



CITY COUNCIL AGENDA
June 1, 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 (City Manager's annual performance evaluation; Boards and Commissions.)

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.)

Passed 5-0

a. Minutes for May 18

b. **APPROPRIATION:**

Virginia Homelessness Solutions Grant (VHSP) – \$69,368.95 (2nd of 2 readings)

c. **APPROPRIATION:**

Domestic Violence Services Coordinator Grant - \$44,876 (1st of 2 readings)

d. **RESOLUTION:**

Funds Transfer to the Market Street Parking Garage Building Envelope Restoration Project Account – \$70,000 (1st of 1 reading)

e. **RESOLUTION:**

Fund Transfer to the Facilities Capital Projects Lump Sum Account for the Public Service Office Renovation Project - \$65,000 (1st of 1 reading)

f. **ORDINANCE:**

Meals Tax Exemptions for Non-Profits (2nd of 2 readings)

g. **ORDINANCE:**

Enhanced Penalties for Speeding on Locust Avenue from Hazel Street to the 250 Bypass (2nd of 2 readings) **Passed 5-0 with original language from 5/18**

h. **ORDINANCE:**

Sidewalk Waiver Provision (VA Code update) (1st of 2 readings)

i. **ORDINANCE:**

Affordable Dwelling Unit Revised Definition (1st of 2 readings)

2. PUBLIC HEARING / RESOLUTION*

Authorization of Lease Agreement for 608 Ridge Street (1st of 1 reading)

Passed 5-0

3. REPORT

Proposed Utility Rates for FY 2016

ORDINANCE*

Amending and Reordaining Chapter 31 Relating to Changes in Miscellaneous Utility Fees (2nd of 2 readings) **Passed 5-0**

ORDINANCE*

Amending and Reordaining Chapter 31 to Establish New Utility Rates and Service Fees for City Gas, Water and Sanitary Sewer (2nd of 2 readings) **Passed 5-0**

4. RESOLUTION*

1725 Jefferson Park Ave. Apartments Special Use Permit (1st of 1 reading) **Passed 5-0**

OTHER BUSINESS

MATTERS BY THE PUBLIC

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION.
Virginia Homelessness Solutions Grant.
\$69,368.95

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received additional funding for the Virginia Homelessness Solutions Grant from the Virginia Department of Housing and Community Development in the amount of \$69,368.95;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$69,368.95 is hereby appropriated in the following manner:

Revenues

| | | | |
|-------------|-----------|-------------|---------------------------------------|
| \$58,269.92 | Fund: 209 | IO: 1900231 | G/L: 430110 State Grants |
| \$11,099.03 | Fund: 209 | IO: 1900231 | G/L: 430120 State (Federal Pass-Thru) |

Expenditures

| | | | |
|-------------|-----------|-------------|---------------------------------|
| \$69,368.95 | Fund: 209 | IO: 1900231 | G/L: 530550 Contracted Services |
|-------------|-----------|-------------|---------------------------------|

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$69,368.95 in additional funds from the Virginia Department of Housing and Community Development.

RESOLUTION

**Transfer of Funds to the Market Street Parking Garage Building Envelope Restoration
Project Account
\$70,000**

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

\$70,000 Fund: 107 WBS: FR-001/P-00808 G/L Account: 561426

Transfer To

\$70,000 Fund: 426 WBS: CP-015/P-00826-04 G/L Account: 599999

\$70,000 Fund: 426 WBS: CP-015/P-00826-04 G/L Account: 498010

RESOLUTION

**Transfer of Funds to the Public Service Office Renovation Project Account
\$65,000**

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

WHEREAS, the City of Charlottesville will commence office renovation work in the amount of \$65,000.

Transfer From - \$65,000

| | | | |
|----------|-----------|-------------------------|---------------------|
| \$40,000 | Fund: 105 | Cost Center: 2431001000 | G/L Account: 561426 |
| \$5,000 | Fund: 105 | Cost Center: 2443001000 | G/L Account: 561426 |
| \$7,500 | Fund: 105 | Cost Center: 2461001000 | G/L Account: 561426 |
| \$7,500 | Fund: 105 | Cost Center: 2461002000 | G/L Account: 561426 |
| \$5,000 | Fund: 105 | Cost Center: 2481001000 | G/L Account: 561426 |

Transfer To - \$65,000

| | | | |
|----------|-----------|---------------------|---------------------|
| \$65,000 | Fund: 426 | WBS: CP-015/P-00826 | G/L Account: 599999 |
| \$65,000 | Fund: 426 | WBS: CP-015/P-00826 | G/L Account: 498010 |

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 30-284 OF ARTICLE X
OF CHAPTER 30 (TAXATION) OF THE CODE OF THE
CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATING TO EXEMPTIONS FROM MEALS TAX**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 30-284 of Article X of Chapter 30 of the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 30-284. – Exemptions generally.

- (a) ...
- (b) ...
- (c) ...
- (d) The tax imposed under this article shall not be levied on the following purchases or sales of food and beverages:
 - (1) ...
 - (2) ...
 - (3) ...
 - (4) ...
 - (5) ...
 - (6) ...
 - (7) Meals sold by a nonprofit educational, religious, charitable or benevolent organization ~~on an occasional basis, not exceeding the first three (3) times per calendar year, and beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times)~~, as a fund-raising activity, the gross proceeds of which are to be used exclusively for nonprofit educational, charitable, benevolent, or religious purposes.
 - (8) ...
 - (9) Served by churches for their members as a regular part of their religious observances.
 - (910) Any other sale of a meal which is exempt from taxation under the Virginia Retail Sales and Use Tax Act (Code of Virginia, §58.1-600 et seq.), or administrative rules and regulations issued pursuant thereto.

AN ORDINANCE
AMENDING AND REORDAINING SECTION 15-101 OF ARTICLE IV (SPEED LIMITS) OF
CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC)
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED
ADDING LOCUST AVENUE BETWEEN HAZEL STREET AND THE 250 BYPASS TO THE
LIST OF STREETS WITH ENHANCED PENALTIES FOR SPEEDING.

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

1. Section 15-101 of Article IV of Chapter 15 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 15-101. Enhanced penalties for speeding on certain designated residential streets.

(a) Pursuant to § 46.2-878.2 of the Code of Virginia any person who operates a motor vehicle in excess of the maximum posted speed limit established for any portion of the streets or highways listed in paragraph (c) below, on or after the effective date, shall be guilty of a traffic infraction punishable by a pre-payable fine of two hundred dollars (\$200.00), in addition to other penalties provided by law. The maximum speed limit and the penalty for speeding violations shall be displayed on appropriately placed signs on the designated streets. No portion of the fine shall be suspended unless the court orders twenty (20) hours of community service.

(b) The criteria for the designation of streets that will be subject to the increased penalty for speeding shall include the following:

- (1) The street or highway is located in a residence district as defined in § 46.2-100 of the Code of Virginia;
- (2) The street or highway has a functional classification of minor arterial, collector or local street;
- (3) The portion of the street or highway subject to the penalty has a length of not less than three hundred (300) feet;
- (4) At the time of designation pursuant to this ordinance, the city traffic engineer, or her designee, has determined that a speeding problem exists on the street or highway, as documented by data demonstrating that motorists regularly exceed the posted speed limit by at least ten (10) miles per hour.

(c) The following streets or highways, having been found to satisfy the criteria of paragraph (b), are hereby subject to the fine imposed by paragraph (a) herein:

- (1) Old Lynchburg Road from the City of Charlottesville corporate limits to the intersection with Jefferson Park Avenue;

- (2) Avon Street from the City of Charlottesville corporate limits to the intersection with Monticello Avenue;
- (3) Altavista Avenue from Monticello Avenue to Avon Street;
- (4) Elliott Avenue from Monticello Avenue to Ridge Street;
- (5) Brandywine Drive from Hydraulic Road to Yorktown Drive; ~~and~~
- (6) Franklin Street from Nassau Street to Market Street; and
- (7) Locust Avenue from Hazel Street to the 250 bypass.

The city council may, at any time, designate by ordinance additional streets or highways for an increased penalty where those streets meet the requirements of section (b) herein.

**RESOLUTION
TO AUTHORIZE THE LEASE OF CITY OWNED LAND
AT 608 RIDGE STREET TO
LOCAL ENERGY ALLIANCE PROGRAM (LEAP)**

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:

Lease Agreement between the City of Charlottesville and the
Local Energy Alliance Program (LEAP) for the property
located at 608 Ridge Street.

THIS LEASE AGREEMENT, made as of this 1st day of July 2015, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, hereinafter the "Landlord", and **THE LOCAL ENERGY ALLIANCE PROGRAM**, a Virginia non-profit organization, hereinafter the "Tenant";

WITNESSETH:

That Landlord hereby leases unto the Tenant and the Tenant hereby agrees to lease from the Landlord the building located at 608 Ridge Street in the City of Charlottesville, Virginia, hereinafter referred to as the "Premises."

1. Term. The term of this lease shall commence July 1, 2015 and shall end on June 30, 2016 (the "Term"). At the discretion of the Landlord, this lease may be extended for an additional period of time of up to one year.

2. Rent / Late Fee / Deposit. The Tenant agrees to pay the Landlord rent during the Term of this lease of One Thousand Dollars (\$1,000) per month. The Tenant shall pay the Landlord the rent, in advance, on the first day of each calendar month. The Tenant shall pay a late fee of Fifty Dollars (\$50.00) for any rent payment not paid by the due date. On execution of this lease, Tenant shall deposit with Landlord one month's rent as security for the faithful performance by Tenant of the terms herein, to be returned to Tenant, without interest, upon full performance of its obligations herein.

3. Improvements. Any alterations, additions and improvements to the Premises must be approved by Landlord prior to the commencement of construction. Except as otherwise provided hereafter, all such alterations, additions, and improvements to the Premises shall inure to the benefit of and shall become the property of the Landlord.

4. Right of First Refusal. If during the Term the Landlord receives a bona fide offer from a third party to purchase the Premises, the Landlord shall not accept such offer without first offering the Premises for sale to the Tenant on the same terms and conditions contained in the offer from such third party. Tenant shall have a period of forty-five (45) days from the date of said offer by Landlord to accept such offer. If Tenant fails to exercise said right of first refusal within the 45 day period, the Landlord may elect to terminate this lease upon forty-five (45) days prior written notice to Tenant.

5. Maintenance and Repairs. Tenant shall be responsible for paying all costs associated with utilities (i.e., water, sewer, electrical, gas, and telecommunications/data), as well as landscape maintenance and trash/garbage removal. Further, Tenant shall comply with all laws and ordinances affecting the cleanliness, occupancy, use and preservation of the Premises, including but not limited to, City of Charlottesville Code §55-148 (Unlawful accumulations of garbage, refuse, etc.); §55-148 (Unlawful growth of weeds and other vegetation); and §55-155 (Duty of owner or occupant to cut grass, weeds and other vegetable matter from property line to the public street right-of-way). Tenant will also be responsible for snow removal from the Premises (i.e.,

from entrance stairs, decks/porches, walkways), including the requirements of Charlottesville City Code §28-25 (Removal of snow, sleet and ice from sidewalks).

Tenant shall be responsible for all routine, non-structural repairs and maintenance of the Premises. Charlottesville shall be responsible for all other maintenance and repairs associated with the Premises, including heating and air conditioning equipment, electrical panel, internal electrical wiring, roof, and all structural members of the building.

Tenant shall immediately notify Charlottesville Property Facilities Maintenance of all known problems that might represent a health or safety risk, or which may lead to failure of or damage to those components of the Premises.

6. Tenant Duties. The Tenant agrees to comply with all the laws and ordinances affecting the cleanliness, occupancy, use and preservation of the Premises. The Tenant shall not keep or have on the Premises any materials of a dangerous, flammable or explosive character which might increase the danger of fire upon the Premises. The Tenant shall use the Premises and all facilities contained therein in a reasonable manner and shall not deliberately or negligently destroy, deface, damage, impair or remove any part of the Premises, or permit any person to do so. The Tenant shall pay its own utility bills and shall indemnify the Landlord against any liability or damages on such account. The Tenant shall, at its own cost and expense, obtain general liability insurance covering interests of the Landlord and the Tenant in the Premises, with the limits of such insurance to be in the sum of at least One Million Dollars (\$1,000,000.00). Said policy shall name Landlord as an additional insured.

7. Sublet or Assignment. The Tenant shall have no right to assign or sublet the Premises, or any portion thereof, to any other party without the prior written consent of the Landlord, which consent shall be entirely within the discretion of the Landlord.

8. Access. The Landlord shall have the right to enter the Premises during normal business hours in order to inspect the Premises, make necessary repairs pursuant to Paragraph 5, or exhibit the Premises to either prospective or actual purchasers, tenants, workers or contractors. The Landlord may so enter without the consent of the Tenant any time in case of emergency. Except in the case of emergency, or if it is impractical to do so, the Landlord shall give the Tenant reasonable notice of its intention to enter.

9. Damage to Premises. In the event that the Premises shall be substantially damaged by fire or other casualty, the Premises shall be forthwith repaired, restored or rebuilt, as the case may be, within a reasonable time by the Landlord at the Landlord's expense, to its condition immediately prior to such damage or destruction. All provisions of this lease with respect to the payment of any rent shall be pro-rated based upon extent of damage and its impact upon Tenant's use of the Premises from the date of the casualty until such repairs are completed. The term of the lease may be extended by a similar period, at the Landlord's discretion.

10. Hours of Operation. Tenant shall establish regular hours during which the Premises will be open to the public (subject to staffing limitations), with the understanding that information about the Premises and its unique features will also be available electronically to the public.

11. Occupation / Use of Premises. The Premises shall be used to promote the benefits of ecoREMOD construction. The Tenant shall display books and other publications, an interactive website, and onsite staff who are knowledgeable about energy efficiency. The Tenant will act as steward for this community resource and will hold seminars and presentations for public benefit on how people can increase the health and safety of their homes while saving money and conserving resources.

12. Snow Removal: Snow removal is the responsibility of the Tenant.

13. Events of Default. The occurrence of any of the following shall constitute an event of default of the Tenant:

(a) Delinquency of the payment of any rent due under this lease for a period of 15 days after the first of any month.

(b) Nonperformance or noncompliance by the Tenant with any of the conditions or obligations of the Tenant contained in this lease for a period of 30 days after written notice thereof. The Tenant shall be accorded such 30 day period to cure the default, which time may, in the Landlord's sole discretion, be extended for so long as may be necessary to cure such default, provided Tenant commences promptly and proceeds diligently to cure such default.

(c) Filing by the Tenant or against the Tenant in any court pursuant to any statute of a petition of bankruptcy or insolvency or for reorganization or for the appointment of a receiver or trustee of all or a portion of Tenant's property, or an assignment by the Tenant for the benefit of creditors, provided that such proceedings are not dismissed within 90 days after the commencement of same.

(d) Failure by the Tenant to maintain its IRS status as a charitable organization.

14. Landlord's Remedies. Upon the occurrence of any event of default, the Landlord, at any time thereafter, may give written notice to the Tenant, by certified mail, return receipt requested, specifying the event of default and stating that the lease shall expire on a certain date, which date shall be at least 60 days after the date of such notice. Upon the date specified on such notice, this lease and all rights of the Tenant hereunder shall terminate.

At any time after such termination, the Landlord may relet the Premises or any part thereof. The failure of the Landlord to relet the Premises or any part thereof shall not make the Landlord liable to the Tenant for damages. No such termination of this lease shall relieve the Tenant of its liability and obligations under this lease, including the obligation for rent for the balance of the term.

15. Termination or Expiration of Lease Term. Upon termination or expiration of this lease, Landlord shall have the right to reenter and repossess the Premises and may dispossess the

Tenant and remove the Tenant and all other persons and property from the Premises. Tenant shall leave the Premises in good and "broom clean" condition, ordinary wear and tear excepted.

16. Waiver. Failure of the Landlord to insist, in any one or more instances, upon a strict performance of the covenants of this lease, or to exercise any option herein contained, shall not be construed as a waiver or a relinquishment of such right, but the same shall continue and remain in full force and effect. No waiver by the Landlord of any provision hereof shall be deemed to have been made unless expressed in writing and signed by the Landlord.

17. Notice. Any notice to the Tenant shall be sent by regular mail, postage prepaid (unless otherwise specified in this Lease) to Tenant at 608 Ridge Street, Charlottesville, Virginia 22903.

Any notice to the Landlord shall be sent by regular mail, postage prepaid to the Landlord in care of the City Manager, P.O. Box 911, Charlottesville, Virginia 22902.

18. Entire Agreement. This lease embodies the entire agreement between the parties and shall not be altered, changed or modified in any respect without a written instrument duly executed by both parties.

19. Applicable Law. This instrument shall be construed, interpreted and applied in accordance with the laws of the Commonwealth of Virginia.

20. Benefits. This agreement is binding upon and shall inure to the benefit of all the respective parties hereto, their respective successors, legal representatives and assigns.

WITNESS the following signatures and seals.

Approved as to form:

CITY OF CHARLOTTESVILLE, VIRGINIA

Deputy City Attorney

By: _____
Maurice Jones, City Manager

LOCAL ENERGY ALLIANCE PROGRAM (LEAP)

By: _____

Title: _____

**AN ORDINANCE
AMENDING AND REORDAINING CHAPTER 31 (UTILITIES)
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
RELATING TO CHANGES IN MISCELLANEOUS UTILITY FEES.**

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

- 1. Sections 31-8 of Article I, 31-29, 31-64, and 31-66 of Article II, 31-102, 31-104, and 31-120 of Article III, and 31-152 and 31-159 of Article IV, of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:**

CHAPTER 31. UTILITIES

ARTICLE I. In General

Sec. 31-8. – Fee for turning on gas and water service simultaneously.

When a customer requests that both gas and water service be turned on at the same time, there shall be an aggregate charge of thirty dollars (\$30.00), in lieu of the separate charges for gas and water specified, respectively, within ~~during normal business hours. In all other situations, the provisions of sections 31-29 and 31-104 shall apply.~~

ARTICLE II. Gas

Sec. 31-29. - Charge for turning on gas service and other service calls; furnace pilot relights fee.

- (a) There shall be a charge of thirty dollars (\$30.00) for turning on gas service, payable in advance, either initially or after service has been discontinued. For same-day service, or service outside of during normal business hours, and forty-eight dollars (\$48.00) after normal business hours (including and on weekends or and holidays), if such service is requested and is available, the charge shall be ninety dollars (\$90.00). These charges shall also apply to any other service calls.
- (b) For any separately metered single family residential property the city will, without charge, relight a furnace pilot light that was deliberately extinguished by a customer in anticipation of the end of a heating season, one (1) time during normal business hours during any calendar year. The fee for any other subsequent pilot light relights during the same calendar year or any relights outside of normal business hours shall be as set forth in paragraph (a).
- (c) ~~The fee for restoring gas service after termination for nonpayment shall be as set forth in section 31-66.~~

Sec. 31-64. - Customer deposits.

- (a) The director of finance shall require deposits from persons applying for gas service in accordance with the rules established in this section.
- (b) The normal deposit requirements shall be as follows:

| | [delete chart] | With gas heat | Without gas heat |
|-----|---|---------------|------------------|
| (+) | Residential accounts | \$250.00 | \$ 75.00 |
| (2) | Nonresidential accounts at locations with no history of gas service | -250.00 | -75.00 |

- (1) Residential accounts. For residential accounts with gas heat, the deposit shall be \$250.00. For residential accounts without gas heat, the deposit shall be \$75.00.
- (2) Nonresidential accounts. The deposit for a nonresidential account at a location with no history of gas service within the preceding twelve (12) months shall be determined as follows: the director of finance shall obtain from the utilities division information regarding an ongoing similar nonresidential use with a previous history of gas service and a similar meter size (“comparable account”). The finance director shall then establish a deposit in an amount equal to the total of the two (2) highest monthly gas bills for the comparable account during the preceding twelve (12) months.
- (3) The deposit for a nonresidential account with gas heat at a location with a previous history of gas service within the preceding twelve months shall be an amount equal to the greater of two hundred fifty dollars (\$250.00) or the total of the two (2) prior highest monthly gas bills at that location during the preceding twelve (12) months.

(c)-(g)

Sec. 31-66. - Charge for restoring service terminated for nonpayment.

- (a) For turning gas on again after it has been terminated for nonpayment, there customer shall be pay a charge as specified in sec. 31-29(a). of thirty dollars (\$30.00), payable in advance. When such restoration of service is required during other than normal business hours, this charge shall be forty-eight dollars (\$48.00).

ARTICLE III. Water and Sewers Generally

Sec. 31-102. Application for water service; water connection charges generally; installation of meters, etc.

(a) Whenever any person owning or leasing property for which water service has been installed desires the initiation of water delivery, he shall make written application to the director of finance on forms prescribed by the director.

(b) Whenever any person owning or leasing property along an existing city water main desires to provide a service connection from such main to such property, he shall make application to the director of finance on forms prescribed by the director. The charge for a water connection for a meter provided, installed and set by the city under this subsection shall be as follows:

| Meter Size | ERC | Water Meter Set Fee | Water Facility Fee |
|------------|-----|-------------------------------------|--------------------|
| 5/8" | 1 | \$200.00 <u>\$325.00</u> | \$3,100.00 |
| 1" | 2.5 | 370.00 <u>495.00</u> | 7,750.00 |
| 1½" | 5 | 390.00 <u>565.00</u> | 15,500.00 |
| 2" | 8 | 410.00 <u>635.00</u> | 24,800.00 |
| 3" | 15 | 500.00 <u>825.00</u> | 46,500.00 |
| 4" | 25 | 540.00 <u>965.00</u> | 77,500.00 |
| 6" | 50 | 620.00 <u>1,145.00</u> | 155,000.00 |

- (c) . . .
- (d) . . .
- (e) . . .

Sec. 31-104. - Charge for turning on water and other service calls.

There shall be a charge of thirty dollars (\$30.00) for turning on water service, payable in advance, either initially or after # service has been discontinued. For same-day service, or service outside of during normal business hours (including and forty-eight dollars (\$48.00) outside normal business hours and on weekends and holidays, if such service is requested and is available, the charge shall be ninety dollars (\$90.00). These charges will also apply to any other service calls.

Sec. 31-120. - Removal of sewer obstructions.

In case of any stoppage in a public sewer, the city shall remove the obstruction. If the stoppage occurs in the sewer between a building and the city sewer main, the property owner whose property connects with the public sewer shall remove the obstruction. If the owner fails to remove the obstruction within forty-eight (48) hours after notice from the city, the obstruction may be removed by the city and the cost thereof, together with twenty (20) percent thereof, shall be paid by the owner or customer in whose name the water account for the property is held. When the city is called to investigate a sewer stoppage or problem, and it is determined that the problem is not with the city's system, there will be a fee charged to the customer, as specified in Sec. 31-104 of thirty dollars (\$30.00) for service calls during normal business hours and forty-eight dollars (\$48.00) for service calls after normal business hours, on weekends and on holidays.

ARTICLE IV. Water and Sewer Service Charges

Sec. 31-152. - Customer deposits.

- (a) The director of finance shall require deposits from persons applying for water service in accordance with the rules established in this section.
- (b) The normal deposit requirements shall be as follows:
 - (1) Residential accounts\$75.00
 - (2) Nonresidential accounts at locations with no history of water service ~~.....\$75.00~~ within the preceding twelve (12) months shall be determined as follows: the director of finance shall obtain from the utilities division information regarding an ongoing similar nonresidential use with a previous history of gas service and a similar meter size ("comparable account"). The finance director shall then establish a deposit in an amount equal to the total of the two (2) highest monthly gas bills for the comparable account during the preceding twelve (12) months.
 - (3) The deposit for a nonresidential account at a location with a ~~previous~~ history of water service within the preceding twelve (12) months shall be the ~~greater of seventy-five dollars (\$75.00) or the~~ total of the two (2) prior highest monthly water bills at that location during the preceding twelve (12) months.
- (c)-(g)...[no changes]

Sec. 31-159. - Charge for restoring service terminated for nonpayment.

For turning water on again after it has been terminated for nonpayment, there shall be a charge, as specified in Sec. 31-104 of thirty dollars (\$30.00) for normal work hours and forty-eight dollars (\$48.00) for overtime, payable in advance.

2. This ordinance shall take effect July 1, 2015.

Adopted by Council on June 1, 2015

**AN ORDINANCE
AMENDING AND REORDAINING
CHAPTER 31 (UTILITIES) OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES
FOR CITY GAS, WATER AND SANITARY SEWER.**

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

1. Sections 31-56, 31-57, 31-60, 31-61, 31-62, 31-102.1, 31-106.1, 31-153 and 31-156 of Chapter 31, of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:

CHAPTER 31. UTILITIES

ARTICLE II. GAS

DIVISION 2. TYPES OF SERVICE; SERVICE CHARGES

Sec. 31-56. Rates - Generally.

The firm service gas rates based on monthly meter readings shall be as follows:

| | | |
|---|-----------------------|-----------------|
| Basic Monthly Service Charge | \$ 10.00 | |
| First 3,000 cubic feet, per 1,000 cubic feet | \$ 12.0771 | <u>\$9.4665</u> |
| Next 3,000 cubic feet, per 1,000 cubic feet | \$ 11.3525 | <u>\$8.8985</u> |
| Next 144,000 cubic feet, per 1,000 cubic feet | \$ 10.1448 | <u>\$7.9518</u> |
| All over 150,000 cubic feet, per 1,000 cubic feet | \$ 9.9032 | <u>\$7.7625</u> |

Sec. 31-57. Same--~~Summer~~ air conditioning.

(a) Gas service at the ~~following~~ rate specified in this paragraph (“air conditioning rate”) shall be available to customers who request such service in writing and who have installed and use air conditioning equipment operated by natural gas as the principal source of energy. The air conditioning rate will be \$8.0591 per one thousand (1,000) cubic feet of gas used per month. ~~available for bills rendered during the months of May through October of each year and shall be as follows:~~

(1) ~~Single family residential. For the first four thousand (4,000) cubic feet of gas used per month, the charge shall be the sum as set forth under section 31-56, and for all gas used in excess of four thousand (4,000) cubic feet per month, the rate shall be \$9.2914 \$ _____ per one thousand (1,000) cubic feet.~~

~~(2) Other. All gas used for summer air conditioning shall be separately billed at the rate of \$9.2914 ~~\$8.0591~~ per one thousand (1,000) cubic feet. All gas used during billing periods other than May through October of each year shall be at the rates set forth in section 31-56, 31-60 or 31-61 of this Code, as applicable.~~

(b) The director of finance may, when it is impracticable to install a separate meter for air conditioning equipment, permit the use of one (1) meter for all gas delivered to the customer, in which instance the director of finance shall estimate the amount of gas for uses other than air conditioning and shall bill for such gas at the rates provided in applicable sections of this division.

...

Sec. 31-60. Interruptible sales service.

(a) *Conditions.* . . .

(b) *Customer's agreement as to discontinuance of service.* . . .

(c) *Basic monthly service charge.* The basic monthly charge per meter for interruptible sales service ("IS gas") shall be sixty dollars (\$60.00).

(d) *Rate.* For all gas consumed by interruptible customers the rate shall be ~~\$9.2336~~ \$6.9358 per one thousand (1,000) cubic feet for the first six hundred thousand (600,000) cubic feet, and ~~\$7.7370~~ \$5.7006 per one thousand (1,000) cubic feet for all volumes over six hundred thousand (600,000) cubic feet.

(e) *Annual Minimum Quantity.* Interruptible rate customers shall be obligated to take or pay for a minimum quantity of one million two hundred thousand (1,200,000) cubic feet of gas annually. Each year, as of June 30, the director of finance shall calculate the total consumption of each interruptible customer for the preceding twelve (12) monthly billing periods, and shall bill any customer that has consumed less than the minimum quantity for the deficient amount at the rate of ~~\$7.7370~~ \$5.7006 per one thousand (1,000) cubic feet. Any new customer shall be required to enter into a service agreement with the City prior to the start of service. If an interruptible customer terminates service the annual minimum requirement shall be prorated on the basis of one hundred thousand (100,000) cubic feet per month for each month the customer has received service since the last June 30 adjustment.

(f) *Contract required.* . . .

Section 31-61. Interruptible Transportation Service.

(a) *Generally.* ...

(b) *Rates.* The rates for interruptible transportation service ("TS gas") shall be as follows:

- (1) ~~\$3.6762~~ \$3.6347 per decatherm for a combined IS and TS customer, and
- (2) ~~three dollars and three cents (\$3.03)~~ \$3.3278 per decatherm for a customer receiving only TS gas, and
- (3) \$1.9588 per decatherm, for customers who transport 35,000 or more decatherms per month ("large volume transportation customers"), regardless of whether such large volume transportation customer receives only TS gas, or also receives IS service.

(c) *Basic Monthly Service Charges.* Each TS gas customer shall pay monthly service charges, as follows:

- (1) Each combined IS and TS customer shall pay a monthly service charge of ~~one hundred and fifty dollars~~ \$150.00 per meter for ~~the right to receive TS gas service,~~ plus the basic monthly service charge of ~~sixty dollars (\$60.00)~~ per meter for IS gas.
- (2) Customers who receive only TS gas ~~only customers~~ shall pay a monthly service charge of ~~one hundred fifty dollars (\$150)~~ per meter.
- (3) Large volume transportation customers shall pay a monthly service charge of six hundred dollars (\$600.00) per meter, regardless of whether such large volume customer receives only TS gas, or also receives IS gas.

(d) *Special terms and conditions.* Special terms and conditions for service under this section shall be as follows:

- (1) Transportation by the city to any customer under this schedule shall be on an interruptible basis only, and the city shall have the right to curtail or interrupt transportation of gas whenever, in the sole judgment of the city, capacity and other conditions do not permit transportation hereunder. The city shall give the customer as much advance notice of curtailment or interruption as, in the city's sole judgment, is feasible and shall make its best efforts to give at least one-hour notice.
- (2) In the event gas is curtailed or interrupted and if a customer fails to comply with any curtailment or interruption notice delivered by the city, the customer shall be billed for such unauthorized use of gas at the rate of ten dollars (\$10.00) per decatherm. Such billing shall be in addition to charges at interruptible sales ~~"IS"~~ (IS) rates. This overrun penalty also shall be in addition to any penalty, fine or charge incurred by the city as a result of any unauthorized use of gas by the customer and shall apply to any other unauthorized gas usage.

(e) *Extension of facilities. . . .*

(f) *Billing month. . . .*

(g) *Lost and unaccounted-for gas. . . .*

(h) *Combined IS and TS customer using more than provided or scheduled by customer.*

In the event that a combined IS and TS customer needs more gas than the customer has provided or scheduled under its TS contract, such excess gas may be purchased from the city with the city's consent on an "as available" basis at regular interruptible sales (IS) rates, plus any related "excess take" or similar charges imposed on the city by its suppliers. Customer owned gas shall be the first through the meter. The city assumes no obligation to supply gas to displace volumes for which the customer has arranged transportation service. Unauthorized gas usage shall be subject to the overrun penalty described in subsection (d)(2) of this section. If a customer that is a combined IS and large-volume TS customer fails to maintain usage within the monthly load balancing tolerance referenced in paragraph (i)(2), following below, then such customer shall pay the city a penalty equal to any penalty charged to the city by Columbia Gas or others as a result of the customer's transportation volumes being outside of the monthly load balancing tolerance.

(i) *TS Customer providing more gas, or less gas, than customer's usage.*

(1) In any month when a either type of transportation customer's actual gas usage at any metered service connection is less than the transportation gas available for that the metered service connection, the city will provide load balancing on a seasonal basis with the same tolerance limits for overtenders as Columbia Gas provides the city pursuant to applicable schedules or tariffs. As of the adoption of this ordinance June 1, 1989, such tolerance limits and penalties imposed by Columbia Gas upon the city are were as follows:

(4 i) During the period from November 1 through March 31, transportation gas available for any month may exceed actual gas usage for that month by three (3) percent or less of scheduled transportation gas for that month without penalty.

(2 ii) During the period from April first through October thirty-first, transportation gas available for any month may exceed actual gas usage for that month by ten (10) percent or less of scheduled transportation gas for that month without penalty.

For the purpose of this subsection, reference to "transportation gas available for a the metered service connection" means is the transportation gas delivered to the city, reduced by the city's shrinkage rate, plus any imbalance allowed from the previous month. When the imbalance for any metered service connection exceeds these limits, the city shall retain the excess tenders and the customer shall pay the

city a penalty equal to that penalty charged to the city by Columbia Gas or others as a result of such excess imbalance.

- (2) Large volume transportation customers must maintain TS gas usage within a range that is within ten percent (10%), more or less, of the transportation gas delivered to the city, reduced by the city's shrinkage rate, plus any imbalance allowed from the previous month for a metered service connection ("load balancing tolerance"). The load balancing tolerance shall be maintained by a large volume TS customer on a daily basis ("daily load balancing tolerance") and on a monthly basis ("monthly load balancing tolerance"). If a large volume transportation customer fails to maintain usage within the applicable daily or monthly load balancing tolerance, then such customer shall pay the city a penalty equal to any penalty charged to the city by Columbia Gas or others as a result of the customer's transportation volumes being outside of the applicable load balancing tolerance.

(j) *Other terms and conditions. . . .*

Section 31-62. Purchased gas adjustment.

In computing gas customer billings, the basic rate charges established under sections 31-56, 31-57, 31-60 and 31-61 shall be adjusted to reflect increases and decreases in the cost of gas supplied to the city. Such increases or decreases shall be computed as follows:

(1) For the purpose of computations herein, the costs and charges for determining the base unit costs of gas are:

- a. Pipeline tariffs;
- b. Contract quantities; and
- c. Costs of natural gas, in effect or proposed as of March 1, 2014 2015.

(2) Such base unit costs are ~~\$6.7986~~ \$4.412 per one thousand (1,000) cubic feet for firm gas service and ~~\$5.2989~~ \$3.1235 per one thousand (1,000) cubic feet for interruptible gas service.

(3) In the event of any changes in pipeline tariffs, contract quantities or costs of scheduled natural gas, the unit costs shall be recomputed on the basis of such change in accordance with procedures approved by the city manager. The difference between the unit costs so computed and the base unit costs shall represent the purchased gas adjustment to be applied to all customer bills issued beginning the first billing month after each such change.

Sec. 31-102.1 Reduced water facility fees for affordable housing.

(a) In lieu of the water facility fee imposed pursuant to section 31-102, the water facility fee, ~~regardless of meter size or equivalent residential connections,~~ for connecting a unit of affordable housing to the city water system shall be eight hundred dollars (\$800.00) for a 5/8" meter. All meters larger than 5/8" shall be charged a fee equal to twenty-five percent (25%) of the water facility fee imposed by Sec. 31-102 for a meter of the same size.

(b) As used herein, "affordable housing" means: (1) a dwelling unit ~~(1) to be purchased and occupied by an individual or family with a household income less than eighty (80) percent of the Area Median Income ("AMI") ; , which and (2) that~~ has a sales price no greater than the maximum sales price established by the Virginia Housing Development Authority for its first time homebuyer loan programs in the Charlottesville metropolitan statistical area (non-federal targeted area); or (2) a dwelling unit that is developed as rental property with financial assistance from a federal, state or local program requiring the dwelling units to be leased to tenants with a household income less than eighty (80) percent of the AMI.

(c) An applicant for the reduced water facility fee shall agree to pay the difference between the reduced water facility fee and the standard water facility fee if the dwelling unit ceases to be affordable housing, as defined in paragraph (b), above herein, at any time within five (5) years from the date the connection to the city water system is made.

Sec. 31-106.1 Reduced sewer facility fees for affordable housing.

(a) In lieu of the sewer facility fee imposed pursuant to section 31-106, the sewer facility fee, ~~regardless of meter size or equivalent residential connections,~~ for connecting a unit of affordable housing to the city sewer system shall be eight hundred dollars (\$800.00) for a 5/8" meter. All meters larger than 5/8" shall be charged a fee equal to twenty-five percent (25%) of the sewer facility fee imposed by Sec. 31-106 for a meter of the same size.

(b) As used herein, "affordable housing" means: (1) a dwelling unit ~~(1) to be purchased and occupied by an individual or family with a household income less than eighty (80) percent of the Area Median Income ("AMI") ; , which and (2) that~~ has a sales price no greater than the maximum sales price established by the Virginia Housing Development Authority for its first time homebuyer loan programs in the Charlottesville metropolitan statistical area (non-federal targeted area); or (2) a dwelling unit that is developed as rental property with financial assistance from a federal, state or local program requiring the dwelling units to be leased to tenants with a household income less than eighty (80) percent of the AMI.

(c) An applicant for the reduced sewer facility fee shall agree to pay the difference between the reduced sewer facility fee and the standard sewer facility fee if the dwelling unit ceases to be affordable housing, as defined in paragraph (b), above herein, at any time within five (5) years from the date the connection to the city sewer system is made.

ARTICLE IV. WATER AND SEWER SERVICE CHARGES

...

Sec. 31-153. Water rates generally.

(a) Water rates shall be as follows:

| | <u>May-September</u> | <u>October-April</u> |
|---|---------------------------------|---------------------------------|
| (1) Monthly service charge. | \$4.00 | \$4.00 |
| (2) Metered water consumption, per 1,000 cu. ft . | \$58.03 <u>60.31</u> | \$44.64 <u>46.39</u> |

(b) This section shall not apply to special contracts for the consumption of water which have been authorized by the city council.

...

Sec. 31-156. Sewer service charges generally.

(a) Any person having a connection directly or indirectly, to the city sewer system shall pay therefor a monthly charge as follows:

(1) A basic monthly service charge of four dollars (\$4.00).

(2) An additional charge of ~~sixty one dollars and twenty six cents (\$61.26)~~ seventy dollars and forty four cents (\$70.44) per one thousand (1,000) cubic feet, of metered water consumption.

(b) Any water customer not discharging the entire volume of water used into the city's sanitary sewer system shall be allowed a reduction in the charges imposed under this section, provided such person installs, at his expense, a separate, City-approved water connection to record water which will not reach the City sewer system. The cost and other terms of City Code section 31-102 shall apply. For customers with monthly water consumption in excess of thirty thousand (30,000) cubic feet, where the director of finance considers the installation of a separate meter to be impracticable, the director may establish a formula which will be calculated to require such person to pay the sewer charge only on that part of the water used by such person which ultimately reaches the city sewers.

2. The foregoing amendments shall become effective July 1, 2015.

RESOLUTION
APPROVING A SPECIAL USE PERMIT
AS REQUESTED BY APPLICATION NO. SP-1500001
TO AUTHORIZE ADDITIONAL RESIDENTIAL DENSITY AND TO
MODIFY CERTAIN YARD REQUIREMENTS IN CONNECTION WITH
THE CONSTRUCTION AND ALTERATION OF A MULTIFAMILY RESIDENTIAL
DWELLING LOCATED AT 1725 JEFFERSON PARK AVENUE

WHEREAS, Neighborhood Investments, LLC, the owner of property located at 1725 Jefferson Park Avenue, acting by its duly authorized agent (“Applicant”) has submitted application SP-1500001 (“Application”) seeking approval of a special use permit authorizing additional residential density, and requesting modification of required yards, in connection with the construction of a multifamily residential dwelling at 1725 Jefferson Park Avenue, which property is identified on City Tax Map 16 as Parcel 16 (“Subject Property”), as such proposed development is depicted within a site plan submitted in connection with the Application; and,

WHEREAS, the Application seeks authorization pursuant to §34-420 of the City Code to construct a multifamily dwelling unit containing 19 dwelling units, an effective residential density of 49.875 DUA, and to modify the side yard requirement of City Code § 34-353(a) to establish a minimum 5-foot side yard requirement for the proposed development; and

WHEREAS, the Subject Property is zoned “R-3” (Multifamily residential) subject to the requirements of the City’s entrance corridor overlay district zoning regulations; and

WHEREAS, following a joint public hearing before the Planning Commission and City Council, duly advertised and held on May 12, 2015, the Planning Commission reviewed this application and determined that the proposed special use permit, under suitable regulations and safeguards set forth within a list of recommended conditions, will serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code, and the Planning Commission has transmitted its recommendation to City Council; and

WHEREAS, this Council concurs with the Planning Commission and hereby finds and determines that, under suitable regulations and safeguards, the proposed special use permit will serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code and will be consistent with the purpose of the multifamily residential zoning district. **NOW, THEREFORE**,

BE IT RESOLVED by the City Council of the City of Charlottesville, that a special use permit is hereby approved, to authorize: (i) a multifamily dwelling of up to 19 dwelling units to be developed on the Subject Property, and (ii) a minimum side yard requirement of 5 feet.

AND BE IT FURTHER RESOLVED that this special use permit is granted subject to the following conditions:

1. Conform to *Sec 34-881-Bicycle Storage Facilities* or the most current Bicycle Storage Facilities code at time of development.
2. The finished floor elevation (FFE) and building entrance shall be no more than (6.5) feet above the average elevation of Jefferson Park Avenue that runs in front of the property.
3. Street trees shall be required as depicted with the application materials dated April 21, 2015, submitted to the City for and in connection with SP-1500001 (“Application”) and be 4” caliper at planting.

4. The design, height, density, and other characteristics of the development shall remain essentially and substantially the same, in all material aspects, as described within the application materials dated April 21, 2015, submitted to the City for and in connection with SP-1500001 (“Application”). Except as the design details of the development may subsequently be modified to specifically comply with requirements of a certificate of appropriateness issued by the City’s Entrance Corridor Review, staff comments, or by any other provision(s) of these SUP Conditions, any change of the development that is inconsistent with the application shall require a modification of this SUP.
5. All outdoor lighting and light fixtures shall be full cut-off luminaires.
6. If the developer elects to make a contribution to the City’s Affordable Housing Fund to satisfy City Code 34-12(d)(2), no building permit shall be issued for the development until the amount of the contribution is calculated by the Director of Neighborhood Development Services, or designee, and until such contribution has been paid in full to the City. If the developer elects to provide affordable dwelling units pursuant to City Code 34-12(a) or 34-12(d)(1), then a written CAU Commitment must be submitted and approved in accordance with the regulations adopted by City Council pursuant to City Code 34-12(g) (“Regulations”), as specified within the Regulations.