



CITY COUNCIL AGENDA
June 20, 2016

6:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Boards and Commissions)

7:00 p.m. **Regular Meeting**
Council Chambers

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS League of Women Voters; Medical Directive

ANNOUNCEMENTS

APPOINTMENTS TO BOARDS & COMMISSIONS
CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

MATTERS BY THE PUBLIC Public comment provided for up to 12 speakers publicized at noon the day of the meeting (limit 3 minutes per speaker) and for an unlimited number of speakers at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

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

Passed 4-0 (Szakos/Bellamy)

- a. Minutes for June 6
- b. **APPROPRIATION:** Victim Witness Assistance Program Grant Increase – \$22,245 (2nd of 2 readings)
- c. **APPROPRIATION:** Virginia Homelessness Solutions Grant – \$5,887 (2nd of 2 readings)
- d. **APPROPRIATION:** Local Agency Contributions for Crisis Intervention Training - \$15,000 (2nd of 2 readings)
- e. **APPROPRIATION:** Albemarle County Reimbursement for the Gordon Avenue Ceiling & Lighting Replacement Project – \$25,000 (2nd of 2 readings)
- f. **APPROPRIATION:** Housing Opportunities for Persons with AIDS – \$11,485 (2nd of 2 readings)
- g. **APPROPRIATION:** Sidewalk Improvement Fund Contribution – \$15,344.60 (1st of 2 readings)
- h. **APPROPRIATION:** Approval and Appropriation of Revised HOME Budget Allocation for FY 2016-2017 (1st of 2 readings)
- i. **RESOLUTION:** Corrective Action to Support Funding for the Charlottesville Redevelopment and Housing Authority Modernization Coordinator / Maintenance Supervisor (1st of 1 reading)
- j. **RESOLUTION:** 1000 West Main Street – The Uncommon Comprehensive Signage Plan (1st of 1 reading)
- k. **RESOLUTION:** Health Department Fiscal Agent (1st of 1 reading)
- l. **RESOLUTION:** Programmatic Project Administration Agreement Extension/Revenue Sharing (1st of 1 reading)
- m. **RESOLUTION:** Transfer Funds from Capital Improvement Program Contingency Account to Start Parking Department Account – \$500,000 (1st of 1 reading)
- n. **ORDINANCE:** Closing Unaccepted Street off Douglas Avenue (2nd of 2 readings)
- o. **ORDINANCE:** Homeowner Tax Relief Grant (2nd of 2 readings)

2. RESOLUTION* Allocation of Charlottesville Affordable Housing Funds (CAHF) for Virginia Organizing – \$264,484 (1st of 1 reading) **Passed 3-0 (Bellamy/Fenwick; Szakos abstain)**

3. RESOLUTION* Blue Moon Redevelopment Special Use Permit – 600 W. Main St. (1st of 1 reading) **Passed 3-1 (Szakos/Bellamy; Fenwick no)**

4. REPORT Social Services Advisory Board Annual Update

5. RESOLUTION* Calling for Statewide and National Gun Control Legislation and Local Control Over Gun Regulations (1st of 1 reading) **Passed 4-0 (Szakos/Bellamy)**

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION

Charlottesville Victim Witness Assistance Program Grant

\$22,245

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney's Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$22,245; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$22,245 is hereby appropriated in the following manner:

Revenues

\$ 22,245 Fund: 209 Cost Center: 1414001000 G/L Account: 430120

Expenditures

\$ 22,245 Fund: 209 Cost Center: 1414001000 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of an additional \$22,245 from the Virginia Department of Criminal Justice Services.

APPROPRIATION
Virginia Homelessness Solutions Grant
\$5,887

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received additional funding for the Virginia Homelessness Solutions Grant from the Virginia Department of Housing and Community Development in the amount of \$5,887;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$5,887 is hereby appropriated in the following manner:

Revenues

\$5,887 Fund: 209 IO: 1900251 G/L: 430120 State (Federal Pass-Thru)

Expenditures

\$5,887 Fund: 209 IO: 1900251 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$5,887 in additional funds from the Virginia Department of Housing and Community Development.

APPROPRIATION

\$15,000

Local Agency Contributions for Crisis Intervention Training

WHEREAS, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, receives from local agencies \$15,000 per fiscal year;

WHEREAS, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, receives from other local agencies, funding to support Crisis Intervention Training programs;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the lump sum of \$15,000, received from local Agencies is hereby appropriated in the following manner:

Revenues: \$15,000

\$15,000 Fund: 209 Cost Center: 3101003000 G/L Account: 434410

Expenditures: \$15,000

\$14,900 Fund: 209 Cost Center: 3101003000 G/L Account: 519999

\$100 Fund 209 Cost Center: 3101003000 G/L Account: 599999

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville, Virginia, that this appropriation is conditioned upon the receipt of funding by the participating agencies listed above, and will be hereby considered as a continuing appropriation and funds received for this purpose will be immediately available to spend for the C.I.T. program.

APPROPRIATION.

Albemarle County Reimbursement for the Gordon Avenue Library Ceiling & Lighting Replacement Project - \$25,000.

WHEREAS, Albemarle County was billed by the City of Charlottesville in the amount of \$25,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$25,000 from Albemarle County is to be appropriated in the following manner:

Revenues - \$25,000

Fund: 426 Funded Program: CP-015 (P-00826) G/L Account: 432030

Expenditures - \$25,000

Fund: 426 Funded Program: CP-015 (P-00826) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$25,000, from Albemarle County.

APPROPRIATION
Virginia Homelessness Solutions Grant
\$11,485

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received additional funding for the Virginia Homelessness Solutions Grant from the Virginia Department of Housing and Community Development in the amount of \$11,485;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$11,485 is hereby appropriated in the following manner:

Revenues

\$11,485 Fund: 209 IO: 1900252 G/L: 430120 State (Federal Pass-Thru)

Expenditures

\$11,485 Fund: 209 IO: 1900252 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$11,485 in additional funds from the Virginia Department of Housing and Community Development.

RESOLUTION

Corrective Action to Support Funding for the Charlottesville Redevelopment and Housing Authority (CRHA) Modernization Coordinator / Maintenance Supervisor as Previously Approved on July 6, 2015
\$70,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$70,000 be allocated to CRHA from previously appropriated funds in the Charlottesville Affordable Housing Fund in the following manner:

\$70,000

Fund: 426

Project: CP-084

RESOLUTION
APPROVING COMPREHENSIVE SIGNAGE PLAN FOR
THE MIXED-USE BUILDING AT 1000 WEST MAIN STREET
(THE UNCOMMON)

WHEREAS, Campus Investors C'ville W Main LLC, owner of the property at 1000 West Main Street, a mixed-use project known as The Uncommon, has proposed a comprehensive signage plan that deviates from the sign requirements under City Code Sec. 34-1020, *et seq.*; and

WHEREAS, the Board of Architectural Review has recommended approval of the comprehensive signage plan; and

WHEREAS, this Council has reviewed the proposed comprehensive signage plan, and determined there is good cause for deviating from a strict application of the zoning ordinance sign regulations, and the comprehensive signage plan, as proposed, will serve the public purposes and objectives set forth within Sec. 34-1021 of the City Code at least as well, or better, than the signage that would otherwise be permitted; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the comprehensive signage plan for The Uncommon, 1000 West Main Street, as presented to the City Council on June 20, 2016, is hereby approved, in accordance with City Code Section 34-1045.

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.

Fiscal Agent Agreement between the City and Albemarle County for fiscal services provided in matters pertaining to the operation and management of the jointly owned Thomas Jefferson Health District building located on Rose Hill Drive, such as the power and responsibility to enter into contracts, subcontracts, and other agreements, to receive, expend, and distribute rents, fees and funds, to develop and evaluate procedures for financial and property management, and to hire, organize, and train the staff needed to manage the joint property.

Memorandum of Understanding (MOU)
Between
City of Charlottesville and County of Albemarle
For
Fiscal Agent Services

This Agreement is entered into by and between the City of Charlottesville, Virginia (“CITY”) and the County of Albemarle, Virginia (“COUNTY”) (together, “Property Owners”), to designate the CITY to act and serve as the Administrative/ Fiscal Agent on behalf of the Property Owners, in matters pertaining to the operation and management of certain real estate jointly owned by the parties.

The real estate that is the subject of this MOU is the property commonly referred to as the Local Health Department Offices, located at 1138 Rose Hill Drive, Charlottesville, Virginia, 22903, consisting of land and improvements identified on City Tax Map 44 as Parcel 302 (“Joint Property”).

A. DESIGNATION OF FISCAL AGENT

1. The Property Owners hereby designate CITY as their Administrative/ Fiscal Agent, and delegate to CITY the power and responsibility to enter into contracts, subcontracts, and other agreements, to receive, expend, and distribute rents, fees and funds, to develop and evaluate procedures for financial and property management, and to hire, organize, and train the staff needed to manage the Joint Property.
2. CITY will be compensated for necessary and reasonable administrative costs for performing the duties of administrative/ fiscal agent, in the amount of two percent (2%) of the COUNTY’s share of adjusted gross rent received for the Joint Property. (“Adjusted Gross Rent” means gross rents, less any property management fee paid to the City for the Joint Property).”

B. FISCAL AGENT’S ADMINISTRATIVE REQUIREMENTS

CITY’s administrative responsibilities are general property management and maintenance of the Joint Property, including but not necessarily limited to the following:

1. CITY, through its City Manager and employees authorized by the City Manager, shall serve as the “person lawfully in charge of” the Joint Property, for purposes of Va. Code 18.2-119.
2. CITY, through its employees, shall serve as property manager for the Joint Property, and shall have authority to perform, contract for and execute or cause to be executed any repairs, maintenance, and other necessary services for the Joint Property, in accordance with an annual budget jointly approved by the Property Owners.
3. CITY and COUNTY shall each retain their individual rights and interests in and to the Lease of the Joint Property to the Health Department.

C. FISCAL AGENT’S REPORTING REQUIREMENT

CITY shall make annual financial reports to the COUNTY each fiscal year regarding the gross rents/ income and costs/ expenses of the Joint Property. These reports shall be made and delivered no later than October 31 to the Albemarle County Executive, at 401 McIntire Road, Charlottesville, Virginia 22902, or to such other recipient and/or address as the COUNTY may specify in writing.

D. OTHER PROVISIONS

1. This Agreement is effective when signed and dated by the duly authorized representatives of the CITY and COUNTY, and performance by each of the parties hereto shall continue from year to year until it is modified or terminated.
2. If either party desires to terminate this Agreement, such party shall give 90 days' advance written notice shall be given to the other.

Owner: County of Albemarle

Owner and Fiscal Agent: City of Charlottesville

By: _____
Signature

By: _____
Signature

Typed Name

Typed Name

Title

Title

Date

Date

**RESOLUTION
APPROVING AN ADDENDUM TO VIRGINIA'S
STATE-WIDE PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT FOR
REVENUE SHARING PROJECTS (PPAA)
TO EXTEND THE TERM OF THE PPAA THROUGH FISCAL YEARS FY2017,
FY2018, AND FY2019 FOR PROJECTS WITHIN THE CITY OF CHARLOTTESVILLE**

WHEREAS, the Virginia Department of Transportation (VDOT) and the City of Charlottesville (City) have entered into an agreement allowing the City to locally administer certain state-funded projects, said agreement being referred to as the state-wide Programmatic Project Administration Agreement for Revenue Sharing projects within the City of Charlottesville funded solely with revenue sharing funds (hereinafter, said agreement being referred to as the "PPAA"). The parties agreed that the PPAA would be and remain in effect for a term of three fiscal years (FY2014, FY2015, and FY2016), but the PPAA expressly provided an option allowing the parties to extend the term for an additional three fiscal years (through June 30, 2019); and,

WHEREAS, in order to extend their agreement for three additional fiscal years, in accordance with the PPAA, VDOT requests the City to enter into a written Addendum to the PPAA, and further requests the City of Charlottesville to provide assurance of its commitment to funding its local share for each PPAA Project for fiscal years FY2017, FY2018, FY2019 and to otherwise verify its commitment to meeting its financial obligations under the PPAA for an extended period of time;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that said Council hereby approves the extension of its obligations under the PPAA through the end of FY2019, and in connection with the extension Council hereby commits to fund its local share of preliminary engineering, right-of-way and construction, as applicable, for the project(s) administered under agreement with the Virginia Department of Transportation, in accordance with the PPAA and applicable project financial document(s); and

BE IT FURTHER RESOLVED by Council that the Charlottesville City Manager is hereby authorized to execute an Addendum to the PPAA consistent with this Resolution on behalf of, and as the agent of, the Charlottesville City Council.

This resolution shall be effective upon passage.

READ AND ADOPTED: June 20, 2016

TESTE: Paige Rice
Paige Rice, City Clerk

Approved as to Form:

Robertson
Office of the City Attorney

**ADDENDUM TO
PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT
(EXTENSION OF TERM)**

THIS ADDENDUM is made and executed in triplicate this ____ day of _____, 2016, by and between the City of Charlottesville Virginia, hereinafter referred to as the LOCALITY, and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY and the DEPARTMENT entered into a Programmatic Project Administration Agreement for Revenue Sharing Projects on September 9, 2013 (“Agreement”), authorizing the LOCALITY to administer ; and

WHEREAS, said Agreement was effective for a Term of three fiscal years (beginning on July 1, 2013). The Initial Term will expire on June 30, 2016, but it may be extended for an Additional Term of three fiscal years, as provided in Paragraph 1 of said Agreement; and

WHEREAS, the parties to the agreement hereby desire to extend the term of said Agreement for an Additional Term of three fiscal years, beginning July 1, 2016, and it is their intention that this extension be effectuated without changing any of the other terms or conditions of the Agreement;

NOW THEREFORE, in consideration of the mutual premises contained therein and in this Addendum, the parties agree as follows:

The term of said Agreement is extended for one Additional Term of three fiscal years, beginning July 1, 2016 and expiring June 30, 2019. All other terms and conditions of the said Agreement shall be and remain in effect, unchanged, as set forth within said Agreement.

IN WITNESS WHEREOF, each party hereto has caused this Addendum to be executed as of the day, month, and year first herein written. A certified copy of the Resolution authorizing the Charlottesville City Manager to execute this Addendum is attached.

CITY OF CHARLOTTESVILLE, VIRGINIA:

Maurice Jones

Charlottesville City Manager
Title

Date

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Chief of Policy
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

RESOLUTION

**Transfer of Funds from Capital Improvement Program Contingency Account to Start
Parking Operations Fund - \$500,000**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby transferred in the following manner:

Transfer From - \$500,000

Fund: 426

WBS: CP-080

G/L Account: 599999

Transfer To - \$500,000

Fund: 105

Cost Center: 6501001000

G/L Account: 599999

BE IT FURTHER RESOLVED, that funds in the parking fund will hereby be considered a continuing appropriation and shall not expire unless further altered by Council. Any unspent funds will also be available to transfer to a Parking Enterprise Fund that is anticipated to be created in the future.

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING A
PORTION OF THE 5TH STREET RIGHT-OF-WAY,
LOCATED OFF DOUGLAS AVENUE IN BELMONT**

WHEREAS, Janice K. Kavanagh and Five Petals, LLC, owners of properties at 209 and 207 Douglas Avenue, respectively, initiated a petition seeking to close the right of way adjoining their properties named 5th Street, approximately 20 feet wide and 145 feet in length, on a map of Haden's Addition (1906), located off Douglas Avenue in the Belmont neighborhood (hereinafter "Subject Right of Way"); and,

WHEREAS, the Subject Right of Way was platted in 1906 as part of the Haden's Addition Subdivision, but was designated as a private right-of-way to serve the adjoining property owners, and was never accepted by the City as part of the City's public street system; and

WHEREAS, following notice to the public pursuant to Virginia Code §15.2-2272, a public hearing by the City Council was held on June 6, 2016, and comments from City staff and the public were made and heard; and,

WHEREAS, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on February 7, 2005, this Council finds and determines that the petitioner's request should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City hereby closes, vacates and discontinues the Right-of-Way described as follows:

The portion of right-of-way designated as 5th Street (off Douglas Avenue), adjoining City Tax Map Parcels 580339000 and 580340000, shown on a map of Haden's Addition (1906), of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 17, page 53.

BE IT FURTHER ORDAINED that unless an appeal from Council's enactment of this ordinance is made to the Charlottesville Circuit Court within thirty (30) days of the date of adoption, the Clerk of the Council shall send a certified copy of this ordinance to the Clerk of the Circuit Court for recordation in the current street closing book.

Approved by Council
June 20, 2016



Clerk of Council

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 2017, 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, 2016 and for calendar year 2016, 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, 2016.

(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, 2016.

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, 2016.

(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

**Allocation of Charlottesville Affordable Housing Fund (CAHF) for Virginia Organizing
Purchase of Carlton House at 300 Carlton Avenue \$264,484**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$264,484 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund to Virginia Organizing for the purpose of purchasing and renovating the Carlton House at 300 Carlton Avenue, conditioned upon issuance of a written grant agreement specifying conditions for funding, receipt of a satisfactory agreement for Carlton, LLC and issuance of a new certificate of occupancy for R-1 use.

Fund: 426

Project: CP-084

G/L Account: 599999

Virginia Organizing

\$264,484

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO ALLOW HIGH DENSITY RESIDENTIAL DEVELOPMENT
WITH MODIFIED RESIDENTIAL PARKING REQUIREMENTS
FOR PROPERTY LOCATED AT
510, 512-514 AND 600 WEST MAIN STREET**

WHEREAS, Heirloom West Main Development, LLC (“Applicant”) has represented that it is the current owner of three lots, identified on City Tax Map 29 as Parcels 6, 7 and 8 (City Tax Map Identification Nos. (290006000, 290007000 and 290008000) (collectively, the “Subject Property”), and the Applicant proposes to redevelop the Subject Property as and for a proposed mixed use development containing multifamily residential (at a density of more than 43 dwelling units per acre), containing studio, one-bedroom, and two-bedroom units, along with some commercial use(s), together with structured parking located underneath the building(s) (collectively, the “Proposed Development”); and

WHEREAS, the Proposed Development is described within the Applicant’s application materials dated March 21, 2016, submitted in connection with SP16-00003 (collectively, the “Application Materials”), in which the Applicant states that it expects to include within the Proposed Development, among other types of dwelling units, a number of market-rate (non-student) studio dwelling units, in order to provide a housing option not presently widely available within the Downtown or West Main Street areas; and

WHEREAS, the Applicant’s request for additional residential density, and for modification (reduction) of the parking standards applicable to the Proposed Development, require approval of a special use permit, pursuant to City Code §§ 34-641 and 34-162(a); and

WHEREAS, the Planning Commission reviewed the Application Materials, and the City’s Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission on May 10, 2016, the Commission voted to recommend that the City Council should approve the requested special use permit, to allow residential density up to 180 dwelling units per acre (DUA) with parking to be provided for the proposed residential dwelling units at a rate of 0.5 space per unit, all subject to certain suitable conditions and safeguards recommended by the Commission; and

WHEREAS, following the joint public hearing, and upon consideration of the Planning Commission’s recommendations 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 certain 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 §§ 34-641 and 34-162(a), a special use permit is hereby approved and granted to authorize the Proposed Development to be established on the Subject Property, with residential

density up to 180 DUA, subject to the following conditions:

1. There shall be a mixture of dwelling units permitted within the Proposed Development including without limitation one or more studio units. Any studio unit shall have a size of not less than 350 square feet. The studio units with a size from 350 square feet up to 550 square feet may comprise up to 40% of the total dwelling units within the Proposed Development;
2. The parking requirements for the residential component of the Proposed Development shall be as follows: (i) for each unit having an area of 550 square feet or less: 0.5 space per unit; and (ii) for each unit having an area of more than 550 square feet: 1.0 space per unit. Parking reductions allowed pursuant to the City's zoning ordinance may be applied to further reduce the total number of required parking spaces.
3. At least forty percent (40%) of the total number of required parking spaces for the Proposed Development shall be provided on-site. Any remaining required parking spaces, if any, may be provided at an off-site location ("Off-site Spaces"), in accordance with the requirements of City Code §34-971(e)(4)(b), provided that, any off-site parking lease for the Off-site Spaces may contain renewable terms if, collectively, the terms of the lease comply with the durational requirements of §34-971(e)(4)(b), and, by the terms of such lease, the Applicant has the right to renew the terms. The Applicant shall give the City's Zoning Administrator 90 days' advance written notice of any expiration or earlier termination of such lease.

On or before July 1 of each calendar year following issuance of any certificate of occupancy for the Proposed Development, the property owner shall submit to the City's Zoning Administrator a Parking Demand Management Plan ("Plan") designed by the Property Owner, reasonably documenting parking demand and the means by which the parking requirements of this Condition #3 will be satisfied during the upcoming year and describing any other means or measures that may be taken by the owner during the ensuing twelve (12) months to reduce or eliminate parking demand within or associated with the use and occupancy of the Proposed Development. After the initial Plan is submitted, the Owner may satisfy subsequent annual submission requirements by submitting modifications of the Plan to the City; if no modifications are received in a timely manner by the City, then the prior year's Plan (as in effect on June 30) shall remain in effect.

4. The new building proposed to be constructed within the Proposed Development shall contain an indoor lobby area, and an outdoor courtyard provided for the recreational use of the residents.

5. Prior to commencement of any land disturbing activity on the Property, the Owner shall hold a meeting with notice to all adjoining property owners to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any land disturbing permit for the Proposed Development.
6. The Owner, or its agent, shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site) during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application for a building or other development permit for construction of improvements that are the subject of the site plan.
7. The Owner, or its agent, shall provide the city's director of neighborhood development services and all adjoining property owners with written notice of an individual who will serve as a liaison to the community throughout the duration of construction of the Proposed Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
8. The Owner, or its agent, shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for any building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be submitted to the zoning administrator prior to the commencement of any construction of the first-floor above-grade framing.
9. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the Owner, or its agent, shall be required to obtain approval of an encroachment agreement, in a form suitable for recording in the City's land records, and subject to such terms and conditions as may be approved by City Council and the City Attorney. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for any new building within the development.

Approved by Council
June 20, 2016

A handwritten signature in cursive script, reading "Yairge Rice", is written over a horizontal line.

Clerk of Council

**RESOLUTION
CALLING FOR STATEWIDE AND NATIONAL GUN CONTROL LEGISLATION
AND FOR LOCAL CONTROL OVER GUN REGULATIONS**

WHEREAS the Charlottesville community, along with communities around the world, share the sorrow and dismay over the killing of 49 people at the Pulse nightclub in Orlando, Florida, by a lone gunman armed with a pistol and a semi-automatic assault rifle; and

WHEREAS we grieve with the families and with the wider LGBTQ community that these victims were killed in what they felt to be a place safe from the discrimination and recrimination to which they are subject in the wider community; and

WHEREAS the shooter in Orlando, despite having a history of committing domestic violence, posting radical terrorist views online, and showing signs of serious mental illness, was able to buy the weapons legally in the weeks before the attack; and

WHEREAS we recognize that the Second Amendment of the U.S. Constitution guarantees the right of law-abiding Americans to bear arms, but believe there can be reasonable and constitutional limits to that right; and

WHEREAS this is but the latest and deadliest in a sad and horrific series of attacks in the United States on previously safe places by lone gunmen armed with assault weapons – in schools, churches, mosques, shopping centers and now an LGBTQ nightclub; and

WHEREAS each attack sees renewed calls from the public for meaningful and constitutional measures to reduce gun violence, each time to be beaten back by special interests;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlottesville does hereby demand that our legislators at the state and federal level immediately enact legislation to require comprehensive background checks for all gun purchases and move toward legislation to further prevent gun violence, including by regulating and/or banning the civilian purchase and sale of assault weapons, and including limitations on high-capacity magazines; and

BE IT FURTHER RESOLVED that the City Council of the City of Charlottesville challenges our sister localities in Virginia and across the country to adopt similar resolutions, in order that our representatives at the state and federal levels understand the urgency of this cause; and

BE IT FURTHER RESOLVED that the City Council of the City of Charlottesville renews its calls on the Virginia Legislature to enact legislation enabling localities to enact their own weapons controls, as we have previously requested in our legislative agendas of November 8, 2013, and November 16, 2015.