



**CITY COUNCIL AGENDA**  
**Monday, May 15, 2017**

**6:00 p.m.** **Closed session as provided by Section 2.2-3712 of the Virginia Code**  
*Second Floor Conference Room (Appointments to Boards and Commissions; Consultation with legal counsel regarding litigation – CPC v. City)*

**7:00 p.m.** **Regular Meeting - CALL TO ORDER**  
*Council Chambers*

**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**

**AWARDS/RECOGNITIONS ANNOUNCEMENTS** Albemarle Amateur Radio Club; Flicker the Flame 10<sup>th</sup> Birthday; Damage Prevention Leadership Award to Utilities  
**Board Appointments**

**CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC**

**MATTERS BY THE PUBLIC** Public comment is provided for up to 15 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 10 of these spaces, and pre-registered speakers are announced by noon the day of the meeting. An unlimited number of spaces are available at the end of the meeting.

**1. CONSENT AGENDA\*** (Items removed from consent agenda will be considered at the end of the regular agenda.)

**Passed 5-0 (Szakos/Fenwick)**

a. Minutes for May 1, 2017

b. **APPROPRIATION:**

CDBG-HOME Funding for FY 2017-2018 (2<sup>nd</sup> of 2 readings)

c. **APPROPRIATION:**

Clark Elementary School – Safe Routes to School Grant - \$13,992 (2<sup>nd</sup> of 2 readings)

d. **APPROPRIATION:**

Virginia Trees for Clean Water Grant - \$5,500 (1<sup>st</sup> of 2 readings)

e. **RESOLUTION:**

Reimbursement Agreement with Fluvanna County for Share of Circuit Court Judge's Administrative Costs (1<sup>st</sup> of 1 reading)

f. **ORDINANCE:**

Homeowner Tax Relief Grant Program (2<sup>nd</sup> of 2 readings)

**2. PUBLIC HEARING ORDINANCE\***

Utility Rates for FY2018 (1<sup>st</sup> of 2 readings)

**Carried (Galvin/Fenwick)**

**3. REPORT\***

Blue Ribbon Commission on Monuments – Recommendations

**4. RESOLUTION\***

Approval of West Main Streetscape Design Plans (1<sup>st</sup> of 1 reading)

**Passed 4-1 (Galvin/Szakos)**

**5. ORDINANCE\***

Retirement Plan Amendments (1<sup>st</sup> of 2 readings)

**Carried (Fenwick/Szakos)**

**6. REPORT**

State of the Forest

**7. REPORT**

Workforce Development Update

**OTHER BUSINESS**  
**MATTERS BY THE PUBLIC**

*\*ACTION NEEDED*

**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2017-2018  
COMMUNITY DEVELOPMENT BLOCK GRANT - \$413,577.31**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2017-2018 fiscal year in the total amount of \$413,577.31 that includes new entitlement from HUD amounting to \$371,309.00, and previous entitlement made available through reprogramming of \$42,268.31.

**WHEREAS**, City Council has received recommendations for the expenditure of funds from the CDBG Task Force, the SAT, the 10<sup>th</sup> and Page Priority Neighborhood Task Force and the City Planning Commission; and has conducted a public hearing thereon as provided by law; now, therefore

**BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

**PRIORITY NEIGHBORHOOD**

10<sup>th</sup> and Page – Pedestrian safety and accessibility improvements \$271,120.31

**ECONOMIC DEVELOPMENT**

Community Investment Collaborative Scholarships \$12,500

**PUBLIC SERVICE PROGRAMS**

United Way – Childcare Subsidies \$24,000

City of Promise – Enrolled to Launch Program \$17,000

OAR Re-entry Services \$14,696

**ADMINISTRATION AND PLANNING:**

Admin and Planning \$74,261

**TOTAL \$413,577.31**

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$371,309 from the Department of Housing and Urban Development.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (sub-recipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2017-2018  
HOME FUNDS \$92,507.13**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnerships (HOME) funding for the 2017-2018 fiscal year;

**WHEREAS**, the region is receiving an award for HOME funds for fiscal year 17-18 of which the City will receive \$58,520 to be expended on affordable housing initiatives such as homeowner rehab and downpayment assistance.

**WHEREAS**, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the Charlottesville Housing Fund (account CP-0084 in SAP system) in the amount of \$14,630; the resolution for this appropriation with come forward after July 1, 2017. Project totals also include previous entitlement made available through program income of \$19,357.13. The total of the HUD money, program income, and the local match, equals \$92,507.13 and will be distributed as shown below.

<b>PROJECTS</b>	<b>HOME EN</b>	<b>% MATCH</b>	<b>MATCH</b>	<b>OTHER</b>	<b>TOTAL</b>
Habitat for Humanity, DPA	\$40,000	20 %	\$10,000		\$50,000
PHA, DPA	\$18,520	20 %	\$4,630	\$19,357.13	\$42,507.13

\* includes Program Income which does not require local match.

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$58,520 from the Department of Housing and Urban Development.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**APPROPRIATION**  
**HOME INVESTMENT PARTNERSHIPS PROGRAM**  
**\$3,214.26**

**WHEREAS**, The City of Charlottesville has received \$3,214.26 from Charlottesville Redevelopment and Housing Authority as repayment for loans made through the HOME Investment Partnerships Program (HOME) program in prior years;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$3,214.26 is hereby appropriated in the following manner:

**\$3,214.26 Revenue**

Fund: 210    IO: 1900280 HOME PI Carry-forward G/L: 451070 HOME PI

**\$3,214.26 Expenditures**

Fund: 210    IO: 1900280 HOME PI Carry-forward G/L: 530670 Other Contractual Services

**APPROPRIATION**  
**AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT**  
**Reprogramming of Funds for FY 17-18**

**WHEREAS**, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) funds; and

**WHEREAS**, it now appears that these funds have not been spent and need to be reprogrammed, and therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the CDBG fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby reappropriated to the respective accounts shown as follows:

<b>Program Year</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
14-15	P-00001-05-03	C4K Websites	\$37,340.08		
15-16	P-00001-05-08	Seedplanters	\$150.29		
15-16	P-00001-02-72	City of Promise	\$2,624.77		
15-16	P-00001-05-12	ReadyKids Facility Project	\$1,556.12		
16-17	P-00001-02-79	OED GO Driver	\$597.05		
16-17	P-00001-05-19	Priority Neighborhood		<b>\$42,268.31</b>	<b>\$42,268.31</b>
		<b>TOTALS:</b>	<b>\$42,268.31</b>	<b>\$42,268.31</b>	<b>\$42,268.31</b>

**APPROPRIATION**

**Clark Elementary Safe Routes to School Appropriation  
\$13,992**

**WHEREAS**, the City of Charlottesville, through Neighborhood Development Services, was been awarded \$190,000 from the Virginia Department of Transportation for the Safe Routes to School program; and

**WHEREAS**, \$174,800 of the grant funding was to be used for construction and \$15,200 was to go towards the administrative expenses from the Virginia Department of Transportation; and

**WHEREAS**, the administrative expenses from the Virginia Department of Transportation were \$13,992 less than anticipated, resulting in additional funding for actual project construction.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$13,992 is hereby appropriated in the following manner:

**Revenue**

\$13,992      Fund: 426                      WBS: P-00801                      G/L Account: 430120

**Expenditures**

\$13,992      Fund: 426                      WBS: P-00801                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$13,992 from the Virginia Department of Transportation.

## **RESOLUTION**

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

Reimbursement Agreement between the City and Fluvanna County for a portion of the administrative costs incurred by the Charlottesville Circuit Court Judge's office in performing judicial duties for the Fluvanna County Circuit Court.

This agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, a political subdivision of the Commonwealth of Virginia, (“Charlottesville”); and THE COUNTY OF FLUVANNA, a political subdivision of the Commonwealth of Virginia (“Fluvanna”).

WITNESSETH:

WHEREAS the City of Charlottesville and Fluvanna County are both located in the 16<sup>th</sup> Judicial Circuit of the Commonwealth and are served by the circuit courts thereof; and.

WHEREAS, by the current assignment of the judges of the 16<sup>th</sup> Judicial Circuit, the City of Charlottesville and Fluvanna are served by the Honorable Judge Moore; and.

WHEREAS the City of Charlottesville and Fluvanna have determined that Judge Moore needs secretarial services and that it is lawful and appropriate that they provide for such secretarial services for Judge Moore; and.

WHEREAS secretarial services includes the salary, benefits, and operating expenses of the Judge’s secretary as enumerated in the City’s annual adopted budget; and.

WHEREAS, based upon the existing caseload, it has been determined that it is most efficient that Judge Moore have his principal office in the City of Charlottesville, and the City of Charlottesville is willing and able to provide appropriate office space and to provide for secretarial services for Judge Moore; and.

WHEREAS the City of Charlottesville and Fluvanna have determined that based upon the time and resources spent on Fluvanna County cases, Fluvanna should contribute to a portion of the cost of providing such secretarial services;

NOW, THEREFORE, for and in consideration of the mutual covenants set forth hereinafter, and pursuant to the provisions of Virginia Code Section 15.2-1300, the parties hereby agree as follows:

- (1) City of Charlottesville agrees to provide for secretarial services for Judge Moore. Such services may be provided in any manner which may be determined to be acceptable by Judge Moore and the City of Charlottesville; provided, however, that the City of Charlottesville covenants that the manner of providing for such services shall be at all times lawful under the laws of the Commonwealth and of the United States.
- (2) Fluvanna agrees to pay to the City of Charlottesville twenty five percent (25%) of the administrative assistant’s salary and benefits and ten percent (10%) of operational costs providing for such services, as determined hereinafter.
- (3) In each year during which this agreement shall remain in effect, the City of Charlottesville shall provide to Fluvanna a proposed budget setting for Fluvanna’s share of the estimated amount necessary for the provision of such secretarial services. Such proposed budget shall be provided to Fluvanna prior to the adoption of Fluvanna’s annual budget, and in no event later than February 1 of each year. A final budget showing Fluvanna’s share shall be provided to Fluvanna not later than June 20 of each year.



- (4) Thereafter, the City of Charlottesville shall bill Fluvanna for its share of costs no later than September 30 in each year. Payment shall be due to the City of Charlottesville on or before January 1 of the following year.
- (5) This agreement shall be effective upon the execution hereof by both parties and shall thereafter remain in effect unless and until the parties, or either of them, shall terminate the same. Notice of such termination shall be made not later than June 1 in each year, to be effective for the fiscal year commencing on the 1<sup>st</sup> of July next succeeding. No such termination shall affect the obligations of the parties with respect to the fiscal year during which such notice is given. Notice shall be effective when mailed or delivered to the office of the County Administrator of the other party.
- (6) The obligations of the parties set forth hereinabove shall be subject to annual appropriation by each of them, respectively, in amounts sufficient to satisfy the same.

Witness the following signatures and seals the date first above written.

THE CITY COUNCIL OF THE  
CITY OF CHARLOTTESVILLE.

BY: \_\_\_\_\_  
Its Mayor.

ATTEST:

\_\_\_\_\_  
Maurice Jones, City Manager.

THE COUNTY OF FLUVANNA.

BY: \_\_\_\_\_  
Its Chairman.

ATTEST:

\_\_\_\_\_  
Steven M. Nichols, County Administrator.

APPROVED AS TO FORM:

\_\_\_\_\_  
S. Craig Brown, City Attorney.

\_\_\_\_\_  
Frederick W. Payne, Fluvanna County Attorney.

**AN ORDINANCE TO ESTABLISH A GRANT PROGRAM TO PROMOTE AND PRESERVE HOMEOWNERSHIP BY LOW- AND MODERATE-INCOME PERSONS WITHIN THE CITY OF CHARLOTTESVILLE**

**WHEREAS**, effective July 1, 2006, §50.7 of the Charter of the City of Charlottesville authorizes City Council to make grants and loans of funds to low- or moderate-income persons to aid in the purchase of a dwelling within the City; and

**WHEREAS**, this City Council desires to offer a monetary grant for Fiscal Year 2018, to aid low- and moderate-income citizens with one of the ongoing expenses associated with the purchase of a dwelling, *i.e.* real estate taxes; and

**WHEREAS**, public funding is available for the proposed grant;

**NOW, THEREFORE**, effective July 1, 2017 and for calendar year 2017, the Charlottesville City Council hereby ordains:

**Grant—provided.**

(a) There is hereby provided to any natural person, at such person's election, a grant in aid of payment of the taxes owed for the taxable year on real property in the city which is owned, in whole or in part, and is occupied by such person as his or her sole dwelling. The grant provided within this section shall be subject to the restrictions, limitations and conditions prescribed herein following.

(b) If, after audit and investigation, the commissioner of revenue determines that an applicant is eligible for a grant, the commissioner of revenue shall so certify to the city treasurer, who shall implement the grant as a prepayment on the applicant's real estate tax bill due on December 5, 2017.

(c) The amount of each grant made pursuant to this ordinance shall be \$525 for taxpayers with a household income of \$0-25,000, and shall be \$375 for taxpayers with a household income from \$25,001-\$50,000, to be applied against the amount of the real estate tax bill due on December 5, 2017.

**Definitions.**

The following words and phrases shall, for the purposes of this division, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Applicant* means any natural person who applies for a grant authorized by this ordinance.

(2) *Dwelling* means a residential building, or portion such building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is a part of the real estate for which a grant is sought pursuant to this ordinance.

(3) *Grant* means a monetary grant in aid of payment of taxes owed for the taxable year, as provided by this ordinance.

(4) *Spouse* means the husband or wife of any applicant who resides in the applicant's dwelling.

(5) *Real estate* means a city tax map parcel containing a dwelling that is the subject of an grant

application made pursuant to this ordinance.

(6) *Taxes owed for the current tax year* refers to the amount of real estate taxes levied on the dwelling for the taxable year.

(7) *Taxable year* means the calendar year beginning January 1, 2017.

(8) *Household income* means (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, or (ii) for applicants for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year: of the applicant, of the applicant's spouse, and of any other person who is an owner of and resides in the applicant's dwelling. The commissioner of revenue shall establish the household income of persons for whom no federal tax return is required through documentation satisfactory for audit purposes.

### **Eligibility and restrictions, generally.**

A grant awarded pursuant to this ordinance shall be subject to the following restrictions and conditions:

(1) The household income of the applicant shall not exceed \$50,000.

(2) The assessed value of the real estate owned by the applicant shall not exceed \$365,000.

(3) The applicant shall own an interest in the real estate that is the subject of the application (either personally or by virtue of the applicant's status as a beneficiary or trustee of a trust of which the real estate is an asset) and the applicant shall not own an interest in any other real estate (either personally or by virtue of the applicant's status as a beneficiary or trustee of a trust of which the real estate is an asset).

(4) As of January 1 of the taxable year and on the date a grant application is submitted, the applicant must occupy the real estate for which the grant is sought as his or her sole residence and must intend to occupy the real estate throughout the remainder of the taxable year. An applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration.

(5) An applicant for a grant provided under this ordinance shall not participate in the real estate tax exemption or deferral program provided under Chapter 30, Article IV of the City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) for the taxable year, and no grant shall be applied to real estate taxes on property subject to such program.

(6) An applicant for a grant provided under this division shall not be delinquent on any portion of the real estate taxes to which the grant is to be applied.

(7) Only one grant shall be made per household.

### **Procedure for application.**

(a) Between July 1 and September 1 of the taxable year, an applicant for a grant under this

ordinance shall file with the commissioner of revenue, in such manner as the commissioner shall prescribe and on forms to be supplied by the city, the following information:

(1) the name of the applicant, the name of the applicant's spouse, and the name of any other person who is an owner of and resides in the dwelling.

(2) the address of the real estate for which the grant is sought;

(3) the household income;

(4) such additional information as the commissioner of revenue reasonably determines to be necessary to determine eligibility for a grant pursuant to this ordinance.

(b) Changes in household income, ownership of property or other eligibility factors occurring after September 1, but before the end of the taxable year, shall not affect a grant once it has been certified by the commissioner of the revenue, in which case such certified grant shall be applied to the subject real estate.

(c) Any person who willfully makes any false statement in applying for a grant under this division shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$500 for each offense.

## **RESOLUTION**

**WHEREAS**, by vote taken on March 21, 2016, City Council adopted the West Main Streetscape Improvement Plan (Option 1) (the “Plan”); and

**WHEREAS**, as part of its adoption of the Plan, directed the City Manager, his staff, and consultants to proceed with construction documents, and Council retained the right and authority to review the construction plans as they are developed; and

**WHEREAS**, a Schematic Design, dated February 17, 2017, for the West Main Streetscape Improvement Project (“Project”) has been completed and is consistent with the concepts and components of the Plan, now, therefore,

**BE IT RESOLVED BY THE CHARLOTTESVILLE CITY COUNCIL** that the Schematic Design for the Project is hereby approved and City Council authorizes the City Manager, City staff, and the City’s design consultants to proceed with the next phase of development of construction plans, the production of 35% construction documents.