



**CITY COUNCIL AGENDA
December 21, 2015**

6:30 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code

Second Floor Conference Room (Acquisition of a permanent utility easement along McIntire Road; consultation with legal counsel regarding the negotiation of terms and conditions of an agreement for co-located City-County General District Courts.)

7:00 p.m.

Regular Meeting

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

Council Chambers

**AWARDS/RECOGNITIONS
ANNOUNCEMENTS
MATTERS BY THE PUBLIC**

City Councilor Recognition

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. Speaker sign up opens at 6:30 p.m.

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 December 7
- b. APPROPRIATION: Year End Adjustments – FY2015 and General Fund Balance Transfer (2nd of 2 readings)
- c. APPROPRIATION: Grand Illumination Sponsorship – \$3,500 (2nd of 2 readings)
- d. APPROPRIATION: Virginia Commission of the Arts Challenge Grant – \$5,000 (2nd of 2 readings)
- e. APPROPRIATION: Funds from CATEC (Charlottesville Albemarle Technical Education Center) to the CATEC-IT Networking Academy Project – \$10,000 (2nd of 2 readings)
- f. APPROPRIATION: Helen Williams Loan Payoff to the Charlottesville Affordable Housing Fund – \$13,528.80 (2nd of 2 readings)
- g. APPROPRIATION: Grant for Construction of 250 Bypass Trail – \$461,323 (2nd of 2 readings)
- h. APPROPRIATION: Donation from City Market to Toy Lift – \$460 (1st of 1 reading)
- i. ORDINANCE: Adding Veterans Day as a Legal City Holiday (2nd of 2 readings)
- j. ORDINANCE: Alcohol Beverage Production Zoning Amendments (2nd of 2 readings)

2. REPORT

State of the City

~~**3. ORDINANCE***~~

~~West Main Street Mixed-Use Corridors Amendment (1st of 2 readings)~~ **Pulled due to inadequate notice to property owners. Will go back to the Planning Commission and return to Council, likely March 7 meeting.**

4. REPORT

Disproportionate Minority Contact (DMC) Update

OTHER BUSINESS

RFP for Belmont Bridge (Fenwick) **discussion only; no vote taken**

MATTERS BY THE PUBLIC

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

Persons with disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434)970-3182.

FY 2015 Year End Appropriation

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the actions hereinafter set forth are herein authorized with respect to the accounts of the City listed herein, for the fiscal year ended June 30, 2015. The memo to Council dated December 7, 2015 is hereby made part of this appropriation.

I. General Fund (105).

(a) Departmental Appropriations.

The following amounts shall be permitted to be carried over and expended in the General Fund's respective cost centers or internal orders in the following fiscal year:

2461001000. Public Works - Refuse.	\$ 15,000.
1701001000. City Attorney.	\$ 5,000.
1301001000. Juvenile and Domestic Relations Court	\$ 7,000.
3901001000. Neighborhood Development Services.	\$ 21,000.
2213001000. Compensation Study.	\$ 40,000.
9713006000. Charlottesville-Albemarle SPCA.	\$ 980.
2041001000. Real Estate Assessor.	\$ 5,000.
2213001000. Employee Benefits.	\$ 1,000,000.
3691001000. Parks & Recreation - City Market.	\$ 18,500.
1101001000. Circuit Court	\$ 12,500.
1101001000. Circuit Court - Judge.	\$ 1,975
2471001000. Public Works – Traffic..	\$ 85,800.
9733001000. Thomas Jefferson Health Department.	\$ 3,073.
3711001000. The First Tee.	\$ 13,102.
Total Section 1 (a).	<u>\$ 1,226,955.</u>

(b) Additional Transfers and Appropriations.

9803030000. Transfer to Social Services.	\$ 22,760.
9803030000. Transfer to Grants.	\$ 1,278.
9803030000. Transfer to Transit.	\$ 109,598.
9803030000. Transfer to McIntire Softball Light Project.	\$ 375,000
9803030000. Transfer to Wayfinding Project	\$ 77,000
9803030000. Transfer to Police Mobile Data Computer Project	\$ 215,000
9803030000. Transfer to Golf Course	\$ 6,460.
9803030000. Transfer to Capital Projects Fund.	\$ 2,282,540.
Total Section 1 (b).	<u>\$ 3,089,636.</u>

II. Capital Projects Fund (426).

- The sum of \$375,000 received as a transfer from the General Fund shall be appropriated into the McIntire Softball Field Lighting Replacement Project P-00892.
- The sum of \$77,000 received as a transfer from the General Fund shall be appropriated into the Wayfinding project account P-00130.

- The sum of \$100,000 received from the schools as F.Y.15 gainsharing funds be appropriated to the Schools Lump Sum project account (SH-016, P-00882)
- The sum of \$312,782 represents the amount received from the sale of land at Cherry Avenue and Ridge Street. In keeping with the Land Purchase and Sale Agreement for this property, these proceeds will be appropriated to the CIP Contingency account (CP-080) to be used later to either fund affordable housing in the Fifeville Neighborhood, another affordable housing fund designated by the City or for improvements to Tonsler Park.
- The sum of \$215,000 received as a transfer from the General Fund shall be appropriated into the Police Mobile Data Computer Replacement Project account (P-00236).

III. Facilities Repair Fund (107).

- Courthouse Maintenance (P-00099) - \$258,183 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.
- Courthouse Construction (P-00783) - \$41,028 – These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

IV. Grants Fund (209).

The sum of \$8,136 shall be appropriated for the following grant programs in fund 209:

190010.	State Fire Grant	.	\$8,136.
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V. Social Services Fund (212).

The sum of \$317 represents unspent funds received as a donation from Martha Jefferson Hospital to fund the rental of ten Personal Emergency Response Systems (P.E.R.S.) for qualified residents of Public Housing in the Crescent Halls or Westhaven communities. Martha Jefferson Hospital has given permission for these remaining funds to be used to extend the program. Unless further altered by Council, this appropriation shall not expire. The sum of \$20,800 will be used to replace filing cabinets that have been cited by the Virginia Department of Social Services as not be compliant with IRS regulations.

VI. Schools Gainsharing –

In 1998, the School Board and City Council entered into a gainsharing agreement. This agreement mandates that the first \$100,000 to go to facilities for School Capital Improvement Projects, the next \$100,000 is retained by the Schools in the General Fund and then any amount over \$200,000 will be shared equally (50/50) between the School Board and the City. For the year ending June 30, 2015, the Schools had an operating surplus of \$170,552. According to the formula, the City School will retain \$70,552 and \$100,000 will be contributed to the City's School Lump Sum Project Fund.

Exhibit 1

Fiscal year End 2015

Revenue over Budget	1,962,858
Expenditures under Budget	<u>2,353,748</u>
Balance under Budget	4,316,606

RECOMMENDED APPROPRIATIONS

PW - City Market Composing Program	15,000
City Attorney - Scanning Services	5,000
JDR - Furniture and Equipment for new Judge	7,000
NDS - survey equipment	21,000
Compensation Study	40,000
Transfer to Grants - PD DCJS grant match	1,278
Retiree COLA	1,000,000
Transfer to Transit - proceeds from sale of federal assets	29,598
SPCA - friendly plates	980
Assessor - furniture	5,000
City Market - lot lease funds to operating budget	18,500
Transfer to Transit - Biofilter	30,000
Transfer to Transit - Pedestrian Crossing Water Street	50,000
Transfer to Golf Fund - TFT closeout	4,160
Transfer to Golf Fund - FY15 deficit coverage	2,300
Circuit Court - large document scanner	12,500
Transfer to CIP - McIntire Softball Field Light Replacement	375,000
Transfer to CIP - Wayfinding Sign Replacement	77,000
Transfer to CIP - signal battery backups	85,800
Health Department - local match to increased State allocation	3,073
TFT - account closeout, funds to transferred to new TFT chapter	13,102
Transfer to Social Services - file cabinet replacement	20,800
Circuit Court - Court Reporter Computer Upgrade	1,975
Transfer to CIP - Police Mobile Data Computers	215,000
	(2,034,066)

Surplus Fiscal Year End 2015 **\$ 2,282,540**

Transfer to CIP **\$ (2,282,540)**

Remaining Surplus 0.00

Summary of Prior Year Results

	<u>Revenue</u>		<u>Expenses</u>		<u>Balance Under Budget</u>
Year ended June 30, 2014	\$ 1,566,171	\$	1,419,986	\$	2,986,157
Year ended June 30, 2013	691,027		2,506,046		3,197,073
Year ended June 30, 2012	891,240		2,903,832		3,795,072
Year ended June 30, 2011	1,155,727		4,038,399		5,194,126
Year ended June 30, 2010	(1,215,660)		4,829,993		3,614,333

APPROPRIATION.
Grand Illumination Sponsorship
\$3,500.

WHEREAS, the City of Charlottesville, through the Office of Communications, has received donations to sponsor and offset costs for Grand Illumination.

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

Revenue

\$3,500 Fund: 105 Internal Order: 2000130 G/L Account: 451020

Expenditures

\$3,500 Fund: 105 Internal Order: 2000130 G/L Account: 599999

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

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

WHEREAS, the grant award will be the Piedmont Council for the Arts for their activities during the F.Y. 2016 Fiscal Year;

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

Revenues

\$2,500 Fund: 209 Internal Order: 1900242 G/L Account: 430080

Expenditures

\$2,500 Fund: 209 Internal Order: 1900242 G/L Account: 540100

Revenues

\$2,500 Fund: 209 Internal Order: 1900243 G/L Account: 430080

Expenditures

\$2,500 Fund: 209 Internal Order: 1900243 G/L Account: 540100

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$5,000 in funds from the Virginia Commission of the Arts.

APPROPRIATION.

**Appropriation of Funds from C.A.T.E.C. to the C.A.T.E.C. – I.T. Networking Academy
Project Account: \$10,000.**

WHEREAS, C.A.T.E.C. has made a contribution to the C.A.T.E.C. – I.T. Networking Academy Project in the amount of \$10,000 originating from C.A.T.E.C.'s Contingency Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$10,000 from C.A.T.E.C. is to be appropriated in the following manner:

Revenues - \$10,000

Fund: 426 Funded Program: CP-016 (P-00881-09) G/L Account: 432900

Expenditures - \$10,000

Fund: 426 Funded Program: CP-016 (P-00881-09) G/L Account: 599999

APPROPRIATION
Charlottesville Affordable Housing Fund
Helen William Deed of Trust Payoff
\$13,528.80

WHEREAS, the City of Charlottesville has received funding from the payoff received for the Helen Williams Deed of Trust (\$13,528.80); and

WHEREAS, funds should be paid into the Charlottesville Affordable Housing Fund; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$13,528.80 is appropriated as follows:

Revenues

\$13,528.80	Fund: 426	Project: CP-084	G/L Code: 451160
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Expenditures

\$13,528.80	Fund: 426	Project: CP-084	G/L Code: 599999
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APPROPRIATION

MAP-21 Grant for Construction of McIntire Park Railroad Trail Bridge
\$468,823

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded \$367,558 from the Virginia Department of Transportation to construct a bicycle and pedestrian bridge over the railroad tracks at McIntire Park; and

WHEREAS, the City will match this grant in the amount of \$93,765 which will come from the Trail (PR-001) and Bike/Ped (P-00671) accounts.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$468,823 is hereby appropriated in the following manner:

Revenue

\$375,058 Fund: 426 WBS: P-00891 G/L Account: 430120

Expenditures

\$375,058 Fund: 426 WBS: P-00891 G/L Account: 599999

Transfer From

\$48,765 Fund: 426 WBS: P-00207 G/L Account: 599999

\$45,000 Fund: 426 WBS - P-00671 G/L Account: 599999

Transfer To

\$48,765 Fund: 426 WBS: P-00673 G/L Account: 599999

\$45,000 Fund: 426 WBS P-00671 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$375,058 from the Virginia Department of Transportation.

APPROPRIATION.

Holiday Market – Toy Lift Donation - \$460.

WHEREAS, the City of Charlottesville, through the City Market, wished to make a donation to the Toy Lift using the vendor fees collected from the vendors that participated in the pop-up Holiday Market held as part of the Grand Illumination activities;

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

Revenue

\$460 Fund: 105 Cost Center: 1611001000 G/L Account: 451020

Expenditures

\$460 Fund: 105 Cost Center: 1611001000 G/L Account: 599999

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 2-6 OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
TO ADD VETERANS DAY AS A LEGAL HOLIDAY**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 2-6 of Article I (In General) of Chapter 2 (Administration) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained as follows:

Sec. 2-6. - Legal holidays.

In each year, the first day of January (New Year's Day), the third Monday in January (Martin Luther King, Jr. Day), the third Monday in February (George Washington Day), the thirteenth day of April (Jefferson's Birthday), the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), **the eleventh day of November (Veterans Day)**, the fourth Thursday in November (Thanksgiving Day), the Friday after the fourth Thursday in November, the twenty-fifth day of December (Christmas Day) or, whenever any of such days shall fall on Saturday, the preceding Friday shall be a legal holiday, and whenever such days shall fall on Sunday, the Monday next following such day shall be a legal holiday.

(Code 1976, § 2-1; Ord. of 11-20-00; 3-2-15)

State Law reference— Legal holidays, Code of Virginia, § 2.1-21.

ORDINANCE
PROPOSING AMENDMENTS TO THE TEXT OF CHAPTER 34 OF THE CODE OF
THE CITY OF CHARLOTTESVILLE (ZONING) TO PERMIT CERTAIN SMALL-
SCALE PRODUCERS OF BEER, WINE AND DISTILLED SPIRITS OUTSIDE THE
CITY’S INDUSTRIAL ZONING DISTRICTS

WHEREAS, City Council initiated a zoning text amendment, proposing to amend existing zoning regulations to permit certain small-scale producers of beer, wine and distilled spirits outside the City’s Industrial zoning districts (“Proposed Amendments”); and

WHEREAS, a joint public hearing on the Proposed Amendments was held before the City Council and Planning Commission on November 10, 2015, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, legal notice of the public hearing was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, on November 10, 2015, the Planning Commission voted to recommend that City Council should adopt the Proposed Amendments; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Amendments, and that the Proposed Amendments are consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

- Section 34-420 (Use Matrix—Residential zoning districts) is hereby amended as follows:**

Use Types	Zoning Districts										
	R-1	R-1U	R-1S	R-1SU	R-2	R-2U	R-3	R-UMD	R-UHD	MR	MHP
<u>Microbrewery</u>											
<u>Micro-producers</u>											
<u>Small Breweries</u>											

- Section 34-480 (Use Matrix—Commercial districts) is hereby amended as follows:**

Use Types	Zoning Districts					
	B-1	B-2	B-3	M-I	ES	IC
<u>Microbrewery</u>		B	B	B		B
<u>Micro-producers</u>						
<u>Small Breweries</u>		<u>S</u>	<u>S</u>	<u>B</u>		<u>B</u>

3. **Section 34-796 (Use Matrix—Mixed use corridor districts) is hereby amended as follows:**

Use Types	Zoning Districts													
	D	DE	DN	WMN	WMS	CH	HS	NCC	HW	WSD	URB	SS	CD	CC
<u>Microbrewery Micro-producers</u>	B	B	B	B	B		B		B	B	B	B	B	B
<u>Small Breweries</u>		<u>S</u>							<u>S</u>		<u>S</u>			<u>S</u>

4. **Section 34-1200 (Definitions) is hereby amended as follows:**

Beverage or food processing ~~packaging and bottling~~ plants—means a ~~business/ industrial~~ manufacturing facility where foods and/or beverages are processed and packaged for local, regional or national distribution. This definition does not include a facility engaged in the brewing ~~and~~ bottling of beverages (see brewery and bottling facilities).

Brewery—means a facility in which beer is manufactured by a person licensed by the Commonwealth of Virginia as a brewery.

Brewery (small)—means a brewery (i) that produces fewer than 30,000 barrels per year of beer, and (ii) the brewery sells directly to the consumer on-site within a retail shop, bar, tasting room, tap- room, restaurant, or other similar facility.

Brewery and bottling facility—means a ~~business/ industrial~~ manufacturing facility where beverages are brewed and bottled for local, regional or national distribution. Samples may be offered to individuals visiting the premises, for on-site consumption, but there are no retail or other sales directly to consumers within any tap-rooms, bars, restaurants, or other similar facility.

Micro-producers—means a microbrewery, microwinery, or microdistillery, in which 25% or more of the facility’s production is sold directly to the consumer on-site, within a retail shop, bar, tasting room, tap-room, restaurant, or other similar facility.

Microwinery—means a facility for the production and packaging of wine for distribution, retail or wholesale, on- or off-premise, with a capacity of not more than 5,000 gallons per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Microdistillery—means a facility for the production and packaging of distilled spirits for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 5,000 gallons per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.