the Environmental Protection Agency has the authority to regulate them; and

WHEREAS, the City of Charlottesville prides itself on being a leader in the fight against climate change and for clean air, became a signatory to the US Mayor’s Climate Protection Agreement in 2006, published its first community greenhouse gases inventory in 2008 with a recent update published in 2012, participated in a Local Climate Action Planning Process, has been a major partner since the inception of our Local Energy Alliance Program, and continues to pursue and implement a broad range of initiatives aimed at reducing emissions;

NOW THEREFORE BE IT RESOLVED, that climate change is not an abstract problem for the future or one that will only affect far-distant places, but rather climate change is happening now, we are causing it, and the longer we wait to act, the more we lose and the more difficult the problem will be to solve; and we, the Charlottesville City Council, on behalf of the residents of Charlottesville, do hereby urge the administrator of the Environmental Protection Agency and President Barack Obama to move swiftly to fully employ and enforce the Clean Air Act to do our part to reduce carbon in our atmosphere to no more than 350 parts per million.

BE IT FURTHER RESOLVED that the City Clerk shall forward a copy of this resolution to the Administrator of the Environmental Protection Agency and President Barack Obama.

## ENDNOTES

- <sup>1</sup> Press Release, National Aeronautic Space Association, *NASA Research Finds Last Decade was Warmest on Record, 2009 One of the Warmest Years* (Jan. 21, 2010), [www.nasa.gov/home/hqnews/2010/jan/HQ\\_10-017\\_Warmest\\_temps.html](http://www.nasa.gov/home/hqnews/2010/jan/HQ_10-017_Warmest_temps.html).
- <sup>2</sup> National Oceanic and Atmospheric Administration, *NOAA: 2010 Tied for Warmest Year on Record*, [www.noaanews.noaa.gov/stories/2011/20110112\\_globalstats.html](http://www.noaanews.noaa.gov/stories/2011/20110112_globalstats.html) (last visited on 3/30/12).
- <sup>3</sup> <http://www.ncdc.noaa.gov/sotc/national/2012/13>.
- <sup>4</sup> <http://co2now.org/Current-CO2/CO2-Now/> (last visited on 5/14/2013); Earth System Research Laboratory of NOAA, *Trends in Atmospheric Carbon Dioxide*, [www.esrl.noaa.gov/gmd/ccgg/trends/](http://www.esrl.noaa.gov/gmd/ccgg/trends/) (last visited on 5/14/2013).
- <sup>5</sup> J. Hansen et al., *Target atmospheric CO<sub>2</sub>: Where should humanity aim?*, *Open Atmos. Sci.* 2, 217 (2008), <http://pubs.giss.nasa.gov/abs/ha00410c.html>.
- <sup>6</sup> U.S. Environmental Protection Agency, *Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act*, 74 Federal Register 66496-66546 (Dec. 15, 2009) (to be codified at 40 C.F.R. ch. 1), <http://epa.gov/climatechange/endangerment.html> (last visited 4/2/12).
- <sup>7</sup> Global Humanitarian Forum, *The Anatomy of a Silent Crisis* (2009), [www.eird.org/publicaciones/humanimpactreport.pdf](http://www.eird.org/publicaciones/humanimpactreport.pdf), p.1 of pdf.
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- <sup>11</sup> <http://www.pnas.org/content/early/2012/10/10/1209542109.abstract>.
- <sup>12</sup> [http://www.usgs.gov/newsroom/article.asp?ID=3256&from=rss\\_home#.UJBC22eHPAU](http://www.usgs.gov/newsroom/article.asp?ID=3256&from=rss_home#.UJBC22eHPAU).
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## **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that there is hereby created the Charlottesville Area Transit (CAT) Advisory Board, to act as an advisory body to the Transit Division and City Council. The purpose of the CAT Advisory Board is to assist in the decision making process with regard to Transit service changes, and will be composed of representatives from the following organizations, agencies and interest groups:

### **Agency Members**

Thomas Jefferson Planning District Commission  
County of Albemarle  
Neighborhood Development Services Department (City)  
Charlottesville Redevelopment and Housing Authority  
Region Ten  
Independence Resource Center  
University of Virginia  
City Council Member

### **Citizen Representatives**

Charlottesville Bus Riders  
Albemarle County Bus Riders  
Bike and Pedestrian  
Disabled  
Senior Citizens  
Merchants  
Public Housing Resident

Members of the CAT Advisory Board shall serve two-year terms. At the expiration of each term, any member of the CAT Advisory Board may be re-appointed to serve additional terms. There shall be no limit on the number of terms a person is appointed to serve.

All members of the Advisory Board will be appointed by the Manager of the City Transit Division, with the exception of the City Council and Albemarle County members, who shall be appointed by their respective governing bodies.

The CAT Advisory Board shall have the following duties and responsibilities, which may be amended from time to time by City Council:

- A. To adopt such bylaws as it deems appropriate, in form approved by the City Attorney.
- B. To recommend to City Council:
  - i. Policies regarding the transit services to be provided and the appropriate procedure for implementing CAT plans;

- ii. A public transportation budget annually for the succeeding fiscal year in accordance with the City's annual budget process, including recommendations on other revenue sources (grants, fares, advertising);
  - iii. CAT service plans that propose adjustments to CAT service – such recommendations shall be made at least sixty (60) days prior to the proposed date of implementation, and will provide information on anticipated costs, ridership, routing, schedules, personnel needs, and possible budget amendments.
- C. To report at least once annually to City Council, on or before May 1 of each year regarding the efforts made to implement CAT plans, or portions thereof, related to the long term vision and goals of the CAT system.
- D. To provide for CAT Advisory Board subcommittees on specific issues; provided, however, the recommendations of any subcommittee shall not be deemed a recommendation of the CAT Advisory Board unless approved by a vote of the CAT Advisory Board.

One or more CAT staff persons shall be assigned by the Transit Manager to assist the CAT Advisory Board.

Approved by Council  
October 7, 2013

A handwritten signature in cursive script, reading "Yaiqe Rice", is written over a horizontal line.

Clerk of Council

**AN ORDINANCE  
AUTHORIZING ABANDONMENT OF EASEMENT  
FOR PEDESTRIAN ACCESS ACROSS 1625 BRANDYWINE DRIVE**

**WHEREAS**, in 2001 the City acquired a 20 foot wide easement across 1625 Brandywine Drive for installation and maintenance of a sanitary sewer line, and pedestrian access for the public to use the greenbelt trail along Meadow Creek; and

**WHEREAS**, the owner of property located at 1625 Brandywine Drive has requested abandonment of the pedestrian access rights in the above-described easement, which is recorded in the Charlottesville Circuit Court Clerk's Office in Deed Book 813, page 456, said easement being shown on the attached plat made by Roger W. Ray & Associates, Inc.; 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 the pedestrian access rights in the easement; and

**WHEREAS**, Parks & Recreation staff have reviewed the request for abandonment and determined that the City no longer has a need for pedestrian access in that location because a more convenient and suitable right-of-way on Brandywine Drive can be utilized for access; and

**WHEREAS**, the 20' wide easement for sanitary sewer line maintenance and repair will not be affected by the abandonment of the pedestrian access rights; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute the Deed of Modification of Easement, in form approved by the City Attorney, to abandon the pedestrian access rights granted to the City in 2001 across the property located at 1625 Brandywine Drive.

**AN ORDINANCE**  
**AMENDING AND REORDAINING ARTICLE I OF CHAPTER 19 (PERSONNEL) OF THE**  
**CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, BY ADDING A**  
**NEW SECTION 19-9 ENTITLED “EXTENSION OF BENEFITS TO PARTNERS OF CITY**  
**EMPLOYEES IN SAME SEX MARRIAGES OR CIVIL UNIONS”**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia that Article I of Chapter 19 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reordained by adding a new section 19-9 entitled “Extension of benefits to partners of City employees in same sex marriages or civil unions”, which section shall read as follows:

**Sec. 19-9. Extension of benefits to partners of City employees in same sex marriages or civil unions.**

To the extent hereafter permitted or required by law, the City hereby recognizes same sex marriages or civil unions that have lawfully occurred in other states and, as such, shall extend to the partners of City employees in same sex marriages or civil unions that have lawfully occurred in other states all of the benefits offered to the spouses of City employees in heterosexual marriages. To the extent hereafter permitted or required by law, the word “spouse” shall include the partner of a City employee in a same sex marriage or civil union that has lawfully occurred in another state.

**AN ORDINANCE  
AMENDING AND REORDAINING SECTION 30-425 OF ARTICLE XVI OF  
CHAPTER 30 (TAXATION) OF THE CODE OF THE CITY OF  
CHARLOTTESVILLE (1990), AS AMENDED, RELATED TO ASSESSMENT  
OF A FEE TO BE USED FOR COURTHOUSE CONSTRUCTION**

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

**1. Section 30-425 of Article XVI of Chapter 30 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reordained as follows:**

**CHAPTER 30. TAXATION  
ARTICLE XVI. COURHOUSE MAINTENANCE FEE**

**Sec. 30-425. Additional court costs.**

(a) There is hereby assessed a fee of two dollars (\$2.00) as part of the costs (i) in each civil action, or (ii) in each criminal or traffic case in which the defendant is charged with violation of any statute or ordinance; provided such actions are filed in the General District Court for the City of Charlottesville or in the Circuit Court for the City of Charlottesville or these actions arise in the City of Charlottesville and are filed in the Charlottesville-Albemarle Juvenile and Domestic Relations District Court. The costs so assessed shall be used for the purpose of providing for the construction, renovation or maintenance of the courthouse or jail and court-related facilities serving the city and to defray the costs of cooling, heating, electricity and ordinary maintenance in these facilities. The fees shall be collected by the clerks of the respective courts involved and remitted to the city treasurer, who shall hold the fees in the facilities repair fund in a separate account subject to disbursements by the governing body for the purposes stated above.

(b) There is hereby assessed an additional fee of three dollars (\$3.00) as part of the costs in (i) each civil action, and (ii) each criminal or traffic case in which the defendant is charged with a violation of any statute or ordinance; provided such actions are filed in the General District Court for the City of Charlottesville or in the Circuit Court for the City of Charlottesville or these actions arise in the City of Charlottesville and are filed in the Charlottesville-Albemarle Juvenile and Domestic Relations District Court. Such additional fee assessed under this subsection shall not be assessed in any civil action if the amount in controversy is \$500 or less. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the city, and held by such treasurer subject to disbursements by the City Council solely for the construction, reconstruction, renovation of, or adaptive re-use of a structure for a courthouse.

(c) The assessments provided for in this section shall be in addition to any other fees prescribed by law.

**Sec. 30-426. Funding of courthouse security personnel.**

There is hereby assessed a fee of ten dollars (\$10.00) as part of the costs in each criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance; provided such actions are filed in the General District Court for the City of Charlottesville or in the Circuit Court for the City of Charlottesville. The costs so assessed shall be used for the funding of courthouse security personnel. The fees shall be collected by the clerks of the respective courts involved and remitted to the city treasurer, who shall hold the fees in a designated account subject to disbursements by the governing body for the purposes stated above.

**2. This ordinance shall take effect upon passage.**



**RESOLUTION GRANTING A SPECIAL USE PERMIT  
TO 923 EAST MARKET STREET, LLC  
TO ALLOW INCREASED DENSITY AT 925 EAST MARKET STREET**

**WHEREAS**, CMB Development, LLC, the Applicant, on behalf of the Owner, 923 East Market Street, LLC, has requested a special use permit with respect to the property at 925 East Market Street, identified on City Tax Map 53 as Parcel 286, consisting of approximately 0.632 acres or 27,529.92 square feet (“Subject Property”), to allow increased density on the Subject Property from the by-right 43 dwelling units per acre to 89 dwelling units per acre; and

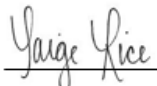
**WHEREAS**, the Subject Property is zoned “DN” (Downtown North, Mixed Use Corridor District) and, pursuant to §34-600 of the City Code, such increased density on the property is allowed by special use permit; and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on August 13, 2013, this Council finds that such use is allowed under City Code Section 34-600 by special use permit, and will conform to the criteria applicable to special permits generally under Chapter 34 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 approved and granted to 923 East Market Street, LLC to allow density of 89 dwelling units per acre at 925 East Market Street. Approval of this special use permit is conditioned upon the following:

1. The street width at 10<sup>th</sup> Street, N.E. and East Market Street shall be narrowed to incorporate sidewalk and landscape buffer, as approved by the City’s Traffic Engineer.
2. A setback shall be provided in the design and construction of the façade of the building that faces East Market Street and 10<sup>th</sup> Street N.E. Consistent with the architectural rendering submitted in the special use permit application, as follows: the minimum height shall be one (1) story, then at the top of the streetwall there shall be a minimum setback of ten (10) feet along at least seventy percent (70%) of the length of the East Market Street and 10<sup>th</sup> Street N.E. facade.
3. The building shall be constructed with at least one handicapped-accessible entrance on 10<sup>th</sup> Street, N.E. and at least one handicapped-accessible entrance on Market Street.
4. The building shall have not more than one garage entrance on 10<sup>th</sup> Street, N.E., if possible (i.e., if the owner acquires additional right-of-way to allow relocation of an entrance, it may be possible to have only one entrance on 10<sup>th</sup> Street, N.E.).
5. The commercial use in the building be open to the public, with an entrance directly accessible from a public street.
6. In developing the Subject Property pursuant to this special use permit, the applicant, and any subsequent owner(s), shall comply with the requirements of City Code Sec. 34-12 (affordable dwelling units).

Approved by Council  
October 7, 2013



Clerk of Council