



CITY COUNCIL AGENDA
August 15, 2016

6:00 p.m.

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

Second Floor Conference Room (Acquisition of property for a public purpose; consultation with legal counsel regarding pending litigation, and regarding the negotiation of the terms and conditions of an agreement for the co-location of general district courts.)

7:00 p.m.

Regular Meeting
Council Chambers

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS ANNOUNCEMENTS Khan Family; Women's Equality Day; CAYIP recognition

APPOINTMENTS TO BOARDS & COMMISSIONS

Sue Lewis to Blue Ribbon Commission as HRC rep; Passed 5-0 (Fenwick/Galvin)

1. CONSENT AGENDA* (Items removed from consent agenda will be considered at the end of the regular agenda.)
Passed 5-0 (Szakos/Bellamy)

- a. Minutes for July 18
- b. **APPROPRIATION:** VDOT FY17 Primary Extension Paving Funds – \$282,421 (2nd of 2 readings)
- c. **APPROPRIATION:** Greenstone on 5th Corporation Sponsorship Agreement for Enhanced Police Coverage – \$82,184 (2nd of 2 readings)
- d. **APPROPRIATION:** Piedmont Workforce Network Incumbent Worker Training Grant – \$3,610 (2nd of 2 readings)
- e. **APPROPRIATION:** Piedmont Workforce Network Incumbent Worker Training Grant – \$4,730 (2nd of 2 readings)
- f. **APPROPRIATION:** Charlottesville/Albemarle Adult Drug Treatment Court Grant Award – \$205,000 (1st of 2 readings)
- g. **APPROPRIATION:** Victim Witness Assistance Program Grant \$250,902 (1st of 2 readings)
- h. **APPROPRIATION:** Appropriation of Proceeds from the Sale of 1312 Nunley Street by the Thomas Jefferson Community Land Trust – \$126,731.08 (1st of 2 readings)
- i. **APPROPRIATION:** Mobile Computer and Records System Equipment – \$173,272 (1st of 2 readings)
- j. **APPROPRIATION:** Safe Routes to School Grant Application – \$56,000 (1st of 2 readings)
- k. **RESOLUTION:** Charlottesville Affordable Housing Fund Allocation for Albemarle Housing Improvement Program Emergency Repair Program – \$50,000 (1st of 1 reading)
- l. **RESOLUTION:** Surplus City S.U.V. Donation to Charlottesville-Albemarle Rescue Squad (1st of 1 reading)
- m. **ORDINANCE:** CDBG/HOME Code Revision (2nd of 2 readings)
- n. **ORDINANCE:** Polling Place Change – Buford Election Precinct (2nd of 2 readings)
- o. **ORDINANCE:** Water Street District Corridor Rezoning (2nd of 2 readings)
- p. **ORDINANCE:** Zoning Text Amendment: Telecommunications Facilities (1st of 2 readings)

2. PUBLIC HEARING / ORDINANCE* Dominion Utility Right-of-Way Agreements to Serve the YMCA (1st of 2 readings)
carried (Galvin/Bellamy)

3. RESOLUTION* Habitat for Humanity – \$480,000 for Housing Fund (1st of 1 reading)
passed 5-0 (Galvin/Bellamy)

4. REPORT Office of Human Rights Update

OTHER BUSINESS

Galvin – UVA Symposium sponsorship; scheduled for 9/6 meeting

APPROPRIATION
Primary Extension Paving Funds - \$282,421.00

WHEREAS, the Virginia Department of Transportation and the City of Charlottesville desire to execute a standard Project Administration Agreement for two state-aided projects, referenced as Virginia Department of Transportation Project Number U000-104-331 (UPC 109647) and Project Number U000-104-332 (UPC 109646);

WHEREAS, said agreement requires that the City of Charlottesville complete the aforementioned projects before requesting reimbursement for the non-local share of projects costs;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$282,421.00 is appropriated in the following manner:

Revenue - \$282,421.00

Fund: 426 Internal Order: SS-009 G/L Account: 430110

Expenditures - \$282,421.00

Fund: 426 Internal Order: SS-009 G/L Account: 599999

Approved by Council
August 15, 2016



Clerk of Council

APPROPRIATION
Greenstone on 5th Sponsorship Agreement for Enhanced Police Coverage
\$82,184

WHEREAS, the City of Charlottesville has entered into an agreement with Greenstone on 5th Corporation to fund enhanced police coverage for the area of Greenstone on 5th Apartments, including salary, equipment, technology and related administrative expenses associated with provisions of such enhanced coverage.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$82,184, to be received as a donation from Greenstone on 5th Corporation.

Revenues - \$82,184

\$82,184	Fund: 105	Internal Order: 2000113	G/L Account: 451999
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Expenditures - \$82,184

\$75,197	Fund: 105	Internal Order: 2000113	G/L Account: 510060
\$ 6,987	Fund: 105	Internal Order: 2000113	G/L Account: 599999

APPROPRIATION
Piedmont Workforce Network Incumbent Worker Training Matching Grant
\$3,610

WHEREAS, the City of Charlottesville has received federal pass-through funds from the Workforce Development Act administered by Piedmont Workforce in the amount of \$3,610 requiring an in-kind local 50% match provided by Pupil Transportation Services through operating funds; and

WHEREAS, the funds will be used to support workforce development training programs; and

WHEREAS, the grant award covers the period from April 4, 2016 through April 8, 2016;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$3,610 is hereby appropriated in the following manner:

Revenue – \$

\$3,610 Fund: 105 G/L: 432080 Revenue/Other Local Government

Expenditures - \$

\$3,610 Fund: 105 G/L: 530010 Professional Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$3,610 from Piedmont Workforce Network and the matching in-kind funds from Pupil Transportation Services operating budget.

APPROPRIATION

**Piedmont Workforce Network Incumbent Worker Training Matching Grant
\$4,730**

WHEREAS, the City of Charlottesville has received federal pass-through funds from the Workforce Development Act administered by Piedmont Workforce in the amount of \$4,730 requiring an in-kind local 50% match provided by Charlottesville Area Transit through operating funds; and

WHEREAS, the funds will be used to support workforce development training programs; and

WHEREAS, the grant award covers the period from March 19, 2016 through June 30, 2016;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$4,730 is hereby appropriated in the following manner:

Revenue – \$

\$4,730 Fund: 245 IO: 2200007 G/L: 430120 State/Fed pass thru

Expenditures - \$

\$4,730 Fund: 245 IO: 2200007 G/L: 530010 Professional Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$4,730 from Piedmont Workforce Network and the matching in-kind funds from CAT operating budget.

RESOLUTION

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Albemarle Housing Improvement Program (AHIP) \$50,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$50,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund to the Albemarle Housing Improvement Program for the purpose of providing funds for an emergency repair program.

Fund: 426

Project: CP-084

G/L Account: 599999

Albemarle Housing Improvement Program \$50,000

RESOLUTION

**Donation of Surplus City S.U.V. to Charlottesville-Albemarle Rescue Squad (C-ARS)
2003 Chevrolet Tahoe, Vehicle #1120, VIN: 1GNEK13Z23J260552**

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville that a surplus 2003 Chevrolet Tahoe S.U.V. operated by the Public Utilities Division will be donated to the Charlottesville-Albemarle Rescue Squad (C-ARS).

**AN ORDINANCE
AMENDING AND REORDAINING ARTICLE XIII OF CHAPTER 2
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
RELATING TO COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING.**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Sections 2-416 through 2-420 of Article XIII (Community Development Block Grant Planning) of Chapter 2 (Administration) of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained, as follows:

**CHAPTER 2. ADMINISTRATION
ARTICLE XIII. COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING**

Sec. 2-416. Purpose and applicability of article.

(a) This article sets forth planning and decision making procedures for the ~~e~~Community ~~d~~Development ~~b~~Block ~~g~~Grant (CDBG) and HOME Investment Partnerships (HOME) programs, funded under the federal Housing and Community Development Act of 1974, and the federal HOME Investment Partnerships Act of 1991, as amended.

(b) CDBG funds should be used primarily to benefit low and moderate income persons and to meet the national objectives, as defined by the United States Department of Housing and Urban Development (HUD). The funds may be spent for any activities permitted by the Housing and Community Development Act of 1974, as amended, and applicable federal regulations. HOME funds should be used to strengthen public-private partnerships to provide more affordable housing, as defined by ~~HUD~~~~the United States Department of Housing and Urban Development~~. The funds may be spent for any activities permitted by the HOME Investment Partnerships Act of 1991, as amended, and applicable federal regulations.

(c) The process established by this article shall apply only to funds specifically allocated for ~~CDBG community development block grant~~ programs under the Housing and Community Development Act of 1974, ~~as amended~~, and the HOME Investment Partnerships Act of 1991, as amended, or other funds specifically ~~s~~ allocated for such purposes by ~~the~~ City Council.

(d) This process shall not apply to the allocation of any funds remaining from urban renewal activities in the Garrett Street or Vinegar Hill urban renewal projects.

Sec. 2-417. Community development block grant and HOME task force.

(a) The Community Development Block Grant/HOME Task Force is hereby established to make recommendations to the Planning Commission and City Council for funding housing, community development, economic development, and public service needs based on the Consolidated Plan and the CDBG priorities as established by City Council annually. The CDBG/HOME Task Force will work with city administration to evaluate CDBG and HOME programs to ensure consistency with the Consolidated Plan goals. ~~advise the city council on the city's physical community development needs, proposed projects to meet such needs and~~

~~suggested allocations of CDBG and HOME funds for such projects, and to conduct periodic evaluations of the physical aspects of CDBG and HOME programs. Such recommendations and evaluations shall be forwarded in accordance with the procedures set forth in this article. The CDBG task force shall also review and comment on recommendations for human services programs as provided in section 2-419.~~

(b) The CDBG/HOME Task Force shall be composed of nine (9) members appointed by the City Council. The members shall include:

- (1) Five members from HUD's identified income eligible areas of the City who are residents of City Council designated priority neighborhoods; Five (5) persons, preferably of low or moderate income, one (1) from each of the five (5) city council designated target neighborhoods. One (1) of the five (5) neighborhood members shall be a representative of the current priority neighborhood, if city council has designated a priority neighborhood;
- (2) One (1) member of the ~~city~~ Planning Commission;
- (3) One (1) member representing ~~social issues~~ public service programs as defined at 24 CFR 570.201;
- (4) One (1) member of the City School Board;
- (5) One (1) additional citizen.

~~The five (5) persons from the CDBG target neighborhoods shall be appointed for three-year terms. The one (1) social service member and the one (1) additional citizen shall be appointed for two-year terms. The ex officio members shall be appointed for terms concurrent with their terms on the bodies they represent. Appointments to fill vacancies shall be for the unexpired terms. No member may serve more than two (2) complete terms, which may be preceded by completion of another's unexpired term.~~

The term for the one (1) member of the CDBG Task Force from the Planning Commission and the one (1) member of the school board shall be coextensive with the term of office to which such member has been elected or appointed, unless the city council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the Task Force first appointed shall serve respectively for terms of one (1) year, two (2) years, and three (3) years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term only. Members may serve up to two (2) consecutive full terms.

Sec. 2-418. Community development block grant (CDBG)/HOME task force subcommittees. Neighborhood committees.

(a) Priority Neighborhood Subcommittee - ~~When the City Council has determined that a portion of available grant funds will be used for concentrating physical development in a~~

particular "target" neighborhood determines that a portion of available CDBG funds will be used to assist an income eligible area, the Council may appoint a priority neighborhood subcommittee, consisting of including but not limited to representatives of the CDBG Task Force, the city Planning Commission and residents, business people and property owners from the target priority neighborhood. The term of each priority neighborhood subcommittee shall be three (3) years, unless otherwise specified by the Council, and each priority neighborhood subcommittee shall operate under such guidelines and perform such advisory functions as the Council may direct at the time of appointment. Target-Priority neighborhood subcommittees shall make recommendations to the CDBG/HOME Task Force for funding housing and community development needs based on the Consolidated Plan and work with the City to evaluate feasibility and to ensure consistency with programmatic regulations. assist in preparing detailed plans and programs for CDBG expenditures within their respective neighborhoods. The City Council will designate an income eligible area priority neighborhoods for three (3) years with the authority to postpone or extend funding in the event of a compelling project or need.

(b) Economic Development Subcommittee – When the City Council provides for a CDBG economic development set aside, the City staff who participate on the Strategic Action Team (SAT) will serve as the economic development subcommittee. The SAT is an interdisciplinary team of City staff who examine the City's workforce development efforts and assist with policy development focused on self-sufficiency for City residents. When the City Council determines that a separate economic development subcommittee is needed, the City Council shall appoint members with economic development expertise, including but not limited to local business owners, Chamber of Commerce, Office of Economic Development and other major stakeholders. The subcommittee shall make recommendations to the CDBG/HOME Task Force for funding economic development projects based on the Consolidated Plan and work with City staff to evaluate feasibility and ensure consistency with programmatic regulations.

Sec. 2-419. Annual process.

The following steps shall comprise the annual process for planning and programming the expenditure of ~~community development block grant~~ CDBG and HOME funds.

- (1) An initial work session will be held with planning commission, city council and the CDBG task force to discuss priorities. City staff assigned to CDBG Task Force will review CDBG/HOME Consolidated Plan goals and applicable regulations to formulate recommendations for annual funding priorities.
- (2) The City Council shall conduct an initial public hearing to solicit the views of citizens, ~~the CDBG task force, and the planning commission~~ on city wide community development and housing needs, and on the general goals and policies for the ensuing grant year. The purpose of this public hearing shall be for Council to receive citizens' comments on recommended priorities and as well as program performance. The notice of the ~~initial~~ public hearing shall include an estimate of the amount of funds available for CDBG and HOME activities and the range of activities that may be undertaken, as well as how the public can access a copy of the most recent Consolidated Annual Performance

Evaluation Report (CAPER). The Public comments ~~of the task force and commissions~~ may be presented in writing or in person ~~and may include recommendations on the proportion of available funds which should be allocated to human services programs, housing needs, capital improvements, economic development activities and other possible categories.~~

- (3) After receiving all comments, ~~the Council~~ shall establish ~~the goals and policies~~ priorities for the grant year, including such percentage allocations of funds to categories and to particular income eligible areas ~~target neighborhoods~~ as it deems appropriate.
- (4) ~~After Council establishes priorities for the grant year, City staff with the CDBG/HOME Task Force will develop a request for proposals, within the funding priorities established by Council, to be advertised and distributed to interested parties and prior recipients of funds. After receiving the council's decision about goals and policies, the CDBG task force shall hold such meetings as it deems appropriate, including a meeting with the planning commission, and shall develop recommendations for housing, human services and physical development programs and expenditures, within the funding guidelines established by the council.~~
- (5) Responses to the City's request for proposals will be evaluated by the CDBG/HOME Task Force.

~~If council has selected a target neighborhood for a particular grant year, and appointed a neighborhood committee, the committee shall hold such meetings as it deems appropriate and shall develop recommendations for programs and benchmarks to measure the success of the proposed initiatives. Projects and expenditures within the neighborhood shall be developed within the funding guidelines established by the council. Recommendations from the neighborhood committee shall be forwarded to the CDBG task force for review and comment.~~

- (6) ~~All recommendations for housing, physical development and human services programs and expenditures from the CDBG task force and neighborhood committee shall be reviewed with the city planning commission. The CDBG/HOME Task Force shall provide funding recommendations to the Planning Commission and City Council to ensure that proposed projects are consistent with the CDBG program requirements and national objectives and/or HOME program requirements, as applicable. Review will also include a determination of consistency with the City's Comprehensive Plan and affordable housing goal(s).~~ city's comprehensive plan, community development objectives and overall physical development and social needs of the city.
- (7) ~~After receiving the recommendations of the CDBG task force and the neighborhood committee, T~~he City Council and Planning Commission shall conduct a final joint public hearing; to receive public comments on the proposed annual action plan of the Consolidated Plan and CDBG/HOME performance, as appropriate. Notwithstanding the foregoing, the CDBG/Home performance plan may be presented at a separate public hearing as required by the Code of Federal Regulations. by citizens affected by all proposed CDBG and HOME activities and other interested parties. The published notice for such public hearing shall

~~include a statement of the city's community development objectives to afford citizens an opportunity to examine its contents and to submit comments to the city on the proposed statement and on the community development performance of the city. This hearing shall coincide with the initial public hearing on the city's annual budget.~~

- (8) Following the public hearing and any additional meetings or hearings deemed by the City Council to be necessary, the Council shall make a final decision on the programs, projects and expenditures to be funded from the year's CDBG/HOME programs~~community development block grant and shall adopt an appropriation consistent therewith.~~
- (9) ~~All the bodies participating in this process shall continue to monitor and evaluate the CDBG and HOME programs throughout the year. The City shall provide the Task Force and Planning Commission with the Consolidated Annual Performance Evaluation Report (CAPER) in conjunction with the City's submission to HUD. The CAPER and evaluation of program specific successes and challenges will be used in future CDBG/HOME recommendations to City Council for projects and programs.~~ shall make a year-end evaluation of the projects and programs respectively recommended by them and shall advise the city council of the results of the evaluation and suggest appropriate changes for future years.
- (10) Once ~~the~~ Council has approved and funded a program, any reprogramming and budgetary changes will be done consistent with the citizen participation plan adopted by Council. ~~of funds or any change in funding involving more than ten (10) percent of the year's total grant shall be reviewed by the body or bodies which originally advised council regarding the programs being changed.~~

Sec. 2-420. Procedures for public hearings, meetings and records.

(a) ~~All public hearings~~Plans or amendments, as required under this article shall be advertised in the manner provided by Code of Virginia, Section 15.2-2204, and in accordance with the adopted citizen participation plan.

(b) All meetings conducted pursuant to this article and all records of the CDBG and HOME programs shall be subject to the provisions of the Virginia Freedom of Information Act.

Sec. 2-421. Reserved.

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 9-29 OF ARTICLE II
OF CHAPTER 9 (ELECTIONS) OF THE CODE OF THE CITY OF
CHARLOTTESVILLE, 1990, AS AMENDED,
TO ESTABLISH BUFORD MIDDLE SCHOOL AS THE POLLING PLACE
FOR THE BUFORD PRECINCT IN THE THIRD WARD.**

BE IT ORDAINED by the Council of the City of Charlottesville that Section 9-29 of Article II (Election Districts and Voting Places) of Chapter 9 (Elections) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 9-29. Third ward.

(a) *Benjamin Tonsler precinct. . . .*

(b) *Johnson precinct. . . .*

(c) *Buford precinct.* The Buford precinct shall embrace all territory in the third ward lying west of the centerline of Roosevelt Brown Boulevard and 9th Street, S.W. to its intersection with Forest Hills Avenue, and north of a line running west from 9th Street, S.W. along the centerline of Forest Hills Avenue to Cherry Avenue, thence west along the centerline of Cherry Avenue to Shamrock Road, thence northwest along the centerline of Shamrock Road to the Southern Railway right-of-way, thence southwest along the railroad right-of-way to Jefferson Park Avenue, thence north along the centerline of Jefferson Park Avenue to the centerline of Maury Avenue, thence north along the centerline of Maury Avenue to the corporate limits. The voting place for this precinct shall be Buford Middle School ~~the Boys and Girls Club~~ at 1000 Cherry Avenue, ~~Building B~~.

Approved by Council
August 15, 2016



Clerk of Council

**AN ORDINANCE
APPROVING AN AMENDMENT TO CHAPTER 34 OF THE CODE OF THE CITY OF
CHARLOTTESVILLE (1990), AS AMENDED (ZONING), DIVISION 11 (REGULATIONS—
WATER STREET DISTRICT), SECTIONS 34-743 (STREETWALL REGULATIONS) AND 34-746
(MIXED USE DEVELOPMENTS—ADDITIONAL REGULATIONS) TO ESTABLISH A
STEPBACK REQUIREMENT FOR PROPERTIES FRONTING ON SOUTH STREET, TO
ESTABLISH A MINIMUM SETBACK AND BUFFER REQUIREMENTS ADJACENT TO
PARCELS WITHIN THE SOUGH STREET MIXED USE CORRIDOR AND TO ESTABLISH
CERTAIN USE RESTRICTIONS**

WHEREAS, by resolution adopted on March 21, 2016, City Council initiated certain amendments to the text of the City’s Zoning Ordinance, Sections 34-743 and 34-746 of the Code of the City of Charlottesville (1990), as amended (“Proposed Zoning Text Amendment”); and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held before the Planning Commission on June 14, 2016, after notice to the public and to adjacent property owners as required by law, and following conclusion of the public hearing the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment to the City Council; and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held before this City Council on July 18, 2016, after notice to the public and to adjacent property owners as required by law; and

WHEREAS, the Proposed Zoning Text Amendment appears to have been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, this Council hereby finds and determines that (i) the public necessity, convenience, general welfare and good zoning practice requires the Proposed Zoning Text Amendment, and (ii) the Proposed Zoning Text Amendment is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Sections 34-743 and 34-746 of the Code of the City of Charlottesville (1990), as amended, are hereby amended and reenacted as follows:

Sec. 34-743. Streetwall regulations

- (a) *Stepbacks*. For properties with frontage on ~~the north side of~~ South Street between Ridge Street and 2nd Street SW, the maximum height of the streetwall of any building or structure shall be forty-five (45) feet. After forty-five (45) feet, there shall be a minimum setback of twenty-five (25) feet along the length of such street wall along South Street, and a minimum setback of ten (10) feet along the length of Ridge Street.
- (b)
- (3) Setback, South Street: a building located on South Street shall be setback a minimum of ten (10) feet from any parcel within the South Street Mixed Use Corridor District. An S-2 buffer shall be provided within this required setback.

Sec. 34-746. Mixed-use developments—Additional standards

- (a)....
- (b) No ground floor residential uses may front on a primary street, unless a building fronts on more than one (1) primary street, in which case ground floor residential uses may front on one (1) primary street. Under no circumstances, however, shall any ground floor residential uses front on Main Street, Market Street, Ridge Street or Water Street
- (c)....
- (d)....

RESOLUTION

**Allocation of Charlottesville Affordable Housing Fund (CAHF) for Habitat for Humanity
Scattered Site Land Purchase Program \$480,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$480,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund to the Habitat for Humanity of Greater Charlottesville for the purpose of providing funds for a scattered site land purchase program.

Fund: 426

Project: CP-084

G/L Account: 599999

Habitat for Humanity of Greater Charlottesville \$480,000