



CITY COUNCIL AGENDA
Monday, July 17, 2017

7:00 p.m.

Regular Meeting - CALL TO ORDER
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

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 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.)

a. Minutes for July 5, 2017

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

c. **APPROPRIATION:** 2017-2018 Community Development Block Grant – \$430,316.31 (1st of 2 readings)

d. **APPROPRIATION:** 2017-2018 HOME Funds – \$90,748.69 (1st of 2 readings)

e. **APPROPRIATION:** HOME Investment Partnerships Program – \$3,214.26 (1st of 2 readings)

f. **APPROPRIATION:** Amendment to Community Development Block Grant Account (1st of 2 readings)

g. **RESOLUTION:** Authorizing Revenue Bond Issue for Jefferson Scholars Foundation (1st of 1 reading)

h. **RESOLUTION:** Refund of Tax Payment to County Waste LLC (1st of 1 reading)

i. **RESOLUTION:** Refund of Tax Payment to Wells Fargo Equipment Finance INC (1st of 1 reading)

j. **RESOLUTION:** Refund of Tax Payment to PNC Equipment Finance LLC (1st of 1 reading)

k. **ORDINANCE:** Quitclaim to VDOT (Fontana and Hyland Ridge Subdivisions) (2nd of 2 readings)

l. **ORDINANCE:** Approval of Sale of Baylor Lane Lot (2nd of 2 readings)

m. **ORDINANCE:** King St. Rezoning Application (2nd of 2 readings)

n. **ORDINANCE:** Parking Ordinance Changes (2nd of 2 readings)

2. PUBLIC HEARING

Charlottesville Fire Department and Charlottesville Albemarle Rescue Squad Emergency Medical Services System Improvement Strategy and Cost Recovery Program – **15 mins**

3. PUBLIC HEARING / ORDINANCE*

Urban Archery Ordinance and related revisions (1st of 2 readings) – **20 mins**

4. PUBLIC HEARING / ORDINANCE*

Closing and Vacating First Street South Between Water Street and South Street (1st of 2 readings) – **10 mins**

5. PUBLIC HEARING / ORDINANCE*

Woolen Mills Village Historic Conservation District (1st of 2 readings) – **20 mins**

**6. REPORT:
RESOLUTION*
RESOLUTION***

Reallocation of Existing Funds for Parks Projects – **20 min**

- McIntire Park Rail Road Pedestrian Bridge (1st of 1 reading)
- Skate Park (1st of 1 reading)

7. REPORT

Rivanna Quarterly Update – **15 mins**

8. REPORT*

Community Development Corporations Report – **30 mins**

OTHER BUSINESS
MATTERS BY THE PUBLIC

APPROPRIATION

Strategic Investment Area Form-Based Code - \$228,000

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the funding for the Strategic Investment Area Form-Based Code project is hereby transferred in the following manner:

Transfer From:

\$228,000 *Fund: 426* *WBS: CP-080* *G/L Account: 599999*

Transfer To

\$228,000 *Fund: 426* *WBS: P-00947* *G/L Account: 599999*

**RESOLUTION
OF THE CITY COUNCIL OF
THE CITY OF CHARLOTTESVILLE, VIRGINIA**

WHEREAS, Jefferson Scholars Foundation (“Foundation”), a Virginia non-stock, not-for-profit corporation, has requested that the Economic Development Authority of the City of Charlottesville, a political subdivision of the Commonwealth of Virginia (the “Authority”) assist with the issuance of a tax-exempt revenue refunding bond (the “2017 Refunding Bond”) in an amount not to exceed \$23,000,000 in order to refund the following obligations: (i) \$18,000,000 Variable Rate Demand Revenue Bonds (Jefferson Scholars Foundation Project), Series 2007, issued by the Industrial Development Authority of Albemarle County, Virginia (the “2007 Bonds”), and (ii) \$4,500,000 Revenue Note (Jefferson Scholars Foundation Project), issued by the Virginia Small Business Financing Authority (the “2010 Bonds”);

WHEREAS, the Authority issued the 2007 and 2010 Bonds in order to finance the acquisition, construction, and equipping of a new administrative office for the Foundation and its Jefferson Fellows Center located at 112 Clarke Court (formerly, the addresses of 108, 112, 114, and 124 Maury Avenue and 110 Clarke Court), Charlottesville, Virginia 22903 (the “Refinanced Project”), and to pay costs of issuance of the respective obligations;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Refinanced Project is located in the City of Charlottesville (the “City”), the Authority issues its bonds on behalf of the City, and the City Council of the City (the "Council") constitutes the highest elected governmental unit of the City;

WHEREAS, following the public hearing held by the Authority on June 29, 2017, the Authority adopted an approving resolution with respect to the issuance of the 2017 Refunding Bond and recommended that the City Council approve the issuance of the 2017 Refunding Bond; and

WHEREAS, a copy of the Bond Resolution, a brief summary of the Authority's public hearing, and the Authority’s Fiscal Impact Statement have been filed with the Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA:

1. The City Council approves the issuance of the 2017 Refunding Bond by the Economic Development Authority of the City of Charlottesville in a principal amount not to exceed \$23,000,000 for the benefit of the Foundation, as required by Section 147(f) of the IRS Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended.

2. The approval of the issuance of the 2017 Refunding Bond does not constitute an endorsement to a prospective purchaser of the 2017 Refunding Bond of the creditworthiness of the Foundation, and the 2017 Refunding Bond shall provide that neither the City nor the Authority shall be obligated to pay the 2017 Refunding Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the City and the Authority, shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

Approved by Council
July 17, 2017



Yaiqe Rice

Clerk of Council

CERTIFICATE

The undersigned Clerk of the City of Charlottesville, Virginia, does hereby certify that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on July 17, 2017, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing Resolution, a quorum was present. The vote of the members of the City Council upon the foregoing Resolution was as follows:

<u>Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Mike Signer, Mayor	Present	Aye
Wes Bellamy, Vice Mayor	Present	Aye
Kristen Szakos	Absent	n/a
Kathy Galvin	Present	Aye
Bob Fenwick	Present	Aye

WITNESS MY HAND and the seal of the City of Charlottesville, Virginia, this 17th day of July, 2017.



Clerk, City of Charlottesville, Virginia

**RESOLUTION
AUTHORIZING REFUND TO COUNTY WASTE LLC
OF PERSONAL PROPERTY TAXES PAID FOR 2016**

WHEREAS, the Commissioner of the Revenue has determined that vehicles owned by County Waste LLC were actually taxable in another jurisdiction; and

WHEREAS, the personal property taxes for the Property for calendar year 2016 were paid on time and as billed; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$8,717.20; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$8,717.20, payable to County Waste LLC.

RESOLUTION
AUTHORIZING REFUND TO WELLS FARGO EQUIPMENT FINANCE INC
OF PERSONAL PROPERTY TAXES PAID FOR 2015 AND 2016

WHEREAS, the Commissioner of the Revenue has determined that items owned by Wells Fargo Equipment Finance Inc were actually taxable in another jurisdiction; and

WHEREAS, the personal property taxes for the Property for calendar years 2015 and 2016 were paid on time and as billed; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$4,034.48; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$4,034.48, payable to Wells Fargo Equipment Finance Inc.

RESOLUTION
AUTHORIZING REFUND TO PNC EQUIPMENT FINANCE INC
OF PERSONAL PROPERTY TAXES PAID FOR 2015 AND 2016

WHEREAS, the Commissioner of the Revenue has determined that an item owned by PNC Equipment Finance Inc was actually taxable in another jurisdiction; and

WHEREAS, the personal property taxes for the Property for calendar years 2015 and 2016 were paid on time and as billed; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid and interest is due in the amount of \$7,281.49; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$7,281.49, payable to PNC Equipment Finance Inc.

**AN ORDINANCE
TO QUITCLAIM NATURAL GAS LINE EASEMENTS
WITHIN THE HYLAND RIDGE SUBDIVISION
LOCATED IN ALBEMARLE COUNTY
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadways known as Fontana Drive in the Fontana Subdivision and Fontana Drive, Hyland Creek Circle, Hyland Creek Drive, Aspen Drive, and Hyland Ridge Drive located in the Hyland Ridge Subdivision in Albemarle County; and

WHEREAS, the City owns natural gas lines located within these roadways, and also owns easements for such gas lines, and VDOT has asked that the foregoing easements crossing these roadways be released upon VDOT's acceptance of the roadways; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easements crossing Fontana Drive, Hyland Creek Circle, Hyland Creek Drive, Aspen Drive, and Hyland Ridge Drive to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said lines to continue to be located in said roadways.

*Prepared by S. Craig Brown, City Attorney (VSB #19286)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902*

Albemarle County Tax Map 78A (Fontana Drive) and 78E (Hyland Ridge Subdivision Roadways)

This deed is exempt from recordation taxes pursuant to Virginia Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4).

DEED OF QUITCLAIM

THIS DEED OF QUITCLAIM, made and entered into on this ____ day of _____, 2017, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, such easements and rights of way shown on the attached plat made by the City of Charlottesville Gas Division dated June 15, 2017, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in Fontana Drive, in the Fontana Subdivision and Fontana Drive, Hyland Creek Circle, Hyland Creek Drive, Aspen Drive, and Hyland Ridge Drive in the Hyland Ridge Subdivision in the County of Albemarle, namely: Natural gas lines and related gas facilities upon and across Fontana Drive, Hyland Creek Circle, Hyland Creek Drive, Aspen Drive, and Hyland Ridge Drive, insofar as the lands embraced within said easements fall within the boundaries of a public street or highway to be maintained by the Virginia Department of Transportation. Said gas line easements were conveyed to the City by the following deeds:

- (1) Deed of Easement from the County of Albemarle, Virginia, dated May 16, 2013, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 4352 at page 411; and
- (2) Deed of Easement from Pantops-Lakeridge, LLC, dated March 23, 2009, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 3722 at page 464.

The Grantor reserves unto itself, its successors and assigns, all of the rights and privileges under the aforesaid Deed of Easement until such time as the Virginia Department of Transportation has issued a permit to the GRANTOR subject to the following two conditions which shall also be covenants running with the land:

1. That the above described improvements of the GRANTOR may continue to occupy such streets or highways in the existing condition and location.
2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE is to have and hold the above-described property for so long as said property is used as part of its public street or highway maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said property's use for such purposes, all rights, privileges, interests and easements in the property herein described under aforesaid Right of Way Easement shall revert to the GRANTOR, its successors and assigns.

Notwithstanding other language contained herein which might appear to the contrary, the parties agree that GRANTOR shall continue to own in fee simple the gas line improvements located within the above described public roadways.

IN WITNESS WHEREOF, the **GRANTOR** has caused its name to be assigned hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

CITY OF CHARLOTTESVILLE, VIRGINIA

BY: _____
A. Michael Signer, Mayor

ATTEST:

Clerk of Council

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

I, _____, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that A. Michael Signer, Mayor of the City of Charlottesville, Virginia, and Paige Rice, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of _____, 2017, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: _____

Given under my hand this _____ day of _____, 2017.

Notary Public
Registration # _____

**AN ORDINANCE AUTHORIZING THE SALE/CONVEYANCE
OF CITY-OWNED LAND LOCATED AT 162 BAYLOR LANE
TO SOUTHERN DEVELOPMENT**

WHEREAS, the City of Charlottesville is the owner of property designated as Tax Map Parcel 260045001, located on Baylor Lane, and to be addressed as 162 Baylor Lane, Charlottesville, Virginia (the “Property”); and

WHEREAS, the Property consists of approximately 6,054 square feet (0.139 acre) and fronts on Baylor Lane, as shown on the attached recorded subdivision plat prepared by Draper Aden Associates, dated January 2, 2015, last revised October 19, 2016; and

WHEREAS, the City solicited bids from persons interested in acquiring and developing the Property through a “Request for Bids”, a copy of which was published in the local newspaper, posted on the Property, and mailed to neighbors and the Charlottesville Area Association of Realtors, and the City received one offer to purchase the Property, which was assessed in 2017 at \$78,100.00; and

WHEREAS, following review of the proposal received, consideration of the merits thereof, and upon consideration of the recommendation of staff, this Council finds that the proposal submitted by Southern Property, LLC is the most meritorious for reasons including, without limitation, the offered purchase price of \$80,101.00; and

WHEREAS, a Purchase Agreement approved by the Deputy City Attorney has been signed by Southern Property, LLC, but is conditioned upon Council approval; and

WHEREAS, as required by Virginia Code Section 15.2-1800(B) a public hearing on the proposed sale of the Property was advertised and was held on July 5, 2017, and the public has thereby been given an opportunity to comment on the proposed conveyance of the Property;

NOW, THEREFORE, BE IT ORDAINED by the Charlottesville City Council that the offer received from Southern Property, LLC is hereby accepted by Council, and Council hereby approves a sale of the Property to Southern Property, LLC under the terms and conditions set forth within the aforementioned Purchase Agreement; and

BE IT FURTHER ORDAINED that the City Manager is hereby authorized to execute the Purchase Agreement for the sale of the Property, and that the Mayor is hereby authorized to execute a deed, in form approved by the City Attorney, conveying the Property to the Purchaser. The City Attorney is hereby authorized to take whatever steps are necessary to effect the closing of said property conveyance.

AGREEMENT
Sale of Land to Southern Property, LLC
(Lot Containing 6,043 s.f. on Baylor Lane)

THIS AGREEMENT is made this _____ day of _____, 2017 between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, P.O. Box 911, Charlottesville, Virginia 22902, hereinafter referred to as "Seller" or "City", and **SOUTHERN PROPERTY, LLC**, a Virginia limited liability company, hereinafter referred to as "Purchaser", whose address is 170 South Pantops Drive, Charlottesville, VA 22911.

WITNESSETH:

WHEREAS, Seller is the owner of certain real property, approximately 6,043 square feet in area, located in the City of Charlottesville, Virginia, designated as Parcel 45.10 on City Tax Map 26, to be addressed as 162 Baylor Lane, shown on the attached Plat made by Draper Aden Associates, dated January 2, 2015, last revised October 19, 2016, of record in the Charlottesville Circuit Court Clerk's Office as Instrument No. 201700000618 (the "Property"); and

WHEREAS, Seller has agreed to sell to Purchaser for the purchase price of **Eighty Thousand One Hundred and One Dollars (\$80,101.00)** the Property and all improvements thereon and appurtenances thereto belonging, and Purchaser has agreed to purchase said Property from Seller, subject to the conditions outlined in Section II below;

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, Seller and Purchaser do hereby set forth their agreement as follows:

I. AGREEMENT TO CONVEY

Seller agrees to convey by General Warranty Deed to Purchaser, and Purchaser agrees to purchase from Seller, the real property referred to herein as the "Property," which is more particularly described as follows, to-wit:

All that certain lot or parcel of land, approximately 0.139 acre or 6,043 square feet in area, designated as Parcel A on a plat made by Draper Aden Associates, dated January 2, 2015, last revised October 19, 2016, of record in the Charlottesville Circuit Court Clerk's Office as Instrument No. 201700000618 (the "Plat"), and attached to this Agreement. After the Plat was recorded on February 17, 2017, City Council approved a waiver of the critical slopes restrictions on the Property, which expanded the allowable building site and placed a pedestrian access easement within the boundaries of the existing storm drain easement crossing the Property.

II. TERMS AND CONDITIONS

The Purchaser's obligations under this Agreement are expressly contingent upon all of the

following conditions being met:

- (a) Title Examination. Purchaser's receipt of the results, satisfactory to them in their sole discretion, of a title examination to be performed by Purchaser at their own expense, and any other documents required by Purchaser's title insurer to ensure the Purchaser can obtain title insurance on the Property.

If the title examination reveals a title defect of a character that can be remedied through legal action or otherwise within a reasonable period of time, then Seller shall bear the expense of such action and shall promptly cure such defect. If the defect is not cured within 60 days after Seller receives notice of the defect, then Purchaser shall have the right to terminate this Agreement, in their sole discretion, and all such deposits, if any, shall be returned to Purchaser and there shall be no further obligations between the parties herein. In the event that Purchaser waives the defect and proceeds to settlement there shall be no reduction in the purchase price.

- (b) General Warranty Deed. Seller shall deliver (by facsimile mail, electronic mail or first-class mail) to the Purchaser a proposed General Warranty Deed for review at least ten (10) days prior to Closing. Said deed shall contain a reservation of a pedestrian access easement located within the 10' wide existing storm drain easement on the Property.

Each of the foregoing conditions is, and is intended by each of the parties to be, a condition precedent to the obligation of either party to proceed to Closing. Purchaser or Seller may elect not to proceed to Closing, without liability or penalty, if one or more of the above-referenced contingencies and/or conditions are not fulfilled to their satisfaction, which approval will not be unreasonably withheld, by delivering written notice to the other party.

III. CLOSING

- (a) Closing will take place in the Office of the City Attorney in City Hall (605 East Main Street, City Hall, Charlottesville, Virginia) on or about _____, 2017.
- (b) Upon satisfaction of all of the terms and conditions of this Agreement, the Seller at Closing shall deliver and convey to Purchaser, by General Warranty Deed in a form acceptable to Purchaser, marketable fee simple title to the Property free and clear of any and all liens and encumbrances, subject only to standard permitted exceptions and existing easements of record which do not materially and adversely affect the use of the Property for Purchaser's intended purposes or render title unmarketable. Seller shall deliver possession of the Property to the Purchaser as of the date of Closing.
- (c) At the Closing, Seller shall also deliver to Purchaser all documents reasonably requested by Purchaser, including, without limitation, an Owner's Affidavit to Mechanic's Liens and Possession reasonably acceptable to Purchaser's title company. If requested, Seller shall submit a completed W-9 form and wiring instructions to the Purchaser at least five (5) days prior to Closing in order to allow timely wire transfer of purchase price money, less deductions.
- (d) Seller's costs: (1) Preparation of General Warranty Deed; and (2) Preparation of other Seller's documents required hereunder.

- (e) Purchaser's costs: (1) Recordation cost of General Warranty Deed (Seller is exempt from Grantor's tax); (2) Title insurance examination and premium; and (3) Attorney fees, if any, to represent Purchaser.

IV. OTHER TERMS

This agreement is further contingent upon the following:

- (a) Purchaser shall be responsible for real estate taxes due on the Property on and after the date of Closing. Seller is exempt from real estate taxation.
- (b) From the date of this Agreement through Closing, risk of loss or damage to the property by fire, windstorm, casualty or other caused is assumed by the Seller. From the date of this Agreement Seller shall not commit, or suffer any other person or entity to commit, any waste or damage to the Property or any appurtenances thereto, From the date of this Agreement, Seller shall not permit the manufacture, use, storage or disposal of hazardous wastes and/or toxic substances on or in the Property or in or near any adjoining waterways or drainage ditches.
- (c) No transfer or assignment of any rights or obligations hereunder shall be made by anyone having an interest herein, without the advance written consent of all other persons or entities having an interest herein. No failure on the part of Purchaser to enforce any of the terms or conditions set forth herein shall be construed as or deemed to be a waiver of the right to enforce such terms or conditions. The acceptance or payment of any sums by the Purchaser, and/or the performance of all or any part of this Agreement by the Purchaser, for or during any period(s) following a default or failure by the Seller, shall not be construed as or deemed to be a waiver by the Purchaser of any rights hereunder, including, without limitation, the Purchaser's right to terminate this Agreement.
- (d) This Agreement shall be governed and interpreted by the laws of the Commonwealth of Virginia.
- (e) This Agreement is binding upon the parties hereto and their respective heirs, personal representatives, successors and assigns.
- (f) This Agreement contains the final agreement between the parties hereto, and they shall not be bound by any terms, conditions, oral statements, warranties or representations not contained herein.

WITNESS the following signatures:

CITY OF CHARLOTTESVILLE, VIRGINIA, Seller

By: _____
Maurice Jones, City Manager

Date signed: _____, 2017

Approved as to Form:

Allyson Manson Davies, Deputy City Attorney

[This space intentionally left blank]

SOUTHERN PROPERTY, LLC, Purchaser

By: 

Frank T. Baillif, AS Manager

Date signed: JUNE 15, 2017

Attachment: Plat of Property

**AN ORDINANCE
APPROVING A REQUEST TO REZONE PROPERTY LOCATED NEAR
THE INTERSECTION OF KING STREET AND ROOSEVELT BROWN BOULEVARD
(910, 912, 914 AND 916 KING STREET)
FROM R-1S (RESIDENTIAL, SMALL LOT) TO CHERRY AVENUE MIXED USE CORRIDOR
DISTRICT, SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS**

WHEREAS, Atlas Projects, LLC (“Applicant”) is the Owner and contract purchaser of certain property near the intersection of King Street and Roosevelt Brown Boulevard, designated on City Tax Map 30 as Parcels 124, 125, 126 and 127, and the Applicant seeks a rezoning of such property from R-1S (Residential-Small Lot) to Cherry Avenue Mixed Use Corridor District (“CH”) (“Application”) subject to proffered development conditions dated May 15, 2017 (“Proffers”) (together, hereinafter the Application and Proffers are referred to as the “Proposed Rezoning”); and

WHEREAS, a public hearing on the Proposed Rezoning was held before the Planning Commission on June 13, 2017, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, on June 13, 2017, following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, on July 5, 2017, this City Council conducted a public hearing on the Rezoning, after notice to the public and to adjacent property owners as required by law, and City Council has considered the matters addressed within the Application and Staff Report, comments received from the public, including those received at each of the two public hearings in this matter, as well as the Planning Commission’s recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Rezoning; that both the existing zoning classification (R-1S Residential-Small Lot) and the proposed “CH” mixed use zoning classification (subject to proffered development conditions) are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning from R-1S Residential-Small Lot to CH (Cherry Avenue Mixed Use Corridor District), the property located near the intersection of King Street and Roosevelt Brown Boulevard, designated on City Tax Map 30 as Parcels 124, 125, 126 and 127 (910, 912, 914 and 916 King Street) (the “Property”), consisting of approximately 0.56 acres, or 24,393 square feet, subject to the following Proffers, which were tendered by the Applicant in accordance with law and are hereby accepted by this City Council:

Approved Proffers

1. *Right of Way*: At such time that any development of the Property requires a site plan, the owner will execute a deed and plat that will dedicate the necessary right-of-way to the city on the northern border of the Property with King Street, to create a five (5) foot sidewalk.

2. *Additional step back requirement.* The height of a building wall adjacent to the ten (10) foot required side yard abutting low density residential on King Street shall be 35 feet maximum; above the height of 35 feet, a stepback of at least 10 feet shall be provided along at least eighty percent (80%) of the building wall. In no case shall any building wall, above the height of 35 feet, be within ten (10) feet of the Property's side lot line adjacent to King Street. In the event that a landowner provides a yard in excess of the 10 feet required, then the required stepback may be reduced by the amount of such excess.
3. *Restricted uses.* No freestanding hotels with more than 30 rooms.

AN ORDINANCE AMENDING CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC), SECTION 15-149, AND SECTIONS 15-171 THROUGH 15-180, OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO AUTHORIZE THE CITY'S TRAFFIC ENGINEER TO ESTABLISH PARKING METER ZONES AND TO ADD PROVISIONS AUTHORIZING BOTH PARKING METERS AND STATIONS, AND TO AUTHORIZE VARIOUS FORMS OF PAYMENT

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Chapter 15 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

**CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC)
Article V. Stopping, Standing and Parking**

DIVISION 1. GENERALLY

...

Sec. 15-149. Procedure for parking violations; payment of fine without trial.

(a) A summons or parking ticket for violation of the city's parking regulations within this article may be issued by city police officers, other uniformed city employees and other persons authorized by the chief of police to enforce the provisions of this article, or by uniformed personnel serving under contract with the city. Any such summons or ticket shall be posted a written notice of violation on the windshield of each vehicle found illegally parked on city streets or city operated parking lots. Such summons or parking ticket notice of violation shall state that the recipient of the summons or ticket notice may elect to waive his or her right to appear and be tried for the offense indicated in the summons or ticket notice.

State law reference—Va. Code 46.2-1220

DIVISION 2. PARKING METERS*

Sec. 15-171. Reserved. Establishing and changing meter zones.

~~**Editor's note—**An ordinance adopted Nov. 15, 2004, § 3, repealed § 15-171, which pertained to establishing and changing meter zones. See also the Code Comparative Table. The traffic engineer, with the approval of the city manager, is hereby authorized to establish and change from time to time parking meter zones on streets or parts of streets, and in municipally operated parking lots, where the parking of vehicles shall be regulated by parking meters. The traffic engineer shall follow the procedure set forth within city code sec. 15-4.~~

Sec. 15-172. Installation, design, etc., of meters.

(a) Parking meters shall be installed in parking meter zones ~~upon the curb immediately adjacent to~~ in reasonable proximity to each ~~designated restricted~~ parking space. ~~Such meters shall be capable of being operated, either automatically or mechanically, upon the deposit therein of a coin of United States currency of the designated denomination, for the full~~ Each meter shall allow payment for parking during a period of time for which parking is lawfully permitted in the applicable any of the parking meter zones.

(b) Each parking meter shall be so designed, constructed, installed and set that it will indicate at the time of payment the time period for which parking has been paid. ~~upon the expiration of the time period registered by the deposit of one (1) or more coins, it will indicate, by an appropriate signal, that the lawful parking meter period has expired and during such period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.~~

(c) Each parking meter shall bear thereon a legend indicating the hours when the requirement for paid parking to deposit coins therein shall apply, the value and method of the required payment, coins to be deposited and the limited period of time for which parking is lawfully permitted in the parking meter zone in which the meter is located.

Sec. 15-173. Marking of meter spaces.

Within parking meter zones, each ~~Adjacent to each~~ parking meter ~~there~~ shall be placed in reasonable proximity to marked the parking space(s) for which the meter is to be used. ~~Spaces so marked shall be of appropriate length and width so as to be accessible from normal traffic lanes.~~

Sec. 15-174. Time and manner of parking in metered space.

(a) When a parking meter is erected giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking space for a period of time longer than designated by the meter; ~~upon the deposit of a coin of United States currency of the designated denomination, on any days except Saturdays and Sundays.~~

(b) Every vehicle shall be parked wholly within a marked metered parking space ~~for which the meter shows parking privilege has been~~ with the front end of such vehicle facing in the direction of traffic granted and with the front end of such vehicle immediately opposite the parking meter for such space.

(c) No person shall park a vehicle in any designated parking meter space during the restricted and regulated time applicable to the parking meter zone in which the meter is located so that any part of the vehicle occupies more than one (1) such space, except that a vehicle which is of a size too large to be parked within a single designated meter space shall be permitted to occupy two (2) adjoining meter spaces when payment has ~~coins have been made deposited in the parking meter for~~

~~each space so occupied, whether occupied in whole or in part as is required for the parking of other vehicles in such space.~~

Sec. 15-175. Parking in meter zone or city parking lot for purpose of making sales.

It shall be unlawful for any person to park any vehicle within the area designated as a parking meter zone, or within any municipally operated parking lot, for the purpose of making sales of any property to persons in the street or in such parking lot. This section shall not apply to the selling or delivery of goods sold within the buildings abutting on such streets or parking lots or to the city market.

Sec. 15-176. Payment Deposit of coins required; overtime parking.

(a) No person shall park a vehicle in any parking space within a metered parking zone, upon a street or within a municipally operated metered parking lot, adjacent to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which the meter is located, unless payment for such parking has been made as required by this division a coin of United States currency of the appropriate denomination has been deposited by such person has been placed in operation.

(b) No person shall permit a vehicle operated by him or under his control or registered in his name to be or remain parked in any parking metered parking space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking after the paid time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit payment in immediately thereafter a coin in such meter.

(c) No person shall park a vehicle on the same block in a parking meter zone any such parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone any single space on that block, in which such meter is located, irrespective of the number or amount of coins deposited in the meter.

(d) The provisions of this section shall apply to parking only on the days, and during such between the hours of 8:00 a.m. and 6:00 p.m. on days other than Saturdays and Sundays as are restricted within the applicable parking meter zone.

(e) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter and the state statutes prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 15-177. ~~Purpose of required deposits.~~ Reserved.

~~The coins required to be deposited in parking meters as provided in this division are hereby~~

~~levied and assessed as fees to provide for the proper regulation and control of traffic on the public streets and to cover the cost of the supervision, inspection, installation, operation, maintenance, control and use of the parking spaces on such streets and within municipally operated parking lots and for regulating the parking of vehicles in the parking meter zones.~~

Sec. 15-178. Use of metered space for loading and unloading.

(a) ~~Commercial vehicles may be parked without deposit payment, of coins in meters from 7:00 a.m. to 10:00 a.m. within metered spaces which are set aside for this purpose and so designated by hoods placed on the meters stating as loading and unloading zones "LOADING AND UNLOADING ZONES"; provided, that commercial vehicles may only occupy such spaces during the time necessary to complete actual operations of delivering or picking up merchandise.~~

(b) Commercial vehicles which require only one (1) regular parking space may be parked anywhere in a meter zone at any time and for any purpose, if the required payment deposit is made in the meter and if all other parking and meter regulations are complied with.

(c) No commercial vehicle which requires more than one (1) regular parking space may be parked on University Avenue between 14th Street, West, and Chancellor Street, during the hours from 10:00 a.m. to 6:00 p.m. on any day.

(d) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of property exceed thirty (30) minutes.

(e) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

(f) ~~The driver of a~~ Operators of passenger or commercial vehicles may use, without deposit of payment, a ~~parking~~ metered space for the purpose of promptly receiving or discharging any passenger.

Sec. 15-179. Deposit of slugs.

(a) No person shall deposit or attempt to deposit in any parking meter any slug, button or other device or substance, other than a card or device identified on the meter as being an accepted form of payment as a substitute for a coin of United States currency.

(b) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

Sec. 15-180. Damaging, tampering with, etc., meters.

(a) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter. ~~No person shall willfully manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation.~~

(b) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor, for a first offense. Subsequent violations of this section shall be punishable as set forth within Code of Virginia sec. 18.2-152.

State law reference—Stealing from or tampering with meters, Code of Virginia, § 18.2-152.

Sec. 15-181—15-200. Reserved.

RESOLUTION

**McIntire Park CIP funding for Railroad Bridge Project
\$1,169,363**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded \$1,096,295 from the Virginia Department of Transportation to construct a bicycle and pedestrian trail bridge across the railroad at McIntire Park; and

WHEREAS, the City needs to provide additional local funds in the amount of \$1,169,363 from the McIntire Park Improvement CIP fund (P-00207); and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$1,169,363 is hereby appropriated in the following manner:

Budget Transfer From

\$1,169,363 Fund: 426 WBS: P-00207 G/L Account: 599999

Budget Transfer To

\$1,169,363 Fund: 426 WBS: P-00673 G/L Account: 599999

Be it further resolved that the amount of this transfer is contingent upon the closeout of Fiscal Year 2017, and the transfer amount noted above could be subject to change but will be limited to an amount that results in a total project budget in account P-00673 that does not exceed \$2,461,635.

RESOLUTION

**McIntire Park CIP funding for Skate Park Project
\$ 581,415**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received bids and negotiated a price with the low bidder to construct the Skate Park within McIntire Park; and

WHEREAS, the City needs to provide additional local funds in the amount of \$ 581,415 from the McIntire Park Improvement CIP fund (P-00207); and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$ 581,415 is hereby appropriated in the following manner:

Budget Transfer From

\$ 581,415 Fund: 426 WBS: P-00207 G/L Account: 599999

Budget Transfer To

\$ 581,415 Fund: 426 WBS: P-00733 G/L Account: 599999

Be it further resolved that the amount of this transfer is contingent upon the closeout of Fiscal Year 2017 and the transfer amount noted above could be subject to change but will be limited to an amount that results in a total project budget in account P-00733 that does not exceed \$2,085,163.

**AN ORDINANCE AMENDING CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC),
SECTION 15-149, AND SECTIONS 15-171 THROUGH 15-180, OF THE CODE OF THE CITY
OF CHARLOTTESVILLE, 1990, AS AMENDED, TO AUTHORIZE THE CITY'S TRAFFIC
ENGINEER TO ESTABLISH PARKING METER ZONES AND TO ADD PROVISIONS
AUTHORIZING BOTH PARKING METERS AND STATIONS, AND TO AUTHORIZE
VARIOUS FORMS OF PAYMENT**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Chapter 15 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

**CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC)
Article V. Stopping, Standing and Parking**

DIVISION 1. GENERALLY

...

Sec. 15-149. Procedure for parking violations; payment of fine without trial.

(a) A summons or parking ticket for violation of the city's parking regulations within this article may be issued by city police officers, other uniformed city employees and other persons authorized by the chief of police to enforce the provisions of this article, or by uniformed personnel serving under contract with the city. Any such summons or ticket shall be posted a written notice of violation on the windshield of each vehicle found illegally parked on city streets or city operated parking lots. Such summons or parking ticket notice of violation shall state that the recipient of the summons or ticket notice may elect to waive his or her right to appear and be tried for the offense indicated in the summons or ticket notice.

State law reference—Va. Code 46.2-1220

DIVISION 2. PARKING METERS*

Sec. 15-171. ~~Reserved.~~ Establishing and changing meter zones.

~~Editor's note~~—An ordinance adopted Nov. 15, 2004, § 3, repealed § 15-171, which pertained to establishing and changing meter zones. See also the Code Comparative Table. The traffic engineer, with the approval of the city manager, is hereby authorized to establish and change from time to time parking meter zones on streets or parts of streets, and in municipally operated parking lots, where the parking of vehicles shall be regulated by parking meters. The traffic engineer shall follow the procedure set forth within city code sec. 15-4.

Sec. 15-172. Installation, design, etc., of meters.

(a) Parking meters shall be installed in parking meter zones ~~upon the curb immediately adjacent to~~ in reasonable proximity to each ~~designated restricted~~ parking space. ~~Such meters shall be capable of being operated, either automatically or mechanically, upon the deposit therein of a coin of United States currency of the designated denomination, for the full~~ Each meter shall allow payment for parking during a period of time for which parking is lawfully permitted in the applicable ~~any of the~~ parking meter zones.

(b) Each parking meter shall be so designed, constructed, installed and set that it will indicate at the time of payment the time period for which parking has been paid. ~~upon the expiration of the time period registered by the deposit of one (1) or more coins, it will indicate, by an appropriate signal, that the lawful parking meter period has expired and during such period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.~~

(c) Each parking meter shall bear thereon a legend indicating the hours when the requirement for paid parking to deposit coins therein shall apply, the value and method of the required payment, coins to be deposited and the limited period of time for which parking is lawfully permitted in the parking meter zone in which the meter is located.

Sec. 15-173. Marking of meter spaces.

Within parking meter zones, each ~~Adjacent to each~~ parking meter ~~there~~ shall be placed in reasonable proximity to ~~the~~ marked the parking space(s) for which the meter is to be used. ~~Spaces so marked shall be of appropriate length and width so as to be accessible from normal traffic lanes.~~

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(b) Every vehicle shall be parked wholly within a marked metered parking space ~~for which the meter shows parking privilege has been~~ with the front end of such vehicle facing in the direction of traffic granted and with the front end of such vehicle immediately opposite the parking meter for such space.

(c) No person shall park a vehicle in any designated parking meter space during the restricted and regulated time applicable to the parking meter zone in which the meter is located so that any part of the vehicle occupies more than one (1) such space, except that a vehicle which is of a size too large to be parked within a single designated meter space shall be permitted to occupy two (2) adjoining meter spaces when payment has ~~coins have been made deposited in the parking meter for~~

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(b) No person shall permit a vehicle operated by him or under his control or registered in his name to be or remain parked in any parking metered parking space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking after the paid time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit payment in immediately thereafter a coin in such meter.

(c) No person shall park a vehicle on the same block in a parking meter zone any such parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone any single space on that block, in which such meter is located, irrespective of the number or amount of coins deposited in the meter.

(d) The provisions of this section shall apply to parking only on the days, and during such between the hours of 8:00 a.m. and 6:00 p.m. on days other than Saturdays and Sundays as are restricted within the applicable parking meter zone.

(e) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter and the state statutes prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 15-177. ~~Purpose of required deposits.~~ Reserved.

~~The coins required to be deposited in parking meters as provided in this division are hereby~~

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(a) ~~Commercial vehicles may be parked without deposit payment, of coins in meters from 7:00 a.m. to 10:00 a.m. within metered spaces which are set aside for this purpose and so designated by hoods placed on the meters stating as loading and unloading zones "LOADING AND UNLOADING ZONES"; provided, that commercial vehicles may only occupy such spaces during the time necessary to complete actual operations of delivering or picking up merchandise.~~

(b) Commercial vehicles which require only one (1) regular parking space may be parked anywhere in a meter zone at any time and for any purpose, if the required payment deposit is made in the meter and if all other parking and meter regulations are complied with.

(c) No commercial vehicle which requires more than one (1) regular parking space may be parked on University Avenue between 14th Street, West, and Chancellor Street, during the hours from 10:00 a.m. to 6:00 p.m. on any day.

(d) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of property exceed thirty (30) minutes.

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(b) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

Sec. 15-180. Damaging, tampering with, etc., meters.

(a) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter. ~~No person shall willfully manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation.~~

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Sec. 15-181—15-200. Reserved.

Approved by Council
July 17, 2017



Clerk of Council