



CITY COUNCIL AGENDA
April 6, 2015

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 (Sale of City-owned property on Water Street)

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

Council Chambers

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

MATTERS BY THE PUBLIC

Public comment permitted for the first 12 speakers who sign up before the meeting (limit 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 consent agenda will be considered at the end of the regular agenda.)

a. Minutes for March 16

b. **APPROPRIATION:**

USDA Local Food Promotion Program Grant – \$25,000 (2nd of 2 readings)

c. **APPROPRIATION:**

Central Library Restroom Renovation and A.D.A. Improvements Project – Albemarle County Reimbursement - \$19,330.77 (2nd of 2 readings)

d. **APPROPRIATION:**

Preston-Morris Building Envelope Restoration Project – Albemarle County Reimbursement - \$1,300 (2nd of 2 readings)

e. **APPROPRIATION:**

CDBG & HOME Funds for FY 2015-2016:

Fund Appropriation for 2015-16 CDBG Block Grant – \$884,059.82 (1st of 2 readings)

Fund Appropriation for 2015-16 HOME Funds – \$59,652 (1st of 2 readings)

Amendment to CDBG Account: Reprogramming Funds for FY 15-16 (1st of 2 readings)

Amendment to HOME Account: Reprogramming Funds for FY 15-16 (1st of 2 readings)

f. **RESOLUTION:**

Critical Slopes Waiver for Kroger (1st of 1 reading)

g. **RESOLUTION:**

Fund Transfer to the Smith Aquatic & Fitness Center Project Account – \$231,547 (1st of 1 reading)

h. **RESOLUTION:**

Loan Extension Request for The Lewis & Clark Exploratory Center of Virginia, Inc. - \$130,000 (1st of 1 reading)

2. PUBLIC HEARING / ORDINANCE*

Amendment to City Code – Meals Tax Ordinance Change (1st of 2 readings)

3. PUBLIC HEARING

City Council's Proposed FY 2016 Budget

4. FY 2016 BUDGET*

ORDINANCE: Tax Levy Ordinance (1st of 2 readings)

APPROPRIATION: F.Y. 2016 Budget Appropriation (1st of 2 readings)

OTHER BUSINESS
MATTERS BY THE PUBLIC
COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION
USDA Local Food Promotion Program Grant
\$25,000

WHEREAS, the City of Charlottesville has received a grant from the United States Department of Agriculture to support the development of new markets for lightly processed and flash frozen Virginia grown,

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

Revenues

\$25,000 Fund: 209 Internal Order: 1900232 G/L Account: 431110 Federal Grant

Expenditures

\$25,000 Fund: 209 Internal Order: 1900232 G/L Account: 530550 Contract Serv.

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$25,000 from the USDA Local Food Promotion Program.

APPROPRIATION.

**Central Library Restroom Renovation and A.D.A. Improvements Project – Albemarle County
Reimbursement.
\$19,330.77.**

WHEREAS, Albemarle County was billed by the City of Charlottesville in the amount of \$19,330.77.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$19,330.77 from Albemarle County is to be appropriated in the following manner:

Revenues - \$19,330.77

Fund: 426 Funded Program: CP-013 (P-00726-01) G/L Account: 432030

Expenditures - \$19,330.77

Fund: 426 Funded Program: CP-013 (P-00726-01) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$19,330.77, from Albemarle County.

APPROPRIATION.
Preston-Morris Building Envelope Restoration Project – Albemarle County
Reimbursement.
\$1,300.

WHEREAS, Albemarle County was billed by the City of Charlottesville in the amount of \$1,300.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$1,300 from Albemarle County is to be appropriated in the following manner:

Revenues - \$1,300

Fund: 426 Funded Program: CP-014 (P-00785-02) G/L Account: 432030

Expenditures - \$1,300

Fund: 426 Funded Program: CP-014 (P-00785-02) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$1,300, from Albemarle County.

**RESOLUTION APPROVING A REQUEST FOR WAIVER
OF CRITICAL SLOPES PROVISIONS
PURSUANT TO CITY CODE SECTION 34-1120(b)(6)
FOR PROPERTY LOCATED AT 220 ZAN ROAD**

WHEREAS, Kroger Limited Partnership I, has requested, on behalf of the owner of property designated as Parcel 150 on City Real Estate Tax Map 41-B and Parcel 31 on City Real Estate Tax Map 41-C (together, the “Property”), a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) in connection with a development project at 220 Zan Road for a project described as follows: renovation and expansion of the existing grocery store, based on a proposed building footprint, as expanded, of 97,979 square feet (SF), including the building and a loading dock (the “Project”); and

WHEREAS, the Planning Commission held a joint public hearing with City Council on March 10, 2015 to give the public an opportunity to comment; and

WHEREAS, the Planning Commission recommended approval of the request to waive the critical slopes requirements, pursuant to City Code §34-1120(b)(6)(d)(i), upon a finding that the public benefits of allowing disturbance of the critical slope outweigh the public benefits of the undisturbed slope, and further, the Planning Commission recommended that City Council consider imposing seven (7) conditions; and

WHEREAS, upon consideration of the information and materials provided by the applicant, and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d)(i) that the benefits of allowing disturbance of the critical slopes in connection with the development project outweigh the public benefits of the undisturbed slopes; provided, however, that City Council deems it necessary, in order to protect the public health, safety and welfare, and to insure that the development of the Project will be consistent with the purpose and intent of the critical slopes provisions of the City’s zoning ordinance, to condition the approval of this waiver on compliance by the owner of the Property with several conditions; NOW, THEREFORE,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the request by Kroger Limited Partnership I, for a waiver of the critical slopes requirements for the above-described Project to be developed on the Property, is hereby granted, subject to compliance with the following conditions during the development and establishment of the Project:

1. The stormwater outfall for the Project shall be constructed using methods, and low-maintenance materials, designed to ensure that the appearance of the outfall and related facilities (including, without limitation, adjacent retaining wall and fencing) will be integrated and compatible with the natural character of adjacent park land and trails.
2. The Project developer shall consult with the City’s Department of Parks and Recreation as to the appropriateness of the materials and methods used in the design of the outfall

and related facilities described in condition #1, above, to the end of avoiding negative visual impact on adjacent park land and trails.

3. The developer of the Project shall obtain approval of the City's Department of Parks and Recreation of a final location of a trail easement across the Property, creating access to the Property from Hillsdale Drive, and the approved location will be shown on the final site plan for the Project.
4. The change in grade of the Property, considered in context of the commercial nature of the Project, is likely to result in some greater noise impact than the existing use of the Property; therefore, this approval is also subject to a condition that no deliveries shall be made to the Property between the hours of 11 PM and 6 AM any day. This condition shall be noted on the final site plan as a condition of development of the Project.
5. To assure that the disturbance of critical slopes and development of the Project will not have an adverse impact on the objectives of an adjacent conservation easement, the developer will provide all information necessary to The Nature Conservancy and will cooperate with the City and The Nature Conservancy so that any work done within the conservation easement will conform to the objectives set forth in the deed of easement and the overarching goal to promote, protect, and restore Meadow Creek.
6. To mitigate any impact that the change in grading of the Property may have on adjacent residential uses, the development of the Project shall comply with requirements of the City's outdoor lighting regulations (City Code Chapter 34, Article IX, Division 3, §§ 34-1000 et seq.) and, in addition, the development shall include a vertical shield on each light fixture installed on the Property adjacent to any City park land and the established Hearthwood Apartments. The final site plan for the Project shall demonstrate compliance with this condition.
7. To assure that the undisturbed critical slope areas will continue to perform the public benefits referenced within City Code § 34-1120(b)(6)(d)(i), the tree canopy within the critical slope area shall be maintained in a manner that will prevent overgrowth and ensure overall tree health and natural beauty. The areas subject to this maintenance obligation shall be shown on the final site plan, and the maintenance obligation shall be noted on the final site plan as a condition of development of the Project.

RESOLUTION.

**Transfer of Funds to the Smith Aquatic Center Project Account
\$231,547.**

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: 426	WBS: P-00599	G/L Account: 599999
\$72,690	Fund: 426	WBS: P-00769	G/L Account: 599999
\$3,857	Fund: 426	WBS: P-00588	G/L Account: 599999
\$25,000	Fund: 426	Project: CP-070	G/L Account: 599999
\$80,000	Fund: 107	Project: FR-001	G/L Account: 561426

Transfer To

\$231,547	Fund: 426	WBS: P-00858	G/L Account: 599999
\$80,000	Fund: 426	WBS: P-00858	G/L Account: 498010

RESOLUTION

Proposed Loan Extension for The Lewis & Clark Exploratory Center of Virginia, Inc.

BE IT RESOLVED by the City Council of the City of Charlottesville that the due date for funds previously transferred from the City's Strategic Investment Fund to the Charlottesville Economic Development Authority (CEDA) for the purpose of a loan to The Lewis & Clark Exploratory Center of Virginia, Inc.; be extended to October 31, 2015.

BE IT FURTHER RESOLVED by the City Council of the City of Charlottesville that once the funds have been repaid to CEDA, \$130,000 will be returned to the City's Strategic Investment Fund.