



**CITY COUNCIL AGENDA**  
**April 6, 2015**

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

*Council Chambers*

**AWARDS/RECOGNITIONS**  
**ANNOUNCEMENTS**

**MATTERS BY THE PUBLIC**

Public comment permitted for the first 12 speakers who sign up before the meeting (limit 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 consent agenda will be considered at the end of the regular agenda.)

- a. Minutes for March 16
- b. APPROPRIATION:
- c. APPROPRIATION:
- d. APPROPRIATION:
- e. APPROPRIATION:

USDA Local Food Promotion Program Grant – \$25,000 (2<sup>nd</sup> of 2 readings)  
Central Library Restroom Renovation and A.D.A. Improvements Project – Albemarle County Reimbursement - \$19,330.77 (2<sup>nd</sup> of 2 readings)  
Preston-Morris Building Envelope Restoration Project – Albemarle County Reimbursement - \$1,300 (2<sup>nd</sup> of 2 readings)

e. APPROPRIATION:

CDBG & HOME Funds for FY 2015-2016:  
Fund Appropriation for 2015-16 CDBG Block Grant – \$884,059.82 (1<sup>st</sup> of 2 readings)  
Fund Appropriation for 2015-16 HOME Funds – \$59,652 (1<sup>st</sup> of 2 readings)  
Amendment to CDBG Account: Reprogramming Funds for FY 15-16 (1<sup>st</sup> of 2 readings)  
Amendment to HOME Account: Reprogramming Funds for FY 15-16 (1<sup>st</sup> of 2 readings)

f. RESOLUTION:

Critical Slopes Waiver for Kroger (1<sup>st</sup> of 1 reading)

g. RESOLUTION:

Fund Transfer to the Smith Aquatic & Fitness Center Project Account – \$231,547 (1<sup>st</sup> of 1 reading)

h. RESOLUTION:

Loan Extension Request for The Lewis & Clark Exploratory Center of Virginia, Inc. - \$130,000 (1<sup>st</sup> of 1 reading)

**2. PUBLIC HEARING / ORDINANCE\***

Amendment to City Code – Meals Tax Ordinance Change (1<sup>st</sup> of 2 readings)

**3. PUBLIC HEARING**

City Council's Proposed FY 2016 Budget

**4. FY 2016 BUDGET\***

ORDINANCE: Tax Levy Ordinance (1<sup>st</sup> of 2 readings)  
APPROPRIATION: F.Y. 2016 Budget Appropriation (1<sup>st</sup> of 2 readings)

**OTHER BUSINESS**  
**MATTERS BY THE PUBLIC**  
**COUNCIL RESPONSE TO MATTERS BY THE PUBLIC**

\*ACTION NEEDED

# GUIDELINES FOR PUBLIC COMMENT

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**We welcome public comment;  
it is an important part of our meeting.**

**Time is reserved near the beginning and at the end of each regular City Council meeting for Matters by the Public.**

**Please follow these guidelines for public comment:**

- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- Each speaker has **3 minutes** to speak. Please give your name and address before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them.
- Please **refrain from using obscenities**.
- If you cannot follow these guidelines, you will be escorted from City Council Chambers and not permitted to reenter.

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



<b>Agenda Date:</b>	March 16, 2015
<b>Action Required:</b>	Approve Appropriation
<b>Presenter:</b>	Chris Engel, CEcD, Director of Economic Development
<b>Staff Contacts:</b>	Chris Engel, CEcD, Director of Economic Development Leslie Beauregard, Director, Budget and Performance Management
<b>Title:</b>	<b>USDA Local Food Promotion Program Grant Appropriation – \$25,000</b>

**Background:** The City of Charlottesville, through the Office of Economic Development, has been awarded a \$25,000 grant from the United States Department of Agriculture (USDA) as part of their Local Food Promotion Program (LFPP).

**Discussion:** Previously the City applied for and received a Virginia Department of Agriculture and Consumer Services (VDACS) Agriculture and Forestry Industries Development Fund (AFID) Planning Grant in the amount \$35,000 to support the Local Food Hub in pursuing a detailed business planning process to determine the feasibility for a state-scale flash freezing and light processing facility. The LFPP grant will supplement that effort and support the development and expansion of local and regional food business enterprises while aiming to increase domestic consumption of, and access to, locally and regionally produced agricultural products, and develop new market opportunities for farm and ranch operations serving local markets. The Charlottesville Works Initiative will serve as the sub-grantee and perform the work in support of this effort.

The grant requires a non-federal match in the amount of \$8,333. Both USDA and VDACS staff have confirmed that the use of the AFID grant qualifies as an in-kind match and is authorized source of matching funds for the LFPP grant.

**Community Engagement:** This effort is supported by a diverse group of stakeholders led by the Local Food Hub and including, Homegrown Virginia and the Charlottesville Works Initiative. The effort further builds on background research and preliminary assessment and forecasting conducted in 2010-11 by the Jefferson Area Board for Aging (JABA), supported by USDA, which was focused on the possibility of producing flash frozen foods for low and moderate-income seniors.

**Alignment with City Council's Vision Areas and Strategic Plan:** Approval of this agenda item aligns directly with Council's vision for **Economic Sustainability** for the City of Charlottesville. The project also aligns with a key goal in the *Growing Opportunity* report of creating new semi-skilled jobs in the city.

**Budgetary Impact:** There is no impact to the budget. The LFPP grant requires a non-federal match that will be provided by the state AFID grant as referenced above.

**Recommendation:** Staff recommends approval of the appropriation.

**Alternatives:** City Council may approve the appropriation or decline to do so.

**Attachments:** None

**APPROPRIATION**  
**USDA Local Food Promotion Program Grant**  
**\$25,000**

**WHEREAS**, the City of Charlottesville has received a grant from the United States Department of Agriculture to support the development of new markets for lightly processed and flash frozen Virginia grown,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville funding is hereby appropriated in the following manner:

**Revenues**

\$25,000      Fund: 209      Internal Order:1900232      G/L Account: 431110 Federal Grant

**Expenditures**

\$25,000      Fund: 209      Internal Order:1900232      G/L Account: 530550 Contract Serv.

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$25,000 from the USDA Local Food Promotion Program.

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CITY OF CHARLOTTESVILLE, VIRGINIA.  
CITY COUNCIL AGENDA.



Agenda Date:	March 16, 2015
Action Required:	Approve Appropriation of Reimbursement
Presenter:	Mike Mollica, Division Manager, Facilities Development – Capital Projects Coordinator
Staff Contacts:	Mike Mollica, Division Manager, Facilities Development – Capital Projects Coordinator Leslie Beauregard, Director – Budget and Performance Management
Title:	<b>Central Library Restroom Renovation and A.D.A. Improvements Project – Albemarle County Reimbursement - \$19,330.77</b>

**Background:** The City of Charlottesville Facilities Development Division oversees capital projects for jointly owned buildings with Albemarle County. The City of Charlottesville received a reimbursement in the amount of \$19,330.77 from Albemarle County, for the County’s share of the December 2014 joint project expenses related to the Central Library Restroom Renovation and A.D.A. Improvements project.

**Discussion:** The City of Charlottesville received a reimbursement in the amount of \$19,330.77 from Albemarle County, for the County’s share of the December 2014 joint project expenses related to the Central Library Restroom Renovation and A.D.A. Improvements project. This amount was not included in the C.I.P. revenue budget because the project budget increased after the initial C.I.P. submission; therefore, appropriation of these funds is necessary to replenish the City’s Government Lump Sum Large Cap account for these project related expenses.

**Alignment with Council Vision Areas and Strategic Plan:** This request supports City Council’s “Smart, Citizen-Focused Government” vision. It contributes to Goal 4 of the Strategic Plan, to be a well-managed and successful organization, and objective 4.1, to align resources with the City’s strategic plan.

**Community Engagement:** N/A

**Budgetary Impact:** The funds have been expensed from the Facilities Development Government Lump Sum project budget, and the reimbursement is intended to replenish the project budget for the County’s portion of those expenses.

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

**Alternatives:** If reimbursement funds are not appropriated, the Central Library Restroom Renovation and A.D.A. Improvements project budget will reflect a deficiency balance.

**Attachments:** N/A

**APPROPRIATION.**

**Central Library Restroom Renovation and A.D.A. Improvements Project – Albemarle County  
Reimbursement.  
\$19,330.77.**

**WHEREAS**, Albemarle County was billed by the City of Charlottesville in the amount of \$19,330.77.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$19,330.77 from Albemarle County is to be appropriated in the following manner:

**Revenues - \$19,330.77**

Fund: 426                      Funded Program: CP-013 (P-00726-01)                      G/L Account: 432030

**Expenditures - \$19,330.77**

Fund: 426                      Funded Program: CP-013 (P-00726-01)                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$19,330.77, from Albemarle County.



CITY OF CHARLOTTESVILLE, VIRGINIA.  
CITY COUNCIL AGENDA.



Agenda Date:	March 16, 2015
Action Required:	Approve Appropriation of Reimbursement
Presenter:	Mike Mollica, Division Manager, Facilities Development – Capital Projects Coordinator
Staff Contacts:	Mike Mollica, Division Manager, Facilities Development – Capital Projects Coordinator Leslie Beauregard, Director – Budget and Performance Management
Title:	<b>Preston-Morris Building Envelope Restoration Project – Albemarle County Reimbursement - \$1,300</b>

**Background:** The City of Charlottesville Facilities Development Division oversees capital projects for jointly owned buildings with Albemarle County. The City invoices the County on a monthly basis to recover the County’s share of project expenses associated with these joint projects. The City of Charlottesville received a reimbursement in the amount of \$1,200 from Albemarle County, for the County’s share of the December 2014 joint project expenses related to the Preston-Morris Building Envelope Restoration project and a corrected invoice was issued for \$100 for the November and December 2014 expenses. The total billed was \$1,300.

**Discussion:** Appropriation of these funds is necessary to replenish the City’s Government Lump Sum account for these project related expenses.

**Alignment with Council Vision Areas and Strategic Plan:** This request supports City Council’s “Smart, Citizen-Focused Government” vision. It contributes to Goal 4 of the Strategic Plan, to be a well-managed and successful organization, and objective 4.1, to align resources with the City’s strategic plan.

**Community Engagement:** N/A

**Budgetary Impact:** The funds have been expensed from the Facilities Development Government Lump Sum project budget, and the reimbursement is intended to replenish the project budget for the County’s portion of those expenses.

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

**Alternatives:** If reimbursement funds are not appropriated, the Preston-Morris Building Envelope budget will reflect a deficiency balance.

**Attachments:** N/A

**APPROPRIATION.**  
**Preston-Morris Building Envelope Restoration Project – Albemarle County**  
**Reimbursement.**  
**\$1,300.**

**WHEREAS**, Albemarle County was billed by the City of Charlottesville in the amount of \$1,300.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$1,300 from Albemarle County is to be appropriated in the following manner:

**Revenues - \$1,300**

Fund: 426                      Funded Program: CP-014 (P-00785-02)                      G/L Account: 432030

**Expenditures - \$1,300**

Fund: 426                      Funded Program: CP-014 (P-00785-02)                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$1,300, from Albemarle County.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	April 6, 2015
Action Required:	Appropriation and Approval
Presenter:	Melissa Thackston, Grants Coordinator
Staff Contacts:	Melissa Thackston, Grants Coordinator
Title:	Approval and Appropriation of CDBG & HOME funds for FY 2015-2016

**Background:** This agenda item includes project recommendations and appropriations for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

**Discussion:** In Fall 2014, the City of Charlottesville advertised a Request for Proposals (RFP) based on the priorities set by Council on August 18, 2014 for Economic Development; Workforce Development and Training, Childcare; and Neighborhood Stabilization (to include Homeowner Rehabilitation and Homeownership Assistance). An additional RFP for Housing and Facilities projects was advertised in February for surplus CDBG entitlement funding available as a result of a canceled project. The City received 12 applications totaling \$1,650,000 for housing projects; 10 applications totaling over \$168,000 for social projects; 4 applications for facility improvements totaling \$375,000; and 6 applications totaling over \$200,000 for economic development projects. A summary of applications received is included in this packet.

In February 2015, the CDBG Task Force reviewed and recommended housing and social projects for funding; the Strategic Action Team on Economic and Workforce Development reviewed and recommended economic development projects for funding. A subcommittee of the CDBG Task Force and staff reviewed and recommended applications for the surplus CDBG entitlement funding. The 10<sup>th</sup> and Page Priority Task Force met over the course of 2014 and made recommendations for neighborhood improvements.

On March 10, 2015, these items came before the Planning Commission and Council for a joint public hearing. The Planning Commission accepted the report and unanimously recommended the proposed budget for approval by City Council.

CDBG and HOME Project Recommendations for FY 15-16: The CDBG program has \$884,059.82 for the 2015-2016 program year; the HOME program has \$126,449.91 for the 2015-2016 program year. The CDBG total reflects the \$376,098 Entitlement Grant, \$4,362.50 in Reprogramming, and \$72,748.32 in previous years' entitlement available after program income has been applied. The CDBG amount also includes \$430,851 in previous entitlement funding

that is available as a result of a cancelled activity. The HOME total consists of \$59,652, which is the City's portion of the Consortium's appropriation, in addition to \$14,243 for the City's 25% required match, \$8,947.91 in Reprogramming and \$6,182 in program income. Minutes from the meetings are attached which outline the recommendations made. It is important to note that all projects went through an extensive review as a result of an RFP process.

Housing Projects: The CDBG Task Force has recommended housing programs that are consistent with those from prior years. The main areas of focus are based on Council's priority for homeowner rehabilitation and homeownership assistance.

Projects recommended for funding include:

- Habitat for Humanity, Downpayment Assistance
- Piedmont Housing Alliance, Downpayment Assistance
- AHIP, funds to provide small homeowner rehabs and repairs
- TJCLT, land acquisition of existing home
- MACAA, Hope House unit acquisition

Estimated benefits include 6 small homeowner rehabs and downpayment assistance to 6 households, 1 unit for permanently affordable homeownership, 1 unit for homeless families.

Facility Projects – A subcommittee of the CDBG Task Force reviewed applications to utilize the entitlement funds that have become available as a result of a canceled activity. Of the applications received and recommended for funding, three are for public facility improvements.

Projects recommended for funding include:

- ReadyKids, roof replacement
- ARC of the Piedmont- Jefferson Park Circle improvements
- On Our Own- energy efficiency improvements

Estimated benefits include facility improvements to one facility serving adults with mental health needs, one facility serving disabled adults, and one facility serving child and families. Beneficiaries to be reported to HUD will be any client that receives services from any of these three facilities in FY 15-16.

Priority Neighborhood: The FY 2015-2016 Priority Neighborhood is the area of 10th and Page. The 10th and Page Priority Neighborhood Task Force has made the following prioritized recommendations for funding: 1. Street crossing improvements on 10th St, particularly at 10th and Page and 10th and West to include possible installation of a lighted crosswalk at 10th and Page if deemed necessary by City staff; 2. Pedestrian and Accessibility Improvements on 10th St., specifically relocating utility poles out of sidewalk and into curb extensions; 3. Accessibility Improvements/Ramps at all crosswalks; 4. Crosswalk Improvements at 10 ½ St. and West; and 5. Crosswalk Improvements at 8th and Preston. Projects will be completed in order of priority until funding is no longer available.

Economic Development: Council set aside FY 15-16 CDBG funds for Economic Development activities. The Strategic Action Team reviewed proposals for funding.

Projects recommended for funding include:

- Community Investment Collaborative, scholarships to low-income entrepreneurs
- Seedplanters, technical assistance and grants to women entrepreneurs
- Office of Economic Development Small Business Development

Funds are proposed to be used to provide scholarships, technical assistance, and capital to at least 10 qualified Charlottesville businesses and at least 15 entrepreneurs hoping to launch their own new micro-enterprises

Public Service Projects: The CDBG Task Force has recommended several public service programs. Programs were evaluated based on Council's priority for workforce development and on the job training. Programs were also evaluated based on the number of beneficiaries served and the capacity of the agency. Funding will enable the organizations to provide increased levels of service to the community. Further, this year agencies will be targeting program beneficiaries to those who reside within the City of Promise footprint.

Projects recommended for funding include:

- City of Promise, Dual Generation program
- Office of Economic Development, GO CNA
- United Way, Childcare subsidies
- OAR, funds to help recently released offenders transition
- Department Social Services, VIEW Career Training

Estimated benefits include helping 30 adults gain workforce readiness skills, helping at least 5 adults with direct employment training, providing childcare subsidies for up to 6 families and helping 75 recently released offenders will receive support services to help reduce recidivism.

Administration and Planning: To pay for the costs of staff working with CDBG projects, citizen participation, and other costs directly related to CDBG funds, \$75,219 is budgeted. An additional \$2,684 in HOME admin and planning funding is available.

Program Income/Reprogramming: For FY 2015-2016, the City has \$72,748.32 in previous CDBG EN that has been made available through the application of received Program Income (PI) to be circulated back into the CDBG budget. The City has \$6,182 in HOME PI to be circulated back into the HOME budget. There are also completed CDBG and HOME projects that have remaining funds to be reprogrammed amounting to \$4,362.50 CDBG and \$8,947.91 HOME. These are outlined in the attached materials.

Community Engagement: A request for proposals was held for housing, economic development, facilities and social programs. Applications received were reviewed by the CDBG Task Force or SAT. Priority Neighborhood recommendations were made by the 10<sup>th</sup> and Page CDBG Task Force.

Alignment with City Council's Vision and Strategic Plan: Approval of this agenda item aligns directly with Council's vision for Charlottesville to have **Economic Sustainability** and **Quality Housing Opportunities for All**.

**Budgetary Impact:** Proposed CDBG projects will be carried out using only the City's CDBG funds. The HOME program requires the City to provide a 25% match. The sum necessary to meet the FY 2015-2016 match is \$14,243, which will need to be appropriated out of the Charlottesville Housing Fund (CP-0084) at a future date.

**Recommendation:** Staff recommends approval of the CDBG and HOME projects as well as the reprogramming of funds. Planning Commission recommended approval of the proposed budget with any percent changes to the estimated amounts being applied equally to all programs on March 10, 2015. All Planning Commissioners present at the meeting voted. (Commissioners Rosensweig and Santoski recused) Staff also recommends approval of the appropriations. Funds will not be available or eligible to be spent until HUD releases funds on July 1, 2015. If the funds are not released on that date, funds included in this budget will not be spent until HUD releases the entitlement.

**Alternatives:** No alternatives are proposed.

**Attachments:** 2015-2016 Proposed CDBG and HOME Budget  
Summary of RFPs submitted  
Appropriation Resolutions for CDBG & HOME and reprogrammed funds  
Minutes from CDBG Task Force meetings

**RECOMMENDED BY CDBG TASK FORCE and SAT: 1/23/14, 2/7/14, and 2/23/15**  
**RECOMMENDED BY PLANNING COMMISSION: 3/10/14**  
**APPROVED BY CITY COUNCIL:**

**2015-2016 CDBG BUDGET ALLOCATIONS**

<b>I.</b>	<b>PRIORITY NEIGHBORHOOD</b>		
	A. 10 <sup>th</sup> and Page –		<b>\$258,879.82*</b>
<b>II.</b>	<b>ECONOMIC DEVELOPMENT</b>		
	A. Community Investment Collaborative Scholarships		\$12,500
	B. Seedplanters Women Entrepreneur Academy		\$25,000
	C. Office of Economic Development Small Business Development		\$25,200
	<b>ECONOMIC DEVELOPMENT TOTAL:</b>		<b>\$62,700</b>
<b>III.</b>	<b>PUBLIC SERVICE PROJECTS</b>		
	A. City of Promise – Dual Generation		\$ 6,890
	B. OAR – Reentry Services		\$ 6,890
	C. Office Economic Development – GO CNA		\$ 6,890
	D. Department of Social Services – PACE		\$ 6,890
	E. United Way – Child Care Subsidies		\$28,850
	<b>PUBLIC SERVICE TOTAL:</b>		<b>\$56,410 (15% EN)</b>
<b>IV.</b>	<b>ADMINISTRATION AND PLANNING:</b>		
	A. Admin and Planning		<b>\$75,219 (20% EN)</b>
<b>V.</b>	<b>BONUS REPAYMENT SURPLUS</b>		
	A. MACAA- Hope House		\$200,000
	B. On Our Own- Facility Improvements		\$ 26,850
	C. ReadyKids- Facility Improvements		\$ 72,300
	D. ARC of the Piedmont- Facility Improvements		\$ 76,900
	E. TJCLT- Existing Home Land Acquisition		\$ 54,801
	<b>SURPLUS TOTAL</b>		<b>\$430,851</b>
	<b>GRAND TOTAL:</b>		<b>\$884,059.82</b>
	<b>ESTIMATED NEW ENTITLEMENT AMOUNT:</b>		<b>\$376,098.00</b>
	<b>ESTIMATED EN AVAILABLE AFTER PI APPLIED:</b>		<b>\$ 72,748.32</b>
	<b>REPROGRAMMING:</b>		<b>\$ 4,362.50</b>
	<b>REPAYMENT OF PROJECTS:</b>		<b>\$430,851.00</b>

**2015-2016 HOME BUDGET ALLOCATIONS**

A.	AHIP – Homeowner Rehabs	\$55,645.91*
B.	Habitat for Humanity – Downpayment Assistance	\$34,060
C.	PHA – Downpayment Assistance	\$34,060
D.	Administration and Planning – funds from the Planning District	\$ 2,684
	<b>GRAND TOTAL:</b>	<b>\$126,449.91</b>
	<b>ESTIMATED NEW ENTITLEMENT AMOUNT:</b>	<b>\$ 59,652.00</b>
	<b>ESTIMATED EN AVAILABLE AFTER PI APPLIED:</b>	<b>\$ 6,182.00</b>
	<b>REPROGRAMMING:</b>	<b>\$ 8,947.91</b>
	<b>REPAYMENT OF PROJECTS:</b>	<b>\$ 37,425.00</b>
	<b>LOCAL MATCH:</b>	<b>\$ 14,243.00**</b>

\* Funding includes program income/reprogrammed funds

\*\* Only Entitlement funds (except Admin and Planning amount) require local match

**A RESOLUTION  
 APPROPRIATING FUNDS FOR  
 THE CITY OF CHARLOTTESVILLE'S 2015-2016  
 COMMUNITY DEVELOPMENT BLOCK GRANT - \$884,059.82**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2015-2016 fiscal year in the total amount of \$884,059.82 that includes new entitlement from HUD amounting to \$376,098.00, previous entitlement made available through program income of \$72,748.32, previous entitlement made available through canceled activities of \$430,851, and reprogramming of \$4,362.50.

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

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

**PRIORITY NEIGHBORHOOD**

10<sup>th</sup> and Page – Pedestrian safety and accessibility improvements \$258,879.82

**ECONOMIC DEVELOPMENT**

Community Investment Collaborative Scholarships \$12,500  
 Seedplanters Women Entrepreneur Academy \$25,000  
 Office of Economic Development Small Business Development \$25,200

**SOCIAL PROGRAMS**

City of Promise – Dual Generation \$ 6,890  
 Office of Economic Development – GO CNA \$ 6,890  
 OAR- Reentry Program \$ 6,890  
 DSS- VIEW Career Training \$ 6,890  
 United Way – Childcare Subsidies \$28,850

**BONUS ENTITLEMENT FROM CANCELED ACTIVITY**

MACAA – Hope House \$200,000  
 On Our Own – Facility Improvements \$ 26,850  
 ReadyKids – Facility Improvements \$ 72,300  
 ARC of the Piedmont – Facility Improvements \$ 76,900  
 TJCLT – Existing Home Land Acquisition \$ 54,801

**ADMINISTRATION AND PLANNING:**

Admin and Planning \$75,219

**TOTAL \$884,059.82**



**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$376,098 from the Department of Housing and Urban Development.

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

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

**A RESOLUTION  
 APPROPRIATING FUNDS FOR  
 THE CITY OF CHARLOTTESVILLE'S 2015-2016  
 HOME FUNDS – \$59,652**

**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 2015-2016 fiscal year;

**WHEREAS**, the region is receiving an award for HOME funds for fiscal year 15-16 of which the City will receive \$59,652 to be expended on affordable housing initiatives such as homeowner rehab and downpayment assistance.

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

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the Charlottesville Housing Fund (account CP-0084 in SAP system) in the amount of \$14,243; the resolution for this appropriation with come forward after July 1, 2015. Project totals also include previous entitlement made available through program income of \$6,182, previous entitlement made available through canceled activities of \$37,425, and reprogramming of \$8,947.91. The total of the HUD money, program income, reprogramming, and the local match, equals \$126,449.91 and will be distributed as shown below. Administrative funds for the year total \$2,684, which do not require a City match.

<b>PROJECTS</b>	<b>HOME EN</b>	<b>% MATCH</b>	<b>MATCH</b>	<b>OTHER*</b>	<b>TOTAL</b>
AHIP, Small Rehabs	\$28,484	25	\$7,121	\$20,040.91	\$55,645.91
Habitat for Humanity, DP	\$14,242	25	\$3,561	\$16,257	\$34,060.00
PHA, DP	\$14,242	25	\$3,561	\$16,257	\$34,060.00
Admin and Planning	\$2,684	0	\$0	\$0	\$ 2,684.00

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

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$59,652 from the Department of Housing and Urban Development.

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

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

**APPROPRIATION**  
**AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT**  
**Reprogramming of Funds for FY 15-16**

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

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

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

<b>Program Year</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
13-14	P-00001-02-61	CALM IDA Match	\$4,362.50		\$4,362.50
15-16	P-00001-04-01	Applied to new programs		\$4,362.50	\$4,362.50
		<b>TOTALS:</b>	<b>\$4,362.50</b>	<b>\$4,362.50</b>	<b>\$4,362.50</b>

**APPROPRIATION  
 AMENDMENT TO HOME INVESTMENT PARTNERSHIP ACCOUNT  
 Reprogramming of Funds for FY 15-16**

**WHEREAS**, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the HOME Investment Partnership (HOME) funds; and

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

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

<b>Program Year</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
09-10	19000139	Abundant Life Planning	\$92.34		\$0
10-11	19000149	CRHA Avon Acquisition	\$75.00		\$0
11-12	19000168	Tenant Based Rental	\$8,780.57		\$0
15-16		Applied to new programs		\$8,947.91	\$8,947.91
		<b>TOTALS:</b>	<b>\$8,947.91</b>	<b>\$8,947.91</b>	<b>\$8,947.91</b>

## CDBG RFP SUBMISSIONS - FY 2015-16

Organization, (Program Title)	Applicant	Program Description	Funding Requested
AHIP	Jen Jacobs	Small Homeowner Rehabs	\$80,000
Building Goodness in April	Brian Gooch	Homeowner Rehabs	\$20,000
Habitat for Humanity	Dan Rosensweig	Downpayment Assistance	\$80,000
PHA	Karen Reifenberger	Downpayment Assistance	\$40,000
TJCLT	Bob Adams	Land Acquisition	\$40,000

**\$260,000**

80000 -\$180,000

Organization, (Program Title)	Applicant	Program Description	Funding Requested
City of Promise	Sarad Davenport	Adult Career Readiness	\$25,000
Community Attention	Rory Carpenter	Youth Internship Program in health care	\$10,000
Common Ground	Elliott Brown	Complementary Health Services	\$8,000
C4K	Michaela Muttom	Computer Clubhouse	\$25,000
Mediation Center of Charlottesville	Van Parker	Mediator Training	\$2,500
OAR	Pat Smith	Reentry Program	\$20,000
OED	Hollie Lee	GO CNA workforce training	\$17,000
PHAR	Karen Shepard	Career Readiness Program	\$15,000
Social Services	Kelly Logan	VIEW workforce development	\$15,558
United Way	Barbara Hutchinson	Child Care Scholarships	\$30,000
			<b>\$168,058</b>

60000 -\$108,058

Organization, (Program Title)	Applicant	Program Description	Funding Requested
Better World Better	Teri Kent	Mini-grant program	\$20,000
Community Invest. Collob	Stephen Davis	Entrepreneurship-training	\$12,500
C4K	Michaela Muttom	Online Entrepreneurship Program	\$25,938
OED	Jason Ness	ACE program	\$25,200
Seedplanters	Kaye Monroe	DreamBuilders Women Entrepreneurs	\$50,000
Small Steps Collective	Kathy Zentgraf	Rentable Commercial Kitchen Space	\$70,000
			<b>\$203,638</b>
<b>Housing Programs</b>	<b>Public Facilities</b>	<b>Economic Development</b>	<b>Social</b>

125000 -\$78,638

## CDBG Bonus RFP SUBMISSIONS - FY 2015-16

Organization, (Program Title)	Applicant	Funding Requested
AHIP	Jen Jacobs	\$275,000
MACAA	Nancy Kidd	\$200,000
Habitat for Humanity	Dan Rosensweig	\$280,000
PHA	Frank Grosch	\$215,000
TJCLT	Bob Adams	\$80,000
Oasis Village	Karen Beiber	\$150,000
LEAP	Cynthia Adams	\$190,000
ARC of the Piedmont	John Santoski	\$76,900
Ready Kids	Allison Henderson	\$72,300
On Our Own	Erin Tucker	\$26,850
Building Goodness Foundation	Kelly Eplee	\$200,000
		<b>\$1,766,050</b>
<b>Housing Programs</b>	<b>Public Facility</b>	

**CDBG Task Force Meeting Notes**  
**February 4, 2015**  
**10:00**  
**NDS Conference Room**

Members Present:  
Kathy Harris  
Jennifer McKeever  
Taneaia Dowell  
Kelly Logan  
Mary Alex  
Hollie Lee

Staff:  
Melissa Thackston  
Kathy McHugh

1. Staff Updates
  - a. Special EN and Review Committee

Staff made the task force aware that a previously funded project is going to be canceled and \$430,851 in CDBG Entitlement funding will be made available for new projects. A special RFP is being held for these funds given the short timeframe needed to award and spend them down. There will be a separate Task Force subcommittee meeting on February 23, 2015 at 2:00 for any interested member to attend to help make funding recommendations.

Staff went over the new score sheet process and explained the implementation of a scoring sheet was based on new HUD guidance staff received at an intensive CDBG training last October. Members were encouraged to provide staff comments on the new process so that next year's process can be improved from the lessons learned this first year of implementation.

2. Complete Score Sheets

Members finished scoring any remaining applications they previously had not scored.

3. Tally Program Scores

Members reported their scores for each application. The application scores were then averaged together into one final group score. These group scores formed the basis of the funding recommendations.

Scores were as follows:

AHIP:	89
Building Goodness in April:	76
Habitat for Humanity:	95
PHA	95
TJCLT:	77

City of Promise:	80
Community Attention:	84
Common Ground:	59
Computers4Kids:	80
Mediation Center:	48
OAR:	91
OED Go CNA:	87
PHAR:	62
DSS PACE:	91
United Way:	86

#### 4. Funding Recommendations

Members decided not to consider any application that received less than 80 points.

The housing applications were discussed first and there was a motion to fund AHIP at \$40,000, Habitat at \$23,000 and PHA at \$23,000. There was a discussion about funding AHIP so much more than the other two applications. Some members argued that the motion could be seen as funding Rehab at \$40,000 and funding Down Payment Assistance at \$46,000. There was also a discussion about how closely the funding recommendation should align with the scores. Most members felt that the scores give a good starting point but a difference of 6 points shouldn't make that much of a difference. It was also pointed out that the down payment applications are able to count the mortgages they leverage, which helped boost their overall scores. After the discussion the motion was called for again, seconded, and the motion passed 5-1-0.

Social applications were discussed next. Members said they were pleased Council took their recommendation to prioritize childcare and were glad to see an agency respond. They were further glad to see the United Way commit to work with City of Promise families. There was a brief discussion of at what level to fund the United Way, but members quickly agreed that this application should receive full funding as many previous task force discussions so heavily focused on the need for childcare.

Members discussed how to recommend funding for the remaining applications. With \$30,000 left to fund, members felt that dividing that amount among too many agencies would greatly lessen the impact of the funding. In light of Council's priorities, the Consolidated Plan, and the Growing Opportunities report, members decided to funding should be targeted at programs that benefit adults. This left City of Promise, OAR, Go CNA, and DSS PACE. It was recommended that each of these agencies receive equal funding of \$7,500 and that to the greatest extent feasible, participants of the programs benefit City of Promise families. A motion was made, seconded, and approved 4-0-2 (with Kelly Logan and Hollie Lee abstaining).

#### 5. Other Business and Public Comment (if any)



CDBG Economic Development Task Force (Strategic Action Team)

Tuesday, January 13, 2015 8:30

Members Present:

Kelly Logan	Cory Demchack
Diane Kuknyo	Chris Engel
Gretchen Ellis	Sue Moffet
Hollie Lee	Jason Ness
Mike Murphy	Melissa Thackston (staff)

Members reviewed applications for funding. Members decided to score only applications they wanted to see funded.

Better World Betty: Score: 43. There was concern that this project really couldn't be shown to either create or retain jobs. It was felt that the need and the outcomes were not strong enough to warrant funding. It was suggested that this project could somehow work as a consultant for OED ACE businesses as just one of many needs businesses may have, but not as a standalone need that should be funded.

CIC: Score: 84 Members liked this proposal, but noted that there were typos and errors and the application seemed boilerplate and poorly written. Members would like to see CIC partner with Kathy Zentgraf and Small Steps if she would be interested.

C4K: Not scored. Members were hesitant to reinvest in this program until outcomes and results from current FY funding were known. They would encourage C4K to reapply in the future once they are able to show outcomes.

Seedplanters: Score: 67. Some members felt that they did not receive satisfactory answers to their follow-up questions and had some concerns about the outcomes of the program. Others pointed out that the clients served require a much more intensive one on one experience. Some members questioned if this application was more life coaching versus economic development. Members asked for additional information about the current success and stability of the businesses created in prior years.

Office of Economic Development: (OED Staff not present during discussion). Score: 90. Members felt that this program has been showing strong outcomes and feel the revised program structure will give increased outcomes with more cost effectiveness.

Small Steps: Not scored. Members were supportive of this idea, but thought the project was not quite ready for CDBG funding. Some members felt that through churches and other non-profits there are commercial kitchen facilities available for use in the community already. Members thought participation with CIC could be very beneficial. All project funding would need to be secured/committed. It would need to be clearer how many jobs would be created/retained either as direct hires to Small Steps or through the other businesses that would rent the space.

Members Recommended funding CIC and OED ACE fully. Members recommended funding Seedplanters in part based on follow up information.

\* Follow up information provided to members with a recommendation of funding at \$25,000. Voting members supported this amount 3-2.

**CDBG Task Force Bonus EN Subcommittee Meeting Notes**  
**February 23, 2015**  
**2:00**  
**NDS Conference Room**

Members Present:

Marnie Allen

Mary Alex

Staff:

Melissa Thackston

Kathy McHugh

1. Discuss and recommend funding for bonus entitlement money available

Applications were discussed and reviewed based on timeliness, ability to easily and fully comply with federal regulations, and impact. The group also indicated a preference to fund applicants and/or projects which do not routinely receive CDBG assistance from the City.

AHIP: Concern about whether they could complete 10 major rehabs within the timeframe. Even with these funds given priority in their spending, AHIP has already received a lot of City investment and has funds available to spend.

MACAA: It was felt that MACAA would be able to identify and purchase a duplex for their HOPE House program within the timeline proposed. Further, the City's Consolidated Plan prioritizes addressing homelessness and the HOPE House provides transitional housing for the homeless. It was suggested that if funds are awarded they be conditioned as follow: Participant selection must follow utilize a housing first approach using HUD best practices in line with TJACH recommendations, and the home will need to be secured with a 15 year deed of trust to insure long-term affordability.

Habitat for Humanity: There were general concerns about the timing of all three proposals. Specifically, 1) Harmony Ridge does not yet have an approved site plan and has not broken ground, 2) acquisition and development of four new opportunities is contingent upon participation by various partners with no firm indication that any are ready to go, and 3) Burnet 2 is underway; however Burnet 3 and Harmony Ridge units are either not yet under construction and/or are subject to site plan approval. The complexities and variables involved are of concern, as are general issues associated with capacity to be able to handle new and on-going projects and meet such a firm deadline.

PHA: This project has already received \$950,000 of City investment. The addition of CDBG funds into this project, only serves to complicate the project for no additional affordable housing units to the City. Further, the project timeline assumes the ability to purchase land in March, 2015 when CDBG funds will not be available until July/August. If funds are not used for acquisition, then demolition and construction would have to be delayed from April 2015 and there are concerns over the time and effort involved with Davis Bacon compliance and ability to close out the project in time.

TJCLT: There were some concerns about the ability to spend the funds in time given the complexities involved with the land trust model. Members really liked the long term affordability that the land trust provides. Any awarded funds would have to be applied to an existing house as the timeline is cleaner.

Oasis Village: This proposal was well received as a concept and members would love to see such a model take off in Charlottesville; however, not yet having site plan approval or a pool of potential buyers already lined up creates too much uncertainty in the timeliness of this application.

LEAP: The City has already invested significant CAHF resources into the Dogwood Housing portfolio. Further, there are concerns about being able to properly document housing affordability for beneficiaries and ascertain compliance with CDBG requirements to principally benefit persons of low-mod income.

ARC of the Piedmont: Project will have to receive appropriate BAR and environmental approvals as well as compliance with Davis Bacon. Generally, the project was well received with clear benefit to low-mod persons.

Ready Kids: Project will have to receive appropriate environmental approvals as well as compliance with Davis Bacon. ReadyKids will be required to collect demographic information on all clients served during the fiscal year to document benefit to low-mod persons.

On Our Own: Project will have to receive appropriate BAR and environmental approvals as well as compliance with Davis Bacon. Generally, the project was well received with clear benefit to low-mod persons.

Building Goodness Foundation: There was much discussion about this application. Ultimately, it was felt that documenting beneficiaries associated with various agencies to be assisted (most of whom are not yet identified at this point) would be too burdensome and murky with HUD and that the project timeline indicates a need to start construction in advance of when CDBG funds will be available. It was suggested that BGF apply in partnership with specific agencies they will work with for future RFPs of funding.

Based on a discussion and review of all proposals, the group recommended approving the following proposals with full funding: MACAA (\$200,000); ARC of the Piedmont (\$76,900); Ready Kids (\$72,300); and On Our Own (\$26,850). TJCLT was recommended to be partially funded with the remaining funds (\$54,801). Specific conditions, as recommended by the group, are included above.

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

Agenda Date: April 6, 2015

Action Required: Consideration of a Critical Slope Waiver

Presenter: Heather Poole, City Planner, Neighborhood Development Services

Staff Contact: Heather Poole, City Planner, Neighborhood Development Services

**Title: Kroger-Seminole Square Shopping Center Critical Slope Waiver**

**Background:**

Toby Locher, on behalf of Kroger Limited Partnership I, is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for the expansion of the existing 53,076 SF building found on Tax Map 41B, Parcel 150 (formerly used as a Giant grocery store) into a 97,979 SF Kroger building as part of the existing Seminole Square Shopping Center. The proposed location of the Kroger is on the south eastern portion of the property, and will be connected to existing buildings found on Tax Map 41B, Parcels 152 and 153.

**Discussion:**

The Planning Commission considered this application at their regular meeting on February 10, 2015. While the Planning Commission commended the applicant's proposed design for stormwater control and water quality improvements, the Planning Commission deferred the application stating they wanted the following items further addressed before making their recommendation:

- Visual impact
- Connectivity
- Noise impact

The Planning Commission considered the resubmitted application dated February 25, 2015 at their regular meeting on March 10, 2015. The Planning Commission asked several questions for clarity of the staff and applicant before voting.

**Citizen Engagement:**

Written notice was sent to the applicant, the owner, and the owner of each property located within five hundred (500) feet of the property per City Code 34-1120(b)(6)(b).

City staff and The Nature Conservancy (TNC) held a meeting to discuss Kroger's proposed stormwater design, mainly the portion that falls within the conservation easement held by the City and TNC. City staff will be working closely with the consultant to fine tune the proposed design so it satisfies the objectives set forth within the deed and all affected parties.

Parks and Recreation staff has been working with NDS and the applicant to coordinate the design of the portion of the future multiuse trail shown on the Meadow Creek Stream Valley Master Plan that runs through the applicant's property.

Alex Cannon, owner of Hearthwood Apartments, has been involved from the beginning of Kroger's critical slope waiver process. Staff, the applicant, and Alex have met multiple times, including on site meetings, to work through her concerns regarding visual screening, landscaping, construction methods, and the proposed stormwater design. Cannon was present for both the February 10<sup>th</sup> and March 10<sup>th</sup> Planning Commission meeting as well as the site plan conference held on February 18, 2015. The ongoing discussions between staff, the applicant, and Cannon resulted in a viable solution to Alex's concerns as well as Planning Commission's concerns noted at the February 10<sup>th</sup> meeting.

Michael Barnes, Greenbrier Neighborhood Association President, reached out to staff to discuss his concerns including notification of Greenbrier owners that might be directly affected by Kroger, visual screening of the proposed project in relation to the park, and the Meadow Creek Stream Valley Master Plan's future multiuse bike trail in this area. In response to Michael's concerns, staff sent written notice to the owners lining Brandywine Drive within the Greenbrier neighborhood. This written notice was in addition to the notice sent to property owners within 500 feet of the property. Parks and Recreation staff provided Barnes with the rough plans of the potential multiuse trail that would run through the proposed Kroger's property. Staff also provided Barnes with any relevant reports and meeting times that related to the critical slope waiver.

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

The City Council Vision of Economic Sustainability states "We have a business-friendly environment in which employers provide well-paying, career-ladder jobs and residents have access to small business opportunities."

The City Council Vision of A Green City states that "We have an extensive natural trail system, along with healthy rivers and streams. We have clean air and water, we emphasize recycling and reuse, and we minimize storm-water runoff."

### **Budgetary Impact:**

A grocery store renovation and expansion project at 220 Zan Road, based on a footprint of 97,979 SF, is expected to generate \$608,000 in annual city revenue. This includes real property taxes, personal property taxes, sales taxes, meals taxes, BPOL and utility taxes. In addition, there would be an estimated one time increase of \$27,000 in BPOL and permitting fees. As this project is a relocation of an existing city based grocery store the net increase in revenue to the city is estimated to be - \$201,000. The project would create demand for approximately 40-50 construction related positions during the construction period which is expected to last 12-14 months. Approximately 60 new permanent jobs are anticipated to be created by this project due to increase in size and offerings.

### **Recommendation:**

The Planning Commission considered this matter at their March 10, 2015 meeting.

The Commission took the following action:

Ms. Keller moved to recommend approval of the critical slope waiver for Tax Map 41B, Parcel 150 and Tax Map 41C Parcel 31, 220 Zan Road, based on a finding that the public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per City Code 34-1120(b)(6)(d.i)

The following conditions are recommended as being necessary to mitigate the potential adverse impacts of approving the waiver in the location requested:

1. Use construction materials, methods and low maintenance finishes that are integrated and compatible with the natural character of the adjacent park land and trails. This condition applies most specifically to the fence, retaining wall, and outfall.
2. The Department of City Parks and Recreation will consult on the appropriateness of the design and materials with the intent of avoiding negative visual effect on the park and trails.
3. The location of the trail easement will be approved by City Parks and Recreation staff and be shown on site plan so as to create access to the parcel via Hillsdale Drive.
4. There will be no deliveries between the hours of 11 PM and 6 AM.
5. The developer will provide all information necessary to The Nature Conservancy and will collaborate with the City and TNC to ensure any work done within the conservation easement conforms to the objectives set forth in the deed and the overarching goal to promote, protect, and restore Meadow Creek.
6. The lighting shall be consistent with the City Dark Skies Ordinance with the addition of a vertical shield on the side of the light that is adjacent to the City Park property and Hearthwood Apartment property.
7. The property owner will properly maintain the tree canopy within the critical slope area to mitigate overgrowth and ensure overall tree health and natural beauty.

Mr. Keesecker seconded the motion. The Commission voted 7-0 to recommend approval of the critical slope waiver.

**Alternatives:**

None.

**Attachment:**

Staff Report

**RESOLUTION APPROVING A REQUEST FOR WAIVER  
OF CRITICAL SLOPES PROVISIONS  
PURSUANT TO CITY CODE SECTION 34-1120(b)(6)  
FOR PROPERTY LOCATED AT 220 ZAN ROAD**

**WHEREAS**, Kroger Limited Partnership I, has requested, on behalf of the owner of property designated as Parcel 150 on City Real Estate Tax Map 41-B and Parcel 31 on City Real Estate Tax Map 41-C (together, the “Property”), a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) in connection with a development project at 220 Zan Road for a project described as follows: renovation and expansion of the existing grocery store, based on a proposed building footprint, as expanded, of 97,979 square feet (SF), including the building and a loading dock (the “Project”); and

**WHEREAS**, the Planning Commission held a joint public hearing with City Council on March 10, 2015 to give the public an opportunity to comment; and

**WHEREAS**, the Planning Commission recommended approval of the request to waive the critical slopes requirements, pursuant to City Code §34-1120(b)(6)(d)(i), upon a finding that the public benefits of allowing disturbance of the critical slope outweigh the public benefits of the undisturbed slope, and further, the Planning Commission recommended that City Council consider imposing seven (7) conditions; and

**WHEREAS**, upon consideration of the information and materials provided by the applicant, and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d)(i) that the benefits of allowing disturbance of the critical slopes in connection with the development project outweigh the public benefits of the undisturbed slopes; provided, however, that City Council deems it necessary, in order to protect the public health, safety and welfare, and to insure that the development of the Project will be consistent with the purpose and intent of the critical slopes provisions of the City’s zoning ordinance, to condition the approval of this waiver on compliance by the owner of the Property with several conditions; NOW, THEREFORE,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the request by Kroger Limited Partnership I, for a waiver of the critical slopes requirements for the above-described Project to be developed on the Property, is hereby granted, subject to compliance with the following conditions during the development and establishment of the Project:

1. The stormwater outfall for the Project shall be constructed using methods, and low-maintenance materials, designed to ensure that the appearance of the outfall and related facilities (including, without limitation, adjacent retaining wall and fencing) will be integrated and compatible with the natural character of adjacent park land and trails.
2. The Project developer shall consult with the City’s Department of Parks and Recreation as to the appropriateness of the materials and methods used in the design of the outfall



and related facilities described in condition #1, above, to the end of avoiding negative visual impact on adjacent park land and trails.

3. The developer of the Project shall obtain approval of the City's Department of Parks and Recreation of a final location of a trail easement across the Property, creating access to the Property from Hillsdale Drive, and the approved location will be shown on the final site plan for the Project.
4. The change in grade of the Property, considered in context of the commercial nature of the Project, is likely to result in some greater noise impact than the existing use of the Property; therefore, this approval is also subject to a condition that no deliveries shall be made to the Property between the hours of 11 PM and 6 AM any day. This condition shall be noted on the final site plan as a condition of development of the Project.
5. To assure that the disturbance of critical slopes and development of the Project will not have an adverse impact on the objectives of an adjacent conservation easement, the developer will provide all information necessary to The Nature Conservancy and will cooperate with the City and The Nature Conservancy so that any work done within the conservation easement will conform to the objectives set forth in the deed of easement and the overarching goal to promote, protect, and restore Meadow Creek.
6. To mitigate any impact that the change in grading of the Property may have on adjacent residential uses, the development of the Project shall comply with requirements of the City's outdoor lighting regulations (City Code Chapter 34, Article IX, Division 3, §§ 34-1000 et seq.) and, in addition, the development shall include a vertical shield on each light fixture installed on the Property adjacent to any City park land and the established Hearthwood Apartments. The final site plan for the Project shall demonstrate compliance with this condition.
7. To assure that the undisturbed critical slope areas will continue to perform the public benefits referenced within City Code § 34-1120(b)(6)(d)(i), the tree canopy within the critical slope area shall be maintained in a manner that will prevent overgrowth and ensure overall tree health and natural beauty. The areas subject to this maintenance obligation shall be shown on the final site plan, and the maintenance obligation shall be noted on the final site plan as a condition of development of the Project.

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**REQUEST FOR A WAIVER:  
CRITICAL SLOPES**

**PLANNING COMMISSION REGULAR MEETING**  
**DATE OF PLANNING COMMISSION MEETING: March 10, 2015**

**Project Planner:** Heather Poole  
**Date of Staff Report:** March 2, 2015  
**Applicant:** Kroger Limited Partnership I  
**Applicant's Representative:** Toby Locher  
**Current Property Owner:** Kroger Limited Partnership I

**Application Information**

**Property Street Address:** 220 Zan Road  
**Tax Map/Parcel #:** Tax Map 41B, Parcel 150, Tax Map 41C Parcel 31 (*Project Area* - 7.35 acres (320,166 SF), total; 203,425.20 SF existing impervious)  
**Total Area of Critical Slopes on Parcel:** 2.26 acres (30.8%)  
**Area of Proposed Critical Slope Disturbance:** (0.97 acres/ 42,253.20 SF)  
**Comprehensive Plan (Land Use Plan) Designation:** Commercial  
**Current Zoning Classification:** HW (Highway Corridor District)  
**Tax Status:** The City Treasurer's office indicates that there are no delinquent taxes owed on the subject properties at the time of the writing of this staff report.

**Background**

Kroger Limited Partnership I requested a waiver from the Critical Slope Ordinance on January 20<sup>th</sup>, 2015. The application was brought before the Planning Commission at its regular meeting on February 10<sup>th</sup>, 2015. While the Planning Commission commended the applicant's proposed design for stormwater control and water quality improvements, the Planning Commission deferred the application stating they wanted the following items further addressed before making their recommendation:

- Visual impact
- Connectivity
- Noise impact

The applicant's resubmittal dated February 25<sup>th</sup>, 2015 includes information to address the Planning Commission's concerns in addition to the proposed stormwater control design.

## **Application Details**

Toby Locher, on behalf of Kroger Limited Partnership I, is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for the expansion of the existing 53,076 SF building found on Tax Map 41B, Parcel 150 (formerly used as a Giant grocery store) into a 97,979 SF Kroger building as part of the existing Seminole Square Shopping Center. The proposed location of the Kroger is on the south eastern portion of the property, and will be connected to existing buildings found on Tax Map 41B, Parcels 152 and 153.

Existing critical slopes areas located on this Property include 2.26 acres/ 30.8 percent of the project site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, **and** (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, **and** (b) a portion of the slope is within 200 feet of a waterway. *See City Code Sec. 34-1120(b)(2).*

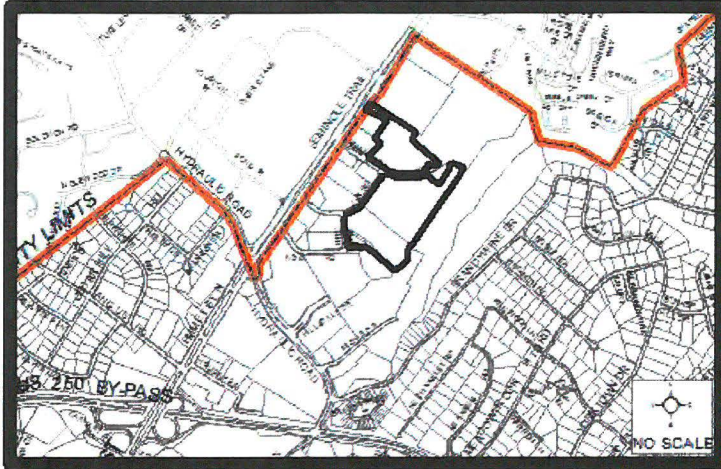
Based on the information presented within the application materials, Staff verifies that the area for which this waiver is sought meets all of the above-referenced components of the definition of “critical slope”. Attached is a diagram showing the details upon which this showing was made in the application.

The application materials also provide the following information relevant to your evaluation of this request:

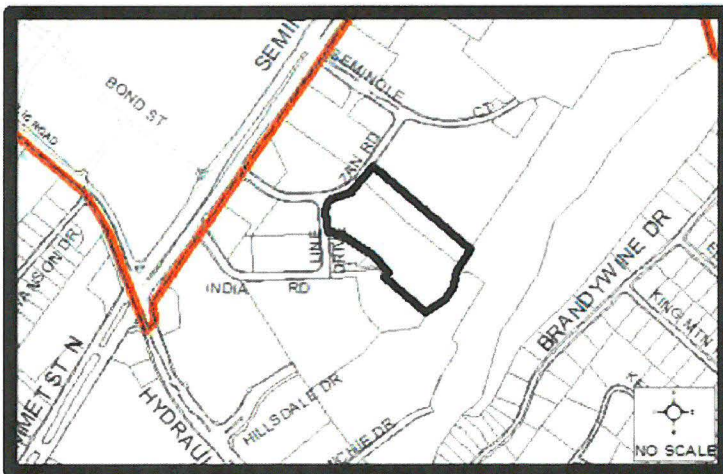
- Large stands of trees: **The applicant has noted trees existing on the manmade slopes, but intends to remove those standing in the location of the proposed stormwater control design. The applicant plans to save portions of the existing wooded area and install new trees in other areas of the critical slope including a landscape buffer between the site and adjacent property.**
- Rock outcroppings: **None.**
- Slopes greater than 60%: **None.**
- Identification/ description of unusual topography or other physical conditions at the site: **None of the topographical features on the site are unusual.**
- Waterway within 200 feet: **Meadow Creek is within 200 feet of the critical slope area.**
- Location of other areas of the Property, outside Critical Slopes areas, that fit the definition of a “building site” and could accommodate this proposed development: **There are other areas of the property that appear to be suitable building sites. The applicant presents their justification as to why these sites were rejected under Finding #2 in the applicant’s narrative and summarized in this report.**

## Vicinity Map

### *Seminole Square Shopping Center*



### *Project Area*



## Standard of Review

**A copy of Sec. 34-1120(b) (Critical Slopes Regulations) is attached for your reference. The provisions of Sec. 34-1120(b) must guide your analysis and recommendations.**

It is the Planning Commission's ("PC") responsibility, when a waiver application has been filed, to review the application and make a recommendation to City Council as to whether or not the waiver should be granted based off the following:

- (i) The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes); or
- (ii) Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

If the recommendation is for City Council to grant the requested waiver, the PC may also make recommendations as to the following:

- Whether any specific features or areas within the proposed area of disturbance should remain undisturbed (for example: large stands of trees; rock outcroppings; slopes greater than 60%, etc.)?
- Whether there are any conditions that could be imposed by City Council that would mitigate any possible adverse impacts of the proposed disturbance?

### **Project Review / Analysis**

The applicant indicates the area of critical slopes that would be disturbed by the development along the southern edge of the property. The proposed Kroger building would take up an area previously developed as existing commercial buildings and paved parking area. The rear of the proposed building would extend beyond the current building's footprint into the critical slope area near the property line. The critical slope area proposed for disturbance is currently comprised of existing manmade fill slopes. The applicant wishes to use the area behind the proposed building for delivery and fire truck circulation. The proposed location for circulation is within the critical slope area where the applicant plans to remove portions of the manmade fill slopes.

Each applicant for a critical slopes waiver is required to articulate a justification for the waiver, and to address how the land disturbance, as proposed, will satisfy the purpose and intent of the Critical Slopes Regulations (as found within City Code Sec. 34-1120(b)(1), attached). If it wishes to grant a waiver, the City Council is required to make one of two specific findings: either (1) public [environmental] benefits of allowing disturbance of the critical slope outweigh the benefits afforded by the existing undisturbed slope, see City Code 34-1120(b)(6)(d.i), OR (2) due to unusual physical conditions or existing development of a site, the critical slopes restrictions would unreasonably limit the use or development of the property, see City Code 34-1120(b)(6)(d.ii). The applicant has provided information in the attached critical slopes waiver application for each item discussed below.

## Applicant's justification for Finding #1

Statement: The applicant states that the public benefits of the rehabilitation of the existing site outweigh the benefits of the undisturbed slope. The applicant provides the following specifics and provides explanation for these public benefits:

- **Stormwater and Erosion Control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas:** The subject property is part of the existing Seminole Square Shopping Center. The entire site (17.58 acres) including the proposed Kroger site (7.35 acres) currently drains to a central, city maintained, 60" reinforced concrete pipe (RCP) that outfalls at the rear of the buildings (southeastern side of the site) into a city-maintained stormwater pond. The applicant plans to remove the existing stormwater pond and replace it with a plunge pool at the outfall of the 60" RCP. The design will serve both the Seminole Square shopping center and the adjacent city-owned parcel downgradient of the site that contains the Meadow Creek shoreline. The applicant states the existing stormwater pond is undersized and causes unnecessary pollutant loading. The applicant believes replacing the pond with the mentioned sediment and stormwater runoff control measures provides greater public benefit than leaving the slope undisturbed.
- **Groundwater Recharge:** In addition to the plunge pool, the applicant plans to install an underground stormwater detention vault that will reduce runoff rates of the added impervious areas and water quality units that will reduce phosphorus to desired levels and aid in the removal of litter, total suspended solids and oils.
- **Reduced stormwater velocity:** The applicant states the proposed plunge pool serve to dissipate energy and reduce velocity.

The applicant has further addressed Planning Commission's following areas of concern in their resubmittal:

- **Visual Impact:** The applicant has proposed an additional seven (7) Japanese Cryptomeria trees to their landscaped area of originally ninety-eight (98) trees varying in species and height (See Exhibit 7). The applicant has also offered to install a double row of evergreen trees to serve as a buffer at the property line (See Exhibit 7, Exhibit 8). Finally, the applicant has proposed to face the retaining wall with vines, a "green screen" grid to accommodate vine growth, and a six (6) foot privacy fence on top of the same wall to help screen the truck delivery dock.
- **Connectivity:** The applicant has committed to working with the City to provide an easement for a multiuse trail along a portion of the property adjacent to Meadow Creek.
- **Noise Impact:** The applicant did not indicate any further solutions to address noise impact other than the proposed screening already mentioned.

Staff Analysis: Staff finds that the proposed stormwater control measures being applied to an area inclusive of the proposed site and adjacent property (city property that is downgradient to Seminole Square and shoreline of Meadow Creek) is a public benefit that outweighs leaving the slope undisturbed where the area is currently served by the city-maintained stormwater pond. It was at the request of the Engineering Staff that the applicant consider removing the pond in its entirety. While the pond serves its purpose to a degree, the pond's size and functionality does not match the runoff it serves; the applicant's retrofits would be more effective in supporting runoff

from this site. A portion of proposed retrofits fall within a Conservation Easement held by the City and The Nature Conservancy. Staff and TNC have met and plan to coordinate with the applicant to ensure any work done within the conservation easement conforms to the objectives set forth in the deed and the overarching goal to promote, protect, and restore Meadow Creek.

Staff agrees the applicant's proposed screening measures will help shield the view of the proposed Kroger building from the adjacent property, Hearthwood Townhome Apartments (Tax Map 41B, Parcel 50). Staff believes the proposed multiuse trail will benefit the residents of Hearthwood Townhome Apartments as well as City residents. This trail will serve as a future connector to the greater multiuse trail proposed in the Meadow Creek Stream Valley Master Plan approved by City Council June 3<sup>rd</sup>, 2013.

#### Applicant's justification for Finding #2

Statement: The applicant states that by prohibiting the disturbance of critical slopes at the proposed site, the City will unreasonably restrict the use of the property, as the existing shape and size of the developed property prohibits the ability to use the site as desired for the new Kroger Grocery Store.

Staff Analysis: Staff does not agree with the argument presented. There are existing commercial buildings on site, and as such have already established a use of the property. The application of the ordinance will not result in significant degradation of the site, nor does it unreasonably restrict the use, reuse or redevelopment of the property. Staff's review of the site suggests that there may exist one or more alternative "building sites" that are outside of the critical slope area that could accommodate a Kroger building.

#### **Staff Recommendation**

Staff believes the applicant's proposed disturbance of critical slopes for the installation of stormwater utilities will improve the stability and quality of the site and is a public benefit that outweighs the benefit of leaving the slope undisturbed. Staff and TNC will continue to work with the applicant to ensure the final stormwater control measures consist of green stormwater elements and conform to the conservation easement. Staff agrees the applicant's proposed screening solutions will help visually protect the adjacent property's residents from the proposed store.

Staff believes the applicant's commitment to providing connectivity will benefit residents of the adjacent property as well as City residents. Staff believes the applicant does meet the criteria for a waiver of the critical slope ordinance and recommends approval of the waiver request subject to the following conditions:

- The developer will provide all information necessary to The Nature Conservancy and will collaborate with the City and TNC to ensure any work done within the conservation easement conforms to the objectives set forth in the deed and the overarching goal to promote, protect, and restore Meadow Creek.
- The property owner will properly maintain the tree canopy within critical slope area to ensure overall tree health and natural beauty.

## Suggest Motions

### Suggested Motions

1. "I move to recommend approval of the steep slope waiver for Tax Map 41B, Parcel 150 and Tax Map 41C Parcel 31, 220 Zan Road as requested, with no reservations or conditions, based on a finding that [*reference at least one*]:
  - The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per City Code 34-1120(b)(6)(d.i)
  - Due to unusual physical conditions, or the existing development of the School's property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property.
  
2. "I move to recommend approval of the steep slope waiver for Tax Map 41B, Parcel 150 and Tax Map 41C Parcel 31, 220 Zan Road, based on a finding that [*reference at least one*]:
  - The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per City Code 34-1120(b)(6)(d.i)
  - Due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property.And this motion for approval is subject to the following:
  - \_\_\_\_\_ the following features or areas should remain undisturbed [*specify*]
  
  - \_\_\_\_\_ the following conditions are recommended as being necessary to mitigate the potential adverse impacts of approving the waiver in the location requested: [*specify*]
  
3. "I move to recommend denial of the steep slope waiver for Tax Map 41B, Parcel 150 and Tax Map 41C Parcel 31, 220 Zan Road."

### Enclosures

Application and Narrative  
Critical Slopes Ordinance  
Engineering Department Review  
Conservation Easement  
Meadow Creek Stream Valley Master Plan 2013 Map  
Trail Options Kroger Hillsdale Connector Map





## WAIVER REQUEST FORM

Please Return To: City of Charlottesville  
 Department of Neighborhood Development Services  
 PO Box 911, City Hall  
 Charlottesville, Virginia 22902  
 Telephone (434) 970-3182 Fax (434) 970-3359

For a Critical Slopes Waiver Request, please include one of the following application fees: \$75 for single-family or two-family projects; \$500 for all other project types. *\*additional application form required*  
 For all other Waiver Requests, please include one of the following application fees: \$50 for single-family or two-family projects; \$250 for all other project types.

Project Name/Description	<u>Kroger R-369</u>	Parcel Number	<u>41B015000</u>
Address/Location	<u>220 Zan Road</u>		
Owner Name	<u>Giant Seminole Limited Partnership</u>	Applicant Name	<u>Kroger Limited Partnership I - Toby Locher</u>

Applicant Address: P.O. BOX 14002 ROANOKE, VA 24038  
 Phone (H) \_\_\_\_\_ (W) 804-254-8440 (F) 540-563-3638  
 Email: toby.locher@kroger.com

Waiver Requested (review Zoning Ordinance for items required with waiver submissions):

- |   |  |
|---|--|
| <input type="checkbox"/> Sidewalk                                     | <input type="checkbox"/> Drainage/Storm Water Management   |
| <input type="checkbox"/> *Contact Staff for Supplemental Requirements | <input type="checkbox"/> Off-street Parking  |
| <input type="checkbox"/> Site Plan Review                             | <input type="checkbox"/> Lighting  |
| <input type="checkbox"/> Landscape                                    | <input type="checkbox"/> Signs   |
| <input type="checkbox"/> Setbacks                                     | <input checked="" type="checkbox"/> Critical Slopes <i>*additional application form required</i> |
| <input type="checkbox"/> Communication Facilities                     | <input type="checkbox"/> Other   |
| <input type="checkbox"/> Stream Buffer Mitigation Plan                |  |

Description of Waiver Requested: Waiver to allow disturbance of steep slopes in order to construct a new Kroger grocery store.

Reason for Waiver Request: The existing building must be expanded towards the critical slopes and cannot be avoided.  
 See report for further explanation.

Applicant Signature: *Toby Locher* Date: 11/10/14

Property Owner Signature (if not applicant): *GENC General Partner* Date: 11/11/14  
*Giant Seminole L.P. and*  
*Soywood Investors L.P.*

**For Office Use Only:** Date Received: \_\_\_\_\_

Review Required: Administrative \_\_\_\_\_ Planning Commission \_\_\_\_\_ City Council \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments: \_\_\_\_\_

Director of NDS

**City of Charlottesville**  
**CRITICAL SLOPES WAIVER REQUEST SUPPLEMENT**

**Please review city zoning ordinance section 34-1120(b) “Critical Slopes” and submit a completed Waiver Application Form with Critical Slopes Supplement.**

**Applicant:** Kroger Limited Partnership I      Contact: Mr. Toby Locher  
PO BOX 14002                                      Toby.locher@Kroger.com  
Roanoke, VA 24038                                804-254-8440

**Property Owner:**  
Giant Seminole Square Limited Partnership

**Project Description: What are you proposing to do on this site?**  
Replace several empty buildings with a new Kroger Grocery Store.

**Existing Conditions:**  
The site is developed as the Seminole Square Shopping Center.

**Total Site Area:**  
17.58 acres (Seminole Square) with the Kroger parcel being 7.35 acres of that.

**Zoning (if applying for rezoning-please note existing and intended change):**  
No rezoning required from current zoning of HW.

**Percentage of Area greater than or equal to 25% slopes: (critical slopes make up 2.26 acres of the site’s 17.58 acres, or 12.9 % of the site area.)**

**This application should be used to explain how the proposed project meets some or all of the requirements as described in Section 34-1120(6) “Modification or waiver.” The applicant is expected to address finding #1 and/or finding #2 and justify the finding by utilizing the “critical slope provisions” as a guide. Completing this application will help staff make their recommendation to the Planning Commission and City Council.**

*City Council may grant a modification or waiver, upon making one or more of the following findings:*

**Finding #1: The public benefits of allowing disturbance of critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes)**

[See attached report.](#)

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**Finding #2. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.**

[See attached report.](#)

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*Please address how Finding #1 and/or Finding 2# will be met utilizing the “critical slope provisions” noted below.*

**1. Erosion affecting the structural integrity of those features.**

[See attached report.](#)

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**2. Stormwater and erosion-related impacts on adjacent properties.**

[See attached report.](#)

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**3. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.**

[See attached report.](#)

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4. Increased stormwater velocity due to loss of vegetation.  
See attached report.

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5. Decreased groundwater recharge due to changes in site hydrology.  
See attached report.

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6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.  
See attached report.

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Please list all attachments that should be viewed as support to the above explanations.  
See attached report.


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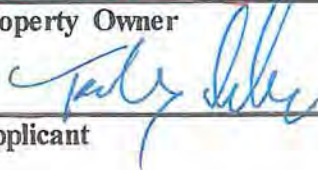
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Please sign the following statement.

I certify that, to the best of my knowledge, the information I have provided above is based on sound engineering and surveying data and that this site has been carefully inspected and reviewed for the purposes of completing this application accurately. I certify that as the property owner/applicant I have not given false information that may affect the decisions made regarding this development.

 GMHC General Partner Grant Semuda L.P. and  
Property Owner Squid Investors L.P. 11/11/14

 11/10/14  
Applicant

Please do not write below this line. For office use only.  
Planner's Comments/Recommendations:

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February 23rd, 2015

City of Charlottesville  
610 East Market Street  
P.O. Box 911  
Charlottesville, VA 22902

**RE: 220 Zan Road – Tax Map 41B015000; Steep Slope Waiver Justification to Support Development of a new Kroger Grocery Store (R369) at Seminole Square Shopping Center**

To Whom It May Concern:

On behalf Kroger Limited Partnership I, and in accordance with Ordinance Section 34-1120b, we wish to submit this request for critical slop waiver to permit the construction of a new Kroger Grocery Store inside of the Seminole Square Shopping Center.

The subject property has a physical address of 220 Zan Road and is part of the existing Seminole Square Shopping Center. The total site area of Seminole Square is 17.58 acres with the new Kroger site consisting of 7.35 acres. Seminole Square is home to several empty buildings and multiple tenants including Big Lots, Office Depot, Marshalls and many more smaller tenants. The site currently drains to a central, city maintained, 60" reinforced concrete pipe (RCP) that outfalls at the rear of the stores (southeastern side of the site) into a city maintained stormwater pond.

Birds Eye View of Existing Site (winter looking north):



The new Kroger building will occupy several existing, empty buildings in the center of the site. The existing buildings will be expanded and remodeled to fit the needs of Kroger. Majority of the site is currently paved or existing building with some on the interior parking areas serving as landscape islands and additionally with landscape strips along the perimeter. Behind the existing buildings on the southern and southeastern side of the site, several manmade fill slopes exist. The area of disturbance for this project will mainly encompass paved areas with placid slopes (1-5% approximately) leading to storm drains located throughout the project site. At the rear of the site a large manmade fill slope exists (facing southeast) with varying height (app. 30') and slope (averaging app. 55%). Additionally a large manmade fill slope exists along the southern boundary (facing north) and drains onto the project site. The slope varies in height (app. 21') and slope (averaging app. 59%) and will remain mostly undisturbed with the exception of the most eastern side which will be disturbed in order to install a new retaining wall. The proposed use of the site requires a small portion of the existing, manmade fill slopes to be removed and replaced with concrete retaining walls in order to facilitate adequate delivery and fire truck circulation.

The critical slopes being impacted appear to be man-made and steeper than typically found where slopes are naturally occurring.

With regard to the goals and objectives of the steep slope regulations we offer the following:

**Finding #1: The public benefits of allowing disturbance of critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes)**

The public benefits of the rehabilitation of the existing site outweigh the benefits of the undisturbed slope. **In addition to the benefits described below, the applicant offers the following:**

1. The proposed retaining wall serving the truck delivery dock (see attached site plan – Exhibit #2) will be faced with a live covering of vines (see elevation sketch – Exhibit #7).
2. A privacy fence will be installed on top of the same wall to help screen the truck delivery dock.
3. The applicant will work with the city of Charlottesville to provide an easement for a multiuse trail along a portion of applicant's property adjacent to Meadow Creek.
4. The installation of additional plantings on the Cannon/Hearthwood Limited Partnership property adjacent to and south of the subject property will be offered (see Landscape Plan LA-2 – Exhibit #8).

**In accordance with ordinance section 34-1120, additional benefits of disturbing the slope will be shown by the explanation of the required "critical slope provisions" below:**

**1. Erosion affecting the structural integrity of those features.**

In addition and as stated above, the existing manmade slopes are steeper than would be typically found if naturally occurring elsewhere. Typically, manmade fill slopes are not stable above 50% and the existing slopes appear to average between 55-59%. This excessive slope has the potential to

cause long term erosion, maintenance and stability issues; especially when located inside of a flood plain as this site is.

At the toe of southeastern slope behind the shopping center lies an existing stormwater pond. According to a study entitled "Field Monitoring of Retrofitted Stormwater Basins in the Meadow Creek Watershed" by the University of Virginia dated June 30, 2002, page 8 scouring occurs inside the pond causing unnecessary pollutant loading (erosion). At the request of the city, the pond will be removed and replaced with a riprap lined plunge pool at the outfall of the 60" RCP. The riprap will also be extended to the bank of Meadow Creek in order to transport runoff from the plunge pool with limited soil erosion.

**2. Stormwater and erosion-related impacts on adjacent properties.**

The city owns the neighboring parcel that is adjacent to and downgradient of Seminole Square and is home to the Meadow Creek. The city's property and the shoreline of Meadow Creek will be protected in addition by newly placed riprap to serve as permanent sediment & runoff control extending from the plunge pool to the bank of Meadow Creek. All other neighboring parcels are located at higher elevations and will not be impacted by this site.

**3. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.**

As it currently exists, the site offers little to no improvement in runoff water quality. However, as proposed the Kroger site will not only reduce the runoff rates for the newly added impervious areas by means of a new underground stormwater detention vault but will also provide greatly improved water quality by means of several proprietary water quality units. These water quality units will not only reduce phosphorus to the desired levels but will also aid in the removal of litter, total suspended solids (silt, etc) and oils.

**4. Increased stormwater velocity due to loss of vegetation.**

According to the city, the existing stormwater pond is undersized, erodes and is the source for unnecessary and continued maintenance. Additionally and according to a study entitled "Field Monitoring of Retrofitted Stormwater Basins in the Meadow Creek Watershed" by the University of Virginia dated June 30, 2002, page 8 scouring occurs inside the pond causing unnecessary pollutant loading. Therefore, the city has requested that Kroger remove the pond. In its place a new, low maintenance riprap plunge pool will be constructed to help dissipate the energy and reduce the velocity of the water of the stormwater leaving the city's 60" RCP storm sewer pipe. In order to remove the pond and construct the new plunge pool, the slope will need to be disturbed.

**5. Decreased groundwater recharge due to changes in site hydrology.**

Impervious cover will be increased as part of construction. However, a new underground stormwater vault will be constructed to attenuate and detain runoff from the increased impervious cover. This vault will be designed to retard the timing of release in order to keep the runoff from having a coincidental peak with that of the existing 60" RCP storm sewer. By keeping the peak release of the pond separate from the rest of the site, runoff will have a better chance infiltrating into the ground. In addition, the outfall from the vault is upgradient of the 60" RCP and has an increased path of travel from the outfall to the Meadow Creek; again increasing potential for infiltration. Additionally, the city has requested the installation of a new "plunge pool" as explained above. The plunge pool will hold water b/w rain events to allow additional water the potential to infiltrate into the ground.

**6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.**

It would be difficult to argue that the critical slopes proposed to be disturbed add to the “natural beauty” of the back of the shopping center. They are merely a manmade earthwork (not natural) that enabled the creation of the existing shopping center. What trees that do exist will be removed. However, the slopes and existing trees are starting to be covered by an invasive vine species that needs to be eradicated (see pictures below). Additionally, trees will be planted on-site to beautify the development and the site will now be occupied by a strong, national tenant known for their ability to thrive and should remain viable and well maintained for years to come. If not approved, the site has the potential to remain abandoned and outdated.

Photo taken behind the buildings on the southern end of the existing truck turn around facing West (notice erosion and vines):



Photo taken behind the buildings on the southern end of the existing truck turn around facing South (notice vines behind the fence):





Close up of vines in picture above:



Another picture of invasive vines on the south side of the site:



**Finding #2. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.**

The existing shape and size of the developed property prohibits the ability to use the site as desired for a new Kroger Grocery Store. It is not reasonably possible to shift the store forward into the existing parking to avoid the existing slopes do to terrain, conformity with the rest of the site and adequate parking and circulation. Additionally, delivery and fire services must be maintained behind the store necessitating the expansion of the existing drive.

**List of attachments:**

Exhibit 1: Survey of Existing Property

Exhibit 2: Site Plan

Exhibit 3: Steep Slope Disturbance

Exhibit 4: Existing Pond Report

Exhibit 5: Existing VSMP Approval

Exhibit 6: Sight Line Study

Exhibit 7: Conceptual Perspective Elevation

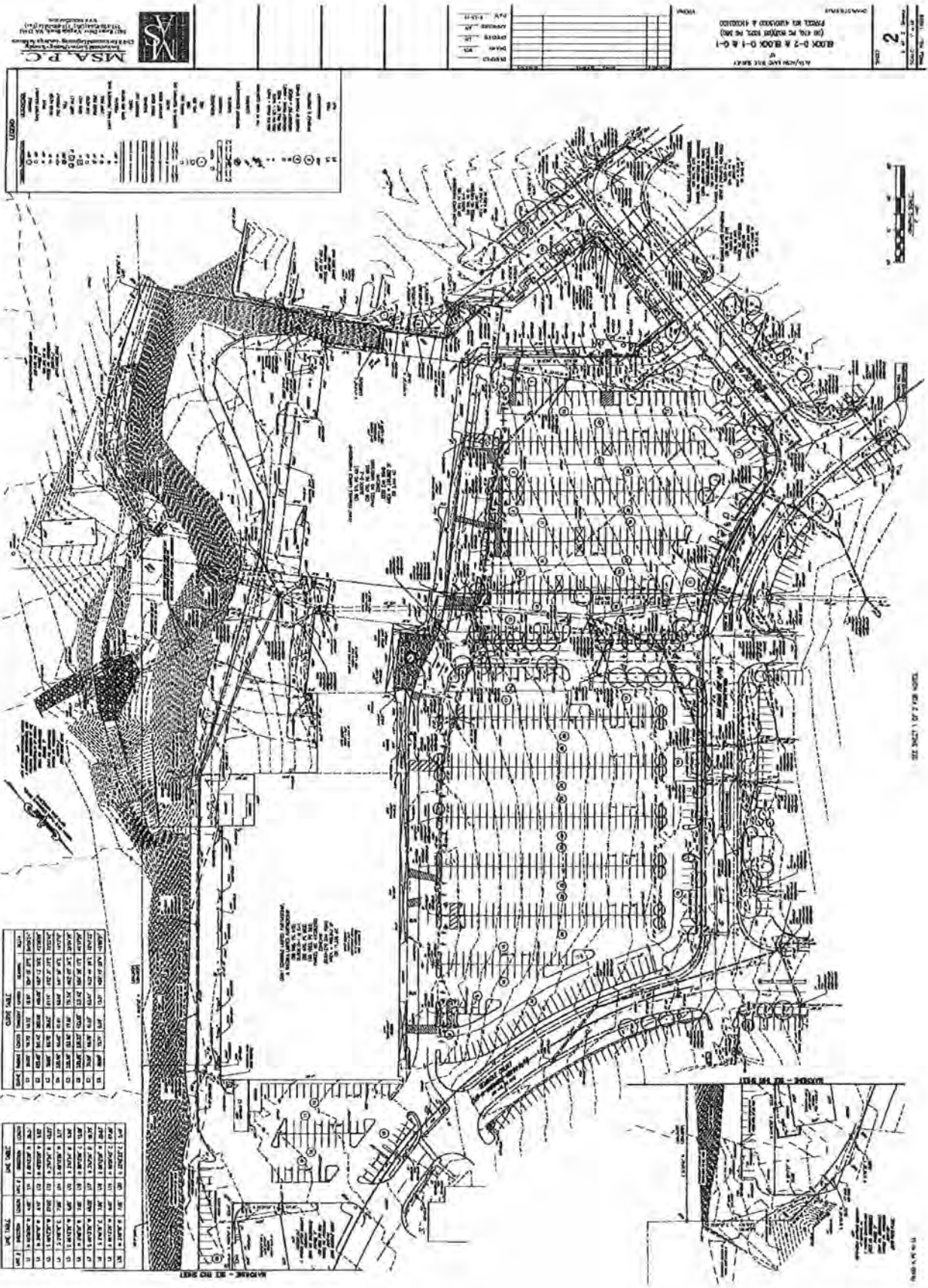
Exhibit 8: Landscape Plan LA-2

Sincerely,

A handwritten signature in blue ink, appearing to read 'Toby Locher', written over a light blue circular stamp.

Toby Locher, P.E., CPESC  
Kroger Limited Partnership I

# Site Plan Existing Conditions



**MSA P.C.**  
Merrillville, Indiana  
Professional Surveyors  
Surveying & Mapping  
2100 North Dixie Highway  
Merrillville, IN 46459  
Phone: (765) 465-1100  
Fax: (765) 465-1101  
www.msa-pc.com

NO.	DATE	DESCRIPTION
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AS SHOWN ON THE MAP  
BLOCK D-2 & BLOCK D-1 & D-1  
(SEE THE RECORDING INSTRUMENTS)  
PROJECT NO. 4410000 & 4410010

**2**  
SHEET 1 OF 2 FOR NOTES

LOT NO.	AREA (SQ. FT.)	AREA (SQ. YD.)	PERCENTAGE OF TOTAL
1	10,000	115.47	1.15
2	10,000	115.47	1.15
3	10,000	115.47	1.15
4	10,000	115.47	1.15
5	10,000	115.47	1.15
6	10,000	115.47	1.15
7	10,000	115.47	1.15
8	10,000	115.47	1.15
9	10,000	115.47	1.15
10	10,000	115.47	1.15
11	10,000	115.47	1.15
12	10,000	115.47	1.15
13	10,000	115.47	1.15
14	10,000	115.47	1.15
15	10,000	115.47	1.15
16	10,000	115.47	1.15
17	10,000	115.47	1.15
18	10,000	115.47	1.15
19	10,000	115.47	1.15
20	10,000	115.47	1.15

LOT NO.	AREA (SQ. FT.)	AREA (SQ. YD.)	PERCENTAGE OF TOTAL
21	10,000	115.47	1.15
22	10,000	115.47	1.15
23	10,000	115.47	1.15
24	10,000	115.47	1.15
25	10,000	115.47	1.15
26	10,000	115.47	1.15
27	10,000	115.47	1.15
28	10,000	115.47	1.15
29	10,000	115.47	1.15
30	10,000	115.47	1.15
31	10,000	115.47	1.15
32	10,000	115.47	1.15
33	10,000	115.47	1.15
34	10,000	115.47	1.15
35	10,000	115.47	1.15
36	10,000	115.47	1.15
37	10,000	115.47	1.15
38	10,000	115.47	1.15
39	10,000	115.47	1.15
40	10,000	115.47	1.15

MOORE - 21 AND 22

MSA P.C. 11





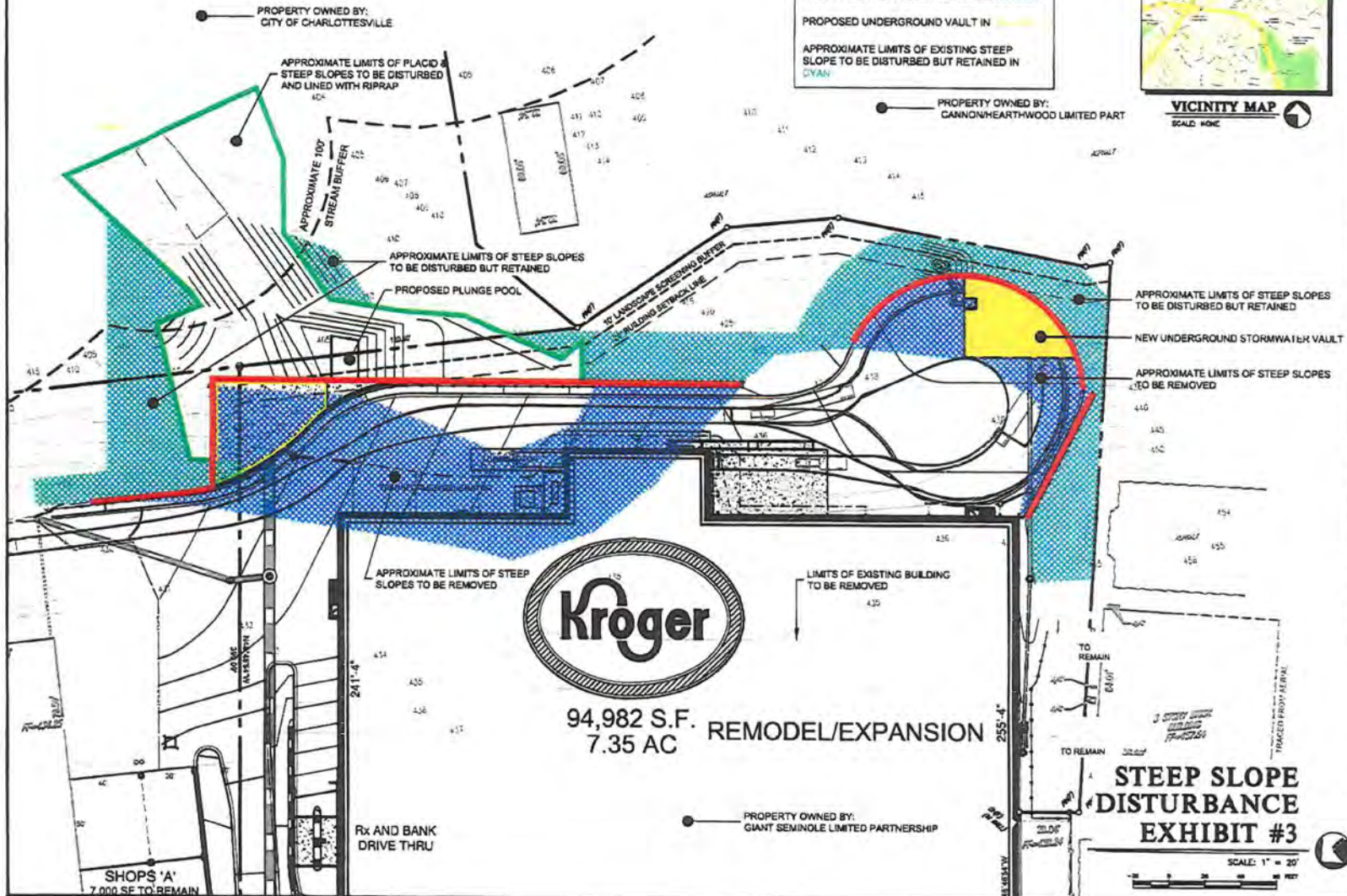
Know what's below.  
Call before you dig

IF YOU DIG VIRGINIA...  
CALL US FIRST!  
UTILITIES PROTECTION CENTER  
IT'S THE LAW

LEGEND	
STEEP SLOPE TO BE REMOVED	SHADED BLUE
PROPOSED RETAINING WALL	SHADED RED
PROPOSED RIP-RAP AREA	OUTLINED IN GREEN
PROPOSED UNDERGROUND VAULT	IN YELLOW
APPROXIMATE LIMITS OF EXISTING STEEP SLOPE TO BE DISTURBED BUT RETAINED	IN CYAN



VICINITY MAP  
SCALE: NONE



ROBERTSON LOIA ROOF ARCHITECTS & ENGINEERS  
300 PULASKI ROAD, SUITE 200, CHARLOTTESVILLE, VA 22902  
TEL: 804-974-1111 FAX: 804-974-1112

KROGER STORE #389  
200 JAM ROAD  
CHARLOTTESVILLE, VA  
KROGER LIMITED PARTNERSHIP I  
P.O. BOX 1020  
HARRISONBURG, VA 22801  
TEL: 800-368-3531

DATE: 01-15-15  
PROJECT NUMBER: 12-317  
EX. 3



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019 - TDD (804) 698-4021

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4020  
1-800-592-5482

5/23/2014

Great Eastern Management Company  
PO Box 5526  
Charlottesville, VA 22805

**RE: Construction General Permit Coverage #VAR10D825, Seminole Square Development - Commercial shopping center - 101 Seminole Court Charlottesville**

Dear David G Mitchell:

DEQ has received your registration statement for the proposed land-disturbing project under the General Permit for Discharges of Stormwater from Construction Activities (VAR10). The project's date of coverage is either the date of this letter or fifteen business days after the postmark date of the project's complete registration packet submittal to DEQ.

By submission of the registration statement, you acknowledge that the proposed project is eligible for coverage under the General Permit and you have agreed to the conditions in the General Permit including any applicable conditions regarding Total Maximum Daily Loads and impaired waters. Please be aware that §62.1-44.15:35 of the Code of Virginia and the General Permit contain additional requirements if nonpoint nutrient offsets are chosen to meet the post-development nonpoint nutrient runoff compliance requirements. Section §62.1-44.15:35 I requires that the permit issuing authority require that nonpoint nutrient offsets or other off-site options achieve the necessary nutrient reductions **PRIOR TO THE COMMENCEMENT OF THE PERMITTEE'S LAND DISTURBING ACTIVITY.**

A copy of the General Permit is available on the DEQ web page at <http://www.deq.virginia.gov/Portals/0/DEQ/Water/Publications/CGPvar10.pdf>. Print the VAR10 permit and read it carefully as you are responsible for meeting all the permit conditions. The General Permit will expire on June 30, 2014.

Your project specific permit registration number is **VAR10D825**. A copy of this permit coverage letter, registration statement, copy of the VAR10 permit, and the project's Stormwater Pollution Prevention Plan (SWPPP) must be at the construction site from the date of commencement of the construction activity to final stabilization. In addition, DEQ staff conduct periodic site inspections for compliance with the permit.

Additional information is available on the DEQ webpage at: <http://www.deq.virginia.gov/programs/water/stormwatermanagement/vsmppermits/constructiongeneralpermit.aspx>. For questions, contact the Permit Processor at (804) 698-4039.

Sincerely,

Handwritten signature of Frederick K. Cunningham in cursive.

Frederick K. Cunningham, Director  
Office of Water Permits



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

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Fax: 804-698-4019 - TDD (804) 698-4021

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Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4020  
1-800-592-5482

May 23, 2014

Great Eastern Management Company  
PO Box 5526  
Charlottesville, VA 22805

RE: General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)  
**DEQ General Permit No. VAR10D825**  
Seminal Square Development, Charlottesville  
Reissuance Reminder Letter

Dear Permittee:

The General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) was adopted by the State Water Control Board at its December 13, 2013 meeting and will be reissued with an effective date of July 1, 2014. This general VPDES permit provides coverage to stormwater discharges from all qualified construction activities for operators that submit a complete and accurate registration statement and are approved for coverage.

General VPDES permit holders must complete and submit the 2014 registration statement, 2014 permit fee form, and 2014 permit fee on or before June 1, 2014 if they wish to continue coverage under this general permit reissuance. Please note that the Department has extended the due date as allowed per Part III M of the general permit. A copy of the 2014 registration statement and permit fee form can be found on the Department's website at the following location:

<http://www.deq.virginia.gov/programs/water/stormwatermanagement/vsmpppermits/constructiongeneralpermit.aspx>

Instructions for completing the 2014 registration statement are included with the registration form. The application fee for this general permit varies, and should be submitted in accordance with the 2014 permit fee form instructions.

Chesapeake Bay Preservation Act land-disturbing activities (i.e., construction activities resulting in land disturbance equal to or greater than 2,500 square feet and less than one acre within areas designated as subject to the Chesapeake Bay Preservation Act) are no longer subject to coverage under the 2014 general permit. Operators of these construction activities are not required to apply for continued coverage under this general permit.

If your land-disturbing activity has been completed and final stabilization has been achieved, please submit a 2009 Notice of Termination form. This form can be found on the Department's website at the link provided above.

Please contact me at (804) 698-4037 or the Stormwater Permit Processor at (804) 698-4085 if you have any questions.

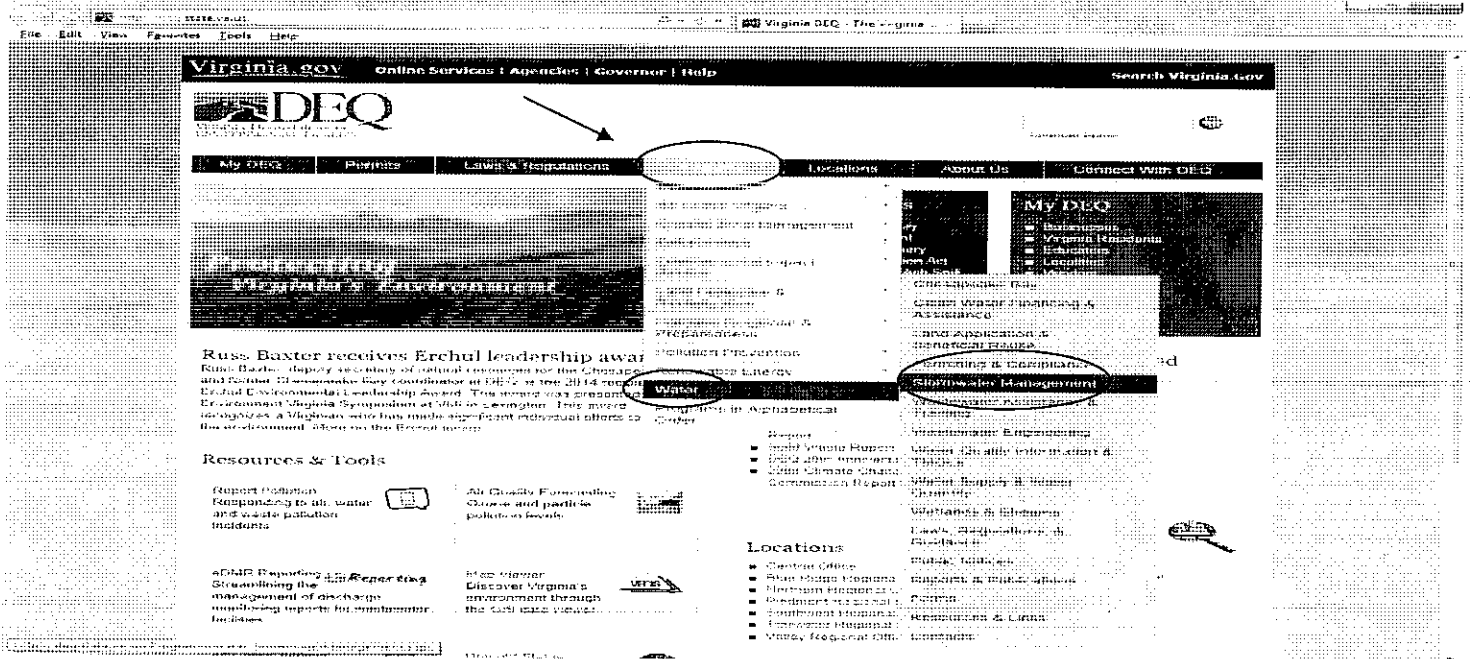
Respectfully,

Andrew J. Hammond II, PE, HIT  
Office of Stormwater Management



### Step 1:

- Hover mouse pointer over "Programs", then move down and hover over "Water"
- Click on "Stormwater Management", just to the right of "Water"



### Step 2:

- On the right menu bar, click on the "Construction General Permit" link (Fig. 1)
- When directed to the page in Fig. 2, scroll down and select the permit link that applies to you

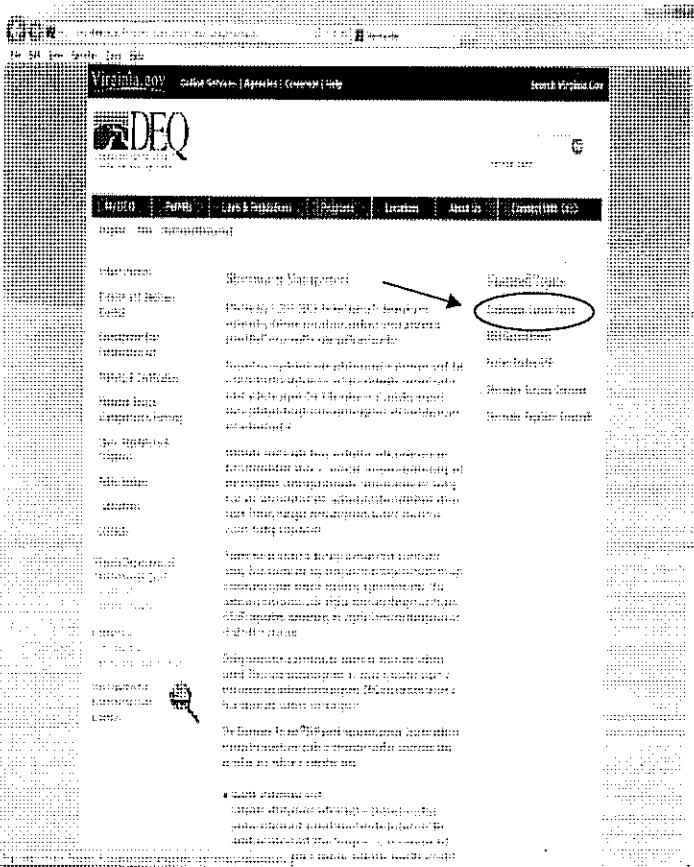


Fig. 1

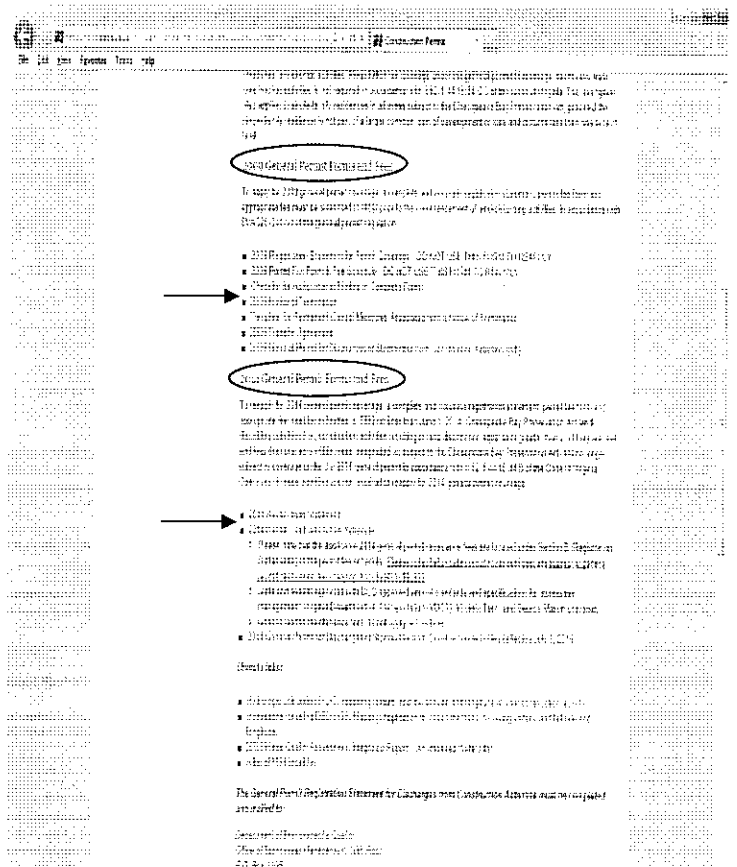
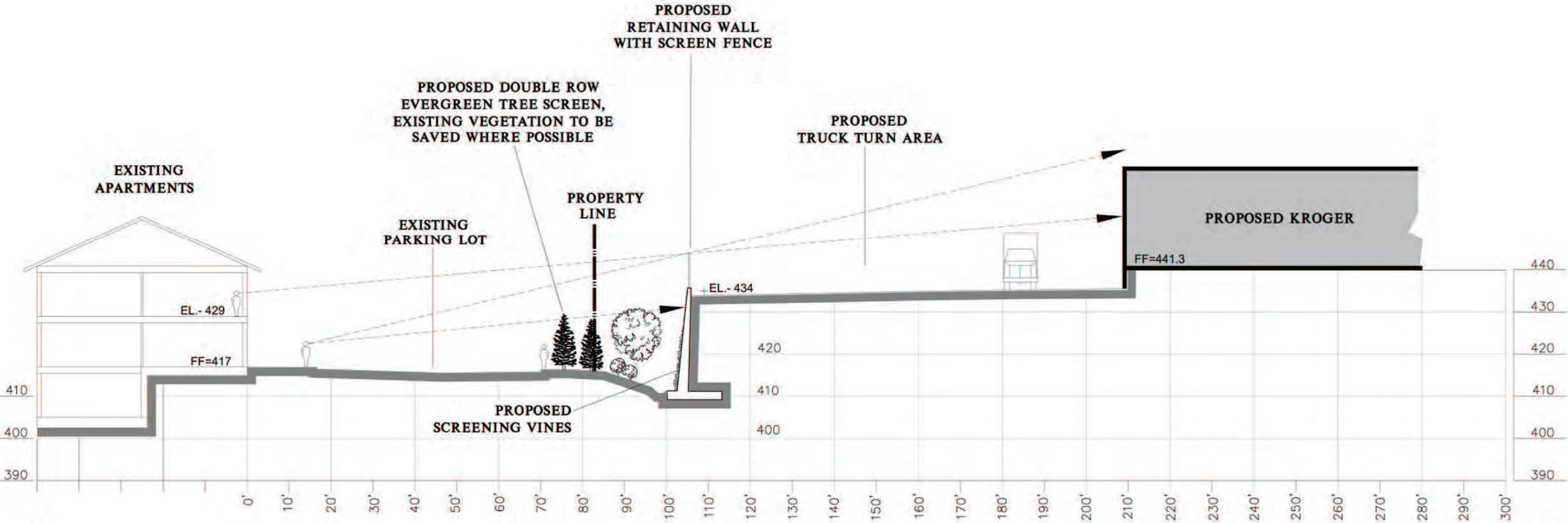


Fig. 2



**A**

**SIGHT LINE STUDY**

*N.T.S.*

**A'**

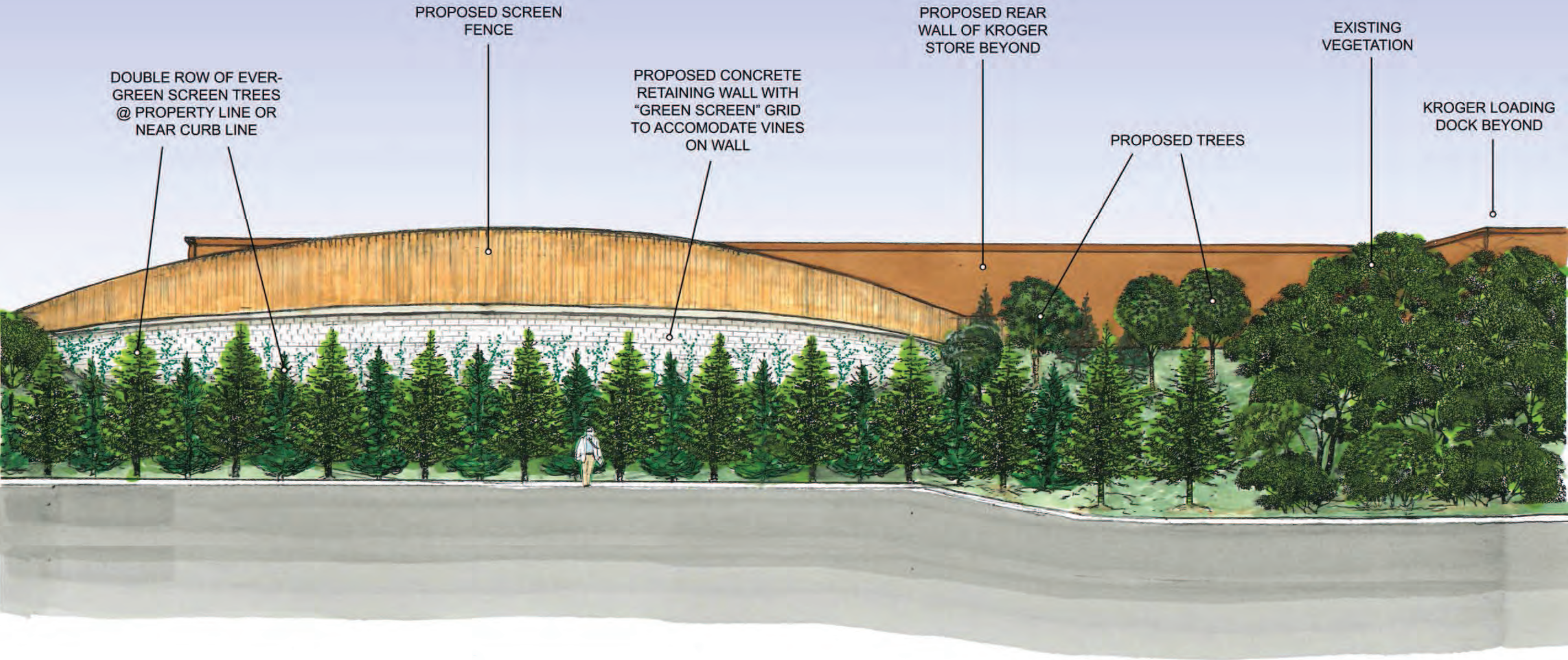
*SIGHT LINE STUDY*  
**KROGER STORE R-369**

CHARLOTTESVILLE

VIRGINIA

**RLR**  
**ROBERTSON LOIA ROOF**  
 ARCHITECTS & ENGINEERS

RLR PROJECT# 12-317  
 DATE: 02-24-2015



DOUBLE ROW OF EVER-GREEN SCREEN TREES @ PROPERTY LINE OR NEAR CURB LINE

PROPOSED SCREEN FENCE

PROPOSED CONCRETE RETAINING WALL WITH "GREEN SCREEN" GRID TO ACCOMODATE VINES ON WALL

PROPOSED REAR WALL OF KROGER STORE BEYOND

PROPOSED TREES

EXISTING VEGETATION

KROGER LOADING DOCK BEYOND

CONCEPTUAL PERSPECTIVE  
VIEW FROM APARTMENT COMPLEX

KROGER STORE R-369

CHARLOTTESVILLE

VIRGINIA



ROBERTSON LOIA ROOF  
ARCHITECTS & ENGINEERS

RLR PROJECT# 12-317  
DATE: 02-24-2015

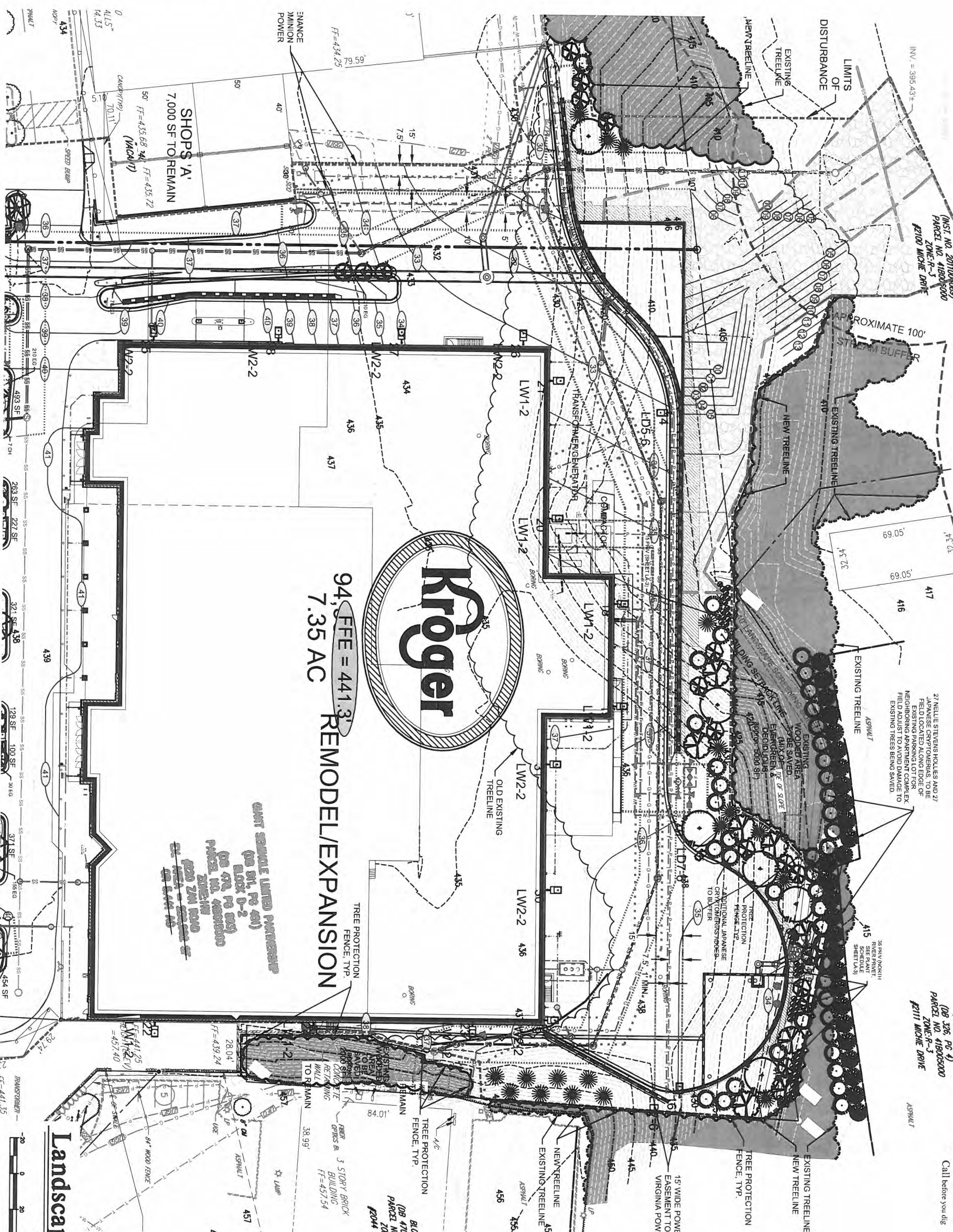
N/E CHARLOTTEVILLE VIRGINIA  
 CITY OF CHARLOTTE CORPORATION AND  
 A MUNICIPAL SUBDIVISION OF THE  
 COMMONWEALTH OF VIRGINIA  
 (INST. NO. 2011004089)  
 PARCEL 7  
 (INST. NO. 418016000)  
 PARCEL NO. 418016000  
 ZONE-R-3  
 #2100 WICHE DRIVE

27 NELLIE STEVENS HOLMES AND 27  
 JAPANESE CRYPTOMERAS, TO BE  
 FIELD LOCATED ALONG EDGE OF  
 NEIGHBORING APARTMENT COMPLEX  
 FIELD ADJUST TO AVOID DAMAGE TO  
 EXISTING TREES BEING SAVED.

N/E CANNON/NEARWOOD LIMITED PART  
 (DB 6/22, PG 805)  
 PARCEL 1  
 (DB 3/26, PG 4)  
 PARCEL NO. 418038000  
 ZONE-R-3  
 #2111 WICHE DRIVE

**811**  
 IF YOU DIG VIRGINIA...  
 CALL US FIRST!  
 UTILITIES PROTECTION CENTER  
 IT'S THE LAW  
 Know what's below.  
 Call before you dig.

**ROBERTSON LOIA ROOF**  
 ARCHITECTS & ENGINEERS  
 3460 Preston Ridge Road · Suite 275 · Alpharetta, Georgia 30005  
 770-674-2600 · Fax 678-319-0745



0  
 41.5"  
 14.33  
 434  
 70.11  
 50' FT=435.68 3/4"  
 (NACM)  
 FT=435.72  
 7,000 SF TO REMAIN  
 ENHANCE  
 MAINION  
 POWER  
 FT=434.25  
 79.59

283 SF 227 SF  
 321 SF 438  
 129 SF 100 SF  
 371 SF  
 154 SF

**Landscape Plan 2**  
 SCALE: 1" = 20'  
 0 20 40 60 FEET

SHEET NUMBER  
**LA - 2**

LANDSCAPE PLAN 2  
 11-10-14  
 12-317

**KROGER STORE R-369**  
 220 ZAN ROAD  
 CHARLOTTEVILLE, VA  
**KROGER LIMITED PARTNERSHIP I**  
 P.O. BOX 14002, ROANOKE, VA 24038  
 (540) 563-3645

**SHRUB KEY:**  
 DIBL LOWER LIMBED HOLLY  
 CIL. LEBERNA GLOSSY LEAFER  
 CAROLINA HOLLY  
 See Sheet LA-3 for Tree Schedule with total tree quantities, sizes, etc.

**EXISTING TREE SYMBOLS:**  
 12" EX. TREE TO BE SAVED  
 12" EX. TREE TO BE REMOVED

**PROPOSED TREE SYMBOLS:**  
 Green Yase Zekova  
 Willow Oak  
 Armstrong Red Maple  
 Sawtooth Oak  
 Loblolly Pine  
 Japanese Cryptomeria  
 Chinese Pistachio  
 Arapaho Craple Myrtle  
 Nellie Stevens Holly

**SHRUB KEY:**  
 DIBL LOWER LIMBED HOLLY  
 CIL. LEBERNA GLOSSY LEAFER  
 CAROLINA HOLLY  
 See Sheet LA-3 for Tree Schedule with total tree quantities, sizes, etc.



IF YOU DIG VIRGINIA...  
CALL US FIRST!  
UTILITIES PROTECTION CENTER  
IT'S THE LAW

Know what's below.  
Call before you dig

REFER TO SURVEY &  
DEMOLITION PLAN (C-0) FOR  
LIMITS OF EXISTING STORM  
SEWER AND SITE  
IMPROVEMENTS.

**GRADING NOTES**

1. ALL WORK TO RECEIVE PRELIMINARY STRUCTURES OR FULL MEDICAL SHALL BE STAFFED BY ORGANIC MATERIAL, TOPSOIL, AND GRASS PRIOR TO CONSTRUCTION.
2. ONLY EXISTING AND NEW CONCRETE ALL AREAS TO BE DEMOLISHED SHALL BE SHOWN BY THE CONTRACTOR. SOFT AND WEAK MATERIAL SHALL BE REMOVED AND REPLACED WITH A MINIMUM OF 18" OF 3/4" GRADE 4000 PSI CONCRETE UNDERLAY.
3. EARTHWORK OPERATIONS SHALL BE PERFORMED IN ACCORDANCE TO THE USRAIN CONSTRUCTION SPECIFICATIONS.
4. "SAT" FACTORY AND A RECOMMENDED 18" MINIMUM THICKNESS OF ROCK OR CORAL UNDER THIS FACTORY FROM ANY DIRECTION OF TRAFFIC. FRACTIONAL MATERIALS, VIBRATION, AND OTHERWISE TO BE MAINTAINED.
5. FOR UNDER STRUCTURES: 30" MINIMUM SLAB, FUTURE EXPRESSION SHALL BE 12" MINIMUM AND REINFORCEMENT SHALL BE 4" MINIMUM. ALL REINFORCEMENT SHALL BE 4" MINIMUM. ALL REINFORCEMENT SHALL BE 4" MINIMUM. ALL REINFORCEMENT SHALL BE 4" MINIMUM.
6. ALL REINFORCEMENT SHALL BE 4" MINIMUM. ALL REINFORCEMENT SHALL BE 4" MINIMUM. ALL REINFORCEMENT SHALL BE 4" MINIMUM.
7. CONTRACTOR SHALL INSTALL APPROPRIATE EROSION CONTROL MEASURES PRIOR TO ANY LAND DISTURBANCE ACTIVITIES.
8. THE CONTRACTOR SHALL MAINTAIN ALL MINOR COVER, VALVE COVERS, CLEAN-OUTS, MANHOLE RISERS, AND OTHER UTILITIES AND PROTECT THEM FROM DAMAGE AND GRADING.
9. IF GRADE ADJUSTMENTS ARE REQUIRED, THE CONTRACTOR SHALL NOTIFY THE ENGINEER TO INSPECT AND SIGN OFF ON ANY ADJUSTMENTS.
10. IF A CONFLICT EXISTS BETWEEN PLANS OR SPECIFICATIONS OR ANY OTHER REQUIREMENT, THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY FOR CLARIFICATION.
11. PRIOR TO INSTALLATION OF STORM OR SANITARY SEWER, THE CONTRACTOR SHALL VERIFY THE EXISTING EXTERIOR FINISH GRADE AND ELEVATION OF THE EXTERIOR FINISH GRADE AND NOTIFY THE ENGINEER IMMEDIATELY FOR CLARIFICATION.
12. EXISTING DRAINAGE STRUCTURES TO BE REMOVED AND REPAIRING AS NOTED AND REPAIRING AS NOTED TO BE DEMOLISHED TO REMOVE ALL SLOPE AND BODIES IN NEW CONSTRUCTION.
13. ALL PROPOSED DRAINAGE STRUCTURES & PIPES ARE TO BE INSTALLED PER THE CITY OF CHARLOTTE'S STANDARD SPECIFICATIONS FOR CONSTRUCTION. THESE ARE TO BE APPROVED FOR ACCEPTANCE BY THE CITY PRIOR TO BEING BACKFILLED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ANY NECESSARY APPROVALS OR SPECIAL INSPECTIONS INCLUDING THAT AS SHOWN (SURVEY).
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A MINIMUM 4' CLEARANCE OF DESIGN DRAINAGE STRUCTURES FROM ALL UTILITIES. THESE ARE TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION AND MUST BE MAINTAINED THROUGHOUT THE CONSTRUCTION.
15. THE CONTRACTOR SHALL PROVIDE TO THE END USER A COPY OF THE FINAL DRAINAGE PLAN FOR EACH DESIGN AND CONSTRUCTION. THESE ARE TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION AND MUST BE MAINTAINED THROUGHOUT THE CONSTRUCTION.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND PERFORMING ALL NECESSARY PROFESSIONAL ENGINEERING AND SHALL BE UNDER CONTRACT WITH THE CONTRACTOR. THESE ARE TO BE APPROVED FOR ACCEPTANCE BY THE CITY PRIOR TO BEING BACKFILLED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ANY NECESSARY APPROVALS OR SPECIAL INSPECTIONS INCLUDING THAT AS SHOWN (SURVEY).
17. PRECAST STRUCTURES MAY BE USED AT THE CONTRACTOR'S OPTION.
18. ALL CONCRETE SHALL HAVE A MINIMUM 4" DRAIN COMPRESSIVE STRENGTH AND 4" UNLESS OTHERWISE NOTED.
19. PROVIDE 4" MINIMUM COVER ON ALL PIPES AT OR EXCEEDING 24" DIA. SLOPE.
20. PROVIDE WATER TIGHT JOINTS ON ALL STORM SEWER PIPES AT OR EXCEEDING 24" DIA. SLOPE.

**MATERIAL NOTES**

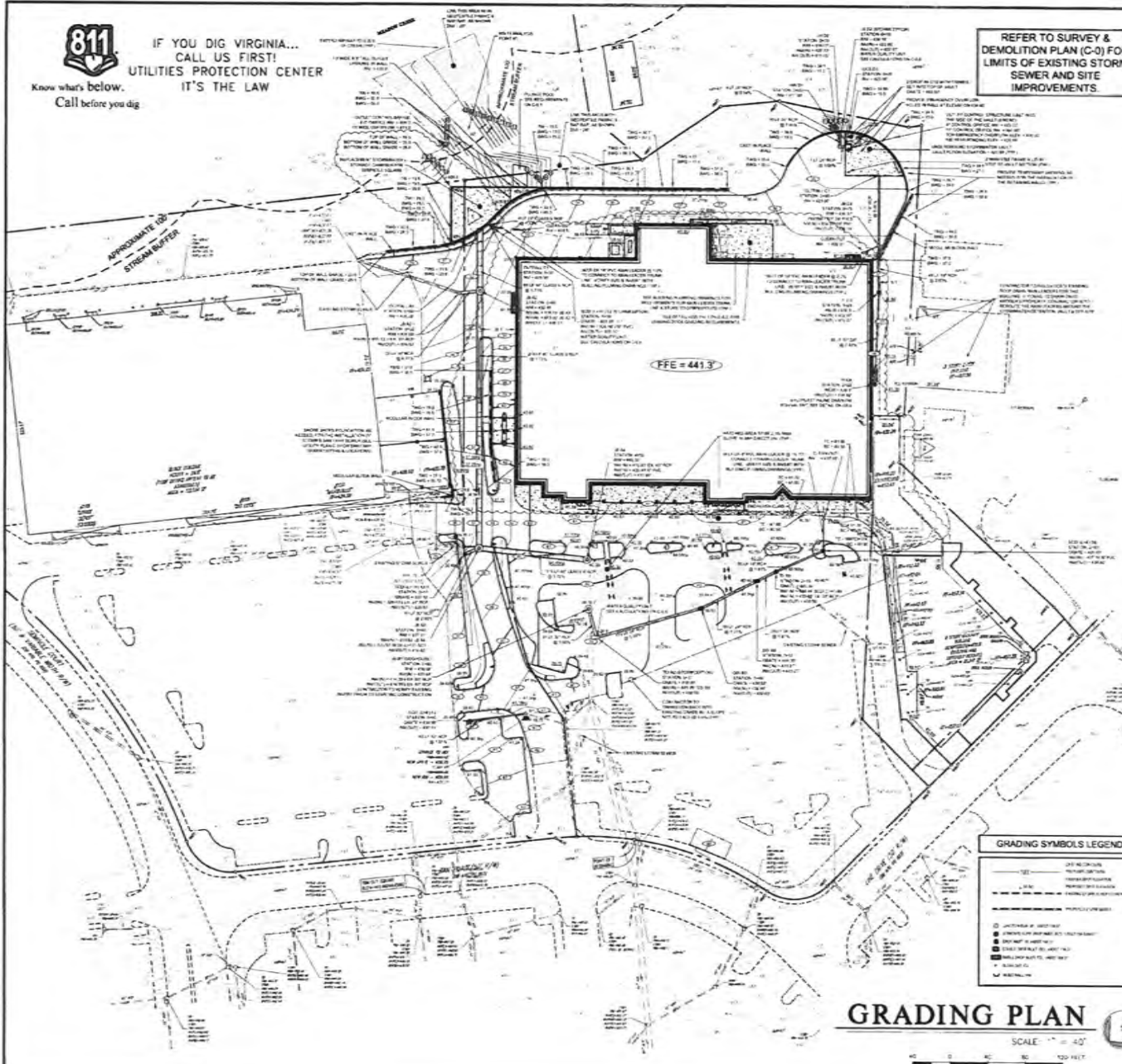
1. STORM SEWER MATERIALS SHALL BE INSTALLED AS SHOWN ON THE PLANS.
2. STORM SEWER MATERIAL DESIGNATIONS SHALL BE FURTHER DEFINED AS FOLLOWS:  
 18" - 24" DIA. PRECAST CONCRETE PIPE, CLASS V SPECIAL SPECIFIED FOR 4000 PSI CONCRETE  
 18" - 24" DIA. PRECAST CONCRETE PIPE, CLASS V SPECIAL SPECIFIED FOR 4000 PSI CONCRETE  
 18" - 24" DIA. PRECAST CONCRETE PIPE, CLASS V SPECIAL SPECIFIED FOR 4000 PSI CONCRETE  
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5. PROVIDE 4" MINIMUM COVER ON ALL PIPES AT OR EXCEEDING 24" DIA. SLOPE.
6. PROVIDE WATER TIGHT JOINTS ON ALL STORM SEWER PIPES AT OR EXCEEDING 24" DIA. SLOPE.

**GRADING SYMBOLS LEGEND**

---	OFF-ROADWAY
---	PROPOSED DRIVEWAY
---	PROPOSED SIDEWALK
---	PROPOSED BIKEWAY
---	PROPOSED PARKING LOT
---	PROPOSED DRIVEWAY
---	PROPOSED SIDEWALK
---	PROPOSED BIKEWAY
---	PROPOSED PARKING LOT

**GRADING PLAN**

SCALE: 1" = 40'



**ROBERTSON LOJA ROOF**  
ARCHITECTS & ENGINEERS  
2400 Preston Road, Suite 175, Allen, Texas 75015  
714.261.8800



**KROGER STORE R-369**  
232 ZAN ROAD  
CHARLOTTEVILLE, VA  
**KROGER LIMITED PARTNERSHIP I**  
10000 KROGER DRIVE  
CHARLOTTE, NC 28226  
(704) 762-1343

DATE	11-10-14
REVISION	12-317
SCALE	C-2.1

**GRADING PLAN**

DATE: 11-10-14  
REVISION: 12-317  
SCALE: C-2.1

**(b) Critical slopes.**

- (1) *Purpose and intent.* The provisions of this subsection (hereinafter, "critical slopes provisions") are intended to protect topographical features that have a slope in excess of the grade established and other characteristics in the following ordinance for the following reasons and whose disturbance could cause one (1) or more of the following negative impacts:
  - a. Erosion affecting the structural integrity of those features.
  - b. Stormwater and erosion-related impacts on adjacent properties.
  - c. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.
  - d. Increased stormwater velocity due to loss of vegetation.
  - e. Decreased groundwater recharge due to changes in site hydrology.
  - f. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.

These provisions are intended to direct building locations to terrain more suitable to development and to discourage development on critical slopes for the reasons listed above, and to supplement other regulations and policies regarding encroachment of development into stream buffers and floodplains and protection of public water supplies.

- (2) *Definition of critical slope.* A critical slope is any slope whose grade is 25% or greater and:
  - a. A portion of the slope has a horizontal run of greater than twenty (20) feet and its total area is six thousand (6,000) square feet or greater; and
  - b. A portion of the slope is within two hundred (200) feet of any waterway as identified on the most current city topographical maps maintained by the department of neighborhood development services.

Parcels containing critical slopes are shown on the map entitled "Properties Impacted by Critical Slopes" maintained by the department of neighborhood development services. These critical slopes provisions shall apply to all critical slopes as defined herein, notwithstanding any subdivision, lot line adjustment, or other action affecting parcel boundaries made subsequent to the date of enactment of this section.

- (3) *Building site required.* Every newly created lot shall contain at least one (1) building site. For purposes of this section, the term building site refers to a contiguous area of land in slopes of less than 25%, as determined by reference to the most current city topographical maps maintained by the department of neighborhood development services or a source determined by the city engineer to be of superior accuracy, exclusive of such areas as may be located in the flood hazard overlay district or under water.
- (4) *Building site area and dimensions.* Each building site in a residential development shall have adequate area for all dwelling unit(s) outside of all required yard areas for the applicable zoning district and all parking areas. Within all other developments subject to the requirement of a site plan, each building site shall have adequate area for all buildings and structures, parking and loading areas, storage yards and other improvements, and all earth disturbing activity related to the improvements.
- (5) *Location of structures and improvements.* The following shall apply to the location of any building or structure for which a permit is required under the Uniform Statewide Building Code and to any improvement shown on a site plan pursuant to Article VII of this chapter:

- a. No building, structure or improvement shall be located on any lot or parcel within any area other than a building site.
- b. No building, structure or improvement, nor any earth disturbing activity to establish such building, structure or improvement shall be located on a critical slope, except as may be permitted by a modification or waiver.

(6) *Modification or waiver.*

- a. Any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property may request a modification or waiver of the requirements of these critical slopes provisions. Any such request shall be presented in writing and shall address how the proposed modification or waiver will satisfy the purpose and intent of these provisions.
- b. The director of neighborhood development services shall post on the city website notice of the date, time and place that a request for a modification or waiver of the requirements of these critical slopes provisions will be reviewed and cause written notice to be sent to the applicant or his agent and the owner or agent for the owner of each property located within five hundred (500) feet of the property subject to the waiver. Notice sent by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books, postmarked not less than five (5) days before the meeting, shall be deemed adequate. A representative of the department of neighborhood development services shall make affidavit that such mailing has been made and file the affidavit with the papers related to the site plan application.
- c. All modification or waiver requests shall be submitted to the department of neighborhood development services, to be reviewed by the planning commission. In considering a requested modification or waiver the planning commission shall consider the recommendation of the director of neighborhood development services or their designee. The director, in formulating his recommendation, shall consult with the city engineer, the city's environmental manager, and other appropriate officials. The director shall provide the planning commission with an evaluation of the proposed modification or waiver that considers the potential for soil erosion, sedimentation and water pollution in accordance with current provisions of the Commonwealth of Virginia Erosion and Sediment Control Handbook and the Virginia State Water Control Board best management practices, and, where applicable, the provisions of Chapter 10 of the City Code. The director may also consider other negative impacts of disturbance as defined in these critical slope provisions.
- d. The planning commission shall make a recommendation to city council in accordance with the criteria set forth in this section, and city council may thereafter grant a modification or waiver upon making a finding that:
  - (i) The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes); or
  - (ii) Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

No modification or waiver granted shall be detrimental to the public health, safety or welfare, detrimental to the orderly development of the area or adjacent properties, or contrary to sound engineering practices.

- e. In granting a modification or waiver, city council may allow the disturbance of a portion of the slope, but may determine that there are some features or areas that cannot be disturbed. These include, but are not limited to:
  - (i) Large stands of trees;
  - (ii) Rock outcroppings;
  - (iii) Slopes greater than 60%.

City council shall consider the potential negative impacts of the disturbance and regrading of critical slopes, and of resulting new slopes and/or retaining walls. City council may impose conditions as it deems necessary to protect the public health, safety or welfare and to insure that development will be consistent with the purpose and intent of these critical slopes provisions. Conditions shall clearly specify the negative impacts that they will mitigate. Conditions may include, but are not limited to:

- (i) Compliance with the "Low Impact Development Standards" found in the City Standards and Design Manual.
- (ii) A limitation on retaining wall height, length, or use;
- (iii) Replacement of trees removed at up to three-to-one ratio;
- (iv) Habitat redevelopment;
- (v) An increase in storm water detention of up to 10% greater than that required by city development standards;
- (vi) Detailed site engineering plans to achieve increased slope stability, ground water recharge, and/or decrease in stormwater surface flow velocity;
- (vii) Limitation of the period of construction disturbance to a specific number of consecutive days;
- (viii) Requirement that reseeded occur in less days than otherwise required by City Code.

(7) *Exemptions.* A lot, structure or improvement may be exempt from the requirements of these critical slopes provisions, as follows:

- a. Any structure which was lawfully in existence prior to the effective date of these critical slopes provisions, and which is nonconforming solely on the basis of the requirements of these provisions, may be expanded, enlarged, extended, modified and/or reconstructed as though such structure were a conforming structure. For the purposes of this section, the term "lawfully in existence" shall also apply to any structure for which a site plan was approved or a building permit was issued prior to the effective date of these provisions, provided such plan or permit has not expired.
- b. Any lot or parcel of record which was lawfully a lot of record on the effective date of this chapter shall be exempt from the requirements of these critical slopes provisions for the establishment of the first single-family dwelling unit on such lot or parcel; however, subparagraph (5)(b) above, shall apply to such lot or parcel if it contains adequate land area in slopes of less than 25% for the location of such structure.
- c. Driveways, public utility lines and appurtenances, stormwater management facilities and any other public facilities necessary to allow the use of the parcel shall not be required to be located within a building site and shall not be subject to the building site area and dimension requirements set forth above within these critical slopes provisions, provided that the applicant demonstrates that no reasonable alternative location or alignment exists. The city engineer shall require that protective and restorative measures be installed and maintained as deemed necessary to insure that the development will be consistent with the purpose and intent of these critical slopes provisions.

(9-15-03(3); 11-21-05; 1-17-06(7); 1-17-12; 7-16-12)



**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**ENGINEERING REVIEW OF APPLICATION FOR A WAIVER:  
CRITICAL SLOPES**

**Project Review / Analysis (Kroger – Seminole Square)**

The applicant has provided detailed information in the attached narrative for each item discussed below:

**Finding #1:**

The applicant's explanations are summarized below and the format parallels what was provided with the waiver application. *Comments from the Engineering Staff are indicated in italics.*

**1. Erosion affecting the structural integrity of those features:**

The applicant explains the existing slopes are manmade. The applicant also indicates that the City has suggested that the pond be removed as part of this development. *Engineering Staff agrees that the slopes are manmade and is supportive of the concept provided with this application package.*

**2. Stormwater and erosion-related impacts on adjacent properties:**

The applicant states the land down gradient of the slopes will be protected by measures which provide permanent sediment & runoff control. *Engineering Staff agrees that the applicant's method of permanent stabilization will address concerns; however staff will be working closely with the consultant and other departments to achieve a more environmentally sensitive approach. This will occur through the normal plan review process after a determination of the critical slope waiver is made.*

**3. Stormwater and erosion-related impacts to environmentally sensitive areas such as stream and wetlands:**

The applicant states that the existing site offers little to no runoff water quality and that the proposed design will reduce the runoff rates and provides water quality measures. *Engineering Staff agrees that the current site provides little stormwater controls and that the proposed design will meet or exceed the regulatory requirements for water quantity and water quality.*

**4. Increased stormwater velocity due to loss of vegetation:**

The applicant indicates that the pond is undersized and is a source for continued maintenance. *Engineering Staff confirms our request to remove the pond and provide the plunge pool to dissipate energy and reduce velocity.*

**5. Decreased groundwater recharge due to changes in the site hydrology:**

The applicant suggests that the proposed design will increase the opportunity for water to infiltrate into the ground. *Engineering Staff agrees with the theory behind the explanation. The calculations to support the timing of the storms will be reviewed during the final plan submission.*

**6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat:**

The applicant believes there is little natural beauty as the slopes currently exist. *Engineering Staff would add that the existing pond which is proposed to be removed is a very unattractive, unnatural feature that has plagued the City's maintenance crews for many years. As mentioned previously, City staff will be working closely with the consultant to fine tune the proposed design so it satisfies all affected parties.*

**Finding #2**

The applicant explains that site constraints prohibit use of the property unless the slopes are disturbed. *Engineering Staff has no comments regarding this matter.*

**Engineering Recommendation**

Engineering staff recommends approval of the critical slope waiver application as the technical issues regarding disturbance of these critical slopes will be mitigated with the proposed development and the proposed design will meet state and local minimum control requirements for stormwater runoff. In addition, the applicant has shown a willingness to provide additional treatment beyond the regulatory requirements on site and remove the existing pond at the City's request.

This document was prepared by:  
George W. Barlow, III, Division Attorney  
The Nature Conservancy  
490 Westfield Road  
Charlottesville, Virginia 22901

2012  
002103

Tax Map Parcel(s): Tax Map 41D Parcel 107 (City of Charlottesville)  
Tax Map 41B Parcel 4A (City of Charlottesville)  
Portion of Tax Map 41B Parcel 6 (City of Charlottesville)

### CONSERVATION EASEMENT

THIS DEED OF GIFT OF CONSERVATION EASEMENT ("Conservation Easement"), exempt from all recordation taxes pursuant to Virginia Code §§ 58.1-811(C)(4), (D) and (F), is made on this 10th day of May, 2012, by the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation, with an address of Post Office Box 911, Charlottesville, Virginia 22902 ("Grantor"), and THE NATURE CONSERVANCY, a non-profit corporation organized and existing under the laws of the District of Columbia, with a local address of 490 Westfield Road, Charlottesville, Virginia 22901 ("Grantee" or "Conservancy").

### RECITALS:

- A. Grantor is the sole owner in fee simple of the property legally described in Exhibit A, attached hereto and incorporated by this reference, which consists of three (3) parcels including Parcel 1 consisting of approximately 1.460 acres (Tax Map 41D Parcel 107) (shown on the plat in Exhibit B), Parcel 2 consisting of 3.33 acres (Tax Map 41B Parcel 4A), and Parcel 3 consisting of 4.421 acres (Portion of Tax Map 41B Parcel 6) located in the City of Charlottesville, Commonwealth of Virginia.
- B. As used herein, the term "Property" shall refer collectively together to Parcel 1, Parcel 2, and Parcel 3, which consists of approximately 9.211 acres in the aggregate, more or less, located in the City of Charlottesville, Commonwealth of Virginia, as described hereinabove.
- C. The Commonwealth of Virginia has authorized the creation of conservation easements pursuant to the Virginia Conservation Easement Act, Virginia Code §10.1-1009 *et seq.* (the "Conservation Easement Act"), and Grantor and Grantee wish to avail themselves of the provisions of that law.
- D. As required under §10.1-1010(E) of the Conservation Easement Act, the use of the Property for open space land conforms to the City of Charlottesville 2007 Comprehensive Plan (the "Comprehensive Plan"), as more particularly set forth in this Paragraph. The Guiding Principles of the Comprehensive Plan state that the Charlottesville community "puts a value on trees, parks, greenspace, stream and biodiversity as adding to the appearance and livability of the City" and "balances the natural and built environments and practices sustainability in its decisions" (Chapter 2). The "Environment" chapter of the Comprehensive Plan includes the goal to "promote, protect and restore riparian (streamside) and stream ecosystems to protect habitat

and water quality for people and animals” (Chapter 8). The Comprehensive Plan outlines specific objectives to reach this goal, including: “promote and participate in existing programs to accept conservation or open-space easements of forested stream-side lands to ensure permanent protection,” “restore degraded stream buffers through voluntary planting programs and the removal of pollution sources and invasive plants,” and “ensure riparian ecosystem health and water quality by repairing failing sewer infrastructure in degraded stream areas and reducing sources of stream bank erosion.” The “Land Use and Urban Design” chapter of the Comprehensive Plan includes the goal to “regulate the use of land to assure the protection, preservation and wise use of the City’s natural, historic and architecturally significant environment” and the specific objective to “continue to monitor development through enforcement of site plan/subdivision review, zoning, soil erosion ordinances and a better system of bonding performance, to ensure protection of limited natural resources and sensitive environmental areas, including designated flood plain areas and rivers” (Chapter 5).

E. The Property contains approximately 2,190 linear feet of frontage on Meadow Creek, 603 linear feet of frontage on tributaries to Meadow Creek, and 0.7 acres of wetlands. Protection of the Property’s frontage on Meadow Creek is consistent with the City of Charlottesville’s Water Protection Ordinance, voluntarily adopted by the City in 2004, which ordinance establishes stream buffers along three City streams, including Meadow Creek, for the purposes of “retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.” The specific purposes of the Water Protection Ordinance are to:

- “(1) Inhibit the deterioration of public waters and waterways resulting from land disturbing activities;
- (2) Protect the safety and welfare of citizens, property owners, and businesses by minimizing the negative impacts of increased stormwater runoff from new land development and redevelopment;
- (3) Control nonpoint source pollution, erosion and sedimentation, and stream channel erosion;
- (4) Maintain the integrity of existing stream channels and networks for their biological functions, drainage, and natural recharge of groundwater;
- (5) Protect the condition of public waters for all reasonable public uses and ecological functions;
- (6) Provide for the long-term responsibility for and maintenance of stormwater management facilities and best management practices;
- (7) Facilitate the integration of stormwater management and pollution control with other city ordinances and with federal, state and local programs, policies, regulations and guidelines; and
- (8) Prohibit illicit connections and discharges to the City’s municipal storm sewer system.”

F. The Property contains nearly 2,800 linear feet of frontage on Meadow Creek and tributaries to Meadow Creek. Meadow Creek is a tributary of the Rivanna River which joins the James River and flows into the Chesapeake Bay. The Nature Conservancy has identified the Rivanna River watershed as one of the five best examples of a Piedmont freshwater system remaining in Virginia. As stated in the Chesapeake 2000 Agreement, signed by the Governor of

Virginia and the Administrator of the U.S. Environmental Protection Agency, “[t]he Chesapeake Bay is North America’s largest and most biologically diverse estuary, home to more than 3,600 species of plants, fish and animals.” A goal of the Chesapeake 2000 Agreement is to “expand the use of voluntary and market-based mechanisms such as easements...to protect and preserve natural resource lands.” The Commonwealth of Virginia established the Virginia Water Quality Improvement Fund in part to meet its commitments under the Chesapeake 2000 Agreement. The Fund provides grants for projects including “the acquisition of conservation easements related to the protection of water quality and stream buffers.”

G. Protection of the Property’s frontage on Meadow Creek is consistent with the purposes and policies of the Chesapeake Bay Preservation Act, §§10.1-2100 to 10.1-2116 of the Code of Virginia (the “Chesapeake Bay Preservation Act”), which establishes the Chesapeake Bay Local Assistance Board to promulgate regulations and criteria for land use controls to protect water quality in the Chesapeake Bay and its tributaries, including Meadow Creek, which flows into the Rivanna River, a tributary of the James River.

H. The Commonwealth of Virginia has placed Meadow Creek and a segment of the Rivanna River just downstream of its confluence with Meadow Creek on the Clean Water Act (33 U.S.C. § 1251 *et seq.*) Section 303(d) list of impaired waterways for aquatic life and bacterial impairments. Excessive sedimentation, resulting from urban runoff and streambank erosion, is believed to be a major cause of the aquatic life impairments in Meadow Creek and the Rivanna River. Preventing development of the Property, restoring Meadow Creek, and preserving the forested buffer and wetlands along Meadow Creek will aid in reducing sedimentation and retarding and filtering runoff entering Meadow Creek and the Rivanna River.

I. This Conservation Easement protects Meadow Creek, the Rivanna River, and the Chesapeake Bay by, among other things, restricting development, construction, and disturbance of vegetation on the Property, thus preventing excessive degradation of aquatic habitat. In particular, this Conservation Easement protects the habitat for aquatic species by (i) preserving forested riparian buffers and floodplain wetlands along Meadow Creek, which buffers and wetlands trap sediments, filter run-off, prevent streambank erosion, and generally protect and enhance water quality, and (ii) preventing certain development and uses of the Property, such as the creation of impervious surfaces on the Property, that would increase runoff and pollution and materially impair the habitat for aquatic species in Meadow Creek, the Rivanna River, and the Chesapeake Bay.

J. Conditions on the Property are suitable for aquatic resource restoration. Restoration activities will improve water quality, providing substantial benefits to the ecological process and environmental conditions of Meadow Creek and systems downstream, including the Rivanna River and the Chesapeake Bay.

K. The Property, in its entirety, has ecological value as mitigation as that term is used in conjunction with impacts to aquatic resources in relation to the Clean Water Act, 33 U.S.C. § 1251 *et seq.* (“CWA”), and funds from the Virginia Aquatic Resources Trust Fund (the “Trust Fund”) will be used to restore, enhance, or preserve the Property; and, because funds were paid into the Trust Fund on account of impacts permitted under the CWA by the Department of the

Army, the Trust Fund and the United States Army Corps of Engineers ("USACE") are third-party beneficiaries of this Conservation Easement.

L. The characteristics of the Property, its current use and state of improvement, are described in a report entitled "Baseline Report of City of Charlottesville Meadow Creek Conservation Easement (Tax Map Parcel 41D-107, Tax Map Parcel 41B-4A, and Portion of Tax Map Parcel 41B-6)", dated December 8, 2011, as amended, prepared by Grantee for Grantor (the "Baseline Report"). Grantor worked with Grantee to ensure that the report is a complete and accurate description of the Property as of the date of recordation of this Conservation Easement. Grantor and Grantee agree that the Baseline Report will be amended following stream restoration work to document the final restoration plan. The Baseline Report, as amended, will be used by Grantor and Grantee to assure that any future changes in the use of the Property will be consistent with the terms of this Conservation Easement. However, the Baseline Report is not intended to preclude the use of other evidence to establish the present condition of the Property if there is a controversy over its use.

M. Grantor and Grantee have the common purpose of conserving the above-described conservation values of the Property in perpetuity.

**NOW, THEREFORE**, Grantor, for and in consideration of the facts recited above and of the mutual covenants, terms, conditions and restrictions contained herein and as an absolute and unconditional gift, hereby gives, grants, and conveys unto Grantee a Conservation Easement in perpetuity over the Property of the nature and character as follows:

1. **PURPOSES.** The purposes of this Conservation Easement are as follows: to restore and enhance stream and riparian resources; to ensure that the Property will be retained forever predominantly in its natural and scenic condition; to protect water quality within the Rivanna River watershed; to protect native plants, animals, or plant communities on the Property; to protect wetland and aquatic resources; in part to provide ecological value as mitigation for impacts to aquatic resources; to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property described above, while allowing for traditional uses on the Property that are compatible with and not destructive of the conservation values of the Property, such as hiking, fishing, and picnicking.

Grantor will not perform, nor knowingly allow others to perform, any act on or affecting the Property that is inconsistent with the purposes of this Conservation Easement. Nothing in this Conservation Easement shall require Grantor to take any action to restore the condition of the Property after any act of God or other event over which Grantor had no control, including but not limited to activities of beavers and the unauthorized activities of third parties. Grantor understands that nothing in this Conservation Easement relieves it of any obligation or restriction on the use of the Property imposed by law.

2. **DEFINITIONS.** As used in this Conservation Easement:

A. Existing Improvements and Constructed Features – Those existing structures, facilities, utilities, Trails (defined below), and other man-made additions to the natural environment located on the Property as of the date of recordation of this Conservation Easement and described and depicted in the Baseline Report.

B. Improvements – Improvements consist of any building, structure, or man-made addition to the Property, including but not limited to roads, residences, out-buildings, sheds, barns, tree-houses, house and office trailers, tennis and other recreation courts, and swimming pools placed, built, or constructed on the Property after the date of recordation of this Conservation Easement. For the purposes of this definition, Improvements do not include Trails (defined below), structures and facilities associated with utilities (pipes, valves, manholes, etc.), fences, signs, picnic tables, benches, or movable items not affixed to real estate that have a *de minimis* impact on ground area.

C. Invasive Plants – Plants included on the most current list of Virginia Department of Conservation and Recreation's "Invasive Alien Plant Species of Virginia" or, if such list ceases to be published, a similar list promulgated by the Commonwealth of Virginia or the federal government, which Grantee shall notify Grantor is the list that shall be binding on Grantor for purposes of this Conservation Easement.

D. Stream Mitigation Activities – On Parcel 1, the restoration of approximately 478 linear feet of Meadow Creek (one bank), the preservation of approximately 85 linear feet of a tributary to Meadow Creek, and the enhancement and preservation of a riparian buffer along each of these reaches; on Parcel 2, the restoration of approximately 575 linear feet of Meadow Creek (both banks), the preservation of approximately 324 linear feet of a tributary to Meadow Creek, and the enhancement and preservation of a riparian buffer along each of these reaches; and on Parcel 3, the restoration of approximately 1,137 linear feet of Meadow Creek (both banks), the preservation of approximately 194 linear feet of a tributary to Meadow Creek, and the enhancement and preservation of a riparian buffer along each of these reaches.

E. Trails – Those dirt (or other pervious surface) trails and paths, and associated footbridges over streams or ditches, located within the Property. The locations of existing Trails are described and depicted graphically in the Baseline Report.

3. **PROPERTY USES.** Any activity on or use of the Property inconsistent with the purposes of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following is a listing of activities and uses which are expressly prohibited or which are expressly allowed. Grantor and Grantee have determined that the allowed activities do not impair the conservation values of the Property. Additional retained rights of Grantor are set forth in Paragraph 4 below.

3.1 Subdivision. Neither Parcel 1, Parcel 2 nor Parcel 3 shall be divided, subdivided or partitioned, nor shall any of such Parcels be conveyed or pledged for a debt except in its

current configuration as an entity. Provided, however that the separate transfer, conveyance or encumbrance of the entirety of Parcel 1, Parcel 2, or Parcel 3 shall not be considered a subdivision of the Property. Any parcel transferred or conveyed shall remain subject to the terms of this Conservation Easement, and shall not be further divided, subdivided or partitioned.

3.2 Improvements. No new Improvements may be constructed or placed on the Property.

3.3 Existing Improvements and Constructed Features. Grantor shall have the right and is expressly permitted to, and may permit others to, maintain, remodel, operate and repair Existing Improvements and Constructed Features on the Property (including Trails) as described and detailed in the Baseline Report, and in the event of their destruction or obsolescence, to reconstruct or replace any such Existing Improvement or Constructed Feature with another of similar size, function, capacity, location and material. Grantor shall have the right to replace and relocate the existing Trail that is located roughly parallel to Meadow Creek, provided that no trees planted as part of the stream restoration project are removed to replace and relocate the trail, and provided that the relocated Trail: i) is no more than eight (8) feet in width, ii) has a pervious surface, iii) is co-located within the existing utility rights-of-way when reasonably practicable, and iv) in cases where it is not possible to co-locate the Trail within existing utility rights-of-way, is located as far away from Meadow Creek as is reasonably practicable. Extensions of existing utilities shall be considered new utilities covered in Paragraph 3.4.

3.4 Utilities.

(a) New Public Utilities. The construction, installation, relocation, repair, replacement, remodeling, operation and maintenance of public utility structures and facilities placed, built, or constructed on the Property after the date of recordation of this Conservation Easement shall be permitted, provided that: i) to the extent reasonably practicable, the location of such utilities shall be not less than one hundred (100) feet from Meadow Creek unless Grantee and USACE consent to the location of utilities within such 100 foot buffer, which consent shall not be unreasonably withheld; ii) no more land or vegetation shall be disturbed than is reasonably necessary to construct, install, relocate, repair, replace, remodel, operate and maintain the utilities; and iii) construction, installation, relocation, repair, replacement, remodeling, operation and maintenance of such utilities shall comply with applicable federal, state, and local requirements and permits and be conducted in a manner that protects water quality and to the extent reasonably practicable does not damage the stream restoration project. In the event that the stream restoration project is damaged as a result of the activities permitted under this paragraph, the project shall be restored to its status prior to such damage.

(b) New Private Utilities. The construction, installation, relocation, repair, replacement, remodeling, operation and maintenance of private utility structures and facilities placed, built, or constructed on the Property after the date of recordation of this Conservation Easement may be permitted subject to prior written consent of Grantee,



USACE, and Grantor, except that consent shall not be required for maintenance of permitted new private structures and facilities.

- 3.5 New Trails. Grantor shall have the right to construct Trails on the Property after the date of recordation of this Conservation Easement provided (i) new Trails are no more than six (6) feet in width and (ii) no trees planted as part of the stream restoration project and no existing trees (other than Invasive Plants) over two (2) inches in diameter at breast height ("dbh") are removed to construct new Trails. Grantor shall have the right to construct a boardwalk, construct new Trails wider than six (6) feet, and remove trees for the construction of new Trails, subject to prior written consent of Grantee. The reconstruction or replacement of existing Trails is permitted pursuant to Paragraph 3.3.
- 3.6 Recreational Uses. Grantor shall have the right to engage in and permit others to engage in recreational uses of the Property including, without limitation, fishing, hiking, canoeing, kayaking, and bicycling, provided such activities do not cause substantial damage to or removal of the trees or other vegetation on the Property or otherwise harm riparian and aquatic habitats.
- 3.7 Use of Motorized Vehicles. Except for emergency vehicles, and vehicles necessary for or used in connection with restoration activities and maintenance of restoration activities pursuant to Paragraphs 3.16 and 5.3 and other activities expressly permitted under this Conservation Easement, the use of motorized vehicles is prohibited.
- 3.8 Commercial Use and Development. Any commercial or industrial use of, or activity on, the Property is prohibited.
- 3.9 Introduction of Invasive Plants. Grantor shall not introduce Invasive Plants to the Property. However, Grantee may give consent for such introduction to address a defined land management concern, such as short-term erosion mitigation using annual grasses.
- 3.10 Destruction of Vegetation. There shall be no removal, harvesting, destruction or cutting of trees, shrubs or plants. Notwithstanding the foregoing, Grantor shall have the right to (i) remove trees pursuant to Paragraph 3.5, (ii) remove Invasive Plants and diseased or damaged trees, shrubs, or plants, (iii) cut firebreaks, subject to prior written consent of Grantee, except that such consent shall not be required in case of emergency firebreaks, and (iv) cut and remove trees, shrubs or plants to accommodate the activities expressly permitted under this Conservation Easement, including without limitation utility activities pursuant to Paragraph 3.4.
- 3.11 Changes in Topography. Except as necessary to accommodate the activities expressly permitted under this Conservation Easement, including without limitation utility activities pursuant to Paragraph 3.4, and any such activities that are necessary or expedient to accommodate ecological restoration activities in accordance with Paragraphs 3.16 and 5.3, there shall be: (i) no ditching, draining, diking, filling, drilling, excavating, dredging, or removal or placement of topsoil, sand, gravel, rock, minerals, land fill, dredging spoils or other materials; (ii) no change in the topography of the Property; and (iii) no

disturbance of the soil in any manner. In no event shall mining or hydrocarbon extraction be permitted on the Property.

- 3.12 Water Management. Except as necessary or expedient to accommodate ecological restoration activities in accordance with Paragraphs 3.16 and 5.3, there shall be no alteration, pollution, depletion or extraction of surface water, marshes, or subsurface water on the Property, and no activities shall be conducted on the Property that would be detrimental to water purity or that could alter the natural water level or flow in or over the Property. Notwithstanding the foregoing, to the extent necessary to accomplish construction, installation, relocation, repair, replacement, remodeling, operation and maintenance of utility structures and facilities in accordance with Paragraphs 3.3 and 3.4, temporary alteration of flow is permitted, subject to the prior written consent of Grantee and USACE.
- 3.13 Signage. No signs or billboards or other advertising displays are allowed on the Property, except that signs whose placement, number and design do not significantly diminish the scenic character of the Property may be displayed to state the name and address of the Property, to advertise or regulate permitted on-site activities, to provide educational, interpretive or directional information, to advertise the Property for sale or rent, and to post the Property to control unauthorized entry or use.
- 3.14 No Biocides or Fertilizers. There shall be no use of biocides, including but not limited to pesticides, fungicides, rodenticides, and herbicides, except, with prior written consent of Grantee to control Invasive Plants detrimental to the conservation values of the Property or to control household vermin and other small animals that cannot be practically controlled by selective methods. There shall be no use of fertilizers, except as selectively applied to aid in the establishment of native vegetation planted as part of restoration efforts.
- 3.15 No Dumping. There shall be no dumping of trash, garbage, or other unsightly or offensive material, hazardous substances, or toxic waste on the Property. There shall be no placement of underground storage tanks in, on, or under the Property.
- 3.16 Ecological Restoration Activities. If Grantor reasonably determines that such activities are consistent with the purposes of this Conservation Easement, Grantor may, subject in any event to prior written consent of Grantee and USACE, not to be unreasonably withheld, engage, and permit others to engage, in restoration activities, pertaining to, without limitation, wetlands, stream banks and channels, riparian areas, Invasive Plant infestations, or fire regime, and installation of stormwater or other best management practices to protect or enhance environmental quality. Prior to commencement of any activities pursuant to this Paragraph, Grantor shall have the plans and specifications for such activities approved by, and shall obtain all permits necessary for, engaging in such activities from all local, state and federal authorities with jurisdiction over such activities.
- 3.17 Agriculture. No farming, grazing, or other agricultural activities are permitted on the Property.

3.18 Consent.

(a) For those activities that require consent, Grantor shall submit plans to Grantee for its review prior to initiation of such activities. The plans shall be sufficiently detailed to allow Grantee to fully evaluate the activity's conformance to the Conservation Easement, including but not necessarily limited to location and extent of the proposed activities. No activity requiring consent may take place until Grantee reviews and approves the plans in writing, and in cases where USACE consent is also required, Grantee reviews and approves the plans in writing and submits the plans to USACE and receives USACE approval in writing. Grantee will review proposed activities and, in cases where USACE consent is also required, Grantee will review the proposed activities with USACE and seek written USACE approval in a timely fashion. The plans will be deemed approved unless Grantee or USACE objects in writing, within sixty (60) days of receipt of complete plans, setting forth with specificity the grounds for objections. Grantee agrees that if the activity is consistent with the terms and provisions of this Conservation Easement, Grantee's approval shall not be unreasonably withheld.

(b) The following paragraphs contain activities that require consent of Grantee and USACE:

- (i) Paragraph 3.4 – a) i) the location of new public utility structures and facilities within 100 feet of Meadow Creek and b) the construction, installation, and relocation of new private utility structures and facilities;
- (ii) Paragraph 3.12 – temporary alteration of flow, to the extent necessary to accomplish construction, installation, relocation, repair, replacement, remodeling, operation and maintenance of utility structures and facilities in accordance with Paragraphs 3.3 and 3.4; and
- (iii) Paragraph 3.16 – engaging and permitting others to engage in ecological restoration activities.

(c) The following paragraphs contain activities that require consent of Grantee only:

- (i) Paragraph 3.5 – construction of a boardwalk, construction of new Trails wider than six (6) feet, or removal of trees (other than Invasive Plants) over two (2) inches in diameter at breast height (“dbh”) for the construction of new Trails;
- (ii) Paragraph 3.9 – introduction of Invasive Plants;
- (iii) Paragraph 3.10(iii) – removal, harvesting, destruction or cutting of trees, shrubs or plants to cut firebreaks, except that such consent shall not be required in case of emergency firebreaks; and

- (iv) Paragraph 3.14 – use of biocides to control Invasive Plants detrimental to the conservation values of the Property or to control household vermin and other small animals that cannot be practically controlled by selective methods.

(d) Prior consent is not required in the case of an emergency situation that threatens public health, safety or welfare. Grantor will notify Grantee of the emergency as soon as practicable and inform Grantee of what steps have been taken to abate the emergency.

3.19 Density. Neither the Property nor any portion of it shall be included as part of the gross area of other property not subject to this Conservation Easement for the purposes of determining density, lot coverage, or open space requirements under otherwise applicable laws, regulations or ordinances controlling land use and building density. No development rights that have been encumbered or extinguished by this Conservation Easement shall be transferred to any other lands pursuant to a transferable development rights scheme, cluster development arrangement or otherwise.

3.20 Compliance with the Americans with Disabilities Act (ADA). Nothing contained in this Conservation Easement shall prevent or preclude Grantor from complying with the requirements of the ADA. Prior to undertaking any activity required by the ADA that would be inconsistent with the purposes of this Conservation Easement, Grantor will provide notice to Grantee of such activity.

4. **ADDITIONAL RIGHTS RETAINED BY GRANTOR.** Grantor retains the following additional rights:

4.1 Existing Uses. The right to undertake or continue any activity or use of the Property permitted by encumbrances currently of record or not prohibited by this Conservation Easement. Prior to making any change in use of the Property, Grantor shall notify Grantee and USACE in writing to allow a reasonable opportunity to determine whether such change would violate the terms of this Conservation Easement. No such change may be made without approval of Grantee and USACE in writing.

4.2 Transfer. The right to sell, give, mortgage, lease, or otherwise convey the Property subject to the terms of this Conservation Easement.

5. **GRANTEE'S RIGHTS.** To accomplish the purposes of this Conservation Easement, the following rights are granted to Grantee by this Conservation Easement:

5.1 Right to Enforce. The right of Grantee to preserve and protect the conservation values of the Property and enforce the terms of this Conservation Easement.

5.2 Right of Entry. The right of Grantee's staff, contractors and associated natural resource management professionals, to enter the Property after prior written notice to Grantor, for the purposes of:

- (i) Performing activities associated with a stream restoration project approved by USACE and Grantee;
- (ii) Inspecting the Property to determine if Grantor is complying with the covenants and purposes of this Conservation Easement;
- (iii) Monitoring and research as described below;
- (iv) Management of Invasive Plants as described below; and
- (v) Enforcing the terms of this Conservation Easement.

Prior written notice is not required if Grantee is entering upon the Property because of an ongoing or imminent violation that could, in the sole discretion of Grantee, substantially diminish or impair the conservation values of the Property, as described in Paragraph 7 herein. Such right of entry shall include the permanent right to cross other lands of Grantor for access to the Property.

5.3 Riparian Area and Stream Restoration Activities. Notwithstanding Paragraph 3, the right of Grantee, its officers, employees, contractors, subcontractors and agents, including representatives of USACE, to enter upon the Property and engage in stream and riparian area restoration activities related to the stream restoration project approved by the Trust Fund on November 16, 2007, December 16, 2008 and December 21, 2009, including, without limitation, construction, removal, reshaping and/or reinforcing of the riparian area adjacent to Meadow Creek and other earthworks, planting of native vegetation and trees, and redirecting of streams or other water bodies. Grantee shall be responsible for obtaining all permits and approvals necessary for engaging in such activities, and Grantor shall consent to, and cooperate with, all efforts to obtain such permits and approvals including, without limitation, execution of all permit applications. All such entries shall be by existing Trails on the Property and Grantee shall repair any Trail, fence or gate damaged as a result of such access to its condition immediately prior to such access. Should access be required across areas where Trails do not exist, Grantee may access such restoration sites across the Property as necessary to accomplish the purposes of this Conservation Easement. Grantee shall repair any damages occasioned by such access. Grantee shall also be responsible for conducting restoration activities in a manner that does not damage utilities or other structures, and shall repair any damages to utilities or other structures occasioned by such activities. Grantee shall keep Grantor's interest in the Property free of any liens arising out of any restoration work performed for, materials furnished to or obligations incurred by Grantee. Nothing in this Conservation Easement authorizes Grantee to undertake restoration activities outside of property owned by Grantor. Grantee will provide Grantor with ten (10) business days' notice if a portion or all of the Property will need to be closed temporarily to the public.

5.4 Monitoring and Research. The right, but not the obligation, to monitor the plant and wildlife populations, plant communities and natural habitats, and success of restoration activities on the Property. Grantor shall cooperate with Grantee in establishing, at no

expense to Grantor, a written monitoring and research plan to direct the monitoring of and research on plant and wildlife populations, plant communities and natural habitats, and success of restoration activities on the Property. Grantor agrees that all monitoring activity, natural resource inventory and assessment work or other natural resource research, conducted by Grantor or others, shall be reported to Grantee.

5.5 Management of Invasive Plants. The right, but not the obligation, to control, manage or destroy Invasive Plants that threaten the conservation values of the Property. Grantee will consult with Grantor prior to implementing management activities.

5.6 Discretionary Consent. Grantee's consent for activities otherwise prohibited or requiring Grantee's consent under Paragraph 3 above, may be given under the following conditions and circumstances. If, owing to unforeseen or changed circumstances, any of the prohibited activities listed in Paragraph 3 are deemed desirable by both Grantor and Grantee, Grantee may, in its sole discretion, give permission for such activities, subject to the limitations herein. Such requests for permission, and permission for activities requiring Grantee's consent, shall be in writing and shall describe the proposed activity in sufficient detail to allow Grantee to judge the consistency of the proposed activity with the purpose of this Conservation Easement. Grantee may give its permission only if it determines, in its sole discretion, that such activities (i) do not violate the purpose of this Conservation Easement and (ii) either enhance or do not impair any significant conservation interests associated with the Property. Notwithstanding the foregoing, Grantee and Grantor have no right or power to agree to any activities that would result in the change, alteration, modification, amendment or termination of this Conservation Easement. Under no circumstance may activities that require the consent of USACE be allowed without written consent of USACE.

6. **RESPONSIBILITIES OF GRANTOR AND GRANTEE NOT AFFECTED.** Other than as specified herein, this Conservation Easement is not intended to impose any legal or other responsibility on Grantor, or in any way to affect any existing obligation of Grantor as owners of the Property. Among other things, this shall apply to:

- (i) Taxes. Grantor shall be solely responsible for payment of all taxes and assessments levied against the Property.
- (ii) Upkeep and Maintenance. Grantor shall be solely responsible for the upkeep and maintenance of the Property, to the extent it may be required by law. Grantee shall have no obligation for the upkeep or maintenance of the Property. Grantor agrees to maintain adequate liability insurance that covers the Property.

7. **ENFORCEMENT.** If Grantee becomes aware of a violation of the terms of this Conservation Easement, Grantee shall give notice to Grantor of such violation and request corrective action sufficient to abate such violation and restore the Property to its previous condition as documented in the Baseline Report, as amended. Grantor agrees that the Baseline Report, also known as a Baseline Documentation Report, shall be deemed to provide objective information concerning the Property's condition at the time of this grant. Grantor and Grantee

agree that the Baseline Report will be amended following stream restoration to document the final restoration plan. Failure by Grantor to abate the violation and take such other corrective action as may be requested by Grantee within thirty (30) days after receipt of such notice shall entitle Grantee to bring an action at law or equity in a court of competent jurisdiction to enforce the terms of this Conservation Easement; to require the restoration of the Property to its previous condition; to enjoin the non-compliance by temporary or permanent injunction in a court of competent jurisdiction; and/or to recover any damages arising from the noncompliance. Such damages, when recovered, may be applied by Grantee, in its sole discretion, to corrective action on the Property. If the court determines that Grantor has failed to comply with this Conservation Easement, Grantor shall reimburse Grantee for any reasonable costs of enforcement, including costs of restoration, court costs and reasonable attorneys fees, in addition to any other payments ordered by such court.

- 7.1 Emergency Enforcement. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Property, Grantee may pursue its remedies under this paragraph without prior notice to Grantor or without waiting for the period for cure to expire.
- 7.2 Failure to Act or Delay. Grantee does not waive or forfeit the right to take action as may be necessary to ensure compliance with this Conservation Easement by any prior failure to act.
- 7.3 Violations Due to Causes Beyond Grantor's Control. Nothing herein shall be construed to entitle Grantee to institute any enforcement proceedings against Grantor for any changes to the Property due to causes beyond Grantor's control, such as changes caused by fire, flood, storm, earthquake or the unauthorized wrongful acts of third persons. In the event of violations of this Conservation Easement caused by the unauthorized wrongful acts of third persons, Grantor agrees, upon request by Grantee, to join in any suit or to appoint Grantee its attorney-in-fact for the purposes of pursuing enforcement action, all at the election of Grantee.
- 7.4 Standing. By virtue of Grantee's acquisition of rights under this Conservation Easement, it shall be entitled, at its option, to standing before appropriate courts of law to pursue remedies or other matters which are necessary or incidental to the protection of the Property which is subject to this Conservation Easement.
- 7.5 Enforcement by USACE. In case of a dispute involving a possible violation of the terms of this Conservation Easement, and where Grantee fails to bring an action against Grantor under Paragraph 7 within sixty (60) days of notice of such possible violation, then USACE may pursue enforcement, including bringing an action against Grantor for an injunction seeking compliance with the terms of the restrictions contained in this Conservation Easement, including the restoration of the Property to its status prior to the violation. Nothing herein shall be construed to entitle USACE to institute any enforcement proceedings against Grantor for any changes to the Property due to causes beyond Grantor's control, such as changes caused by fire, flood, storm, earthquake or the unauthorized wrongful acts of third persons, and Grantor shall have no obligation to

restore the Property if it has been damaged due to fire, flood, storm, earthquake or the unauthorized acts of third persons.

8. **RIGHT OF USACE ENTRY.** USACE's staff, contractors and associated natural resource management professionals, shall have the right to enter the Property after prior written notice to Grantor, for the purposes of:

- (a) Performing activities associated with a stream restoration project approved by USACE and Grantee;
- (b) Inspecting the Property to determine if Grantor is complying with the covenants and purposes of this Conservation Easement; and
- (c) Enforcing the terms of this Conservation Easement pursuant to Paragraph 7.5.

Prior written notice is not required if USACE is entering upon the Property because of an ongoing or imminent violation that could, in the sole discretion of USACE, substantially diminish or impair the conservation values of the Property, as described in Paragraph 7 herein. Such right of entry shall include the permanent right to cross other lands of Grantor for access to the Property.

9. **TRANSFER OF CONSERVATION EASEMENT.** The parties recognize and agree that the benefits of this Conservation Easement are in gross and assignable. Grantee shall have the right to transfer or assign this Conservation Easement, subject to Grantor's prior written consent, which shall not be unreasonably withheld, conditioned or delayed, to an organization that at the time of transfer, is a "qualified organization" under Section 170(h) of the U.S. Internal Revenue Code, and the organization expressly agrees to assume the responsibility imposed on Grantee by this Conservation Easement. If Grantee ever ceases to exist or no longer qualifies under Sec. 170(h) or applicable state law, a court with jurisdiction shall transfer this Conservation Easement to another qualified organization having similar purposes that agrees to assume the responsibility.

10. **TRANSFER OF PROPERTY.** Any time the Property, or any interest therein, is transferred by Grantor to any third party, Grantor shall notify Grantee in writing at least thirty (30) days prior to the transfer of the Property, and the document of conveyance shall expressly refer to this Conservation Easement.

11. **AMENDMENT OF CONSERVATION EASEMENT.** This Conservation Easement may be amended only with the written consent of Grantor, Grantee and USACE. Any such amendment shall be consistent with the purposes of this Conservation Easement and with the Virginia Conservation Easement Act, VA Code Ann. § 10.1-1009 *et seq.*, or any regulations promulgated pursuant to that law. Grantor and Grantee have no right or power to agree to any amendment that would diminish the enforceability of this Conservation Easement.



12. **TERMINATION OF CONSERVATION EASEMENT.** Grantor hereby agrees that at the time of the conveyance of this Conservation Easement to Grantee, this Conservation Easement gives rise to a real property right, immediately vested in Grantee.

When a change in conditions takes place which makes impossible or impractical any continued protection of the Property for conservation purposes, and the restrictions contained herein are extinguished by judicial proceeding, Grantee, upon a subsequent sale, exchange or involuntary conversion of the Property, shall be entitled to a portion of the proceeds at least equal to that proportionate value that the cost of replacing the Stream Mitigation Activities bears to the fair market value of the Property as of the date of the sale, exchange or conversion. Grantee's portion of such proceeds, if any, shall be used for stream mitigation purposes as approved by USACE.

13. **EMINENT DOMAIN.** Whenever all or part of the Property is taken in exercise of eminent domain ("taking") by public, corporate, or other authority so as to abrogate the restrictions imposed by this Conservation Easement, Grantor and Grantee shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking, which proceeds shall be divided in accordance with the proportionate value of Grantee's and Grantor's interests as described in Paragraph 12, and Grantee's proceeds shall be used for stream mitigation purposes as approved by USACE. All expenses incurred by Grantor and Grantee in such action shall be paid out of the recovered proceeds.

14. **INTERPRETATION.** This Conservation Easement shall be interpreted under the laws of Virginia, resolving any ambiguities and questions of the validity of specific provisions so as to give maximum effect to its conservation purposes.

15. **TITLE.** Grantor covenants and represents that Grantor is the sole owner and is seized of the Property in fee simple and has good right to grant and convey this Conservation Easement; that to its knowledge the Property is free and clear of any and all encumbrances other than those currently of record (e.g., utility easements), including but not limited to, any deeds of trust or mortgages not subordinated to this Conservation Easement, and that Grantee shall have the use of and enjoy all of the benefits derived from and arising out of this Conservation Easement. This Conservation Easement is specifically made subject to: (a) that certain Easement Modification Agreement by and between Cannon/Hearthwood Limited Partnership, a Virginia limited partnership, and Rivanna Water and Sewer Authority ("RWSA") as grantee recorded in the Clerk's Office of the Circuit Court of the City of Charlottesville as Instrument No. 2009002416, (b) that certain Easement Modification Agreement and Deed of Easement by and between Region Ten Community Services Board, Inc., a Virginia non-stock corporation, and RWSA as grantee recorded in the aforesaid Clerk's Office as Instrument No. 2010000162, and (c) that certain Easement Modification Agreement by and between Grantor herein and RWSA as grantee recorded in the aforesaid Clerk's Office as Instrument No. 201104209, as well as any other easements, conditions, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby encumbered, which have not expired by limitation of time contained therein or have not otherwise become ineffective.

16. **NOTICES.** Any notices required by this Conservation Easement shall be in writing and shall be personally delivered or sent by first class mail, to Grantor and Grantee, respectively, at the following addresses, unless a party has been notified by the other of a change of address.

To Grantor:  
City Attorney  
City of Charlottesville  
Post Office Box 911  
Charlottesville, VA 22902  
Fax: 434-970-3022

To Grantee:  
Legal Department  
The Nature Conservancy  
490 Westfield Road  
Charlottesville, VA 22901  
Fax: 434-817-9381

With a copy to:  
Director of Parks and Recreation  
City of Charlottesville  
Post Office Box 911  
Charlottesville, VA 22902  
Fax: 434-970-3889

With a copy to:  
The Nature Conservancy  
Virginia Field Office  
490 Westfield Road  
Charlottesville, VA 22901  
Fax: 434-979-0370

17. **ENVIRONMENTAL CONDITION.** Grantor warrants that it has no actual knowledge of a release or threatened release of hazardous substances or wastes on the Property.

18. **SEVERABILITY.** If any provision of this Conservation Easement is found to be invalid, the remaining provisions shall not be altered thereby.

19. **PARTIES.** Every provision of this Conservation Easement that applies to Grantor or Grantee shall also apply to their respective heirs, executors, administrators, assigns, and all other successors as their interest may appear. The Trust Fund and USACE are third-party beneficiaries to this Conservation Easement.

20. **RE-RECORDING.** In order to ensure the perpetual enforceability of the Conservation Easement, Grantee is authorized to re-record this instrument or any other appropriate notice or instrument.

21. **MERGER.** The parties agree that the terms of this Conservation Easement shall survive any merger of the fee and easement interest in the Property.

22. **SUBSEQUENT LIENS ON PROPERTY.** No provisions of this Conservation Easement should be construed as impairing the ability of Grantor to use this Property as collateral for subsequent borrowing, provided that any mortgage or lien arising from such a borrowing would be subordinate to this Conservation Easement.

23. **ACCEPTANCE & EFFECTIVE DATE.** As attested by the signature of the authorized representative of The Nature Conservancy affixed hereto, Grantee hereby accepts without reservation the rights and responsibilities conveyed by this Conservation Easement. This Conservation Easement is to be effective the date recorded in the Clerk's Office of the Circuit Court of the City of Charlottesville, Virginia.

24. **MITIGATION CREDIT(S).** All mitigation credits derived from the Property and/or work that has mitigation value with relation to the Trust Fund are to be allocated to, owned by and maintained by Grantee as provided for through the Trust Fund.

By ordinance adopted January 3, 2012, the Mayor was authorized by the City Council to sign this Deed of Gift of Conservation Easement.

TO HAVE AND TO HOLD, this Grant of Conservation Easement unto Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor and Grantee, intending to legally bind themselves, have set their hands and seals on the date first written above.

GRANTOR:

CITY OF CHARLOTTESVILLE, VIRGINIA,  
a municipal corporation

By: Satyendra Singh Huja  
Mayor, City of Charlottesville

Approved as to Form:

By: Francesca Jordan  
City Attorney or Designee

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Charlottesville

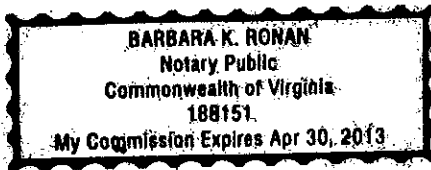
The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of MAY, 2012, by Satyendra Singh Huja, who is Mayor of the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation.

Registration No.: 188151

Barbara K. Ronan  
NOTARY PUBLIC

My commission expires:

4/30/2013



GRANTEE:

THE NATURE CONSERVANCY  
a District of Columbia non-profit corporation

By: George W. Barlow

Its: Assistant Secretary

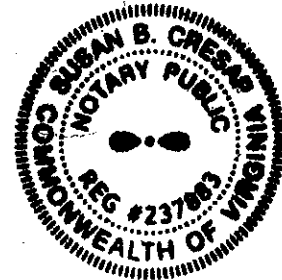
COMMONWEALTH OF VIRGINIA  
COUNTY OF ALBEMARLE

The foregoing instrument was acknowledged before me on the 15<sup>th</sup> day of May, 2012, by George W. Barlow, III, who is Assistant Secretary of THE NATURE CONSERVANCY, a District of Columbia non-profit corporation, on behalf of said corporation.

Registration No.: 237883

Susan B. Cresap  
NOTARY PUBLIC

My commission expires:  
June 30, 2014



## **EXHIBIT A**

### Legal Description of Tax Map 41D Parcel 107 (Parcel 1)

All that certain tract or parcel of land containing 1.460 acres, more or less, together with the improvements thereon and all rights privileges, easements and rights of way thereunto belonging or in anywise appertaining, situate in the City of Charlottesville, Virginia, designated as a "Future Street" on Sheet 1 of a 2-page plat dated November 9, 1967, made by William S. Roudabush, Jr., C.L.S., of record in the Clerk's Office of the Circuit Court of the City of Charlottesville, Virginia, in Deed Book 297, Page 161, and as shown on the Plat made by Draper Aden Associates, dated January 19, 2010, last revised December 5, 2011, and recorded herewith. The aforesaid Plat generally depicts such tract or parcel of land and estimates the acreage thereof.

Being the same property conveyed to the Grantor by quitclaim deed dated November 12, 2009 from Glenn T. Forloines, as Trustee in Dissolution of Grover W. Forloines and Son, Inc., of record in the aforesaid Clerk's Office as Instrument No. 20090005118.

### Legal Description of Tax Map 41B Parcel 4A (Parcel 2)

All that certain tract or parcel of land, together with the improvements thereon and all rights privileges, easements and rights of way thereunto belonging or in anywise appertaining, situate in the City of Charlottesville, Virginia, containing approximately 3.3 acres, more or less, located east of Hydraulic Road and north of Brandywine Drive, shown and designated as Parcel B on the Plat made by Draper Aden Associates, dated April 21, 2009 last revised August 11, 2010, and recorded with the hereinafter mentioned deed.

Being the same property conveyed to the Grantor by deed from Region Ten Community Services Board, a Virginia non-stock corporation, dated March 7, 2011 and recorded in the Clerk's Office of the Circuit Court of Charlottesville, Virginia, as Instrument No. 2011000963.

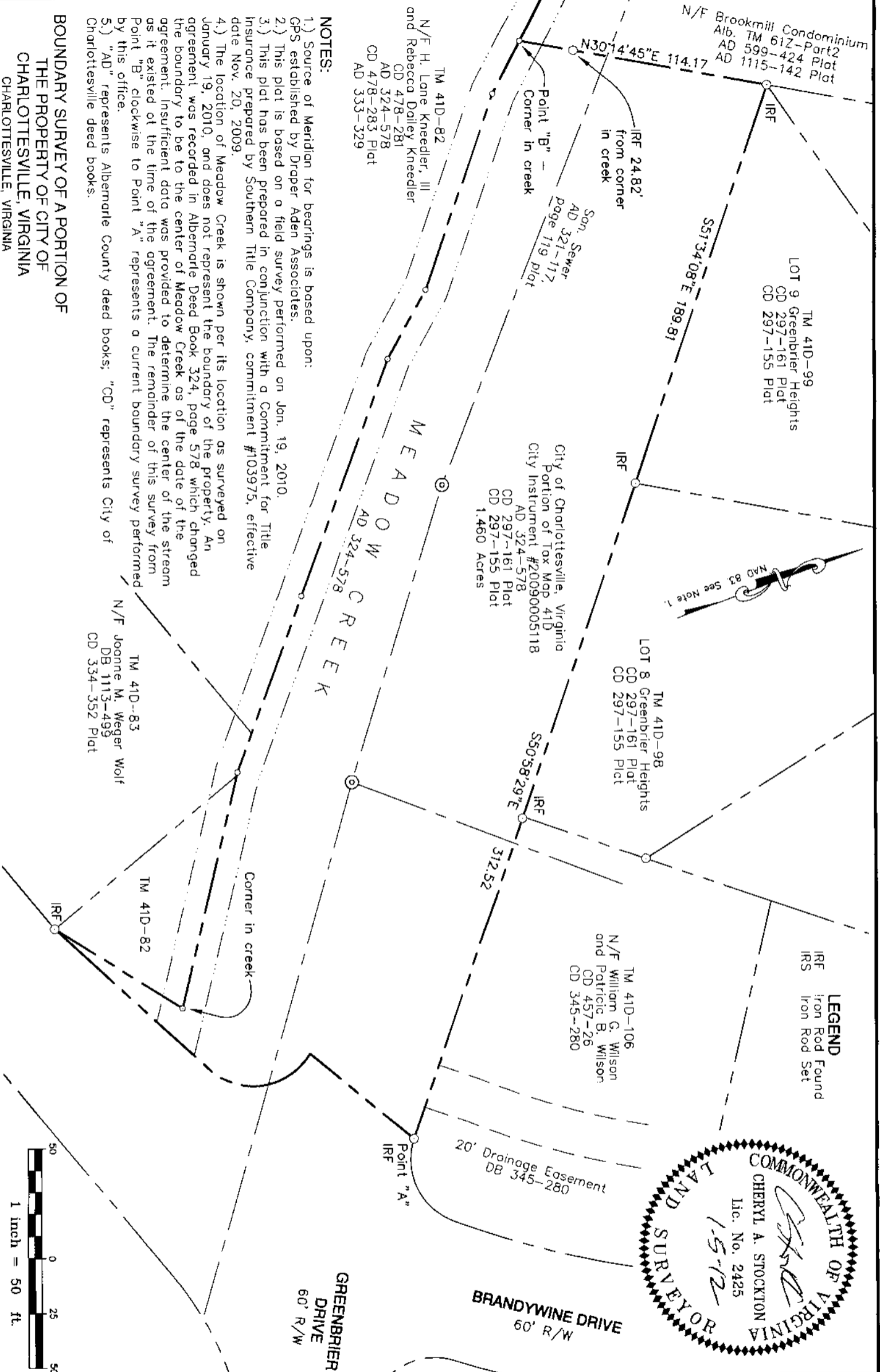
### Legal Description of Portion of Tax Map 41B Parcel 6 (Parcel 3)

All that certain tract or parcel of land, together with the improvements thereon and all rights privileges, easements and rights of way thereunto belonging or in anywise appertaining, situate in the City of Charlottesville, Virginia, containing 4.421 acres, more or less, being the greater portion of 4.515 acres, more or less, and more particularly described as Parcel Y on a survey thereof prepared by Roudabush, Gale & Associates, Inc., dated July 29, 2010, and recorded with the hereinafter mentioned deed, and described by metes and bounds according to such survey as follows:

Legal Description of Parcel Y, being a 4.515 Acre portion of the Cannon/Hearthwood property identified as Tax Map 41B, Parcel 5, which portion, pursuant to the hereinafter mentioned deed,

**EXHIBIT B**

Plat of Tax Map 41D Parcel 107 (Parcel 1)



- NOTES:**
- 1.) Source of Meridian for bearings is based upon: GPS established by Draper Aden Associates.
  - 2.) This plot is based on a field survey performed on Jan. 19, 2010.
  - 3.) This plot has been prepared in conjunction with a Commitment for Title Insurance prepared by Southern Title Company, commitment #103975, effective date Nov. 20, 2009.
  - 4.) The location of Meadow Creek is shown per its location as surveyed on January 19, 2010, and does not represent the boundary of the property. An agreement was recorded in Albemarle Deed Book 324, page 578 which changed the boundary to be to the center of Meadow Creek as of the date of the agreement. Insufficient data was provided to determine the center of the stream as it existed at the time of the agreement. The remainder of this survey from Point "B" clockwise to Point "A" represents a current boundary survey performed by this office.
  - 5.) "AD" represents Albemarle County deed books; "CD" represents City of Charlottesville deed books.

**BOUNDARY SURVEY OF A PORTION OF THE PROPERTY OF CITY OF CHARLOTTESVILLE, VIRGINIA**

**LEGEND**  
 IRF Iron Rod Found  
 IRS Iron Rod Set



**Draper Aden Associates**  
 Engineering • Surveying • Environmental Services

700 Harris Street, Suite E  
 Charlottesville, VA 22903  
 434-295-0700 Fax: 434-295-2105

Blacksburg, VA  
 Richmond, VA  
 Hampton Roads, VA

DRAWN CAS  
 CHECKED KLC

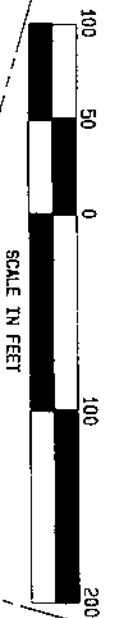
SCALE 1"=50'  
 DATE 01-19-10 REV. 12-05-11

PROJECT: C09241C-01

**EXHIBIT C**

Plat of area excluded from Conservation Easement





CURVE TABLE

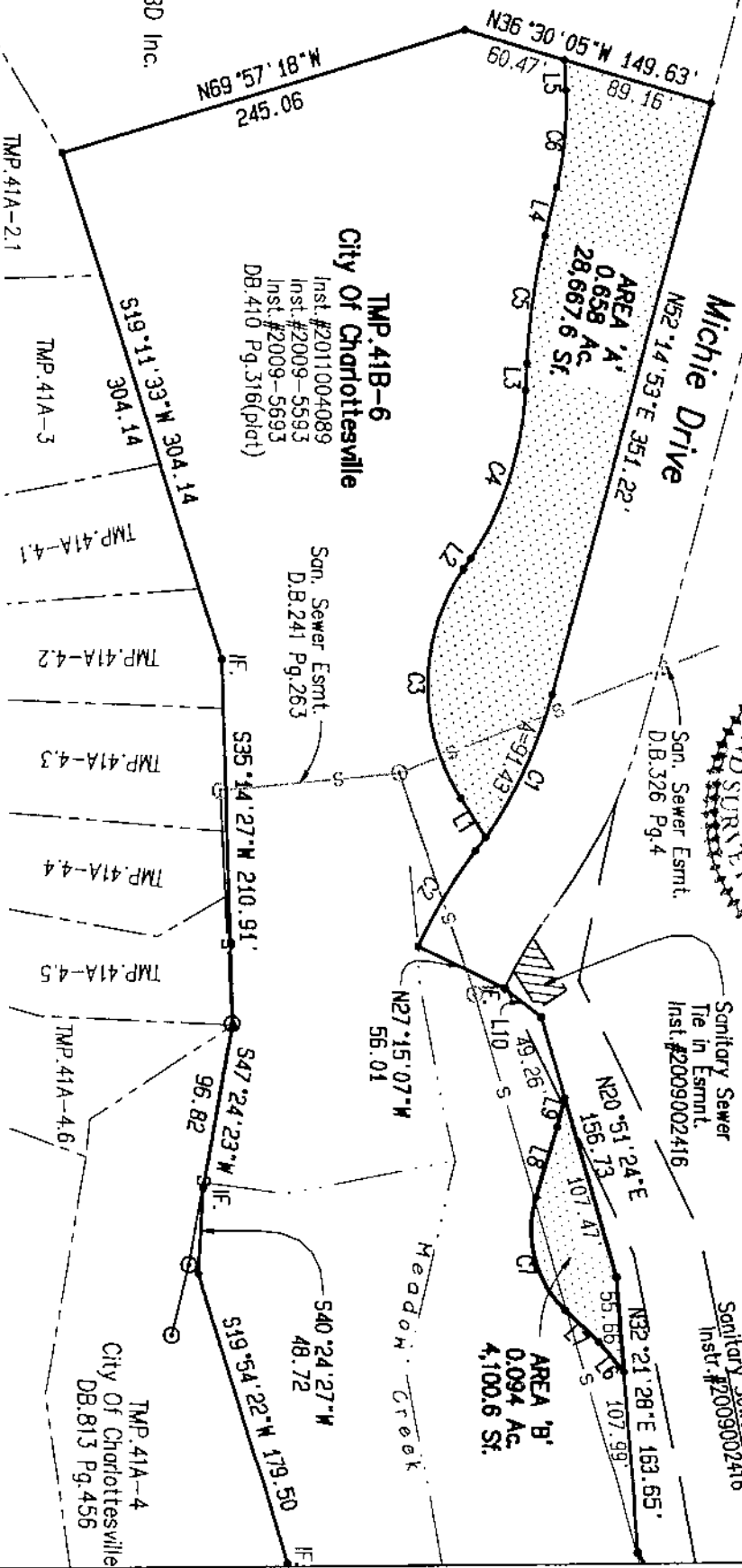
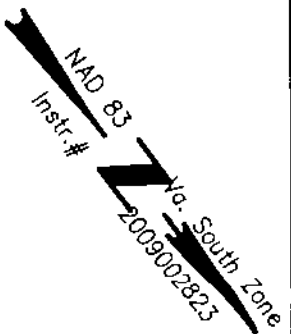
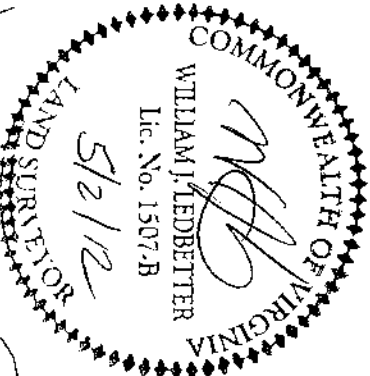
LINE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	264.00	21°59'59"	101.37	100.75	N63°14'53"E
C2	320.00	11°29'59"	64.23	64.12	N88°29'53"E
C3	120.00	67°01'04"	140.36	132.50	S37°44'55"W
C4	185.00	31°21'09"	101.23	99.97	S65°34'53"W
C5	400.00	10°35'01"	73.89	73.78	S45°11'49"W
C6	200.00	16°25'43"	57.35	57.15	S42°16'28"W
C7	64.00	63°08'28"	70.53	67.01	S22°25'32"W

LINE TABLE

LINE	BEARING	DISTANCE
L1	S04°14'23"W	26.86
L2	S71°15'27"W	7.33
L3	S39°54'18"W	15.02
L4	S50°29'19"W	28.96
L5	S34°03'36"W	17.54
L6	S02°56'43"E	23.08
L7	S09°08'42"E	27.01
L8	S53°59'46"W	42.50
L9	S51°30'39"W	17.36
L10	N14°49'37"W	26.83

TMP. 41B-4  
Region Ten  
Community Services BD Inc.  
DB.771 Pg.132

TMP. 41B-5  
Canon/Hearthwood  
Inst.#2011004089  
DB.672 Pg.806  
DB.326 Pg.4(plot)  
DB.420 Pg.36(plot)



TMP. 41B-6  
City Of Charlottesville  
Inst.#2011004089  
Inst.#2009-5593  
Inst.#2009-5593  
DB.410 Pg.316(plot)

San. Sewer Esmt.  
D.B.241 Pg.263

San. Sewer Esmt.  
D.B.326 Pg.4

Sanitary Sewer  
Tie in Esmt.  
Inst.#2009002416

Sanitary Sewer Esmt.  
Inst.#2009002416

TMP. 41A-4  
City Of Charlottesville  
DB.813 Pg.456

**ROUDABUSH, GAIB & ASSOCIATES, INC.**

ENGINEERS, SURVEYORS AND LAND PLANNERS

A PROFESSIONAL CORPORATION  
SERVING VIRGINIA SINCE 1956

914 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902  
PHONE 434-977-0205 - FAX 434-286-8220 - EMAIL INFO@ROUDABUSH.COM

EXHIBIT SHOWING  
AREA 'A' AND AREA 'B'  
PORTIONS OF TAX MAP 41B PARCEL 6  
TO BE EXCLUDED FROM CONSERVATION EASEMENT  
CHARLOTTESVILLE, VA.

MAY 2, 2012  
SCALE: 1" = 100'  
FILE: #6053-A  
SHEET 1 of 1

STATE TAX \$ \_\_\_\_\_ (039)  
 CITY TAX \$ \_\_\_\_\_ (214)  
 TRANS \$ 10 (212)  
 TECH FEE \$ 50 (106)  
 CLERKS FEE \$ 20.00 (301)  
 VSLF \$ 100 (145)  
 STATE FEE \$ \_\_\_\_\_ (036)  
 SEC §1-801 \_\_\_\_\_  
 STATE TAX \$ \_\_\_\_\_ (038)  
 LOCAL TAX \$ \_\_\_\_\_ (220)  
 LOCAL TAX \$ \_\_\_\_\_ (223)  
 TOTAL \$ 360

Admitted to Record in the Clerk's Office of the  
 Circuit Court of the City of Charlottesville,  
 Virginia, On the 18 day of May, 2012  
 at 11:12 o'clock AM and recorded in  
 Deed Book No. \_\_\_\_\_ Page \_\_\_\_\_  
 The taxes imposed by §§58.1-801 and 58.1-  
 802 of the Virginia Code have been paid.

Lezelle A. Dugger, Clerk

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
CHARLOTTESVILLE CIRCUIT COURT  
DEED RECEIPT

DATE: 05/18/12 TIME: 11:12:27 ACCOUNT: 540CLR201202103 RECEIPT: 12000005942  
 CASHIER: ARS REG: VF11 TYPE: DG PAYMENT: FULL PAYMENT  
 INSTRUMENT : 201202103 BOOK: PAGE: RECORDED: 05/18/12 AT 11:12  
 GRANTOR: CITY OF CHARLOTTESVILLE, VIRGINIA EX: N LDC: DT  
 GRANTEE: NATURE CONSERVANCY THE EX: N PCT: 100%  
 AND ADDRESS : 490 WESTFIELD ROAD CHARLOTTESVILLE, VA, 22901  
 RECEIVED OF : THE NATURE CONSERVANCY DATE OF DEED: 05/10/12  
 CHECK: \$38.00

DESCRIPTION 1: PLAT ATTACHED PAGES: 24 OF 0  
 2: MANES: 0  
 CONSIDERATION: .00 A/VAL: .00 MAP: 410 PARCEL 107  
 FIN:  
 301 DEEDS 28.50 145 USLF 1.50  
 212 TRANSFER FEE 1.00 195 TECHNOLOGY TRST FND 5.00  
 TENDERED : 38.00  
 AMOUNT PAID: 38.00  
 CHANGE AMT : .00

DC-18 (1-90)

CLERK OF COURT: LLEZELLE A. DUGGER

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# Meadow Creek Stream Valley Master Plan 2013

Approved by City Council June 3, 2013



**Legend**

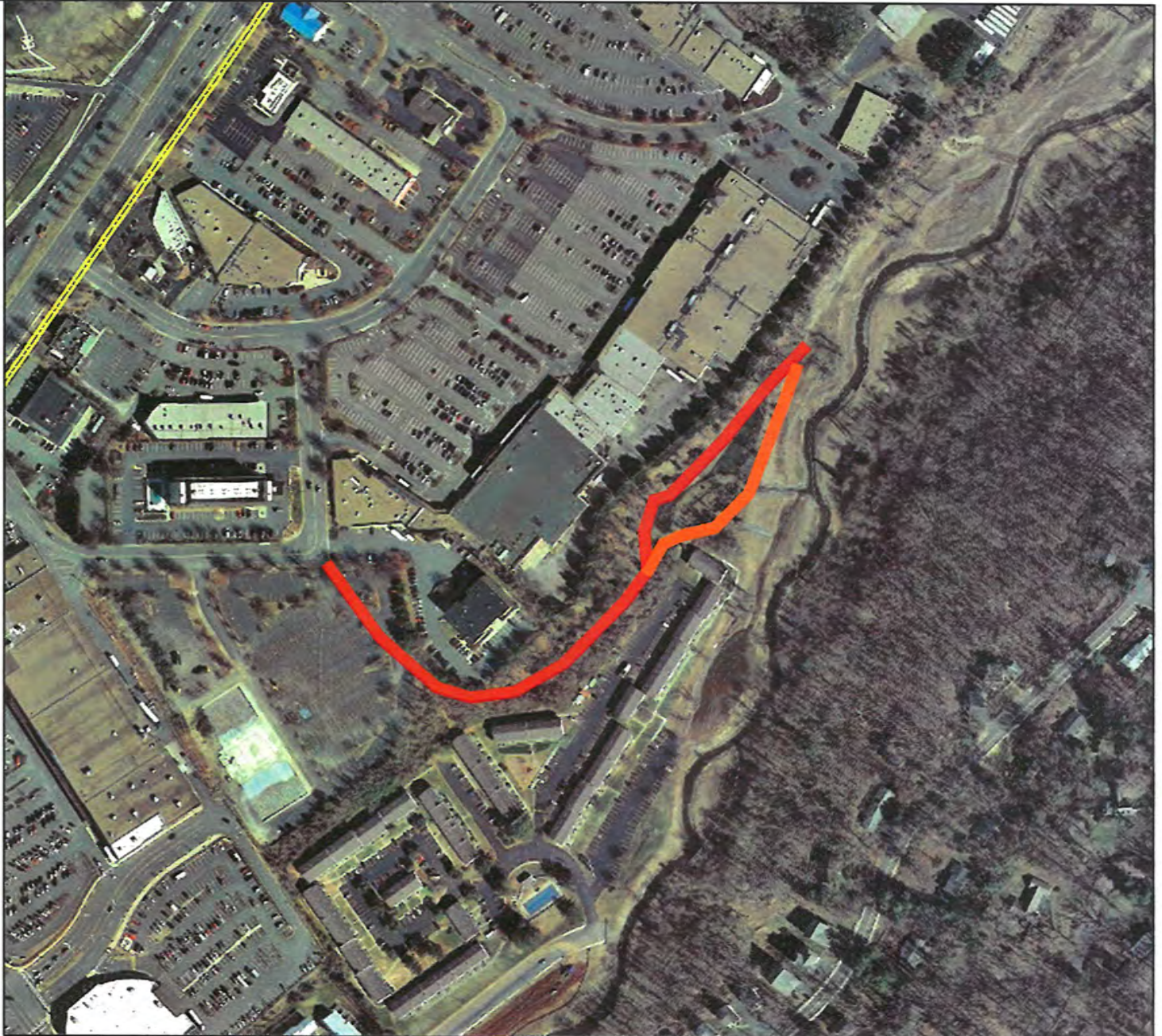
**City Trails**

- Multi-Use, Proposed
- Soft Surface, Proposed
- RTF Trails
- Greenway Bridge, Existing
- Greenway Bridge, Proposed
- Greenway Underpass, Proposed
- Meadow Creek
- Parks

Dimension, location, and shape of proposed amenities are approximate

**Legend**

-  City Limits
-  Elevation Contour Lines - 2ft (2006)



Feet

0 100 200 300 400  
1:4,514 / 1"=376 Feet

**Title: TrailOptionsKrogerHillsdaleConnector**

**Date: 2/23/2015**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Charlottesville is not responsible for its accuracy or how current it may be.*



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



<b>Agenda Date:</b>	April 6, 2015
<b>Action Required:</b>	Adoption of Resolution
<b>Presenters:</b>	Brian Daly, Director, Parks & Recreation Lance Stewart, Division Manager, Facilities Maintenance
<b>Staff Contacts:</b>	Leslie Beauregard, Director, Budget and Performance Management Brian Daly, Director, Parks & Recreation Lance Stewart, Division Manager, Facilities Maintenance Mike Mollica, Division Manager, Facilities Development
<b>Title:</b>	<b>Transfer of Funds to the Smith Aquatic &amp; Fitness Center Project Account - \$231,547</b>

**Background:**

The construction of the new Smith Aquatic & Fitness Center achieved Substantial Completion during September of 2010. The facility was opened to the public in October, 2010. The attached resolution requests that funds be transferred from several projects accounts to address some on-going concerns and needs at the Smith Aquatic & Fitness Center, as outlined in the Discussion section. The total amount of the transfers is \$231,547.

**Discussion:**

In an effort to counter on-going concerns regarding indoor air quality in the Natatorium (swimming pool area), and to arrest associated corrosion of the building's structural members, hardware and equipment, the City has engaged the services of consulting engineers Lawrence Perry & Associates (L.P.A.), partnered with aquatics engineers Counsilman-Hunsaker (C-H). These two teams have completed their evaluation, and have provided specific recommendations and estimated costs. Their recommendations are generally focused on air flow and ventilation, but also include detailed analyses of the existing pool water chemistry and the pool's water treatment systems. One key component of their assessment was to analyze the interaction between the pool water chemistry and the Natatorium's ventilation air distribution system. Upon the recommendation of the consultant team, the architectural firm Virginia A&E was also engaged to perform an independent assessment of the facility's building envelope, as related to outside air infiltration, as well as the integrity of the vapor barrier separating the Natatorium from the remainder of the building.

The L.P.A./C-H assessment, completed on January 30, 2015, is summarized as follows:

- Test, recalibrate and/or replace the existing temperature sensors for the pool water and Natatorium air temperature to better control pool chemistry and the capacity of the air to

bear chloramines. Add a humidity control alarm to alert staff when humidity has exceeded recommended limits.

- Test, recalibrate and/or replace the existing room pressure sensors, for the Fitness Room and the Natatorium.
- Insulate and seal all voids in the Natatorium building envelope.
- Re-establish the pool deck return air grilles as supply air grilles.
- Install a new primary exhaust from the pool deck, incorporated in a factory fabricated plenum box (exhaust bench), which would be mounted down low on the pool deck.
- Relocate and redirect the eight existing de-stratification fans to improve air movement.
- Install 'spot' exhaust systems, located on and beneath the slide tower to facilitate air movement from the de-stratification fans.
- Replace the existing 'Roto-Louvers' along the east wall with a smaller size 'Roto-Louver' and reposition them on the duct for a more downward discharge to improve air movement.
- Correct any building envelope and/or internal vapor barrier deficiencies to arrest corrosion.

Based on the above, the estimated hard construction costs, the design costs, a limited construction contingency (to cover both unanticipated conditions and to correct building envelope/vapor barrier deficiencies), and construction management expenses, staff estimates the total project package to be \$231,547.

The design documents are now under development and will be completed in April 2015. Staff anticipates that the bidding phase of this project would occur in May, and construction would then occur during the months of July and August, during which time the facility would be closed to the public for the duration of construction.

As required by City policy, this request is to consolidate funds into one capital account. This transfer would be in compliance with City Policy # 200-09, which states that all phases of a project are to use the same project account from start to finish. The request, if approved by Council, would transfer \$231,547 into a new capital account for the Smith Aquatic and Fitness Center's Natatorium Improvements.

P-00599	Azalea Park Renovations	\$ 50,000
P-00769	Belmont Spray Ground Renovations	\$ 72,690
P-00588	Washington Park Pool Bathhouse	\$ 3,857
CP-070	City Facility H.V.A.C. Replacement	\$ 25,000
FR-001	107 Small Cap	<u>\$ 80,000</u>
	<b>TOTAL:</b>	<b>\$231,547</b>

It should be noted that the Belmont Park and Washington Park projects have been completed, and Azalea Park is near completion with funds to remain in that account to complete the project, and these funds represent balances due to project savings in each of those projects. These funds will not be required for the original purposes and are therefore available to be reallocated to this important effort at the Smith Aquatic and Fitness Center.

#### **Alignment with Council Vision Areas and Strategic Plan:**

This project supports City Council's "Smart, Citizen-Focus Government" vision.



It contributes to Goal 4 of the Strategic Plan, to “be a well-managed and successful organization”, and objective 4.1, to “align resources with City’s strategic plan”.

**Community Engagement:**

N/A

**Budgetary Impact:**

The funds to be transferred and consolidated all were previously appropriated by City Council.

**Recommendation:**

Staff recommends approval of this resolution.

**Alternatives:**

N/A

**Attachments:**

N/A

**RESOLUTION.**

**Transfer of Funds to the Smith Aquatic Center Project Account  
\$231,547.**

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

**Transfer From**

\$50,000	Fund: 426	WBS: P-00599	G/L Account: 599999
\$72,690	Fund: 426	WBS: P-00769	G/L Account: 599999
\$3,857	Fund: 426	WBS: P-00588	G/L Account: 599999
\$25,000	Fund: 426	Project: CP-070	G/L Account: 599999
\$80,000	Fund: 107	Project: FR-001	G/L Account: 561426

**Transfer To**

\$231,547	Fund: 426	WBS: P-00858	G/L Account: 599999
\$80,000	Fund: 426	WBS: P-00858	G/L Account: 498010

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



Agenda Date:	April 6, 2015
Action Required:	Approve Resolution
Presenter:	Chris Engel, Director of Economic Development
Staff Contacts:	Maurice Jones, City Manager Chris Engel, Director of Economic Development
Title:	<b>Loan Extension Request for The Lewis &amp; Clark Exploratory Center of Virginia, Inc. - \$130,000</b>

**Background:**

At its April 15, 2013 meeting City Council approved a loan in the amount of One hundred thirty thousand dollars (\$130,000) to The Lewis & Clark Exploratory Center of Virginia, Inc. (“Lewis & Clark”) to assist in the completion of their new visitor center located at Darden Towe Park. The loan was interest free for a period of 6 months. The County of Albemarle made a similar loan to Lewis & Clark at the same time.

**Discussion:**

Since that time, Lewis & Clark has requested a series of extensions on the due date of the original loan which was granted by the City Council. In a recent letter to the Economic Development Authority, which coordinated and issued the loan, Lewis & Clark has requested another six month extension on the due date of the original loan.

Lewis & Clark indicated they had made a similar request of the County.

**Alignment with City Council’s Vision and Strategic Plan:**

Approval of this agenda item aligns directly with Council’s vision for **C’ville Arts and Culture**.

**Community Engagement:**

N/A

**Budgetary Impact:**

This item has no direct budgetary impact other than delaying the repayment of the One hundred thirty thousand dollars (\$130,000) to the Strategic Investment Fund.

**Recommendation:**

Staff recommends that Council approve a resolution extending the due date of the loan to October 31, 2015.

**Alternatives:**

N/A

**Attachments:**

Letter to Economic Development Authority dated March 23, 2015

## **RESOLUTION**

### **Proposed Loan Extension for The Lewis & Clark Exploratory Center of Virginia, Inc.**

**BE IT RESOLVED** by the City Council of the City of Charlottesville that the due date for funds previously transferred from the City's Strategic Investment Fund to the Charlottesville Economic Development Authority (CEDA) for the purpose of a loan to The Lewis & Clark Exploratory Center of Virginia, Inc.; be extended to October 31, 2015.

**BE IT FURTHER RESOLVED** by the City Council of the City of Charlottesville that once the funds have been repaid to CEDA, \$130,000 will be returned to the City's Strategic Investment Fund.

Located in Darden Towne Park

P.O. Box 281  
Charlottesville, Virginia 22902



# LEWIS & CLARK EXPLORATORY CENTER

lewisandclark@lewisandclarkvirginia.org

www.lewisandclarkvirginia.org

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Dan Mahon

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Lonnie Murray

Malou Stark

Anne Tufts

*In partnership with*

*the Home Front Chapter*

March 23, 2015

**BY HAND DELIVERY**

Chris Engel, Director  
Office of Economic Development  
City of Charlottesville  
City Hall - 610 East Market Street  
Charlottesville, VA 22902

Re: Note to the Economic Development Authority of  
the City of Charlottesville, Virginia, dated April 30, 2013, in  
the face amount of \$130,000.00

Dear Mr. Engel:

Pursuant to paragraph 1 of the above note, the Lewis & Clark Exploratory Center of Virginia, Inc. respectfully requests that the date by which the Principal Amount Outstanding shall be due and payable in the above be extended for an additional six months to October 31, 2015.

Despite our best efforts, working with helpful Albemarle County Facility Staffers and our own contractor, the site work is not complete and we are not yet in a position to get a certificate of occupancy, which precludes opening and the substantial ability to fundraise resulting from opening. Accordingly, the revenues both from operations and additional fundraising from being open have not yet occurred.

There have, however, been a number of wonderful developments.

We have entered into a Completion Contract with our contractor, which resolves all issues remaining in the contract and provides for the completion of the contract.

We have completed our building, which is quite beautiful, and largely finished our site improvements which highlight our wonderful space along the river.

We are also excited about the interior fittings of our new building which include wonderfully diverse work/meeting/banquet tables with attractive comfortable chairs and lots of appropriate Lewis and Clark art, artifacts and objects.

We have moved both the Keelboat and the Red Pirogue to prominent spots adjacent to the building. Our interactive apprentice boatbuilding areas have now been relocated by the new center and are ready for learning. We have a kayak shed near the river and have explored, and adopted a wonderful mile of flat water, from where Trevillion Creek intersects the Rivanna River upstream for about a mile, for pirogueing, canoeing, and kayaking

I have enclosed a composite picture to show how we look today.

This year we offered our handmade red, white, green and yellow Pirogues to families for a boating adventure. Folks loved it. This activity will clearly be an important one as we move forward with our programs.

We anticipate aggressive and exciting fundraising and opening events, both quiet and soft, joyous and loud, soon.

We have developed and improved programs which provide much for kids of virtually all ages. Alexandria Searles has continued to offer a truly amazing number of stimulating and creative programs throughout 2014 and has maintained close contact with our learning and education partners.

The Home Front Library is brimming with books and will be a wonderful spot for small meetings and reading about and contemplating the marvelous expedition.

Our Board, both collectively and as individuals, have all been wonderfully supportive and resilient. Because of that I know we will fulfill both our vision for a great place and our ongoing mission to excite and educate.

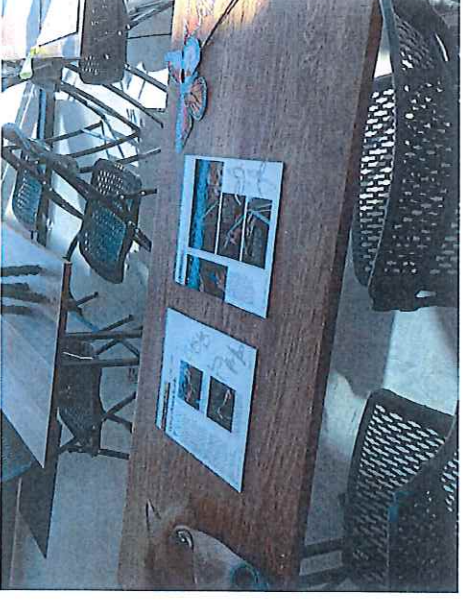
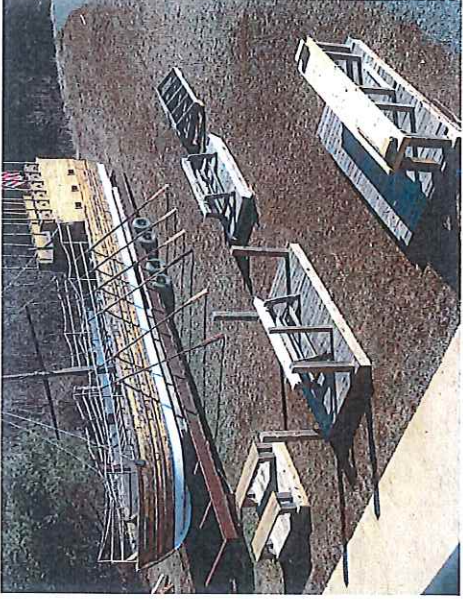
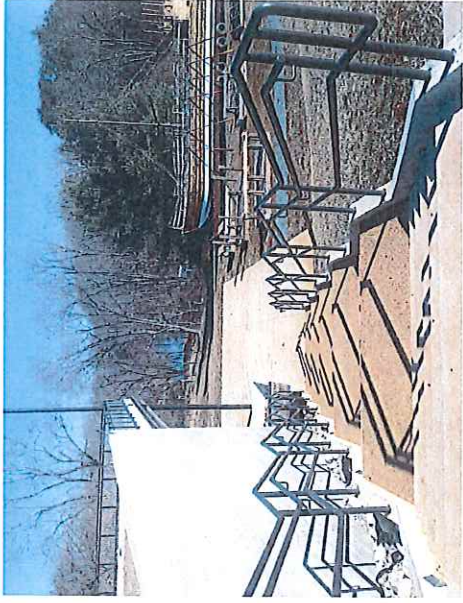
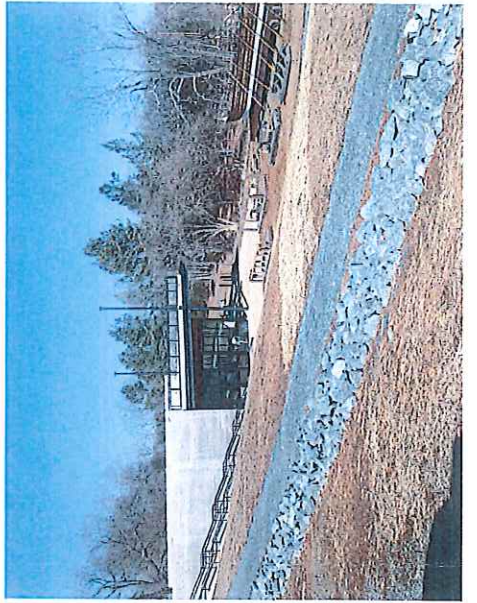
I anticipate that we will kick off a substantial "glad to be open and in business" fundraiser in the next month or two. Before that, we need to complete our site and obtain our full occupancy permit.

Thank you for your thoughtful consideration of our request. I am glad to appear before the Authority to answer any questions that you may have.

Very truly yours,

Francis McQ. Lawrence

Cc: S. Craig Brown, Esquire  
John C. Lowry, County of Albemarle Economic Development Authority  
Lewis & Clark Exploratory Center Board of Directors  
Alexandria Searls, Executive Director





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



Agenda Date:	April 6, 2015
Action Required:	Public Hearing and Approval of Ordinance (1st of 2 Readings)
Presenter:	Maurice Jones, City Manager
Staff Contacts:	Leslie Beauregard, Director, Budget and Performance Management Maurice Jones, City Manager
Title:	<b>Amendment to City Code Section 30-451, Meals Tax Ordinance Change</b>

**Background:**

The City currently levies a 4% meals tax on the purchaser of every meal sold in the city by a restaurant or caterer. The current rate has been in place since fiscal year 2003. As part of the F.Y. 2016 budget proposal, an increase of 1% was proposed, raising the tax rate to 5%. The City estimates that this change will bring in an additional \$2,142,000 in revenue. This additional revenue is included in the F.Y. 2016 City Manager's Proposed Budget.

**Discussion:**

This budget also proposes a 1% increase in the meals tax to help offset the cost of funding of several investments. This is the first increase of a major tax rate since 1995.

- **Education** - An increase in the meals tax was one of the recommendations made by the **Blue Ribbon Commission on Sustainable Schools Funding** in 2014 to help provide additional stability for the funding of our schools. This increase in the meals tax rate will go a long way in providing a constant source of funding for education in years to come. City Schools will receive \$1.743 million in new funding, nearly \$1 million above the 40% funding formula as stated in the Budget Guidelines which, based on the increase in the real estate and personal property tax revenue, generates \$790,000 in new money.
- **Public Safety** – The Proposed Budget includes a \$481,000 increase to keep permanent the new police officers added during F.Y. 2015. This is phase one in our strategic plan to gradually add up to 22 police officers over a three year period of time, if the resources are available to do so. This increase in officers is necessary to help prepare for the call for additional police presence in our growing commercial corridors and to increase our community or relational policing efforts in our neighborhoods.
- **Capital Infrastructure** – The City continues to spend millions of dollars to maintain and improve aging infrastructure and to accommodate new development around the City. Some of the major projects being proposed in the F.Y. 2016 capital improvement program include planning for significant improvements to the West Main Street corridor, funding to implement the Small Area Plans and S.I.A. initiatives, and continues our commitment to keeping city and school facilities, transportation infrastructure and parks and recreation infrastructure not only well maintained but enhanced.

**Community Engagement:**

There are several opportunities for the community to provide input into the budget with several public hearings on the budget and a few minutes reserved at the end of each budget worksession for public comment and input, along with the Community Budget Forum. In addition, this ordinance change requires a separate public hearing, which was advertised via a legal ad, in the Daily Progress with information on this public hearing and the tax rate change, on March 24, 2015.

**Alignment with City Council's Vision and Strategic Plan:**

The new revenue supports several initiatives that are included in the City's Strategic Plan including additional Police Officers and public safety resource, strong emphasis on education, self-sufficiency and college/career readiness and focus on reliable and high quality infrastructure along with context sensitive planning practices. More information on the City's Strategic Plan can be found at <http://www.charlottesville.org/strategicplan>.

**Budgetary Impact:**

Staff estimates that the rate change will generate an additional \$2,142,000 in revenue and is included in the City Manager's Proposed Budget for F.Y. 2016.

**Recommendation:**

Staff recommends approval of the ordinance change, increasing the rate from 4% to 5%.

**Alternatives:**

Council could elect not to raise the meals tax rate at this time, or approve a different rate increase. If that's the case, staff will have to identify additional revenue or expenditure reductions in order to balance the budget.

**Attachments:**

Proposed Ordinance

**AN ORDINANCE  
AMENDING AND REORDAINING SECTION 30-283 OF CHAPTER 30 (TAXATION)  
INCREASING THE MEALS TAX ON THE PURCHASE  
OF EVERY MEAL SOLD IN THE CITY BY A RESTAURANT OR CATERER.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that:

- (1) Section 30-283 of Article X (Meals Tax) of Chapter 30 (Taxation) is hereby amended and reordained, as follows:

**Sec. 30-283. Levied.**

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the purchaser of every meal sold in the city by a restaurant or caterer. The rate of this tax shall be ~~four (4)~~ five (5) percent of the amount paid for the meal. There shall be no tax if the total amount paid is less than thirteen cents (\$0.13); on larger amounts a fractional cent of tax due shall be rounded to the next higher cent.

- (2) This ordinance shall take effect on July 1, 2015.

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



<b>Agenda Date:</b>	April 6, 2015
<b>Action Required:</b>	Approval and Appropriation (1 <sup>st</sup> Reading)
<b>Staff Contacts:</b>	Leslie Beauregard, Director, Budget and Performance Management
<b>Presented By:</b>	Maurice Jones, City Manager Leslie Beauregard, Director, Budget and Performance Management
<b>Title:</b>	First Reading – Tax Levy Ordinance and F.Y. 2016 Budget Appropriation

**Background:** The F.Y. 2016 Budget Appropriation reflects changes/amendments made to the F.Y. 2016 City Manager’s Proposed Budget. This is also the first reading for the annual Tax Levy Ordinance.

**Discussion:** The following amendments have been made to the F.Y. 2016 City Manager’s Proposed Budget. Since Council will not complete their budget until April 9<sup>th</sup>, these amendments reflect only changes Council has made to date. Once Council completes their budget, all amendments will be fully incorporated and Council will amend the budget on second reading. Since the last budget worksession on March 26<sup>th</sup>, the City Schools have formally informed the City that they have reduced the City’s F.Y. 2016 contribution by \$100,000 due to savings realized when they renewed their health insurance plan. This means that the Council Strategic Initiatives Funding pool now has new money for F.Y. 2016 in the amount of \$166,798 that can be allocated during the Council meeting or at the upcoming worksession, or during the fiscal year at a later time if Council chooses.

**City Council Amendments to the  
FY 2016 Proposed General Fund Budget**

<b>Manager’s Recommended FY 16 Revenue Estimates</b>	<b>\$ 155,977,269</b>
<b>Amendments to FY 16 Revenue Estimates</b>	
<i>Increase Revenues</i>	
<b>Intergovernmental Revenue</b>	
State "Flex" Cuts - Aid to the Commonwealth	292,148
<b>Charges for Services</b>	
Payment in Lieu of Taxes - Utilities	47,018
<b>Previous Fiscal Year Carryover Funds</b>	
Council Strategic Initiatives Funds (FY 15)	75,000
<b>Total Revenue Amendments</b>	<b>\$ 414,166</b>
<b>Total Amended FY 16 General Fund Revenue Estimates</b>	<b>\$ 156,391,435</b>

<b>Manager's Recommended FY 16 Expenditures</b>	<b>\$ 155,977,269</b>
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**Amendments to FY 16 Expenditures**

***Increase Expenditures***

**Council Strategic Initiatives Funds**

Unallocated Funds	166,798
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**Non-Departmental - Citywide Reserve**

Performance Agreement Payments - Waterhouse and CFA	267,000
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**Nonprofit and Outside Agencies**

Legal Aid Justice Center	25,901
PHAR Internship Program	25,000
Big Brothers/Big Sisters - Young Lions Mentoring Program	10,000
Municipal Band	27,500
Piedmont Council for the Arts (Includes funds for Create Charlottesville/Albemarle Cultural Plan)	42,500
Jefferson School Heritage Center	15,000

***Restoration of Funds for Agencies Receiving Exemplary and/or Solid Program Scores***

Albemarle Housing Improvement Program	2,334
Piedmont Housing Alliance	3,526
Big Brothers Big Sisters	500
Boys and Girls Club	1,352
The Bridge Line	245
Abundant Life Ministries	1,072
Charlottesville Free Clinic	2,780
Community Investment Collaborative	500
Computers 4 Kids	610
Foothills Child Advocacy Center	525
Home Visiting Collaborative	3,317
Jefferson Area CHIP	15,804
Literacy Volunteers of America	757
MACAA	2,953
Offenders Aid and Restoration	4,288
Piedmont CASA	245
Ready Kids	719
Sexual Assault Resource Agency	440
Shelter for Help in Emergency	2,207
Thomas Jefferson Area Coalition for the Homeless	105
United Way	499
Women's Initiative	400

**City Departments**

Commissioner of Revenue Business Tax Auditor (Long Term Temp)	53,673
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***Decrease Expenditures***

**Local Contribution to City Schools**

Contribution to City Schools (health insurance renewal savings)	(100,000)
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**City Departments**

Benefits Adjustments	(12,157)
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**Outside and Nonprofit Agencies**

Charlottesville-Albemarle Regional Jail	(152,227)
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<b>Total Expenditure Amendments</b>	<b>\$ 414,166</b>
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<b>Total Amended FY 16 General Fund Expenditures</b>	<b>\$ 156,391,435</b>
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## City Council Amendments to the FY 2016 Proposed Human Services Fund

<b>Manager's Recommended FY 16 Human Services Fund Revenues</b>	<b>\$ 5,374,310</b>
<i>Increase Revenues</i>	
Welfare Fee for Service Revenue	110,000
<b>Total Human Services Fund Revenue Amendments</b>	<b>\$ 110,000</b>
<b>Total Amended FY 16 Human Services Fund Revenues</b>	<b>\$ 5,484,310</b>
<b>Manager's Recommended FY 16 Human Services Fund Expenditures</b>	<b>\$ 5,374,310</b>
<i>Increase Expenditures</i>	
Community Attention Foster Families (CAFF) Long Term	55,000
Temporary Employee	
Community Based Services Long Term Temporary Employee	55,000
<b>Total Human Services Fund Expenditure Amendments</b>	<b>\$ 110,000</b>
<b>Total Amended FY 16 Human Services Fund Expenditures</b>	<b>\$ 5,484,310</b>

**Budgetary Impact:** This is the first of two readings that adopts the final budget for Fiscal Year 2016.

**Recommendation:** Approval and Appropriation (1<sup>st</sup> reading)

**Alternatives:** N/A

**Attachments:** Tax Levy Ordinance; F.Y. 2016 Budget Appropriation

**AN ORDINANCE  
TO ESTABLISH THE ANNUAL TAX LEVY  
ON VARIOUS CLASSES OF PROPERTY FOR THE  
PAYMENT OF INTEREST AND RETIREMENT OF THE CITY DEBT,  
FOR THE SUPPORT OF THE CITY GOVERNMENT AND  
CITY SCHOOLS, AND FOR OTHER PUBLIC PURPOSES.**

**BE IT ORDAINED** by the Council of the City of Charlottesville that for the year beginning on the first day of January, 2015 and ending the thirty-first day of December, 2015, and each year thereafter which this ordinance is in force, the taxes on property in the City of Charlottesville shall be as follow:

Section 1. Real Property and Mobile Homes.

On tracts of land, lots or improvements thereon and on mobile homes the tax shall be \$.95 on every \$100 of the assessed value thereof, to pay the general operating expenses of the City and to pay the interest and retirement on the City debt.

Section 2. Personal Property.

On all automobiles, trucks, motorcycles and other motor vehicles; boats and aircraft; and on all tangible personal property used or held in connection with any mining, manufacturing or other business, trade, occupation or profession, excluding furnishings, furniture and appliances in rental units, the tax shall be \$4.20 on every \$100 of the assessed value thereof, to pay the general operating expenses of the City and to pay the interest and retirement on the City debt.

Section 3. Public Service Corporation Property.

(a) On that portion of the real estate and tangible personal property of public service corporations which has been equalized as provided in section 58.1-2604 of the Code of Virginia, as amended, the tax shall be \$.95 on every \$100 of the assessed value thereof determined by the State Corporation Commission.

(b) The foregoing subsections to the contrary notwithstanding, on automobiles and trucks belonging to such public service corporations the tax shall be \$4.20 on every \$100 of assessed value thereof.

(c) Such taxes are levied to pay the general operating expenses of the City and to pay the interest and retirement on the City debt.

Section 4. Machinery and Tools.

On machinery and tools used in a manufacturing or mining business the tax shall be \$4.20 on every \$100 assessed value thereof, to pay the general operating expenses of the City and to pay the interest and retirement on the City debt.



Section 5. Energy Efficient Buildings

- (a) On energy efficient buildings the tax shall be \$.475 on every \$100 of the assessed value thereof, to pay the general operating expenses of the City and to pay the interest and retirement on the City debt.
- (b) This tax rate is subject to the limitations in Chapter 30, Article V, Division 4 of the Charlottesville City Code, 1990, as amended, and applies only to buildings and not the real estate or land on which they are located.

**BE IT FURTHER ORDAINED** that the ordinance imposing the tax levy adopted April 11, 2014 be and the same is hereby repealed.

**RESOLUTION ADOPTING THE BUDGET FOR THE  
CITY OF CHARLOTTESVILLE FOR THE FISCAL YEAR  
BEGINNING JULY 1, 2015, AND ENDING JUNE 30, 2016  
AND PROVIDING FOR THE ANNUAL APPROPRIATION OF  
FUNDS FOR SUCH FISCAL YEAR.**

**I. ADOPTION OF BUDGET**

WHEREAS, pursuant to Section 19 of the City Charter and Section 15.2-2503 of the Code of Virginia, the City Manager has caused to be prepared and presented to City Council a proposed budget for the fiscal year beginning July 1, 2015, and ending June 30, 2016; and

WHEREAS, a synopsis of such proposed budget has been published in the Daily Progress, a newspaper of general circulation in the City, and notice duly given in such newspaper and public hearings held thereon on March 16, 2015 and April 6, 2015, and the estimates of revenues and expenditures therein debated and adjusted by City Council in open public meetings, all as required by the City Charter and Section 15.2-2506 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that such document, the statements of fiscal policy set forth therein, and the estimates of revenues and expenditures therein proposed by the City Manager and debated and adjusted by the City Council, are hereby adopted as the annual budget of the City of Charlottesville, for informative and fiscal planning purposes only, for the fiscal year beginning July 1, 2015, and ending June 30, 2016; and that a true and correct copy of the same, as adopted, shall be kept on file in the records of the Clerk of the Council.

**II. GENERAL FUND APPROPRIATIONS**

BE IT RESOLVED by the Council of the City of Charlottesville that:

A. The sums hereinafter set forth are estimated as General Fund revenues for the fiscal year beginning July 1, 2015.

**Local Taxes**

Real Estate Taxes	\$54,391,163
Personal Property Tax	7,268,904
Public Service Corporation Tax	1,300,000
Penalty/Interest on Delinquent Taxes	350,000
Utility Services Consumer Tax (Gas, Water, Electric)	4,600,000
Virginia Communications Sales and Use Tax	3,232,000
Tax on Bank Stock	925,000
Tax on Wills and Deeds	600,000
Sales and Use Tax	11,181,966

Rolling Stock Tax	21,000
Transient Room Tax	3,085,500
Meals Tax	8,568,750
Short-Term Rental Tax	40,000
Cigarette Tax	850,000
Recordation Tax Receipts	200,000
Vehicle Daily Rental Tax	125,000
<b>Total Local Taxes</b>	<b>\$96,739,283</b>

**Licenses and Permits**

Business and Professional Licenses	\$6,768,371
Vehicle Licenses	825,000
Dog Licenses	15,000
Electrical, Heating, and Mechanical Permits	200,000
Building and Plumbing Permits	370,000
Other Permits	425,000
<b>Total Licenses and Permits</b>	<b>\$8,603,371</b>

**Intergovernmental Revenue**

***Revenue from State Agencies***

P.P.T.R.A. Revenue (State Personal Property Tax)	\$3,498,256
State Highway Assistance	3,819,950
Reimbursement/Constitutional Offices	1,600,000
State Aid for Police Protection	2,093,768
Trailer Title	1,200
Other State Assistance: Miscellaneous Revenue	50,000

***Revenue from Other Intergovernmental Sources***

Jefferson Area Drug Enforcement (JADE)	96,000
School Resource Officers (City Schools)	259,523
Regional Library Administrative Fee	96,000
Fire Department Ops (Albemarle County)	186,000
Fire Department Ops (U.V.A.)	278,284
Fire Department Ops (C.A.R.S.)	130,000
Juvenile & Domestic Relations Court (Albemarle County)	53,311
Juvenile & Domestic Relations Court Building Maintenance (Albemarle County)	62,985
Magistrate's Office (Albemarle County)	4,650
Payments In Lieu Of Taxes (Housing Authority)	25,000
Service Charge (U.V.A.)	33,000
Property Maintenance (U.V.A.)	50,000

**Total Intergovernmental Revenue \$12,337,927**

**Charges for Services**

Property Transfer Fees	\$1,000
Zoning Appeals Fees	500
Court Revenue (Circuit/General District Courts)	450,000
Circuit Court - Online Land Records Subscription Revenue	50,000

Parking Meter Receipts	100,000
Parking Garage Revenue	1,250,000
Internal City Services	1,404,519
Utility Cut Permits	199,000
Recreation Income	1,959,628
Reimbursable Overtime/Public Safety	265,000
Parking Permit Fees	55,000
Payment in Lieu of Taxes: Utilities	5,231,345
Indirect Cost Recovery	125,000
Waste Disposal Fees	850,000
Other Charges for Services	125,000
<b>Total Charges for Services</b>	<b>\$12,065,992</b>

<b>Fines</b>	
Parking Fines	\$450,000
<b>Total Fines</b>	<b>\$450,000</b>

<b>Miscellaneous Revenue</b>	
Interest Earned	\$350,000
Rent	200,000
Hedgerow Properties - Rental and Parking Revenue	85,000
Refund of Prior Years' Expenditures	50,000
Parking Garage Maintenance	30,000
Other Miscellaneous Revenue	213,000
<b>Total Misc. Revenue</b>	<b>\$928,000</b>

<b>Carryover Funds (Previous Fiscal Year)</b>	
Local Contribution to Schools	\$66,659
Council Strategic Initiatives Funds	75,000
<b>Total Carryover Funds</b>	<b>\$141,659</b>

<b>Transfers from Other Funds</b>	
Risk Management Fund	\$325,000
Landfill Fund	\$100,000
Health Care Fund	\$250,000
<b>Transfers from Other Funds Total</b>	<b>\$675,000</b>

<b>City/County Revenue Sharing: Operating Budget</b>	<b>\$10,908,668</b>
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<b>Total Operating Revenue</b>	<b>\$142,849,900</b>
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<b>Designated Revenue</b>	
City/School Contracts: Pupil Transportation	\$2,662,630
City/School Contracts: School Building Maintenance	3,586,905
City/County Revenue Sharing: Transfer to Capital Improvement Fund	4,750,000

City/County Revenue Sharing: Transfer to Facilities Repair Fund	400,000
Transfer to Debt Service Fund: Meals Tax Revenue	2,142,000
<b>Total Designated Revenue</b>	<b>\$13,541,535</b>

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<b>Total General Fund Revenue</b>	<b>\$156,391,435</b>
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B. The sums hereinafter set forth are hereby appropriated from the General Fund of the City for the annual operation of the City departments, other agencies and non-departmental accounts so set forth, beginning July 1, 2015.

**Operating Expenditures**

Mayor and City Council	251,323
Council Strategic Initiatives Funding (Unallocated)	166,798
Office of the City Manager/ Administration	1,149,354
Office of the City Manager/Communications	391,772
Office of the City Manager/ Economic Development	581,519
Office of the City Attorney	836,821
Office of General Registrar	509,375

**Organizational Memberships/Workforce Development**

Virginia Municipal League	15,852
Chamber of Commerce	1,575
Thomas Jefferson P.D.C.	56,771
Piedmont Workforce Network	6,993
Virginia Institute of Government	2,500
Alliance for Innovation	2,550
Virginia First Cities	18,000
Central Virginia Partnership for Economic Development	23,311
Thomas Jefferson Soil and Water Conservation District	12,300
Streamwatch	10,000
Central Virginia Small Business Development Center	12,000
National League of Cities	5,000
Center for Nonprofit Excellence	600
Community Investment Collaborative	25,500

**Non Departmental Activities**

Sister City Committee	15,000
City Strategic Plan/P 3: Plan, Perform, Perfect	55,000
Virginia Juvenile Community Crime Control Act (Local Match)	108,415
Citizen Engagement Opportunities	15,000
Performance Agreement Payments to Waterhouse and C.F.A.	267,000

Transfer to Debt Service Fund	7,018,000
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Transfer to Fund Balance Target Adjustment Fund	390,159
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Employee Compensation and Training	959,105
Finance Department - Administration/Purchasing/Assessor	2,450,700
Human Resources	1,057,733
Commissioner of Revenue	1,202,989
Treasurer	1,224,439
Transfer to Convention and Visitors' Bureau	733,307
Transfer to Comprehensive Services Act Fund	2,175,000
<b>Community Events and Festivals</b>	
Virginia Film Festival	15,200
Virginia Festival of the Book	15,600
First Night Virginia	2,375
LOOK 3 Festival of the Photograph	11,000
Tom Tom Founders Festival	3,750
Charlottesville Festival of Cultures	3,750
City Non Cash Support for African American Festival	3,000
City Non Cash Support for Dogwood Festival	20,000
City Non Cash Support for Fourth of July Events	8,500
Art in Place	25,000
City Supported Events (Other)	2,500
<b>Contributions to Children, Youth, and Family Oriented Programs</b>	
Virginia Cooperative Extension Program	45,180
Thomas Jefferson Health District	478,111
Computers 4 Kids	18,327
M.A.C.A.A.	96,560
Sexual Assault Resources Agency (S.A.R.A.)	22,440
Shelter for Help in Emergency (S.H.E.)	112,534
Region Ten Community Services Board	1,001,865
Region Ten Community Services Board - Mohr Center	82,661
Jefferson Area Board for Aging (J.A.B.A.)	319,192
United Way - Thomas Jefferson Area	173,130
ReadyKids (formerly C.Y.F.S.)	65,582
Free Clinic	114,940
Home Visiting Collaborative	66,350
Abundant Life Ministries	34,259
Boys and Girls Club	54,065
Jefferson Area CHIP	316,076
Foothills Child Advocacy Center	36,525
Big Brothers/Big Sisters	30,000
The BridgeLine (formerly Building Bridges)	12,495
Thomas Jefferson Area Coalition for the Homeless	93,366
Women's Initiative	20,400
On Our Own	14,560

PHAR Internship Program	25,000
Emergency Assistance Program Support	84,516
<b>Contributions to Education and the Arts</b>	
Jefferson Madison Regional Library	1,607,789
Charlottesville Contemporary Center for the Arts	34,934
Piedmont Virginia Community College	10,961
McGuffey Art Center	25,000
Municipal Band	55,000
Piedmont Council for the Arts	45,000
Virginia Discovery Museum	7,500
Literacy Volunteers	38,610
Ashlawn-Highland Summer Festival	3,242
Historic Resources Task Force	5,000
The Paramount Theater/Arts Education Program	19,295
Jefferson School African American Heritage Center	30,000
Transfer to Social Services Fund	3,502,777
<b>Housing Programs</b>	
Rent Relief for Elderly, a sum sufficient estimated at	15,000
Rent Relief for Disabled, a sum sufficient estimated at	180,000
Tax Relief for Elderly, a sum sufficient estimated at	425,000
Tax Relief for Disabled, a sum sufficient estimated at	112,000
Homeowners Tax Relief Program	405,000
Stormwater Fee Assistance Program	25,000
Albemarle Housing Improvement Program (A.H.I.P.)	93,364
Piedmont Housing Alliance (P.H.A.)	92,197
Transfer to Human Services/Community Attention Fund	604,275
Neighborhood Development Services	3,424,496
Office of Human Rights/Human Rights Commission	233,492
Parks and Recreation	9,614,553
Public Works: Administration, Facilities Development, Facilities Maintenance	2,866,840
Public Works: Hedgerow Properties	38,957
Public Works: Public Service	7,433,309
Ivy Landfill Remediation	300,000
Transfer to Charlottesville Area Transit Fund	2,080,295
JAUNT Paratransit Services	936,279
City Sheriff	1,038,684
Commonwealth's Attorney	1,127,531
<b>Contributions to Programs Supporting Public Safety and Justice</b>	
Piedmont Court Appointed Special Advocates	9,818
Legal Aid Justice Center	70,630
Regional Jail	4,804,978
Blue Ridge Juvenile Detention Center	1,030,308

Emergency Communications Center	1,751,653
Offenders Aid and Restoration	233,310
Society for the Prevention of Cruelty to Animals	241,063
Public Defender's Office	45,435
Clerk of Circuit Court	693,318
Circuit Court Judge	92,886
General District Court	29,094
Juvenile and Domestic Relations Court/Court Services Unit	332,921
Magistrate	9,300
Fire Department	9,771,687
Police Department	14,778,701
<b>Local Contribution to Public Schools</b>	
Operational Support	47,342,848
<b>Total Operating Expenditures</b>	<b>\$142,849,900</b>
<b><u>Designated Expenditures</u></b>	
City/School Contracts: Pupil Transportation	\$2,662,630
City/School Contracts: School Building Maintenance	3,586,905
Transfer to Capital Projects Fund	4,750,000
Transfer to Facilities Repair Fund	400,000
Transfer to Debt Service Fund - Meals Tax Revenue	2,142,000
<b>Total Designated Expenditures</b>	<b>\$13,541,535</b>
<b>Total General Fund Expenditures</b>	<b>\$156,391,435</b>

C. Of the sum of \$16,058,668 to be received in the General Fund from the County of Albemarle under the revenue sharing agreement of May 24, 1982, \$4,750,000 shall be transferred to the Capital Projects Fund and \$400,000 shall be transferred to the Facilities Repair Fund.

D. The amounts hereinabove appropriated for salary accruals, education, training and employee benefits, or portions thereof, may on authorization from the City Manager, or his designee, be transferred by the Director of Finance or the Director of Budget and Performance Management to any departmental account, and notwithstanding any other provision of this resolution to the contrary, be expended for salaries or employee benefits in such account in the manner as sums originally appropriated thereto.

E. The portions of the foregoing appropriations to individual departments or agencies intended for motor vehicles and related equipment shall be transferred to the Equipment Replacement Fund for expenditure as hereinafter provided.



F. The amount above appropriated for Debt Payment shall be transferred to the Debt Service Fund. In addition, one cent of the five-cent meals tax will be deposited into the Debt Service Fund.

G. The amount above appropriated as a Council Strategic Initiatives shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

H. The amount above appropriated as Ivy Landfill Remediation shall not be deemed to expire at the end of the fiscal year, and any unspent funds are hereby transferred to the Landfill Reserve account in the ensuing fiscal year unless altered by further action of City Council. Further, any amount in the Landfill Reserve may be immediately appropriated for use to cover costs associated with landfill remediation budget in the current fiscal year.

I. The amount above appropriated as Hedgerow Properties shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

J. The proceeds of the sale of any real property to be used for parking shall be appropriated to the "Strategic Investments Account" account in the Capital Fund.

K. The amount received for \$4-For-Life revenue shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year and will be appropriated into the Fire Department budget with an annual allocation made to the Thomas Jefferson EMS, unless altered by further action of City Council.

L. The amount above appropriated as Historic Resources Task Force shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

M. The amount received as drug forfeitures and seizures revenue collected by the Police Department and Commonwealth Attorney's Office shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

N. The amount received as Courthouse Security Revenue is hereby appropriated in the ensuing fiscal year and be appropriated into the Sheriff Office budget to be used for court security related expenses (personnel and equipment) per State Code. Further, any unspent funds in the Court House Security account shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless further altered by Council.

O. Any amount remaining in the Citywide Reserve account shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

P. The amount above appropriated as Corporate Training Fund, within the Employee Compensation and Training funds, shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

Q. The amounts received unspent for donations and grants in the General Fund received for specific purposes shall not be deemed to expire at the end of the fiscal year hereby be appropriated in the ensuing fiscal year.

R. The amounts above appropriated as Sister City Commission shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

S. Sums appropriated for operation of the City Market which have not been encumbered or expended as of June 30, 2016 shall be transferred to the Capital Budget in an account designated for future relocation of the City Market.

T. Sums appropriated for the Stormwater Assistance Program shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

U. Sums appropriated in the General Fund which have not been encumbered or expended as of June 30, 2016, shall be deemed to revert to the unassigned balance of the General Fund, unless Council by resolution provides that any such sum shall be a continuing appropriation.

V. Sums appropriated in the General Fund which have not been encumbered or expended as of June 30, 2016 and are in excess of 17% of General Fund expenditures for the next fiscal year shall be deemed to revert to the Capital Fund contingency account for future one-time investments in the City's infrastructure as part of the year-end appropriation, unless further altered by Council with year-end adjustments.

### III. SCHOOL OPERATIONS APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville:

The sums hereinafter set forth are hereby appropriated for the annual operation of the school operations, effective July 1, 2015; the City contribution to the School operations having hereinabove been appropriated from the General Fund.

<b>School Budget (All Funds)</b>	
Local Contribution	\$47,342,848
State Funds	19,248,356
Federal Funds	4,932,254
Misc. Funds	3,327,290
<b>Total School Operations Budget</b>	<b>\$74,850,748</b>

A net increase in the School Operations general fund balance at June 30, 2016 shall be deemed to be allocated as follows: 50% to revert to City General Fund, 50% retained by School Operations General Fund. Up to \$100,000 of the City's reversion shall be transferred to the Facilities Management for School Building Small Capital Projects.

#### IV. HEALTH BENEFITS FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville:

There is hereby appropriated from the Health Benefits Fund sums received by said Fund from individual departments and agencies for the payment of health and medical benefit program costs, and for insurance covering such costs, and in addition, for the accumulation of a reserve for future expenditures to pay for such health and medical benefit program costs. This appropriation shall be effective during the fiscal year ending June 30, 2016, but shall not be deemed to expire at the end of that year. Instead, it shall continue in effect unless altered by further action of City Council.

#### V. TRANSIT FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Transit Fund, for the operation of the transit bus system during the fiscal year beginning July 1, 2015 and ending June 30, 2016, the sum of \$7,217,341 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2015.

Except as is otherwise expressly provided herein, the balance of any General Fund contribution to such funds not expended or encumbered as of June 30, 2016 shall be deemed to revert to the unassigned balance of the General Fund, unless the Council by resolution provides that any such sum shall be deemed a continuing appropriation.

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Transit Fund, for the replacement of transit buses during the fiscal year beginning July 1, 2015 and ending June 30, 2016, the sum of \$1,657,273 or the amount of revenue actually received for such purpose. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council. Such appropriation shall be effective July 1, 2015.

#### VI. RISK MANAGEMENT APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that all sums previously appropriated to the Risk Management Fund, and all sums received by such fund as payment from other City funds, are hereby appropriated for the uses prescribed for such fund, pursuant to the terms of, and subject to the limitations imposed by Article V of Chapter 11 of the Code of the City of Charlottesville, 1990, as amended.

VII. EQUIPMENT REPLACEMENT FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville:

There is hereby appropriated from the Equipment Replacement Fund other sums received by such fund as payment from the General Fund and vehicle sales, for the lease, financing or purchase of motor vehicles and related equipment and for accumulation of a reserve for future equipment purchases during the fiscal year beginning July 1, 2015 and ending June 30, 2016. Such appropriation shall be effective July 1, 2015; provided that such appropriations shall not be deemed to expire at the end of such fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council. Of the sums received by the Equipment Replacement Fund, a sum sufficient to service the debt on any pieces of general governmental equipment obtained under a master lease, credit line, or an installment purchase agreement shall be transferred to the Debt Service Fund.

VIII. FACILITIES REPAIR FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville:

The sum of \$400,000 transferred to the Facilities Repair Fund from the General Fund, and such sums as may be transferred to the Facilities Repair Fund from other funds during the fiscal year beginning July 1, 2015 are appropriated for carrying out the purposes of this fund during that fiscal year. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

IX. DEBT SERVICE FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville:

A. The Debt Service Fund shall serve as a permanent reserve for the payment of principal and interest of bonds, notes and other evidences of indebtedness and the cost of issuance thereof issued by the City pursuant to its charter and/or the Virginia Public Finance Act.

B. The sum of \$7,018,000 transferred to such fund by Part II of this resolution, as well as the designated Meals Tax transfer (estimated at \$2,142,000), or as much thereof as may be necessary, is hereby appropriated to pay such debt service expenses during the fiscal year beginning July 1, 2015 and ending June 30, 2016.

C. Appropriations in the Debt Service Fund shall be deemed continuing appropriations, and balances remaining in such fund at the end of each fiscal year shall be carried forward to pay principal and interest due on City obligations and costs associated with the issuance of those obligations in future years.

## X. SPECIAL REVENUE FUND APPROPRIATIONS

BE IT RESOLVED by the Council of the City of Charlottesville, that the following appropriations are hereby approved for agency expenditures accounted for as separate funds on the books of the City, for their respective programs during the fiscal year beginning July 1, 2015 and ending June 30, 2016; the City contribution to each such fund having hereinabove been appropriated from the General Fund:

A. There is hereby appropriated from the Charlottesville/Albemarle Convention and Visitors Bureau Fund, for the operation of the Charlottesville/Albemarle Convention and Visitors Bureau during such fiscal year, the sum of \$1,508,453 or the amount of revenue actually received by such fund, whichever shall be the lesser amount.

B. There is hereby appropriated from the Human Services/Community Attention Fund, for the operation of the Community Attention Homes and related programs during such fiscal year, the sum of \$5,484,310, or the amount of revenue actually received by such fund, whichever shall be the lesser amount.

C. There is hereby appropriated from the Social Services Fund, for the operation of the Department of Social Services during such fiscal year, the sum of \$13,666,681, or the amount of revenue actually received by such fund, whichever shall be the lesser amount.

D. There is hereby appropriated from the Comprehensive Services Act Fund, for the operation of the Comprehensive Services Act entitlement program, the sum of \$9,077,098, or the amount of revenue actually received by such fund, whichever shall be the greater amount.

Each such special revenue fund appropriation shall be deemed effective July 1, 2015. Except as is otherwise expressly provided herein, the balance of any General Fund contribution to such funds not expended or encumbered as of June 30, 2016 shall be deemed to revert to the unassigned balance of the General Fund, unless the Council by resolution provides that any such sum shall be deemed a continuing appropriation.

## XI. INTERNAL SERVICES FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville that the following appropriations are hereby approved for internal services accounted for as separate funds on the books of the City, for their respective programs during the fiscal year beginning July 1, 2015 and ending June 30, 2016; the payments of individual departments and agencies to each such fund having hereinabove been appropriated in the General Fund and other applicable funds:

A. There is hereby appropriated from the Information Technology Fund, for the operation of the various functions within this fund during the fiscal year beginning July 1, 2015, or the amount of revenue actually credited to such fund from other City departments and agencies, whichever shall be the greater amount:

1. For the operation of the Department of Information Technology, the sum of \$2,483,197.

2. For the operation and infrastructure of City Link, the sum of \$1,200,000. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but is hereby appropriated in the ensuing fiscal year into the City Link Infrastructure cost center unless altered by further action of this Council.

3. For Technology Infrastructure Replacement, the sum of \$200,000. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

4. For GIS operations, the sum of \$64,155. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

B. There is hereby appropriated from the Warehouse Fund, for the operation of the Warehouse during such fiscal year, the sum of \$156,194, or the amount of revenue actually credited to such fund from other City departments and agencies, whichever shall be the greater amount.

C. There is hereby appropriated from the Fleet Maintenance Fund, for the operation of the Central Garage, Vehicle Wash and Fuel System during such fiscal year, the sum of \$999,708, or the amount of revenue actually credited to such fund from other City departments and agencies, whichever shall be the greater amount.

D. There is hereby appropriated from the Communications System Fund, for the operation of the citywide phone system and mailroom operations during such fiscal year, the sum of \$316,553, or the amount of revenue actually credited to such fund from other City departments and agencies, whichever shall be the greater amount.

## XII. CAPITAL PROJECTS FUND APPROPRIATIONS

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that:

A. The following are hereby designated as revenue of the Capital Projects Fund:

1. The sum of \$4,750,000 in Albemarle County revenue sharing payments transferred from the General Fund pursuant to Section II-C of this resolution.

2. The proceeds of the sale of any real property, as prescribed by resolution of this Council adopted November 3, 1986.

3. The proceeds of the sale of any real property to be used for housing shall be appropriated to the "Charlottesville Affordable Housing Fund" account in the Capital Fund.

B. The sums hereinafter set forth are hereby appropriated from the Capital Projects Fund of the City for the respective capital purchases or projects so set forth, effective for the fiscal year beginning July 1, 2015; provided that such appropriations shall not be deemed to expire at the end of such fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of City Council.

C. The Capital Projects Fund Fiscal Year 2016 - 2020 will reflect the budget delineations set forth below for Fiscal Year 2015 - 2016.

The Capital Projects Fund grouped by area:

<b><u>Revenue</u></b>	
Transfer from General Fund	\$4,750,000
Contribution from Albemarle County	147,500
Contribution from City Schools	200,000
PEG Fee Revenue	47,500
CY 2014 Bond Issue	10,725,887
<b>TOTAL REVENUE</b>	<b>\$15,870,887</b>

<b><u>Expenditures</u></b>	
Education	\$1,720,491
Economic Development	150,000
Public Safety and Justice	3,483,470
Facilities Capital Projects	1,345,491
Transportation and Access	3,854,692
Parks and Recreation	3,149,921
Stormwater Initiatives	125,000
Technology Infrastructure	47,500
Charlottesville Affordable Housing Fund	1,569,322
Other Governmental Commitments	425,000
<b>TOTAL EXPENDITURES</b>	<b>\$15,870,887</b>

**XIII. GAS FUND APPROPRIATION**

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Gas Fund, for the operation of the gas utility during the fiscal year beginning July 1, 2015 and ending June 30, 2016, the sum of \$31,896,590 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2015. However, the appropriations for the Vehicle Replacement Program, the Thermostat Program and Gas Assistance Program shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

**XIV. WATER FUND APPROPRIATION**

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Water Fund, for the operation of the water utility during the

fiscal year beginning July 1, 2015 and ending June 30, 2016, the sum of \$10,191,023, or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2015. However, the appropriations for the Vehicle Replacement Program, Water Conservation Program, Water Assistance Program, Rain Barrel Program and the Toilet Rebate Program shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

#### XV. WASTEWATER FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Wastewater Fund, for the operation of the wastewater utility during the fiscal year beginning July 1, 2015 and ending June 30, 2016, the sum of \$15,480,278 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2015. However, the appropriations for the Vehicle Replacement Program and the Wastewater Assistance Program shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

#### XVI. STORMWATER FUND APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Stormwater Fund, for the operation of the stormwater utility during the fiscal year beginning July 1, 2015 and ending June 30, 2016, the sum of \$1,907,754 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2015.

#### XVII. UTILITIES FUNDS DEBT SERVICE APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Utilities Funds (Gas, Water, Wastewater and Stormwater) for the payment of principal and interest of bonds, notes and other evidences of indebtedness and the cost of issuance thereof issued by the City pursuant to its charter and/or the Virginia Public Finance Act., during the fiscal year beginning July 1, 2015 and ending June 30, 2016, the following sums in each fund or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2015. However, such appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

A. There is hereby appropriated from the Gas Debt Service Fund, the sum of \$900,000 as revenue (transfer from Gas Fund) and \$678,223 in principal and interest payments.

B. There is hereby appropriated from the Wastewater Debt Service Fund the sum of \$2,400,000 in revenue (transfer from the Wastewater Fund) and \$2,744,201 in principal and interest payments.



C. There is hereby appropriated from the Water Debt Service Fund the sum of \$1,725,000 in revenue (transfer from the Water Fund) and \$1,767,671 in principal and interest payments.

D. There is hereby appropriated from the Stormwater Debt Service Fund the sum of \$48,588 in revenue (transfer from the Stormwater Fund) and \$14,000 in principal and interest payments.

**XVIII. PAY PLAN APPROVAL**

BE IT RESOLVED by the Council of the City of Charlottesville that the Employee Classification and Pay Plan for the City of Charlottesville dated July 1, 2015 and effective on that same date, which assigns salary ranges to each class or position in the City service is hereby approved pursuant to Section 19-3 and 19-4 of the City Code, 1990, as amended and a copy of the same shall be kept on file with the records of the meeting at which this resolution is approved.

**XIX. PAY ADJUSTMENT FOR RETIREES**

BE IT RESOLVED by the Council of the City of Charlottesville, that the Retirement Plan Commission is authorized and directed to provide for the payment from the Retirement Fund of a post-retirement supplement of 1% of the current retirement pay of each presently retired employee effective July 1, 2015.

**XX. GOLF FUND**

BE IT RESOLVED by the Council of the City of Charlottesville, that there is hereby appropriated from the Golf Fund, for the operation of the golf courses during the fiscal year beginning July 1, 2015 the sum of \$852,969, or the amount of revenue actually received by such fund, whichever is the greater amount.

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