



CITY COUNCIL AGENDA
Wednesday, July 5, 2017

5:30 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room
(Consultation with legal counsel regarding the status of pending litigation between the City and Charlottesville Parking Center, Inc.; Boards and Commissions)

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

PLEDGE OF ALLEGIANCE
ROLL CALL
AWARDS/RECOGNITIONS Parks and Recreation Month
ANNOUNCEMENTS

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC
BOARDS AND COMMISSIONS To the CRHA: Latita Talbert, Audrey Oliver
Passed 5-0; (Fenwick/Szakos)

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 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited 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 (Galvin/Bellamy)

a. Minutes for June 19, 2017

b. **APPROPRIATION:** Virginia Department of Health Special Nutrition Program Summer Food Service Program – \$90,000 (2nd of 2 readings)

c. **APPROPRIATION:** \$23,312.37 to Charlottesville Affordable Housing Fund for loan repay (2nd of 2 readings)

d. **APPROPRIATION:** Strategic Investment Area Form-Based Code – \$228,000 (1st of 2 readings)

e. **RESOLUTION:** Expanding McIntire Recycling Center Hours (1st of 1 reading)

f. **RESOLUTION:** RSWA Local Government Support Agreement for Recycling Programs (1st of 1 reading)

g. **ORDINANCE:** Cemetery Access Easement at Buford Middle School (2nd of 2 readings)

h. **ORDINANCE:** City Land Conveyance at Grady Avenue and Preston Avenue (2nd of 2 readings)

i. **ORDINANCE:** Quitclaim Gas Easements to VDOT (Fontana and Hyland Ridge Subdivisions)
(1st of 2 readings)

2. PUBLIC HEARING / ORDINANCE* Approval of Sale of Baylor Lane Lot (1st of 2 readings) **carried (Szakos/Galvin)**

3. PUBLIC HEARING / ORDINANCE* King St. Rezoning Application (1st of 2 readings) **carried (Szakos/Galvin)**

4. PUBLIC HEARING / RESOLUTION* 1011 E. Jefferson Special Use Permit (1st of 1 reading) **passed 3-2 (Szakos/Bellamy)**
Galvin, Fenwick no

5. RESOLUTION* BAR Denial Appeal – 1521 University Avenue (1st of 1 reading) **passed 5-0 to uphold BAR denial (Bellamy/Fenwick)**

6. ORDINANCE* Solar Energy Systems Zoning Text Amendment (1st of 2 readings) **carried (Galvin/Szakos)**

7. REPORT: Parking Update

RESOLUTION* • Establishing Parking Rates (1st of 1 reading) **passed 4-1 (Szakos/Galvin) Fenwick no**

ORDINANCE* • Parking Ordinance Changes (1st of 2 readings) **carried (Galvin/Szakos)**

RESOLUTION* • Parking Advisory Board (1st of 1 reading) **passed 5-0 (/)**

8. REPORT Efficiency Study Priority 1 Recommendations Update **deferred to August 21**

9. RESOLUTION* Vinegar Hill Monument (1st of 1 reading) **deferred to August 21**

10. RESOLUTION* Liberation Day (1st of 1 reading) **deferred to August 21**

APPROPRIATION

**Virginia Department of Health Special Nutrition Program
Summer Food Service Program
\$90,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$90,000 from the Virginia Department of Health Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs; and

WHEREAS, the grant award covers the period from period June 1, 2017 through October 31, 2017.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$90,000, received from the Virginia Department of Health Special Nutrition Program, is hereby appropriated in the following manner:

Revenue – \$90,000

Fund: 209 Internal Order: 1900282 G/L Account: 430120

Expenditures - \$90,000

Fund: 209 Internal Order: 1900282 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$105,000 from the Virginia Department of Health Special Nutrition Program.

APPROPRIATION
Charlottesville Affordable Housing Fund
Lutticia Wilhite Substantial Rehab Loan Payoff -- \$23,312.37

WHEREAS, the City of Charlottesville has received funding from the payoff of the Lutticia Wilhite Deed of Trust (\$23,312.37); and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$23,312.37 be received as payment from Lutticia Wilhite, and appropriated as follows:

Revenues:

\$23,312.37	Fund: 426	Project: CP-084	G/L Code: 451160
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Expenditures:

\$23,312.37	Fund: 426	Project: CP-084	G/L Code: 599999
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RESOLUTION
Approval of McIntire Recycling Center Hours of Operation

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the proposed expanded McIntire Recycling Center (MRC) operating hours are approved:

- Monday will be added as a day the MRC is open.
- Operating hours will increase from 40 to 60 hours per week during Daylight Savings Time (March – November).
- Operating hours will increase from 40 to 54 hours per week during Eastern Standard Time (winter).

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, in form approved by the City Attorney or his designee.

Amendment No. 6 to the Local Government Support Agreement for Recycling Programs among the City, Albemarle County and the Rivanna Water and Sewer Authority, dated August 23, 2011, extending the expiration date of the original Agreement to June 30, 2018.

**AMENDMENT NO. 6 TO
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS
AMONG
THE CITY OF CHARLOTTESVILLE
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 6** to the **Local Government Support Agreement for Recycling Programs** (this “Amendment”) is made this ___ day of _____, 2017 by and among the **City of Charlottesville, Virginia** (the “City”), the **County of Albemarle, Virginia** (the “County”) and the **Rivanna Solid Waste Authority** (the “Authority”, individually a “Party”, and together referred to as the “Parties”).

WHEREAS, the City, the County and the Authority entered into a certain Local Government Support Agreement for Recycling Programs dated August 23, 2011 (the “Original Agreement”) providing the terms of the City’s and County’s shared financial support and Authority’s operation of the Recycling Services; and

WHEREAS, the Original Agreement provided that such financial support and operations continue through the Authority’s fiscal year ending June 30, 2012, with the City and County retaining an exclusive option to extend the Original Agreement for two successive one-year periods by giving prior written notice to the Authority; and

WHEREAS, the City and County exercised their first option to extend the term of the Original Agreement through June 30, 2013, but the County elected not to exercise its second option to extend the term through June 30, 2014 and instead requested, with the concurrence of the City, an extension of the Original Agreement through December 31, 2013; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 1 to the Original Agreement dated June 5, 2013 extending the term of the Original Agreement through December 31, 2013; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 2 to the Original Agreement dated October 23, 2013 extending the term of the Original Agreement through June 30, 2014; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 3 to the Original Agreement dated January 28, 2014 extending the term of the Original Agreement through June 30, 2015; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 4 to the Original Agreement dated July 1, 2015 extending the term of the Original Agreement through June 30, 2016; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 5 to the Original Agreement dated June 6, 2016 extending the term of the Original Agreement through June 30, 2017 (the Original Agreement, as amended by

Amendment No. 1, Amendment No. 2, Amendment No. 3, Amendment No. 4, and Amendment No. 5, hereinafter, the "Agreement"); and,

WHEREAS, the County desires an additional extension of the term of the Agreement through June 30, 2018, and the City is agreeable to an extension for such period.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. **Amendment to Section 4.** Section 4 of the Agreement, entitled "Term of Agreement," is amended and restated as follows:

4. **Term of Agreement**

This Agreement shall be effective upon execution and the financial participation requirements shall be retroactive to July 1, 2011 and shall continue through June 30, 2018.

2. **Miscellaneous.** Capitalized terms used herein shall have the meanings ascribed to them in the Agreement unless otherwise specifically defined herein. Except as expressly modified hereby, all other terms and conditions of the Agreement shall remain unchanged and shall continue in full force and effect. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates below.

CITY OF CHARLOTTESVILLE:

Maurice Jones
City Manager

Date

COUNTY OF ALBEMARLE:

Doug Walker
Interim County Executive

Date

RIVANNA SOLID WASTE AUTHORITY:

Bill Mawyer
Executive Director

Date

AN ORDINANCE
APPROVING A DEED OF EASEMENT FROM THE CITY OF CHARLOTTESVILLE,
VIRGINIA AND THE SCHOOL BOARD OF THE CITY OF CHARLOTTESVILLE,
VIRGINIA, AS GRANTORS, AND NANCY K. O'BRIEN AND EXPEDITION TRUST
COMPANY, AS CO-TRUSTEES OF THE FRANCIS HARRISON FIFE RESIDENCE TRUST,
AS GRANTEES, ACROSS THE BUFORD MIDDLE SCHOOL PROPERTY
AT 1000 CHERRY AVENUE.

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the attached Deed of Easement between the City of Charlottesville, Virginia and the School Board of the City of Charlottesville, Virginia, as Grantors, and Nancy K. O'Brien and Expedition Trust Company, as Co-Trustees of the Francis Harrison Fife Residence Trust, as Grantees, is hereby approved. The Mayor is authorized to execute the Deed and any other documents necessary to consummate the transaction on behalf of the City, in form approved by the City Attorney.

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF CITY-OWNED RIGHT-OF-WAY
AND LAND ADJACENT TO 946 GRADY AVENUE
TO DAIRY HOLDINGS, LLC**

WHEREAS, Dairy Holdings, LLC, the owner of property designated as Parcel 60 on City Real Estate Tax Map 31 (946 Grady Avenue), wishes to acquire certain City right-of-way and City-owned land acquired by the City from the Commonwealth of Virginia as residue land from the Preston Avenue widening project, said land and right-of-way being shown on the attached plat dated April 28, 2017; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the proposed conveyance of the City property as requested by Dairy Holdings, LLC; and

WHEREAS, the City Assessor, and Departments of Neighborhood Development Services, Public Works, Public Utilities and Parks and Recreation, have reviewed the proposed conveyance and have no objection thereto, provided that the City retain easements for existing utility lines located within the land to be conveyed;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is authorized to execute a deed of quitclaim, in form approved by the City Attorney, for certain City-owned land and right-of-way, approximately 1,403 square feet in area, adjacent to Parcel 60 on City Tax Map 31, being shown on the attached plat dated April 28, 2017. The deed of quitclaim shall reserve easements for existing utility lines in locations acceptable to the Director of Public Utilities. No compensation will be due to the City for the conveyance. The City Attorney is hereby authorized to take whatever steps are necessary to effect the closing of said property conveyance.

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE A MULTIFAMILY DWELLING
AT 1101 EAST JEFFERSON STREET CONTAINING UP TO
87 DWELLING UNITS PER ACRE**

WHEREAS, Jefferson Medical Building Limited Partnership (“Applicant”), is the owner of certain property located at 1101 East Jefferson Street, identified on City Tax Map 54 as Parcel 127 (Tax Map Parcel Id. # 540127000) and containing approximately 1.46 acres (“Subject Property”), pursuant to City Code Sec. 34-480, has requested City Council to approve a special use permit to authorize the development of the Subject Property as a multifamily dwelling containing up to 87 dwelling units per acre (the proposed “Special Use”). The Subject Property is within the City’s B-1 (Commercial) zoning district, with frontage on 10th Street, N.E., East Jefferson Street and 11th Street, N.E.; and

WHEREAS, the requested Special Use is generally described within the Applicant’s application materials submitted in connection with SP16-00001, including: (i) the original application materials dated September 16 and 19, 2016; (ii) a supplemental narrative dated June 12, 2017, and (iii) a revised proposed site plan dated June 9, 2017, submitted to NDS on June 12, 2017 (collectively, the “Application Materials”); and

WHEREAS, the existing building at the Subject Property is proposed to be demolished and removed to allow for establishment of the Special Use and related buildings and improvements; and

WHEREAS, the Planning Commission reviewed the original application materials dated September 16 and 19, 2016, and the City’s Staff Report pertaining thereto, and following a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on October 11, 2016, the Commission voted to recommend that City Council should deny the requested Special Use; and

WHEREAS, upon consideration of: the comments received during the joint public hearing, the Planning Commission’s recommendation, the Staff Report, updated through July 5, 2017, and supplemental materials provided by the Applicant (dated June 9 and 12, 2017) as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the requested special use permit subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code Sec. 34-480, a special use permit is hereby approved and granted to authorize a multifamily dwelling containing not more than 87 dwelling units per acre (approximately 127.02 units, maximum), subject to the following conditions:

1. A maximum of 180 bedrooms shall be allowed on the subject property. No owner or

operator of the multifamily dwelling shall enter into lease agreements with tenants on a bedroom-by-bedroom basis. Up to 50% of the residential units may be two-bedroom units. All residential units will be either one or two-bedroom units.

2. The applicant has notified the City that it has elected to provide affordable housing units to satisfy the requirements of City Code Sec. 34-12. Each of the required affordable housing units shall be provided either on-site or off-site, on land within the adjacent Downtown or Downtown North Mixed Use Corridor zoning Districts.

3. No demolition of existing building(s) or improvements shall be commenced prior to the approval of a final site plan and approval of a permit authorizing land-disturbing activities pursuant to City Code Sec. 10-9. Land disturbance associated with demolition shall be planned and taken into account within the stormwater management plan for the development, as part of a common plan of development for the Subject Property.

4. The design, height, and other characteristics of the development shall remain, in all material aspects, as described within the Application Materials. Any change in use of the proposed building, and any substantial change of the proposed development, shall require a modification of this SUP—specifically including, but without limitation, any change to the following matters depicted and/or represented within the Application Materials, as supplemented through June 12, 2017:

a. The provision of two (2) open air courtyards in the front and rear of the building, with the front courtyard visible from E Jefferson Street;

b. The provision of three (3) plazas: one along the entire 10th Street NE frontage; one, at the corner of 10th Street NE and E Jefferson Streets; and one, at the corner of 11th Street NE and East Jefferson Streets;

c. The provision of direct pedestrian access from East Jefferson Street to the on-site means of access to the building;

d. The entire eastern half of the building, as measured along the E Jefferson Street frontage, shall be a maximum of three (3) stories in height;

e. A building setback of at least 30 feet, along no less than 30% of the building's 10th Street NE and 11th Street NE frontages.

f. A building setback at least 30 feet along no less than 25% of the site's E Jefferson Street frontage, and a setback of at least 20 feet along the building's remaining frontage along E Jefferson Street.

g. Stepbacks:

(i) A stepback at least 10 feet from the required minimum 20 foot setback above the second (2nd) story of the building, along 100% of the building's 11th Street N.E. frontage, and

(ii) A setback of at least 25 feet from the required minimum five (5) foot setback above the second story of the building, along 100% of the eastern half of the building's E Jefferson Street frontage.

h. No more than 15,000 square feet of commercial space shall be allowed on the Subject Property.

5. All street trees shall be a minimum of three (3) inch caliper at planting. Regardless of canopy size, street trees shall be spaced no more than 25 feet apart on the 10th Street NE and 11th Street NE frontages, and no more than 35 feet apart on the E Jefferson Street frontage.

6. The landowner shall provide the following pedestrian facilities, along with a dedication of land or suitable permanent easements:

a. Construction of sidewalk on 10th Street NE along the entire frontage of the Subject Property, minimum seven (7) feet in width. If the sidewalk cannot be constructed within existing public right-of-way, then a reduction of two (2) feet shall be applied to the building setbacks and setbacks required for 10th Street NE by Z.O. Sec. 34-457 and condition (4), above.

b. Construction of curb extensions into (i) the intersection of 10th Street NE and E Jefferson Street adjacent to the Subject Property on both sides of the staggered intersection, and (ii) the intersection of 11th Street NE and E Jefferson Streets adjacent to the Subject Property, all as shown in the site plan dated June 9, 2017. Curb extensions shall include ADA-compliant perpendicular curb ramps aligned with each pedestrian crosswalk. A receiving ADA-compliant curb ramp shall be installed as necessary on the opposite end of each pedestrian crosswalk.

c. Install high visibility crosswalks at all pedestrian crossings at both the 10th Street NE and E Jefferson Street and 11th Street NE and E Jefferson Street intersections, as shown in the provided site plan dated June 9, 2017.

d. Extend concrete sidewalk across all driveway/alley entrances in full width and at a maximum two (2) percent cross slope, as shown in the site plan dated June 9, 2017.

e. If such is approved by the City, relocation of the existing two way stop located at the intersection of 11th Street NE and Little High Street, in order to stop traffic traveling on Little High Street, to an alternate location designated by the City Traffic Engineer.

f. Construction of curb extensions and high visibility crosswalks at the intersection of 11th Street NE and Little High Street. Curb extensions shall include ADA-compliant perpendicular curb ramps aligned with each pedestrian crosswalk. An ADA-compliant receiving curb ramp shall be installed as necessary on the opposite end of each pedestrian crosswalk.

g. All of the items referenced in (a)-(f) above shall be shown on the final site plan for the development, and any dedications of land or conveyances of public easements shall be provided prior to final site plan approval. The Traffic Engineer is authorized to modify the dimensions of the facilities referenced in (a) through (f), above, as necessary to leave adequate right-of-way available for future construction of bicycle lanes on 10th Street NE. Any such modification shall be shown within the final site plan for the development. Final construction plans for the public facilities referenced in (a)-(f), above will be submitted to the City's Traffic Engineer for approval, prior to commencement of construction.

7. All outdoor lighting and light fixtures shall be full cut-off luminaires. Spillover light from luminaires onto public roads and onto property adjacent property shall not exceed one-half (½) foot candle. A spillover shall be measured horizontally and vertically at the property line or edge of right-of-way or easement, whichever is closer to the light source.

8. There shall be no vehicular access to the Subject Property from the existing alley connecting the rear of the Subject Property to Little High Street. No more than one (1) vehicular access point ("curb cut") shall be allowed on 11th Street NE, unless additional any access point(s) on 11th Street NE are determined by the City Traffic Engineer to be necessary for the public safety.

9. Bicycle storage will be provided on-site, to the standards set forth within City Code Sec. 34-881(2) of the Charlottesville City Code (*Bicycle Storage Facilities*), or the most current Bicycle Storage Facilities code applicable to this multifamily dwelling at time of development.

10. Low impact development techniques such as rain gardens and permeable pavers shall be constructed/ installed as part of the development, and the nature, location and specifications for all such LID techniques shall be shown on the final site plan.

11. The redevelopment of the subject property shall include the installation of solar energy systems sufficient, at a minimum, to offset the electrical usage in the common areas of the development.

12. For every 1,500 square feet of commercial space, there shall be a reduction of one (1) dwelling unit from the maximum number of dwelling units (127) allowed under this special use permit.

RESOLUTION
BAR APPLICATION 17-04-02 (1521-1527 University Avenue)

BE IT RESOLVED, by the Council for the City of Charlottesville, Virginia, that Council denies a COA for BAR 17-04-02, proposing installation of wireless communication transmission equipment on the roof of a building located at 1521-1527 University Avenue,

WHEREAS, the proposed installation(s) and concealment feature is NOT architecturally compatible with the character of this property or the Corner ADC District. For the reasons noted in the BAR's April 18, 2017 decision, and for the reasons noted within the Staff Reports to both the BAR and this Council, the nature and placement of the proposed "chimney" is not typical or common within this ADC District, and is not in keeping with the character of the existing building.

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that metered on-street parking shall require payment between the hours of 8:00 AM and 8:00 PM, Monday through Saturday, at a rate of not more than \$1.80 per hour.

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that there is hereby created a Parking Advisory Panel, composed of seven (7) members appointed by City Council, to act as an advisory body to City Staff and City Council. The Parking Advisory Panel will also have one (1) *ex officio* member to serve as a staff liaison. The purpose and charges are as stated on the attached document. The initial terms of the seven (7) appointed members are as follows:

Three (3) members shall serve for three (3) years; two (2) members shall serve for two (2) years; two (2) members shall each serve for one (1) year.

At the expiration of each term, any member of the Panel may serve additional two (2) year terms. The members are limited to serving three (3) terms.

PARKING ADVISORY PANEL

PURPOSE AND CHARGE:

There is hereby created the Parking Advisory Panel charged with the following:

1. Reviewing and advising on the operation of all City parking garages and surface parking lots. The operation of these facilities includes, rate structures, hours of operation, business validations and any space reservations.
2. Reviewing and advising on the operation of the City's on-street parking spaces in commercial areas including the implementation of the On-Street Parking Pricing Pilot Program as recommended by the Nelson Nygaard parking study of the same name dated March 3, 2016.
3. Advising on the adequacy of the existing parking supply and any possible need for additional parking to support the continued re-development of the City's commercial areas to include the Pedestrian Mall, West Main Street and University areas.
4. Reviewing and advising on the use of funds in a Parking Enterprise Fund. Such advice would help guide the City Manager in the submission of the City's annual budget.

MEMBERSHIP:

The Panel will consist of seven permanent members, four property owners, operators or employees of businesses within two blocks of the Pedestrian Mall, West Main Street Corridor or the University area with a minimum of one hourly employee, and three City residents, with preference given to one or more candidates who live near the downtown area. Council shall seek to appoint a diverse group of members who reflect the varying impacts of parking on the public. The City Council may also appoint additional advisory members as necessary to deal with specific projects or subjects.

The Panel will also have one Ex-Officio member from the Office of Economic Development to provide liaison with the body.

TERMS OF OFFICE:

The initial terms will be: three members for three years, two members for two years, and two members for one year and thereafter two year terms. Members will be appointed by City Council.

REVIEW AND EVALUATION:

The Panel will be advisory to the City Office of Economic Development and report to the City Council on a regular basis.