



**CITY COUNCIL AGENDA**  
**January 21, 2014**

6:00 p.m. – 7:00 p.m.

**Closed session as provided by Section 2.2-3712 of the Virginia Code  
(Second Floor Conference Room)**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL**

**AWARDS/RECOGNITIONS  
ANNOUNCEMENTS**

**MATTERS BY THE PUBLIC** Public comment will be permitted for the first 12 speakers who sign up in advance of the meeting (limit of 3 minutes per speaker) and 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.

**COUNCIL RESPONSE TO MATTERS BY THE PUBLIC**

- 1. CONSENT AGENDA\*** (Items removed from the consent agenda will be considered at the end of the regular agenda.)
- a. Minutes for January 6
  - b. APPROPRIATION: 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) - \$27,039 (2<sup>nd</sup> of 2 readings)
  - c. APPROPRIATION: Thomas Jefferson Crisis Interview Team Asset Forfeiture Transfer Program - \$111,726 (2<sup>nd</sup> of 2 readings)
  - d. APPROPRIATION: 2014 Department of Motor Vehicles Virginia Highway Safety Grant for Alcohol Enforcement - \$13,950 (2<sup>nd</sup> of 2 readings)
  - e. APPROPRIATION: 2014 Department of Motor Vehicles Virginia Highway Safety Grant for Speed Enforcement - \$6,720 (2<sup>nd</sup> of 2 readings)
  - f. APPROPRIATION: FY 2012-2013 HOME CHDO Funds - \$89,902 (2<sup>nd</sup> of 2 readings)
  - g. APPROPRIATION: Bama Works Fund Check and Connect Grant - \$10,000 (1<sup>st</sup> of 2 readings)
  - h. APPROPRIATION: FY 2014 Aid & Localities Fire Disbursement Fund - \$122,138 (1<sup>st</sup> of 2 readings)
  - i. APPROPRIATION: Appropriation of FY 2014 Transit Grants - \$213,693 (1<sup>st</sup> of 2 readings)
  - j. APPROPRIATION: Safe Routes to School Grant - Clark Pedestrian Improvements – \$174,800 (1<sup>st</sup> of 2 readings)
  - k. ORDINANCE: Easement to Dominion Power at Public Works Center on Avon Street (1<sup>st</sup> of 2 readings)
- 2. RESOLUTION\*** SUP for 1000 West Main Street (1<sup>st</sup> of 1 reading)
- 3. PUBLIC HEARING / RESOLUTION\*** Release of Drainage Easement at 1000 West Main Street (1<sup>st</sup> of 1 reading)
- 4. PUBLIC HEARING / ORDINANCES\*** Revise Neighborhood Development Services (NDS) Fee Schedule (1<sup>st</sup> of 2 readings)  
Amending Café and Vendor Fees and Regulations (1<sup>st</sup> of 2 readings)
- 5. REPORT** Downtown Mall Work Groups Update
- 6. RESOLUTION\*** Hartman Mill Parkland Acquisition (1<sup>st</sup> of 1 reading)
- 7. RESOLUTION\*** Water Street Extended Streetscape Improvements - \$356,525 (1<sup>st</sup> of 1 reading)
- 8. REPORT** Healthy Eating Active Living (HEAL) Update

**OTHER BUSINESS  
MATTERS BY THE PUBLIC**

\*ACTION NEEDED

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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	January 6, 2014
<b>Action Required:</b>	Appropriation of Grant Funds
<b>Presenter:</b>	Lieutenant C. S. Sandridge, Charlottesville Police Department
<b>Staff Contacts:</b>	Lieutenant C. S. Sandridge, Charlottesville Police Department Leslie Beauregard, Director, Budget and Performance Management
<b>Title:</b>	2013 Edward Byrne Memorial Justice Assistance Grant (J.A.G.) - \$27,039

**Background:**

The U.S. Department of Justice, Office of Justice Program's Bureau of Justice Assistance has awarded the City of Charlottesville a 2013 Edward Byrne Memorial Justice Assistance Grant (J.A.G.) in the amount of \$27,039 with no local match required.

**Discussion:**

The U.S. Department of Justice (D.O.J.) provides funding for the Edward Byrne Memorial Justice Assistance Grant to assist state and local law enforcement with a broad range of activities to prevent and control crime and improve the criminal justice system. The Charlottesville Police Department will utilize this funding for approved law enforcement equipment.

**Community Engagement:**

N/A

**Alignment with City Council's Vision and Priority Areas:**

Appropriation of this item aligns with Council's visions by providing additional equipment to aid the Police Department in delivering optimal services to our City as a Smart, Citizen-Focused Government, while incurring no additional cost.

**Budgetary Impact:**

The funds will be expensed and reimbursed to a Grants Fund.

**Recommendation:**

Staff recommends approval and appropriation of grant funds.

**Alternatives:**

The alternative is to not approve this project and not purchase the equipment

**Attachments:**

N/A

**APPROPRIATION**

**2013 Edward Byrne Memorial Justice Assistance Grant (J.A.G.)  
Grant # 2013-D.J.-B.X.-0822  
\$27,039**

**WHEREAS**, the City of Charlottesville, through the Police Department, has received the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance 2013 Edward Byrne Memorial Justice Assistance Grant (J.A.G.) in the amount of \$27,039 to be used for approved law enforcement equipment.

**WHEREAS**, the grant award covers the period from period October 1, 2012 through September 30, 2016

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$27,039, received from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, is hereby appropriated in the following manner:

<b><u>Revenue</u></b>			
\$ 27,039	Fund: 211	I/O: 1900212	G/L: 431110 Federal Grants
<b><u>Expenditure</u></b>			
\$ 27,039	Fund: 211	IO: 1900212	G/L: 520990 Other Supplies

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$27,039 from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	January 6, 2014
<b>Action Required:</b>	Appropriation of Funds
<b>Presenter:</b>	Lieutenant C. S. Sandridge, Charlottesville Police Department
<b>Staff Contacts:</b>	Lieutenant C. S. Sandridge, Charlottesville Police Department Leslie Beauregard, Director, Budget and Performance Management
<b>Title:</b>	Thomas Jefferson Crisis Interview Team Asset Forfeiture Transfer Program - \$111,726

**Background:** The Office of the Attorney General of the Commonwealth of Virginia has awarded a onetime sum of \$111,726 to the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department. This money was requested and approved to support efforts for training and equipment related to the C.I.T. program.

**Discussion:** The Attorney General's office received an asset seizure award as part of a Medicaid fraud settlement in 2011, involving Abbott Laboratories. This settlement is being used to support C.I.T. Programs around the Commonwealth.

**Community Engagement:** N/A

**Alignment with City Council's Vision and Priority Areas:** Appropriation of this item aligns with Council's visions by providing additional equipment and training to aid the Thomas Jefferson Crisis Intervention Team Program and the Police Department in delivering optimal C.I.T. services to our City as a Smart, Citizen-Focused Government, while incurring no additional cost.

**Budgetary Impact:** The funds have been received into the state grant fund and will have no impact on the General Fund.

**Recommendation:** Staff recommends approval and appropriation of funds.

**Alternatives:** The alternative is to not approve this project and not purchase the equipment and training.

**Attachments:** N/A

**APPROPRIATION.**

**Thomas Jefferson Crisis Intervention Team Asset Forfeiture Transfer Program.  
\$111,726.**

**WHEREAS**, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, has received from the Office of the Attorney General of Virginia, asset forfeiture funds in the amount of \$111,726 to be used for approved C.I.T. and law enforcement training and equipment.

**WHEREAS**, the grant award covers the period from period October 1, 2013 through September 30, 2015

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$111,726, received from the Office of the Attorney General of Virginia, Asset Forfeiture Transfer Program is hereby appropriated in the following manner:

**Revenue**

\$ 111,726                      Fund: 209      I/O: 1900203                      G/L: 430110 Federal Grants

**Expenditure**

\$ 111,726                      Fund: 209      IO: 1900203                      G/L: 520990 Other Supplies

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$111,726 from the Office of the Attorney General of Virginia Asset Forfeiture Transfer Program.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA.**



<b>Agenda Date:</b>	January 6, 2014
<b>Action Required:</b>	Appropriate Grant Funding
<b>Presenter:</b>	Lieutenant Cheryl Sandridge, Police Department
<b>Staff Contacts:</b>	Lieutenant Cheryl Sandridge, Police Department
<b>Title:</b>	2014 Department of Motor Vehicles Virginia Highway Safety Grant for Alcohol Enforcement - \$13,950

**Background:**

The Commonwealth of Virginia Department of Motor Vehicles has awarded the City of Charlottesville \$9,300 through a Virginia Highway Safety Grant, with a required local in-kind match of \$4,650 for a total award of \$13,950.

**Discussion:**

The Virginia Highway Safety Grant is administered by the Commonwealth of Virginia Department of Motor Vehicles to provide funding for programs which are designed to reduce the number of fatalities, injuries and related economic losses resulting from traffic crashes on Virginia roadways.

The Charlottesville Police Department will utilize awarded grant funds in the following areas:

- Pedestrian and Bicycle Safety
- Speeding and Aggressive Driving
- Occupant Protection (seat belts and child safety seats)
- Alcohol and Impaired Driving
- Highway Safety Training and Equipment

**Community Engagement:**

This item requires no community engagement.

**Alignment with City Council's Vision and Priority Areas:**

This appropriation aligns with Council's vision by helping to ensure safe neighborhoods through traffic enforcement and added equipment as a Smart, Citizen-Focused Government, with additional outside funding. Traffic enforcement is designed to slow traffic and identify intoxicated drivers, thus lowering traffic accident related injuries and deaths.

**Budgetary Impact:**

These funds will be appropriated into a grants fund. The required local match will be satisfied through highway safety related expenditures that are already appropriated in the Police Department's General Fund budget, thus requiring no additional City funds to meet the match.

**Recommendation:**

Appropriate grant funds

**Alternatives:**

The alternative is to not approve this project.

**Attachments:**

N/A



**APPROPRIATION.**

**2014 Department of Motor Vehicles Virginia Highway Safety Grant for Alcohol Enforcement.  
\$13,950.**

**WHEREAS**, the City of Charlottesville, through the Police Department, has received a Virginia Highway Safety Grant award from the Commonwealth of Virginia Department of Motor Vehicles in the amount of \$9,300, to be used for overtime, equipment, and training related to highway safety and the City of Charlottesville, through the Police Department, will utilize highway safety related expenditures as an in-kind match in the amount of \$4,650.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$13,950, received from the Commonwealth of Virginia Department of Motor Vehicles (2014 Virginia Safety Grant-Alcohol Enforcement) is hereby appropriated in the following manner:

Transfer Local Match of \$4,650 from Fund: 105 CC: 3101001000, G/L: 5199999

**Revenue**

\$ 9,300	Fund: 209	IO: 1900214	G/L: 430120 State (Federal Pass-thru)
\$ 4,650	Fund: 209	IO: 1900214	G/L: 498010 Transfer from Other Funds

**Expenditure**

\$ 4,650	Fund: 209	IO: 1900214	G/L: 510010 Full Time Salaries
\$ 2,520	Fund: 209	IO: 1900214	G/L: 510060 Overtime
\$ 6,280	Fund: 209	IO: 1900214	G/L: 520900 Machine/Equip/Furn.
\$ 500	Fund: 209	IO: 1900214	G/L: 530210 Training

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$9,300 from the Commonwealth of Virginia Department of Motor Vehicles (2014 Virginia Safety Grant-Alcohol Enforcement).

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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA.**



<b>Agenda Date:</b>	January 6, 2014
<b>Action Required:</b>	Appropriate Grant Funding
<b>Presenter:</b>	Lieutenant Cheryl Sandridge, Police Department
<b>Staff Contacts:</b>	Lieutenant Cheryl Sandridge, Police Department
<b>Title:</b>	2014 Department of Motor Vehicles Virginia Highway Safety Grant for Speed Enforcement - \$6,720

**Background:**

The Commonwealth of Virginia Department of Motor Vehicles has awarded the City of Charlottesville \$4,480 through a Virginia Highway Safety Grant, with a required local in-kind match of \$2,240 for a total grant award of \$6,720.

**Discussion:**

The Virginia Highway Safety Grant is administered by the Commonwealth of Virginia Department of Motor Vehicles to provide funding for programs which are designed to reduce the number of fatalities, injuries and related economic losses resulting from traffic crashes on Virginia roadways.

The Charlottesville Police Department will utilize awarded grant funds in the following areas:

- Pedestrian and Bicycle Safety
- Speeding and Aggressive Driving
- Occupant Protection (seat belts and child safety seats)
- Alcohol and Impaired Driving
- Highway Safety Training and Equipment

**Community Engagement:**

This item requires no community engagement.

**Alignment with City Council's Vision and Priority Areas:**

This appropriation aligns with Council's vision by helping to ensure safe neighborhoods through traffic enforcement and added equipment as a Smart, Citizen-Focused Government, with additional outside funding. Traffic enforcement is designed to slow traffic and identify intoxicated drivers, thus lowering traffic accident related injuries and deaths.

**Budgetary Impact:**

These funds will be appropriated into a grants fund. The required local match will be satisfied through highway safety related expenditures that are already appropriated in the Police Department's General Fund budget, thus requiring no additional City funds to meet the match.

**Recommendation:**

Appropriate grant funds

**Alternatives:**

The alternative is to not approve this project.

**Attachments:**

N/A

**APPROPRIATION.**

**2014 Department of Motor Vehicles Virginia Highway Safety Grant for Speed Enforcement.**

**\$6,720.**

**WHEREAS**, the City of Charlottesville, through the Police Department, has received a Virginia Highway Safety Grant award from the Commonwealth of Virginia Department of Motor Vehicles in the amount of \$4,480, to be used for overtime, related to highway safety and the City of Charlottesville, through the Police Department, will utilize regular traffic officer, related to highway safety as an in-kind match in the amount of \$2,240.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$6,720, received from the Commonwealth of Virginia Department of Motor Vehicles (2014 Virginia Safety Grant) is hereby appropriated in the following manner:

Transfer Local Match of \$2,240 from Fund: 105 CC: 3101001000, G/L: 519999

**Revenue:**

\$4,480	Fund: 209	IO: 1900213	G/L: 430120 State (Federal Pass-thru)
\$2,240	Fund: 209	IO: 1900213	G/L: 498010 Transfer from Other Funds

**Expenditure:**

\$ 2,240	Fund: 209	IO: 1900213	G/L: 510010 Full Time Salaries
\$ 4,480	Fund: 209	IO: 1900213	G/L: 510060 Overtime

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$6,720 from the Commonwealth of Virginia Department of Motor Vehicles (2014 Virginia Safety Grant).

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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date: January 6, 2014  
Action Required: Appropriation  
Presenter: Melissa Thackston, Grants Coordinator  
Staff Contacts: Melissa Thackston, Grants Coordinator  
**Title: FY 2012-2013 HOME CHDO Funds - \$89,902**

**Background / Discussion:** On December 16, 2013, Council amended its FY 12-13 Annual Action Plan to award Community Housing Development Organization (CHDO) funds to Piedmont Housing Alliance (PHA) to build one unit of affordable housing on 5<sup>th</sup> St. CHDO funds are a subfund of HOME funds that are awarded each year to a locality of the Thomas Jefferson HOME Consortium on a rotating basis. FY 2012-2013 was the City of Charlottesville's rotation as the CHDO recipient and the CHDO amount was \$89,902. PHA is the only organization in Charlottesville that qualifies as a CHDO.

**Community Engagement:** A 15 day public comment period was held from November 26 through December 10, 2013. No comments were received.

**Alignment with City Council's Vision and Priority Areas:** Approval of this agenda items aligns directly with Council's vision for Charlottesville to provide **Quality Housing Opportunities for All**.

**Budgetary Impact:** None, these funds are received from the federal government. The HOME CHDO funds for PHA need to be appropriated; these do not require a local match.

**Recommendation:** Staff recommends appropriating \$89,902 HOME CHDO funds to PHA.

**Alternatives:** None.

**Attachments:** Appropriation for HOME CHDO funding

**APPROPRIATION  
THE CITY OF CHARLOTTESVILLE'S 2012-2013  
HOME CHDO FUNDS – \$89,902**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnership (HOME) funding for the 2012-2103 fiscal year; and

**WHEREAS**, it is the City of Charlottesville's turn in the regional rotation of HOME CHDO funds in the amount of \$89,902 to be expended on affordable housing initiatives;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$89,902, received from the U.S. Department of Housing and Urban Development through the Thomas Jefferson HOME Consortium is hereby appropriated in the following manner:

**Revenues**

\$89,902	Fund: 210	Internal Order: 1900210	G/L Account: 432170
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**Expenditures**

\$89,902	Fund: 210	Internal Order: 1900210	G/L Account: 519999
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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



<b>Agenda Date:</b>	January 21, 2014.
<b>Action Required:</b>	Appropriation.
<b>Presenter:</b>	Rory Carpenter, Community Attention
<b>Staff Contact:</b>	Rory Carpenter, Community Attention Leslie Beauregard, Director, Budget and Performance Management
<b>Title:</b>	<b>Bama Works Fund Check and Connect Grant - \$10,000</b>

**Background:** Community Attention has received a \$10,000 grant from the Bama Works Fund to help support the Check and Connect Truancy Prevention Program which is an evidence-based truancy prevention program currently funded by the Virginia Department of Criminal Justice Services (D.C.J.S.) with a local match from Community Attention. The Bama Works grant funds must be spent by December 31<sup>st</sup>, 2014.

**Discussion:** Check and Connect provides a comprehensive student engagement intervention for truant youth or youth at risk of truancy in Walker Upper Elementary and Buford Middle Schools. Truancy is a precursor to delinquent behavior that should be addressed in its early stages to avoid further penetration into the juvenile justice system.

**Community Engagement:** The community is engaged by serving students and families in the Charlottesville school system through the Check and Connect Program and by collaborating with the many different agencies that interface with the program.

**Alignment with City Council's Vision and Priority Areas:** Approval of this agenda item aligns directly with Council's vision for Charlottesville to be **America's Healthiest City** and contributes to their 2012-2014 priority to...*provide a comprehensive support system for children*. Community Attention's programs, including the Check and Connect Program, provide community based services that prevent delinquency and promote the healthy development of youth. The Check and Connect Program provides comprehensive support services for upper elementary and middle school children experiencing school attendance problems to prevent early school withdrawal and ultimately delinquent behavior by promoting students' engagement with school and learning. Expected outcomes include increased attendance and decreased delinquent behavior during and after program participation.

**Budgetary Impact:** There is no local match for the Bama Works grant. This grant will be appropriated into a grants fund.

**Recommendation:** Staff recommends approval and appropriation of funds.

**Alternatives:** If the funds are not appropriated, the grant would not be received and the services would not be provided.

**Attachments:** N/A

**APPROPRIATION.**  
**Bama Works Fund Check and Connect Grant.**  
**\$10,000.**

**WHEREAS**, the City of Charlottesville has been awarded \$10,000 from the Bama Works Fund;

**WHEREAS**, the funds will be used to fund Community Attention's Check and Connect Program. The grant award covers the period from January 1, 2014 through December 31, 2014;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$10,000 is hereby appropriated in the following manner:

**Revenue – \$10,000.**

\$10,000      Fund: 209      Cost Center: 3413008000      G/L Account: 451020

**Expenditures - \$10,000.**

\$10,000      Fund: 209      Cost Center: 3413008000      G/L Account: 519999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$10,000 from the Bama Works Fund.

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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	January 21, 2014
<b>Action Required:</b>	Appropriation
<b>Staff Contacts:</b>	Emily Pelliccia, Battalion Chief Leslie Beauregard, Director, Budget and Performance Management
<b>Presented By:</b>	Emily Pelliccia, Battalion Chief
<b>Title:</b>	F.Y. 2014 Aid & Localities Fire Disbursement Fund - \$122,138

**Background:** Under a grant program through the Virginia Department of Fire Programs, a sum of \$122,138 has been allocated to the City of Charlottesville for F.Y. 2014. \$109,925, which is 90% of the allocation, was received on December 18, 2013 by the City of Charlottesville through the Fire Department. The remaining 10% will be sent from the Virginia Department of Fire Programs in late June 2014. This fund is specifically earmarked for fire service applications under the rules established. These monies will be used for training and equipment. There is no matching money required.

**Discussion:** These funds are used by the Fire Department to provide firefighter training and to purchase firefighting equipment and supplies, as defined by the Commonwealth of Virginia. These particular funds will be used for additional hazardous materials response training, live fire training, rapid intervention (downed/lost firefighter rescue) tools and equipment, and equipping emergency response vehicles, as well as other assorted tool/equipment purchases. \$20,000 will be allocated towards payment of a brush truck to be operated by the Charlottesville Volunteer Fire Company.

**Community Engagement:** N/A

**Alignment with City Council's Vision and Priority Areas:** As part of City Council's Vision Statement – 2025, to strive to be “America’s Healthiest City” we believe our emergency response system is among the nation’s best. These funds will enhance our firefighting abilities by allowing the Fire Department to train to a level consistent with modern fire suppression and emergency management best practices.

**Budgetary Impact:** The funds will be appropriated into the Grants Fund.

**Recommendation:** Staff recommends approval and appropriation of funds

**Alternatives:** If grant funds are not appropriated, the Fire Department will work with the Department of Finance to return the funds.

**Attachments:** N/A

**APPROPRIATION.**  
**FY 2014 Aid & Localities Disbursement Fund.**  
**\$122,138.**

**WHEREAS**, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$99,796 be appropriated in the following manner:

**Revenues - \$122,138**

Fund: 209                      I/O: 1900010                      G/L Account: 430110

**Expenditures - \$122,138**

Fund: 209	I/O: 1900010	G/L Account: 599999	\$102,138
Fund: 209	I/O: 1900010	G/L Account: 561302	\$ 20,000

**BE IT FURTHER RESOLVED** that \$20,000 will be transferred to the Debt Service Fund as an effort by the Fire Department to repay debt service on the volunteer company's fire brush truck:

**Revenues - \$20,000**

Fund: 302                      I/O: 2000059                      G/L Account: 498010

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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	January 21, 2014
<b>Action Required:</b>	Appropriation of Project Funding for Transit Division
<b>Staff Contact:</b>	John Jones, Transit Manager Leslie Beauregard, Director, Budget & Performance Judith Mueller, Public Works Director
<b>Presenter:</b>	John Jones, Transit Manager
<b>Title:</b>	Appropriation of F.Y. 2014 Transit Grants - \$213,693

**Background and Discussion:**

With its April 15, 2013 Resolution Authorizing the Application for State Aid to Public Transportation, City Council authorized the Transit Division to provide the local match necessary to apply for Federal and State grants to fund Transit Division expenses, including both Capital and non-Capital projects. The Capital portion of the application is to purchase one 35 ft. diesel bus, one under 30 ft. body-on-chassis bus, and one bus shelter. A supplemental appropriation is requested for project revenues/expenses which include:

<b>Transit Grants by Type</b>	<b>F.Y. 2014 Budgeted</b>	<b>Grants Awarded</b>	<b>Appropriation Request</b>
State capital award	36,409	142,599	106,190
Federal capital award	728,180	728,187	7
Local C.I.P. match P-00334	425,636	425,636	0
<b>TOTAL CAPITAL</b>	<b>\$1,190,225</b>	<b>\$1,296,422</b>	<b>\$106,197</b>
State operating assistance	\$903,836	\$953,079	\$49,243
Federal operating assistance	\$1,881,095	\$1,574,196	(\$306,899)
Federal Job Access - Night Routes 5, 7, 21, 22, 23, 24	\$0	\$365,152	\$365,152
<b>TOTAL NON-CAPITAL</b>	<b>\$2,784,931</b>	<b>\$2,892,427</b>	<b>\$107,496</b>
<b>TOTALS</b>	<b>\$3,975,156</b>	<b>\$4,188,849</b>	<b>\$213,693</b>

**Community Engagement:**

None

**Alignment with City Council's Vision and Priority Areas:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be a Green City. The continuation of CAT's ability to provide public transportation lessens the need for individuals to drive private vehicles within the City.

**Budget Impact:** The currently budgeted C.I.P. amount for F.Y. 2014 CAT Capital Project grants is

\$425,636 in P-00334. This appropriation will not affect the F.Y. 2014 C.I.P. amount.

The City's contribution from general funds and Albemarle County's contribution as already budgeted to cover the local match requirement for Operating Assistance for F.Y. 2014.

**Recommendation:** Approve appropriations.

**Alternatives:** City Council may choose not to appropriate funds for these Transit Division projects. Without an appropriation these projects will not be implemented and staff will work with the Federal Transit Administration and the Virginia Department of Rail and Public Transportation to de-obligate the grants.

**Attachments:** N/A

**APPROPRIATION.**  
**FY 2014 Transit Grants .**  
**\$213,693.**

**WHEREAS**, Federal Capital Grant funds of \$728,187 and State Capital Grant funds of \$142,599 have been awarded to the City of Charlottesville, and the combined amounts are \$106,197 greater than previously budgeted; and

**WHEREAS**, Federal Operating Grant Funds of \$1,574,196 and State Operating Grant Funds of \$953,079 have been awarded to the City of Charlottesville, and Job Access Reverse Commute Grant Funds of \$365,152, and the combined amounts are \$107,496 greater than previously budgeted; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner, contingent upon receipt of the grant funds:

**Revenue (Capital)**

\$106,190	Fund: 245	Cost Center: 2804001000	G/L: 430110 St Grant
\$ 7	Fund: 245	Cost Center: 2804001000	G/L: 431110 Fed Grant

**Expenditures (Operating)**

\$106,197	Fund: 245	Cost Center: 2804001000	G/L: 599999 Lump Sum
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**Revenue (Operating)**

\$49,243	Fund: 245	Cost Center: 2801003000	G/L: 430080 St Assist.
(\$306,899)	Fund: 245	Cost Center: 2801003000	G/L: 431110 Fed Grants
\$365,152	Fund: 245	Cost Center: 2801003000	G/L: 431505 JARC Grant

**Expenditures (Operating)**

\$107,496	Fund: 245	Cost Center: 2801003000	G/L: 599999 Lump Sum
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$1,095,678 from the Virginia Department of Rail and Public Transportation and \$2,667,535 from the Federal Transportation Authority.

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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	January 21, 2014
Action Required:	Appropriation
Presenter:	Amanda Poncy, Bicycle and Pedestrian Coordinator
Staff Contacts:	Amanda Poncy, Bicycle and Pedestrian Coordinator
<b>Title:</b>	<b>Safe Routes to School Grant for Clark School Pedestrian Improvements - \$174,800</b>

**Background:**

On November 5, 2012, City Council approved a Resolution of Support for the Safe Routes to School Travel Plan developed for Clark Elementary School. The resolution also supported efforts to secure funding through V.D.O.T.'s Safe Route to School program to implement the plan.

In January 2013, staff submitted a grant application to fund a number of bicycle and pedestrian improvements included in the plan. The City was notified in the fall of 2013 that grant funding was awarded to reconstruct the Monticello Avenue and 6th Street intersection, as well as the Monticello and Rialto intersection, to increase visibility, shorten crossing distances, and provide access for people of all ages and abilities. The grant will also fund curb ramp and crosswalk improvements at the Belmont Avenue and Meridian intersection. The City of Charlottesville, through Neighborhood Development Services, has received approval for reimbursement up to \$190,000 from the Virginia Department of Transportation for these improvements. While the City at this time is only appropriating \$174,800, there is an option to receive the additional \$15,200. This memo and appropriation authorizes the full amount if necessary.

**Discussion:**

The purpose of the Travel Plan was to document the community's intentions for making travel to and from school more safe and sustainable. The plan prepared for Clark Elementary assessed the schools' travel environment, identified hazards and barriers to pedestrian and bicycle travel, identified solutions and improvements to encourage walking and biking, and established an action plan for implementing programs and improvements. The grant application sought to address the top issue affecting the parent's decision not to walk or bike to school: the safety of intersections and crossings and the high speed of traffic along Monticello Avenue.

**Community Engagement:**

The Alliance for Community Choice in Transportation (A.C.C.T.) coordinated the development of the Plan for the City with assistance from staff. A.C.C.T. worked with School staff, P.T.O., City Staff, the Health Department, and other neighborhood groups and non-profits in developing this plan. Relevant plan recommendations and funding opportunities were further vetted through the Strategic Investment Area Planning Initiative completed in 2013.

**Alignment with City Council's Vision and Priority Areas:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City and a Connected Community. Expected outcomes include increased biking and walking to school, which can also improve overall health and increase performance in school.

**Budgetary Impact:**

The funds will be expensed and reimbursed to a Grants Fund.

**Recommendation:**

Staff recommends approval and appropriation of grant funds.

**Alternatives:**

If grants funds are not appropriated, the bicycle and pedestrian improvements along the corridor would not be constructed.

**Attachments:**

September 17, 2012 Resolution of Support for the Safe Routes to School Travel Plan developed for Clark Elementary School

**APPROPRIATION.**

**Safe Routes to School Grant for Clark Elementary School.  
\$174,800.**

**WHEREAS**, the City of Charlottesville has been awarded federal Safe Routes to School grant funding through the Virginia Department of Transportation; and

**WHEREAS**, the grant award will be used for pedestrian and bicycle improvements at and around Clark Elementary School.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$174,800, to be reimbursed from the Virginia Department of Transportation via the Safe Routes to School program, is hereby appropriated in the following manner:

**Revenue – \$174,800**

Fund: 426    WBS: P-00801                      G/L Account: 430120

**Expenditures - \$174,800**

Fund: 426    WBS: P-00801                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$174,800 from the Virginia Department of Transportation via the Safe Routes to School program; and

**BE IT FURTHER RESOLVED**, that up to an additional \$15,200 is conditioned upon the receipt of from the Virginia Department of Transportation via the Safe Routes to School program.

**RESOLUTION**  
**SUPPORT FOR THE SAFE ROUTES TO SCHOOL**  
**CLARK ELEMENTARY SCHOOL TRAVEL PLAN**  
**and GRANT APPLICATION**

**WHEREAS**, the City of Charlottesville supports the goals of the Safe Routes To School to enable and encourage children, including those with disabilities, to walk and bicycle to school, to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age, and to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

**NOW, THEREFORE, BE IT RESOLVED** that the Charlottesville City Council supports the Safe Routes to School Travel Plan for Clark Elementary School, and approves the Safe Routes to School grant applications to implement the Travel Plan for Clark Elementary School in 2012; and

**BE IT FURTHER RESOLVED** that the City Council acknowledges that this is a locally-administered reimbursement project; and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to sign on behalf of the City of Charlottesville a funding agreement, in form approved by the City Attorney, with the Virginia Department of Transportation for implementation of the above-described Travel Plan.

Approved by Council  
November 5, 2012



Clerk of Council



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	January 21, 2014
Action Required:	Yes (First Reading on Ordinance)
Presenter:	Steve Lawson, Public Service Manager
Staff Contacts:	Steve Lawson, Public Service Manager
Title:	<i>Easement to Dominion Virginia Power at Public Works Center on Avon Street</i>

**Background:** In Fiscal Year 2011, the City invested in a salt brine manufacturing and storage facility at the Public Works Center on Avon St Extended. Salt brine has proven to be a cheaper, more environmentally friendly alternative to rock salt and for that reason is the anti-icer and de-icer most used by Charlottesville and many other municipalities.

Dominion Power electricity is not available on site for operation of the brine maker, loading pumps, and lights. To date a propane generator has provided primary power to the site, and the generator recently failed due to major engine problems. Currently power to the site is provided by a rental propane generator.

The failed generator will be permanently replaced by the generator providing backup power to the City fire station on Ivy Road when that station closes in mid-January 2014. The relocation of the generator will be done by in-house staff at minimal cost.

**Discussion:** Staff felt this is the opportune time to investigate the possibility of Dominion Power providing electricity to the Brine Manufacturing Plant on Avon Street. Dominion Power provided a quote of \$6,963.41 to provide underground power from Avon Street across City owned property to the Brine Manufacturing Plant. An easement to Dominion Virginia Power is necessary to allow the lines to cross City owned land.

**Alignment with City Council's Vision and Priority Areas:** This agenda item and recommendation aligns with Innovation and Environmental Sustainability sections of the Strategic Plan in that use of Salt Brine reduces the amount of salt used during winter storm emergencies.

**Budgetary Impact:** Funding will be provided by account 2703001000. Total cost of this recommendation is \$10,000. Future electric bills will be funded by the General Fund Streets budget under account 2443001000.

**Recommendation:** Staff recommends accepting Dominion Power's quote for providing electricity as the primary power source for the Brine Manufacturing Plant. The used generator from the Ivy Road Fire Station would be used for backup power only.

**Alternatives:** The only other option available is to use generator power as the sole source of electricity to run the Plant. Should the generator fail, it is possible the City could experience a brine shortage during a winter storm emergency.

**Attachments:** Ordinance; Proposed Right of Way Agreement; Map

**AN ORDINANCE  
AUTHORIZING THE CONVEYANCE OF AN EASEMENT  
TO DOMINION VIRGINIA POWER  
TO PERMIT UNDERGROUND ELECTRICAL LINES TO  
PUBLIC WORKS FACILITY ON AVON STREET**

**WHEREAS**, Dominion Virginia Power has requested this Council to grant an easement across property owned by the City of Charlottesville, Virginia (Public Works Facility) at 1545 Avon Street in the County of Albemarle, as shown on the attached Easement Plat, for the installation and maintenance of underground electric lines and above-ground electrical equipment; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Right of Way Agreement, in form approved by the City Attorney, granting the above-described easement to Dominion Virginia Power.



## Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between

the City Of Charlottesville

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Virginia Power, with its principal office in Richmond, Virginia ("GRANTEE").

### WITNESSETH:

1. That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said non-exclusive easement shall extend Fifteen (15) feet in width across the lands of **GRANTOR**; and

Initials: \_\_\_\_\_

**This Document Prepared by Virginia Electric and Power Company and should be returned to:**  
Dominion Virginia Power, 1719 Hydraulic Road Charlottesville VA 22901 .

(Page 1 of 7 Pages)  
DVPIDNo(s). 81-13-0099  
Tax Map No. 077E200000100

## Right of Way Agreement

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in Albemarle County, Virginia, as more fully described on Plat(s) Numbered 81-13-0099 , attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.
3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.
4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.
5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.
6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

Initials: \_\_\_\_\_

(Page 2 of 7 Pages)  
DVPIDNo(s). 81-13-0099

## Right of Way Agreement

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE'S** exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE'S** rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE'S** exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE'S** exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: \_\_\_\_\_

(Page 3 of 7 Pages)  
DVPIDNo(s). 81-13-0099



# Right of Way Agreement

11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that **GRANTOR** is a corporation duly organized and existing under the laws of the state hereinabove mentioned and that he or she has been duly authorized to execute this easement on behalf of said corporation.

**NOTICE TO LANDOWNER:** You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

**IN WITNESS WHEREOF, GRANTOR** has caused its corporate name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

Corporate Name: City Of Charlottesville

By (Signature): \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

State of \_\_\_\_\_  
City/County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,

by \_\_\_\_\_,  
(Name of officer or agent) (Title of officer or agent)

of City Of Charlottesville, a(n) \_\_\_\_\_  
(Name of corporation) (State of incorporation)

corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public (Print Name)

\_\_\_\_\_  
Notary Public (Signature)

Virginia Notary Reg. No. \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

(Page 4 of 7 Pages)

DVPIDNo(s). 81-13-0099



## Right of Way Agreement

### Exhibit A

THIS RIGHT OF WAY AGREEMENT dated \_\_\_\_\_, 2013, by and between the  
City of Charlottesville

a political subdivision of the Commonwealth of Virginia ("**GRANTOR**"), and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power ("**GRANTEE**") is hereby amended as follows:

1. This Right of Way Agreement shall be limited in duration and shall remain in force for a term of forty (40) years, except for any air rights together with easements for columns for support granted hereunder, in which case such air rights together with easements for columns for support shall exist for a term of sixty (60) years. At the end of any such term, this Right of Way Agreement shall automatically terminate unless **GRANTOR** agrees to renew this Right of Way Agreement for an additional term of years.
2. In the event that this Right of Way Agreement is terminated, or if the removal of **GRANTEE**'s facilities is otherwise desired by **GRANTOR**, then **GRANTOR** agrees that it will pay the cost of removing **GRANTEE**'s wires and facilities, and, if appropriate, the cost of replacing **GRANTEE**'s wires and facilities. Upon the termination of this Right of Way Agreement, **GRANTOR** agrees to provide **GRANTEE**, if needed by **GRANTEE**, a suitable substitute easement subject to the same terms provided for herein for **GRANTEE**'s wires and facilities. In the event that this Right of Way Agreement is revoked or terminated, all facilities constructed hereunder shall remain the property of **GRANTEE**.
3. **GRANTOR** covenants that in the event that **GRANTOR** sells or conveys the real property on which **GRANTEE**'s wires and facilities are located by this Right of Way Agreement, **GRANTOR** will provide **GRANTEE** with a suitable permanent easement for **GRANTEE**'s wires and facilities and, if necessary, pay the cost of relocating **GRANTEE**'s wires and facilities to such permanent easement.

**GRANTOR:**

\_\_\_\_\_  
a political subdivision of the Commonwealth of Virginia

By: \_\_\_\_\_

Its: \_\_\_\_\_

DVPIDNo(s). 81-13-0099  
(Page 5 of 7 Pages)





## Right of Way Agreement

### EXHIBIT A

This Exhibit A shall be attached to and made a part of the RIGHT OF WAY AGREEMENT executed by the undersigned **GRANTOR(s)** on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. The following terms and conditions are incorporated therein:

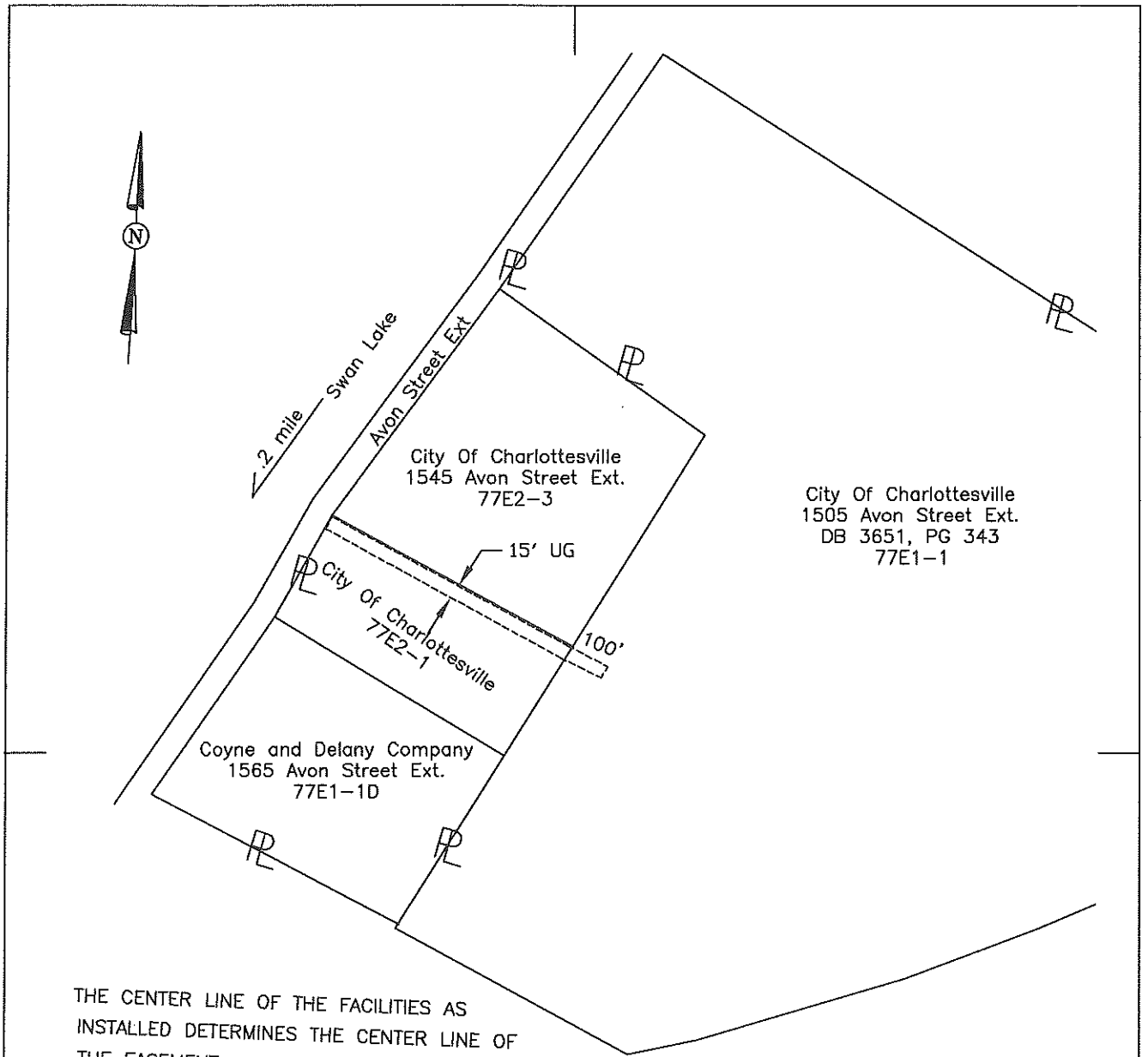
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(SEAL)

\_\_\_\_\_  
(SEAL)

(Page 6 of 7 Pages)

DNCPIDNo(s). 81-13-0099

DVPIDNo(s).



THE CENTER LINE OF THE FACILITIES AS  
INSTALLED DETERMINES THE CENTER LINE OF  
THE EASEMENT

OWNER INITIALS \_\_\_\_\_

- Legend**
- — — Location of Boundary Lines of Right-of-Way  
15 FEET IN WIDTH
  - — — Indicates Property Line is Right-of-Way  
Boundary  
15'

<b>Plat to Accompany Right-of-Way Agreement</b>		
VIRGINIA ELECTRIC AND POWER COMPANY doing business as <b>Dominion Virginia Power</b> UG		
District Charlottesville		
District-Township-Borough Scottsville	County-City Albemarle	State VIRGINIA
Office Charlottesville	Plat Number 81-13-0099	
Estimate Number 7573422	Grid Number G0024	
Date	By	

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**

Agenda Date: January 21, 2014

Action Required: Consideration of a Special Use Permit

Presenter: Brian Haluska, Neighborhood Planner, Neighborhood Development Services

Staff Contact: Brian Haluska, Neighborhood Planner, Neighborhood Development Services

**Title: SP-13-10-19: 1000 West Main Street**

**Background:**

The Planning Commission's regular meeting for December was cancelled due to lack of a quorum. The applicant for this item requested to be placed on the City Council agenda for the 21<sup>st</sup> in order to maintain their schedule for construction, and this request was granted by the mayor and City Manager. Staff will report on the Planning Commission's actions at the meeting.

Campus Acquisitions has submitted a special use permit in conjunction with a site plan for a new mixed-use building located at the corner of West Main Street and Roosevelt Brown Boulevard. The property has additional street frontage on 11<sup>th</sup> Street SW. The plan shows a 101 foot tall building with 246 residential units (192.638 du) and 9,670 square feet of commercial space. The building would have 648 bedrooms, and parking for 219 cars located in structured parking under the building. The applicant also shows parking for 205 bicycles.

**Discussion:**

The Planning Commission considered this application at their regular meeting on January 14, 2014. The Commission generally supported the project, but felt there were concerns regarding conflicts between the adjacent uses and the project. Several Commissioners also expressed concern about the number of 4-bedroom units within the building.

**Citizen Engagement:**

The city hosted a preliminary site plan conference on the project on November 6, 2013. Additionally, the applicant reached out to several resident groups near the proposed project.

**Alignment with City Council's Vision and Priority Areas:**

The City Council Vision of Quality Housing Opportunities for All states that "Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers."

The City Council Vision of Economic Sustainability states that "The City has facilitated significant mixed and infill development within the City."

**Budgetary Impact:**

No direct budgetary impact is anticipated.

**Recommendation:**

The Planning Commission is scheduled to consider this matter at their January 14, 2014 meeting.

The Commission took the following action:

“Ms. Green moved to recommend approval of this application for a special use permit for additional height and density in the West Main south zone for 1000 West Main Street, with the following conditions:

1. The applicant will complete a traffic study that will take into account the impacts on emergency vehicle access to the University Hospital.
2. The applicant will complete a traffic study that will take into account the cumulative effect of proposed development on the streets immediately adjacent to the site.
3. The applicant and the University of Virginia will collaborate on an airflow study of the site and surrounding properties to ensure that the operation of the existing buildings adjacent to the proposed structure will not suffer because of the construction of the building. Additionally, the study should ensure that exhaust from the adjacent generators can be accommodated without impacting the residents of the proposed development.
4. The applicant will complete all required filings with the Federal Aviation Administration to ensure that the building and the construction of the building does not interfere with the operation of the heliport at the University Medical Center.
5. The applicant shall in the preliminary site plan demonstrate how the loading and unloading of deliveries to support the commercial space can be accomplished internal to the site.
6. Confirm with the city annually that the residents have received safety and civil living information.
7. The number of four bedroom units will be reduced by 25%. (Reduction from 106 4-bedroom units to 80 4-bedroom units).”

Mrs. Keller seconded the motion. The Commission voted 6-1 to recommend approval of the special use permit. Mr. Santoski voted against the motion.

**Alternatives:**

None.

**Attachment:**

Staff Report

**RESOLUTION  
GRANTING A SPECIAL USE PERMIT  
TO CAMPUS ACQUISITIONS HOLDINGS, LLC  
TO ALLOW INCREASED HEIGHT AND DENSITY  
AT 1000 WEST MAIN STREET**

**WHEREAS**, Campus Acquisitions Holdings, LLC (“Applicant”) has submitted an application seeking approval of a special use permit with respect to property located at 1000 West Main Street and 118 11<sup>th</sup> Street, SW, Charlottesville, Virginia, identified on City Tax Map 10 as Parcels 68 and 70, consisting of approximately 1.277 acres (“Subject Property”) to allow increased height, up to 101 feet, and residential density up to 193 dwelling units per acre, and has requested modification of setback and stepback requirements in City Code Sec. 34-638; and

**WHEREAS**, the Subject Property is zoned “WMS” (West Main South) and, pursuant to §34-637 and §34-641 of the City Code, West Main South zoning permits a maximum height of 101 feet by special use permit, and a maximum density of 240 dwelling units per acre by special use permit, and pursuant to §34-162, Council may, as part of a special use permit, modify certain yard requirements, such as setbacks and stepbacks; and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on January 14, 2014, the Planning Commission transmitted its recommendation for approval of this application, subject to certain conditions, and this Council finds that approval of the proposed special use permit subject to reasonable conditions would serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria applicable to special permits generally under Chapter 34 of the City Code; now, therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a special use permit is hereby approved to allow (i) the requested modification of the setback and stepback requirements of City Code Sec. 34-368, as described within the application; and (ii) increased building height, up to 101 feet, and residential density of up to 193 dwelling units per acre, subject to the following conditions:

1. The applicant will complete a traffic study that will take into account the impacts on emergency vehicle access to the University Hospital.
2. The applicant’s traffic study will take into account the cumulative effect of traffic associated with approved developments on the streets immediately adjacent to the site.
3. The applicant and the University of Virginia will collaborate on an airflow study of the site and surrounding properties to ensure that the operation of the existing buildings adjacent to the proposed structure will not suffer because of the construction of the building. Additionally, the study should ensure that exhaust from the adjacent generators can be accommodated without impacting the residents of the proposed development.
4. The applicant will complete all required filings with the Federal Aviation Administration to ensure that the building and the construction of the building does not interfere with the operation of the heliport at the University Medical Center.
5. The applicant shall in its preliminary site plan for the development demonstrate how the loading and unloading of deliveries to support the commercial space can be accomplished internal to the site.
6. Confirm with the city annually that the residents have received safety and civil living information.

7. The number of four bedroom units referenced in the application will be reduced by 25% (from 106 4-bedroom units to 80 4-bedroom units).

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date: January 21, 2014

Action Required: Approval of Resolution (Public Hearing/One Reading)

Presenter: S. Craig Brown, City Attorney

Staff Contacts: S. Craig Brown, City Attorney

**Title: Release of Drainage Easement at 1000 West Main Street**

**Background:** In 2002 the City acquired a permanent easement for drainage facilities across property at 1000 West Main Street (City Tax Map 10, Parcel 70) in connection with the completion of Roosevelt Brown Boulevard by VDOT. The current owner of the property, Ivy Land Trust, is requesting abandonment of the drainage easement to facilitate sale of the property and development of a new building on the site.

**Discussion:** The contract purchaser of the property has submitted a preliminary site plan to NDS, and the proposed development will require a special use permit. The request for abandonment of the drainage easement is conditioned upon approval of the site plan and special use permit. The approved site plan will require a new easement for the relocated drainage facilities so drainage issues will continue to be addressed. Abandonment of the drainage easement is required if the development project on the property is to move forward.

**Community Engagement:** A public hearing is required by law.

**Alignment with City Council's Vision and Priority Areas:** Not applicable.

**Budgetary Impact:** None.

**Recommendation:** Staff recommends approval of the Resolution authorizing the Mayor to sign the Quitclaim Deed abandoning the permanent easement for drainage.

**Attachments:** Resolution; Deed of Quitclaim; Request Letter; Easement Sketch.

## **RESOLUTION**

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

Deed of Quitclaim between Robert P. Hodous and Frederick W. Payne, Trustees of The Ivy Land Trust, and the City of Charlottesville, Virginia, for the release of a permanent drainage easement across the property designated as Parcel 70 on City Tax Map 10 on West Main Street and Roosevelt Brown Boulevard.



Prepared by Charlottesville City Attorney's Office  
Tax Map Parcel 100070000

**This deed is exempt from state recordation taxes imposed by Virginia Code §58.1-802 pursuant to Virginia Code §58.1-811(C)(4).**

**THIS QUITCLAIM DEED** made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, from the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (hereinafter, the "CITY"), Grantor, to **ROBERT P. HODOUS and FREDERICK W. PAYNE, TRUSTEES of the THE IVY LAND TRUST** (hereinafter "IVY LAND TRUST"), Grantee, whose address is 414 East Jefferson Street, Charlottesville, Virginia 22902.

WITNESSETH:

WHEREAS, IVY LAND TRUST is the owner of certain real property in the City of Charlottesville, Virginia, designated on City Real Estate Tax Map 10 as Parcel 70 (the "Property"); and

WHEREAS, by Quitclaim Deed dated February 5, 2002 from the Commonwealth of Virginia to the CITY, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 841, page 55, the CITY was conveyed a permanent easement and right of way (the "Drainage Easement") for the construction and maintenance of drainage facilities (drop inlet and berm ditch) across the Property; and

WHEREAS, IVY LAND TRUST wishes to have the Drainage Easement, shown on Sheet 4 of the plans for State Highway Project U000-104-V08, RW-201, of record in the State Highway Plat Book 3, Page 267 in the aforesaid Clerk's Office as the area shaded GREEN on said Sheet 4, quitclaimed by the CITY in order to allow new construction on the Property; and

WHEREAS, the CITY has agreed to Quitclaim the Drainage Easement referenced above as requested by Grantee, after holding a public hearing, advertised in accordance with Virginia Code Sec. 15.2-1800(B), and adoption of a Resolution by the Charlottesville City Council on \_\_\_\_\_, 2014.

WITNESSETH:

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, the CITY does hereby RELEASE and forever QUITCLAIM all its right, title and interest in and to the Drainage Easement acquired by the CITY by instrument dated February 5, 2002, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 841, Page 55.

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to a Resolution adopted by City Council on \_\_\_\_\_, 2014.

WITNESS the following signatures and seals:

GRANTOR: CITY OF CHARLOTTESVILLE, VIRGINIA

By: \_\_\_\_\_  
Satyendra Singh Huja, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
S. Craig Brown, City Attorney  
City of Charlottesville, Virginia

COMMONWEALTH OF VIRGINIA  
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by Satyendra Singh Huja, Mayor, on behalf of the City of Charlottesville, Virginia.

\_\_\_\_\_  
NOTARY PUBLIC  
Registration #: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

GRANTEE:

**THE IVY LAND TRUST**

By: \_\_\_\_\_  
Robert P. Hodous, Trustee

By: \_\_\_\_\_  
Frederick W. Payne, Trustee

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by Robert P. Hodous, and Frederick W. Payne, Trustees of The Ivy Land Trust.

\_\_\_\_\_  
NOTARY PUBLIC  
Registration #: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**Payne & Hodous, L.L.P.**  
Attorneys at Law  
414 East Jefferson Street  
Charlottesville, Virginia 22902

Frederick W. Payne  
Robert P. Hodous  
Donna R. DeLoria  
William W. Tanner

Telephone: 434-977-4507  
Facsimile: 434-977-6574

Kristina M. Hofmann

November 21, 2013

S. Craig Brown, City Attorney  
City Attorney's Office  
P.O. Box 911  
Charlottesville, VA 22902

**BY HAND**

**RE: 1000 West Main**

Dear Craig:

As trustees of The Ivy Land Trust and owner of Tax Map 10 Parcel 70, an approximately 0.791-acre parcel fronting on Roosevelt Brown Boulevard and West Main Street in Charlottesville, Virginia, we hereby request that the City abandon via a quitclaim deed the permanent easement for the installation and maintenance of a drop inlet and berm ditch situated as referenced on Sheet 4 of the plans for State Highway Project U000-104-V08, RW-201, recorded in State Highway Plat Book 3, Page 267, and in amended Certificate of Take recorded with an Order in Deed Book 678, Page 531 (certificate beginning at page 535), in the City of Charlottesville Circuit Court clerk's office and described on said plans and certificate as follows: "permanent easement required for construction and maintenance of proposed drainage structure, ditches, and slopes" originally outlined in GREEN and left of approximate Station 30+45.87 to approximate Station 31+58, containing 3,396 square feet, more or less. The subject property is shown on the attached exhibit as "FREDERICK RUSSELL, et al TRUSTEES (IVY LD. TR.)" and the easement area to be abandoned is depicted on the attached exhibit in GREEN.

This is the same easement further referenced in a quitclaim deed between the Commonwealth of Virginia, acting by and through the Commonwealth Transportation Commissioner, and The City of Charlottesville, a Virginia Municipal Corporation, recorded in said Clerk's Office in Deed Book 841, Page 55.


This request is commensurate to and conditioned on the City of Charlottesville approval of the special use permit and preliminary site plan applications of Campus Acquisitions Holdings, LLC, as contract purchaser of Tax Map 10, Parcels 68 and 70, both of which are currently under review.

Please let us know if anything additional is required in order to initiate this process.

Sincerely,



Robert P. Hodous, trustee  
The Ivy Land Trust

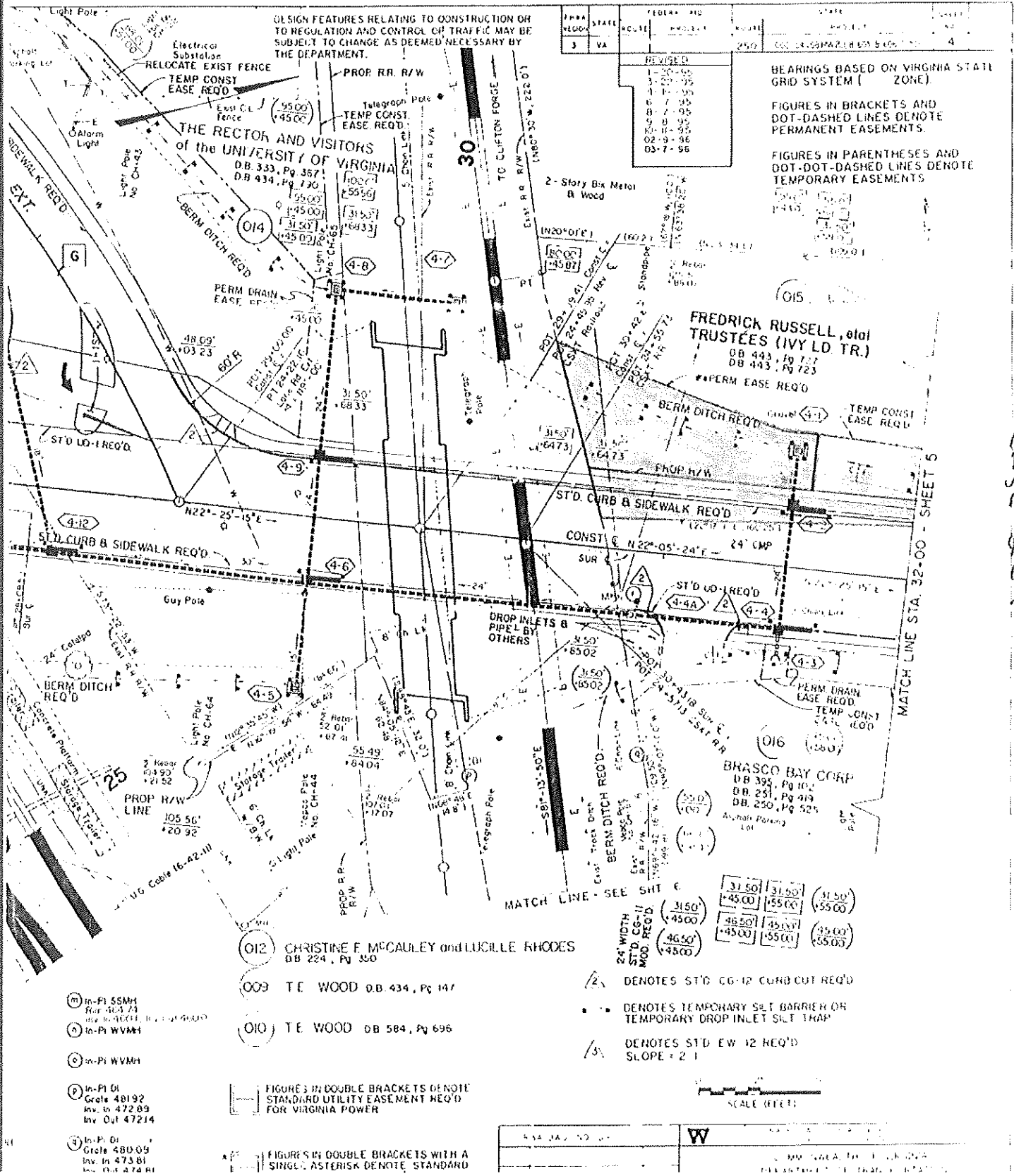


Frederick W. Payne, trustee  
The Ivy Land Trust

Encl: Color copy of plat/exhibit showing referenced easement

Xc: Stephen G. Bus, Campus Acquisitions Holdings, LLC  
Hugh K. Blake, PE, Civil Engineer, Neighborhood Development Services  
Steven L. Driver, PE, LS, Terra Engineering and Land Solutions, PC

PB3 - P267



DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT.

FEDERAL AID	STATE	FEDERAL AID	STATE
3	VA	250	4

REMOVED
1-20-95
3-20-95
4-1-95
6-7-95
8-7-95
9-8-95
10-10-95
02-9-96
03-7-96

BEARINGS BASED ON VIRGINIA STATE GRID SYSTEM ( ZONE).

FIGURES IN BRACKETS AND DOT-DASHED LINES DENOTE TEMPORARY EASEMENTS.

FIGURES IN PARENTHESES AND DOT-DOT-DASHED LINES DENOTE PERMANENT EASEMENTS.

FREDRICK RUSSELL, et al  
TRUSTEES (IVY LD. TR.)  
DB 443, Pg 727  
DB 443, Pg 725

BRASCO BAY CORP  
DB 395, Pg 102  
DB 251, Pg 419  
DB 250, Pg 525

O12 CHRISTINE F. McCAULEY and LUCILLE RHODES  
DB 224, Pg 350

O03 T.E. WOOD DB 434, Pg 147

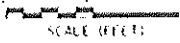
O10 T.E. WOOD DB 584, Pg 696

- 1 in-Pi 55AM  
Rev. 103.24  
Inv. In 472.14
- 2 in-Pi WVM#1
- 3 in-Pi WVM#1
- 4 in-Pi Di  
Grate 48192  
Inv. In 472.89  
Inv. Out 472.14
- 5 in-Pi Di  
Grate 48009  
Inv. In 473.81  
Inv. Out 474.81

FIGURES IN DOUBLE BRACKETS DENOTE STANDARD UTILITY EASEMENT REQ'D FOR VIRGINIA POWER

FIGURES IN DOUBLE BRACKETS WITH A SINGLE ASTERISK DENOTE STANDARD

- 2 DENOTES ST'D CG-12 CURB CUT REQ'D
- DENOTES TEMPORARY SILENT BARRIER OR TEMPORARY DROP INLET SILENT TRAP
- 3 DENOTES ST'D EW 12 REQ'D SLOPE + 2.1



31.50'	31.50'	31.50'
45.00'	45.00'	45.00'
46.50'	45.00'	45.00'
46.50'	45.00'	45.00'

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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



**Agenda Date:** January 21, 2014

**Action Required:** Approval of Ordinances (First Reading)

**Presenter:** James E. Tolbert, AICP, Director of NDS

**Staff Contacts:** James E. Tolbert, AICP, Director of NDS  
Craig Fabio, Assistant Zoning Administrator

**Title:** **Café and Vendor Fees and Regulations**

**Background:** Periodically staff undertakes a review of the vendor regulations and café regulations as well as the fees for the associated permits. This year there have also been several suggested changes arising from the mall improvement group.

**Discussion:** The attached ordinance to amend the café rules and vendor rules are presented to provide more efficiency to the process and more order and safety for the public. The changes to the fees are intended to more accurately reflect the value of the space rented. Specific changes are as follows:

**Cafés**

- Change the permit term to a year round term. Currently the café season runs from March 1<sup>st</sup> to November 20<sup>th</sup>. Restaurants may pay extra to remain open for the entire year and many do so. Every year we have requests from restaurants to remain open when there is a good weather and this change will allow them to do so if they desire.
- The next change will allow the Zoning Administrator to work with restaurants on a payment plan rather than have all fees due at the beginning of the year. We have done this over the last several years in recognition of the difficult economic situation many have faced.
- Current rules require all cafés to have a detectable bottom to achieve ADA compliance. Many have chosen to simply use a lower chain and this has not proven effective. The change will provide that each café meet current ADA requirements and that each method used be approved by staff. The real impact is that this will require a fixed bottom. The added benefit is that the cafes will remain in place and not be easily moved around. This is also one of the items requested by the Downtown Work Groups.
- Language is added to require approval by staff of any heaters allowed.

### **Vendors**

- The prohibition on the use of City electrical outlets is eliminated and a statement added allowing their use for point of sale transaction.

Other vending changes will be reviewed and recommended by the Board of Architectural Review as they are found in the Design Guidelines.

### **Fees**

- Changes are recommended to the vendor fees to allow payment quarterly (which has been practiced for several years) and to increase assigned spaces from \$800 to \$1,000 annually and unassigned spaces from \$600 to \$800 annually.
- A fee of \$25 per year for an unassigned not-for-profit is proposed.
- An increase of café space rental is proposed from \$3 per square foot per year to \$5 per square foot per year. This will coincide with the change to allow year round café use.
- Added a change of \$100 per quarter for use of City electricity.

**Alignment with City Council Vision and Priorities:** Approval of this item aligns with the Council vision of a Smart Citizen Focused Government by providing more efficient operations and by charging fees that reflect more accurately the value of the space rented.

**Budgetary Impact:** Current café and vendor rent is approximately \$150,000 per year. These changes should increase the rent received to approximately \$200,000.

**Citizen Engagement:** Staff has delivered a copy of these changes to all vendors and restaurants with cafes.

**Recommendation:** Staff recommends approval of the ordinance and resolution.

**Alternatives:** Council could choose not to make the changes.

**Attachments:** Ordinance to Amend Fee Schedule; Ordinance Amending Vendor and Café Regulations



**AN ORDINANCE  
APPROVING AND ADOPTING AMENDMENTS TO THE  
CITY'S FEE SCHEDULE FOR SERVICES, PERMITS AND APPROVALS  
ADMINISTERED BY THE CITY'S DEPARTMENT OF  
NEIGHBORHOOD DEVELOPMENT SERVICES,  
RELATIVE TO VENDOR STANDS AND OUTDOOR CAFÉ PERMITS**

**WHEREAS**, the Code of the City of Charlottesville (1990), as amended, provides in various places for City Council's approval from time to time of a schedule of the various rents, fees and charges associated with types of applications, petitions, inspections, permits and approvals administered by the City's Department of Neighborhood Development Services ("NDS Fee Schedule"); AND

**WHEREAS**, pursuant to City Code §§ 28-116, 28-121, 28-211 and 28-214 the City Council has reserved unto itself the right and authority to approve, from time to time, a schedule of rents, fees and charges associated with the reservation and operation of vendor stand spaces and outdoor café spaces, and City Council now desires to approve a new schedule of such rents, fees and charges;

**WHEREAS**, the proposed new schedule of rents, fees and charges associated with the reservation and operation of vendor stand spaces and outdoor café spaces has been advertised in accordance with the requirements of Virginia Code §15.2-107, and on January 21, 2014 City Council conducted a public hearing on the proposed new fee schedule, as required by law;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that the schedule of rents, fees and charges associated with the reservation and operation of vendor stand spaces and outdoor café spaces, as set forth within the chart attached to this ordinance, is hereby approved and adopted, and shall take effect upon the date of enactment. Upon adoption of this ordinance, staff shall revise the previously established NDS Fee Schedule to reflect the newly established fees set forth within the chart attached to this ordinance.

Type of Fee	Fee To Be Adopted February 2014	Additional Requirements/ Provisions
<b>STREETS &amp; SIDEWALKS (Chapter 28)</b>		
<b>Vendor Stands:</b>		
Assigned	\$250/quarter or \$1,000/year	
Additional fee, for assigned spaces: use of electrical outlet	\$100/ quarter	Limited to use for operation of cash registers and credit card processing equipment
Unassigned	\$200/quarter or \$800/year	
Unassigned, non-profit	\$25/ year	
<b>Outdoor Café Permits:</b>		
Basic Permit Fee	\$125/year	In the event a permit is denied, all but \$25 shall be refunded to the applicant; however, once a permit has been approved, the entire amount of the fee shall be non-refundable
Additional Fee: additional space rental	\$5/sq. foot per year	
Additional Fee: use of city electrical outlet	\$100/quarter for use of City electricity	Limited to use for operation of cash registers and credit card processing equipment
Winter operations fee	N/A—Fee Eliminated	
Street/Alley Closing	\$100 per application	No change

**AN ORDINANCE  
AMENDING SECTION 28-121 OF ARTICLE IV, AND  
SECTION 28-214 OF ARTICLE VI, OF CHAPTER 28 OF THE  
CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED, RELATED TO  
CHANGES IN SIDEWALK CAFÉ AND VENDOR STAND REGULATIONS.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Sections 28-121 and 28-214 of Chapter 28 (Streets and Sidewalks) of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:

**CHAPTER 28. STREETS AND SIDEWALKS**

...

**ARTICLE IV. STREET VENDORS AND DISPLAYS**

**Sec. 28-121. Stands; operational restrictions.**

(a) No vendor's stand shall exceed: six (6) feet in height, and no vendor's stand shall exceed (i) the boundaries of the space to which it has been assigned pursuant to section 28-116(b) or (ii) for stands other than those subject to section 28-116(b), ten and one-half (10 1/2) feet in length and width (measured from the outermost edges of all display cases, display racks, and other display areas associated with the stand).

(b) No vendor stand shall operate in the city except between the hours of 7:00 a.m. and 10:00 p.m. Hours of operation may be extended with the prior written permission of the city manager. All stands, except those approved by the city pursuant to a lease, or pursuant to Article VI of this chapter as part of an outdoor café, must be removed from public property during non-operating hours.

(c) Each vendor stand shall be attended at all times during operational hours by at least one (1) person under the direction or control of the vendor to whom the stand belongs.

(d) No vendor stand located in the downtown business district, as defined within section 16-3 of the City Code, shall include any device or equipment that utilizes or generates any open fire or flame for the heating or cooking of food or beverages.

(e) No vendor stand shall use or incorporate any city equipment or facilities, such as public benches or chairs, planters, ~~electrical outlets~~, etc. Vendors may use city electrical outlets for point of sale with approval of the Zoning Administrator.

(f) No vendor shall operate or use a motor-propelled stand.

(g) All trash or debris accumulating within twenty (20) feet of any vendor stand shall be collected and disposed of by the vendor in an appropriate receptacle. Vendors of food and beverages must provide trash receptacles as part of their stands.

(h) A vendor shall comply immediately with the lawful request of any police officer, firefighter, rescue service person, emergency medical technician, or any city or public utility employee to move his stand for emergency reasons, or to permit maintenance of pavement, utilities or other public improvements or facilities.

...

## ARTICLE VI. SIDEWALK CAFÉS

### DIVISION 2. PERMIT

#### Sec. 28-211. Required.

(a) No person shall operate an outdoor café on a city sidewalk or the downtown pedestrian mall referred to in section 28-212 without a permit issued pursuant to this division.

(b) The city manager shall, from time to time, approve a map identifying the locations along the downtown pedestrian mall which will be eligible for use as outdoor café areas. The locations identified on this map shall be the only areas for which any café permit(s) may be issued by the zoning administrator for space on the mall. This map shall be maintained available for public inspection within the city's department of neighborhood development services. The city reserves the right to re-define and re-designate spaces available for outdoor café use, on an annual basis. Written notice of such changes shall be provided by the city to operators at least thirty (30) days in advance of the commencement of the permit term in which the changes will take place. In the event of any such changes, an incumbent operator will be assigned a space that most closely corresponds to the location occupied during the prior permit year.

(c) For the purposes of this division a "permit term" shall refer to the period from March 2009 through the last day of February, 2010; then, commencing on March 1, 2010 for consecutive one-year periods thereafter.

(d) The city council will, from time to time, approve a schedule of the rents, fees and charges associated with reservation of outdoor café spaces. No space shall be reserved to any person until all applicable rents, fees and charges have been paid.

...

#### Sec. 28-214. Contents and conditions generally.

(a) A permit granted by the zoning administrator under this division shall identify the permit term, or outstanding portion thereof, during which the operation of the café shall be authorized. ~~A permit shall also require that, on or before November 20 of each year, all furniture and equipment used in connection with the café shall be removed from the sidewalk or mall; however, upon payment of additional rent (as specified within the most recent fee schedule approved by city council) an outdoor café operator may leave furniture and equipment within his assigned outdoor~~

~~café area between November 20 and March 1 of the following year, subject to the following conditions: (i) the furniture and equipment must be utilized as an outdoor café at least five (5) days per month during this period, and (ii) if such furniture and equipment is not used by the operator during this period, then the furniture and equipment shall be removed within two (2) business days of a written notice issued by the zoning administrator. Such removal shall be at the expense of the café operator.~~

(b) Permits for cafés on the downtown pedestrian mall or city sidewalks may contain additional reasonable conditions and requirements as the zoning administrator may deem necessary. The purpose of any such conditions shall be to ensure that the operation or use of the proposed café will not present a hazard to the public health, safety or welfare.

(c) Effective for the permit term commencing in March 2009, and each permit term thereafter:

- (1) Each applicant for a café permit shall pay a permit fee upon submission of such application, in the amount specified on the most recent fee schedule approved by city council. For operators renewing an existing permit this fee shall be due and payable within thirty (30) days following the commencement of the current permit term.
- (2) Each operator shall pay rent in the amount specified on the most recent fee schedule approved by city council. Such rent shall be paid according to the payment schedule set by the Zoning Administrator. Such rent shall be paid on the commencement date of the permit term. Any café permit for which the holder has not paid rent hereunder within thirty (30) days of the due date shall expire and become null and void.

(d) No food preparation shall be performed in any area which is the subject of a café permit issued under this article. The operator of an outdoor café which is the subject of any such permit shall promptly remove all food dishes and utensils after each customer has left and shall thoroughly clean the entire café area and the sidewalk located within the café after the close of each business day. The zoning administrator shall have the authority to require any café operator, as an additional condition of a permit, to use only non-disposable dishes, utensils and napkins within the café area, upon a determination that the use of paper or plastic tableware or napkins is or has been contributing to litter problems in the area subject to the permit. Upon making such a determination, the zoning administrator shall issue thirty (30) days' advance written notice of the new requirement to each operator whose permit will be affected.

(e) An outdoor café subject to a permit required by this article shall be operated only within the area specifically assigned to an operator by a permit issued by the zoning administrator. The operator shall clearly delineate its area of operation through use of any one (1) or more of the following markers: trees, fences, planters and barriers. All items used for delineation of Café space shall be compliant with current ADA Guidelines and approved by City Staff prior to use. ~~Where required by the Uniform Statewide Building Code, such markers shall have a detectable bottom.~~ An outdoor café shall be in operation only during hours that the restaurant with which it is associated is open.

(f) Musical entertainment shall be allowed within any outdoor café area subject to a permit; however, such activity shall be limited to un-amplified vocal or instrumental performances and such activity shall not be conducted during the hours between 12:00 midnight and 11:00 a.m. of any day. Cafés located on the downtown pedestrian mall shall also be subject to the city's noise ordinance established for that area; however, in the event of a conflict between said noise ordinance and the requirements of this section, the stricter requirement shall govern the activities within such outdoor café.

(g) No tents or similar structures shall be erected or utilized over or within any outdoor café operating under a permit granted pursuant to this article; except that, not more than twice per year, the operator of an outdoor café, after receiving approval of the city's board of architectural review, may erect or utilize a tent over or within his outdoor café space. No such tent may be utilized or remain in place for longer than seventy-two (72) hours.

(h) Access to and use of city electricity by outdoor café operators, including, without limitation, use of any outdoor electrical outlet(s), shall be permitted for cash registers and credit card machines only to those operators that pay a monthly fee to the city as established by city council.

(i) Space heaters (other than any heaters requiring use of city electricity or electrical outlets) may be utilized by a café operator so long as the use and operation of any such heater is in compliance with all applicable building and fire codes and does not present a threat to the health, safety or welfare of the public. Each heater must be approved by City staff.

(j) No café permit shall be shared by any restaurant with another restaurant without the prior written approval of the zoning administrator. In the case of such sharing arrangement, (i) the original operator shall remain fully responsible for compliance with this article unless otherwise agreed in writing by the zoning administrator; and (ii) if the space that is the subject of the permit exceeds eight hundred (800) square feet under circumstances permitted by section 28-212(e), approval of the sharing arrangement shall be conditioned upon a reduction of the area reserved by the permit to not more than eight hundred (800) square feet.

(k) All tables, chairs and equipment located within an outdoor café shall be maintained in good, clean condition by the operator.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date: *January 21, 2014*

Action Required: *Update*

Presenters: *David Ellis*

Staff Contacts: *Maurice Jones, City Manager*  
*David Ellis, Assistant City Manager*

**Title:** *Downtown Mall Work Groups Update*

**Background:**

On April 16, 2013 City Council held a work session at the Carver Recreation Center that focused on the real and perceived conditions on Downtown Mall. The meeting was attended by members of the North Downtown Resident Association (NDRA), the Downtown Business Association Committee (DBAC), concerned residents, City Council, the City Manager and relevant staff. During the meeting it was determined the most efficient way to explore the issues and develop recommendations was to develop four work groups: Law Enforcement, Physical Plant, Human Services, and Economic Development. Individuals self-selected into groups and there were no restrictions on how many groups an individual could join.

On August 28, 2013 representatives from those work groups presented their recommendations to City Council at a work session. Since that time the staff associated with each work group has continued to refine recommendations and develop potential costs associated with the recommendations. Upon direction of City Council, staff will move forward with the development of plan for those recommendations that Council would like to see implemented.

**Discussion:**

Prioritization on recommendations from the four work groups.

**Community Engagement:**

In 2013, multiple open meetings were held to discuss issues and develop recommendations for City Council's consideration

**Alignment with City Council's Vision and Priority Areas:**

This aligns of the City Council's 2025 vision statement which includes, Economic Sustainability, a Community of Mutual Respect and Smart Citizen focused Government.

## **Previous Recommendations and Update:**

### I. Human Services Work Group (HSWG)

The HSWG provided four broad recommendations for Council to consider at the work session on August 29, 2013. These recommendations included; improving connections to existing services and enhanced service delivery, developing a public education campaign, workforce development and establishing a downtown mall beautification event.

#### *A. Improved Connection to Existing Services & Enhanced Service Delivery*

In the spring of 2012 the City implemented the Downtown Ambassador Program to assist provide additional support and customer service on the downtown mall. Members of the HSWG believed strongly that the ambassadors would benefit from the knowledge of community resources that are available to individuals who may be in need of shelter, employment opportunities and/or a meal. Members of the larger downtown work group stressed the need for customer service training along with knowledge of the various restaurants and retail establishments on the mall.

#### *Update*

Over the past few months the downtown ambassadors have participated in a number of trainings from the following organizations:

- Department of Social Services
- Region Ten Community Services Board
- Charlottesville Housing Advisory Committee
- Commonwealth Attorney's Office
- Charlottesville – Albemarle Convention and Visitors Bureau
- The Haven (January 2014)

Additionally, staff is researching various comprehensive customer service training programs that have been utilized in Atlanta, Georgia, Phoenix, Arizona and other jurisdictions that have instituted ambassadors and will be looking to implement something similar during the spring of this year.

A sub group of TJACH or the service provider council will take on the creation and regular updating of a food guide that will provide information on soup kitchens, food distribution centers and their hours. Other ideas that increase coordination and communication are currently being discussed at TJACH.

#### *B. Public Education Campaign*

Members of the group recommended that TJACH consider the idea of charitable meters as an option, for those who would like to donate money instead of providing it directly to individuals who are panhandling.

#### *Update*

The TJACH board has considered this option and supports a public education campaign that does not focus on charitable meters and would like to work closely with the City's Office of Communications in developing the public education campaign.



*C. Workforce Development*

Members of the work group recognize the importance of providing work opportunities and workforce development to individuals who are unemployed/under employed.

*Update –*

The work group supports the establishment of a downtown workforce center and that idea is currently included in the FY15 Department of Economic Development budget request. Once the work force center is up and running members of the group believe there will be an opportunity to develop the center in a manner that meets the needs of all the various populations within the City.

*D. Downtown Mall Civic Pride Event*

Establish regular downtown community clean ups and engage all persons who frequent the mall and help create a sense of ownership.

*Update*

This will be a collaborative event involving the City, DBAC, The Haven, residents, and others who frequent the mall and participate in an early spring beautification of the mall. Planning for this event will begin in February.

II. Economic Development Work Group

Prior to the City Council Work Session, the Downtown Mall Economic Sustainability & Marketing Workgroup collected data and tax figures to illustrate the economic significance and importance of the Downtown Mall to the City. Figures show the Mall continues to be successful but with increased competition and public sentiment concerns regarding safety and a family-friendly environment, action should be taken to secure the continued success of the Mall.

*Update*

Since that Work Session, a working team including a city staff liaison has continued to meet. This team is exploring several viable options to achieve the stated goal of the work group – secure dedicated revenue for the Downtown Mall so it continues to serve as the economic engine for the community. To accomplish this goal, the work group advises that a non-profit organization having specific focus and responsibility for the Downtown Mall area and a dedicated source of funds is needed.

To date, the team has identified four possible dedicated funding streams: 1) general fund allocation, 2) parking meter revenue 3) special service district - similar to a business improvement district that would include an additional levy on the real estate tax for a specific geographic area, 4) café rental revenue. The team has gathered estimated dollar amounts from all possible funding streams and is exploring single and multiple funding streams options.

Currently, the team is undertaking three specific action steps:

- 1) Collecting budgets and financial information from successful Virginia downtown organizations to gain an understanding of specific costs associated with running a downtown organization.

- 2) The working team in conjunction with City staff is compiling a detailed list of property owners and current assessed real estate value.
- 3) Holding specific conversations with major property owners in the downtown area about the Mall's future, and their interest in pursuing any of the options.

### III. Physical Plant Work Group

The physical plant work group provided a number of recommendations for City Council to consider that would enhance the physical plant of the downtown mall. A number of recommendations have been implemented or are in the process of being implemented but there are a number of recommendations that staff would like to receive guidance from City Council

#### *A. Utilize existing and new resources to address safety concerns*

##### *Update*

**Review Existing Lighting** - Staff from NDS will institute a comprehensive review of lighting on the mall and side streets in the spring of 2013, once the leaves on the trees in the spring have filled in to ensure accuracy. NDS will also work with BAR to determine if there is an outdoor light fixture that merchants can install on their place of business.

**Existing Camera Inventory** - Determine where existing cameras are currently both exterior to buildings facing the mall. Have Downtown Ambassadors will survey to obtain this information, to include length of storage of video, access, etc. Determine if cameras can be provided through individual businesses or would require City support.

#### *B. General Maintenance and Upkeep of the Downtown Mall*

##### *Update*

**Outsourcing of Mall Maintenance Functions** - The potential outsourcing of a portion of the mall maintenance program on the mall has been included in the Parks and Recreation FY2015 budget for Council's consideration.

##### **Provide other additional receptacles for smokers**

An inventory of smoking receptacles on the mall has determined that over time a number have disappeared. Staff is researching receptacles for the mall that would be more difficult for someone to remove.

##### **Pursue option of allowing merchants to rent a five foot block of the mall in front of businesses and be responsible for maintenance**

This was explored with the city attorney and actually proposed several years ago. It was rejected by city council due to concerns that the mall was a public space and they were not interested in removing additional space from the public area. Council could reconsider this option.

##### **Require an annual evaluation of mall maintenance program**

Staff regularly evaluates the maintenance program for improvements and efficiencies. Pursuing the contractual route is one of the methods that we believe will allow us to be more efficient with those tasks that are time sensitive and responsive to things that arise like loose bricks, etc. In December of 2013, Staff met with Downtown Representatives and identified maintenance issues.

Staff will be implementing inspections at least twice a year to review the maintenance issues.

**Establish a central intake for e mail address for mall maintenance**

This function is currently operational and e mails may now be sent to downtownmall@charlottesville.org. E-mails are received by Brian Daly, Doug Ehman and Ron Nolan in park maintenance, Jim Tolbert and Craig Fabio in NDS and Lance Stewart in facilities management.

*C. Establish a process for adding/removing benches on the mall*

*Update*

New benches have been installed on the east end of the mall around City Hall/Pavilion/Visitor Center. Benches are also on hand and ready to be installed throughout the remainder of the mall, one for one. Essentially replacing the benches where they currently exist. Staff will contact merchants as benches are being added or removed.

*D. Ensure signage for parking and explore the purchasing of parking meters*

*Update*

**Directional Signage** - Staff has reviewed all entrance corridors to the downtown mall and believes there are adequate signage directing people to the Water St. garage.

**Accuracy of Signage** – Staff will be replacing older signs on the mall and replacing them with more accurate signage over the next twenty months.

**Parking meters** –As mentioned earlier parking meter revenue is one of four options that a sub set of the physical plant group is researching.

**Provide free parking in the garages on weekends during the holidays**– In conversations with Bob Stroh, General Manager of the Charlottesville Parking Center, Bob stated that this had been tried in the past and did not show a noticeable increase in the number of visitors. In 2013, parking validation provided over \$800,000 hours in free parking.

*E. Enforcement of Ordinances*

*Update*

**Enforce all aspects of the existing ordinances** – Staff continues to enforce all aspects of the ordinance, including appearance of vendor spaces. Staff also believes that there are an appropriate number of vendors on the mall. In 2008 there were 28 vendor spaces on the downtown mall, currently we have 29. However, 5 of those are newer spaces located in front of City Hall and those are rarely used except during pavilion events. The 3 spaces located in front of the Landmark will go away when that project is finished. Three more spaces will most likely go away after this year if a pending project is implemented, thus reducing vendor spaces down to a total of 23.

**Recognition of basic code violations** - The Downtown Ambassadors have been trained to recognize basic code violations and the process of reporting those violations to Neighborhood Development Services.

**Additional ordinance** – The City should adopt an ordinance that requires restaurants and entertainment venues to provide smoking disposal fixtures. While this is being researched staff is researching new and additional smoking disposal fixtures that will be strategically placed on the mall.

#### *F. Beautification*

##### *Update*

**Installation of Planters** - Parks and Recreation is currently looking at options to determine a planter and a source that is approved by BAR, that property owner may install adjacent to their business without further approval. Maintenance of the planters would be the responsibility of the property owner. Engage local garden clubs or local businesses to assist in determining type of planters and potentially assist with the actual plantings. Parks and Rec will have options for the BAR's consideration by early April.

**Investigate the possibility and potential pitfalls of hanging planter baskets on the mall** - This has been investigated previously and had been determined to be unworkable due to the watering requirements. Staff is looking at the feasibility of a pilot in one section of the mall where water access is simple, like the east end by the pavilion. Time frame for implementation is Memorial Day and will require staff time to ensure plants are properly watered twice a day.

**Explore a permanent method of providing lights in the trees on the mall** - Staff is developing a memo to Council on the challenges associated with the installation of lights in trees.

**Explore the installation of banners on Market and Water Streets** - In the past way finding signs were instituted as an alternative to banners. A proposal for banners is currently being reviewed and would require a funding source.

#### *G. Additional programming on the mall*

**After Dark Movies** – Staff will explore the concept of free movies after dark in the pavilion with their management; additionally, a funding source will have to be identified

#### IV. Law Enforcement Work Group

As discussed and presented at the downtown mall work session on August 29, 2013 there had been a downward trend in crime during the first seven months of the year. The downward trend continued throughout the rest of 2013 and statistics now show a 35% decrease in crime from the previous calendar year. During this time the police department placed management of the police resources that serve the mall under the Neighborhood Services Bureau to have a single unified command of those resources. In addition, a Community Service officer's position was added to the mall along with 4 Downtown Ambassadors. As the City continues

to grow and evolve into a destination for individuals throughout the world we will continue to explore and add additional resources that assist in promoting the safety of our residents, businesses and visitors.

*Update*

**Increase the visibility and numbers of police officers on the downtown mall and establish a fixed kiosk** – As part of the City’s strategic planning process that is currently underway the Police Department is looking at the existing need, and future growth areas in the City, along with a more community based public safety management strategy to include where there may be an additional need for fixed kiosk(s).

**Development of a referral tool** – Staff will be meeting with TJACH and other service providers to engage them in developing a referral tool that can be utilized by the ambassadors, merchants and others if needed.

**Install a network of cameras** – Installation of non-monitored cameras that would be available as a tool to assist the police in the investigation of criminal activity.

**Establish the downtown ambassador program as part of the City budget** – The ambassador program is still a pilot program and is continually being tweaked based on the feedback that the police department receives. Discussion will be held as part of the FY2015 budget.

**Enhance lighting on the mall, side streets and problem areas** – As mentioned in the physical plant update, NDS will be conducting an inventory of lights in the spring once the leaves have come back on the trees.

**Budgetary Impact:**

The budgetary impact is unknown at the moment and will require further study based on recommendations from City Council

**Alternatives:**

N/A

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	January 21, 2014
Action Required:	Yes – Resolution to Purchase Property
Presenter:	Brian Daly, Director of Parks & Recreation
Staff Contacts:	Chris Gensic, Trails Planner
<b>Title:</b>	<b>Acquisition of ~20.25 Acres of Land near Jordan Park for Parkland, Greenbelt Trails and Cultural Resource</b>

**Background:** Hurt Investment Company & Southern Development Group Inc. has offered to sell the City approximately 20.25 acres of land along Moore’s Creek adjacent to Jordan Park, a property known as the old “Hartman’s Mill”. The land is proposed to be acquired with an agreed upon sale price of \$250,000.

**Discussion:** Acquisition of the tract of land will quadruple the size of Jordan Park, provide a multi-use trail corridor, protect the remains of the old Hartman Mill, and allow better management of forest and stream buffers and provide for the addition of a unique cultural resource to the City’s Parks and Recreation system.

The title search did not reveal any problems with clear title, and after conducting a Phase 1 environmental assessment that revealed no concerns, Ms. Kristel Riddervold, Environmental Administrator, recommends acquisition of the land. Access to the property from Avon Street is available from Avon Court, State Route 1101, and is enhanced through an easement provided by the adjoining landowner, Avon Court Holdings, LLC. The deed of easement has been signed and can be recorded simultaneously with the deed from Hurt Investment and Southern Development Group to the City.

**Community Engagement:**

Significant public participation occurred in the development of the City’s most recent Comprehensive Plan, which identifies as a priority in Section 11.2: Encourage land acquisition along trail corridors to ensure permanent use as trail and the ability to manage land as park space and a green infrastructure resource.

**Alternatives:** Council can choose not to acquire the land.

**Budgetary Impact:** The City will not lose any property taxes since this land is taxed in the County. Funding source for this acquisition is the Park Land Acquisition Capital Fund, Project P-00534.

**Recommendation:** Approve the Resolution to purchase the land for greenbelt trail expansion, riparian buffer protection and cultural resource interpretation.

**Attachments:** Resolution and Purchase Agreement  
Survey Plat of property  
Access easement



**RESOLUTION**  
**ACQUISITION OF LAND (20.25 ACRES) NEAR MOORE’S CREEK**  
**AND JORDAN PARK FROM HURT INVESTMENT COMPANY**  
**AND SOUTHERN DEVELOPMENT GROUP INC.**

**WHEREAS**, Hurt Investment Company and Southern Development Group Inc. (“Seller”) have offered to sell to the City of Charlottesville approximately 20.25 acres of land, designated as Parcel 7 on Albemarle County Tax Map 77, and shown on the attached plat dated October 25, 2012, made by Dominion Engineering, hereinafter the “Property”; and

**WHEREAS**, the Property is located adjacent to Jordan Park and within the Property boundaries are Moore’s Creek and the historic Hartman Mill; and

**WHEREAS**, City staff have recommended acquisition of the Property to provide extended greenbelt trails, expansion of Jordan Park, protection for Hartman Mill, and allow future stream restoration activity; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City hereby authorizes the acquisition of approximately 20.25 acres of land (Albemarle County Tax Map Parcel 77-7) from Hurt Investment Company and Southern Development Group Inc. for the purchase price of \$250,000.00, and the City Attorney is hereby directed to take whatever steps are necessary to effect the closing on the conveyance of the Property to the City.

**AGREEMENT**

**Sale of Hartman's Mill Road Land to the City of Charlottesville  
(Albemarle County Tax Map 77, Parcel 7)**

**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between **HURT INVESTMENT COMPANY**, a Virginia corporation, whose address is 195 Riverbend Drive, Charlottesville, Virginia 22911, and **SOUTHERN DEVELOPMENT GROUP, INC.**, a Virginia corporation, whose address is 170 South Pantops Drive, Charlottesville, Virginia 22911, hereinafter collectively referred to as **SELLER**, and the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as **PURCHASER**, or "CITY," whose address is P.O. Box 911, Charlottesville, Virginia, 22902.

**WITNESSETH:**

**WHEREAS**, **SELLER** is the owner of certain real property, approximately 20.245 acres in area, the greater part of which is situated in the County of Albemarle, Virginia, designated as Parcel 7 on Albemarle County Real Estate Tax Map 77 (the "Property"); and

**WHEREAS**, **SELLER** has agreed to sell to the **CITY** for the purchase price of **Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00)** 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 **CITY**, and **CITY** 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 tract or parcel of land shown as Albemarle County Tax Map Parcel 77-7, containing approximately 20.245 acres, located partly in the City of Charlottesville, Virginia and partly in Albemarle County, shown on a plat made by Dominion Engineering, dated October 25, 2012, and attached to this Agreement; being in all respects the same land combined into one parcel and conveyed to Hurt Investment Company and Southern Development Group, Inc. by Boundary Line Agreement and Deed of Exchange, dated December 20, 2007, of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 3541, page 574-581.

## **II. TERMS AND CONDITIONS**

The CITY's obligations under this Agreement are expressly contingent upon all of the following conditions being met:

- (a) CITY's receipt of the results, satisfactory to it in its sole discretion, of a title examination to be performed by CITY at its own expense.
- (b) CITY's receipt of the results of an environmental review by CITY staff, and if deemed necessary by the CITY, a Phase I Environmental Assessment and Report (Phase I Report) conducted and prepared by an environmental engineering and inspection company selected by CITY at CITY's expense and such other testing and reports as may be reasonably required by CITY or recommended in the Phase I Report. Such Phase I report may include the results of testing for any underground or aboveground storage tanks located on the Property.
- (c) CITY's acquisition of permanent legal access to the Property for vehicular and pedestrian traffic across land owned by Avon Court LLC.
- (d) SELLER shall deliver (by facsimile mail, electronic mail or first-class mail) to the CITY a proposed General Warranty Deed for review at least ten (10) days prior to Closing.
- (e) SELLER's agreement to sell the Property shall be submitted to the Charlottesville City Council for approval by resolution. If City Council rejects the terms of the sale/purchase of this land, for whatever reason, this agreement shall be null and void and each party shall be relieved of all obligations under this agreement.

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. CITY 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) within sixty (60) days of City Council approval, or as soon thereafter as all conditions of Section II of this agreement have been met to the satisfaction of both parties.
- (b) Upon satisfaction of all of the terms and conditions of this Agreement, the SELLER at Closing shall deliver and convey to CITY, by General Warranty Deed in a form acceptable to CITY, 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. SELLER shall deliver possession of the Property to the CITY as of the date of Closing.

- (c) At the Closing, SELLER shall also deliver to CITY all documents reasonably requested by CITY, including, without limitation, FIRPTA Affidavit, an Owner's Affidavit to Mechanic's Liens and Possession reasonably acceptable to CITY's title company, and any other documentation required by PURCHASER'S title company. SELLER shall submit a completed W-9 form (provided by CITY) to the CITY 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; (2) Fee for preparation of other SELLER's documents required hereunder, and (3) Grantor's tax related to recordation of General Warranty Deed.
- (e) CITY's costs: (1) Recordation cost of General Warranty Deed; (2) title insurance examination and premium; and (3) cost of appraisal or environmental assessment study.

#### **IV. OTHER TERMS**

This agreement is further contingent upon the following:

- (a) SELLER shall pay any and all real estate taxes accrued and/or due on the property up to and through the date of Closing. Prior to Closing, SELLER shall pay all deferred taxes, penalties and interest, if any, existing, owed or outstanding with respect to the Property.
- (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.
- (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.

**HURT INVESTMENT COMPANY, SELLER**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date signed: \_\_\_\_\_

**SOUTHERN DEVELOPMENT GROUP, INC., SELLER**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date signed: \_\_\_\_\_

**CITY OF CHARLOTTESVILLE, VIRGINIA, PURCHASER**

By: \_\_\_\_\_  
Aubrey V. Watts, Jr., COO/CFO

Date signed: \_\_\_\_\_

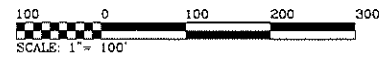
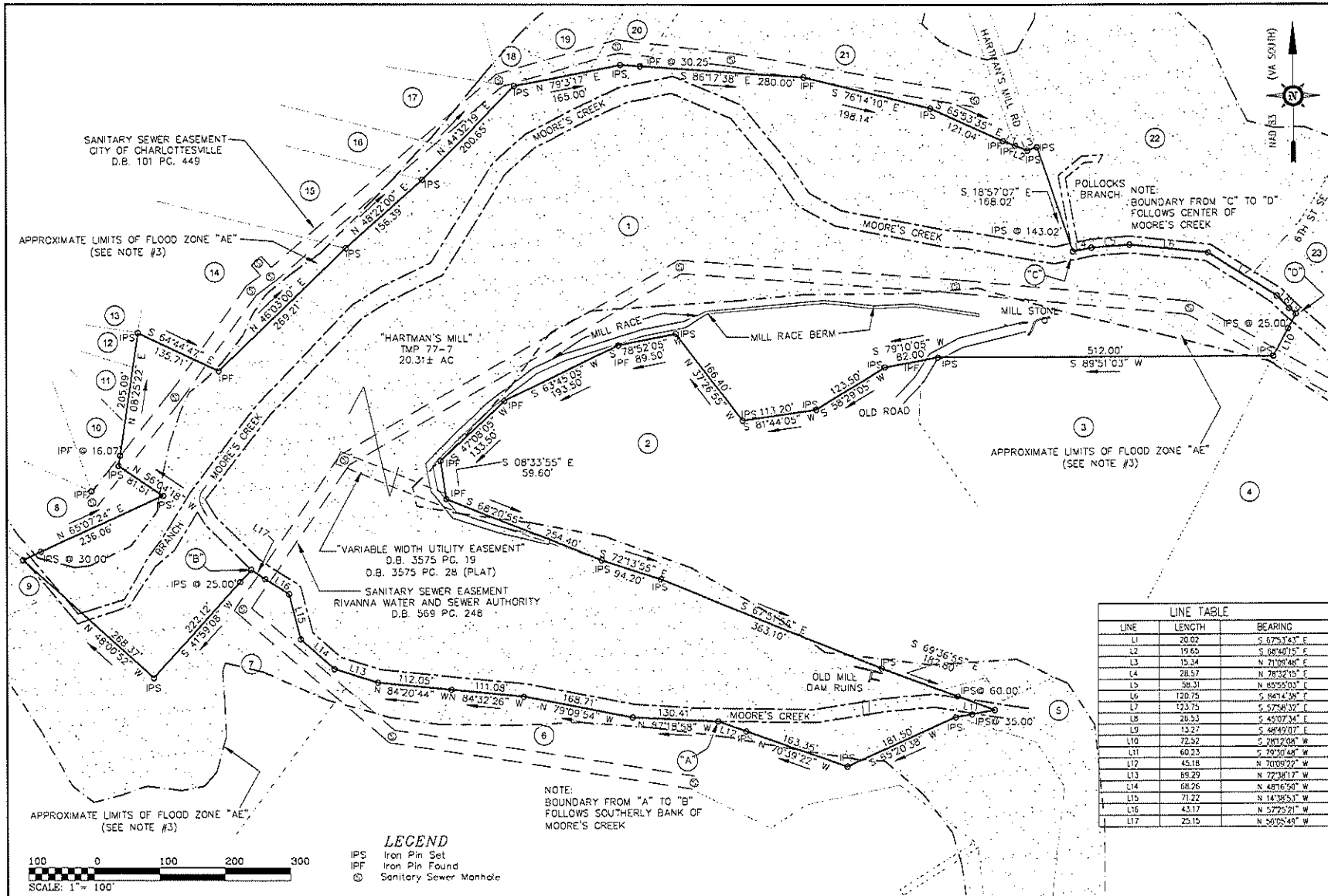
Approved as to Form:

Funds are Available:

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

\_\_\_\_\_  
Director of Finance

Attachment: Plat of Property



**LEGEND**  
 IPS Iron Pin Set  
 IPF Iron Pin Found  
 © Sanitary Sewer Manhole

- |  |   |   |
|--|---|---|
| ① HARTMAN'S MILL TMP 77-7 HURT INVESTMENT COMPANY OB 3541 PG 570   | ⑨ TMP 25A-40 WILLOUGHBY PROPERTY ASSOCIATION DB 462 PG176 | ⑰ TMP 25A-37 WILLIAM JONES & MARY DOUGLAS DB 2008 PG 3534     |
| ② TMP 77-8B AVON COURT HOLDINGS LLC OB 3211 PG 589                 | ⑩ TMP 25A-116.12 TONY TIAN-REN & BEE LIN OB 2012 PG 2690  | ⑱ TMP 26-45.14 ERIK BERG DB 2009 PG 35                        |
| ③ TMP 77-9 DONALD S BATTEN DB 771 PG 381                           | ⑪ TMP 25A-116.13 RAYMOND & REMEDIOS PEPPER DB 1168 PG 343 | ⑲ TMP 26-45.13 MICHELLE KISLUK DB 2009 PG 433                 |
| ④ TMP 77-9A ASTEC PARTNERSHIP DB NO INFO                           | ⑫ TMP 25A-116.14 KENNETH & KIMBERLY BASCO DB 2008 PG 3814 | ⑳ TMP 26-45 E & ERIN RALSTON TRUST DB 1121 PG 643             |
| ⑤ TMP 77-2C EDGECOMB'S IMPORTED AUTO SALES DB 2423 PG 374          | ⑬ TMP 25A-116.15 MATTHEW & KIMBERLY SMYTH OB 2008 PG 4094 | ㉑ TMP 26-67 CHARLES & KENDALL YOUNG DB 351 PG 103             |
| ⑥ TMP 76M2-01-D WILLOUGHBY PROPERTY ASSOCIATION INC DB 3814 PG 193 | ⑭ TMP 25A-37.1 JOHN & PATRICIA LLOYD DB 1176 PG 724       | ㉒ TMP 26-68 CITY OF CHARLOTTEVILLE DB 325 PG 103              |
| ⑦ TMP 76M2-01-A WILLOUGHBY PROPERTY ASSOCIATION INC DB 861 PG 422  | ⑮ TMP 25A-39.1 CLARICE FITCH & MARY WAYTES DB NO INFO     | ㉓ TMP 59-371 MOUNTAIN VIEW MOBILE HOME PARK LLC DB 795 PG 573 |
| ⑧ TMP 25A-41B SOUTHERN DEVELOPMENT GROUP DB NO INFO                | ⑯ TMP 25A-38 GLENN FITCH DB 290 PG 485                    |   |

LINE TABLE		
LINE	LENGTH	BEARING
L1	20.02	S 67°54'3" E
L2	19.65	S 08°40'15" E
L3	15.34	N 71°04'46" E
L4	28.87	N 78°32'35" E
L5	36.31	N 85°55'03" E
L6	128.75	S 86°44'38" E
L7	123.75	S 57°58'32" E
L8	29.53	S 45°07'34" E
L9	53.27	S 48°42'07" E
L10	72.52	S 78°12'08" W
L11	60.23	S 79°30'48" W
L12	45.18	N 70°09'22" W
L13	69.29	N 77°38'17" W
L14	68.76	N 48°16'50" W
L15	71.22	N 14°38'53" W
L16	43.17	N 57°29'21" W
L17	25.15	N 50°05'44" W

**Dominion Engineering**   
 172 South Patrick Ave  
 Charlottesville, VA 22911  
 434.278.1451  
 Dominion.com

COMMONWEALTH OF VIRGINIA  
 LAND SURVEYOR  
 KRISTOPHER C. WINTERS  
 No. 2492

REVISIONS:	NO.	DESCRIPTION	DATE
	1	REVISED BOUNDARY LINE	3-15-12

CHECKED BY: KCV  
 DRAWN BY: BRVDEEG  
 SCALE: 1"=100'

ALTA/ASCM SURVEY OF  
**HARTMAN MILL**  
 SCOTTSVILLE DISTRICT, ALBEMARLE COUNTY, VA  
 MAP SHEET

PROJECT NO.: 120109

SHEET NO.:

**2**

2 OF 2

DATE: OCTOBER 25, 2012

*Prepared by Charlottesville City Attorney's Office  
P.O. Box 911, Charlottesville, VA 22902*

*Albemarle County Tax Map Parcel 77-8B (Avon Court)*

**This deed is exempt from state recordation taxes imposed by Virginia Code  
Sec. 58.1-801 pursuant to Virginia Code Sec. 58.1-811(A)(3).**

**THIS DEED OF EASEMENT** made this 26<sup>th</sup> day of September,  
2013, by and between **AVON COURT HOLDINGS, LLC**, a Virginia limited liability  
company, Grantor; and the **CITY OF CHARLOTTESVILLE, VIRGINIA** ("City"), a  
municipal corporation, P.O. Box 911, Charlottesville, Virginia 22902, Grantee.

**WITNESSETH:**

**WHEREAS**, the City is the contract-purchaser of a parcel of land, approximately 20.31  
acres, more or less, designated as Parcel 7 on the current Albemarle County Tax Map 77 (located  
near Hartman's Mill Road), hereinafter referred to as the "Hartman's Mill Land"; and

**WHEREAS**, Avon Court Holdings, LLC is the owner of a parcel of land designated as  
Parcel 8B on the current Albemarle County Tax Map 77, hereinafter referred to as the "Avon  
Court Land"; and

**WHEREAS**, there is no established roadway to provide public access to the Hartman's  
Mill Land from either Avon Court or Hartman's Mill Road at this time, but Avon Court  
Holdings, LLC has agreed to grant to the City a permanent access easement across its property;

**NOW, THEREFORE**, for and in consideration of the sum of ONE DOLLAR AND  
00/100 (\$1.00), receipt of which is hereby acknowledged, Grantor does hereby GRANT and  
CONVEY unto the City the following described public access easement and right of way:

Perpetual easement and right-of-way, thirty feet (30') in width, to construct, replace, maintain, and repair a vehicular and pedestrian access roadway, shown and labeled "New 30' Access Easement" on a plat made by Dominion Engineering, dated August 15, 2013, revised September 19, 2013, which plat is attached hereto and made a part of this deed.

Said perpetual easement and right-of-way cross a portion of the property conveyed to Grantor by deed dated May 12, 2006, of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 3211, Pages 589-591. Reference is hereby made to the aforesaid deed for a more complete description of the property over which this easement and right-of-way cross.

The conveyance of the perpetual easement and right-of-way includes the perpetual right of ingress and egress within the easement area for the purpose of providing public access, both pedestrian and vehicular, to the City recreational area to be established on the Hartman's Mill Land.

Covenants of Grantee (City)

1. The City will pay all costs of constructing the 30' wide gravel access road, which will begin at the juncture of Avon Court and Grantor's property and run approximately 125 feet to the boundary of the Hartman's Mill Land. At no time shall the City be obligated to improve the access road to street standards required for acceptance as a public street; provided, however, City and Avon Court Holdings LLC, or its successor in title or assigns, may agree in the future to road improvements which mutually benefit both parties.
2. The City intends to use the Hartman's Mill Land as public parkland, which may include but not be limited to, greenbelt trails, benches and picnic tables, gates, fences,



and signage. If for any reason the City ceases to use the Hartman's Mill Land for park or recreational purposes over a continuous one (1) year period of time, and the current owner of the Avon Court Land has not given written consent for such action, then this perpetual easement shall automatically terminate.

3. The City shall be responsible for the cost of obtaining any permits, if necessary, from the County of Albemarle for road construction. Grantor agrees to cooperate with the City in obtaining any necessary permits for the construction of the access road.
4. The City shall be solely responsible for maintenance and repair of the access road when the City, in its sole discretion, determines that maintenance or repair is necessary for the public to safely travel the access road. The City may temporarily close the access road during periods when the park is not open to the public, during unsafe weather conditions, or for any other reason.
5. Upon written request by Grantor, the City shall, within sixty (60) days of such request, relocate the access roadway to a mutually agreeable location on the Avon Court Land. The relocation costs shall be borne by the City.

This perpetual easement shall run with the land and be binding upon the parties, its successors in title and assigns.

The City of Charlottesville, acting by and through its City Attorney, the City official designated by the City Manager pursuant to authority granted by resolution of the City Council of the City of Charlottesville, does hereby accept the conveyance of this easement, pursuant to Virginia Code Sec. 15.2-1803, as evidenced by the City Attorney's signature hereto and the City's recordation of this deed.

Accepted by:

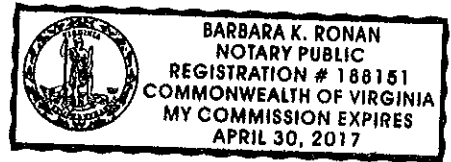
**CITY OF CHARLOTTESVILLE, VIRGINIA**

*S. Craig Brown* (SEAL)  
S. Craig Brown, City Attorney

COMMONWEALTH OF VIRGINIA  
City of Charlottesville

The foregoing was acknowledged before me on this 26<sup>th</sup> day of September, 2013, by S. Craig Brown, City Attorney, on behalf of the City of Charlottesville, Virginia.

*Barbara K. Ronan*  
Notary Public  
Registration #: 188151



WITNESS the following signatures and seals.

Grantor:

AVON COURT HOLDINGS, LLC

By:  (SEAL)

Title:  Vice-President

COMMONWEALTH OF VIRGINIA

City/County of Charlottesville

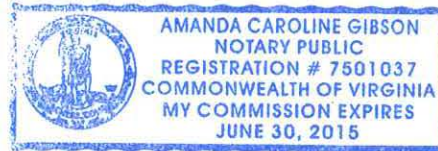
The foregoing was acknowledged before me on this 17<sup>th</sup> day of December, 2013, by Andrew J. Dondero, on behalf of Avon Court Holdings, LLC.



Notary Public

Registration #: 7501037

My commission expires: June 30, 2015

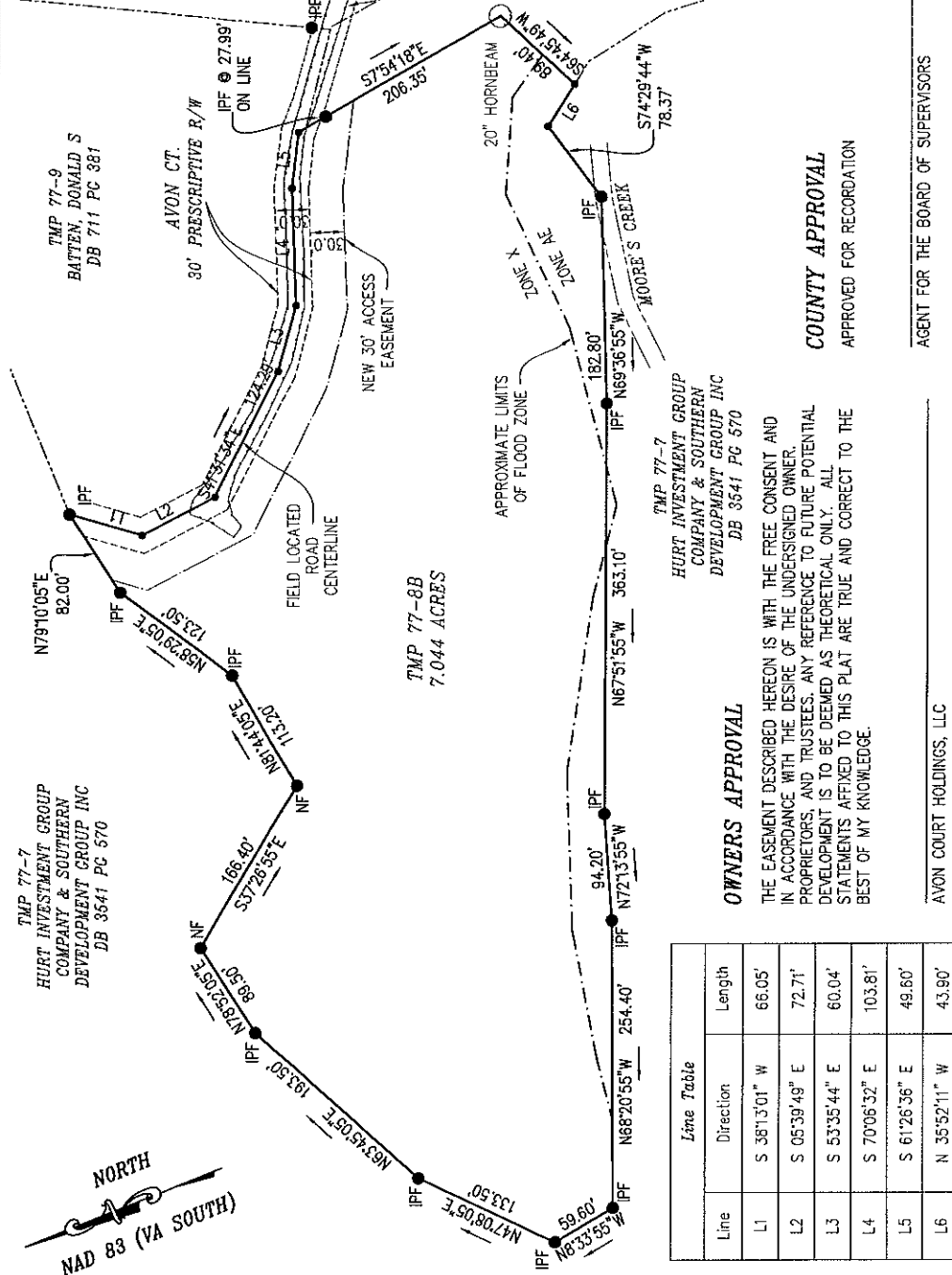


*[This space intentionally left blank]*

**NOTES:**

1. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY SHOWN HEREON AND SAID PROPERTY MAY BE SUBJECT TO INFORMATION DISCLOSED ON A TITLE REPORT BY A LICENSED ATTORNEY.
2. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER THE DATE OF THIS PLAT USING MONUMENTS FOUND TO EXIST AT THE TIME OF THIS SURVEY. THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
3. A PORTION OF THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE "AE" FOR A 100 YEAR FLOOD AS SHOWN ON FEMA MAP NO. 51003C0288D. THIS DETERMINATION HAS BEEN MADE BY GRAPHIC METHODS. NO ELEVATION STUDY HAS BEEN PERFORMED AS A PORTION OF THIS PROJECT. APPROXIMATE LIMITS OF FLOOD ZONE "AE" ARE INDICATED ON ATTACHED MAP.

AREA PREVIOUSLY DEDICATED TO PUBLIC USE PER RECORD PLAT



**Line Table**

Line	Direction	Length
L1	S 38°13'01" W	66.05'
L2	S 05°39'48" E	72.71'
L3	S 53°35'44" E	60.04'
L4	S 70°06'32" E	103.81'
L5	S 61°26'36" E	49.60'
L6	N 35°52'11" W	43.90'

**OWNERS APPROVAL**

THE EASEMENT DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER, PROPRIETORS, AND TRUSTEES, ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED AS THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

AVON COURT HOLDINGS, LLC

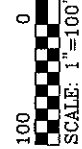
STATE OF VIRGINIA  
 COUNTY OF ALBEMARLE  
 TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME  
 THIS \_\_\_ DAY OF \_\_\_ 2013.

MY COMMISSION EXPIRES: \_\_\_\_\_ NO. \_\_\_\_\_

**COUNTY APPROVAL**

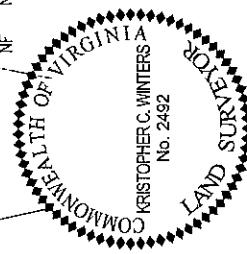
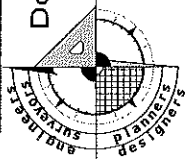
APPROVED FOR RECORDATION

AGENT FOR THE BOARD OF SUPERVISORS \_\_\_\_\_ DATE \_\_\_\_\_



**Dominion Engineering**

172 South Pandora Drive  
 Charlottesville, VA 22911  
 434.979.1651 | 6  
 dominioneng.com



**EASEMENT PLAT**

**TMP 77-8B**

SCOTTSDALE DISTRICT, ALBEMARLE COUNTY, VA  
 SHEET 1 of 1 DATE: AUGUST 15, 2013 REV. SEPTEMBER 19, 2013 PROJECT NO.: 12.0109  
 DRAWN BY: BRY CHKD BY: KCW

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



**Agenda Date:** January 21, 2014

**Action Required:** Approval of Resolution

**Presenter:** James E. Tolbert, A.I.C.P., Director of N.D.S.

**Staff Contacts:** James E. Tolbert, A.I.C.P., Director of N.D.S.  
Chris Engel, Economic Development Director

**Title:** **Water Street Extended Streetscaping Improvements - \$356,525**

**Background:** Several months ago the City Council asked staff to address two issues related to the extension of Water Street and construction in the area. The first request was to address parking lost on Meade Avenue due to trail construction by providing parking on the new portion of Water Street. The second was to provide street trees along Water Street and the new multi-use path along the railroad. Staff met with the Tree Commission, Bike/Ped. Committee and PLACE Design Task Force to discuss the issue prior to development of a plan. After plan development the drawings were presented to the three boards and were approved by each.

**Discussion:** To implement the project staff approached the developer of City Walk in an effort to coordinate the tree installation with the trail construction and to provide a wider Water Street for the parking. Talks were already in progress to provide fencing along the railroad tracks which was an obligation the City (C.E.D.A.) assumed when the property was acquired from the railroad. The developer gave a price to construct the improvements which was approximately 20% less than our estimates.

\$32,294.00	Added Trees.
\$132,010.00	Soil and Seeding.
\$148,479	Fencing.
\$101,038	Tree Grates and Frames.

\$21,350	Storm Drain Revisions.
\$6,970	Grading.
\$1,000	New Curb.
\$21,120	New fabric, stone and pavement.
<u>\$5,000</u>	Rock.
\$469,261	Subtotal.
<u>\$4,693</u>	Payment and Performance Bond (1%).
\$473,9544	Subtotal.
<u>\$28,437</u>	Overhead and Profit (6%).
\$502,391	Subtotal.
<u>\$2,613</u>	General Liability Insurance (.52%).
\$505,004	Grand Total.

The developer has agreed to construct the improvements for the City at a total cost of \$505,003. This will provide the additional 17 parking spaces, street trees, and fencing along the railroad. Work will be completed during the Spring of 2014. To pay for this work, funds are proposed to come from several sources and the money be allocated to C.E.D.A. to implement the project. C.E.D.A. will enter into an agreement with the developer to construct the improvements.

It is proposed that funding come from the following sources and that they be transferred to a new account to be paid to C.E.D.A.

P-00771	Michie Drive Signal	\$260,000.
P-00428	Trees	96,525.
	From Existing C.E.D.A. funds	<u>148,479.</u>
		\$505,004

C.E.D.A. will pay for the fence portion of the project due to an agreement with the C.S.X. railroad from the purchase of the property.

The actions at the January 21, 2014 meeting are to allocate the funds as shown above and to approve the transfer of funds to C.E.D.A.

**Alignment with City Council’s Vision and Priority Areas:** Approval of this agenda item aligns with the City Council visions to be a Green Community and a Smart

Citizen Focused Government.

**Citizen Engagement:** This matter has been discussed at several City Council meetings and at a joint PLACE, Tree Commission, and Bike/Ped Committee meeting.

**Budgetary Impact:** The total cost of the project is \$505,003.26. \$356,525 in previously appropriated City C.I.P. funds will be used for this project.

**Recommendation:** Staff recommends that the attached resolution be approved to transfer \$356,525 to C.E.D.A. to complete the Water Street improvements.

**Alternative:** City Council could decide for the City to bid the project and make the improvements without the involvement of the City Walk development.

**Attachments:** Drawings of Proposed Work

**RESOLUTION**

**Water Street Extended Streetscaping Improvement  
\$356,525**

**WHEREAS**, funding from current C.I.P. accounts is being transferred to the Charlottesville Economic Development Authority (C.E.D.A.) account to implement the Water Street project:

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia \$356,525 from current C.I.P. accounts is hereby transferred to the C.E.D.A. account in the following manner:

**Transfer From - \$356,525**

\$ 96,525	Fund 425	WBS: P-00428	G/L Account: 561974
\$260,000	Fund: 426	WBS: P-00771	G/L Account: 561974

**Transfer To – 356,525**

Fund: 974	Cost Center 7101001000	G/L Account: 498010
Fund: 974	Cost Center 7101001000	G/L Account: 599999



**A RESOLUTION  
AUTHORIZING THE CITY MANAGER TO EXECUTE A  
FUNDING AGREEMENT BETWEEN THE CITY OF CHARLOTTESVILLE AND  
THE CHARLOTTESVILLE ECONOMIC DEVELOPMENT AUTHORITY FOR  
STREETSCAPE IMPROVEMENTS ON WATER STREET EXTENDED**

**WHEREAS**, Water Street Extended is currently under construction by the developer of the City Walk project; and,

**WHEREAS**, the City Council desires (1) a wider Water Street Extended in order to provide for additional on-street parking to compensate for the loss of parking on Meade Avenue due to trail construction, and (2) the planting of street trees along Water Street and the multi-use path along the railroad; and,

**WHEREAS**, the Charlottesville Economic Development Authority (“CEDA”) has been in discussion with the developer of City Walk regarding the installation of a fence along the railroad tracks, which is an existing contractual obligation of CEDA; and,

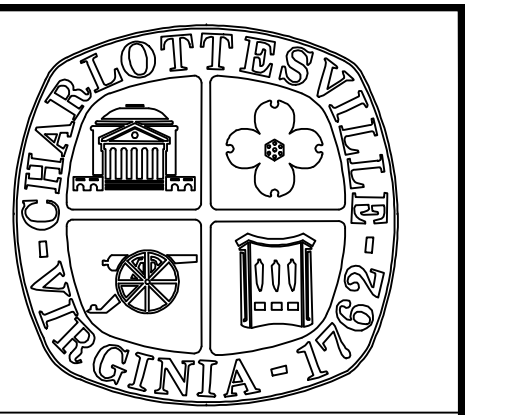
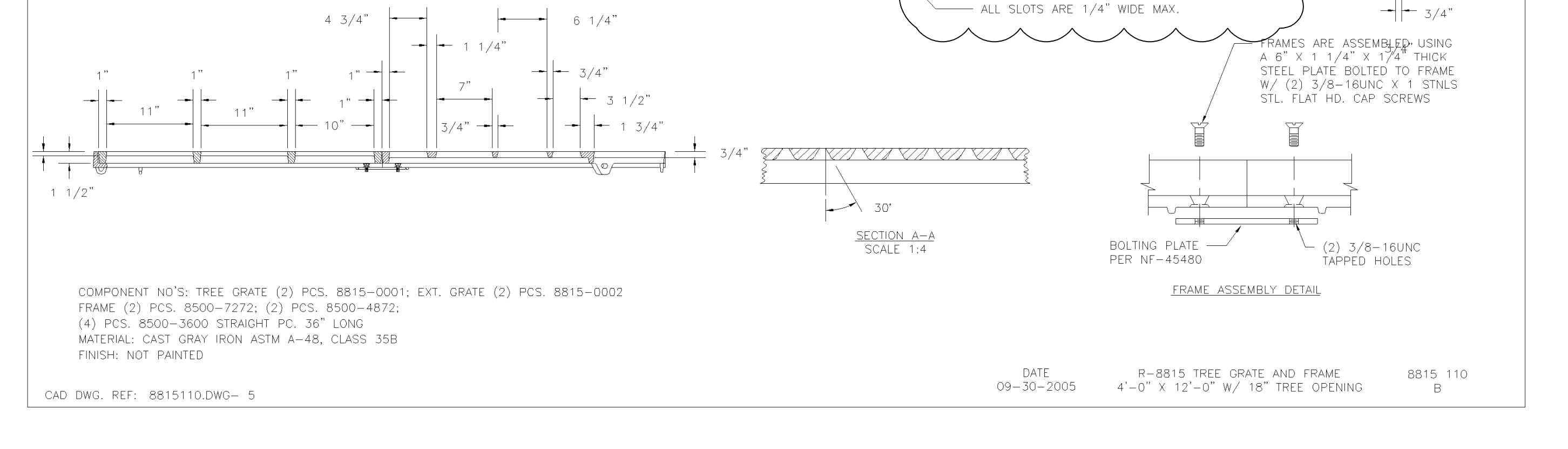
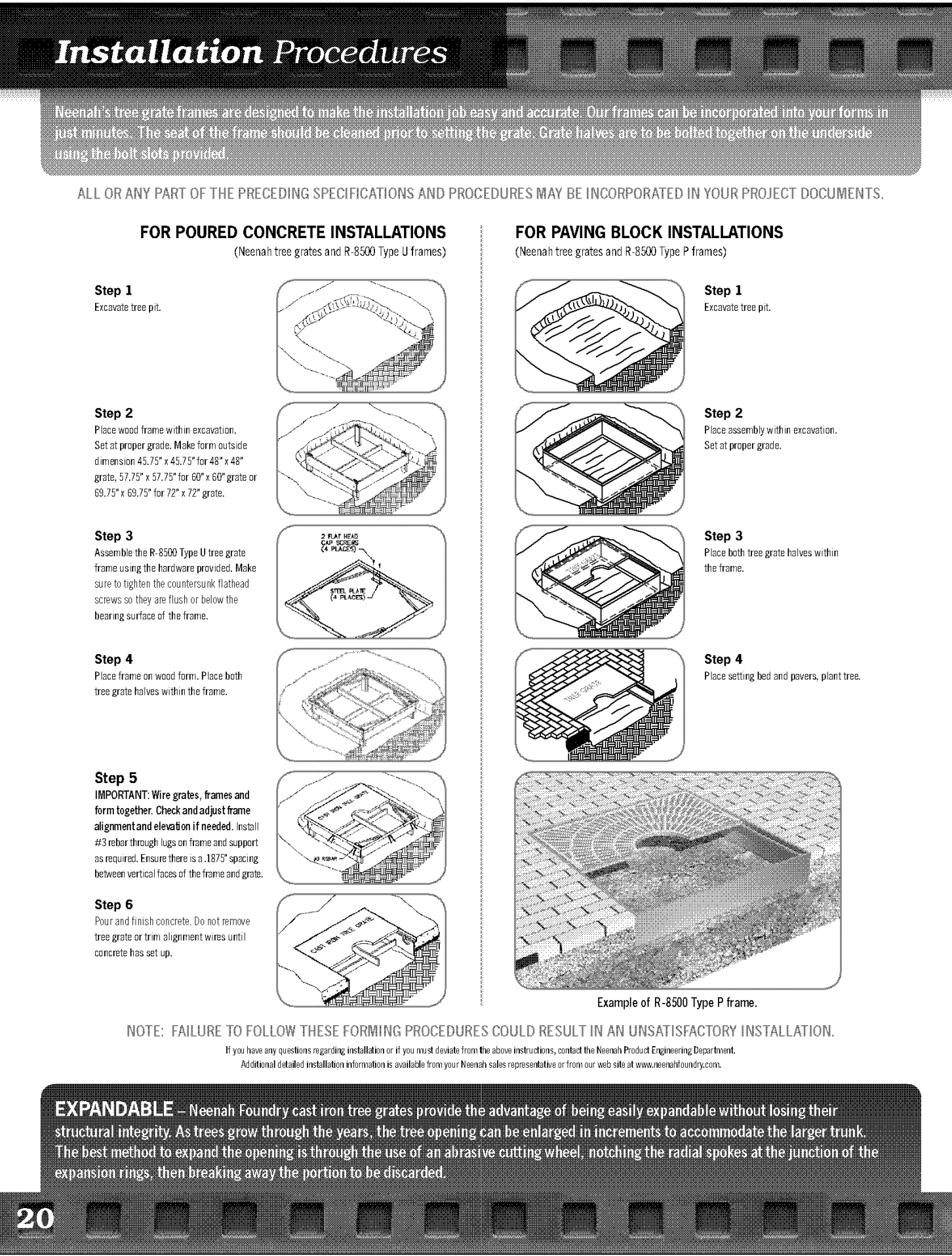
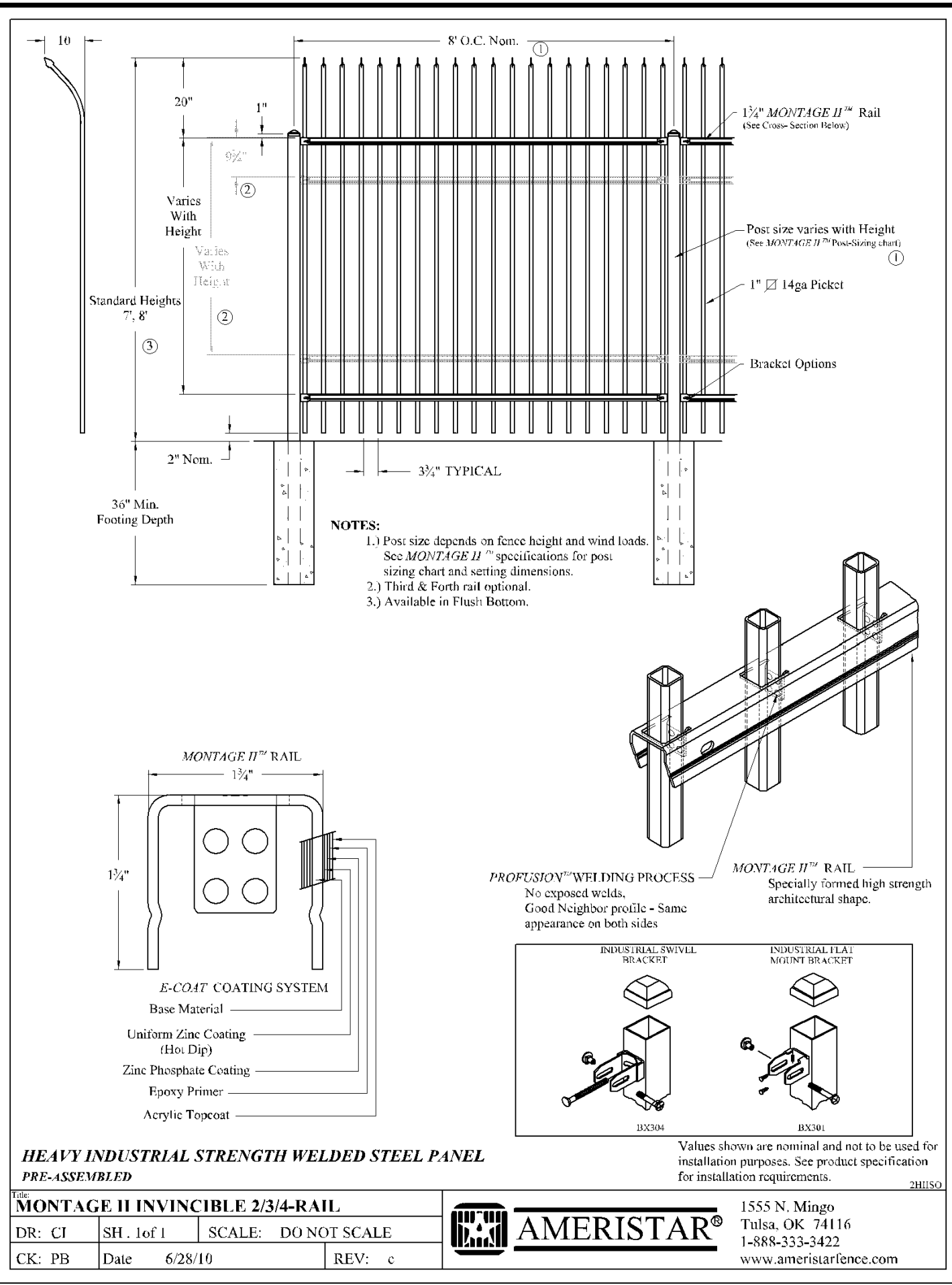
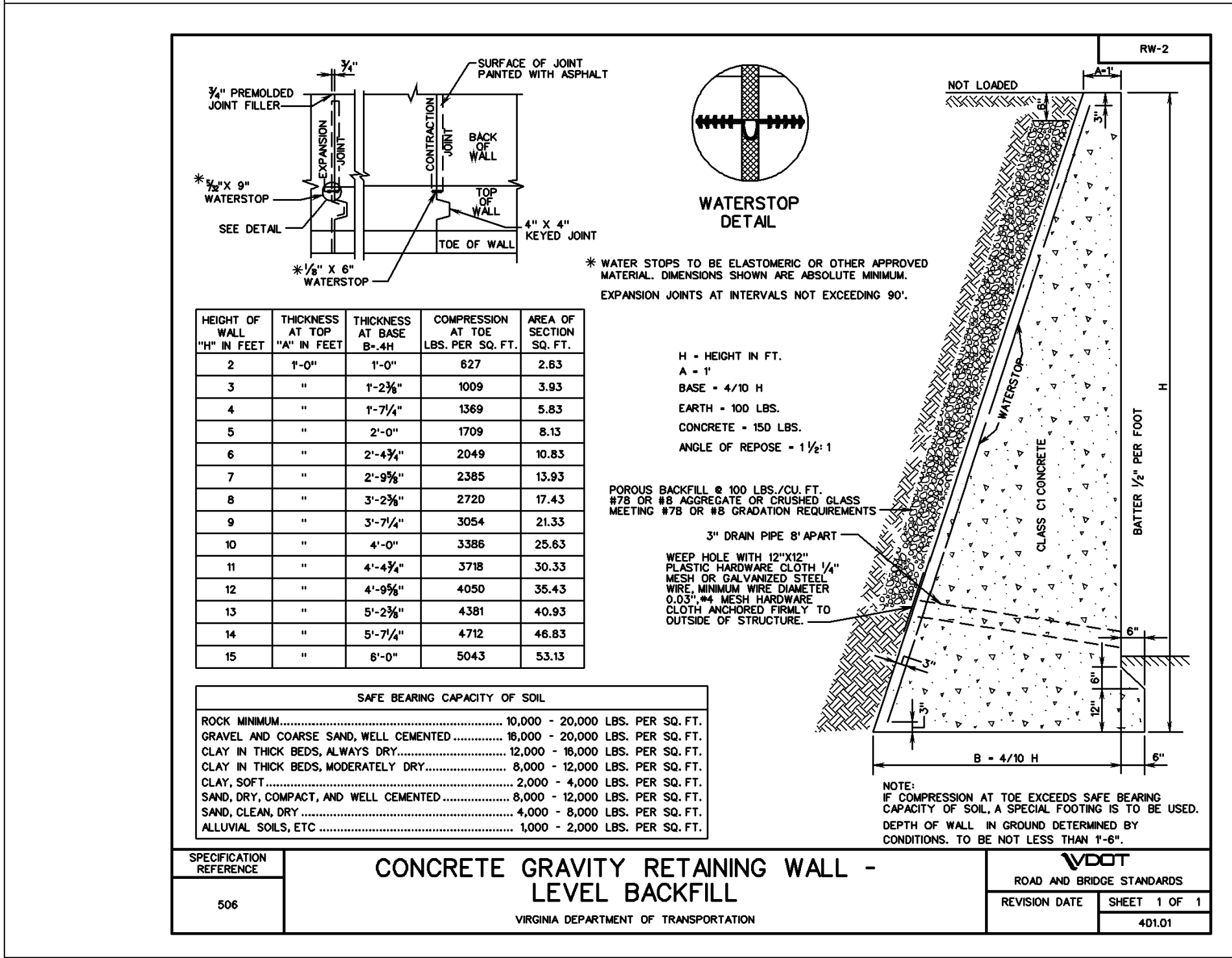
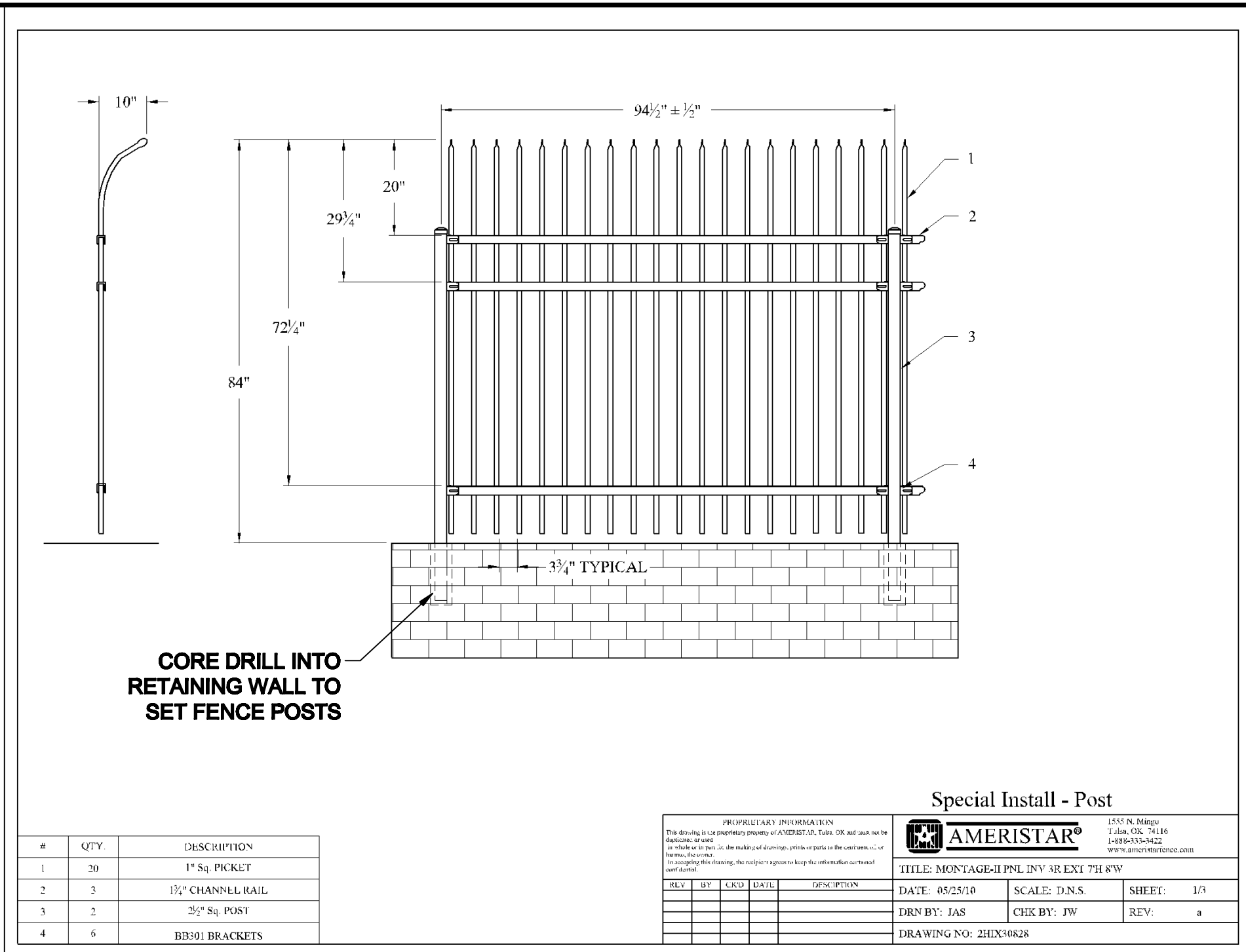
**WHEREAS**, CEDA and the City Walk developer have agreed in principle to enter into an agreement that provides for the funding and construction of the additional on-street parking and street trees as desired by the City Council, as well as the aforementioned fence; and,

**WHEREAS**, the City is willing to provide CEDA with funding in the amount of \$356,525 to pay for the installation of the parking spaces and the street trees, subject to the execution of an agreement between CEDA and the developer of City Walk.

**NOW, THEREFORE, BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the City Manager is authorized to execute, in form approved by the City Attorney, a Funding Agreement between the City and CEDA in the amount of \$356,525 for the parking and streetscape improvements described herein. The Agreement will provide that funds will be transferred to CEDA upon the execution of an agreement between CEDA and the developer of City Walk for the construction of the improvements.

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NEIGHBORHOOD DEVELOPMENT SERVICES  
 ENGINEERING DIVISION  
 CITY OF CHARLOTTESVILLE  
 VIRGINIA  
 610 EAST MARKET ST. CITY HALL  
 CHARLOTTESVILLE, VA 22902  
 PH: 434.970.3182 FAX: 434.970.3359

TITLE:  
 CITY WALK  
 PRELIMINARY  
 PLAN FOR:  
 STREETScape  
 AND PARKING  
 IMPROVEMENTS

TITLE:  
 DETAILS

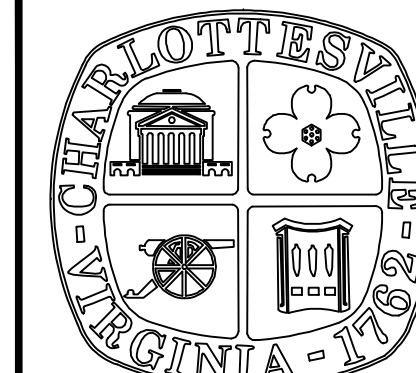
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DRAWN	MOS
DATE	10/1/2013
SCALE	N/A
SHEET	C4.0

PRELIMINARY.  
 FOR ESTIMATING  
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NEIGHBORHOOD DEVELOPMENT SERVICES  
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 CITY OF CHARLOTTESVILLE  
 VIRGINIA

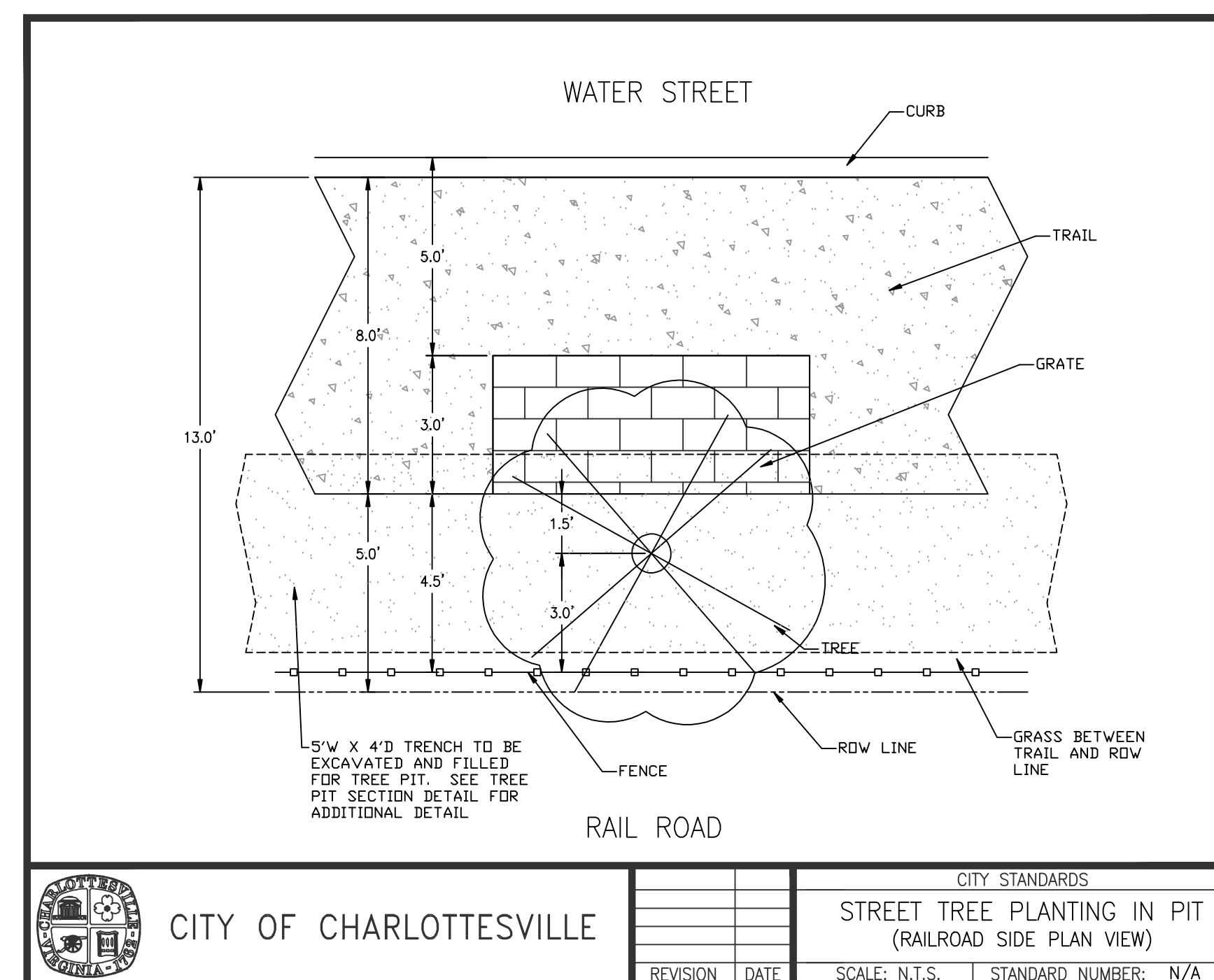
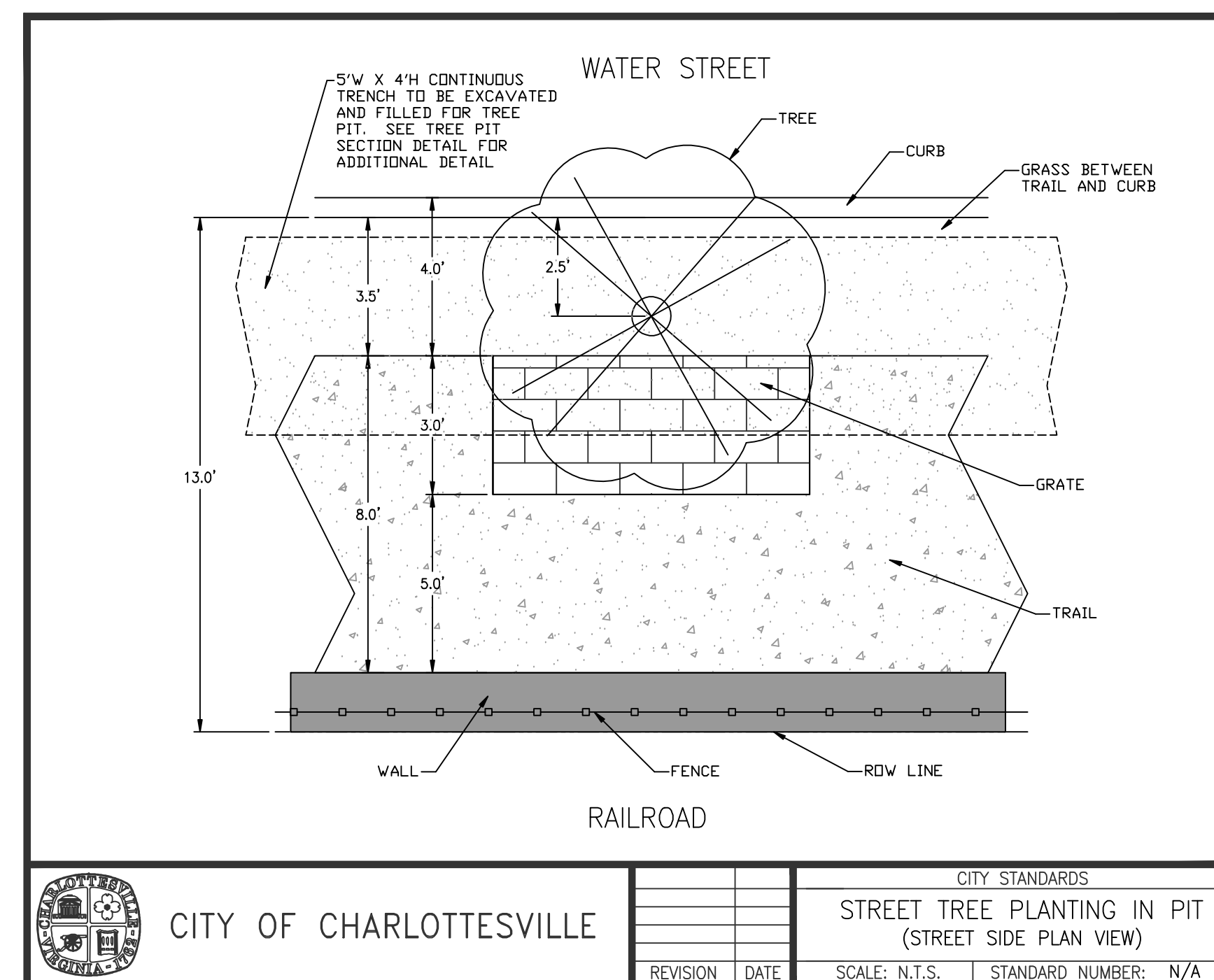
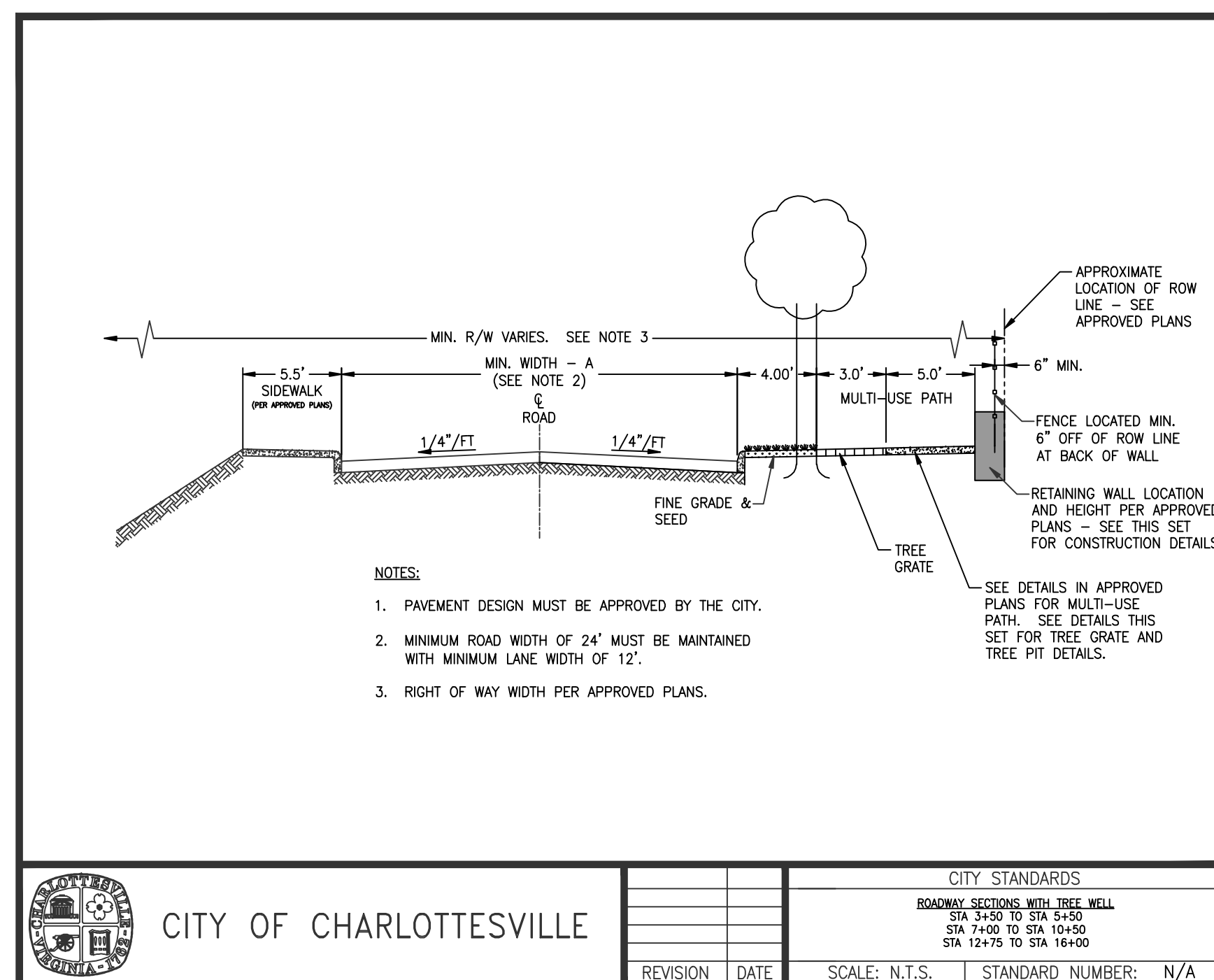
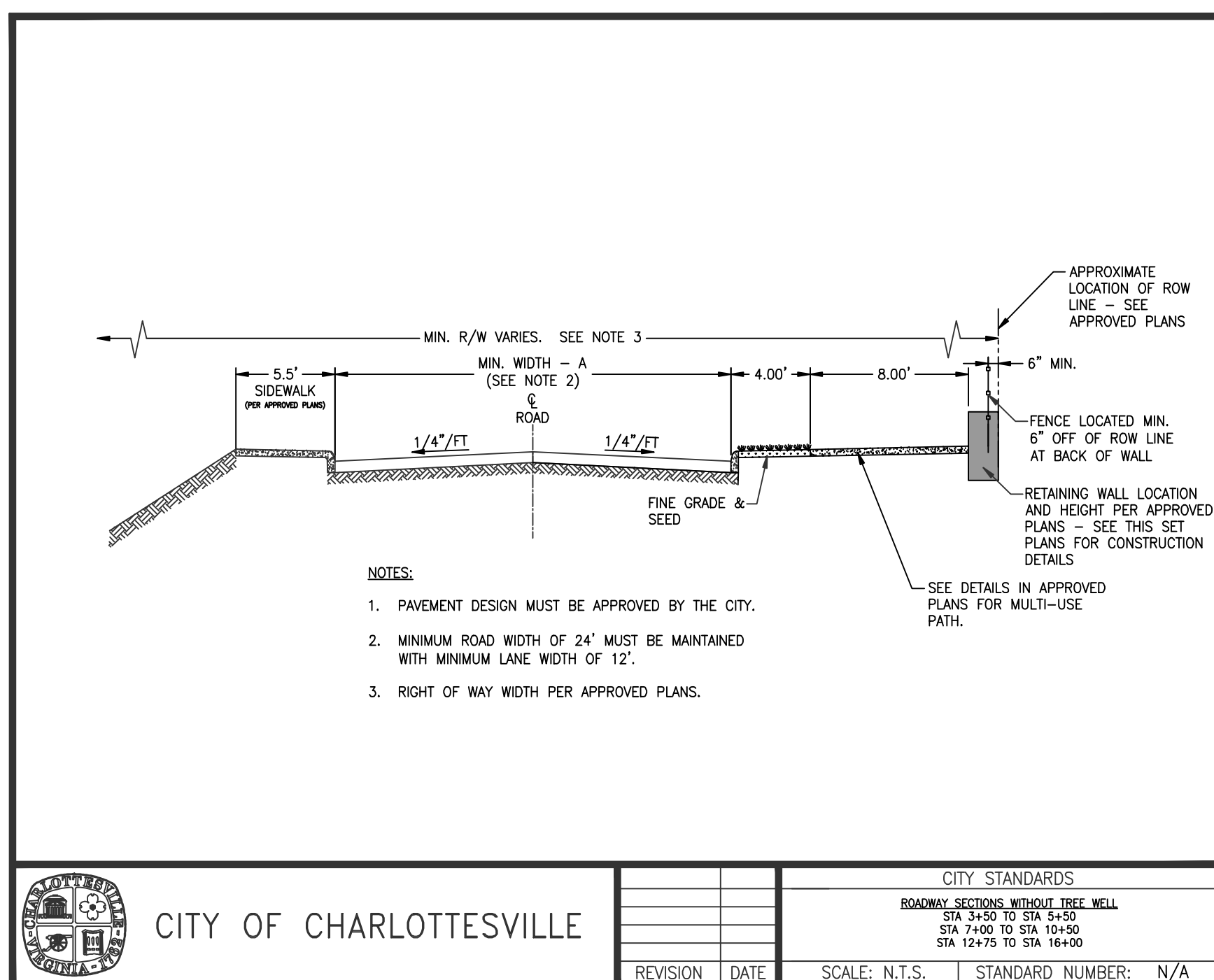
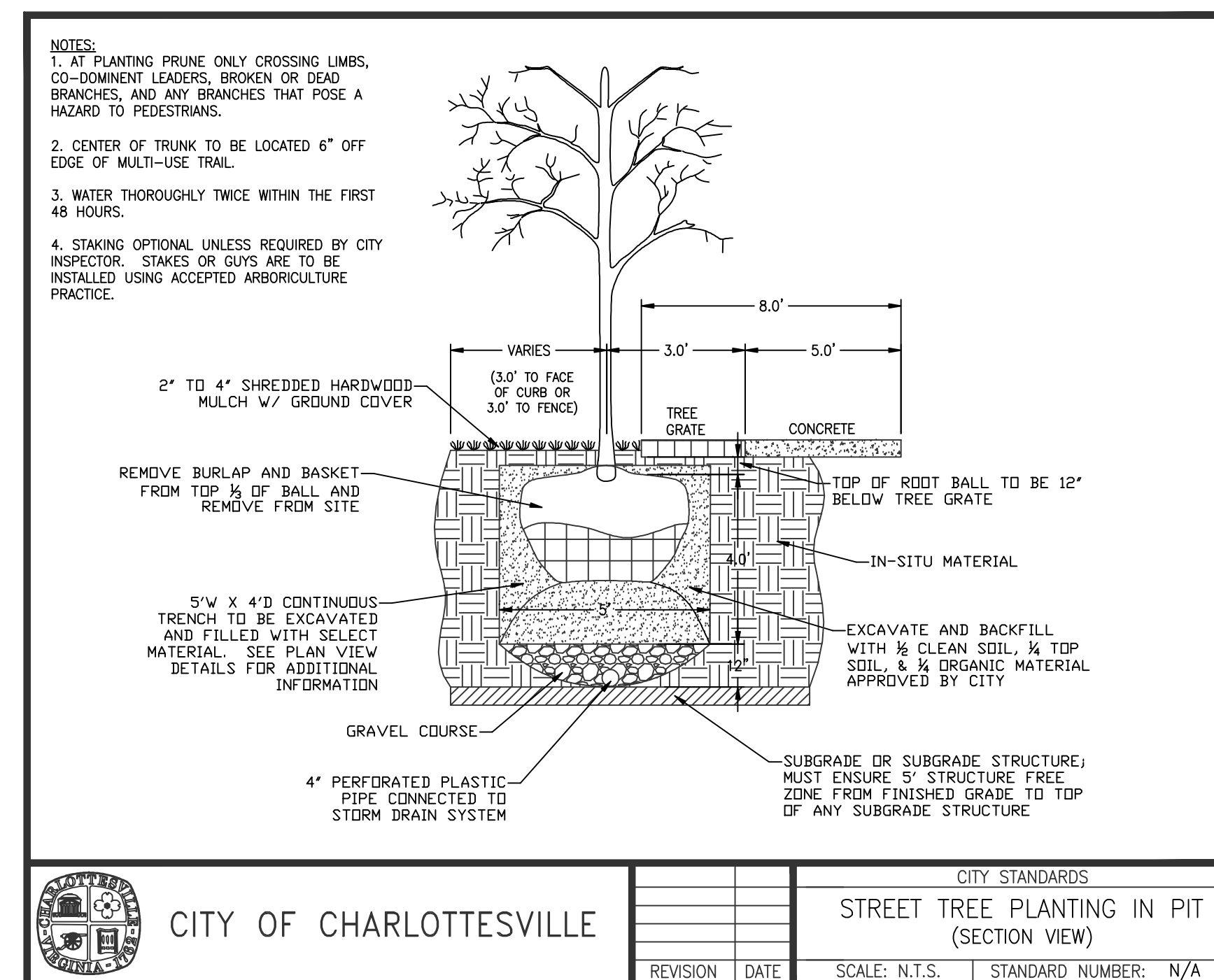
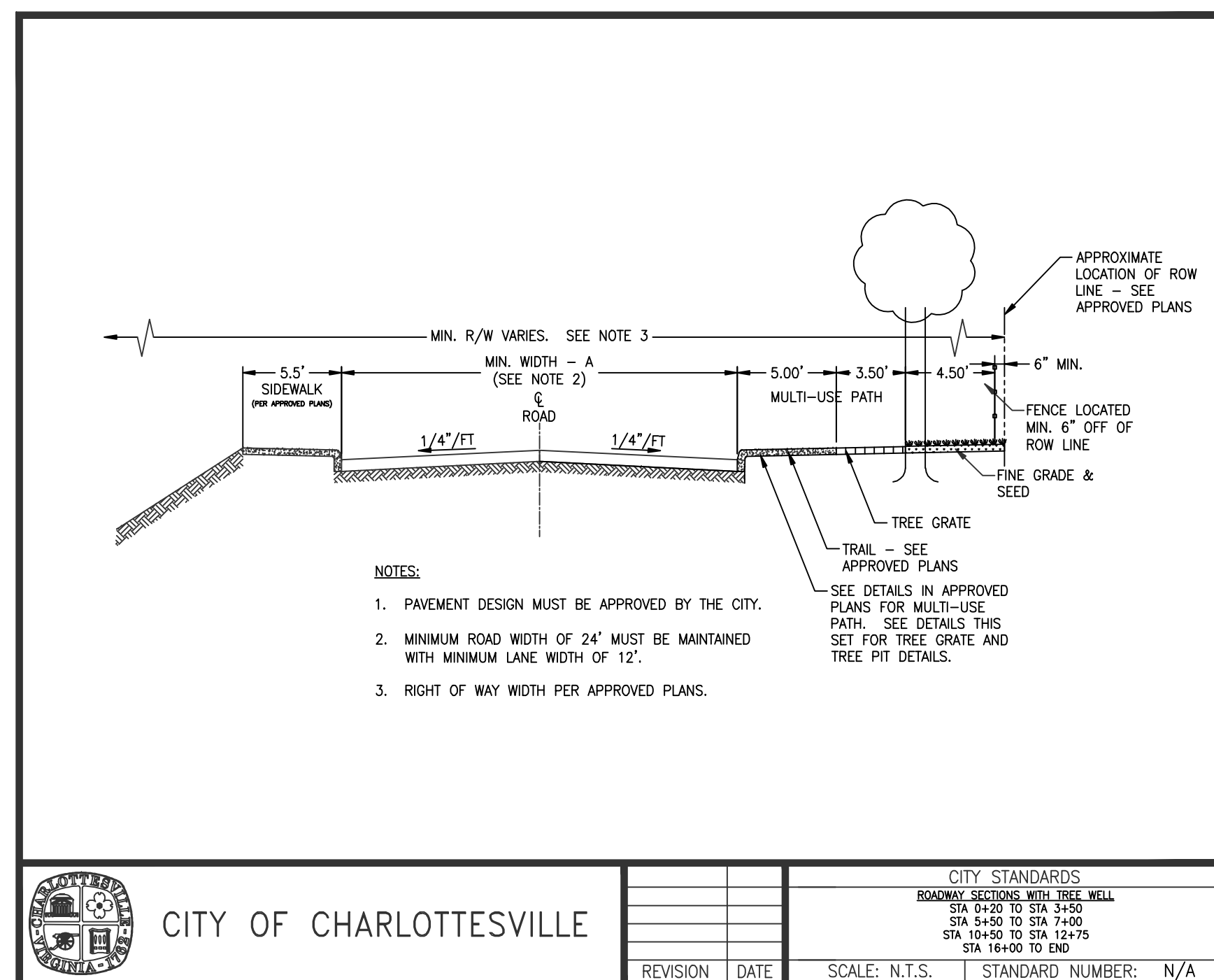
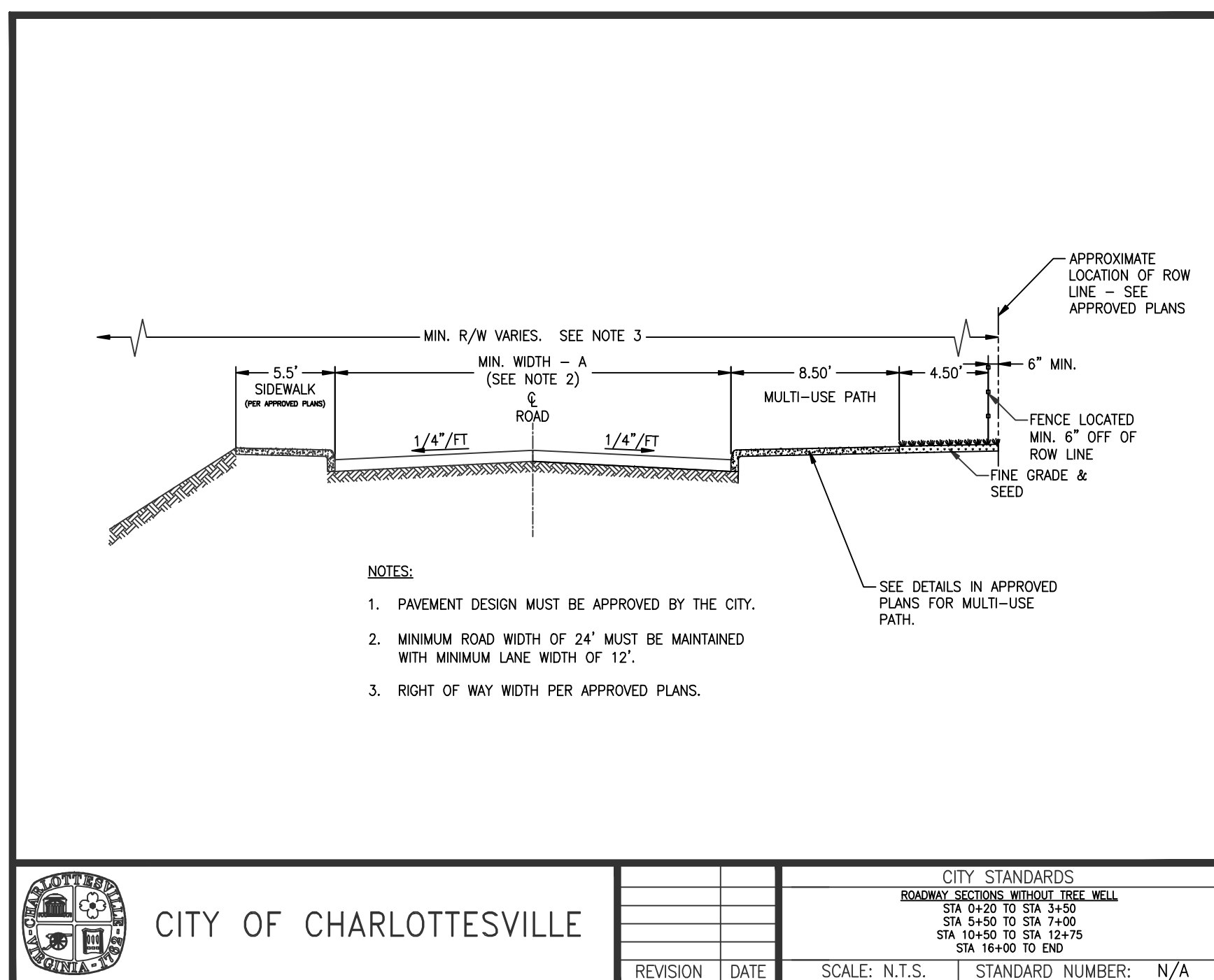
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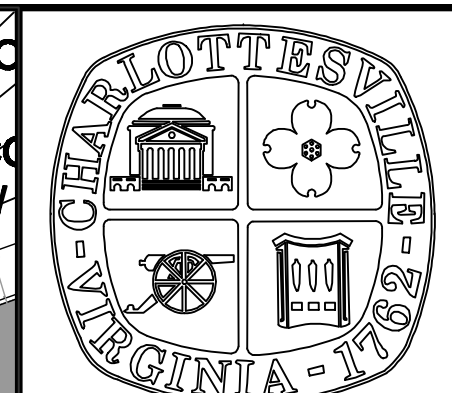
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 DESIGN MOS  
 DRAWN MOS  
 DATE 10/1/2013  
 SCALE N/A  
 SHEET C3.0



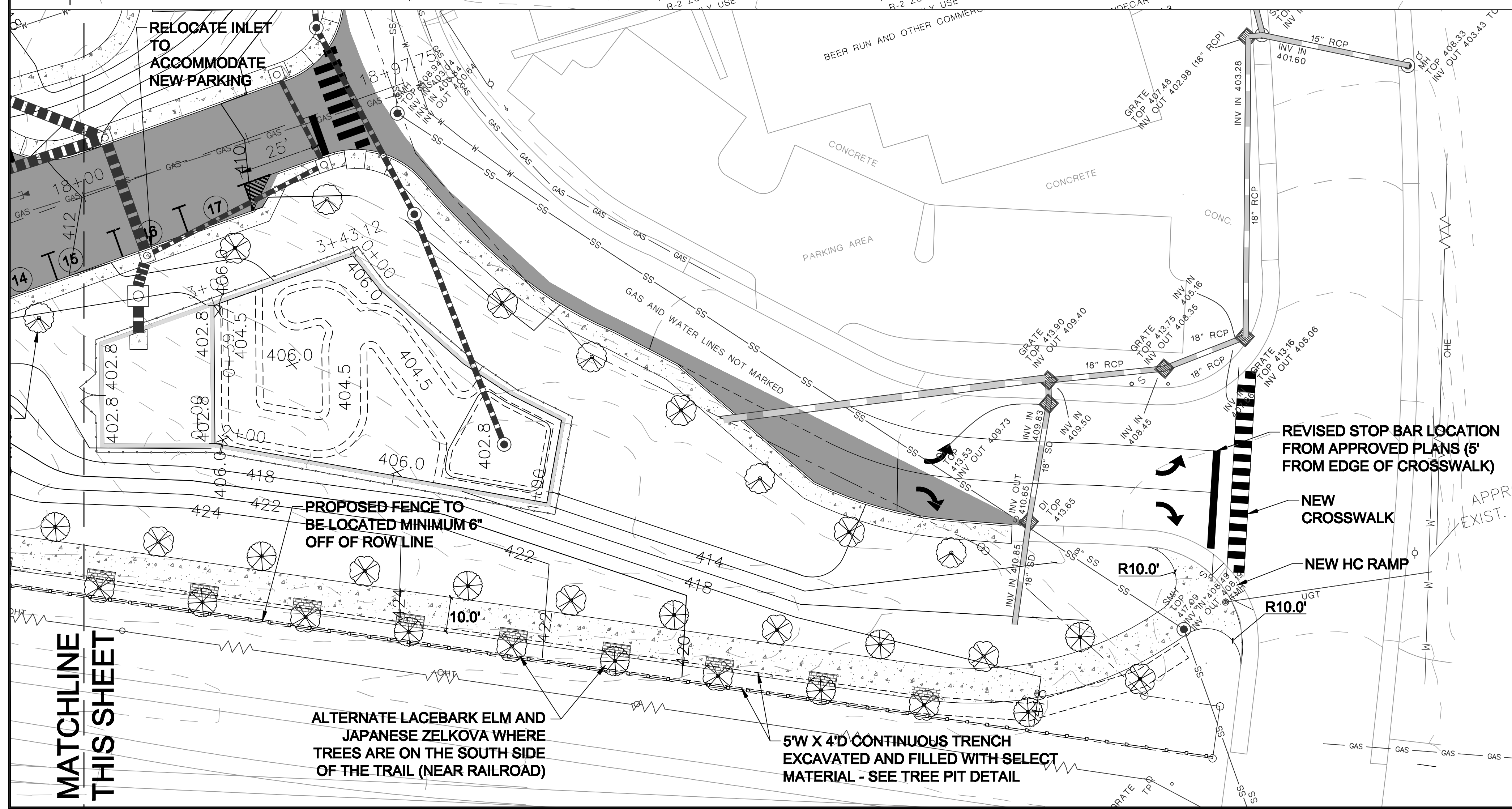
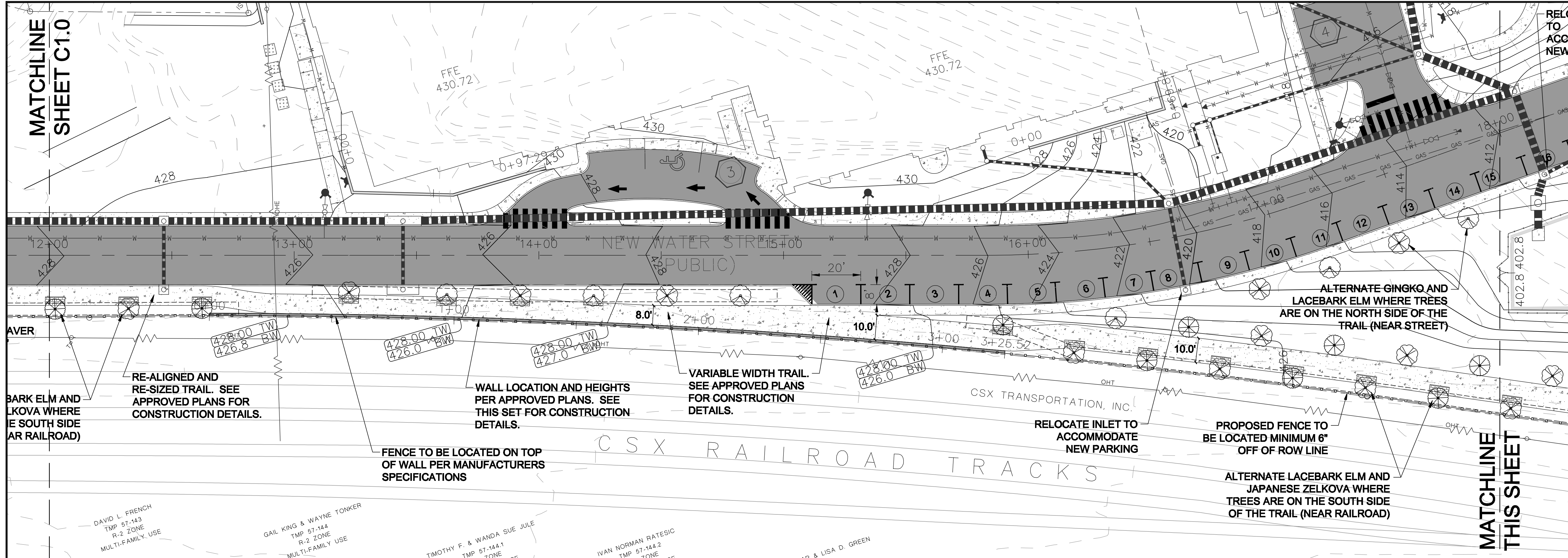
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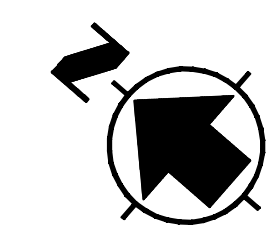
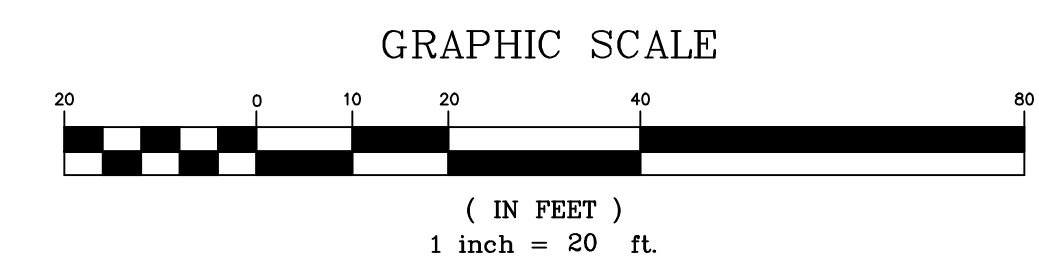
**PLANT LIST**

QTY	KEY	GENUS	SPECIES	VARIETY	COMMON NAME	HEIGHT	CALIPER	REMARKS
18	Gb	Ginkgo	biloba	Autumn Gold	Ginkgo	8' - 12'	1.5" - 1.75"	Male trees only
44	Up	Ulmus	parvifolia	Athena	Chinese Lacbark Elm	10' - 12'	2"	Use 'Ailee' as alternate var.
27	Zs	Zelkova	serrata	Spring Grove	Japanese Zelkova	10' - 12'	2"	Use 'Village Green' as alternate var.

**NOTES**

- ALL PROTECTION AND PRESERVATION MEASURES FOR EXISTING VEGETATION, INCLUDING MAINTENANCE SHALL BE APPROVED BY THE CITY ARBORIST IN-FIELD PRIOR TO COMMENCEMENT OF ANY SITE DISTURBING ACTIVITY.
- SPECIFICATION FOR ALL PLANTINGS SHALL BE IN ACCORDANCE WITH THE CURRENT AND MOST UP TO DATE EDITION OF ANSI-Z60.1, THE AMERICAN STANDARD FOR NURSERY STOCK AS PRODUCED BY THE AMERICAN ASSOCIATION OF NURSERYMEN; WASHINGTON, DC.
- IN LIEU OF MORE STRENUOUS SPECIFICATIONS, ALL LANDSCAPE RELATED WORK SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CURRENT AND MOST UP TO DATE EDITION (AT TIME OF CONSTRUCTION) OF LANDSCAPE SPECIFICATION GUIDELINES AS PRODUCED BY THE LANDSCAPE CONTRACTORS ASSOCIATION OF MARYLAND, DISTRICT OF COLUMBIA AND VIRGINIA; GAITHERSBURG, MD.
- PRIOR TO COMMENCEMENT OF LANDSCAPE INSTALLATION/PLANTING OPERATIONS, A PRE INSTALLATION/CONSTRUCTION MEETING WILL BE SCHEDULED WITH THE CITY'S ARBORIST AND PLANNING AND ZONING LANDSCAPE ARCHITECTS TO REVIEW THE SCOPE OF INSTALLATION PROCEDURES AND PROCESSES.
- MAINTENANCE FOR THIS PROJECT SHALL BE PERFORMED IN PERPETUITY, IN COMPLIANCE WITH CITY OF CHARLOTTESVILLE LANDSCAPE GUIDELINES AND/OR AS CONDITIONED BY PROJECT APPROVAL.
- AS-BUILT DRAWINGS FOR THIS LANDSCAPE PLAN WILL BE PROVIDED IN COMPLIANCE WITH CITY OF CHARLOTTESVILLE LANDSCAPE GUIDELINES. AS-BUILT DRAWINGS SHALL INCLUDE CLEAR IDENTIFICATION OF ALL VARIATION(S) AND CHANGES FROM APPROVED DRAWINGS INCLUDING LOCATION, QUANTITY AND SPECIFICATION OF ALL PROJECT ELEMENTS.
- ALL SITE PLANTINGS OF TREES AND SHRUBS SHALL BE ALLOWED TO REACH, AND BE MAINTAINED AT, MATURE HEIGHT; THE TOPPING OF TREES IS PROHIBITED. TREES SHALL BE PRUNED MINIMALLY AND ONLY TO SUPPORT THE OVERALL HEALTH OF THE PLANT.

**PRELIMINARY.  
 FOR ESTIMATING  
 PURPOSED ONLY.**



TITLE:  
 CITY WALK  
 PRELIMINARY  
 PLAN FOR:  
 STREETScape  
 AND PARKING  
 IMPROVEMENTS

TITLE:  
 PROPOSED  
 CONDITIONS

REVISIONS:  
 DATE DESCRIPTION

SURVEY LINCOLN  
 DESIGN MOS  
 DRAWN MOS  
 DATE 10/1/2013  
 SCALE 1" = 20'  
 SHEET C2.0

MATCHLINE  
 SHEET C1.0

MATCHLINE  
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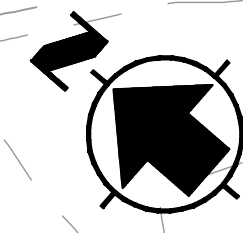
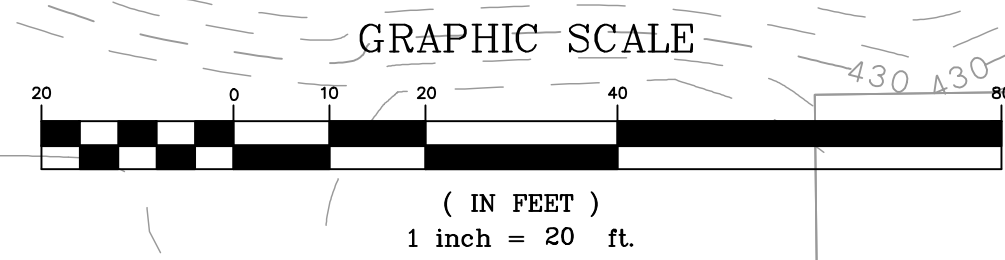
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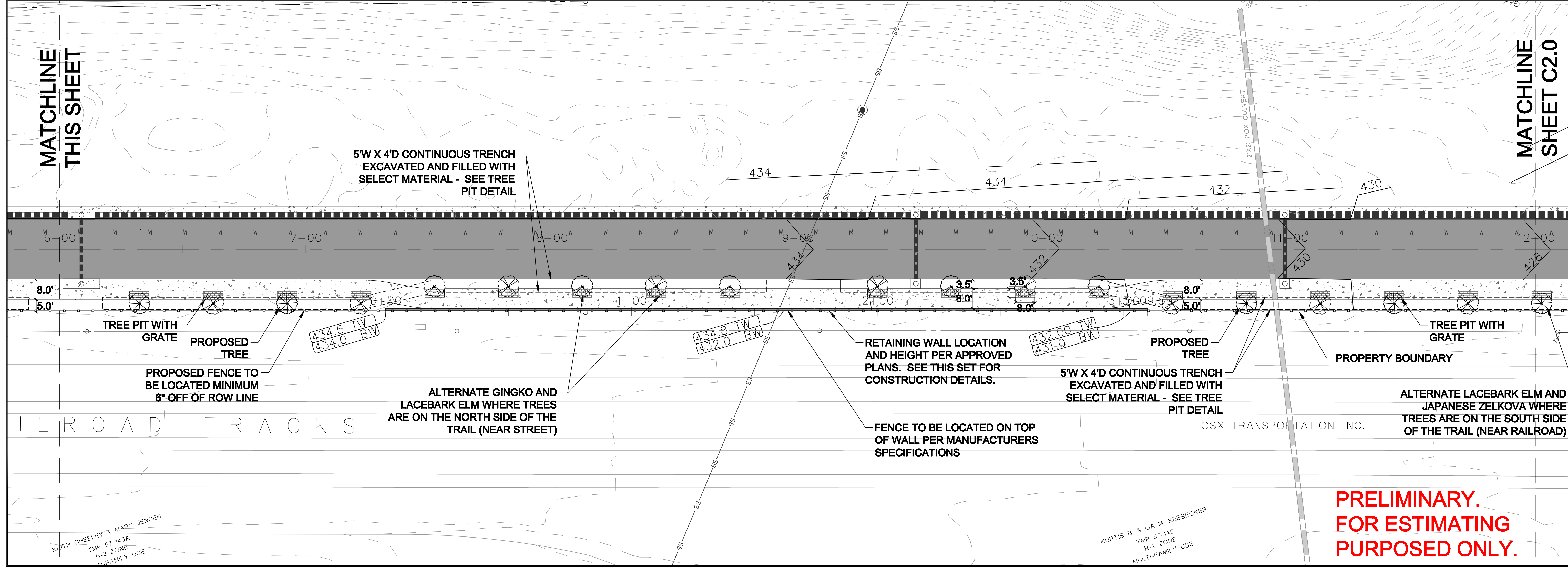
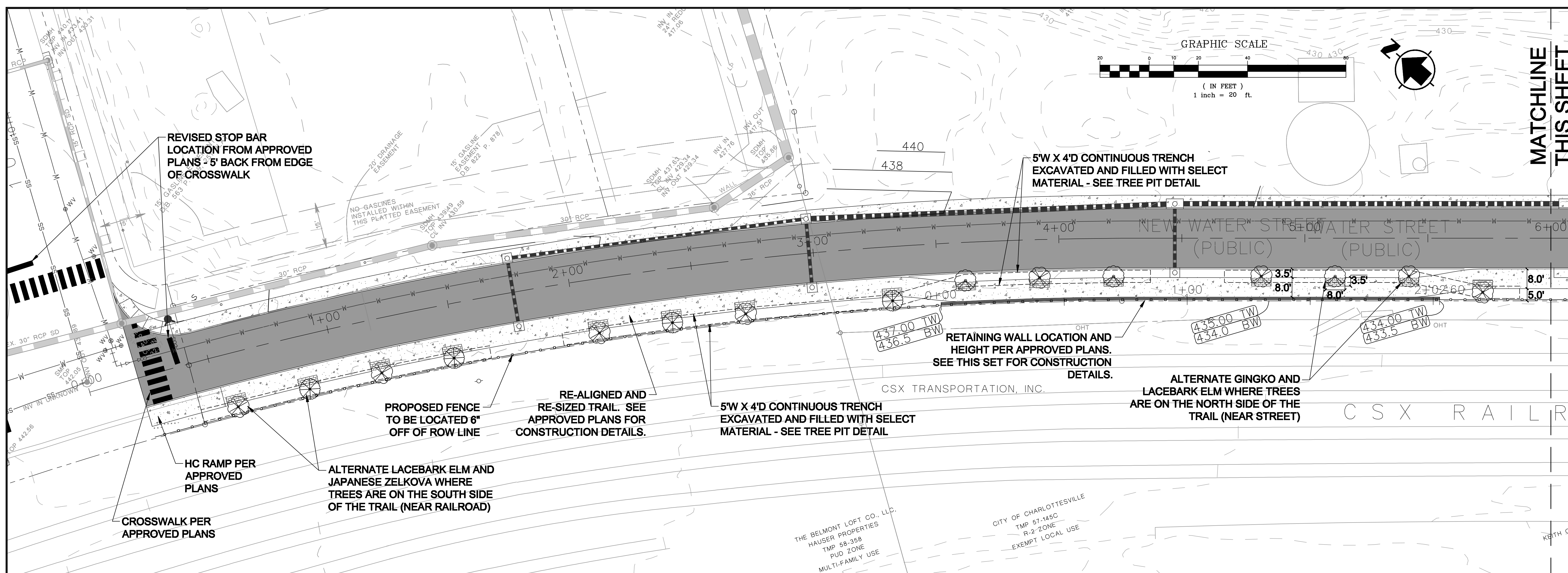


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MATCHLINE  
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IMPROVEMENTS

TITLE:  
PROPOSED  
CONDITIONS

REVISIONS:  
DATE DESCRIPTION

SURVEY	LINCOLN
DESIGN	MOS
DRAWN	MOS
DATE	10/1/2013
SCALE	1" = 20'
SHEET	C1.0

KEITH CHEELEY & MARY JENSEN  
 TMP 57-145A  
 R-2 ZONE  
 MULTI-FAMILY USE

KURTIS B. & LIA M. KEESECKER  
 TMP 57-145  
 R-2 ZONE  
 MULTI-FAMILY USE



**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date: *January 21, 2014*

Action Required: *Update*

Presenters: *David Ellis*

Staff Contacts: *David Ellis, Assistant City Manager*

**Title:** *Healthy Eating Active Living (HEAL) Update*

**Background:**

On June 3, 2013 City Council adopted the Healthy Eating Active Listening Resolution (HEAL) which promotes a healthier lifestyle for residents by establishing guidelines for use in developing new public spaces, programs and additionally continuing the City's focus of wellness in the workplace.

**Discussion:**

The HEAL resolution is a comprehensive guide for localities to promote healthy eating and active living. In the City, three departments; Neighborhood Development Services (NDS), Parks and Recreation and the Department of Human Resources have taken the lead in moving this initiative forward. The following item will provide Council with an update on what has occurred and future opportunities as it relates to HEAL.

Studies have shown how communities and neighborhoods are developed can play a major role in the physical and mental health of residents. Developing neighborhoods that promote an active lifestyle, encourage physical activity and provide opportunity for healthy food options require deliberate, and thoughtful planning. Neighborhood Development Services is currently reviewing existing codes and design standards that will promote health and wellness in neighborhoods. Additionally, health goals and policies will be incorporated into the small area plans as they are completed. Also, at the February 3, 2014 City Council meeting a resolution for a Complete Streets policy will be presented for Council's review.

Parks and Recreation continues to acquire property and develop well connected trails that promote connectivity. Both Parks and NDS work closely to ensure connectivity between residential neighborhoods, schools, parks, commercial and employment areas. Council will receive funding requests in the FY2015 budget for bike, pedestrian and park improvement to continue this work.

Garden plots were included in the Master Plan for the Meadow Creek Valley and will be available in the spring of this year. The department is in process of amending the master plan for Rives Park to include gardens in the park. The amendment is in the thirty day comment period. Additionally, the farmer's market will expand and offer a mid-week opportunity at the Jefferson school.

Workplace Wellness – The City has taken a proactive approach to wellness in the workplace. The Department of Human Resources has developed a comprehensive wellness strategy for 2014. Components of the strategy include; bi-monthly speakers on various health topics, employee challenges, (fitness, nutrition, well-being), fitness group classes, health and wellness fairs and incentives to exercise. The City is also in the process of moving forward with including vending machines that offer healthy options for employees. It is anticipated that those vending machines will be operational in City buildings by early summer of this year.

**Community Engagement:**

N/A

**Alignment with City Council's Vision and Priority Areas:**

America's Healthiest City

*All residents have access to high-quality health care services. We have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails and safe routes to schools. We have a strong support system in place. Our emergency response system is among the nation's best.*

**Budgetary Impact:**

None at this point

**Alternatives:**

N/A