



CITY COUNCIL AGENDA
November 4, 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)**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
AWARDS/RECOGNITIONS
ANNOUNCEMENTS**

VML Platinum Award

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 RESPONSE 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 October 21

b. **APPROPRIATION:**

State Criminal Alien Assistance Program (SCAAP) Grant for 2012-H4398-VA-AP for \$9,634 (2nd of 2 readings) **PASSED**

c. **APPROPRIATION:**

Charlottesville Area Transit Insurance Claim Recovery - \$9,321.20 (2nd of 2 readings) **PASSED**

d. **APPROPRIATION:**

Community Development Block Grant Funds for VIEW (Virginia Initiative for Employment not Welfare) Career Training - \$12,955 (2nd of 2 readings) **PASSED**

e. **APPROPRIATION:**

Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (2nd of 2 readings) **PASSED**

f. **APPROPRIATION:**

Runaway Emergency Shelter Program Grant - \$198,389 (1st of 2 readings) **CARRIED**

g. **APPROPRIATION:**

Gordon Avenue Library Masonry Project – Albemarle County Reimbursement - \$33,905.81 (1st of 2 readings) **CARRIED**

h. **RESOLUTION:**

Sale & Purchase Agreement Amendment for Elliott Avenue with Southern Development & Greater Charlottesville Habitat for Humanity (1st of 1 reading) **PASSED**

i. **RESOLUTION:**

Addition of Bike/Pedestrian Committee Member to PLACE Design Task Force (1st of 1 reading) **PASSED**

j. **RESOLUTION:**

Setting Rate for Payment in Lieu of Parking (1st of 1 reading) **PASSED**

2. ORDINANCE*

Dominion Power/Century Link Easements for RWSA's Ragged Mountain Dam Project (1st of 2 readings) **CARRIED**

3. ORDINANCE*

Tree Conservation Ordinance (2nd of 2 readings) **PASSED**

4. RESOLUTION*

Authorizing Use of Green City Initiative Funds for a Mini-Grant Incentive Electric Vehicle Charging Network - \$50,000 (1st of 1 reading) **PASSED**

5. RESOLUTION*

The Standard at 855 W. Main Street Special Use Permit (1st of 1 reading) **PASSED 4-1**
(Smith voted no)

6. RESOLUTION*

Meadowbrook Flats Critical Slopes Waiver Request — 1138 Emmet Street **DEFERRED by applicant**

7. ORDINANCE*

Affordable Dwelling Units Ordinance Revision (1st of 2 readings) **CARRIED**

**OTHER BUSINESS
MATTERS BY THE PUBLIC**

*ACTION NEEDED

APPROPRIATION

State Criminal Alien Assistance Program (S.C.A.A.P.) Grant for 2011
\$9,634

WHEREAS, the State Criminal Alien Assistance Program (S.C.A.A.P.) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville-Nelson Regional Jail, in the amount of \$9,634.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$7,515 be appropriated and passed through to the Albemarle-Charlottesville-Nelson Regional Jail and \$2,119 be appropriated and passed through to Justice Benefits, Inc.

Revenues

\$9,634 Fund: 211 Internal Order: 1900192 G/L Account: 431110

Expenses

\$7,515 Fund: 211 Internal Order: 1900192 G/L Account: 530550
\$2,119 Fund: 211 Internal Order: 1900192 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$9,634 from the U. S. Bureau of Justice Assistance.

APPROPRIATION.
Charlottesville Area Transit Insurance Claim Recovery.
\$9,321.20.

WHEREAS, the Virginia Municipal League has provided a check in the amount of \$9,321.20, as payment on a claim for Charlottesville Area Transit's bus stop amenities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$9,321.20 is hereby appropriated in the following manner:

Revenues - \$9,321.20

Fund: 245 Cost Center: 2801001000 G/L Account: 451110

Expenditures - \$9,321.20

Fund: 245 Cost Center: 2801001000 G/L Account: 599999

APPROPRIATION.
**Community Development Block Grant Funds for V.I.E.W. (Virginia Initiative for
Employment not Welfare) Career Training.**
\$12,955.

WHEREAS, The City of Charlottesville has received a Community Development Block Grant and a portion of the funding, \$12,955, has been designated for V.I.E.W. participant career training.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$12,955 is hereby appropriated in the following manner:

Revenue – \$12,955

Fund: 212 Cost Center: 3333002000 G/L Account: 451022

Expenditures - \$12,955

Fund: 212 Cost Center: 3333002000 G/L Account: 540060

APPROPRIATION.
Virginia Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.).
\$452,704.

WHEREAS, the City of Charlottesville has been awarded \$292,058 from the Virginia Department of Juvenile Justice, and \$52,231 from Albemarle County to be used to operate the V.J.C.C.C.A. Programs; and

WHEREAS, the terms of the award require local maintenance of effort by contributing \$108,415 from the City; and

WHEREAS, the grant award covers the period from July 1, 2013 through June 30, 2014.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$452,704 is hereby appropriated in the following manner:

Revenue – \$452,704

\$292,058	Fund: 220	Cost Center: 3523001000	G/L Account: 430080
\$52,231	Fund: 220	Cost Center: 3523001000	G/L Account: 432030
\$108,415	Fund: 220	Cost Center: 3523001000	G/L Account: 498010

Expenditures - \$452,704

\$ 49,775	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$402,929	Fund: 220	Cost Center: 3523001000	G/L Account: 530010

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$292,058 from V.A. Department of Juvenile Justice, and \$52,231 from Albemarle County.

RESOLUTION

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

Amendment No. 1 to the Land Purchase and Development Agreement, dated August 1, 2012, among the City of Charlottesville, Greater Charlottesville Habitat for Humanity, Inc. and Southern Development Group, Inc., extending the deadline to close on the sale of land on Elliott Avenue.

RESOLUTION

BE IT RESOLVED by the City Council of the City of Charlottesville that the PLACE Design Task Force membership is hereby altered to change the status of all current *ex officio* members (members appointed by the City Council, Planning Commission, Board of Architectural Review, and Tree Commission) to regular members of the Task Force; and

BE IT FURTHER RESOLVED that the PLACE Design Task Force membership is hereby increased by adding a member from the Bike/Pedestrian Committee, such member to be selected by the Bike/Pedestrian Committee.

**RESOLUTION
ESTABLISHING A STANDARD AMOUNT
FOR CALCULATION OF CONTRIBUTIONS TO CITY PARKING FUND
PURSUANT TO CITY CODE §34-971(e)(4)**

WHEREAS, City Code § 34-971(e)(4)(c) allows property owners, as an alternative to providing on-site parking in certain areas, to make payment of cash into a city parking fund, in a standard amount established by city council; and

WHEREAS, the City Council desires to establish a standard amount, per parking space, to be utilized in implementing the option provided by § §34-971(e)(4)(c); and

WHEREAS, the Departments of Neighborhood Development Services and Economic Development have considered information collected from parking industry publications, and has recommended an amount to City Council for its consideration; and

NOW THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the amount of sixteen thousand five hundred forty three dollars (\$16,543) per parking space is hereby established as the per-space standard amount to be utilized in implementing the provisions of City Code § §34-971(e)(4)(c).

**AN ORDINANCE
TO ADD A NEW ARTICLE TO CHAPTER 18 (PARKS AND RECREATION)
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
TO BE NUMBERED ARTICLE II AND NAMED “TREE CONSERVATION”,
REGULATING THE PRESERVATION AND REMOVAL OF HERITAGE,
SPECIMEN, MEMORIAL AND STREET TREES.**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Chapter 18 (Parks and Recreation) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained to incorporate Sec. 18-1 under a new heading of Article I (Parks), and add a new Article II (Tree Conservation) to Chapter 18, all to read as follows:

CHAPTER 18. PARKS AND RECREATION

ARTICLE I. PARKS

Sec. 18-1. Time, place or manner of park use.

...

Secs. 18-2 – 18.4. Reserved.

ARTICLE II. TREE CONSERVATION

Sec. 18-5. Authority.

This ordinance is enacted pursuant to Code of Virginia Sec. 10.1-1127.1, as amended.

Sec. 18-6. Purpose and Intent.

There is hereby established a tree conservation ordinance to secure protection for a portion of the City’s urban forest and the ecosystem services that this forest provides by regulating the designation, preservation and removal of heritage, memorial, specimen and street trees located within the City.

Sec. 18-7. Administration and Enforcement.

The Director of the Department of Parks and Recreation, or his or her designee, shall be the Administrator of this ordinance.

Any person or entity that knowingly violates any provision of this article shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Civil penalties shall be imposed by the issuance of a civil summons returnable in the General District Court by the Administrator or his or her designee.

Sec. 18-8. Definitions.

For the purpose of this ordinance, the following definitions shall apply:

Heritage tree means any tree that has been individually designated by City Council to have notable historic or cultural interest.

Memorial tree means any tree that has been individually designated by City Council to be a special commemorating memorial.

Specimen tree means any tree that has been individually designated by City Council to be notable by virtue of its outstanding size and quality for its particular species.

Street tree means any tree that has been individually designated by City Council and which grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Sec. 18-9. Designation.

(a) Application

- (i) **By Written Request.** Any person may submit a written request to the Administrator seeking designation by ordinance of a tree located on private property as a heritage, memorial, specimen or street tree. The request must describe the tree in question, its location, and the factors which support its designation as a heritage, memorial, specimen or street tree. Any submission for designation of a tree by a person who is not the property owner must include written consent of the property owner for the submission. The Administrator, upon receipt of such a request, shall forward a copy to the Tree Commission for review and recommendation to the City Arborist.
- (ii) **By Tree Commission.** The Tree Commission may submit a written recommendation to the Administrator seeking designation by ordinance of a tree located on public property or on private property if the owner of such property consents, as a heritage, memorial, specimen or street tree. The recommendation must describe the tree in question, its location and the factors which support its designation as a heritage, memorial, specimen or street tree. The Administrator, upon receipt of such a request, shall forward a copy to the City Arborist.

(b) Report and Hearing

- (i) The City Arborist shall provide a written report and recommendation on any proposed designation to City Council, which shall include the written recommendation of the Tree Commission and consider the planned land use by the owner of the property on which the tree is located.

- (ii) City Council shall hold quarterly public hearings to consider all then-pending applications for designation, however any application initially submitted to the Administrator less than forty-five (45) days prior to a regularly scheduled public hearing shall not be heard until the next such quarterly hearing. The Clerk of Council shall send notice of the scheduled hearing to any owner of property upon which a tree being considered for designation is located by certified mail at least fourteen (14) days prior to the hearing.
 - (iii) City Council, after consideration of the report and recommendation of the City Arborist and any additional information that it deems relevant, and after conducting a public hearing, may designate by ordinance the subject tree as a heritage, memorial, specimen or street tree.
- (c) Designation of a tree under this ordinance does not impose any additional obligation upon the City to inspect, maintain or take any other action with regard to such tree.

Sec. 18-10. Conservation.

(a) A property owner shall undertake reasonable efforts to preserve and protect any trees designated pursuant to this ordinance. No heritage, memorial, specimen or street tree may be removed or intentionally damaged in a way that could destroy the tree unless authorized by City Council. City Council may authorize the removal or other action upon making a determination that: (i) there is an overriding need for public improvements which necessitate removal of the tree; or (ii) not removing the tree will cause severe hardship to the property owner. A request to remove or take other action upon any designated tree shall be submitted and acted upon in the same manner as a request for designation in section 18-9

(b) The City Manager may permit the removal of a heritage, memorial, specimen or street tree if the City Arborist determines that the tree is dead, has become irreversibly diseased or irreversibly damaged by natural causes, or that the tree endangers the health, safety and/or welfare of the public that cannot be mitigated in accordance with accepted industry standards of tree risk assessment and management.

(c) Any City department or contractor engaged by the City shall, prior to conducting any land disturbing activity, ascertain whether the drip line of any tree designated pursuant to this ordinance lies within fifty feet of the land disturbing activity. Upon making such a determination, the City department shall alert the City Arborist.

If the City Arborist determines that the proposed land disturbing activity may damage or destroy the tree, then the City department responsible for the proposed work, if unable to alter plans to avoid such results, shall submit a request to proceed with the proposed activity to the Tree Commission, which shall make a recommendation to the City Council. City Council may direct the City department to take additional precautionary measures to protect the tree, or approve the removal of the tree, or direct that the activity not be conducted.

Sec. 18-11. Exceptions.

The provisions of this ordinance shall not apply to:

- (1) Work conducted on federal or state property;
- (2) Emergency work to protect life, limb or property;
- (3) Routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service;
- (4) Activities with minor effects on trees, including but not limited to, home gardening and landscaping of individual homes; and
- (5) Commercial, silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

Sec. 18-12. Takings.

In the event that the application of this ordinance regulating the removal of heritage, memorial, specimen or street trees results in any taking of private property for a public purpose or use, the City shall compensate by fee or other consideration the property owner for such taking, to the extent that such claim is recognized and compensable under state or federal law, and in accordance with the provisions of Chapter 2 of Title 25.1 of the Code of Virginia.

Sec. 18-13—18-20. Reserved.

RESOLUTION
Use of Green City Initiative Funds for
Mini-Grant Incentive Electric Vehicle Charging Network
\$50,000

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

Transfer From

\$ 50,000 Fund: 105 Cost Center: 1601002000 G/L Account: 561426

Transfer To

\$ 50,000 Fund: 426 WBS: P-00793 G/L Account 498010
\$ 50,000 Fund: 426 WBS: P-00793 G/L Account: 599999

**RESOLUTION GRANTING A SPECIAL USE PERMIT
FOR INCREASED RESIDENTIAL DENSITY
FOR PROPERTY LOCATED AT 853, 855 and 901 WEST MAIN STREET**

WHEREAS, pursuant to City Code § 34-621(b) the Timmons Group (“Applicant”) has requested a special use permit with respect to 853, 855 and 901 West Main Street (also known as Republic Plaza), identified on City Tax Map 31 as Parcels 169 and 170, consisting of approximately 2.517 acres, or 345,790 square feet of Gross Floor Area (“Subject Property”), to allow for increased residential density of up to 89 units per acre and, pursuant to City Code § 34-617(2) an additional 10 feet in height; and

WHEREAS, the Subject Property is zoned “WMN” (West Main North) and, pursuant to §34-621(b) of the City Code, such increased density is allowed by Special Use Permit, and pursuant to §34-617(2), such additional height is allowed pursuant to a Special Use Permit; and

WHEREAS, a joint public hearing on this application was held before the City Council and Planning Commission on October 8, 2013, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, on October 8, 2013, based on the information and materials submitted by the Applicant as part of its application, the staff report prepared by Neighborhood Development Services staff, the factors set forth within City Code § 34-157, and the comments received at the public hearing, the Planning Commission recommended that the Special Use Permit application be approved, with conditions; and

WHEREAS, upon consideration of the factors set forth within City Code §34-157, this Council finds that the additional residential density and height requested by the Applicant is appropriate, subject to certain reasonable conditions, based on the representations, information, and materials submitted within Applicant’s application materials; 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 allow an increase in residential density at 853, 855 and 901 West Main Street, and an additional 10 feet of building height, subject to and conditioned upon compliance with the following conditions by the applicant and any subsequent owner(s) proceeding with the development of the Subject Property (collectively “Applicant”):

- (1) The maximum parking provided on site shall be no more than 499 spaces;
- (2) In developing the Subject Property pursuant to this Special Use Permit, the Applicant shall comply with the requirements of City Code §34-12 (affordable dwelling units).
- (3) Prior to final design, and prior to commencement of development, the Applicant, at its sole cost, will provide the City with a Traffic Study, with a scope approved in advance by the City’s Traffic Engineer. Prior to commencement of the Traffic Study, a scoping meeting will be conducted, to include, at a minimum, the City’s Traffic

Engineer, and a representative of UVA. The Applicant will pay for and install improvements indicated by the Traffic Study as being necessary to accommodate impacts of the development, such as improvements to bicycle and pedestrian facilities adjacent to the development (pedestrian signals could be included), traffic signalization, entrance design/placement/width, etc.

- (4) The Applicant will close the courtyard off from West Main Street, in order to provide at least 7000 SF of retail on the West Main Street frontage.

- (5) Applicant will reserve a 5 foot strip of land along the east side of the building, unoccupied by any buildings or structures, for possible future access

- (6) Applicant will install a pedestrian access way on the west side of the building

- (7) Bicycle parking internal to the building will equal at least one space per residential unit, and publicly accessible bicycle parking will be provided in an amount equal to at least 1 bicycle space per 1000 SF of commercial space on site.