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CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: March 19, 2018

Action Required: Public Hearing and Appropriation

Presenter: Tony Edwards, Neighborhood Development Services Manager
Brennen Duncan, City Traffic Engineer

Staff Contacts: Tony Edwards, Neighborhood Development Services Manager
Brennen Duncan, City Traffic Engineer

Title: HB2 / SMART Scale grant funding Barracks Road / Emmet Street
Intersection \$8,640,866

Background: The Governor signed House Bill 2 into law in 2014, which is now known as SMART Scale. This grant program outlines the funding process for potential state transportation projects. The City of Charlottesville was successful in its second year of SMART Scale submissions by being awarded a total grant funding of \$8,640,866. No local funding match is required. The City will need to enter into an agreement with Virginia Department of Transportation (VDOT) to participate in moving forward to install the intersection improvements with an appropriation being the first step. Additional background information on funding criteria and requirements may be reviewed at: <http://www.virginiahb2.org>.

Discussion: This funding will provide the necessary resources to design, acquire right-of way, as needed, and construct the infrastructure improvements as identified in the state application. The proposed improvements include additional right turn lanes to Northbound Emmet Street (Rte29) and westbound Barracks Road, traffic signal pole relocation, bike/pedestrian and transit improvements to include pedestrian refuge islands across both streets, a multiuse sidewalk along Emmet Street, and upgrading a current bus stop with a bus shelter.

Planned Future SMART Scale Applications

The next round of SMART Scale application opened on March 1, 2018. Each applicant is allowed no more than four applications. Political jurisdictions, Metropolitan Planning Organizations and Public Transit Authorities have the option to request their applications be prescreened no later than June 1, with final submission due on August 1, 2018. NDS is proposing to submit applications for the following four projects:

1. West Main Streetscape project
2. Preston Avenue and Grady Intersection

3. Route 250 and Hydraulic Road improvement (turn lanes, signal rebuild, sidewalk and trail connections); and
4. 5th Street/Ridge Street/McIntire Corridor Improvement.

Community Engagement: Barracks Road/Emmet Street Intersection Improvements was proposed in response to citizen concerns for public safety regarding limited capacity in multimodal access by bicyclists, pedestrians and vehicles. The merits of the project have been approved by City Council and the Commonwealth Transportation Board. Additional public engagement will occur during the design phase and includes a formal Public Hearing.

Alignment with Council Vision and Strategic Plan: Submissions for the SMART Scale funding requests have the opportunity to support City Council's Vision for Economic Sustainability, A Green City, America's Healthiest City and A Connected Community. In addition, it would contribute to Goal 2 of the Strategic Plan: A Healthy and Safe City; Goal 3: A Beautiful and Sustainable Natural and Built Environment; 3.1: Engage in robust and context sensitive urban planning and implementation; 3.2: Provide reliable and high quality infrastructure; 3.3: Provide a variety of transportation and mobility options. These projects align with goals within the Comprehensive Plan, Streets that Work and the Bike and Pedestrian Master Plan.

Budgetary Impact: State and Federal funding will be received on a reimbursement basis. No local match is required.

Recommendation: Staff recommends approval of this appropriation of funds.

Alternatives: The City could decide to not proceed with the project or appropriation.

Attachment(s): N/A

APPROPRIATION

HB2 / SMART Scale FY2018 – \$8,640,866

WHEREAS, the City of Charlottesville was awarded \$8,640,866 in state and federal funds through the SMART Scale grant program to be used for the Barracks Road Intersection Improvements project;

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

Revenues

\$7,640,866	Fund: 426	WBS: P-00972	G/L Account: 431110
\$1,000,000	Fund: 426	WBS: P-00972	G/L Account: 430110

Expenditures

\$8,640,866	Fund: 426	WBS: P-00972	G/L Account: 599999
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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	March 19, 2018
Action Required:	Approve Appropriation
Presenter:	Emily Pelliccia, Deputy Chief, Fire Department
Staff Contacts:	Emily Pelliccia, Deputy Chief, Fire Department
Title:	Charlottesville Fire Department Legacy Vending Machine Funds - \$4314.94

Background:

The Charlottesville Fire Department once maintained a separate checking account to deposit commissions from vending machines at the fire houses. The account has been closed and the balance of \$4,314.94 has been deposited with the City.

Discussion:

Several years ago, the City contracted with a new vendor for the concession machines in City buildings. Now the concession receipts are received by the City on a quarterly basis and the funds are posted in the appropriate departmental accounts. The Fire Department plans to use these funds for furniture and other items that are not otherwise funded in the operational budget.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item is consistent with **Strategic Plan Goal 5: A Well-managed and responsive organization, Objective 5.1, Integrate effective business practices and strong fiscal policies.**

Community Engagement:

As this is an internal administrative transaction that is not affecting services, community engagement was not applicable.

Budgetary Impact:

The funds being requested were received upon the closing of the legacy account and no new funds are being requested from the General Fund.

Recommendation:

Approve the appropriation and allow the Fire Department to use the funds for operations.

Alternatives:

Funds that are not appropriated will remain unutilized.

Attachments:

Appropriation

APPROPRIATION
Appropriation of Fire Department Legacy Vending Machine Funds
\$4314.94

WHEREAS, the City of Charlottesville, through the Fire Department, has received \$4314.94 in vending machine revenue;.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$4314.94, received is hereby appropriated in the following manner:

Revenue – \$4314.94

\$4314.94 Fund: 105 I/O: 2000138 G/L Account: 451999

Expenditures - \$4314.94

\$4314.94 Fund: 105 I/O: 2000138 G/L Account: 520990

BE IT FURTHER RESOLVED, future revenues from vending machines at the Fire Departments will be deposited in this account and hereby considered as a continuing appropriation and immediately available for the Fire Department to spend unless further altered by Council.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 2, 2018
Action Required:	Appropriation
Presenter:	Kurt Burkhart, Charlottesville Albemarle Convention & Visitors Bureau
Staff Contacts:	Kurt Burkhart, Charlottesville Albemarle Convention & Visitors Bureau
Title:	Approval and appropriation of reimbursed funds to the Charlottesville Albemarle Convention & Visitors Bureau in the amount of \$35,517 to be used in Fiscal Year 2018

Background:

A Journey Through Hallowed Ground Partnership (“Journey”) Wayfinding Grant was approved by the Charlottesville Albemarle Convention and Visitors Bureau (“CACVB”) Board on March 20th, 2012 and payment to the Journey was made on August 6, 2012.

We learned last year that this project would not come to fruition. Journey Through Hallowed Ground presented a refund of \$35,517 which was received by the CACVB.

Discussion:

The CACVB Board has requested \$30,000 of the reimbursed funds to pay for a contracted conference/convention center feasibility study. CH Johnson Consulting, Inc. has been retained through a ratified contract through the City of Charlottesville to undertake a study to determine the feasibility of a conference/convention center for the greater Charlottesville area. The remainder of \$5,157 will be used for television advertising to promote the downtown mall and for print advertising to promote the Virginia Festival of the Book.

Alignment with City Council’s Vision and Strategic Plan:

This item supports City Council’s “Economic Sustainability” vision. It contributes to Goal 4: A Strong, Creative and Diversified Economy, Objective 4.4 Promote tourism through effective marketing. It also contributes to Goal 5: A Well-Managed and Responsive Organization.

Community Engagement:

CH Johnson Consulting is scheduled to be in the Charlottesville area the last week of March, 2018, to meet with key stakeholders, influencers, and partners for the feasibility study.

Budgetary Impact:

This has no impact on the General Fund. The funds will be reimbursed and expensed by the CACVB Fund.

Recommendation:

Approval and appropriation

Alternatives:

If the funds are not appropriated, research and marketing line items will be reduced.

APPROPRIATION
\$35,517

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$35,517 is hereby appropriated in the following manner:

Revenue – \$35,517

\$35,517	Fund: 986	Cost Center: 8101001000	G/L Account: 451050
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Expenditures - \$35,517

\$30,000	Fund: 986	Cost Center: 8101001000	G/L Account: 530520
\$ 5,517	Fund: 986	Cost Center: 8101001000	G/L Account: 530120

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**CITY OF CHARLOTTESVILLE
CITY COUNCIL AGENDA**



Agenda Date:	March 19, 2018
Action Required:	Yes (First Reading of Ordinance)
Staff Contacts:	Lauren Hildebrand, Director of Utilities Lisa A. Robertson, Acting City Attorney
Title:	Quitclaim Gas Easement to VDOT (Adams Court)

Background: In February of 1997, the City acquired a natural gas line easement in Adams Court in the Jefferson Village Subdivision in Albemarle County. The Virginia Department of Transportation is prepared to accept this roadway into the state highway system. At the request of the Gas Division, we have drafted an ordinance and deed quitclaiming to VDOT the City's natural gas easement crossing Adams Court (see attached plat).

Discussion: The quitclaim deed requires the gas line to remain in its present location, and if the street ceases to be part of the state's highway system, the easement will automatically revert back to the City. The natural gas line and facilities continue to be owned and maintained by the City even after the easement is quitclaimed to the state.

Alignment with Council Vision Areas and Strategic Plan: Not applicable.

Community Engagement: Not applicable.

Alternatives: If the ordinance is not approved, VDOT will not accept Adams Court into its road maintenance system.

Budgetary Impact: None.

Recommendation: Approval of the attached ordinance and quitclaim deed.

Attachments: Ordinance and Deed of Quitclaim (with plat attached).

**AN ORDINANCE
TO QUITCLAIM NATURAL GAS LINE EASEMENT
WITHIN ADAMS COURT IN THE JEFFERSON VILLAGE SUBDIVISION
LOCATED IN ALBEMARLE COUNTY
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadway known as Adams Court located in the Jefferson Village Subdivision in Albemarle County; and

WHEREAS, the City owns natural gas lines located within this roadway, and also owns an easement for such gas lines, and VDOT has asked that the foregoing easement crossing this roadway be released upon VDOT's acceptance of Adams Court; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easement crossing Adams Court to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said lines to continue to be located in said roadway.

*Prepared by Lisa A. Robertson (VSB #32486)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902*

Albemarle County Tax Map 32D (Adams Court)

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

DEED OF QUITCLAIM

THIS DEED OF QUITCLAIM, made and entered into on this ____ day of _____, 2018, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, easements and rights of way, as shown on the attached plat made by the City of Charlottesville Gas Division dated February 16, 2018, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in the Adams Court right-of-way in the County of Albemarle, namely: Natural gas lines and related gas facilities, or portions thereof, upon, under and across Adams Court, insofar as the land embraced within said easement falls within the boundaries of a public street or highway to be maintained by the Virginia Department of Transportation. Said portion of the gas line easement in Adams Court was conveyed to the City by Deed of Easement dated February 6, 1997 from the County of Albemarle, of record in the Clerk's Office for the Circuit Court for the County of Albemarle in Deed Book 1597, Page 298

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

1. That the above described improvements of the GRANTOR may continue to occupy such streets or highways in the existing condition and location.

2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

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

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

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

CITY OF CHARLOTTESVILLE, VIRGINIA

BY: _____
Nikuyah Walker, Mayor

ATTEST:

Clerk of Council

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

I, _____, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that Nikuyah Walker, Mayor of the City of Charlottesville, Virginia, and Paige Rice, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of _____, 2018, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: _____

Given under my hand this _____ day of _____, 2018.

Notary Public
Registration # _____

Approved as to Form:

Lisa A. Robertson, Acting City Attorney

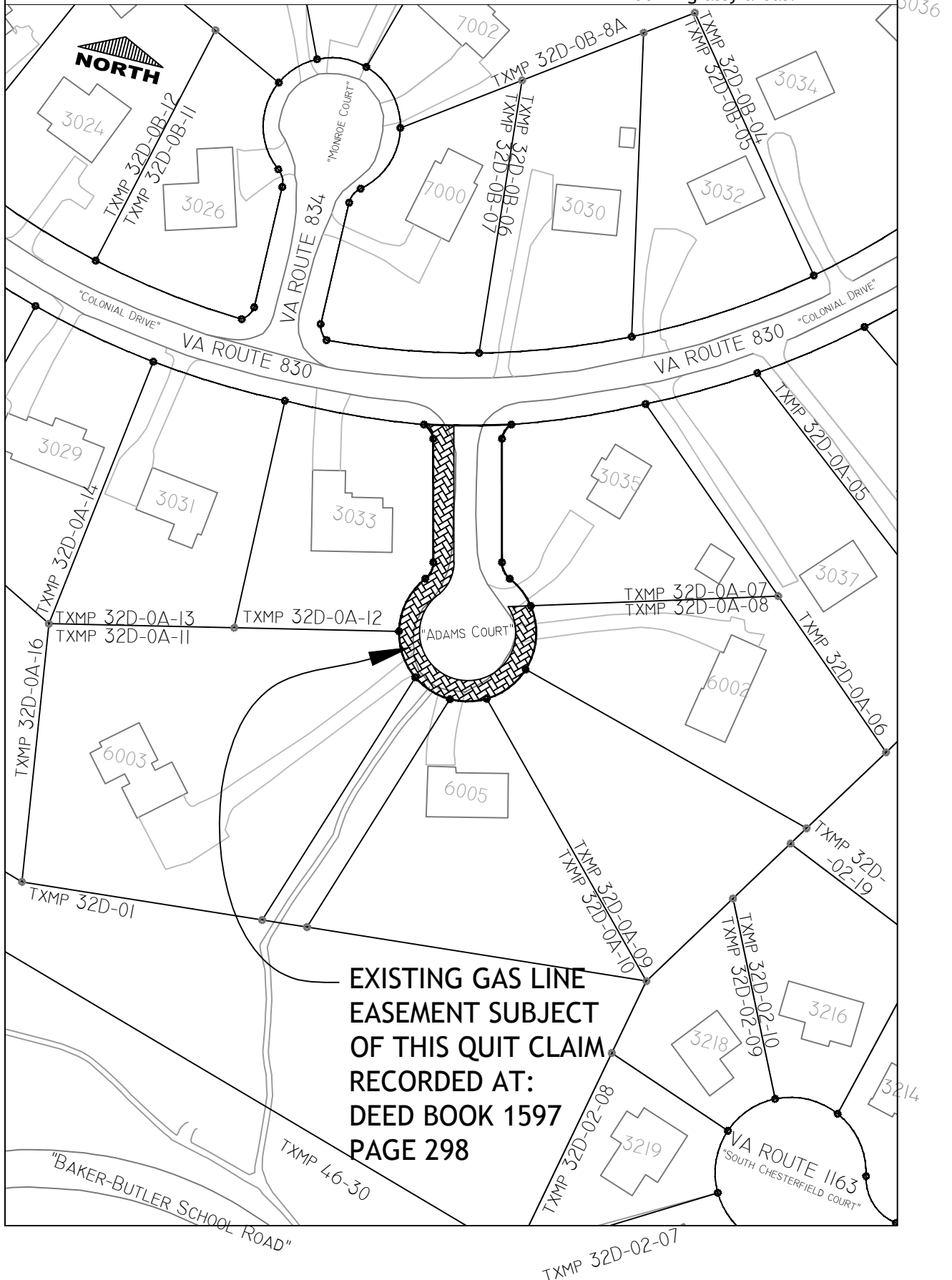
**CITY OF CHARLOTTESVILLE UTILITIES: GAS
PLAT SHOWING
EXISTING GAS LINE EASEMENT
LOCATED WITHIN THE ROAD RIGHTS OF WAY OF
"ADAMS COURT"**

**TO BE QUIT CLAIMED TO THE
COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION
GAS LINE EASEMENT RECORDED IN ALBEMARLE COUNTY AT:
DEED BOOK 1597 PAGE 298**

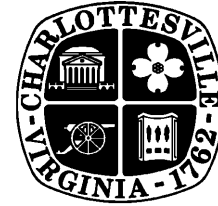
DATE: FEBRUARY 16, 2018 SCALE: 1" = 100'

The M.A.O.P. of 2" P.E. pipe is 99 P.S.I.
which is <20% S.M.Y.S.

When installed minimum depth was
42" below paved surfaces and
36" in grassy areas.



CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 2, 2018
Action Required:	Approval and Appropriation (1 st Reading)
Staff Contacts:	Leslie Beauregard, Assistant City Manager
Presented By:	Maurice Jones, City Manager Leslie Beauregard, Assistant City Manager
Title:	Public Hearing on Budget/First Reading of Tax Levy Ordinance and FY 2019 Budget Appropriation

Background: The FY 2019 Budget Appropriation reflects amendments made to the FY 2019 City Manager’s Proposed Budget. This is also the first reading for the annual Tax Levy Ordinance.

Discussion: The attached amendments have been made to the FY 2019 City Manager’s Proposed Budget and reflect 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 on April 10th.

Community Engagement: Tonight’s meeting includes a public hearing on the budget and continues a series of public engagement opportunities around the budget. There is also a final Budget Worksession scheduled for April 5th from 5PM – 7PM at City Space that includes a public comment period at the end of the meeting.

Alignment with City Council’s Vision and Strategic Plan:

This budget aligns with Council’s Vision and Strategic Plan and is detailed in the budget document.

Budgetary Impact: This is the first of two readings that adopts the final budget for Fiscal Year 2019 and sets the real estate tax rate for 2018.

Recommendation: Approval and Appropriation (1st reading)

Alternatives: N/A

Attachments:

1. Amendments to the FY 2019 City Manager's Proposed Budget
2. Tax Levy Ordinance
3. FY 2019 Budget Appropriation

**City Council Amendments to the
FY 2019 Proposed General Fund Budget**

Manager's Recommended FY 19 Revenue Estimates	\$	179,342,119
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Amendments to FY 19 Revenue Estimates

Decrease Revenues

Previous Fiscal Year Carryover Funds

Council Strategic Initiatives (Arts Coordination)	(79,000)
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Increase Revenues

Taxes

Sales Tax	302,391
Meals Tax	22,900
Tax on Bank Stock	25,000

Previous Fiscal Year Carryover Funds

Council Strategic Initiatives (Residents on the Job)	106,400
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Designated Revenues

Meals Tax: Transfer to Debt Service Fund	5,725
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Total Revenue Amendments	\$	383,416
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Total Amended FY 19 General Fund Revenue Estimates	\$	179,725,535
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Manager's Recommended FY 19 Expenditures	\$	179,342,119
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Amendments to FY 19 Expenditures

Decrease Expenditures

City Departments

Public Works Streets and Sidewalks - Professional Services	(58,042)
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Outside and Nonprofit Agencies

Arts Coordination and Planning	(200,000)
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Non Departmental

Citywide Reserve	(127,195)
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City Council Strategic Initiatives

Participatory Budgeting (moved to separate cost center)	(100,000)
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Increase Expenditures

City Council Strategic Initiatives

Residents on the Job Program Reserve	106,400
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Employee Compensation & Benefits

Living Wage Increase from \$13.79 to \$14.40 114,884

City Departments

Public Works Facilities Maintenance: Utility Increases (Electric) 50,000

Public Works Street Lighting: Utility Increases (Electric) 36,300

Parks and Recreation: Utility Increases 13,700

Non Departmental

Participatory Budgeting 100,000

Contributions to Housing Programs

Homeowners Tax Relief Program (CHAP) - Increased Grant amounts 109,500

General Fund Transfer to Human Services

CAYIP Stipend Increase 43,300

CAYIP Capacity Increase - 120 to 150 city youth 45,915

Outside and Nonprofit Agencies

Public Defender's Office 517

JAUNT 63,662

Sin Barreras - Without Barriers 11,000

Foothills - Child Victim's Health Access Care 15,000

TJACH - SOAR 25,000

On Our Own - WRAP 10,000

Local Food Hub - Fresh Farmacy 22,750

Georgia's Healing House 25,000

Light House Studios - Vinegar Hill Theatre 30,000

Piedmont Family YMCA Child Care 40,000

Designated Expenditures

Meals Tax: Transfer to Debt Service Fund 5,725

Total Expenditure Amendments \$ **383,416**

Total Amended FY 19 General Fund Expenditures \$ **179,725,535**

**City Council Amendments to the
FY 2019 Proposed Capital Improvement Program Budget**

Manager's Recommended FY 19 Expenditures	\$ 23,401,942
Amendments to FY 19 Expenditures	
<i>Increase Expenditures</i>	
Meadowcreek Valley Trail Railroad Tunnel (Design)	50,000
<i>Decrease Expenditures</i>	
City Wide IT Strategic Infrastructure	(50,000)
Total Expenditure Amendments	\$ _____ -
Total Amended FY 19 Transit Fund Expenditures	\$ 23,401,942

**City Council Amendments to the
FY 2019 Proposed Human Services Fund Budget**

Manager's Recommended FY 19 Revenue Estimates	\$ 5,500,163
Amendments to FY 19 Revenue Estimates	
<i>Increase Revenues</i>	
Transfer from General Fund	89,215
Total Revenue Amendments	\$ 89,215
Total Amended FY 19 Human Services Fund Revenue Estimates	\$ 5,589,378
Manager's Recommended FY 19 Expenditures	\$ 5,500,163
Amendments to FY 19 Expenditures	
<i>Increase Expenditures</i>	
CAYIP Stipend Increase	43,300
CAYIP Capacity Increase (from 120 to City 150 Youth)	45,915
Total Expenditure Amendments	\$ 89,215
Total Amended FY 19 Human Services Fund Expenditures	\$ 5,589,378

**City Council Amendments to the
FY 2019 Proposed Water Fund Budget**

Manager's Recommended FY 19 Revenue Estimates	\$	16,560,194
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Amendments to FY 19 Revenue Estimates

Increase Revenues

Water Sales Revenue		20,562
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Total Revenue Amendments	\$	20,562
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Total Amended FY 19 Water Fund Revenue Estimates	\$	16,580,756
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Manager's Recommended FY 19 Expenditures	\$	16,262,718
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Amendments to FY 19 Expenditures

Decrease Expenditures

Water Assistance Program		(5,000)
Toilet Rebates		(40,000)
Rain Barrels		(500)
Attrition Savings		(40,000)

Increase Expenditures

Water PILOT		106,062
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Total Expenditure Amendments	\$	20,562
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Total Amended FY 19 Water Fund Expenditures	\$	16,283,280
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**City Council Amendments to the
FY 2019 Proposed Wastewater Fund Budget**

Manager's Recommended FY 19 Revenue Estimates	\$	16,665,187
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Amendments to FY 19 Revenue Estimates

Decrease Revenues

Sewer Sales Revenue		(42,980)
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Total Revenue Amendments	\$	(42,980)
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Total Amended FY 19 Wastewater Fund Revenue Estimates	\$	16,622,207
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Manager's Recommended FY 19 Expenditures	\$ 16,365,251
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Amendments to FY 19 Expenditures

Decrease Expenditures

Wastewater Assistance Program	(5,000)
Attrition Savings	(40,000)

Increase Expenditures

Wastewater PILOT	2,020
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Total Expenditure Amendments	\$ (42,980)
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Total Amended FY 19 Wastewater Fund Expenditures	\$ 16,322,271
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**City Council Amendments to the
FY 2019 Proposed Gas Fund Budget**

Manager's Recommended FY 19 Revenue Estimates	\$ 26,864,323
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Amendments to FY 19 Revenue Estimates

Decrease Revenues

Gas Sales	(134,545)
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Total Revenue Amendments	\$ (134,545)
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Total Amended FY 19 Gas Fund Revenue Estimates	\$ 26,729,778
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Manager's Recommended FY 19 Expenditures	\$ 27,589,603
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Amendments to FY 19 Expenditures

Decrease Expenditures

Gas Vehicle Replacement	(214,900)
Gas Assistance Program	(120,000)
Gas Incentives Program	(20,000)
Attrition Savings	(50,000)

Increase Expenditures

Gas PILOT	270,354
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Total Expenditure Amendments	\$ (134,546)
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Total Amended FY 19 Gas Fund Expenditures	\$ 27,455,057
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**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, 2018 and ending the thirty-first day of December, 2018, 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, 2017 be and the same is hereby repealed.

Approved by Council
April 10, 2018

RESOLUTION ADOPTING THE BUDGET FOR THE
CITY OF CHARLOTTESVILLE FOR THE FISCAL YEAR
BEGINNING JULY 1, 2018, AND ENDING JUNE 30, 2019
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, 2018, and ending June 30, 2019; 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 19, 2018 and April 2, 2018, 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, 2018, and ending June 30, 2019; 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, 2018.

Local Taxes

Real Estate Taxes	\$68,267,343
Personal Property Tax	8,629,200
Public Service Corporation Tax	1,350,000
Penalty/Interest on Delinquent Taxes	350,000
Utility Services Consumer Tax (Gas, Water, Electric)	4,699,842
Virginia Communications Sales and Use Tax	3,000,000
Tax on Bank Stock	1,200,000
Tax on Wills and Deeds	550,000
Sales and Use Tax	11,663,391

Rolling Stock Tax	21,000
Transient Occupancy (Lodging) Tax	5,100,000
Meals Tax	9,453,900
Short-Term Rental Tax	60,000
Cigarette Tax	725,000
Recordation Tax Receipts	203,191
Vehicle Daily Rental Tax	100,000
Total Local Taxes	\$115,372,867
Licenses and Permits	
Business and Professional Licenses	\$7,400,000
Vehicle Licenses	915,000
Dog Licenses	15,000
Electrical and Mechanical Permits	250,000
Building and Plumbing Permits	400,000
Temporary Parking Permits (NDS)	75,000
Site Plans	75,000
Mall Vending Permits	125,000
Other Permits	110,500
Total Licenses and Permits	\$9,365,500
Intergovernmental Revenue	
<i>Revenue from State Agencies</i>	
PPTRA Revenue (State Personal Property Tax)	\$3,498,256
State Highway Assistance	4,103,696
Reimbursement/Constitutional Offices	1,634,635
State Aid for Police Protection	2,012,664
Trailer Title	1,200
Other State Assistance: Misc. Rev	50,000
<i>Revenue from Other Intergovernmental Sources</i>	
School Resource Officers (City Schools)	301,231
Regional Library Administrative Fee	109,952
Crisis Intervention Team Revenue	97,668
Fire Department Ops (Albemarle County)	191,850
Fire Department Ops (UVA)	320,687
Fire Department EMS Revenue Recovery	1,440,000
Juvenile & Domestic Relations Court (Albemarle County)	56,160
Juvenile & Domestic Relations Court Building Maint. (Albemarle County)	68,508
Magistrate's Office (Albemarle County)	4,150
Payments In Lieu of Taxes (Housing Authority)	33,828
Service Charge (UVA)	46,000
Property Maintenance (UVA)	58,956
Total Intergovernmental Revenue	\$14,029,441

Charges for Services

Property Transfer Fees	\$1,000
Zoning Appeals Fees	1,100
Court Revenue (Circuit/General District Courts)	500,000
Circuit Court - Online Land Records Subscription Revenue	30,000
Internal City Services	1,941,424
Utility Cut Permits	185,000
Recreation Income	1,765,246
Reimbursable Overtime/Public Safety	265,000
Payment in Lieu of Taxes: Utilities	5,776,201
Indirect Cost Recovery	125,000
Waste Disposal Fees	1,050,000
Other Charges for Services	125,000
Total Charges for Services	\$11,764,971

Miscellaneous Revenue

Interest Earned	\$515,000
Rent	175,000
Hedgerow Properties - Parking Revenue	60,000
Refund of Prior Years' Expenditures	30,000
Other Miscellaneous Revenue	363,000
Total Misc. Revenue	\$1,143,000

Previous Fiscal Year Carryover Funds

Arts Coordination Funding	\$114,000
Assistant City Manager Position Vacancy Savings	100,000
Blue Ridge Regional Jail Debt Service Reimbursement	586,259
Council Strategic Initiatives	206,400
Total Misc. Revenue	\$1,006,659

Transfers from Other Funds

Risk Management Fund	\$350,000
Landfill Reserve Fund	250,000
Human Services Fund	250,000
Parking Enterprise Fund	1,500,000
Total Transfers from Other Funds	\$2,350,000

City/County Revenue Sharing: Operating Budget	\$9,921,594
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Total Operating Revenue	\$164,954,032
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Designated Revenue

City/School Contracts: Pupil Transportation	\$2,956,210
City/School Contracts: School Building Maintenance	3,677,052
City/County Revenue Sharing: Transfer to Capital Improvement Fund	5,374,766
City/County Revenue Sharing: Transfer to Facilities Repair Fund	400,000
Transfer to Debt Service Fund: Meals Tax Revenue	2,363,475
Total Designated Revenue	\$14,771,503

Total General Fund Revenue	\$179,725,535
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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, 2018.

Operating Expenditures**Management**

Mayor and City Council	\$574,520
Council Strategic Initiatives Funding	
Jefferson School Heritage Center	500,000
Residents on the Job	106,400
Office of the City Manager/Administration and Redevelopment Manager	1,433,834
Office of the City Manager/Communications	446,939
Office of the City Manager/Economic Development	774,284
Office of the City Attorney	1,021,509
Office of General Registrar	560,232

Contributions to Organizational Memberships and Workforce Development Programs

Virginia Municipal League	16,820
Chamber of Commerce	1,605
Thomas Jefferson Planning District Commission	61,229
Piedmont Workforce Network	7,361
Virginia Institute of Government	2,500
Alliance for Innovation	2,550
Virginia First Cities Coalition	18,000
Central Virginia Partnership for Economic Development	24,535
Thomas Jefferson Soil and Water Conservation District	12,669
Central Virginia Small Business Development Center	12,000
Rivanna Conservation Alliance	11,000
National League of Cities	5,000
Community Investment Collaborative	26,265
Center for Nonprofit Excellence	600

Non Departmental Activities

Sister City Commission	15,000
City Strategic Plan/P3: Plan, Perform, Perfect	105,000
Virginia Juvenile Community Crime Control Act (Local Match)	108,415
Citizen Engagement Opportunities	15,000
Innovation Fund	20,000
Citywide Reserve/Performance Agreement Payments to Waterhouse and CFA	400,000
Participatory Budgeting	100,000
Transfer to Debt Service Fund	8,560,788
Transfer to Fund Balance Target Adjustment Fund	413,148
Employee Compensation and Training	1,224,884
Internal and Financial Services	
Finance Department - Administration/Purchasing/Assessor	2,539,032
Human Resources	1,210,180
Commissioner of Revenue	1,320,872
Treasurer	1,313,261
Information Technology	2,881,027
Healthy Families and Community	
Transfer to Children's Services Act Fund	1,804,722
Transfer to Social Services Fund	3,302,777
Transfer to Human Services/Community Attention Fund	662,030
Neighborhood Development Services	3,847,635
Office of Human Rights/Human Rights Commission	249,976
Parks and Recreation	10,968,758
Transfer to Golf Course Fund	149,204
Transfer to Convention and Visitors' Bureau	1,038,546
Community Events and Festivals	
Virginia Film Festival	15,200
Virginia Festival of the Book	16,550
Charlottesville Festival of Cultures	3,750
Art in Place	27,500
City Supported Events (Other)	10,000
Contributions to Children, Youth, and Family Oriented Programs	
Big Brothers/Big Sisters	20,000
Boys and Girls Club	57,358
The BridgeLine	28,706
Charlottesville Abundant Life Ministries	28,634
Thomas Jefferson Health District	561,344
Charlottesville Free Clinic	114,940
City Schoolyard Garden	19,200
Computers 4 Kids	19,443

Foothills Child Advocacy Center	43,405
Georgia's Healing House	25,000
Home Visiting Collaborative	405,716
Jefferson Area Board for Aging (JABA)	319,192
Local Food Hub	22,750
MACAA	91,170
PHAR	45,550
Piedmont Family YMCA	40,000
On Our Own	24,560
ReadyKids	82,607
Region Ten Community Services Board	1,180,092
Sexual Assault Resources Agency (SARA)	23,113
Shelter for Help in Emergency (SHE)	116,812
Sin Barreras	11,000
Thomas Jefferson Area Coalition for the Homeless	118,015
United Way - Thomas Jefferson Area	203,086
Virginia Cooperative Extension Program	49,961
Women's Initiative	21,642
Emergency Assistance Program Support	84,516

Contributions to Education and the Arts

Charlottesville Opera	2,432
Arts Coordination and Planning	50,000
City Center for Contemporary Arts	41,502
Historic Preservation Task Force	5,000
Jefferson Madison Regional Library	1,941,399
Jefferson School Heritage Center	30,000
Lighthouse Studio	38,321
Literacy Volunteers	40,930
McGuffey Art Center	23,613
New City Arts	18,000
The Paramount Theater/Arts Education Program	20,470
Piedmont Virginia Community College	11,126
Virginia Discovery Museum	5,794
WNRN	2,250

Contributions to Housing Programs

Rent Relief for Elderly, a sum sufficient estimated at	18,000
Rent Relief for Disabled, a sum sufficient estimated at	195,000
Tax Relief for Elderly, a sum sufficient estimated at	400,000
Tax Relief for Disabled, a sum sufficient estimated at	120,000
Homeowners Tax Relief Program	569,500
Stormwater Fee Assistance Program	20,000
Albemarle Housing Improvement Program (AHIP)	99,050
Piedmont Housing Alliance (PHA)	94,963

Infrastructure and Transportation

Public Works: Administration, Facilities Development, Facilities Maintenance	3,037,888
Public Works: Hedgerow Properties	52,010
Public Works: Public Service	7,477,210
Transfer to Charlottesville Area Transit Fund	2,437,365
JAUNT Paratransit Services	1,377,047

Public Safety and Justice

Clerk of Circuit Court	744,191
Circuit Court Judge	85,506
City Sheriff	1,290,426
Commonwealth's Attorney	1,197,559
General District Court	21,208
Juvenile and Domestic Relations Court/Court Services Unit	350,047
Magistrate	8,300
Fire Department	11,150,273
Fire Department: Emergency Medical Services (EMS)	1,263,202
Police Department	16,866,836

Contributions to Programs Supporting Public Safety and Justice

Albemarle Charlottesville Regional Jail	5,030,787
Blue Ridge Juvenile Detention Center	892,045
Emergency Communications Center	1,585,328
Legal Aid Justice Center	70,630
Offenders Aid and Restoration	242,403
Piedmont Court Appointed Special Advocates	10,000
Public Defender's Office	53,261
Society for the Prevention of Cruelty to Animals	264,039

Local Contribution to Public Schools

Operational Support	53,998,202
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Total Operating Expenditures \$164,954,032

Designated Expenditures

City/School Contracts: Pupil Transportation	\$2,956,210
City/School Contracts: School Building Maintenance	3,677,052
Transfer to Capital Projects Fund	5,374,766
Transfer to Facilities Repair Fund	400,000
Transfer to Debt Service Fund - Meals Tax Revenue	2,363,475
Total Designated Expenditures	\$14,771,503

Total General Fund Expenditures \$179,725,535

C. Of the sum of \$15,696,360 to be received in the General Fund from the County of Albemarle under the revenue sharing agreement of May 24, 1982, \$5,374,766 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 Assistant City Manager 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 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 shall be appropriated to the Strategic Investment 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, unless altered by further action of City Council.

L. Of the above amount of funding appropriated to the Fire Department budget for Emergency Medical Services (EMS), a 10% contingency of \$83,432 for the EMS System shall be set aside per the agreement between the City and Charlottesville Albemarle Rescue Squad (CARS). Any contingency funds remaining unexpended at the end of the fiscal year shall be transferred into a separate EMS Equipment Replacement Fund to be

used for future EMS equipment needs to support the provision of emergency medical services in the City of Charlottesville.

M. 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.

N. 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.

O. The amount received as Courthouse Security Revenue is hereby appropriated in the ensuing fiscal year and 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.

P. Funds from the Citywide Reserve account may be transferred to other funds at the discretion of the City Manager for the purpose of addressing unforeseen expenditures in those funds. 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.

Q. 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.

R. 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.

S. 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.

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. The amounts above appropriated funds for the City Strategic Plan - P3: Plan, Perform, Perfect 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.

V. The amounts above appropriated funds for the Innovation Fund 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.

W. Sums appropriated in the General Fund which have not been encumbered or expended as of June 30, 2019, 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.

X. Sums appropriated in the General Fund which have not been encumbered or expended as of June 30, 2019 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, 2018; the City contribution to the School operations having hereinabove been appropriated from the General Fund.

School Budget (All Funds)	
Local Contribution	\$53,998,202
State Funds	21,256,264
Federal Funds	4,896,199
Fund Balance	625,996
Misc. Funds	3,286,025
Total School Operations Budget	\$84,062,686

A net increase in the School Operations general fund balance at June 30, 2019 shall be deemed to be allocated as follows:

- Surplus operating budget up to \$100,000 will be allocated to the School Facility Repair Fund, however the schools will be required to commit \$100,000 of their annual budget to the Facility Repair Fund
- Funds in excess of \$100,000 up to \$200,000 will be retained by the School Division
- Funds over \$200,000 will be shared equally (50/50) between the City and Schools

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, 2019, 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. RETIREMENT BENEFITS FUND APPROPRIATION

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

There is hereby appropriated from the Retirement Benefits Fund sums received by said Fund from individual departments and agencies for the payment of retirement 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 retirement benefit program costs. This appropriation shall be effective during the fiscal year ending June 30, 2019, 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.

VI. 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, 2018 and ending June 30, 2019, the sum of \$7,887,984 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2018.

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, 2019 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, 2018 and ending June 30, 2019, the sum of \$115,000 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, 2018.

VII. RISK MANAGEMENT APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that all sums previously appropriated to the Risk Management Fund, 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.

VIII. 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, and proceeds from vehicle loss insurance settlements 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, 2018 and ending June 30, 2019. Such appropriation shall be effective July 1, 2018; 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.

IX. 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, 2018 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.

X. JOINT HEALTH DEPARTMENT BUILDING FUND APPROPRIATION

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

The amounts received as Health Department Building Account revenue during the fiscal year beginning July 1, 2018 are appropriated to the Joint Health Department Building Fund to be used for general improvements, maintenance and small capital projects related to the Thomas Jefferson Health District building. Further, any unspent funds in the Health Department Building 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.

XI. 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 \$8,560,788 transferred to such fund by Part II of this resolution, as well as the designated Meals Tax transfer (estimated at \$2,363,475), or as much thereof as may be necessary, is hereby appropriated to pay such debt service expenses during the fiscal year beginning July 1, 2018 and ending June 30, 2019.

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.

XII. 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, 2018 and ending June 30, 2019; 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 \$1,879,550 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 \$5,589,378, 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 \$14,353,524, or the amount of revenue actually received by such fund, whichever shall be the lesser amount.

D. There is hereby appropriated from the Children's Services Act Fund, for the operation of the Children's Services Act entitlement program, the sum of \$8,239,456, 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, 2018. 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, 2019 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.

XIII. 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, 2018 and ending June 30, 2019; 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, 2018, 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 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.

2. For Technology Infrastructure Replacement, the sum of \$267,500. 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 \$160,727, 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 \$1,056,942 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 \$280,831, or the amount of revenue actually credited to such fund from other City departments and agencies, whichever shall be the greater amount.

E. There is hereby appropriated from the Parking Fund, for parking operations the sum of \$2,326,426, or the amount of revenue actually received by such fund, whichever is the greater amount.

1. The Parking Operation budget includes a budgeted transfer to the General Fund in the amount of \$1,500,000 or the actual net revenues received from

public serving parking facilities, permits, meters and fines, whichever is the lesser.

2. Revenue received for parking development contributions 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. 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 \$5,374,766 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.
4. Funds received as donations and/or contributions for sidewalks shall hereby be appropriated into Sidewalks account (P-00335) to be used for the replacement, construction or repair of sidewalks. These funds shall not be deemed to expire at the end of the fiscal year and shall be hereby appropriated in the ensuing fiscal year unless altered by further action of City Council

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, 2018; 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 2019-2023 will reflect the budget delineations set forth below for Fiscal Year 2018-2019.

The Capital Projects Fund grouped by area:

<u>Revenue</u>	
Transfer from General Fund	\$5,374,766
Transfer from CIP Contingency	\$2,200,000
Contribution from Albemarle County	212,500
Contribution from City Schools	200,000
PEG Fee Revenue	47,500
CY 2019 Bond Issue	15,367,176
TOTAL REVENUE	\$23,401,942

<u>Expenditures</u>	
Education	\$2,913,090
Economic Development	150,000
Public Safety and Justice	1,641,207
Facilities Capital Projects	2,065,491
Transportation and Access	9,001,965
Parks and Recreation	2,669,161
Stormwater Initiatives	125,000
Technology Infrastructure	147,500
Charlottesville Affordable Housing Fund	3,399,204
Other Governmental Commitments	1,289,324
TOTAL EXPENDITURES	\$23,401,942

XV. 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, 2018 and ending June 30, 2019, the sum of \$27,455,057 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2018. However, the appropriations for the Vehicle Replacement Program, the Gas Fund Capital 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. The Gas rates for our customers indicated in the Utility Rate Study are reviewed and approved by Council each year. At that time the Gas operations budget, including any new programmatic requests, and the Gas capital improvement program budget are reviewed and may be amended.

XVI. 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, 2018 and ending June 30, 2019, the sum of \$16,283,280, or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2018. However, the appropriations for the Vehicle Replacement Program, Water Fund Capital 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. The Water rates

for our customers indicated in the Utility Rate Study are reviewed and approved by Council each year. At that time the Water operations budget, including any new programmatic requests, and the Water capital improvement program budget are reviewed and may be amended.

XVII. 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, 2018 and ending June 30, 2019, the sum of \$16,322,271 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2018. However, the appropriations for the Vehicle Replacement Program, the Wastewater Fund Capital 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. The Wastewater rates for our customers indicated in the Utility Rate Study are reviewed and approved by Council each year. At that time the Wastewater operations budget, including any new programmatic requests, and the Wastewater capital improvement program budget are reviewed and may be amended.

XVIII. 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, 2018 and ending June 30, 2019, the sum of \$3,632,956 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2018. However, the appropriations for the Stormwater Fund Capital 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.

XIX. 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, 2018 and ending June 30, 2019, 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, 2018. 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 \$300,000 as revenue (transfer from Gas Fund) and \$133,166 in principal and interest payments.

B. There is hereby appropriated from the Wastewater Debt Service Fund the sum of \$3,000,000 in revenue (transfer from the Wastewater Fund) and \$2,731,162 in principal and interest payments.

C. There is hereby appropriated from the Water Debt Service Fund the sum of \$1,800,000 in revenue (transfer from the Water Fund) and \$1,696,008 in principal and interest payments.

D. There is hereby appropriated from the Stormwater Debt Service Fund the sum of \$129,683 in revenue (transfer from the Stormwater Fund) and \$119,039 in principal and interest payments.

XX. 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, 2018 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.

XXI. 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 1.5% of the current retirement pay of each eligible retired employee effective July 1, 2018.

XXII. 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, 2018 the sum of \$963,276, or the amount of revenue actually received by such fund, whichever is the greater amount.

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April 2, 2018 Agenda
Report #3

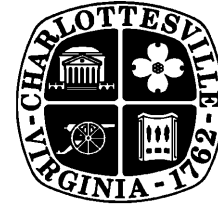
Public Hearing / Ordinance:

**Release of Sewer Easement on
Rialto Street (1st of 2 readings)**

This item was withdrawn;
there will be no public hearing.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 2, 2018
Action Required:	Approval and Appropriation (1 st Reading)
Staff Contacts:	Leslie Beauregard, Assistant City Manager
Presented By:	Maurice Jones, City Manager Leslie Beauregard, Assistant City Manager
Title:	Public Hearing on Budget/First Reading of Tax Levy Ordinance and FY 2019 Budget Appropriation

Background: The FY 2019 Budget Appropriation reflects amendments made to the FY 2019 City Manager’s Proposed Budget. This is also the first reading for the annual Tax Levy Ordinance.

Discussion: The attached amendments have been made to the FY 2019 City Manager’s Proposed Budget and reflect 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 on April 10th.

Community Engagement: Tonight’s meeting includes a public hearing on the budget and continues a series of public engagement opportunities around the budget. There is also a final Budget Worksession scheduled for April 5th from 5PM – 7PM at City Space that includes a public comment period at the end of the meeting.

Alignment with City Council’s Vision and Strategic Plan:

This budget aligns with Council’s Vision and Strategic Plan and is detailed in the budget document.

Budgetary Impact: This is the first of two readings that adopts the final budget for Fiscal Year 2019 and sets the real estate tax rate for 2018.

Recommendation: Approval and Appropriation (1st reading)

Alternatives: N/A

Attachments:

1. Amendments to the FY 2019 City Manager's Proposed Budget
2. Tax Levy Ordinance
3. FY 2019 Budget Appropriation

City Council Amendments to the FY 2019 Proposed General Fund Budget

Manager's Recommended FY 19 Revenue Estimates	\$	179,342,119
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Amendments to FY 19 Revenue Estimates

Decrease Revenues

Previous Fiscal Year Carryover Funds

Council Strategic Initiatives (Arts Coordination)	(79,000)
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Increase Revenues

Taxes

Sales Tax	302,391
Meals Tax	22,900
Tax on Bank Stock	25,000

Previous Fiscal Year Carryover Funds

Council Strategic Initiatives (Residents on the Job)	106,400
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Designated Revenues

Meals Tax: Transfer to Debt Service Fund	5,725
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Total Revenue Amendments	\$	383,416
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Total Amended FY 19 General Fund Revenue Estimates	\$	179,725,535
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Manager's Recommended FY 19 Expenditures	\$	179,342,119
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Amendments to FY 19 Expenditures

Decrease Expenditures

City Departments

Public Works Streets and Sidewalks - Professional Services	(58,042)
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Outside and Nonprofit Agencies

Arts Coordination and Planning	(200,000)
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Non Departmental

Citywide Reserve	(127,195)
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City Council Strategic Initiatives

Participatory Budgeting (moved to separate cost center)	(100,000)
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Increase Expenditures

City Council Strategic Initiatives

Residents on the Job Program Reserve	106,400
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Employee Compensation & Benefits

Living Wage Increase from \$13.79 to \$14.40 114,884

City Departments

Public Works Facilities Maintenance: Utility Increases (Electric) 50,000

Public Works Street Lighting: Utility Increases (Electric) 36,300

Parks and Recreation: Utility Increases 13,700

Non Departmental

Participatory Budgeting 100,000

Contributions to Housing Programs

Homeowners Tax Relief Program (CHAP) - Increased Grant amounts 109,500

General Fund Transfer to Human Services

CAYIP Stipend Increase 43,300

CAYIP Capacity Increase - 120 to 150 city youth 45,915

Outside and Nonprofit Agencies

Public Defender's Office 517

JAUNT 63,662

Sin Barreras - Without Barriers 11,000

Foothills - Child Victim's Health Access Care 15,000

TJACH - SOAR 25,000

On Our Own - WRAP 10,000

Local Food Hub - Fresh Farmacy 22,750

Georgia's Healing House 25,000

Light House Studios - Vinegar Hill Theatre 30,000

Piedmont Family YMCA Child Care 40,000

Designated Expenditures

Meals Tax: Transfer to Debt Service Fund 5,725

Total Expenditure Amendments \$ **383,416**

Total Amended FY 19 General Fund Expenditures \$ **179,725,535**

**City Council Amendments to the
FY 2019 Proposed Capital Improvement Program Budget**

Manager's Recommended FY 19 Expenditures	\$ 23,401,942
Amendments to FY 19 Expenditures	
<i>Increase Expenditures</i>	
Meadowcreek Valley Trail Railroad Tunnel (Design)	50,000
<i>Decrease Expenditures</i>	
City Wide IT Strategic Infrastructure	(50,000)
Total Expenditure Amendments	\$ _____ -
Total Amended FY 19 Transit Fund Expenditures	\$ 23,401,942

**City Council Amendments to the
FY 2019 Proposed Human Services Fund Budget**

Manager's Recommended FY 19 Revenue Estimates	\$ 5,500,163
Amendments to FY 19 Revenue Estimates	
<i>Increase Revenues</i>	
Transfer from General Fund	89,215
Total Revenue Amendments	\$ 89,215
Total Amended FY 19 Human Services Fund Revenue Estimates	\$ 5,589,378
Manager's Recommended FY 19 Expenditures	\$ 5,500,163
Amendments to FY 19 Expenditures	
<i>Increase Expenditures</i>	
CAYIP Stipend Increase	43,300
CAYIP Capacity Increase (from 120 to City 150 Youth)	45,915
Total Expenditure Amendments	\$ 89,215
Total Amended FY 19 Human Services Fund Expenditures	\$ 5,589,378

**City Council Amendments to the
FY 2019 Proposed Water Fund Budget**

Manager's Recommended FY 19 Revenue Estimates	\$	16,560,194
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Amendments to FY 19 Revenue Estimates

Increase Revenues

Water Sales Revenue		20,562
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Total Revenue Amendments	\$	20,562
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Total Amended FY 19 Water Fund Revenue Estimates	\$	16,580,756
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Manager's Recommended FY 19 Expenditures	\$	16,262,718
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Amendments to FY 19 Expenditures

Decrease Expenditures

Water Assistance Program		(5,000)
Toilet Rebates		(40,000)
Rain Barrels		(500)
Attrition Savings		(40,000)

Increase Expenditures

Water PILOT		106,062
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Total Expenditure Amendments	\$	20,562
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Total Amended FY 19 Water Fund Expenditures	\$	16,283,280
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**City Council Amendments to the
FY 2019 Proposed Wastewater Fund Budget**

Manager's Recommended FY 19 Revenue Estimates	\$	16,665,187
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Amendments to FY 19 Revenue Estimates

Decrease Revenues

Sewer Sales Revenue		(42,980)
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Total Revenue Amendments	\$	(42,980)
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Total Amended FY 19 Wastewater Fund Revenue Estimates	\$	16,622,207
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Manager's Recommended FY 19 Expenditures	\$ 16,365,251
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Amendments to FY 19 Expenditures

Decrease Expenditures

Wastewater Assistance Program	(5,000)
Attrition Savings	(40,000)

Increase Expenditures

Wastewater PILOT	2,020
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Total Expenditure Amendments	\$ (42,980)
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Total Amended FY 19 Wastewater Fund Expenditures	\$ 16,322,271
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**City Council Amendments to the
FY 2019 Proposed Gas Fund Budget**

Manager's Recommended FY 19 Revenue Estimates	\$ 26,864,323
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Amendments to FY 19 Revenue Estimates

Decrease Revenues

Gas Sales	(134,545)
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Total Revenue Amendments	\$ (134,545)
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Total Amended FY 19 Gas Fund Revenue Estimates	\$ 26,729,778
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Manager's Recommended FY 19 Expenditures	\$ 27,589,603
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Amendments to FY 19 Expenditures

Decrease Expenditures

Gas Vehicle Replacement	(214,900)
Gas Assistance Program	(120,000)
Gas Incentives Program	(20,000)
Attrition Savings	(50,000)

Increase Expenditures

Gas PILOT	270,354
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Total Expenditure Amendments	\$ (134,546)
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Total Amended FY 19 Gas Fund Expenditures	\$ 27,455,057
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**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, 2018 and ending the thirty-first day of December, 2018, 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, 2017 be and the same is hereby repealed.

Approved by Council
April 10, 2018

RESOLUTION ADOPTING THE BUDGET FOR THE
CITY OF CHARLOTTESVILLE FOR THE FISCAL YEAR
BEGINNING JULY 1, 2018, AND ENDING JUNE 30, 2019
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, 2018, and ending June 30, 2019; 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 19, 2018 and April 2, 2018, 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, 2018, and ending June 30, 2019; 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, 2018.

Local Taxes

Real Estate Taxes	\$68,267,343
Personal Property Tax	8,629,200
Public Service Corporation Tax	1,350,000
Penalty/Interest on Delinquent Taxes	350,000
Utility Services Consumer Tax (Gas, Water, Electric)	4,699,842
Virginia Communications Sales and Use Tax	3,000,000
Tax on Bank Stock	1,200,000
Tax on Wills and Deeds	550,000
Sales and Use Tax	11,663,391

Rolling Stock Tax	21,000
Transient Occupancy (Lodging) Tax	5,100,000
Meals Tax	9,453,900
Short-Term Rental Tax	60,000
Cigarette Tax	725,000
Recordation Tax Receipts	203,191
Vehicle Daily Rental Tax	100,000
Total Local Taxes	\$115,372,867
Licenses and Permits	
Business and Professional Licenses	\$7,400,000
Vehicle Licenses	915,000
Dog Licenses	15,000
Electrical and Mechanical Permits	250,000
Building and Plumbing Permits	400,000
Temporary Parking Permits (NDS)	75,000
Site Plans	75,000
Mall Vending Permits	125,000
Other Permits	110,500
Total Licenses and Permits	\$9,365,500
Intergovernmental Revenue	
<i>Revenue from State Agencies</i>	
PPTRA Revenue (State Personal Property Tax)	\$3,498,256
State Highway Assistance	4,103,696
Reimbursement/Constitutional Offices	1,634,635
State Aid for Police Protection	2,012,664
Trailer Title	1,200
Other State Assistance: Misc. Rev	50,000
<i>Revenue from Other Intergovernmental Sources</i>	
School Resource Officers (City Schools)	301,231
Regional Library Administrative Fee	109,952
Crisis Intervention Team Revenue	97,668
Fire Department Ops (Albemarle County)	191,850
Fire Department Ops (UVA)	320,687
Fire Department EMS Revenue Recovery	1,440,000
Juvenile & Domestic Relations Court (Albemarle County)	56,160
Juvenile & Domestic Relations Court Building Maint. (Albemarle County)	68,508
Magistrate's Office (Albemarle County)	4,150
Payments In Lieu of Taxes (Housing Authority)	33,828
Service Charge (UVA)	46,000
Property Maintenance (UVA)	58,956
Total Intergovernmental Revenue	\$14,029,441

Charges for Services

Property Transfer Fees	\$1,000
Zoning Appeals Fees	1,100
Court Revenue (Circuit/General District Courts)	500,000
Circuit Court - Online Land Records Subscription Revenue	30,000
Internal City Services	1,941,424
Utility Cut Permits	185,000
Recreation Income	1,765,246
Reimbursable Overtime/Public Safety	265,000
Payment in Lieu of Taxes: Utilities	5,776,201
Indirect Cost Recovery	125,000
Waste Disposal Fees	1,050,000
Other Charges for Services	125,000
Total Charges for Services	\$11,764,971

Miscellaneous Revenue

Interest Earned	\$515,000
Rent	175,000
Hedgerow Properties - Parking Revenue	60,000
Refund of Prior Years' Expenditures	30,000
Other Miscellaneous Revenue	363,000
Total Misc. Revenue	\$1,143,000

Previous Fiscal Year Carryover Funds

Arts Coordination Funding	\$114,000
Assistant City Manager Position Vacancy Savings	100,000
Blue Ridge Regional Jail Debt Service Reimbursement	586,259
Council Strategic Initiatives	206,400
Total Misc. Revenue	\$1,006,659

Transfers from Other Funds

Risk Management Fund	\$350,000
Landfill Reserve Fund	250,000
Human Services Fund	250,000
Parking Enterprise Fund	1,500,000
Total Transfers from Other Funds	\$2,350,000

City/County Revenue Sharing: Operating Budget	\$9,921,594
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Total Operating Revenue	\$164,954,032
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Designated Revenue

City/School Contracts: Pupil Transportation	\$2,956,210
City/School Contracts: School Building Maintenance	3,677,052
City/County Revenue Sharing: Transfer to Capital Improvement Fund	5,374,766
City/County Revenue Sharing: Transfer to Facilities Repair Fund	400,000
Transfer to Debt Service Fund: Meals Tax Revenue	2,363,475
Total Designated Revenue	\$14,771,503

Total General Fund Revenue	\$179,725,535
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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, 2018.

Operating Expenditures**Management**

Mayor and City Council	\$574,520
Council Strategic Initiatives Funding	
Jefferson School Heritage Center	500,000
Residents on the Job	106,400
Office of the City Manager/Administration and Redevelopment Manager	1,433,834
Office of the City Manager/Communications	446,939
Office of the City Manager/Economic Development	774,284
Office of the City Attorney	1,021,509
Office of General Registrar	560,232

Contributions to Organizational Memberships and Workforce Development Programs

Virginia Municipal League	16,820
Chamber of Commerce	1,605
Thomas Jefferson Planning District Commission	61,229
Piedmont Workforce Network	7,361
Virginia Institute of Government	2,500
Alliance for Innovation	2,550
Virginia First Cities Coalition	18,000
Central Virginia Partnership for Economic Development	24,535
Thomas Jefferson Soil and Water Conservation District	12,669
Central Virginia Small Business Development Center	12,000
Rivanna Conservation Alliance	11,000
National League of Cities	5,000
Community Investment Collaborative	26,265
Center for Nonprofit Excellence	600

Non Departmental Activities

Sister City Commission	15,000
City Strategic Plan/P3: Plan, Perform, Perfect	105,000
Virginia Juvenile Community Crime Control Act (Local Match)	108,415
Citizen Engagement Opportunities	15,000
Innovation Fund	20,000
Citywide Reserve/Performance Agreement Payments to Waterhouse and CFA	400,000
Participatory Budgeting	100,000
Transfer to Debt Service Fund	8,560,788
Transfer to Fund Balance Target Adjustment Fund	413,148
Employee Compensation and Training	1,224,884
Internal and Financial Services	
Finance Department - Administration/Purchasing/Assessor	2,539,032
Human Resources	1,210,180
Commissioner of Revenue	1,320,872
Treasurer	1,313,261
Information Technology	2,881,027
Healthy Families and Community	
Transfer to Children's Services Act Fund	1,804,722
Transfer to Social Services Fund	3,302,777
Transfer to Human Services/Community Attention Fund	662,030
Neighborhood Development Services	3,847,635
Office of Human Rights/Human Rights Commission	249,976
Parks and Recreation	10,968,758
Transfer to Golf Course Fund	149,204
Transfer to Convention and Visitors' Bureau	1,038,546
Community Events and Festivals	
Virginia Film Festival	15,200
Virginia Festival of the Book	16,550
Charlottesville Festival of Cultures	3,750
Art in Place	27,500
City Supported Events (Other)	10,000
Contributions to Children, Youth, and Family Oriented Programs	
Big Brothers/Big Sisters	20,000
Boys and Girls Club	57,358
The BridgeLine	28,706
Charlottesville Abundant Life Ministries	28,634
Thomas Jefferson Health District	561,344
Charlottesville Free Clinic	114,940
City Schoolyard Garden	19,200
Computers 4 Kids	19,443

Foothills Child Advocacy Center	43,405
Georgia's Healing House	25,000
Home Visiting Collaborative	405,716
Jefferson Area Board for Aging (JABA)	319,192
Local Food Hub	22,750
MACAA	91,170
PHAR	45,550
Piedmont Family YMCA	40,000
On Our Own	24,560
ReadyKids	82,607
Region Ten Community Services Board	1,180,092
Sexual Assault Resources Agency (SARA)	23,113
Shelter for Help in Emergency (SHE)	116,812
Sin Barreras	11,000
Thomas Jefferson Area Coalition for the Homeless	118,015
United Way - Thomas Jefferson Area	203,086
Virginia Cooperative Extension Program	49,961
Women's Initiative	21,642
Emergency Assistance Program Support	84,516

Contributions to Education and the Arts

Charlottesville Opera	2,432
Arts Coordination and Planning	50,000
City Center for Contemporary Arts	41,502
Historic Preservation Task Force	5,000
Jefferson Madison Regional Library	1,941,399
Jefferson School Heritage Center	30,000
Lighthouse Studio	38,321
Literacy Volunteers	40,930
McGuffey Art Center	23,613
New City Arts	18,000
The Paramount Theater/Arts Education Program	20,470
Piedmont Virginia Community College	11,126
Virginia Discovery Museum	5,794
WNRN	2,250

Contributions to Housing Programs

Rent Relief for Elderly, a sum sufficient estimated at	18,000
Rent Relief for Disabled, a sum sufficient estimated at	195,000
Tax Relief for Elderly, a sum sufficient estimated at	400,000
Tax Relief for Disabled, a sum sufficient estimated at	120,000
Homeowners Tax Relief Program	569,500
Stormwater Fee Assistance Program	20,000
Albemarle Housing Improvement Program (AHIP)	99,050
Piedmont Housing Alliance (PHA)	94,963

Infrastructure and Transportation

Public Works: Administration, Facilities Development, Facilities Maintenance	3,037,888
Public Works: Hedgerow Properties	52,010
Public Works: Public Service	7,477,210
Transfer to Charlottesville Area Transit Fund	2,437,365
JAUNT Paratransit Services	1,377,047

Public Safety and Justice

Clerk of Circuit Court	744,191
Circuit Court Judge	85,506
City Sheriff	1,290,426
Commonwealth's Attorney	1,197,559
General District Court	21,208
Juvenile and Domestic Relations Court/Court Services Unit	350,047
Magistrate	8,300
Fire Department	11,150,273
Fire Department: Emergency Medical Services (EMS)	1,263,202
Police Department	16,866,836

Contributions to Programs Supporting Public Safety and Justice

Albemarle Charlottesville Regional Jail	5,030,787
Blue Ridge Juvenile Detention Center	892,045
Emergency Communications Center	1,585,328
Legal Aid Justice Center	70,630
Offenders Aid and Restoration	242,403
Piedmont Court Appointed Special Advocates	10,000
Public Defender's Office	53,261
Society for the Prevention of Cruelty to Animals	264,039

Local Contribution to Public Schools

Operational Support	53,998,202
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Total Operating Expenditures \$164,954,032

Designated Expenditures

City/School Contracts: Pupil Transportation	\$2,956,210
City/School Contracts: School Building Maintenance	3,677,052
Transfer to Capital Projects Fund	5,374,766
Transfer to Facilities Repair Fund	400,000
Transfer to Debt Service Fund - Meals Tax Revenue	2,363,475
Total Designated Expenditures	\$14,771,503

Total General Fund Expenditures \$179,725,535

C. Of the sum of \$15,696,360 to be received in the General Fund from the County of Albemarle under the revenue sharing agreement of May 24, 1982, \$5,374,766 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 Assistant City Manager 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 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 shall be appropriated to the Strategic Investment 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, unless altered by further action of City Council.

L. Of the above amount of funding appropriated to the Fire Department budget for Emergency Medical Services (EMS), a 10% contingency of \$83,432 for the EMS System shall be set aside per the agreement between the City and Charlottesville Albemarle Rescue Squad (CARS). Any contingency funds remaining unexpended at the end of the fiscal year shall be transferred into a separate EMS Equipment Replacement Fund to be

used for future EMS equipment needs to support the provision of emergency medical services in the City of Charlottesville.

M. 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.

N. 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.

O. The amount received as Courthouse Security Revenue is hereby appropriated in the ensuing fiscal year and 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.

P. Funds from the Citywide Reserve account may be transferred to other funds at the discretion of the City Manager for the purpose of addressing unforeseen expenditures in those funds. 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.

Q. 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.

R. 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.

S. 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.

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. The amounts above appropriated funds for the City Strategic Plan - P3: Plan, Perform, Perfect 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.

V. The amounts above appropriated funds for the Innovation Fund 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.

W. Sums appropriated in the General Fund which have not been encumbered or expended as of June 30, 2019, 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.

X. Sums appropriated in the General Fund which have not been encumbered or expended as of June 30, 2019 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, 2018; the City contribution to the School operations having hereinabove been appropriated from the General Fund.

School Budget (All Funds)	
Local Contribution	\$53,998,202
State Funds	21,256,264
Federal Funds	4,896,199
Fund Balance	625,996
Misc. Funds	3,286,025
Total School Operations Budget	\$84,062,686

A net increase in the School Operations general fund balance at June 30, 2019 shall be deemed to be allocated as follows:

- Surplus operating budget up to \$100,000 will be allocated to the School Facility Repair Fund, however the schools will be required to commit \$100,000 of their annual budget to the Facility Repair Fund
- Funds in excess of \$100,000 up to \$200,000 will be retained by the School Division
- Funds over \$200,000 will be shared equally (50/50) between the City and Schools

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, 2019, 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. RETIREMENT BENEFITS FUND APPROPRIATION

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

There is hereby appropriated from the Retirement Benefits Fund sums received by said Fund from individual departments and agencies for the payment of retirement 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 retirement benefit program costs. This appropriation shall be effective during the fiscal year ending June 30, 2019, 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.

VI. 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, 2018 and ending June 30, 2019, the sum of \$7,887,984 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2018.

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, 2019 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, 2018 and ending June 30, 2019, the sum of \$115,000 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, 2018.

VII. RISK MANAGEMENT APPROPRIATION

BE IT RESOLVED by the Council of the City of Charlottesville, that all sums previously appropriated to the Risk Management Fund, 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.

VIII. 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, and proceeds from vehicle loss insurance settlements 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, 2018 and ending June 30, 2019. Such appropriation shall be effective July 1, 2018; 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.

IX. 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, 2018 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.

X. JOINT HEALTH DEPARTMENT BUILDING FUND APPROPRIATION

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

The amounts received as Health Department Building Account revenue during the fiscal year beginning July 1, 2018 are appropriated to the Joint Health Department Building Fund to be used for general improvements, maintenance and small capital projects related to the Thomas Jefferson Health District building. Further, any unspent funds in the Health Department Building 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.

XI. 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 \$8,560,788 transferred to such fund by Part II of this resolution, as well as the designated Meals Tax transfer (estimated at \$2,363,475), or as much thereof as may be necessary, is hereby appropriated to pay such debt service expenses during the fiscal year beginning July 1, 2018 and ending June 30, 2019.

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.

XII. 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, 2018 and ending June 30, 2019; 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 \$1,879,550 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 \$5,589,378, 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 \$14,353,524, or the amount of revenue actually received by such fund, whichever shall be the lesser amount.

D. There is hereby appropriated from the Children's Services Act Fund, for the operation of the Children's Services Act entitlement program, the sum of \$8,239,456, 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, 2018. 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, 2019 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.

XIII. 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, 2018 and ending June 30, 2019; 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, 2018, 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 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.

2. For Technology Infrastructure Replacement, the sum of \$267,500. 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 \$160,727, 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 \$1,056,942 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 \$280,831, or the amount of revenue actually credited to such fund from other City departments and agencies, whichever shall be the greater amount.

E. There is hereby appropriated from the Parking Fund, for parking operations the sum of \$2,326,426, or the amount of revenue actually received by such fund, whichever is the greater amount.

1. The Parking Operation budget includes a budgeted transfer to the General Fund in the amount of \$1,500,000 or the actual net revenues received from

public serving parking facilities, permits, meters and fines, whichever is the lesser.

2. Revenue received for parking development contributions 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. 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 \$5,374,766 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.
4. Funds received as donations and/or contributions for sidewalks shall hereby be appropriated into Sidewalks account (P-00335) to be used for the replacement, construction or repair of sidewalks. These funds shall not be deemed to expire at the end of the fiscal year and shall be hereby appropriated in the ensuing fiscal year unless altered by further action of City Council

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, 2018; 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 2019-2023 will reflect the budget delineations set forth below for Fiscal Year 2018-2019.

The Capital Projects Fund grouped by area:

<u>Revenue</u>	
Transfer from General Fund	\$5,374,766
Transfer from CIP Contingency	\$2,200,000
Contribution from Albemarle County	212,500
Contribution from City Schools	200,000
PEG Fee Revenue	47,500
CY 2019 Bond Issue	15,367,176
TOTAL REVENUE	\$23,401,942
<u>Expenditures</u>	
Education	\$2,913,090
Economic Development	150,000
Public Safety and Justice	1,641,207
Facilities Capital Projects	2,065,491
Transportation and Access	9,001,965
Parks and Recreation	2,669,161
Stormwater Initiatives	125,000
Technology Infrastructure	147,500
Charlottesville Affordable Housing Fund	3,399,204
Other Governmental Commitments	1,289,324
TOTAL EXPENDITURES	\$23,401,942

XV. 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, 2018 and ending June 30, 2019, the sum of \$27,455,057 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2018. However, the appropriations for the Vehicle Replacement Program, the Gas Fund Capital 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. The Gas rates for our customers indicated in the Utility Rate Study are reviewed and approved by Council each year. At that time the Gas operations budget, including any new programmatic requests, and the Gas capital improvement program budget are reviewed and may be amended.

XVI. 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, 2018 and ending June 30, 2019, the sum of \$16,283,280, or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2018. However, the appropriations for the Vehicle Replacement Program, Water Fund Capital 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. The Water rates

for our customers indicated in the Utility Rate Study are reviewed and approved by Council each year. At that time the Water operations budget, including any new programmatic requests, and the Water capital improvement program budget are reviewed and may be amended.

XVII. 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, 2018 and ending June 30, 2019, the sum of \$16,322,271 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2018. However, the appropriations for the Vehicle Replacement Program, the Wastewater Fund Capital 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. The Wastewater rates for our customers indicated in the Utility Rate Study are reviewed and approved by Council each year. At that time the Wastewater operations budget, including any new programmatic requests, and the Wastewater capital improvement program budget are reviewed and may be amended.

XVIII. 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, 2018 and ending June 30, 2019, the sum of \$3,632,956 or the amount of revenue actually received by such fund, whichever is the greater amount. Such appropriation shall be effective July 1, 2018. However, the appropriations for the Stormwater Fund Capital 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.

XIX. 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, 2018 and ending June 30, 2019, 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, 2018. 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 \$300,000 as revenue (transfer from Gas Fund) and \$133,166 in principal and interest payments.

B. There is hereby appropriated from the Wastewater Debt Service Fund the sum of \$3,000,000 in revenue (transfer from the Wastewater Fund) and \$2,731,162 in principal and interest payments.

C. There is hereby appropriated from the Water Debt Service Fund the sum of \$1,800,000 in revenue (transfer from the Water Fund) and \$1,696,008 in principal and interest payments.

D. There is hereby appropriated from the Stormwater Debt Service Fund the sum of \$129,683 in revenue (transfer from the Stormwater Fund) and \$119,039 in principal and interest payments.

XX. 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, 2018 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.

XXI. 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 1.5% of the current retirement pay of each eligible retired employee effective July 1, 2018.

XXII. 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, 2018 the sum of \$963,276, or the amount of revenue actually received by such fund, whichever is the greater amount.

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



Agenda Date:	April 2, 2018
Action Required:	Approval of Ordinance (1 st reading) after Public Hearing
Presenter:	Lisa A. Robertson, Acting City Attorney
Staff Contacts:	Heather Newmyer, NDS Planner
Title:	Conditional Release of Storm Drain Easement to Accommodate Retail Development at 1170 Emmet Street

Background:

1170 Emmet Street, LLC is the current owner of a parcel of land at the corner of the intersection of Barracks Road and Emmet Street (the “Property”), designated as Parcels 4 and 4.1 on City Tax Map 1. The Owner plans to construct a new retail project on the site (the “CVS Project”), and has received approval of the final site plan (the “Site Plan”).

In 1960, the City acquired a storm drain easement (“Storm Drain Easement”) for a stormwater pipe located on the Property. As part of the project, a new privately maintained storm drain pipe will be installed and protected by a 20’ wide private drainage easement. The remainder of the Storm Drain Easement is not affected and will remain the responsibility of the City. A plat showing the old and new storm drain easements, as well as the easement and land acquisitions described below, are shown on a plat dated March 12, 2018 submitted by the Owner (the “Plat”).

Discussion:

The Site Plan also shows the following dedications of land and easements to the City:

1. A parcel of land 979 square feet in area, currently a part of Owner’s property (TMP 1-4), that shall be dedicated as part of the Barracks Road public right-of-way;
2. A public utility easement, 5’ in width, across the Property (TMP 1-4.1) near Emmet Street;
3. A public utility easement, 10’ in width, across the Property (TMP 1-4) near Barracks Road; and
4. A variable width public access easement across the Property (TMP 1-4.1) to provide additional sidewalk on Emmet Street.

All of these dedications are shown on Sheet 3 of the Plat.

Community Engagement:

A public hearing is required by Virginia Code §15.2-1800(B), in order to give the public an opportunity to comment on the proposed release of a property interest. Notice of such public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

Budgetary Impact:

There is no cost to the City to release a portion of the Storm Drain Easement.

Recommendation:

Staff recommends approval of the ordinance to release the storm drain easement. The City benefits from this project with the acquisition of additional right of way on Barracks Road and the public access easement on Emmet Street, as well as public utility easements.

Attachments:

Proposed Ordinance
Deed of Dedication, Vacation and Release of Easement
Plat dated March 12, 2018

**AN ORDINANCE
AUTHORIZING THE PARTIAL RELEASE OF A STORM DRAINAGE EASEMENT,
AND ACCEPTANCE OF LAND FOR PUBLIC RIGHT OF WAY, EASEMENTS FOR
PUBLIC UTILITIES AND SIDEWALK ON EMMET STREET, ALL AS PART
OF THE REDEVELOPMENT OF 1170 EMMET STREET**

WHEREAS, Meadowbrook Corner, LLC is the Owner of land situated at the corner of the intersection of Barracks Road and Emmet Street, addressed as 1170 Emmet Street and designated on City Tax Map 1 as Parcels 4 and 4.1 (the “Property”); and

WHEREAS, to accommodate construction of a retail project on the Property, said Owner has requested the partial release of a storm drainage easement, conveyed to the City of Charlottesville by deed dated November 23, 1960, of record in the Clerk’s Office for the Circuit Court of the City of Charlottesville in Deed Book 223, Pages 467-470 (hereinafter referred to as the “Subject Easement”); and

WHEREAS, the Owner has represented that, in consideration of the partial release of the Subject Easement, it will: (1) Install a new storm drain pipe in a different location and maintain such storm drain pipe; (2) Dedicate 979 square feet of its land (part of Tax Map Parcel 1-4) to be added to the Barracks Road public right-of-way; (3) Grant two public utility easements; and (4) Grant a public access easement on Emmet Street to be used for extension of the sidewalk right-of-way, all in accordance with details set forth within the approved final site plan for the retail development; and

WHEREAS, the Directors of Neighborhood Development Services (NDS) and Utilities support the partial release of the Subject Easement, as depicted on the above-referenced site plan, and the acceptance of the above-named easements and right-of-way; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing has been conducted by City Council, giving the public an opportunity to comment on the proposed partial release of the Subject Easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that: (i) the proposed partial release of the Subject Easement is hereby approved, subject to and expressly conditioned upon compliance with the conditions set forth below; and (ii) the Mayor is hereby authorized to execute a deed, in such form as may be approved by the City Attorney, for the partial release of the Subject Easement as contemplated within this ordinance:

1. A parcel of land 979 square feet in area, currently a part of Owner’s property (TMP 1-4) shall be dedicated as part of the Barracks Road public right-of-way;
2. A public utility easement, 5’ in width, across the Property (TMP 1-4.1) near Emmet Street shall be granted to the City;
3. A public utility easement, 10’ in width, across the Property (TMP 1-4) near Barracks Road shall be granted to the City; and
4. A variable width public access easement across the Property (TMP 1-4.1) to provide additional sidewalk on Emmet Street shall be granted to the City.

Prepared by Lisa A. Robertson (VSB #32486)
Charlottesville City Attorney Office, P.O. Box 911, Charlottesville, VA 22902
Tax Map Parcels 010004000 and 010004100 (1170 Emmet Street North)

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

THIS DEED OF DEDICATION, VACATION AND RELEASE OF EASEMENT made this ____ day of _____, 2018, by and among the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (hereinafter, the “CITY”), to be indexed as Grantor and Grantee, **MEADOWBROOK CORNER, LLC**, a Virginia limited liability company (“Corner”), to be indexed as Grantor and Grantee, whose address is 1754 Stony Point Road, Charlottesville, Virginia 22911, and **MEADOWBROOK SHOPPING CENTRE, LLC**, a Virginia limited liability company (“Meadowbrook”), to be indexed as Grantor and Grantee, whose address is 1754 Stony Point Road, Charlottesville, Virginia 22911.

WITNESSETH:

WHEREAS, Corner is the owner in fee simple of certain real property located in the City of Charlottesville, Virginia, designated on City Real Estate Tax Map 1 as Parcel 4.1 (the “Corner Property”), being the same property acquired by Corner by Deed of Boundary Line Adjustment from Meadowbrook and 1170 Emmet Street, LLC, dated October 11, 2017, of record in the Clerk’s Office for the Circuit Court of the City of Charlottesville (the “Clerk’s Office”) as Instrument No. 2018-00000073; and

WHEREAS, Meadowbrook is the owner in fee simple of certain real property located in the City of Charlottesville, Virginia, designated on City Real Estate Tax Map 1 as Parcel 4 (the “Meadowbrook Property”), being the same property acquired by Meadowbrook by Deed from Mary R. Wheeler, dated December 9, 1996, of record in the Clerk’s Office in Deed Book 685, page 683; and

WHEREAS, by plats of record in the Clerk’s Office in Deed Book 223, Page 470, and Deed Book 366, page 158, the CITY was conveyed a certain twenty-four foot (24’) storm water easement which crosses the Corner Property and a portion of the Meadowbrook Property (the “Existing Drainage Easement”); and

WHEREAS, Meadowbrook and Corner have requested the CITY to Vacate and Release a portion of the Existing Drainage Easement, as it crosses the Corner Property and the Meadowbrook Property and relocate the drainage easement as shown on the plat attached hereto as Exhibit A (the “Plat”); and

WHEREAS, in consideration for the release and vacation of a portion of the Existing Drainage Easement, Meadowbrook has agreed to dedicate certain right-of-way to the CITY, as more particularly shown on the Plat (the “R-O-W Dedication”); and

WHEREAS, the CITY has agreed to release that portion of the Existing Drainage Easement in the location shown on the Plat, as requested by Meadowbrook and Corner, after holding a public hearing, advertised in accordance with Virginia Code Sec. 15.2-1800(B), and adoption of an

Ordinance by the Charlottesville City Council on April 16, 2018.

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual premises, Meadowbrook hereby grants, conveys, gives and dedicates for public use to the CITY, its successors and assigns, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, the following real property, containing a total of 979 square feet, to wit:

ALL that piece or parcel of land, comprised of 979 square feet, more or less, and labeled as “R-O-W DEDICATION PARCEL 979 S.F.” on that certain plat entitled “PLAT SHOWING PUBLIC UTILITY, PUBLIC ACCESS EASEMENT DEDICATION & PARTIAL EASEMENT VACATION FOR MEADOWBROOK SHOPPING CENTER, LLC CITY OF CHARLOTTESVILLE, VIRGINIA” prepared by Roudabush, Gale & Associates, Inc., dated March 12, 2018, attached hereto as Exhibit A and recorded herewith.

This conveyance is made expressly subject to all restrictions, conditions, rights-of-way and easements, if any, contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property conveyed hereby, insofar as the same affect the property conveyed hereby, which have not expired by a time limitation contained therein or have not otherwise become ineffective.

AND FURTHER, in consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, and the R-O-W Dedication, the CITY does hereby VACATE and RELEASE and forever QUITCLAIM all its right, title and interest in and to that portion of the Existing Drainage Easement, as described above and shown on the Plat dated March 12, 2018, by Roudabush, Gale & Associates, which Plat is attached hereto and recorded herewith.

[This space intentionally left blank]

GRANTOR:

MEADOWBROOK SHOPPING CENTRE, LLC, a
Virginia limited liability company

By: _____
Clara Belle Wheeler, Manager

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this _____ day of
_____, 2018 by Clara Belle Wheeler, as Manager, of Meadowbrook Shopping
Centre, LLC, a Virginia limited liability company, on behalf of the company.

NOTARY PUBLIC
Registration #: _____
My commission expires: _____

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an Ordinance adopted by City Council on April 16, 2018.

WITNESS the following signatures and seals.

GRANTOR: CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____ (SEAL)
Nikuyah Walker, Mayor

APPROVED AS TO FORM:

Lisa A. Robertson, City Attorney (Acting)
City of Charlottesville, Virginia

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by Nikuyah Walker, Mayor, on behalf of the City of Charlottesville, Virginia.

NOTARY PUBLIC
Registration #: _____
My commission expires: _____

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LEGAL INFORMATION:

TAX MAP PARCEL: 01-4
ADDRESS: 1138 & 1140 EMMET STREET N,
2035-2046 BARRACKS ROAD
PRESENT OWNER: MEADOWBROOK SHOPPING CENTER, LLC.
SOURCE OF TITLE: DB 685, Pg. 683
PLAT PREPARED BY THIS OFFICE DATED
JUNE 22, 2017 TITLED "PLAT SHOWING
BOUNDARY LINE ADJUSTMENT &
RIGHT OF WAY DEDICATION FOR
MEADOWBROOK SHOPPING CENTER, LLC
CITY OF CHARLOTTESVILLE, VIRGINIA",
RECORDED AT _____

TAX MAP PARCEL: 01-4.1
ADDRESS: 1170 EMMET STREET N,
PRESENT OWNER: 1170 EMMET STREET, LLC.
SOURCE OF TITLE: INST. #2010:3587
INST. #2017:1431
PLAT PREPARED BY THIS OFFICE DATED
JUNE 22, 2017 TITLED "PLAT SHOWING
BOUNDARY LINE ADJUSTMENT &
RIGHT OF WAY DEDICATION FOR
MEADOWBROOK SHOPPING CENTER, LLC
CITY OF CHARLOTTESVILLE, VIRGINIA",
RECORDED AT _____

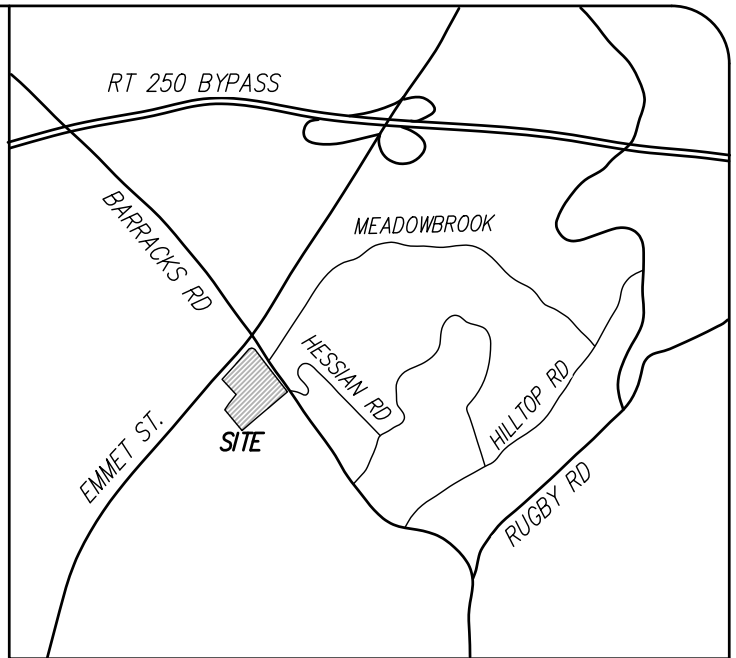
ZONED: URB (URBAN CORRIDOR) &
ENTRANCE CORRIDOR OVERLAY

SETBACKS:
PRIMARY STREET FRONTAGE: 5' MINIMUM, 30' MAXIMUM
LINKING STREET FRONTAGE: 5' MINIMUM, 20' MAXIMUM
SIDE & REAR: 10' MINIMUM ADJACENT TO ANY RESIDENTIAL,
ALL OTHER ZONES NONE REQUIRED.

THE PURPOSE OF THIS PLAT IS FOR THE DEDICATION OF
PUBLIC UTILITY EASEMENTS, PUBLIC ACCESS EASEMENTS AND
RIGHT-OF-WAY.

THE BOUNDARY SHOWN IS BASED ON AN UNRECORDED
SURVEY BY KIMLEY-HORN & ASSOCIATES, INC. DATED
12-28-2015; AND PROVIDED BY THE CLIENT. THIS OFFICE
PERFORMED A FIELD RUN SURVEY OF THE PROPERTY.

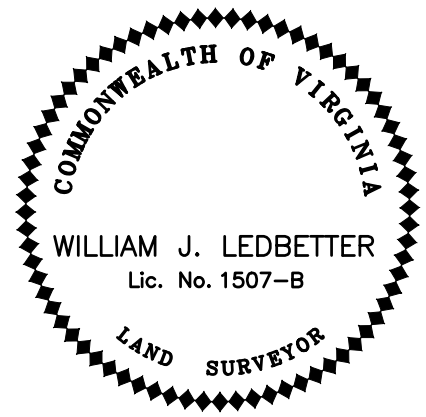
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A
TITLE REPORT, AS SUCH EASEMENTS OR OTHER
ENCUMBRANCES MAY OR MAY NOT EXIST, AND ARE NOT
SHOWN HEREON.



VICINITY MAP SCALE: 1"=1500'

ABBREVIATIONS

BL BASE LINE - CENTERLINE OF EASEMENT



PLAT SHOWING
**PUBLIC UTILITY, PUBLIC ACCESS
EASEMENT DEDICATION &
PARTIAL EASEMENT VACATION
FOR MEADOWBROOK SHOPPING CENTER, LLC
CITY OF CHARLOTTESVILLE, VIRGINIA**

SHEET 1 - TITLE SHEET
SHEET 2 - EASEMENT PLAT
SHEET 3 - EASEMENT PLAT
SHEET 4 - AREA TABULATION, CURVE
& SHORT LINE TABLES

PLAT PREPARED BY:
AMMY GEORGE

SHEET 1 OF 4

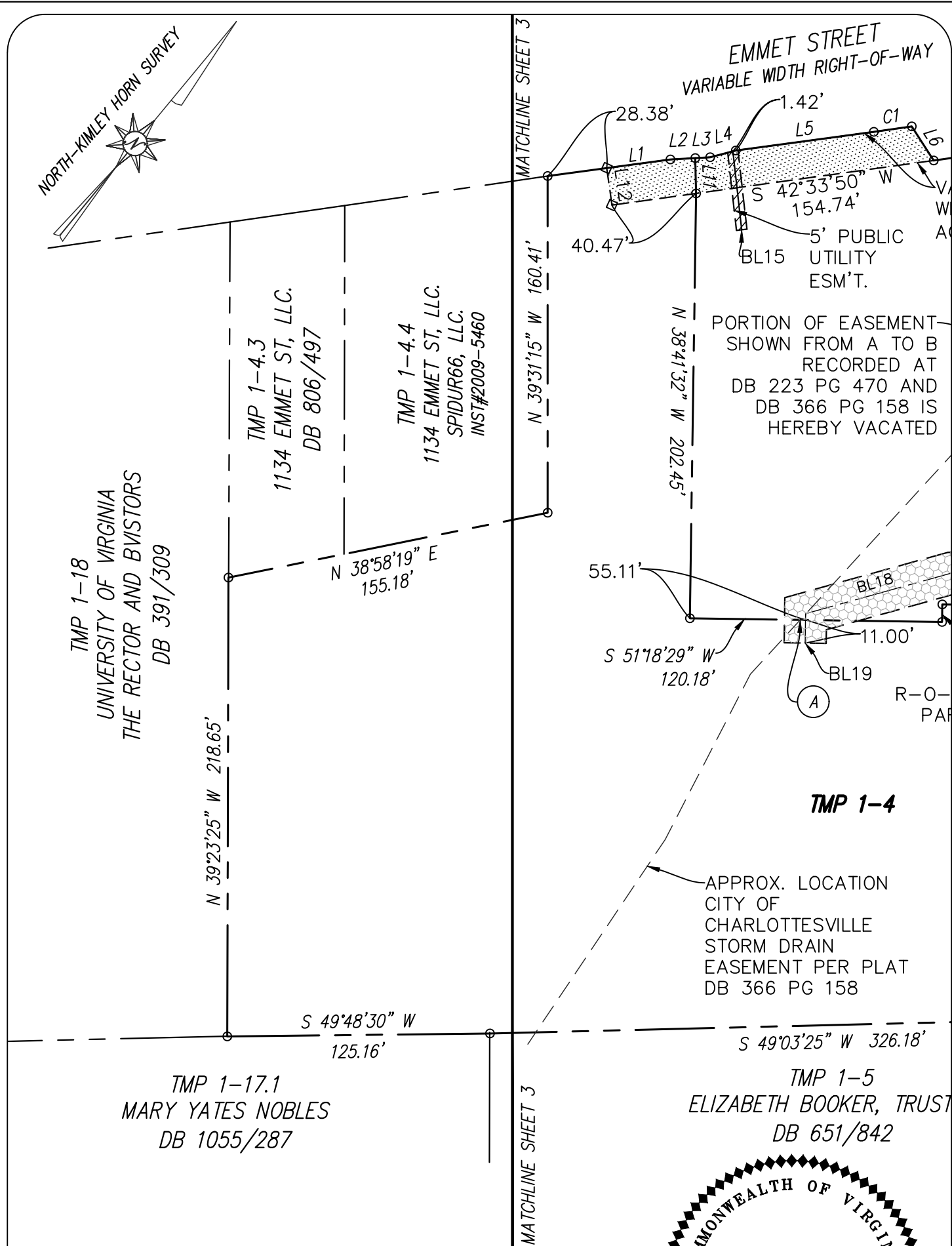
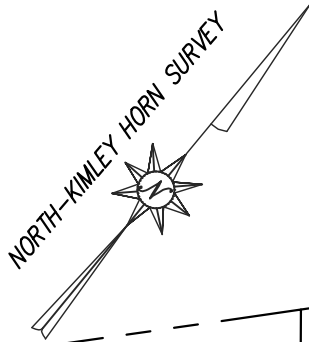
ROUDABUSH, GALE & ASSOCIATES, INC.
ENGINEERS, SURVEYORS AND LAND PLANNERS

MARCH 12, 2018

A PROFESSIONAL CORPORATION
SERVING VIRGINIA SINCE 1956
914 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902
PHONE 434-977-0205 - FAX 434-298-5220 - EMAIL INFO@ROUDABUSH.COM

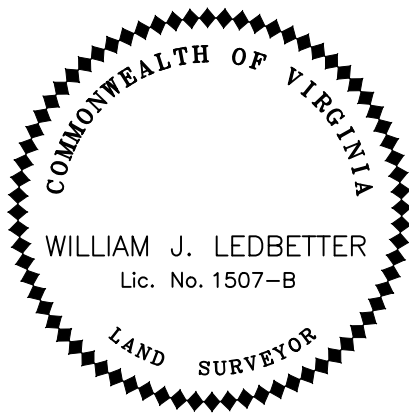
SCALE: 1" = 60'

FILE: 7217



PORTION OF EASEMENT SHOWN FROM A TO B RECORDED AT DB 223 PG 470 AND DB 366 PG 158 IS HEREBY VACATED

APPROX. LOCATION CITY OF CHARLOTTESVILLE STORM DRAIN EASEMENT PER PLAT DB 366 PG 158



**PUBLIC UTILITY, PUBLIC ACCESS
EASEMENT DEDICATION &
PARTIAL EASEMENT VACATION
FOR MEADOWBROOK SHOPPING CENTER, LLC
CITY OF CHARLOTTESVILLE, VIRGINIA**

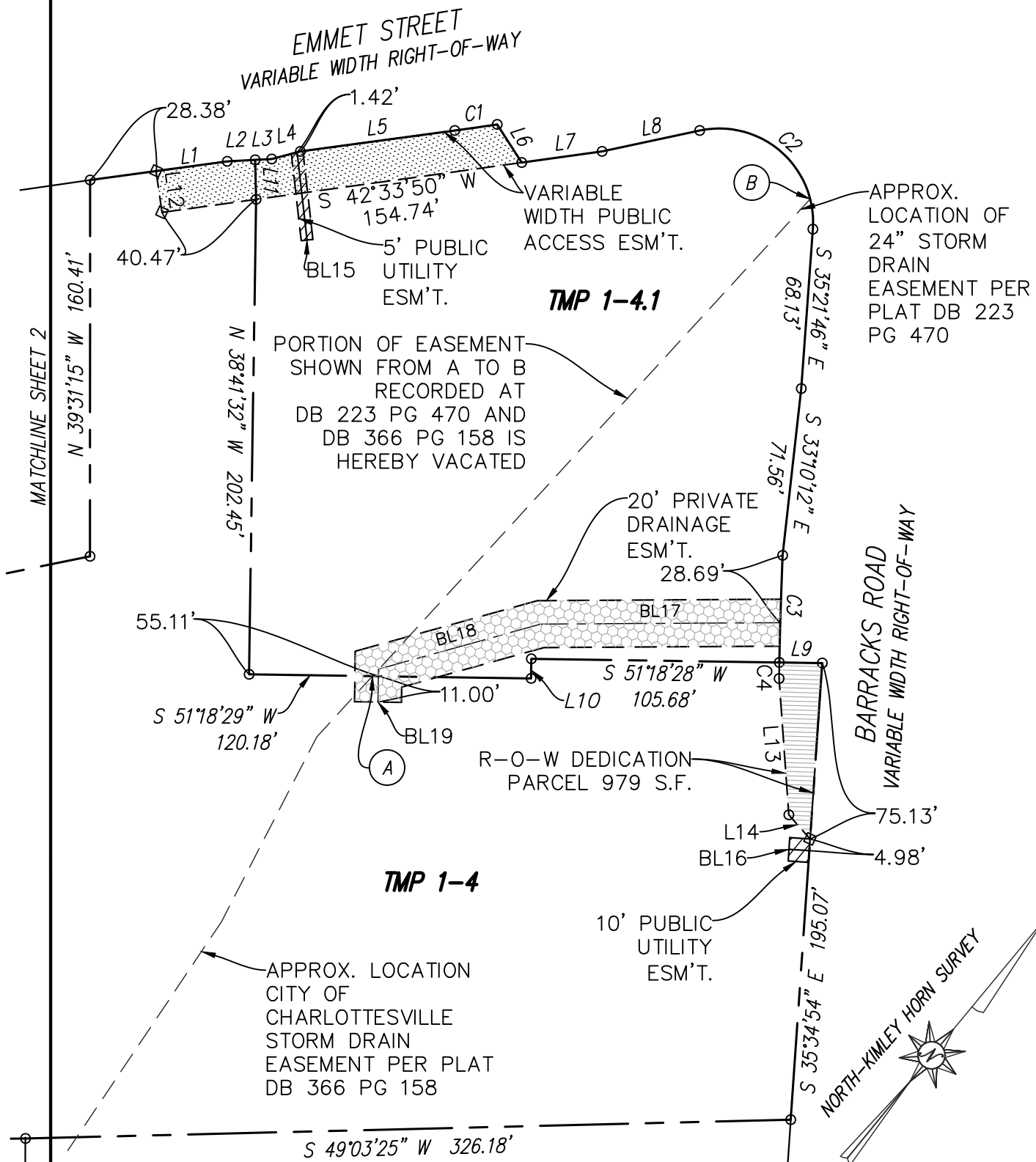
SHEET 2 OF 4

ROUDABUSH, GALE & ASSOCIATES, INC.
ENGINEERS, SURVEYORS AND LAND PLANNERS
A PROFESSIONAL CORPORATION
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PHONE 434-977-0205 - FAX 434-298-5220 - EMAIL INFO@ROUDABUSH.COM

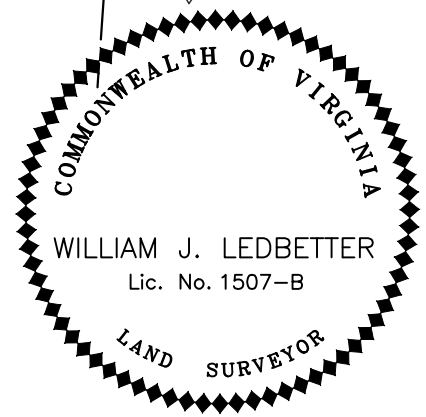
MARCH 12, 2018

SCALE: 1" = 60'

FILE: 7217



TMP 1-5
 ELIZABETH BOOKER, TRUSTEE
 DB 651/842



PLAT SHOWING
**PUBLIC UTILITY, PUBLIC ACCESS
 EASEMENT DEDICATION &
 PARTIAL EASEMENT VACATION
 FOR MEADOWBROOK SHOPPING CENTER, LLC
 CITY OF CHARLOTTESVILLE, VIRGINIA**



SHEET 3 OF 4

ROUDABUSH, GALE & 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 434-298-5220 - EMAIL INFO@ROUDABUSH.COM

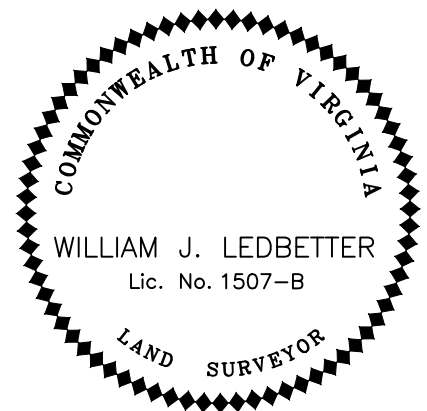
MARCH 12, 2018
SCALE: 1" = 60'
FILE: 7217

LINE	BEARING	DISTANCE
L1	N 42°44'12" E	58.98'
L2	N 47°24'30" E	11.91'
L3	N 47°24'30" E	7.09'
L4	N 35°42'30" E	12.61'
L5	N 42°44'12" E	66.37'
L6	S 72°15'56" E	19.28'
L7	N 42°33'50" E	34.56'
L8	N 38°24'08" E	42.54'
L9	N 51°18'28" E	18.30'
L10	S 38°41'31" E	8.37'
L11	N 40°53'31" W	16.84'
L12	N 47°40'38" W	17.83'
L13	S 43°36'39" E	58.25'
L14	S 81°01'47" E	13.74'
BL15	S 45°57'56" E	37.62'
BL16	S 54°11'26" W	8.68'
BL17	S 50°07'35" W	102.08'
BL18	S 34°55'58" W	71.75'
BL19	N 38°41'32" W	14.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1494.89'	18.30'	18.30'	S 42°23'09" W	0°42'05"
C2	40.00'	74.17'	63.99'	N 88°28'49" W	106°14'06"
C3	1960.35'	45.65'	45.65'	N 37°46'41" W	1°20'03"
C4	1960.35'	6.83'	6.83'	N 38°32'42" W	0°11'58.87"

AREA TABULATION

ORIGINAL TMP 1-4 110,085 SQ.FT. = 2.527 ACRES
 - ROW DEDICATION -979 SQ.FT.
 REVISED TMP 1-4 109,106 SQ.FT. = 2.505 ACRES



PLAT SHOWING
**PUBLIC UTILITY, PUBLIC ACCESS
 EASEMENT DEDICATION &
 PARTIAL EASEMENT VACATION
 FOR MEADOWBROOK SHOPPING CENTER, LLC
 CITY OF CHARLOTTESVILLE, VIRGINIA**

SHEET 4 OF 4

ROUDABUSH, GALE & ASSOCIATES, INC.
 ENGINEERS, SURVEYORS AND LAND PLANNERS

MARCH 12, 2018



A PROFESSIONAL CORPORATION
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SCALE: 1" = 60'

FILE: 7217

CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date:	April 2, 2018
Action:	Public Hearing and Approve Resolution to Execute Lease Agreement
Presenter:	Paul Oberdorfer, Director of Public Works
Staff Contacts:	Paul Oberdorfer, Director of Public Works
Title:	Albemarle-Charlottesville Historical Society Lease of McIntire Building

Background :

The McIntire Building, built for use as a City library by Paul Goodloe McIntire, is one of the more stately properties in Charlottesville. It was first leased to the Albemarle-Charlottesville Historical Society (ACHS) in 1993 after an extensive renovation organized by the Society, using a combination of donated funds and a loan from the City. The Society became a center of culture, drawing professional and amateur historians to the downtown area.

Discussion:

On September 18, 2017, City Council extended the current 2013 Lease Agreement with ACHS to March 1, 2018. It was understood at the March 5, 2018 City Council meeting that ACHS intended to meet with their board regarding the goals on or before the expiration of the lease. ACHS did not meet the March 1, 2018 goals, and Council reiterated with the Society that the goals were a condition of granting a lease extension. The Society agreed to meet with their board and return to Council at the next possible regular meeting for approval of the lease extension.

The stated goals are as follows:

- a) Employ at least one person whose duties shall be focused on developing a strategic plan, with the guidance of the Center for Nonprofit Excellence, to procure funding for the ACHS while promoting its mission and programs, and implementing that plan by March 1, 2018.
- b) Develop professional partnerships and relationships with community organizations to increase ACHS's visibility in the community and to increase and enhance a marketing and fundraising strategy, as well as funding sources for the ACHS's activities.
- c) A plan for curating ACHS assets and creating an inventory record of assets.
- d) An Agreement on the working relationship with Jefferson Madison Regional Library.

- e) Accountability for racial and ethnic diversity in staffing practices and representation on the Board of Directors that reflect the racial and ethnic diversity of our region. Council shall appoint 1/3 of the Board of Directors.
- f) New bylaws, programs of exhibitions, and projects that reflect the racial and ethnic diversity of our region will be established.
- g) Establish a dedicated fund consisting of at least six months operating reserve.
- h) Produce and submit to the City Council an annual progress report on the various programs conducted by the ACHS.
- i) Submit to City Council a current audit and an annual audited financial statement with any request for renewal of the Lease.
- j) Upon request of the City Manager's Office (CMO), provide information on progress towards reaching the goals set forth herein.

Compliance with these goals is covered in the Lease Agreement under **Section 5, Item H** in the attached lease, under **TENANT'S COVENANTS**, which states: "Tenant shall comply with all of the terms set forth in **Exhibit A**, attached and incorporated herein by reference."

Specifically regarding goal e., which addresses the appointment of 1/3 of the Board by City Council, per the attached letter from Coy Barefoot, ACHS Executive Director, ACHS would like Council to consider appointing a member of Council as an *ex-officio* member to the Board in lieu of Council appointing 1/3 of the Board members. ACHS feels the recent appointment of three new Board members as described in the referenced letter, coupled with a Council member serving as an *ex-officio*, will provide proper oversight and transparency to satisfy goal e., and move Council to approve a lease agreement with ACHS.

Community Engagement:

This is a renewal of a lease and requires an advertised public hearing.

Alignment with City Council's Vision and Strategic Plan:

1. A Center for Lifelong Learning:

The Historical Society and its presence in Charlottesville is intended to allow all citizens in our community to learn about its rich, diverse and sometimes tumultuous past.

2. Charlottesville Arts and Culture:

The Historical Society and its location in downtown Charlottesville attract both historians and those simply interested in the area's history to visit not only ACHS, but also the many surrounding areas and venues reflected in the exhibits and materials on display at the Historical Society.

Budgetary Impact:

Fair Market Value of the property is estimated at \$15/square foot or \$114,090/year. The proposed Lease Agreement of \$750.00/month (\$9,000/year) with ACHS will have a budgetary impact of \$105,090/year in lost lease revenue, compared to if the property were to be leased at market value.

Recommendation:

If Council grants ACHS a Lease Agreement on April 2, 2018, the lease renewal term should be set at a one (1) year with a lease payment of no less than seven hundred fifty dollars (\$750.00) per month, with all terms within the lease and in Exhibit A agreed to.

Alternatives:

Council has the option to terminate the lease.

Attachments:

Lease Agreement

Resolution

Letter from ACHS Executive Director - March 2018

Letter from ACHS President - February 2018

Meeks resignation letter - February 2018

Letter from City Manager - October 2017

THIS LEASE AGREEMENT made as of this ____ day of _____, 2018, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, hereinafter the "Landlord", and the **ALBEMARLE COUNTY HISTORICAL SOCIETY**, a Virginia non-profit, non-stock corporation d/b/a the **ALBEMARLE CHARLOTTESVILLE HISTORICAL SOCIETY**, hereinafter the "Tenant";

WITNESSETH:

That Landlord hereby leases unto the Tenant and the Tenant hereby agrees to lease from the Landlord that lot located at 200 Second Street, N.E., Charlottesville, Virginia, and containing the McIntire Library Building and grounds, being more particularly described in a deed conveying the lot to the City of Charlottesville recorded among the records of the Charlottesville Circuit Court Clerk's Office in Deed Book 33 at Page 92, hereinafter referred to as the "Premises."

1. **TERM.** The Term of this Lease shall be for a period of one (1) years, beginning at 12:01 AM, _____, 2018 ("Commencement Date") and terminating at midnight on (1 years less 1 day) , 2019. This Lease may be terminated by the Landlord, provided the Landlord provides written notice of such termination to the Lessee at least sixty (60) days prior to the effective date of termination. The parties mutually agree that this Lease shall supersede and replace the existing lease agreement between the City and the Tenant for the Premises dated March 21, 2013.
2. **RENT.** The Landlord agrees that the Premises shall be leased to the Tenant for seven hundred fifty dollars (\$750.00) per month.
3. **TENANT ALTERATIONS.** Any alterations, additions and improvements to the Premises must be approved by Landlord prior to the commencement of construction. Except as otherwise provided hereafter, all such alterations, additions, and improvements to the Premises shall endure to the benefit of and shall be the property of the Landlord.
4. **LANDLORD'S COVENANTS.**
 - A. Landlord covenants and agrees to:
 1. Comply with the requirements of applicable building and housing codes materially affecting health and safety;
 2. Make, coordinate and pay for all routine repairs and maintenance of the exterior premises, including but not limited to, exterior painting and roof repairs;
 3. Maintain in good and safe working order and condition all of the electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other utility or mechanical systems located within the Premises;
 4. Provide property insurance for the replacement value of the Premises, covering damages caused by structural, mechanical, or systems issues related to the building and grounds.
 - B. Landlord further covenants that the Tenant, on performing the covenants and conditions contained in this Lease, may peaceably and quietly have, hold and enjoy the leased Premises, subject to the other terms of this Lease.

5. TENANT'S COVENANTS.

Tenant covenants and agrees to:

- A. Keep and maintain the Premises in good, clean and safe condition, including:
1. Tenant shall comply with obligations imposed upon tenants by applicable building and housing codes materially affecting health and safety;
 2. Tenant shall use all appliances, and all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other systems, in a reasonable and safe manner;
 3. Tenant is responsible for paying all utilities to serve the Premises, including fire monitoring, electricity, water, sewer and natural gas;
 4. Tenant agrees to pay all costs resulting from the intentional or negligent destruction, damage or removal of any part of the Premises by the Tenant or by any sub lessee of the Tenant.
 5. Tenant shall maintain the grounds of the Premises, to include mowing, leaf removal, litter removal, landscaping and tree maintenance according to the City property maintenance codes;
 6. Tenant shall remove snow and ice from all walks and steps following City property maintenance codes;
 7. Tenant shall make an annual report to City Council about the progress of Tenant's various programs related to Council goals, to be provided in January of each year of the lease Term.
- B. Tenant shall immediately notify the Landlord of any condition on the Premises that constitutes a fire hazard or other serious threat to the life, health or safety of the occupants of the Premises. Additionally, the Tenant shall provide prompt written notice to the Landlord of any defects or malfunctions in the Premises or in any of the equipment, appliances or parts thereof, as soon as the Tenant becomes aware of them.
- C. Tenant covenants and agrees that upon the expiration or termination of this Lease: (i) the Tenant will deliver the Premises in the same condition in which they were received, ordinary wear and tear excepted; and (ii) the Premises shall be thoroughly cleaned. In the event any of the above conditions have not been met by Tenant prior to its vacation of the Premises, the Tenant agrees to pay all costs and expenses incurred by the Landlord to do so.
- D. Tenant agrees to release, indemnify, protect, and hold the City, its officers, agents and employees harmless from any loss, liability or obligation of any nature whatsoever, which may occur by reason of the Tenant's use of the Premises. This indemnification shall continue in full force and effect notwithstanding the termination of this Agreement. The Tenant shall maintain in force comprehensive public liability insurance coverage in a minimum amount of \$1,000,000, with an insurer authorized to do business in Virginia. Such policy shall name the City as an additional insured and shall provide that such coverage shall not be cancelled without thirty (30) days written notice to the City. The Tenant shall submit evidence of such insurance coverage to the City Attorney for

approval prior to the commencement date of this lease.

- E. The Tenant shall not deliberately or negligently destroy, deface, damage, impair or remove any part of the Premises or permit any other person to do so. Tenant shall be liable for all costs and expenses necessary to repair or replace the Premises, or any portion thereof, as a result of such deliberate or negligent acts.
- F. Tenant shall not commit or permit any waste or nuisance on or about the Premises, nor do anything that might create a hazard of fire on or within the Premises.
- G. Tenant shall not sublet any portion of the property without written consent of the Landlord.
- H. Tenant shall comply with all of the terms set forth in **Exhibit A**, attached and incorporated herein by reference.

6. DAMAGE TO PREMISES.

- A. In the event the Premises are destroyed or substantially damaged by fire or other casualty, and thereby rendered unfit for occupancy, the Term of this lease shall, at the option of either party upon reasonable notice to the other, terminate as of the date of such damage. Under those circumstances, accrued rent shall be paid up to the time of such damage. If neither party desires to terminate the Lease, the Landlord shall enter and repair the Premises with reasonable speed and rent shall be waived during any period in which the Premises remain unfit for occupancy. Once the Premises have been restored to a condition which is suitable for occupancy, the Tenant's rental obligation shall re-commence, but may be reduced by a reasonable amount for any period during which repairs continue, until such repairs have been completed.
- B. The Landlord shall maintain fire and extended coverage insurance on the Premises in an amount deemed adequate by the Director of Finance for the City of Charlottesville.
- C. The Tenant shall, at its own cost and expense, obtain adequate coverage for insuring the contents of the building against fire, theft or other peril, and the City expressly disclaims any liability for damages or loss of any nature whatsoever which may occur to the property of the Tenant, its members, or others while such property is located on the Premises.

7. INDEMNIFICATION. The Tenant agrees to indemnify the City, its officers, agents and employees and hold them harmless from any loss of any nature whatsoever, which may occur by reason of the Tenant's use of the Premises. The Tenant shall maintain in force comprehensive public liability insurance coverage in a minimum amount of One Million Dollars (\$1,000,000.00), with an insurer authorized to do business in Virginia. Such policy shall name the City as an additional insured and shall provide that such coverage shall not be cancelled without thirty (30) days written notice to the City. The Tenant shall submit evidence of such insurance coverage to the City Attorney for approval prior to the commencement date of this lease.

8. SUBLET OR ASSIGNMENT. The Tenant shall have no right to assign or sublet the Premises to any other party without the prior written consent of the Landlord, which consent shall be entirely within the discretion of the Landlord. The Landlord acknowledges that a portion of the building basement has been sublet by the Jefferson Madison Regional Library.

9. ACCESS. The Landlord shall have the right to enter the Premises during normal business hours in order to inspect the Premises, make necessary agreed repairs or exhibit the Premises to either prospective or actual purchasers, tenants, workers or contractors. The Landlord may so

enter without the consent of the Tenant at any time in case of emergency. Except in the case of emergency, or if it is impractical to do so, the Landlord shall give the Tenant reasonable notice of its intention to enter.

10. **HOURS OF OPERATION.** Tenant shall establish regular hours during which the Premises will be open to the public. As a minimum, the Premises shall be open to the public 5 days per week, forty eight (48) weeks per year. For this purpose, a full day shall be deemed to be six (6) hours.

11. **DEFAULT; TERMINATION.**

A. The following shall constitute events of Default by Tenant: (i) any material breach of this Lease by Tenant, including, without limitation, any breach that substantially affects the health or safety of any person; (ii) Tenant's abandonment of the Premises; (iii) Tenant's failure to make any payment of rent under this lease for a period of fifteen (15) days after written notice; (iv) use of the Premises by Tenant or others for any illegal purposes; (v) Tenant's denial of any right reserved in this Lease to the Landlord; (vi) filing by the Tenant or against the Tenant in any court pursuant to any statute of a petition of bankruptcy or insolvency or for reorganization or for the appointment of a receiver or trustee of all or a portion of Tenant's property or an assignment by the tenant for the benefit of creditors, provided that such proceedings are not dismissed within 90 days after the commencement of same; (vii) failure by the Tenant to maintain its status as a non-profit, non-stock organization, and (viii) the institution of legal proceedings by or against Tenant to levy upon or dispose of Tenant's leasehold interest in the Premises.

- i. If Tenant is in default for non-payment of rent, and such default continues for thirty (30) days following written notice from the Landlord demanding possession of the Premises or the payment of rent, then the Tenant shall thereby forfeit its right to possession of the Premises. In such case, Tenant's possession may, at the Landlord's option, be deemed unlawful and the Landlord may proceed to recover possession through all lawful means and proceedings.
- ii. In the event of a default for reasons other than failure to pay rent, the Landlord shall serve Tenant with a written notice stating the acts or omissions constituting the default and stating that the Lease will terminate, as set forth within the notice, upon a date not less than 30 days after Tenant receives the notice, unless the default is remedied within 21 days. If the breach is remediable by repairs or the payment of damages, and Tenant adequately remedies the breach within 21 days or such longer period of time as Landlord may specify in writing, the Lease shall not terminate. However, if a particular default is not remediable, Landlord's written notice to Tenant may state the acts and omissions constituting the default and state that the Lease will terminate upon a specific date, which date shall not be less than 30 days after Tenant receives the notice.
- iii. In the event the Landlord pursues any remedies referenced above, the Tenant shall be liable as follows: (a) for all installments of rent and other charges that are past due, and those that are due and owing for the remainder of the Term of this Lease which shall immediately become due and payable; (b) for all expenses that may be incurred by the Landlord for re-letting the Premises, including, without limitation: brokerage, advertising, cleaning, repairing, redecorating and refurbishing expenses; (c) for any court costs incurred by the Landlord for possession of the Premises and for collection of unpaid rent or other charges under this Lease agreement; and (d) for reasonable attorney's fees incurred by the Landlord to obtain possession of the Premises or to collect rent, damages, or

other charges under this Lease agreement.

- B. The following shall constitute events of Default by Landlord: (i) any material breach of this Lease by Landlord, including, without limitation, any breach that substantially affects the health or safety of any person; and (ii) Landlord's failure to comply with any laws pertaining to this Lease agreement.
- i. In the event of a Default by Landlord the Tenant shall serve a written notice to the Landlord specifying the acts or omissions constituting the Default and stating that this Lease agreement will terminate on a specific date not less than 30 days after receipt of the notice if such breach is not remedied within 21 days. If the breach can be remedied by repairs, and the Landlord adequately remedies the breach prior to the date specified in the notice, this Lease agreement shall not terminate.
 - ii. The Tenant may not terminate this agreement for a condition caused by the deliberate or negligent act of the Tenant, sub lessees or invitees.
 - iii. The Tenant may recover damages and reasonable attorney's fees and may obtain any other action or remedy permitted by law for Landlord's failure to abide by the provisions of this Lease agreement. The Tenant's recourse to any particular remedy shall not deprive him of any other action or remedy.
- C. Prior to Expiration, if the Tenant deserts the Premises, the Landlord may deem the Lease in default and the Premises to be abandoned. The Landlord shall post in a conspicuous area on the Premises a notice declaring the Premises abandoned. Thereafter, the Landlord may enter and secure Premises and, after compliance with any applicable provisions of state law, the Landlord shall be entitled to possession.
- D. Upon termination or expiration of this lease, Landlord shall have the right to reenter and repossess the Premises and may dispossess the Tenant and remove the Tenant and all other persons and property from the Premises. Tenant shall leave the Premises in good and clean condition, ordinary wear and tear excepted.
12. **NOTICES.** All notices required by this Lease, and all correspondence concerning this Lease, shall be sent by United States mail (postage prepaid), to the following individuals:
- A. To Landlord: to the attention of the City Manager for the City of Charlottesville, addressed as follows: P. O. Box 911, Charlottesville, Virginia 22902.
 - B. To Tenant, to the address for the Premises, or such other address as the Tenant may designate in writing from time to time.
13. **HEADINGS.** The headings of the sections of this Lease are inserted for convenience only and do not alter or amend the provisions that follow such headings.
14. **GOVERNING LAW.** This Lease shall be construed, interpreted and applied in accordance with the laws of the Commonwealth of Virginia.
15. **SEVERABILITY.** Any provision of this Lease which is prohibited by, or declared by a court of competent jurisdiction to be unlawful or unenforceable under Virginia law shall be ineffective only to the extent of such prohibition or declaration; the remaining provisions of this Lease shall remain in full force and effect.
16. **NO WAIVERS.** Failure of the Landlord to insist, in any one or more instances, upon a strict performance of the covenants of this lease, or to exercise any option herein contained, shall not be construed as a waiver or a relinquishment of such right, but the same shall continue and remain in full force and effect. No waiver by the landlord of any provision hereof shall be deemed to have been made unless expressed in writing and signed by the Landlord.

17. **AMENDMENTS.** This lease may not be amended or modified except by written agreement signed by both parties.
18. **BENEFITS.** This agreement is binding upon and shall inure to the benefit of all the respective parties hereto, their respective successors, legal representatives and assigns.
19. **ENTIRE AGREEMENT.** This lease shall constitute the full and complete agreement between the parties, and no other prior or contemporaneous writings or statements shall be of any consequence or have any legal effect.

WITNESS the following signatures and seals.

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____

Title: _____

ALBEMARLE COUNTY HISTORICAL SOCIETY

By: _____

Title: _____

EXHIBIT A

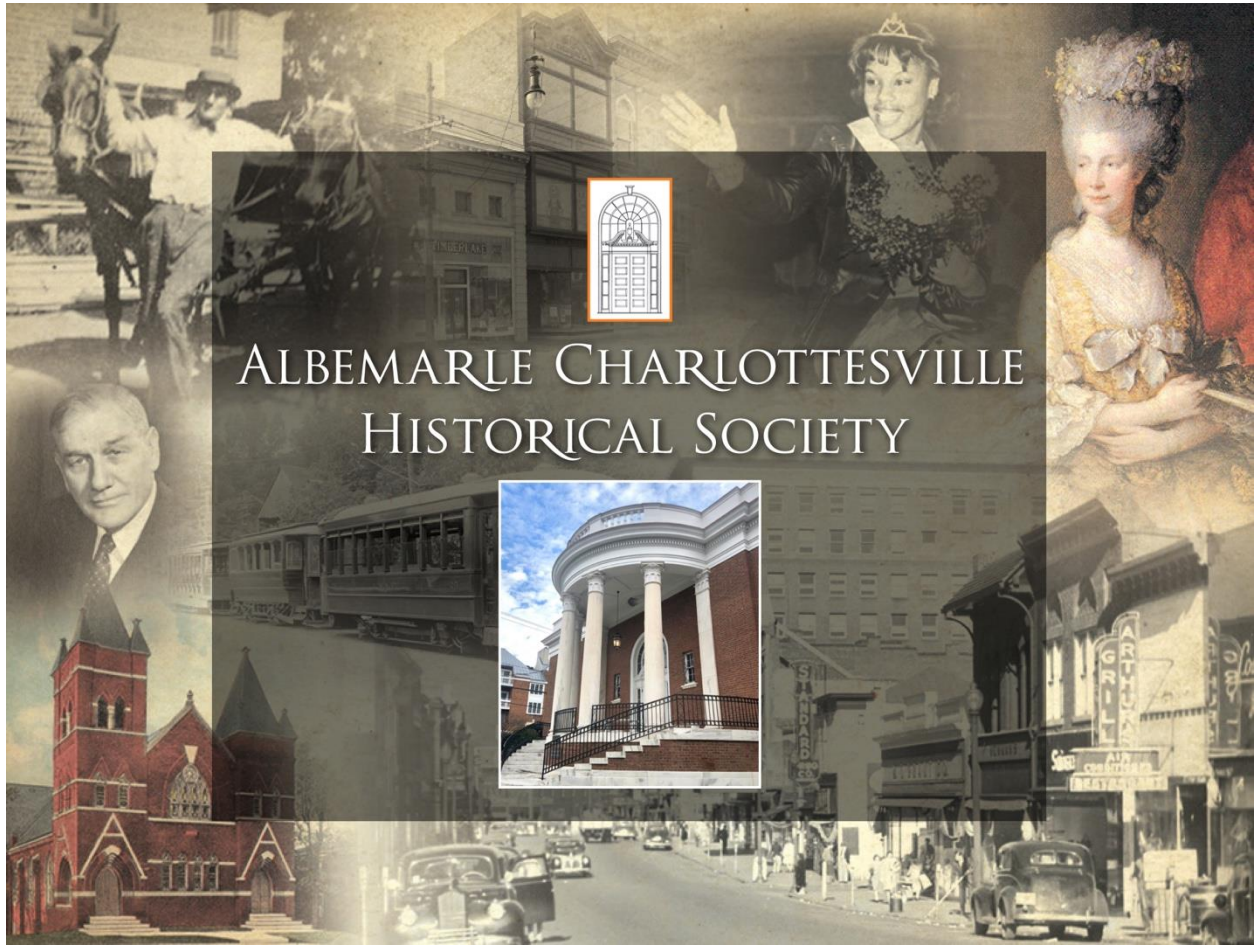
- a) Employ at least one person whose duties shall be focused on developing a strategic plan, with the guidance of the Center for Nonprofit Excellence, to procure funding for the ACHS while promoting its mission and programs, and implementing that plan by March 1, 2018.
- b) Develop professional partnerships and relationships with community organizations to increase ACHS's visibility in the community and to increase and enhance a marketing and fundraising strategy, as well as funding sources for the ACHS's activities.
- c) A plan for curating ACHS assets and creating an inventory record of assets.
- d) An Agreement on the working relationship with Jefferson Madison Regional Library.
- e) Accountability for racial and ethnic diversity in staffing practices and representation on the Board of Directors that reflect the racial and ethnic diversity of our region. Council shall appoint 1/3 of the Board of Directors.
- f) New bylaws, programs of exhibitions, and projects that reflect the racial and ethnic diversity of our region will be established.
- g) Establish a dedicated fund consisting of at least six months operating reserve.
- h) Produce and submit to the City Council an annual progress report on the various programs conducted by the ACHS.
- i) Submit to City Council a current audit and an annual audited financial statement with any request for renewal of the Lease.
- j) Upon request of the City Manager's Office (CMO), provide information on progress towards reaching the goals set forth herein.

RESOLUTION

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that this Council hereby authorizes the City Manager or his designee to execute the following lease agreement, in a form approved by the City Attorney:

Lease agreement between the City of Charlottesville and Albemarle Charlottesville Historical Society (ACHS) for the lease of City-owned property at 200 Second Street, N.E., Charlottesville, Virginia, dated _____, 2018.

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ALBEMARLE CHARLOTTESVILLE
HISTORICAL SOCIETY





ALBEMARLE CHARLOTTESVILLE
Historical Society

McIntire Building · 200 Second Street NE · Charlottesville · Virginia 22902-5245

March 27, 2018

Maurice Jones
City Manager
The City of Charlottesville
605 E Main St, Charlottesville, VA 22901

Re: Albemarle Charlottesville Historical Society's Continued Lease of the McIntire Building

Dear Maurice,

Per your request I am writing to update you with the latest information regarding the Albemarle Charlottesville Historical Society's successful efforts to meet Council's goals necessary to continuing our lease in the historic McIntire Building. These goals— aimed at mandating “new operating procedures for better governance, performance and fiscal management” — were enumerated in the October 6, 2017 letter from you to former ACHS Director Steven Meeks (attached). As we have discussed and has been reported, Mr. Meeks failed altogether to engage with you and City Council regarding these on-going issues. He charged no one on our staff, our Board or among our membership to work with your office to meet these goals. He appears, regrettably for us all, to have simply ignored that letter entirely. Mr. Meeks fully severed his relationship with the ACHS on February 11, 2018. He spoke to no one about this decision. He simply left a short note of resignation on his desk that was only later discovered by our Librarian (attached).

Within a day or two of the actual discovery of that note, past Board Member Will Lyster was appointed to the Board on February 14, 2018 and in that same meeting elected Board President. Mr. Lyster agreed to the nomination, but only on a shortened term, not the regular two-year term. He has and continues to provide what has become urgent and necessary leadership in this critical transition period. Mr. Lyster's immediate priority was to meet with you, Ms. Leslie Beauregard, and Mr. Paul Oberdorfer to discuss the October 6 letter that Mr. Meeks had never addressed. On February 27, 2018, Mr. Lyster wrote to you as a follow-up to that meeting, and responded in full to each of Council's goals. (attached).

This current letter dated March 27, 2018 is an update to Mr. Lyster's letter of a month prior, in anticipation of the scheduled April 2, 2018 public hearing in Council Chambers regarding our proposed lease of the historic McIntire Building at 200 2nd Street NE. The ACHS has been located in this building since 1994, following very extensive renovations, for which the Society raised a rather significant sum thanks to community support.

I hope you and Council will appreciate just how quickly our Board has moved to address the City's concerns and to — as expediently as is possible— begin the process to turn this organization around so that it becomes emblematic of the very best practices in nonprofit board governance, accountability, and transparency. We all want the Historical Society to celebrate diversity and inclusiveness while we build community. Charlottesville deserves no less from this vital civic organization that will mark its 80th anniversary in 2020.

Goals as Outlined by City Council, October 2017.

1. *“Employ at least one person whose duties shall be focused on developing a strategic plan, with the guidance of the Center for Nonprofit Excellence, to procure funding for the ACHS while promoting its mission and programs, and implementing that plan by March 1, 2018.”*

At the ACHS Board Meeting on Wednesday evening, March 7, 2018, I (Coy Barefoot) accepted the position of employment by the Albemarle Charlottesville Historical Society as Executive Director. The very next day I began the process of reaching out to dozens of stakeholders in the community for conversation, ideas and counsel. I visited personally with Andrea Douglas at the African-American Heritage Center (whom I have known for years), and told her I was looking forward to partnering with her on a number of new projects and programs. That process of meeting with community leaders and stakeholders continues. I know our Board members do the same, reaching out to members of the community to renew support and interest in the well-being of the ACHS. On Thursday March 8, 2018, less than 24 hours after I accepted the position, I reached out to Cristine Nardi, the Executive Director at the Center for Nonprofit Excellence. CNE is an amazing resource for our community. Our Board members and I intend to take full advantage of their knowledge and expertise to benefit the ACHS. We meet with Cristine and her team once a week and am in near-daily, on-going email conversation regarding the progress of ACHS.

Cristine and her legal team have discouraged us from writing a Strategic Plan just now. She informed us that a fully formed Strategic Plan with clearly identified Action Items, should be considered for 2019 and perhaps be rolled out in recognition of our 80th anniversary. She has instead recommended that we focus on working through the most immediate priorities that will move the organization out of this crisis period and secure stability across the organization. In consultation with CNE, we have identified three near-term priorities on which to focus our efforts in the past few weeks: 1. Positively settling our lease arrangement with the City of

Charlottesville. 2. Writing and signing the new Executive Director's contract, which includes an Operational Plan and clearly marked Board duties/responsibilities vs those of the ED and staff. 3. And reviewing, re-writing, and having the Board endorse our by-laws. Mr. Meeks had implemented significant changes to the organization's by-laws during his tenure, making it virtually impossible, among other things, for any Board Members to in any way effectively question his decisions or even oppose his leadership (despite the best efforts of many Board members over the years). Re-writing our by-laws to reflect the best practices of board governance was among the most important initial steps that the CNE team asked us to do. We hope to positively finalize all of these three priorities by the first week of April.

At that point, beginning in early to mid April— following the recommendations of Cristine and her team at CNE, we will draft a Short-Term Business Plan with 3-6-9-12 month goals. I have already started to work on this document, and am putting together a team of advisors, in addition to our Board, who will contribute to this project. When that is completed, we will be more than happy to make a copy available to your office.

2. "Develop professional partnerships and relationships with community organizations to increase ACHS's visibility in the community and to increase and enhance a marketing and fundraising strategy, as well as funding sources for the ACHS activities."

The 3-6-9-12 Business Plan, which will map out the goals and milestones of our first year in this new chapter, will include a marketing and fundraising strategy and will completely fulfill this Council goal. As for partnerships, we are now focused now on creating new projects, programs, educational and event opportunities with, but not limited to, the following: the City of Charlottesville, Albemarle County and surrounding counties, the Jefferson-Madison Regional Library, the African-American Heritage Center at the Jefferson School, local schools and churches, the University of Virginia's Special Collections Library, UVA's Institute for Public History, The Daughters of Zion Cemetery, Lighthouse Studio, Preservation Piedmont, The Paramount Theater, Live Arts, the Virginia Historical Society in Richmond, the Virginia Library, the Burke Brown Steppe Chapter (African-American genealogy group), Ivy Creek Foundation, Central Virginia History Researchers, and the President's Commission on Slavery at the University of Virginia. Our goal is to build diverse, collaborative relationships with organizations throughout Central Virginia as we create new opportunities for community engagement with history.

3. "A plan for curating ACHS assets and creating an inventory record of assets."

As Mr. Lyster informed your office in his February 27 letter: the ACHS already has a system for curating our historic collection and maintains a full inventory and database of our assets. Our Collections Manager has done an amazing job in this regard in the last few years (while simultaneously serving as the Editor for our annual Magazine!) She has overcome any number of challenges and obstacles, and her dedication and commitment to the ACHS has been an

inspiration to us all. We are very proud of the work she has done and continues to do. Following Mr. Meeks departure, on request of Mr. Lyster, our Collections Manager conducted a thorough review of the archive and has found nothing missing, nor any evidence that items have been sold.

4. *“An agreement on the working relationship with Jefferson Madison Regional Library.”*

Both Mr. Lyster and I have already met with Mr. David Plunkett, Director of the JMRL and are looking forward to working with him and his staff. The Regional Library represents one of the Historical Society’s longest-running successful partnerships. We intend to work with Mr. Plunkett to explore a positive collaboration of our shared space here in the McIntire Building.

5. *“Accountability for racial and ethnic diversity in staffing practices and representation on the Board of Directors that reflects the racial and ethnic diversity of our region. Council shall appoint 1/3 of the Board of Directors.”*

Following Mr. Meeks February 11 departure from ACHS, the Board called an emergency meeting on February 14 and elected Mr. Lyster as Board President. At that meeting on that very night, the Board unanimously endorsed and signed a “Values Statement of the Albemarle Charlottesville Historical Society: A Commitment to Diversity, Equity, and Inclusion.” That statement reads as follows:

**** We, the Board of Directors of the Albemarle Charlottesville Historical Society are resolutely committed to the values of diversity, equity, and inclusion. We believe the Society has a moral obligation to do its part to address past and current injustices to groups that have been historically disadvantaged and socially, politically, and economically excluded. Our commitment is shaped by our values, our work, and the traditions of the Society in its endeavor to promote an appreciation of local history so that the past may shed light on the present and the future.*

We define diversity as including, but not limited to, individual and group differences based on race, ethnicity, nationality, age, gender, sexual orientation, class, religious or personal belief, and physical ability. Creating a genuinely inclusive environment and ensuring that diverse voices are present and active in all aspects of our institutional life will enhance our organization’s effectiveness.

In pursuing our mission, we seek to manage our programs and an organizational culture in a manner that embraces diversity and inclusion. We strive to maintain the highest standards of ethics, transparency, and accountability, and are committed to:

- *recruiting a diverse board of trustees and staff;*
- *fostering open and effective cooperation among the board, staff and members;*
- *engaging with diverse constituencies;*

- *working with community partners to achieve our shared diversity goals;*
- *identifying and working with diverse vendors, contractors, and consultants;*
- *advocating public policy that advances social inclusion; and*
- *promoting intercultural understanding.*

*The Albemarle Charlottesville Historical Society will continue to support ongoing efforts to advance excellence and effectiveness in our community. Achieving diversity, equity, and inclusion is a continuous process which we believe will contribute to a more just, sustainable, and peaceful world. ****

Within a few short weeks of Mr. Meeks' departure from the ACHS, the Board welcomed three new members, all of whom represent the racial and ethnic diversity of our region:

Dr. Shelley Murphy, a native of Michigan who has lived and worked in the Charlottesville area for about 15 years, is a proud mother of two adult children and sister to four brothers. Shelley has been an avid genealogist for nearly thirty years and is among the nation's leading instructors in genealogical research. She is asked to speak and teach at conferences and workshops around the country. She holds a Masters in organizational management from the University of Phoenix. She works as a Director of Program Services with the Piedmont Housing Alliance, routinely educating citizens on family financial literacy and the benefits of home ownership. In addition, she presents Genealogy 101 workshops and is a federal grant reviewer and conducts team building and development training for Evolution Consulting Group. Recently Dr. Murphy designed and implemented Track 1- Methods & Strategies at the first annual Midwestern African American Genealogy Institute (MAAGI), in St. Louis. Dr. Shelley Murphy was appointed to our Board on March 7, 2018.

Professor Ervin L. Jordan of the University of Virginia. Dr. Jordan is an Associate Professor and Research Archivist at UVA's Albert and Shirley Small Special Collections Library. Professor Jordan specializes in Civil War and African-American history, and is the author of three books including *Black Confederates and Afro-Yankees in Civil War Virginia* (University Press of Virginia), named by *Publisher's Weekly* as one of 1995's best non-fiction books. He has more written than 60 essays and articles in books, historical journals, dictionaries, and encyclopedias including: *The Encyclopedia of the United States in the Nineteenth Century*; *The Oxford Companion to American Military History*; *Virginia's Civil War*; *Virginia at War 1861, and, Virginia at War 1865*. Professor Jordan served as an Historic Advisor for The Library of Congress Civil War Desk Reference; the 2003 motion picture *Gods & Generals*; and the PBS documentary series *The American Experience: Robert E. Lee*. He serves on the Advisory Board of the National Civil War Chaplains' Research Center and Museum, the Gettysburg Foundation Board of Directors, and is a former member of the Museum of the Confederacy's Board of Trustees and the Virginia Sesquicentennial of the American Civil War Commission Advisory Council. He is currently a member of the President's Commission on Slavery and the University of Virginia. During the 11th Annual Donning of the Kenta Ceremony for graduating fourth-year students in May 2015, he was one of two faculty members who received special recognition by UVA's Office of African-American Affairs for contributions and dedication to students.

Ms. Sheila M. Ford was born in Lynchburg, Virginia. She was one of the first African-American female students to attend Sandusky Junior High School when it became integrated. In 1972, she moved to Charlottesville to attend nursing school and has lived and worked in our community to this day. Ms. Ford brings a lifetime of local experience to our board and we are pleased she has joined us. Ms. Ford was appointed to our Board on February 28, 2018.

It was in the fall of 2017 that Council discussed the options to continue the City's lease with the Historical Society in the McIntire Building. It was in that conversation that Council enumerated this list of goals/criteria — for an Historical Society led by Mr. Meeks — that would determine if the ACHS was able to renew its lease. Since Mr. Meeks has terminated all involvement with the ACHS, we have moved rapidly to address these known issues.

In conversations with members of Council, I have found a positive reaction to the proposal that— instead of appointing Board members to our independent, nonprofit organization as a mandated condition of continuing the lease— that we welcome a member of Council as an ex-officio member to our Board. We believe this will more directly and strongly offer the oversight, accountability and transparency that Council seeks. We are all working very hard to turn this organization around and make it what it can and should be for this community. A page has absolutely been turned in our story. This is not at all the same organization that Council considered in the fall of 2017. I hope you will recognize that we've made tremendous progress in the last few weeks, and we will continue to do so. We want very much to build a strategic partnership with the City. And I believe inviting a member of Council to join our Board meetings is the most direct and value-added approach to accomplish that goal.

6. *“New bylaws, programs of exhibitions, and projects that reflect the racial and ethnic diversity of our region will be established.”*

As discussed above, new by-laws are currently being drafted through consultation with the Center for Nonprofit Excellence. A number of programs, projects and exhibitions *“that reflect the racial and ethnic diversity of our region”* will be considered in our 3-6-9-12 Short-Term Business Plan. Before that however, we are already planning for a new exhibit about the history of the Daughters of Zion Cemetery, which will be unveiled at the McIntire Building in late May — with an open house celebration in partnership with the Daughters of Zion Cemetery. I am now working with Edwina St. Rose to develop and plan this exhibition and event. I will be happy to send you and City Council an invitation to join us.

I would also like to point out, for the benefit of those who are relatively new to Charlottesville, that throughout the 1990s — immediately after we moved into the McIntire Building and had new space for exhibits— the ACHS offered a number of engaging and path-breaking historic exhibits which explored Massive Resistance, the Civil Rights Movement, the Vinegar Hill Community, African-American history, the Jewish history in Charlottesville, the Greek community, and countless other ground-breaking, progressive, inclusive exhibits that no other

organizations in Charlottesville were offering. It was during this period that I first became involved with the Historical Society as a volunteer, and I was very proud to do so. The ACHS was leading the way, creating important educational opportunities around community events which researched and explored historically marginalized and minority communities in Central Virginia. I know that I and every member of our Board are committed to recapturing and building on that legacy.

7. *“Establish a dedicated fund consisting of at least six months operating reserve.”*

We will continue to consult with the Center for Nonprofit Excellence to both create and strategize a fundraising plan, as well as to implement the best practices of fiscal management and responsibility. They are committed to our success as an organization, and we are committed to implementing the best policies of fiduciary responsibility that they recommend.

8. *“Produce and submit to the City Council an annual progress report on the various programs conducted by the ACHS.”*

We look forward to the opportunity to making a full annual report presentation to Council in December 2018.

9. *“Submit to the City Council a current audit and an annual audited financial statement with any request for renewal of the lease.”*

We will work with Robinson, Farmer, Cox Associates to conduct an audit. As they are now obviously quite busy in the middle of tax season, they have confirmed with us that they will expedite our matter as soon as is possible, later this spring. The results of their work will be made available to the City Manager’s Office.

10. *“Upon request of the City Manager’s Office, provide information on progress towards reaching the goals set forth herein.”*

We are absolutely committed to maintaining full engagement and communication with your office and City Council as we move forward towards realizing these goals.

Allow me to briefly end on a personal note. I began my relationship with the Albemarle Charlottesville Historical Society in 1994, as a volunteer tour guide. I had a great time leading classes of local third-graders around the Mall, encouraging them to think about their relationship to the past. I met the most wonderful people from around the country (and

beyond) who were so interested to learn more about Charlottesville and Central Virginia. Because of my positive experience at the Historical Society, I went to then-Mayor Kay Slaughter and encouraged her to insist that the City do more to promote its history. That conversation led directly to Mayor Slaughter's creation of the City's Committee on Historic Resources, of which I was proud to have been named the Founding Chairman. Those experiences I had collaborating with organizations and community members here in Charlottesville, engaged in exploring our local history, were one of the central reasons I decided to remain in the Charlottesville area and to raise my children here.

As we know, the tenor of the organization regrettably changed in recent years under a different kind of leadership. I was among many who moved away from supporting the Historical Society during this time — and I am glad to say that this period has passed. It's over. Now, we've got work to do: pieces to pick up, burned bridges to rebuild, and goodwill to earn. But it will be worth it. The Board is unanimously committed to this effort and I join them in being so honored to be challenged with this important project. With the help of many volunteers, the commitment of our supporters, and the contributions of our partners, we intend to help create an organization we can all be proud of.

We are focused on using our shared past as a tool to build community in the present. If there is any town in the world right now that desperately needs strong inclusive civic groups that are focused on building partnerships to create community for ALL our neighborhoods and ALL walks of life, it is Charlottesville. I and every Board member and staff member are proud to be part of that effort.

As I teach my students: History is not the past. History is the story we tell ABOUT the past. And depending on who gets to tell that story, who gets to contribute, who is empowered with the tools and the space to engage in that story-crafting, that history-making, all of that will shape the histories that we create, share and pass on. This is a process that must be inclusive, progressive, and community-oriented.

The Albemarle Charlottesville Historical Society looks forward to building on our long partnership with the City of Charlottesville.

Thank you so much.

Coy

Coy Barefoot, Executive Director
The Albemarle Charlottesville Historical Society



ALBEMARLE CHARLOTTESVILLE
Historical Society

McIntire Building · 200 Second Street NE · Charlottesville · Virginia 22902-5245

February 27, 2018

Mr. Maurice Jones, City Manager
City of Charlottesville
PO Box 911
Charlottesville, VA 22902

RE: Lease of McIntire Library Building
Cc: Ms. Leslie Beauregard, Mr. Paul Oberdorfer

Dear Mr. Jones,

I want to thank you and Ms. Beauregard and Mr. Oberdorfer for taking the time to meet with us this morning to discuss the lease renewal terms and ten conditions stated on your letter dated October 6, 2017. This letter serves as a follow-up to the discussion we had in that meeting.

The Board of Directors of the Albemarle Charlottesville Historical Society (ACHS) is in agreement that ten of the conditions are acceptable and achievable except for the second sentence of item e.); "Council shall appoint 1/3 of the Board of Directors. The Board has determined that acceptance of the other items in totality should provide enough transparency and evidence of good governance of the Society.

This is the current status of those ten conditions, which immediately went into motion at departure of our past president.

- a.) We have a part-time paid employee who is currently our administrative assistant and membership coordinator. This person will begin undertaking the task of developing our strategic plan along with guidance and training from The Center for Nonprofit Excellence, myself and the Board. The Society is currently a member of The CNE. I will be meeting with Ms. Kadi Davis tomorrow to begin our initial orientation. We can anticipate the foundation of a strategic plan to be in place within six months.
- b.) The Society currently enjoys partnerships with peer organizations in our community, and I have also reached out and begun to develop new, and renew prior relationships with organizations such as the Jefferson School African-American Heritage Center (JSAAHC), The Jefferson-Madison Regional Library (JMRL), past benefactors, other community leaders and business professionals.
- c.) The Society already has a system for curating and maintaining an inventory of our assets. Inventory is completed annually, and after interviewing our collections Manager, I understand that none of our assets are missing, nor have been sold. We do plan to upgrade our program to allow for easier use and more flexible options.
- d.) I have begun to develop our relationship with Mr. David Plunkett at the JMRL and expect to have further meetings together to put together a written agreement on the space(s) occupied by both parties.

OFFICE

434.296.1492 · 434.296.4576 (fax)
info@albemarlehistry.org · albemarlehistry.org

LIBRARY

Charlottesville-Albemarle Historical Collection
Operated in partnership with Jefferson-Madison Regional Library
434.296.7294 · library@albemarlehistry.org



ALBEMARLE CHARLOTTESVILLE Historical Society

McIntire Building · 200 Second Street NE · Charlottesville · Virginia 22902-5245

- e.) As previously submitted in an email to you and City Council on February 15, 2018, the Board approved and signed a Values Statement expressing our continued commitment to diversity, equity and inclusion within the entire organization of the Society. This will be an ongoing process reiterated to existing and future staff, volunteers and board members.
- f.) For more than a year, the Board has discussed the need to review and amend our bylaws to remove certain provisions and add new ones. This is a process that is currently underway, and we hope to have new bylaws adopted before the end of this year.
- g.) This morning, the City Manager was presented with a portfolio statement from Davenport & Company showing our Operating Reserve Account with a balance of \$36,369.31.
- h.) In our meeting, we agreed to submit an annual progress report to the City Manager's office on an annual basis.
- i.) We have reached out and arranged for an audit to be conducted by the accounting firm, Robinson Farmer Cox & Associates. Currently, they are in the middle of tax season, but they have promised that our request will be expedited. The results of this audit will be forwarded to the City Manager's office. We suggested that the Society perform a financial review on an annual basis, with a full audit every year or so. The results of these will also be forwarded to the City Manager's office as they are completed.
- j.) AS the City Manager requests, we will provide updates on our progress.

While we understand that the City would like to increase our monthly rent to \$750.00 per month, we hope that the city will assist to find ways to reduce this if possible, and also consider the services the Society provides to the community and visitors each year. The Board of Directors is committed to ensuring good governance of the Society, as well as continuing to enhance our renewed relationship with the City Manager's office, City Council and staff.

Sincerely, on behalf of the Board of Directors,

Will Lyster, President
Albemarle Charlottesville Historical Society



Albemarle
Charlottesville
Historical
Society

2/11/18

I hereby tender my
resignation.

President
CEO
Executive Director

The McIntire Building
200 Second Street, NE
Charlottesville, Virginia
22902-5245

Library
Charlottesville-Albemarle
Historical Collection
operated in partnership
with Jefferson-Madison
Regional Library

Office
(434) 296-1492
facsimile (434) 296-4576
e-mail: director@albemarlehhistory.org
albemarlehhistory.org

Library
(434) 296-7294
e-mail: library@albemarlehhistory.org

CITY OF CHARLOTTESVILLE

"A World Class City"

Office of the City Manager

P.O. Box 911 • Charlottesville, Virginia 22902
Telephone (434) 970-3101
Fax (434) 970-3890
www.charlottesville.org



October 6, 2017

Steven Meeks, President

Albemarle County Historical Society, Inc.

d/b/a Albemarle Charlottesville Historical Society

200 Second Street, N.E. Charlottesville, Virginia 22902

Re: Lease of the McIntire Library Building

Dear Mr. Meeks:

As discussed between representatives of the Albemarle County Historical Society (ACHS) and the City of Charlottesville, the City desires to continue supporting ACHS in its mission by continuing to lease the McIntire Building located at 200 Second Street N.E. to ACHS. The city is willing to continue this arrangement if ACHS commits to meeting certain goals for improvements in its operational model. This statement documents the City's expectations of ACHS, which are intended to insure ACHS's future viability and continued service to the citizens of the City of Charlottesville and Albemarle County, and visitors to our community.

It is understood that ACHS intends to meet the following goals on or before the expiration of the lease for the McIntire Building on March 1, 2018:

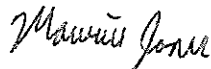
Current Lease extension at a rate of \$750 per month rent retroactive to July 1, 2017, effective until March 1, 2018; conditional upon new operating procedures for better governance, performance and fiscal management.

- a) Employ at least one person whose duties shall be focused on developing a strategic plan, with the guidance of the Center for Nonprofit Excellence, to procure funding for the ACHS while promoting its mission and programs, and implementing that plan by March 1, 2018.
- b) Develop professional partnerships and relationships with community organizations to increase ACHS's visibility in the community and to increase and enhance a marketing and fundraising strategy, as well as funding sources for the ACHS's activities.
- c) A plan for curating ACHS assets and creating an inventory record of assets.
- d) An Agreement on the working relationship with Jefferson Madison Regional Library.

- e) Accountability for racial and ethnic diversity in staffing practices and representation on the Board of Directors that reflect the racial and ethnic diversity of our region. Council shall appoint 1/3 of the Board of Directors.
- f) New bylaws, programs of exhibitions, and projects that reflect the racial and ethnic diversity of our region will be established.
- g) Establish a dedicated fund consisting of at least six months operating reserve.
- h) Produce and submit to the City Council an annual progress report on the various programs conducted by the ACHS.
- i) Submit to City Council a current audit and an annual audited financial statement with any request for renewal of the Lease.
- j) Upon request of the City Manager's Office, provide information on progress towards reaching the goals set forth herein.

The efforts and successes of the ACHS in reaching the goals stated herein, while not determinative, will be considered by the City of Charlottesville as a positive inducement to accept any request by ACHS to exercise its optional lease renewal for the McIntire Library Building.

Sincerely,



Maurice Jones
City Manager

Seen and Accepted

Steven Meeks
President, Albemarle Charlottesville Historical Society

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 2, 2018
Action Requested:	Vote (action to approve or deny the SUP)
Presenter:	Lisa A. Robertson, Acting City Attorney
Staff Contacts:	Chris Engel, Director of Economic Development Stacy Pethia, Housing Coordinator
Title:	West 2nd Special Use Permit

Background:

On February 5, 2018, a motion was made by Councilor Galvin to approve the above-referenced Special Use Permit application. The motion received a second and was debated, but the motion did not receive three affirmative votes, so the motion failed. **However, a failed motion is not an “action”.** Council still needs to take final action on this application.

Enclosed are supplemental materials. As you will note, there are two revised SUP options--with the Applicant's endorsement. Ordinarily, under the requirements of Zoning Ordinance §34-12, a developer is not required to make its choice about *how* it will comply with the ordinance, until the time it seeks a building permit. As part of its updated application, the Applicant is offering to make that election as part of the SUP itself, i.e., either (i) payment of a cash contribution to the affordable housing fund in the amount required by §34-12 (Option 1), or (ii) construct 8 units of affordable housing off-site (Option 2).

Additionally, above and beyond the minimum requirements of the zoning ordinance, and to supplement any minimum obligations applicable to the West2nd SUP, Dogwood Properties, LLC is offering to construct make newly constructed affordable dwelling units at a location on Harris Street available for rental to persons of low- and moderate-incomes pursuant to a rent subsidy agreement to be entered into with the City. *See* Attached Resolution and MOU. This MOU is proposed to be implemented in conjunction with either SUP Option 1, or SUP Option 2, whichever might be Council's preferred SUP Option if Council were to choose to approve the SUP.

Analysis

The City Attorney's Office has approved the attached documents as to their form. Staff has confirmed that either Option, in conjunction with the successful implementation of the rent-subsidy arrangement referenced within the MOU, is likely to result in additional affordable units becoming available if this SUP were to be approved.

Budgetary Impact:

None.

Recommendation:

Council has three alternatives that are within its authority:

(1) By majority vote: Approve SUP Resolution (Option 1) and by separate motion, approve the attached Resolution

(2) By majority vote: Approve SUP Resolution (Option 2) and by separate motion, approve the attached Resolution

(3) By majority vote: Deny approval of the SUP

Attachments:

(1) SUP Option 1

(2) SUP Option 2

(3) Resolution approving a MOU for a rent-subsidy agreement

(4) MOU for a rent-subsidy agreement

**RESOLUTION
AMENDING A SPECIAL USE PERMIT
AS REQUESTED BY APPLICATION NO. SP17-00007
FOR A PROPOSED MIXED USE DEVELOPMENT ON WATER
STREET PROPOSED BY MARKET PLAZA, LLC**

WHEREAS, Market Plaza, LLC, contract purchaser (“Applicant”), with the permission of landowner City of Charlottesville, submitted application SP17-00007 on October 24, 2017, with drawings revised through 1/2/2018 (“Application”) seeking approval of An amended special use permit for property located between Water Street and W. South Street, bounded by the existing 2nd Street, S.W. and 1st Street South, identified on City Tax Map 28 as Parcels 69, 71, 72, 73, 74 and 75, and the undeveloped portion of the undeveloped right-of-way of 1st Street, S. (“Subject Property”), consisting collectively of approximately 1.18 acres; and,

WHEREAS, the original special use permit was originally approved by City Council (application no. SP-14-08-08) and was then amended by City Council (application SP 14-00003); the Application seeks an increase in residential density from 60 DUA to 83 DUA, and certain related changes, such as one (1) additional building story, to accommodate such density; and

WHEREAS, the Subject Property is zoned “WSD” (Water Street Corridor District), subject to the requirements of the City’s Parking Modified Zone, per § 34-971(e)(3), and of the Downtown architectural design control (ADC) overlay district; and the City’s Board of Architectural Review has previously been given an opportunity to make findings and recommendations on whether the proposed development would have an adverse impact on the ADC district, as required by City Code §34-157(a)(7); and

WHEREAS, following a joint public hearing before this Planning Commission and City Council, duly advertised and held on December 12, 2017, the Planning Commission reviewed the Application and determined that the proposed amendment of the special use permit, as to increased density, is appropriate and would serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code, and the Planning Commission has transmitted this recommendation to City Council; and

WHEREAS, following the December 12, 2017 joint public hearing, the development plan for the Development was updated to reflect comments received, as reflected in updated drawings revised as of 1/2/2018 which are part of the Application pending before Council, and this Council finds that, under suitable regulations and safeguards set forth in the conditions set forth herein below, the proposed amended special use permit would serve the interests of the public necessity, convenience, general welfare or good zoning practice, and would conform to the criteria generally applicable to special use permits as set forth within §§ 34-156 et seq. of the City Code.; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, that the special use permit previously granted to the Applicant is hereby amended to ratify the proposed mixed use development that is the subject of SP-14-08-08, subject to the following modifications: **(i)** residential density up to 83 dwelling units per acre, not to exceed 97 dwelling units; **(ii)** substitution of an updated and modified development plan, as identified in the conditions set forth following below:

NOW, THEREFORE, BE IT RESOLVED that the conditions of the special use permit for the Subject Property are hereby amended and reenacted, to read as follows:

SPECIAL USE PERMIT CONDITIONS:

- (1) The design, height, density, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the Application. Except as the design details of the Development may subsequently be modified to comply with requirements of (i) a certificate of appropriateness, (ii) approval of a final site plan, stormwater management plan, or other required governmental approval, and/or (iii) any other provision(s) of these SUP Conditions, any substantial change of the Development that is inconsistent with the Application shall require a modification of this SUP.
- (2) As used within these conditions, the term “Applicant” shall include the applicant’s successors and assigns.
- (3) This Project is subject to the requirements of City Code §34-12. The Applicant has elected under §34-12(d)(2) to make a cash contribution to the city’s affordable housing fund, to be calculated at the time of the building permit application for the Development. No building permit shall be issued until the Applicant has complied with applicable regulations governing the administration of §34-12.

(3) Impact on Adjacent Streets and Properties

a. In the design and layout of the Development, the City’s historic street grid pattern shall be respected. Although First Street may not ultimately be used or maintained by the City for vehicular traffic, site design shall nevertheless reinforce, visually or otherwise, the historic layout which connected Lee Park and the Downtown Mall, on the north, to Garret Street, on the south. Visual and Pedestrian access shall be maintained as part of the development, by leaving the area of First Street unoccupied by buildings or structures above the level of the open-air plaza (“Plaza”), with the exception of an elevator on Water Street.

b. All outdoor lighting and light fixtures shall be full cut-off luminaires.

c. To encourage active uses and building access, a minimum of three (3) to five (5) entrances/openings shall be established on Water Street, 2nd Street SW, and South Street, as approved by a certificate of appropriateness. On South Street, these will lead to the Plaza.

d. Balconies: Throughout the life of the Development, the owner of the Subject Property shall establish enforceable rules to regulate the use and appearance of balconies. Such rules shall be set forth within written instruments that will be binding upon the occupants of the building (for example: recorded covenants or restrictions for condominium or homeowners’ associations; written leases; etc.).

- (4) The Plaza shall be and remain an open-air plaza throughout the life of the Development and shall include pedestrian links. The Plaza and the Market area referenced below should contribute positively to the City’s open space network.

a. The Plaza may not be designed, constructed or used as surface parking for motor vehicles. The Plaza should be perceived as an open space, not as a private parking lot, when not in use. The Plaza shall be maintained as an attractive, user-friendly open-air space. The Plaza will not be a traditional public forum such as a street or public park; however the public will be invited to use and enjoy the Plaza as an invitee of the Applicant, subject to rules and regulations established by the Applicant in its discretion to ensure the quiet enjoyment of residents and other users of the Development. Except for temporary periods of time during the events referred to in paragraph (4) (b) following below, the amount of programmed private space within the Plaza shall not exceed (i) fifty percent (50%) of the area of the Plaza, or (ii) the gross floor area of the retail space within the adjacent building, whichever is less. For the purpose of this requirement “programmed private space” refers to use and occupancy of the space by the owner of the development or its tenants, for example (without limitation): outdoor cafés, restaurants and bars, and related facilities.

b. The Plaza will be closed to other uses and users during specified time periods for events scheduled by the Applicant or its lessees or licensees; however, the Plaza shall not be closed for such events more than 52 times per calendar year. Following any such event, the Plaza shall promptly be returned to a clean and attractive condition, and public access to the site shall be restored to the use referenced in paragraph (4)(a), above, subject to hours agreed upon by the City and the Applicant. The general public shall have a right of access to and use of the pedestrian access connecting Water Street and South Street, which shall include a 16-foot wide pedestrian walkway and handicap access via elevator, and this right of public access shall be recognized within a written instrument recorded within the City’s land records prior to the issuance of any building permit for the project. A copy of the recorded instrument, with deed book and page references, shall be submitted to the City along with the first request for a building permit for the Development. First Street pedestrian access will remain open at all times (even during private events, except if closed for City-sponsored events such as the Farmers Market, or by temporary street closure permit).

c. The design and construction of the Plaza and market shall incorporate amenities such as, but not limited to art, trees, benches or other seating areas, and/or other amenities that encourage public invitees to utilize and enjoy the Plaza in accordance with rules and regulations established by the Applicant pursuant to paragraph (4)(a), above.

d. A plan prepared to a scale of 1 inch = 10 feet shall be provided as part of the proposed final site plan for the Development, depicting the Plaza and all amenities to be included in the Plaza (“Plaza Layout”), such as: paving surfaces and materials, benches, trash receptacles, trees and landscaping, etc. Included in this plan shall be a schedule of site furnishings to be provided on the Plaza, including any shelter areas or shading devices, benches, bicycle racks, trash and recycling receptacles, and other associated furnishings. All amenities and furnishings shall be of a scale and nature that is compatible with the character of the Development and the City’s Historic District guidelines. The Plaza Layout shall include the layout for vendor stands to be located within the Plaza on City Market days (“Market Plan”). The Market Plan may be changed, from time to time by the City Parks and Recreation Department with the agreement of the Applicant. Any such change approved by the Parks and Recreation Department will be submitted to the Director of Neighborhood

Development Services for administrative approval as a minor site plan amendment, provided such changes do not alter the conditions of Use delineated in Section 10 (Farmer's Market).

(5) Sound. On and within the open air Plaza, and other exterior areas of the Subject Property, no human voice, and no instrument, machine or device, including any device that amplifies sound, shall be used or operated in a manner that causes a sound generation of seventy-five (75) db (A) or more, at a distance of ten (10) feet or more from the source of the sound generation. The prohibition of this condition shall not apply to any sound generation which occurs as part of the Farmer's Market authorized by this permit. This condition regulating sound generation shall remain in effect until such time that the City's noise ordinance is amended to apply to the exterior areas of the Subject Property.

(6) Parking. The on-site parking garage shall meet the following requirements:

a. To facilitate and encourage the provision of a future access easement, the garage shall be designed to accommodate potential future access to/from the Property located to the east of the Development site ("Adjacent Property") through provision of alternate access design, such as knock out panels. The accommodation for the potential future access shall be depicted and labeled on any proposed final site plan and building construction plans submitted to obtain any building permits. The owner of the Property shall negotiate an agreement regarding operating and construction costs, maintenance, liability, hours of operation, design and traffic flow, etc. for such access, with the owner of the adjacent property, at such time as the Adjacent Property is developed or redeveloped.

b. Water Street serves as part of the City's east-to-west bike corridor. To maintain ease of pedestrian and bicycle movement on Water Street, there shall be no more than one (1) vehicular entrance or exit for the Development on Water Street. This single entrance/ exit shall have no more than 2 lanes of traffic, unless a traffic impact analysis denotes that more lanes are necessary. The parking garage will provide a separate entrance/exit for pedestrians.

(7) The required building setback along the property line adjacent to Water Street shall be a minimum 7 feet and a maximum of 12 feet.

(8) Along Water Street there shall be provided a setback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on Water Street shall be 25 feet, and the maximum height shall be no less than 45 feet nor more than 50 feet, as may be approved pursuant to a certificate of appropriateness.

(9) Along 2nd Street SW there shall be provided a setback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on 2nd Street SW shall be 25 feet, and the maximum height of the streetwall shall be 45 feet.

(10) Farmer's Market: The Plaza shall be designed and constructed with materials and amenities that make it desirable and convenient for use as a Farmer's Market open to the public at times and dates to be determined by a separate lease agreement between the Applicant and the City.

a. The Farmer's Market shall be visible from adjacent vehicular rights-of-way, accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a flow of pedestrians among the various vendor stands within the Market and provides area(s) in

which pedestrians may stand or sit out of the “flow” of circulation.

b. The Farmer’s Market shall accommodate no fewer than 102 vendors and the entire area of the Plaza area shall be available to the market on market days, including the convertible indoor space. Unless otherwise acceptable to the Farmer’s Market operator, all such spaces shall be located adjacent or contiguous to each other, all on the same level/ grade, in order that all vendors participating in the Farmer’s Market clearly appear to be part of one coordinated “event.”

c. The Plaza shall be designed and constructed of materials from which wear and tear reasonably to be anticipated from the Farmer’s Market use can easily be removed or repaired. Outdoor hose connections shall be provided, in a number and location that is easily accessed by Farmer’s Market users for the purposes of cleaning the Plaza area after each Farmer’s Market day. The Applicant or its successors shall ensure, either itself, or through agreements with the Farmer’s Market or third parties, that upon conclusion of the Farmer’s Market, the Plaza will be restored to a clean condition.

(11) Construction

a. Prior to commencement of any land disturbing activity on the Property, the Applicant shall hold a meeting with notice to all adjoining property owners and the City’s Downtown Business Association, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city’s director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.

b. The Applicant shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.

c. The Applicant shall provide the city’s director of neighborhood development services, adjoining property owners and the Downtown Business Association with written notice of a person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.

c. If the City’s existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Applicant shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.

d. The Applicant shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the Building(s). The foundation

inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.

e. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the Applicant shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

(12) Traffic

a. A Traffic Plan, showing the layout of signs, details, signals, turning lanes, entrances and exits, and pavement markings, shall be submitted to the City as part of the proposed final site plan for the development.

b. The Applicant shall be responsible for the cost of constructing, in areas adjacent to the Property, any turning lane(s), traffic signals, or other public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.

c. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.

d. The Applicant shall provide the City with a Traffic Impact Analysis (TIA), as part of its proposed final site plan for the Development, if the trip generation data for the subject Property is over 100 vehicles in any peak hour for any adjacent street.

e. Trip generation data shall be separately provided for each and every category of use anticipated within the proposed development. Consistent with requirements of Chapter 5 of the City's Standards and Design Manual, "projected traffic" figures and data shall include trip generation data for traffic projected to result from the complete build-out of all land to be served by adjacent public streets, including traffic which may be forecasted to be generated by development, both internal and external to the Development Site.

f. Except as otherwise required by these conditions, the TIA shall conform to the requirements of Chapter 5 of the City's Standards and Design Manual. The Applicant shall meet with the City's Traffic Engineer and Director of Neighborhood Development Services, or designee, to determine the scope of the TIA, prior to submission.

(13) The Applicant must declare how it intends to comply with City Code 34-12, prior to the issuance of a building permit for the Development. In the event that the Applicant chooses to make a contribution to the City's Affordable Housing Fund to comply with City Code 34-12, no building permit shall be issued for the development until the amount of the contribution has been calculated by the Applicant and

confirmed by the City's Director of Neighborhood Development Services, or designee, and until a binding schedule for payment of such contribution to the City has been established.

(14) The landscaping plan required as a component of final site plan approval for this Development shall include native or appropriate tree plantings along all street frontages, as well as trees on the Plaza subject to BAR approval. Trees on the Plaza shall be planted using roof planting methods and not hinder the operations of the Farmers' Market.

(15) In pursuing a certificate of appropriateness for the Development, the Applicant will shall work with the City to achieve a final design that will minimize the visual impacts of the building on the South Street, Second St., S.W. and First Street elevations to the satisfaction of the BAR. The following conditions shall guide the review of an application for a certificate of appropriateness for this Development, and shall be applied in conjunction with applicable design guidelines:

- a. Building massing and scale should respond to the very different building scales along Water Street, South Street, Second Street SW and First Street without losing the integrity and simplicity of its own massing.
- b. First Street should be maintained as a separate urban component. Soften the impact of the retaining wall on First Street and create interest with opening or putting something in front of it. (for example: trees, public art, murals that are incorporated in the design of the building).
- c. The development should provide a sufficient number of openings along street frontages to encourage the activation of street and pedestrian experience. The opening allow for flexibility and variability for changes of use over time.
- d. Brick detailing will be evaluated across all four (4) facades of the proposed development.

AND BE IT FURTHER RESOLVED that this amended special use permit is expressly conditioned upon final closing and settlement of the sale of the Subject Property to the Applicant, as evidenced by recordation within the land records of the Circuit Court of the City of Charlottesville of a deed transferring title to the Subject Property to the Applicant.

**RESOLUTION
AMENDING A SPECIAL USE PERMIT
AS REQUESTED BY APPLICATION NO. SP17-00007
FOR A PROPOSED MIXED USE DEVELOPMENT ON WATER
STREET PROPOSED BY MARKET PLAZA, LLC**

WHEREAS, Market Plaza, LLC, contract purchaser (“Applicant”), with the permission of landowner City of Charlottesville, submitted application SP17-00007 on October 24, 2017, with drawings revised through 1/2/2018 (“Application”) seeking approval of An amended special use permit for property located between Water Street and W. South Street, bounded by the existing 2nd Street, S.W. and 1st Street South, identified on City Tax Map 28 as Parcels 69, 71, 72, 73, 74 and 75, and the undeveloped portion of the undeveloped right-of-way of 1st Street, S. (“Subject Property”), consisting collectively of approximately 1.18 acres; and,

WHEREAS, the original special use permit was originally approved by City Council (application no. SP-14-08-08) and was then amended by City Council (application SP 14-00003); the Application seeks an increase in residential density from 60 DUA to 83 DUA, and certain related changes, such as one (1) additional building story, to accommodate such density; and

WHEREAS, the Subject Property is zoned “WSD” (Water Street Corridor District), subject to the requirements of the City’s Parking Modified Zone, per § 34-971(e)(3), and of the Downtown architectural design control (ADC) overlay district; and the City’s Board of Architectural Review has previously been given an opportunity to make findings and recommendations on whether the proposed development would have an adverse impact on the ADC district, as required by City Code §34-157(a)(7); and

WHEREAS, following a joint public hearing before this Planning Commission and City Council, duly advertised and held on December 12, 2017, the Planning Commission reviewed the Application and determined that the proposed amendment of the special use permit, as to increased density, is appropriate and would serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code, and the Planning Commission has transmitted this recommendation to City Council; and

WHEREAS, following the December 12, 2017 joint public hearing, the development plan for the Development was updated to reflect comments received, as reflected in updated drawings revised as of 1/2/2018 which are part of the Application pending before Council, and this Council finds that, under suitable regulations and safeguards set forth in the conditions set forth herein below, the proposed amended special use permit would serve the interests of the public necessity, convenience, general welfare or good zoning practice, and would conform to the criteria generally applicable to special use permits as set forth within §§ 34-156 et seq. of the City Code,; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, that the special use permit previously granted to the Applicant is hereby amended to ratify the proposed mixed use development that is the subject of SP-14-08-08, subject to the following modifications: **(i)** residential density up to 83 dwelling units per acre, not to exceed 97 dwelling units; **(ii)** substitution of an updated and modified development plan, as identified in the conditions set forth following below:

NOW, THEREFORE, BE IT RESOLVED that the conditions of the special use permit for the Subject Property are hereby amended and reenacted, to read as follows:

SPECIAL USE PERMIT CONDITIONS:

- (4) The design, height, density, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the Application. Except as the design details of the Development may subsequently be modified to comply with requirements of (i) a certificate of appropriateness, (ii) approval of a final site plan, stormwater management plan, or other required governmental approval, and/or (iii) any other provision(s) of these SUP Conditions, any substantial change of the Development that is inconsistent with the Application shall require a modification of this SUP.
- (5) As used within these conditions, the term “Applicant” shall include the applicant’s successors and assigns.
- (6) This Project is subject to the requirements of City Code §34-12. The Applicant has elected under §34-12(d)(1) to provide eight (8) affordable dwelling units at an off-site location within the City, to be and remain affordable for a period of fifteen (15) years. The Applicant’s affordable housing obligation shall be governed by the provisions of §34-12.

(3) Impact on Adjacent Streets and Properties

- a. In the design and layout of the Development, the City’s historic street grid pattern shall be respected. Although First Street may not ultimately be used or maintained by the City for vehicular traffic, site design shall nevertheless reinforce, visually or otherwise, the historic layout which connected Lee Park and the Downtown Mall, on the north, to Garret Street, on the south. Visual and Pedestrian access shall be maintained as part of the development, by leaving the area of First Street unoccupied by buildings or structures above the level of the open-air plaza (“Plaza”), with the exception of an elevator on Water Street.

- b. All outdoor lighting and light fixtures shall be full cut-off luminaires.

- c. To encourage active uses and building access, a minimum of three (3) to five (5) entrances/openings shall be established on Water Street, 2nd Street SW, and South Street, as approved by a certificate of appropriateness. On South Street, these will lead to the Plaza.

- d. Balconies: Throughout the life of the Development, the owner of the Subject Property shall establish enforceable rules to regulate the use and appearance of balconies. Such rules shall be set forth within written instruments that will be binding upon the occupants of the building (for example: recorded covenants or restrictions for condominium or homeowners’ associations; written leases; etc.).

(4) The Plaza shall be and remain an open-air plaza throughout the life of the Development and shall include pedestrian links. The Plaza and the Market area referenced below should contribute positively to the City’s open space network.

- a. The Plaza may not be designed, constructed or used as surface parking for motor

vehicles. The Plaza should be perceived as an open space, not as a private parking lot, when not in use. The Plaza shall be maintained as an attractive, user-friendly open-air space. The Plaza will not be a traditional public forum such as a street or public park; however the public will be invited to use and enjoy the Plaza as an invitee of the Applicant, subject to rules and regulations established by the Applicant in its discretion to ensure the quiet enjoyment of residents and other users of the Development. Except for temporary periods of time during the events referred to in paragraph (4) (b) following below, the amount of programmed private space within the Plaza shall not exceed (i) fifty percent (50%) of the area of the Plaza, or (ii) the gross floor area of the retail space within the adjacent building, whichever is less. For the purpose of this requirement “programmed private space” refers to use and occupancy of the space by the owner of the development or its tenants, for example (without limitation): outdoor cafés, restaurants and bars, and related facilities.

b. The Plaza will be closed to other uses and users during specified time periods for events scheduled by the Applicant or its lessees or licensees; however, the Plaza shall not be closed for such events more than 52 times per calendar year. Following any such event, the Plaza shall promptly be returned to a clean and attractive condition, and public access to the site shall be restored to the use referenced in paragraph (4)(a), above, subject to hours agreed upon by the City and the Applicant. The general public shall have a right of access to and use of the pedestrian access connecting Water Street and South Street, which shall include a 16-foot wide pedestrian walkway and handicap access via elevator, and this right of public access shall be recognized within a written instrument recorded within the City’s land records prior to the issuance of any building permit for the project. A copy of the recorded instrument, with deed book and page references, shall be submitted to the City along with the first request for a building permit for the Development. First Street pedestrian access will remain open at all times (even during private events, except if closed for City-sponsored events such as the Farmers Market, or by temporary street closure permit).

c. The design and construction of the Plaza and market shall incorporate amenities such as, but not limited to art, trees, benches or other seating areas, and/or other amenities that encourage public invitees to utilize and enjoy the Plaza in accordance with rules and regulations established by the Applicant pursuant to paragraph (4)(a), above.

d. A plan prepared to a scale of 1 inch = 10 feet shall be provided as part of the proposed final site plan for the Development, depicting the Plaza and all amenities to be included in the Plaza (“Plaza Layout”), such as: paving surfaces and materials, benches, trash receptacles, trees and landscaping, etc. Included in this plan shall be a schedule of site furnishings to be provided on the Plaza, including any shelter areas or shading devices, benches, bicycle racks, trash and recycling receptacles, and other associated furnishings. All amenities and furnishings shall be of a scale and nature that is compatible with the character of the Development and the City’s Historic District guidelines. The Plaza Layout shall include the layout for vendor stands to be located within the Plaza on City Market days (“Market Plan”). The Market Plan may be changed, from time to time by the City Parks and Recreation Department with the agreement of the Applicant. Any such change approved by the Parks and Recreation Department will be submitted to the Director of Neighborhood Development Services for administrative approval as a minor site plan amendment,

provided such changes do not alter the conditions of Use delineated in Section 10 (Farmer's Market).

(5) Sound. On and within the open air Plaza, and other exterior areas of the Subject Property, no human voice, and no instrument, machine or device, including any device that amplifies sound, shall be used or operated in a manner that causes a sound generation of seventy-five (75) db (A) or more, at a distance of ten (10) feet or more from the source of the sound generation. The prohibition of this condition shall not apply to any sound generation which occurs as part of the Farmer's Market authorized by this permit. This condition regulating sound generation shall remain in effect until such time that the City's noise ordinance is amended to apply to the exterior areas of the Subject Property.

(6) Parking. The on-site parking garage shall meet the following requirements:

a. To facilitate and encourage the provision of a future access easement, the garage shall be designed to accommodate potential future access to/from the Property located to the east of the Development site ("Adjacent Property") through provision of alternate access design, such as knock out panels. The accommodation for the potential future access shall be depicted and labeled on any proposed final site plan and building construction plans submitted to obtain any building permits. The owner of the Property shall negotiate an agreement regarding operating and construction costs, maintenance, liability, hours of operation, design and traffic flow, etc. for such access, with the owner of the adjacent property, at such time as the Adjacent Property is developed or redeveloped.

b. Water Street serves as part of the City's east-to-west bike corridor. To maintain ease of pedestrian and bicycle movement on Water Street, there shall be no more than one (1) vehicular entrance or exit for the Development on Water Street. This single entrance/ exit shall have no more than 2 lanes of traffic, unless a traffic impact analysis denotes that more lanes are necessary. The parking garage will provide a separate entrance/exit for pedestrians.

(7) The required building setback along the property line adjacent to Water Street shall be a minimum 7 feet and a maximum of 12 feet.

(8) Along Water Street there shall be provided a setback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on Water Street shall be 25 feet, and the maximum height shall be no less than 45 feet nor more than 50 feet, as may be approved pursuant to a certificate of appropriateness.

(9) Along 2nd Street SW there shall be provided a setback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on 2nd Street SW shall be 25 feet, and the maximum height of the streetwall shall be 45 feet.

(10) Farmer's Market: The Plaza shall be designed and constructed with materials and amenities that make it desirable and convenient for use as a Farmer's Market open to the public at times and dates to be determined by a separate lease agreement between the Applicant and the City.

a. The Farmer's Market shall be visible from adjacent vehicular rights-of-way, accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a flow of pedestrians among the various vendor stands within the Market and provides area(s) in which pedestrians may stand or sit out of the "flow" of circulation.

b. The Farmer's Market shall accommodate no fewer than 102 vendors and the entire area of the Plaza area shall be available to the market on market days, including the convertible indoor space. Unless otherwise acceptable to the Farmer's Market operator, all such spaces shall be located adjacent or contiguous to each other, all on the same level/ grade, in order that all vendors participating in the Farmer's Market clearly appear to be part of one coordinated "event."

c. The Plaza shall be designed and constructed of materials from which wear and tear reasonably to be anticipated from the Farmer's Market use can easily be removed or repaired. Outdoor hose connections shall be provided, in a number and location that is easily accessed by Farmer's Market users for the purposes of cleaning the Plaza area after each Farmer's Market day. The Applicant or its successors shall ensure, either itself, or through agreements with the Farmer's Market or third parties, that upon conclusion of the Farmer's Market, the Plaza will be restored to a clean condition.

(11) Construction

a. Prior to commencement of any land disturbing activity on the Property, the Applicant shall hold a meeting with notice to all adjoining property owners and the City's Downtown Business Association, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.

b. The Applicant shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.

c. The Applicant shall provide the city's director of neighborhood development services, adjoining property owners and the Downtown Business Association with written notice of a person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.

c. If the City's existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Applicant shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.

d. The Applicant shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the Building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site

plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.

e. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the Applicant shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

(12) Traffic

a. A Traffic Plan, showing the layout of signs, details, signals, turning lanes, entrances and exits, and pavement markings, shall be submitted to the City as part of the proposed final site plan for the development.

b. The Applicant shall be responsible for the cost of constructing, in areas adjacent to the Property, any turning lane(s), traffic signals, or other public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.

c. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.

d. The Applicant shall provide the City with a Traffic Impact Analysis (TIA), as part of its proposed final site plan for the Development, if the trip generation data for the subject Property is over 100 vehicles in any peak hour for any adjacent street.

e. Trip generation data shall be separately provided for each and every category of use anticipated within the proposed development. Consistent with requirements of Chapter 5 of the City's Standards and Design Manual, "projected traffic" figures and data shall include trip generation data for traffic projected to result from the complete build-out of all land to be served by adjacent public streets, including traffic which may be forecasted to be generated by development, both internal and external to the Development Site.

f. Except as otherwise required by these conditions, the TIA shall conform to the requirements of Chapter 5 of the City's Standards and Design Manual. The Applicant shall meet with the City's Traffic Engineer and Director of Neighborhood Development Services, or designee, to determine the scope of the TIA, prior to submission.

(13) The Applicant must declare how it intends to comply with City Code 34-12, prior to the issuance of a building permit for the Development. In the event that the Applicant chooses to make a contribution to the City's Affordable Housing Fund to comply with City Code 34-12, no building permit shall be issued for the development until the amount of the contribution has been calculated by the Applicant and confirmed by the City's Director of Neighborhood Development Services, or designee, and until a

binding schedule for payment of such contribution to the City has been established.

(14) The landscaping plan required as a component of final site plan approval for this Development shall include native or appropriate tree plantings along all street frontages, as well as trees on the Plaza subject to BAR approval. Trees on the Plaza shall be planted using roof planting methods and not hinder the operations of the Farmers' Market.

(15) In pursuing a certificate of appropriateness for the Development, the Applicant will shall work with the City to achieve a final design that will minimize the visual impacts of the building on the South Street, Second St., S.W. and First Street elevations to the satisfaction of the BAR. The following conditions shall guide the review of an application for a certificate of appropriateness for this Development, and shall be applied in conjunction with applicable design guidelines:

a. Building massing and scale should respond to the very different building scales along Water Street, South Street, Second Street SW and First Street without losing the integrity and simplicity of its own massing.

b. First Street should be maintained as a separate urban component. Soften the impact of the retaining wall on First Street and create interest with opening or putting something in front of it. (for example: trees, public art, murals that are incorporated in the design of the building).

c. The development should provide a sufficient number of openings along street frontages to encourage the activation of street and pedestrian experience. The opening allow for flexibility and variability for changes of use over time.

d. Brick detailing will be evaluated across all four (4) facades of the proposed development.

AND BE IT FURTHER RESOLVED that this amended special use permit is expressly conditioned upon final closing and settlement of the sale of the Subject Property to the Applicant, as evidenced by recordation within the land records of the Circuit Court of the City of Charlottesville of a deed transferring title to the Subject Property to the Applicant.

RESOLUTION

WHEREAS, Dogwood Properties LLC intends to develop certain land located at 801 Harris Street to establish a multifamily dwelling to be offered as rental units (“New Dwelling Units”), and Dogwood Properties LLC further intends to offer each of those units as affordable housing to income-qualified tenants, as set forth within a Memorandum of Understanding dated March 28, 2018 between Dogwood Properties LLC and the City of Charlottesville; and

WHEREAS, pursuant to Section 50.7 of the Charter of the City of Charlottesville, the City may make grants of funds to owners of dwellings or dwelling units within the City for the purpose of subsidizing, in part, the rental payments due and owing to the owner by a “low- or moderate-income person” as that term is defined in Section 50.7;

NOW, THEREFORE, BE IT RESOLVED by the Charlottesville City Council that the City Manager is hereby authorized to execute the Memorandum of Understanding dated March 28, 2018 between Dogwood Properties LLC and the City, and

BE IT FURTHER RESOLVED that, pursuant to a written grant agreement containing terms and conditions acceptable to the City Manager and the City’s Finance Director, City Council hereby authorizes the Charlottesville Affordable Housing Fund (CAHF) to be used as the source of rent subsidy payments made by the City to the owner of the New Dwelling Units, to secure tenancies affordable to low-or moderate-income persons, as defined in Section 50.7 of the City’s Charter.

MEMORANDUM OF UNDERSTANDING

This **MEMORANDUM OF UNDERSTANDING** (“**MOU**”) is made by and between Dogwood Properties LLC and The City of Charlottesville, as of March 28, 2018.

1. **Parties:** the parties to this Agreement are Dogwood Properties LLC a Virginia limited liability company organized pursuant to the laws of the Commonwealth of Virginia, who is the owner of certain land located at 801 Harris Street (“**Property**”), in the City of Charlottesville (“**Landowner**”), and the City of Charlottesville, Virginia (“**City**”).

2. **Intention of Landowner.** It is the intention of the Landowner to construct certain new dwelling units at the Property (“**New Dwelling Units**”), and upon completion of construction (and following receipt of a certificate of occupancy for each new dwelling) to offer each dwelling unit, initially, and thereafter, each time there is a vacancy, for rental by a low- or moderate-income person whose rent is subsidized either by (i) a housing voucher from an established program (such as Housing Choice Program), and/or (ii) or by a rent subsidy paid by the City to the Landowner pursuant to a written grant (rent subsidy) agreement. The Landowner’s intention would be to continue to offer a vacant unit for subsidized rental in this fashion for a period of up to 20 years.

3. **Intention of the City.** It is the City’s intention to offer a written grant (rent subsidy) agreement to secure occupancy of the dwelling units on the Property by low- or moderate-income persons. The terms and conditions of any such grant agreement would include provisions detailing how vacant units would be advertised or otherwise offered for rental first to low- or moderate-income persons, and if no subsidized rental can be arranged within a reasonable period of time (to be specified within the grant agreement) then to others.

- a. For New Dwelling Units that are required affordable dwelling units pursuant to the election required by City Code §34-12, then any rent subsidy for those units would be for the purpose of achieving a deeper subsidy than the one required by §34-12;
- b. For New Dwelling units other than those referenced in paragraph a, above, then a rent subsidy shall be in such amount(s) as specified within the written rent subsidy agreement, to cover the difference between a person’s income and FMV rent.

4. **Obligations of Parties.** Landowner will use its best efforts to secure all zoning and environmental approvals required to authorize the development referenced within this MOU prior to completion of construction of the West 2nd Project on Water Street, and shall make application for any required special use permit within six (6) months of the Closing of the sale of City Land on Water Street to Market Plaza, LLC. The City and Landowner shall enter into a written rent subsidy agreement no later than the date on which a building permit is issued authorizing commencement of construction of the New Dwelling Units.

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



Agenda Date:	April 2, 2018
Action Required:	Resolution
Staff Contacts:	Alex Ikefuna, Director of NDS
Presenter:	Alex Ikefuna, Director of NDS
Title:	Honorary Street Name Designation - Rue de Besançon

Background: The City received an application for honorary street name designation for 2nd Street, NE, from High Street to E. Main.

Discussion: On February 23, 2018, the City Clerk received an application for Honorary Street Designation for 2nd Street, NE, from High Street to E. Main. The proposed location was not acceptable because it has already been designated in honor of Preston Coiner. The applicant has requested, as a substitute, that 2nd Street NW, from High Street to East Main be designated as RUE DE BESANÇON.

Alignment with City Council’s Vision and Priority Areas:

According to the City’s Honorary Street name policy, “honorary street name designations should be limited to individuals, or events that have made an important and lasting contribution to the City of Charlottesville or represent a key part of its history. Approval of this agenda item is consistent with the City Council’s Vision Statements of commitment to create “a community of mutual respect and C’ville arts and culture” by recognizing the important contributions of community members and diverse cultures. It also reflects the City’s theme of being a “World Class City.”

Besançon has been our Sister City in France since official papers were signed in 2006. For many years prior to that the citizens and officials of Charlottesville and Besançon have enjoyed visits and exchanges which are on-going. Besançon already has a street named for Charlottesville.

Charlottesville has a long history of ties to France, beginning with Thomas Jefferson (a true Francophile) and Lafayette’s defense of our area from the British. Today our community has many French and Francophile citizens, as reflected by 1) the large Alliance Francaise chapter with its school for adults and its outreach into public elementary schools; 2) AFC-sponsored after school programs; 3) a large informal Meet up group; 4) language programs at UVA and Piedmont College; 5) email buddy relationships between classes in our two cities; 6) long history of intern exchange for students and teachers; 7) planning being finalized with the

Besançon Rectorat (K-12 leadership and teacher education) and Charlottesville Superintendent of Schools for additional cooperative programs.

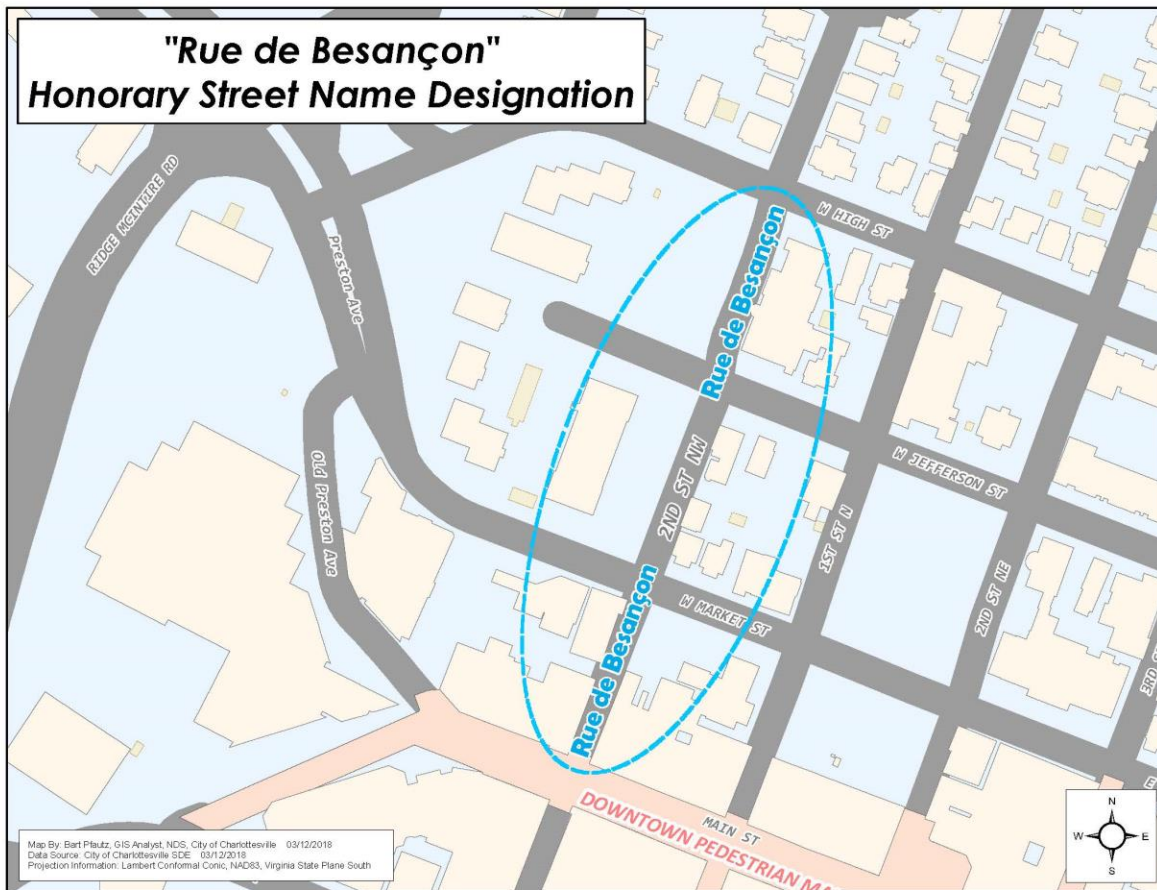
Besançon and Charlottesville are in the process of developing business partnerships and a business exchange program.

Our two cities are similar in many respects, including rich cultural and historic assets, emphasis on academia with fine universities and schools, high level of citizen education and concomitant value placed on books including book festivals, a vibrant community of musicians, artists and fine theatre. Both cities are mostly encircled by a beautiful river – the Rivanna and the Doubs.

This request is in honor of our sister City and Charlottesville’s commitment to democratic and globalism values.

Mayor Jean-Louis Fousseret will be heading an official delegation to Charlottesville from Besançon on April 13-21, 2018, and they hope to celebrate the mutual relationship during that week with a renaming ceremony followed by an official reception and presentation of a key to the city. A reciprocal visit is planned for Charlottesville delegation to Besançon in September of this year during BESANÇON’s International Music Festival and its Book Festival.

Location Map:



Citizen Engagement: As required by the policy, the application was sent to the Downtown Business Association of Charlottesville (DBAC) and the North Downtown Neighborhood Association for comments. No comment was received from the North Downtown Neighborhood Association.

Budgetary Impact: \$500 per designation to cover the cost of sign material and fabrication. The installation of sign and on-going maintenance will be completed by City staff.

Recommendation: Staff recommends approval of the resolution to give this street an honorary designation in recognition of the City of Charlottesville's Sister City partner in France.

Alternatives: Do not make a resolution.

Attachment: Resolution

RESOLUTION
Honorary Street Name Designation –
2nd Street NW, from High Street to East Main

WHEREAS, City Council adopted a policy for Honorary Street Name Designation;

WHEREAS, City Staff has reviewed the application for appropriateness and verified the historical information;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that that 2nd Street NW, from High Street to East Main Street shall be honorary named RUE DE BESANÇON.

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



Agenda Date:	April 2, 2018
Action Requested:	Consideration of a Rezoning Application
Presenter:	Alex Ikefuna, NDS Director
Staff Contacts:	Matt Alfele, City Planner
Title:	ZM-17-00004 1206 Carlton Avenue

Background:

Justin Shimp (on behalf of the owner, Hulett Management Services) submitted a rezoning application for 1206 Carlton Avenue (Subject Property) from the existing residential use (R-2) to multi-family residential use (R-3) with no proffers. The rezoning application requested (in conjunction with SUP application SP17-00008) is to accommodate a proposed six (6) unit apartment building on the subject property that would not be permitted under the current zoning. The subject property is currently vacant with road frontage on Carlton Avenue and alley access from the rear of the property to Bainbridge Street. The proposed apartment building would contain six (6) two-bedroom units with seven (7) parking spaces.

In addition to the rezoning application, Justin Shimp, on behalf of the owner, (Hulett Management Services) submitted a Special Use Permit application (SUP) for a residential density of twenty-four (24) DUA (Dwelling Units per Acres). An increase in density through a SUP is not permitted unless the Subject Property is granted a rezoning to R-3 through ZM-17-00004. In addition to increased density, the applicant is requesting adjustments to side yard regulations per Z.O. Sec. 34-162 from the required eleven (11) feet six (6) inches to eight (8) feet to accommodate the location of the proposed building.

Discussion:

The Planning Commission discussed this matter at their March 13, 2018 meeting.

The discussion of the subject property centered both on the rezoning application and the SUP application. The appropriateness of a six (6) unit apartment on such a small lot and the adverse impact it could have on the surrounding neighborhood was the main focus of the discussion. An apartment with six (6) two-bedroom units and only seven (7) parking spaces seemed inadequate

to the Planning Commission. They expressed concerns that overflow parking would impact Carlton Avenue and Chestnut Street. The lack of a sidewalk on the north side of Carlton Avenue, the lack of a crosswalk, illegal parking, and speeding were also concerns. The Commission discussed how the lack of pedestrian features and speeding at this location could impact the safety to children walking to school. The massing of the building was also a concern. Most of the buildings in the area are one (1) and two (2) stories in height. The proposed apartment would be three (3) stories with a max height of (35) feet. It should be noted this is the same max height (35 feet) for the current R-2 zoning. The Commission was concerned the building would not transition well to the southern and western adjacent properties. It was also noted that this type of development (small apartment) is a needed housing type, but this location might not be appropriate.

Alignment with City Council's Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to *Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

The Planning Commission held a joint Public Hearing with City Council on this matter at their meeting on March 13, 2018

During the March 13th Public Hearing, two members of the public spoke. One spoke in support of the project and believed it was in line with the “social fabric” of the neighborhood. The other speaker read a list of concerns from the Belmont-Carlton Neighborhood Association. The speaker indicated the concerns were not related to this specific project, but the concentration of development overall in Belmont and the need for the City to address infrastructure.

On November 13, 2017 the applicant held a community meeting at Clark Elementary. The applicant gave an overview of the project as it related to the need for a rezoning and a SUP. The community voiced the following concerns with the proposed development:

- One (1) parking space per unit would be inadequate. Traffic and a shortage of parking in the neighborhood is an ongoing problem and this development could contribute to that.
- The existing alley is not adequate for ingress/egress.
- The building should be pushed north to allow additional sunlight into the apartments.

Staff received a number of emails regarding this project and they have been forwarded to Planning Commission and City Council. The main concern noted is related to inadequate parking for this project.

Budgetary Impact:

This has no impact on the General Fund.

Recommendations:

The Planning Commission took the following action:

Mr. Santoski moved to recommend denial of this application to rezone the subject property from R-2 to R-3, on the basis that the proposal would not serve the interests of the general public and good zoning practice.

Ms. Dowell seconded the motion. The motion passed 4 – 2.

Alternatives:

City Council has several alternatives:

- (1) by motion, deny the requested Rezoning as recommended by the Planning Commission;
- (2) by motion, take action to approve the attached ordinance granting the Rezoning;
- (3) by motion, request changes to the attached ordinance, and then approve the Rezoning; or
- (4) by motion, defer action on the Rezoning.

Attachments:

A. Ordinance

B. Link to the Staff Report and background information from the March 13, 2018 Planning Commission meeting:

<http://www.charlottesville.org/home/showdocument?id=60818>

(Staff Report starts on page 225)

**AN ORDINANCE
APPROVING A REQUEST TO REZONE PROPERTY LOCATED AT
1206 CARLTON AVENUE
FROM R-2 (RESIDENTIAL TWO FAMILY) TO R-3 (RESIDENTIAL MULTI-FAMILY)**

WHEREAS, Shimp Engineering is the Owner’s Agent/Engineer for Landowners Chris Hulett/ Hulett Management Services (collectively, “Applicant”) with respect to certain property located at 1206 Carlton Avenue, designated on City Tax Map 57 as Parcel 127, and the Applicant seeks a rezoning of such property from R-2 (Residential Two-Family) to R-3 (Residential Multi-Family) (hereinafter referred to as the “Proposed Rezoning”); and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the Planning Commission and City Council on March 13, 2018, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, legal notice of the public hearing held on March 13, 2018 was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, on March 13, 2018, following the public hearing, the Planning Commission voted to recommend that City Council should deny the Proposed Rezoning; and

WHEREAS, on April 2, 2018, this City Council considered the matters addressed within the Application and Staff Report, comments received from the public, including those received at the public hearing on March 13, 2018, in this matter, as well as the Planning Commission’s recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Rezoning; that both the existing zoning classification (R-2 Residential Two-Family) and the proposed zoning classification R-3 (Residential Multi-Family) are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

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

Section 34-1. Zoning District Map. Rezoning from R-2 Residential Two-Family to R-3 Residential Multi-Family, the property located at 1206 Carlton Avenue, designated on City Tax Map 57 as Parcel 127, consisting of approximately 0.26 acre.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 2, 2018
Action Required:	Ordinance Adoption
Presenter:	Carrie Rainey, City Planner, Neighborhood Development Services
Staff Contacts:	Carrie Rainey, City Planner, Neighborhood Development Services
Title:	ZM17-00003 Rezoning of Property at 0 Monticello Road

Background:

Caitlin Byrd Schafer of Henningsen Kestner Architects acting on behalf of the owner, Richard Spurzem, has submitted a rezoning application to rezone 0 Monticello Road (Subject Property) from the existing commercial district (M-I) to low-family residential (R-1S) with no proffers. The Subject Property is further identified as Tax Map 61, Parcel 265.A. This rezoning is requested to accommodate a proposed single family detached dwelling on the subject property. The full application package can be viewed at:

<http://www.charlottesville.org/home/showdocument?id=60818>

Discussion:

The Planning Commission discussed the high-density residential designation for the subject property on the 2013 Future Land Use Map, the harmonious nature of the proposed rezoning with the surrounding neighborhood, and the critical slopes on the subject property. The Planning Commission also discussed the applicant-held community meeting and expressed a desire for applicants to attend neighborhood association meetings where possible in lieu of separate community meetings.

Alignment with Council Vision Areas and Strategic Plan:

The project supports City Council's "Quality Housing Opportunities for All" vision by providing additional housing in the neighborhood. The project supports City Council's "Smart, Citizen-Focused Government" vision by ensuring development of the vacant lot does not adversely affect the existing residents of the surrounding neighborhood. It contributes to Goal 3 of the Strategic Plan, A Beautiful and Sustainable Natural and Built Environment through objective 3.1, Engage in robust and context sensitive urban planning and implementation.

Community Engagement:

City Council held a joint public hearing with the Planning Commission on March 14, 2018. One speaker representing the Belmont-Carlton Neighborhood Association stated the Association had no objections to the rezoning but would prefer more interaction and community engagement with all developments going on in the neighborhood.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of rezoning the applicant's parcel.

Planning Commission Recommendation:

The Planning Commission took the following action:

Mr. Lahendro moved to recommend approval of this application to rezone the subject property from the M-I district to the R-1S district on the basis that the proposal would serve the interests of the general public welfare and good zoning practice. This recommendation of approval is based on *Sec. 34-42(2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community.*

Ms. Dowell seconded the motion. The Commission voted 6-0 to recommend approval of the application to rezone the Subject Property.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance for rezoning (as recommended by the Planning Commission);
- (2) by motion, take action to deny the attached ordinance for rezoning; or
- (3) by motion, defer action on the attached ordinance for rezoning.

Attachments:

- A. Proposed Ordinance
- B. Staff Report presented at Public Hearing, dated March 1, 2018

**AN ORDINANCE
APPROVING A REQUEST TO REZONE PROPERTY LOCATED AT
0 MONTICELLO ROAD
FROM M-1 (LIGHT INDUSTRIAL) TO R-1S (RESIDENTIAL, SMALL LOT)**

WHEREAS, Henningsen Kestner Architects as the Agent/Architect for Landowner Richard Spurzem (together, “Applicant”) has filed an application seeking a change in zoning with respect to certain property located on Monticello Road, currently designated on City Tax Map 61 as Parcel 265.A, having an address of 0 Monticello Road, and the Applicant seeks a rezoning of such property from M-1 (Light Industrial) to R-1S (Residential-Small Lot) (hereinafter referred to as the “Proposed Rezoning”); and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the City Council and Planning Commission on March 13, 2018, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, legal notice of the public hearing held on March 13, 2018 was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, on March 13, 2018, following the public hearing, the Planning Commission voted to recommend approval of the Proposed Rezoning to the City Council, based on their finding that the rezoning is required by the public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, City Council has considered the matters addressed within the Proposed Rezoning and Staff Report, comments received from the public, including those received at the public hearing in this matter, as well as the Planning Commission’s recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare or good zoning practice requires the Proposed Rezoning; that the existing zoning classification, as well as the proposed zoning classification, are both reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

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

Section 34-1. Zoning District Map. Rezoning from M-1 Light Industrial to R-1S Residential-Small Lot, the property located on Monticello Road, designated on City Tax Map 61 as Parcel 265.A (0 Monticello Road), consisting of approximately 0.0895 acres, or 3,899 square feet

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR A REZONING OF PROPERTY

JOINT CITY COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING

DATE OF HEARING: March 13, 2018
APPLICATION NUMBER: ZM17-00003

Project Planner: Carrie Rainey
Date of Staff Report: March 1, 2018

Applicant: Henningsen Kestner Architects
Applicants Representative: Caitlin Byrd Schafer
Current Property Owner: Richard Spurzem

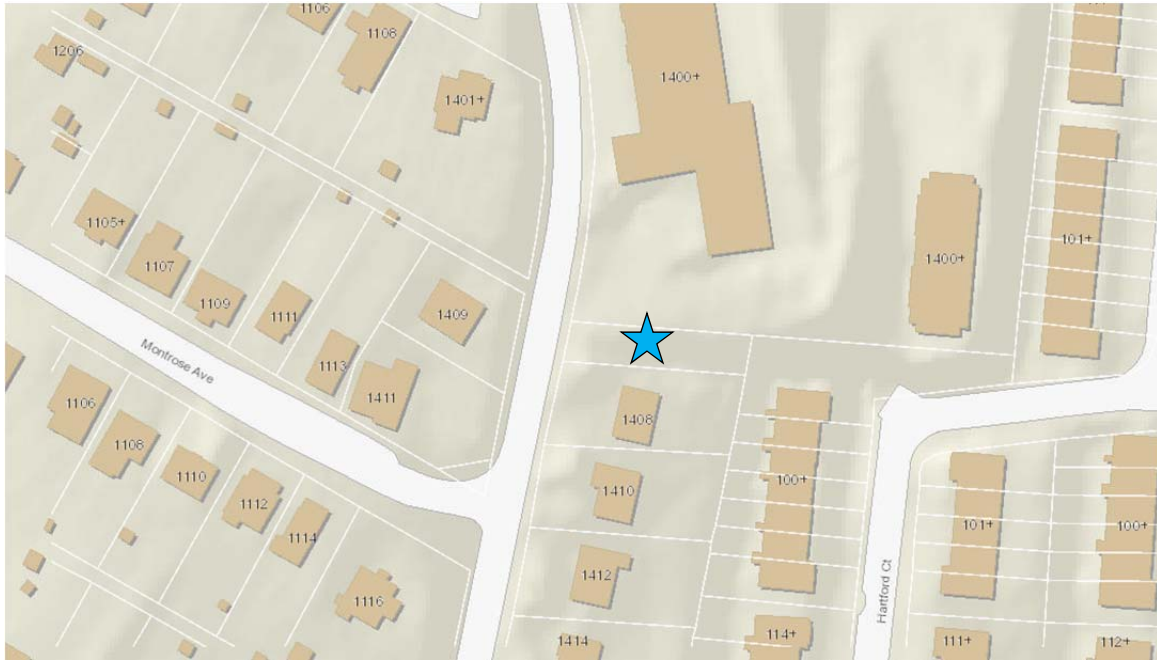
Application Information

Property Street Address: 0 Monticello Road
Tax Map/Parcel #: Tax Map 61, Parcel 265.A
Total Square Footage/ Acreage Site: Approx. 0.0895 acres (3,899 square feet)
Comprehensive Plan (General Land Use Plan): High Density Residential
Current Zoning Classification: M-I
Tax Status: The parcel is up to date on payment of taxes.
Completeness: The application generally contains all of the information required by Zoning Ordinance (Z.O.) Sec. 34-41.

Applicant's Request (Summary)

Caitlin Byrd Schafer of Henningsen Kestner Architects (on behalf of the owner, Richard Spurzem) has submitted a rezoning application to rezone 0 Monticello Road (Subject Property) from the existing commercial district (M-I) to low-family residential (R-1S) with no proffers. This rezoning is requested to accommodate a proposed single family detached dwelling on the subject property and better fit with its adjacent residential neighborhood.

Vicinity Map

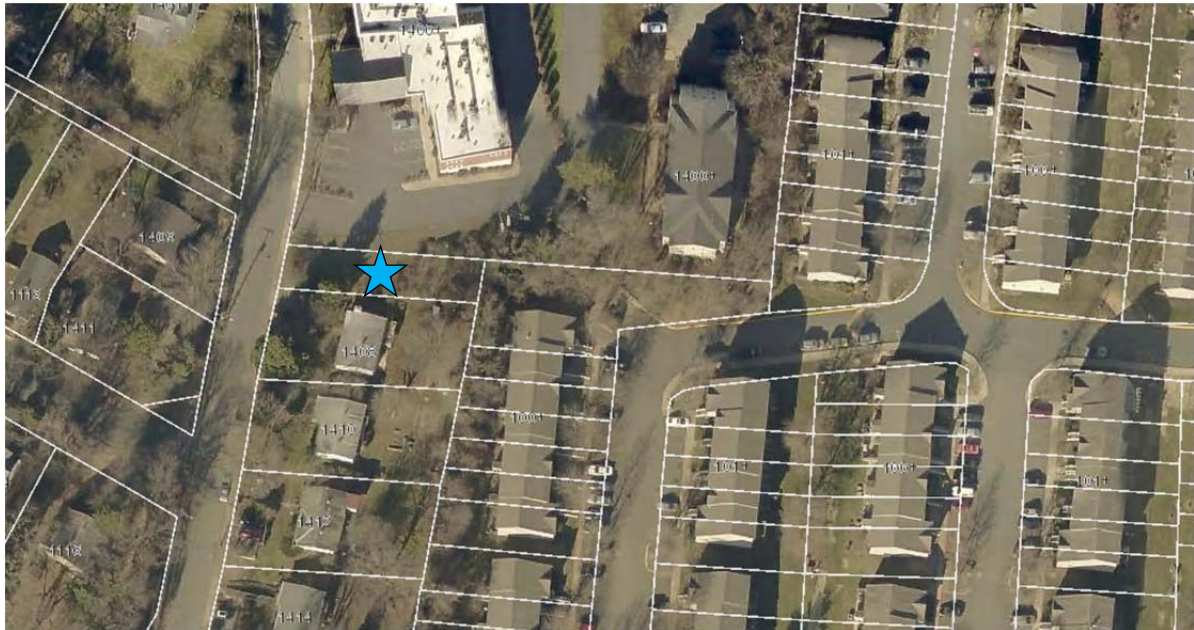


Zoning Map

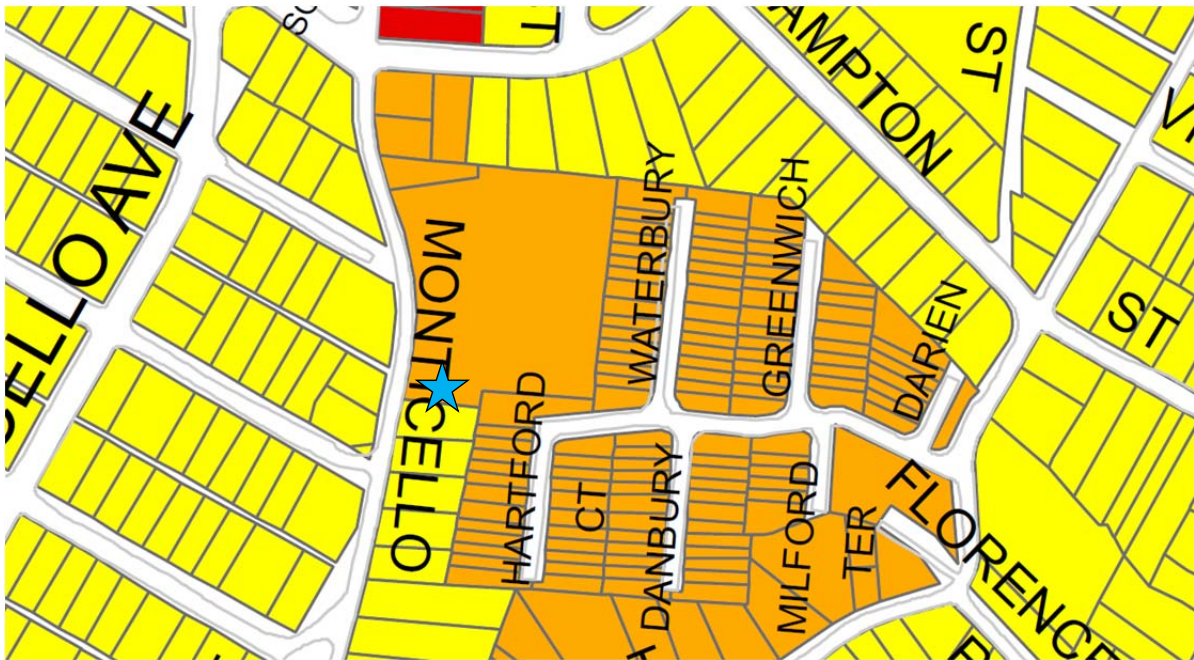


Gray: Industrial (M-I), **Yellow:** Residential (R-1S) Single-Family, **Dark Orange:** Residential (R-3) Multi-family

2016 Aerial



2013 Comprehensive Plan Land Use Map



Yellow: Low Density Residential, **Orange:** High Density Residential, **Red:** Neighborhood Commercial

Standard of Review

City Council may grant an applicant a rezoning request, giving consideration to a number of factors set forth within Z.O. Sec. 34-41. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to whether or not Council should approve a proposed rezoning based on the factors listed in Z.O. Sec. 34-41(a):

All proposed amendments shall be reviewed by the planning commission. The planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

Zoning History of the Subject Property

Year	Zoning District
1949	B-2 Business
1958	M-1 Restricted Industrial
1976	M-1 Restricted Industrial
1991	M-1 Restricted Industrial
2003	M-I Industrial

Z.O. Sec. 34-42

1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;

a. Land Use

The applicant’s own analysis of the development’s consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the narrative section of the proposed rezoning application.

The Subject Property is currently zoned M-I commercial district, which is a district established to allow for light industrial uses with a minimum of environmental pollution in the form of traffic, noise, odors, smoke and fumes, fire and explosion hazard, glare and heat and vibration (Z.O. 34-440(d)). The district allows for a variety of commercial and industrial uses by-right, but requires a special use permit for residential dwellings include single family detached and attached, two-family, townhouse, and multi-family (Z.O. Sec. 34-480). The 2013 Comprehensive Plan Land Use Map indicates the Subject Property should be a high-density residential use. The land use section of the comprehensive plan indicates high-density residential use as having a dwelling unit per acre (DUA) count over fifteen (15) or locations with multi-family housing types (townhouses, apartment, condominiums). The applicant is requesting a rezoning of the Subject Property to the R-1S single-family “small lot” district to better fit within the surrounding predominantly residential neighborhood and to accommodate the construction of a single family detached dwelling. The applicant is proposing to retain all uses permitted in the R-1S residential district as allowed under Z.O. Sec. 34-420 and is offering no proffers with this application.

Adjacent Properties

<i>North</i>	<i>M-I</i>	<i>Multi-family Residential</i>
<i>South</i>	<i>R-1S</i>	<i>Residential</i>
<i>East</i>	<i>R-3</i>	<i>Multi-family Residential</i>
<i>West</i>	<i>R-1S</i>	<i>Residential</i>

Lot Size and Frontage

The Subject Property does not meet the current minimum lot area of 6,000 square feet for a single-family detached dwelling per Z.O. Sec. 34-1123, and the current minimum lot frontage of 50 feet per S.O. Sec. 29-161(f). However, Z.O. Sec. 34-1145(a) states any unimproved lot of record that is nonconforming as to required lot area, lot frontage, or any combination thereof, may be used for any use permitted by right or with a special use or provisional use permit in such zoning district. A single-family detached dwelling is allowed by special use permit under the current M-I commercial district zoning and could also be built under the current zoning district.

Staff Analysis: Staff finds the proposed rezoning is not consistent with the Comprehensive Plan Land Use Map, but may contribute to other goals within the Land Use chapter of the Comprehensive Plan, including Goal 2.1: *When considering changes to land use regulations, respect nearby residential areas.* The Subject Property is surrounded by residential uses, including low density residential uses to the south and west. The proposed R-1S single-family “small lot” zoning district was established to provide and protect quiet, low-density residential areas wherein the predominant pattern of residential development is single-family, per Z.O. Sec. 34-350(a). Staff finds rezoning the Subject Property to R-1S is respectful of nearby residential areas.

b. Community Facilities

The applicant’s own analysis of the development’s consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the narrative section of the proposed rezoning application.

Staff Analysis: Staff finds that the location of the Subject Property would be well serviced by existing community facilities such as public parks and educational institutions. The construction of a single-family dwelling or the other low-intensity uses allowed in the R-1S residential should have no major impacts to existing community facilities such as emergency services or public utilities.

c. Economic Sustainability

The applicant’s own analysis of the development’s consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the narrative section of the proposed rezoning application.

Staff Analysis: Staff finds that while the proposed rezoning may be considered a reduction in potential economic opportunity due to the existing commercial zoning district, there is no major conflict with the goals stated in Chapter 3 (Economic Sustainability) of the Comprehensive Plan. The proposed rezoning does not displace any existing business and the Subject Property is identified as residential use in the 2013 Future Land Use Map.

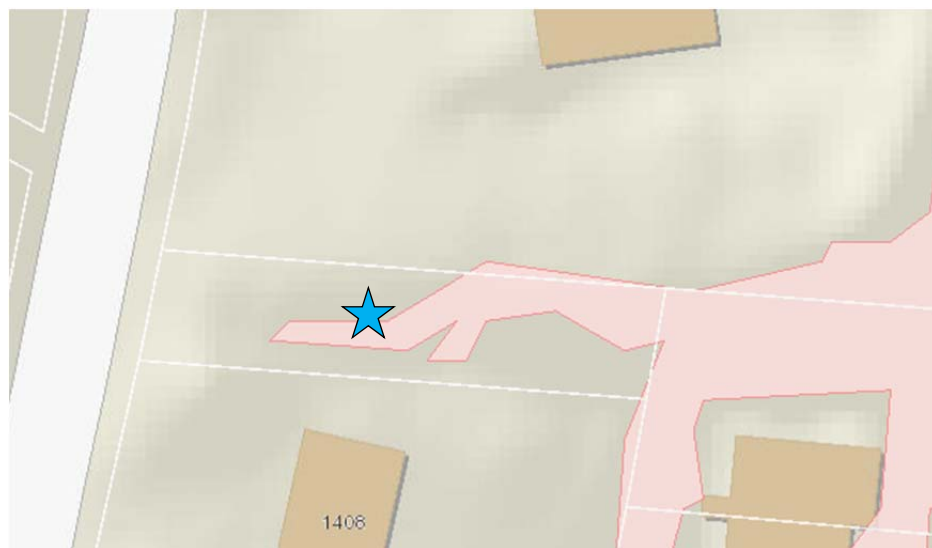
d. Environment

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the narrative section of the proposed rezoning application.

Staff Analysis: Per W.P.O. Sec. 10-22(a)(1) and 10-51(b)(4), disturbed land areas less than 6,000 square feet are exempt from erosion and sediment control plan and stormwater management plan requirements. The Subject Property is less than 6,000 square feet, and any proposed activity will be exempt regardless of zoning district.

Critical Slopes

The Subject Property contains critical slopes per Z.O. Sec. 34-1120(b)(2) as shown on the map below in pink. However, Z.O. Sec. 34-1120(b)(7)(b) states any 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.



Staff finds the proposed rezoning will not result in an increased impact to the environment and is not in conflict with the goals of the Environment Chapter of the Comprehensive Plan

e. Housing

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the narrative section of the proposed rezoning application.

Staff Analysis: Staff finds the uses allowable in the R-1S zoning district, such as a single family dwelling, on the Subject Property could contribute to the following goals in the Housing chapter of the Comprehensive Plan:

Goal 1.1: Consider the effect of housing decisions when considering the proximity of existing units and the effects of unit location on associated infrastructure.

Goal 1.2: Evaluate the effect of reduced transportation costs and improved energy efficiency on housing affordability.

Goal 3.6: Promote housing options to accommodate both renters and owners at all price points, including workforce housing.

Goal 8.5: Promote redevelopment and infill development that supports bicycle and pedestrian-oriented infrastructure and robust public transportation to better connect residents to jobs and commercial activity.

Per Z.O. Sec. 34-12(a), the applicant is not required to provide on or off site affordable housing or payment into the City's Affordable Housing Fund.

f. Transportation

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the narrative section of the proposed rezoning application.

Staff Analysis: The Subject Property is located within one mile of the downtown area and located on Monticello Road, recommended as a Shared Roadway in the Bikeway Facilities Recommendations Map in the 2015 Bicycle and Pedestrian Master Plan. The Subject Property is also located on Charlottesville Area Transit Route 1 and is in close proximity to Route 3. The allowable uses in the proposed R-1S zoning district are low in intensity and will result in minimal impact to traffic

congestion. Staff finds the uses allowable in the R-1S zoning district, such as a single family dwelling, on the Subject Property could contribute to the following goals in the Transportation chapter of the Comprehensive Plan:

Goal 2: Improve transportation options and quality of life through land use and community design techniques.

g. Historic Preservation & Urban Design

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the narrative section of the proposed rezoning application.

Staff Analysis: The Subject Property is not located in a Historic Preservation and Architectural Design Control Overlay District per Z.O. Sec. 34-272, Entrance Corridor Overlay District per Z.O. Sec. 34-207, or Historic Conservation Overlay District per Z.O. Sec. 34-337. The areas surrounding the Subject Property are predominantly residential, with a high percentage of single-family dwellings. Staff finds the uses allowable in the R-1S zoning district, such as a single family dwelling, on the Subject Property could contribute to the following goals in the Historic Preservation and Design chapter of the Comprehensive Plan:

Goal 5: Protect and enhance the existing character, stability, and scale of the City's older neighborhoods.

Goal 9.1: Develop an inventory of underutilized properties within City limits and develop strategies (such as rezoning, rehabilitation, and development incentives) that will move these properties back into productive uses that will support increased commercial or residential uses.

2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;

The applicant's own analysis of the development's furtherance of the general welfare of the entire community is provided in the applicant's narrative statement.

Staff Analysis: Staff finds that a rezoning from M-I commercial district to R-1S residential district could benefit the general welfare of the community by providing development harmonious in scale and intensity with the surrounding properties. Staff finds the proposed rezoning furthers the following purposes of Chapter 34:

Z.O. Sec. 34-3(4): To facilitate the creation of a convenient, attractive and harmonious

Z.O. Sec. 34-3(7): To protect and enhance the character and stability of neighborhoods.

3. Whether there is a need and justification for the change;

The applicant has provided information on the factors that lead to a request to rezone the Subject Property from M-I commercial district to R-1S residential district in the narrative section of the application.

Staff Analysis: According to the City's 2013 Land Use Map, this portion of the City should be High Density Residential with a DUA over fifteen (15). In reality, this portion of the City is mostly low density residential, with some high density residential and commercial uses in the greater vicinity. The small lot size and frontage makes the development of high density residential multi-family use difficult. Rezoning the subject property from M-I commercial district to R-1S residential district would be consistent with the current land use fabric of the neighborhood. Staff finds there is justification for the rezoning request.

4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

The location of the subject properties is currently served by existing public utilities and facilities. The applicant has provided information in the narrative section of the application.

Staff Analysis: Per Z.O. Sec. 34-350(a), the R-1S single-family "small lot" zoning district is one of t

The proposed rezoning would be consistent with the predominant pattern of residential development of the neighborhood.

Due to the location and low intensity uses allowed in

the R-1S zoning district, staff believes all public services and facilities would be adequate to support development.

Public Comments Received

Community Meeting Required by Z.O. Sec. 34-41(c)(2)

On November 13, 2017 the applicant held a community meeting at CitySpace. The applicant gave an overview of the project as it related to the need for a rezoning. The community voiced the following comments regarding the proposed rezoning:

- One attendee felt the proposed single-family dwelling use was more appropriate than potential commercial uses allowed within the existing zoning district.
- One attendee expressed concern about the potential height of the proposed single-family dwelling, and potential shadowing of other properties.
- One attendee expressed concern about the potential impact of a new residence to adjacent property values.
- One attendee expressed concern regarding the potential for homestay use.

Other Public Comments Received

Staff has received the following comments via phone or email subsequent to the community meeting and submission of the application:

- A single family dwelling could be absorbed with little impact, but oversaturation of the area is a concern.
- Monticello Road has become an alternative route for Monticello Avenue, and increased traffic is a concern.
- A single family dwelling is an appropriate use for the area.

Staff Recommendation

Staff finds the proposed rezoning could contribute to many goals of the City's Comprehensive Plan, and would serve the interests of the general public. Staff finds that the purpose of R-1S zoning district per Z.O. Sec. 34-350 and the by-right uses for the R-1S zoning district per Z.O. Sec. 34-420 are appropriate for the Subject Property, and the rezoning would serve good zoning practice. Staff is concerned that a rezoning of the Subject Property would not conform to the City's 2013 Land Use Plan.

Suggested Motions

1. I move to recommend approval of this application to rezone the subject property (Tax Map 61, Parcel 265.A) from M-I zoning district to R-1S zoning district, on the basis that the proposal would serve the interests of the general public and good zoning practice.

OR,

2. I move to recommend denial of this application to rezone the subject property (Tax Map 61, Parcel 265.A) from M-I zoning district to R-1S zoning district, on the basis that the proposal would not service the interests of the general public and good zoning practice.

Attachments

- A. Rezoning Application received November 28, 2017
- B. Applicant's Narrative Statement dated November 13, 2017
- C. Community Meeting Documentation received December 4, 2017

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 2, 2018
Action Required:	Adoption of Ordinance Vacating Brandon Avenue and Portion of Monroe Lane/15 th Street
Presenter:	Lisa A. Robertson, Acting City Attorney
Staff Contacts:	Lisa A. Robertson, Acting City Attorney Lauren Hildebrand, Director, Public Utilities
Title:	Ordinance Proposed for Closing and Vacating Brandon Avenue and a Portion of Monroe Lane/15th Street

Background:

In 2016, the University of Virginia developed a Master Plan to redevelop several properties adjacent to Brandon Avenue to be a model green student community, including: academic spaces, student wellness facilities, student housing, and a central “green street”. Brandon Avenue is centrally located, being near the Health System, the South Lawn, and Jefferson Park Avenue. The redevelopment project envisions multi-functional green space, enhanced pedestrian connections, and a mix of uses for the student community. At its meeting on November 14, 2017, the Planning Commission voted to certify to City Council that the proposed street closing is in accordance with the Comprehensive Plan. The staff report and renderings presented for the Planning Commission’s review are available on the Planning Commission’s webpage (among the agenda materials for the November 14, 2017 meeting).

Currently, most of the land parcels adjacent to Brandon Avenue are owned by the University of Virginia. The parcels that are not owned by UVA include The Monroe Building and the Baptist Student Center. The University is petitioning the City to vacate all of the City’s public interests in Brandon Avenue and a portion of Monroe Lane/15th Street, so that site work can be completed in preparation for UVA’s redevelopment project and then title to the land can be transferred to UVA for construction of buildings and other improvements. Ultimately, a University owned street which incorporates vegetation, soil and engineered systems (e.g., bio-retention basins) in order to capture, slow, filter and cleanse rainwater at its source will be constructed and maintained by UVA (“Green Street”).

Historically, the City Council has not sought payment from UVA for right-of-way vacations, easements vacated by the City in favor of UVA, or for licenses or easements granted to UVA to allow it to use and occupy City rights-of-way with its utility lines. However, City Council may require payment of value in connection with these transitions. Relative to this particular

Application, the relevant Virginia Code provision reads as follows:

“Notwithstanding any contrary provision of law, general or special, any locality, as a condition to a vacation or abandonment [of a public right-of-way] may require the fractional portion of its public rights-of-way and easements to be purchased by any abutting property owner. The price shall be no greater than the property’s fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties.”

Staff has shared with UVA the City Assessor’s March 1, 2018 determination of Fair Market Value (FMV) and UVA has indicated its ability to pay that FMV should City Council decide to make such payment a condition of the Proposed ROW Vacation.

City Council should note that, in this case, because Brandon Avenue will be deed-restricted to remain in use as a street, there is no contributory value to any adjacent property(ies) that will result from the Proposed Brandon ROW Vacation. (*Often, when private landowners request an alley to be closed, or a street to be vacated, the City Council decides that payment of value for the land being acquired is appropriate, because the land that is acquired by abutting landowners will add additional development rights to each parcel*). However, for this application, it cannot be said that UVA would obtain any additional development “rights” as a result of the Proposed ROW Vacation: by law, UVA, as a state agency, is not subject to the restrictions of the City’s zoning ordinance (*which is the document which determines a private landowner’s development rights, such as dwelling units per acre; building envelopes; etc.*).

Discussion:

University officials have worked with staff from Neighborhood Development Services, Public Utilities and the City Attorney’s Office to examine the benefits and address possible drawbacks of this application, from the City’s perspective. In making its decision, City Council should consider whether the proposal is in the best interest of the public welfare, safety or convenience. One issue that almost always arises is: what will happen to City-owned utilities located within the area proposed to be vacated? Staff has engaged in an extensive review of the impact of the proposal on Utility Systems and on the City’s transportation network. Staff and consultants for the University have been working to obtain utility construction/ relocation plans acceptable to the City’s Director of Utilities; however, final approval of the plans has not yet been reached.

Utilities

1. *Utility lines to be relocated*—Brandon Avenue contains natural gas lines, water lines and stormwater drainage lines which will all have to be relocated. If City Council approves the attached Ordinance, it should condition the approval on:
 - (i) the City’s receipt of easements (satisfactory to the City’s Director of Utilities as to location and width) for all of the relocated lines, and
 - (ii) UVA or the UVA Foundation should be responsible for all costs and expenses of relocating the city-owned lines, and for re-installation of new lines of materials and sizes

approved by the City's Director of Utilities, within the easements, in locations acceptable to the City's Utilities Director, all in accordance with utility construction plans and specifications acceptable to the Utilities Director.

The easements would need to be granted by appropriate deeds, drafted by or approved by the City Attorney's Office as to form. Within each easement, the City will retain ownership and maintenance responsibilities for existing/ relocated utility lines, so long as the Utilities Director agrees that the location of the lines is such that the lines will be protected during and after construction of buildings, and adequate access for city maintenance, repair or replacement is assured.

2. *Utility lines to remain in place*--There are utility lines in Monroe Lane that will remain in place, and easements for these lines will be reserved by the City. The University Foundation or UVA (whichever entity owns the land at the time of a deed of vacation) will provide a plat showing the actual location of these utility lines, suitable for recordation in the City's land records.

There is also an outstanding housekeeping matter from a prior street vacation approved by the City several years ago. The University Foundation or UVA will also execute a Utility Maintenance Agreement for sewer and storm drains located under the South Parking Garage, in a form suitable for recordation in the City's land records, upon being presented with a document approved by the City Attorney's Office.

Transportation Networks

3. *Bus transportation*—with the increased density of people and buildings that will be present upon completion of UVA's Project, the City's Traffic Engineer is of the opinion that an improved bus stop will be necessary, due to likely traffic backups on JPA attributable to bus queuing. UVA's construction and development plans should incorporate an improved bus stop located within the redevelopment area, with the location and plans and specifications for the bus stop to be approved in advance by the City Traffic Engineer. The Project is not sufficiently far along in construction design, at this time, to be able to identify a specific location, with specific dimensions.
4. *Bicycle and Pedestrian Plan*—the City's Bicycle and Pedestrian Master Plan Vision Network envisions the current area of Brandon Avenue as a Bicycle Arterial Route (a route intended to carry the highest number of bicyclists and to operate as a "spine" of the network). A shared use path or protected/ separated bicycle lanes are the preferred treatment for this corridor. UVA's Project would not necessarily preclude the achievement of the goals of the Vision Network, if the vacation of Brandon Avenue were to include the following conditions:
 - a. UVA's construction and development plans shall incorporate a shared use path or protected/separated bicycle lanes, in locations that will provide the necessary connectivity for the planned Bicycle Arterial Route. Recorded easements authorizing public use of these paths should be provided.
 - b. UVA's construction and development plans shall not preclude a future connection

over/under the railroad tracks to connect the Green Street Project area and Valley Road.

- c. UVA's construction and development plans shall provide an east/ west bicycle/ pedestrian connection through its redevelopment site, and improved pedestrian crossings at the intersections of JPA, Hospital Drive and the end of the new Green Street to be constructed by UVA.
- d. The Project is not sufficiently far along in the construction design phase that the location and dimension of specific buildings (other than the Upper Class Housing building, which will be the first to be constructed) can be known. Because of this, the City Attorney's Office recommends that the timing for satisfaction of the above-referenced conditions be tied to the phasing of construction (currently, three buildings are planned; the location of the easements/ connections/ bus stop should all be established prior to commencement of construction of any third building within the area of this redevelopment project).

5. *Generally*—the City's determination that UVA's Project (i.e., the redevelopment of the properties adjacent to Brandon Avenue, and the vacation of Brandon Avenue/ Monroe/15th Street for construction of a Green Street) is consistent with the Comprehensive Plan and the public welfare, safety and convenience, is based on a very specific development proposal which has been presented to the City by the UVA Foundation and UVA. The City's approval of the vacation of Brandon Avenue should be conditioned upon that specific project coming to fruition: in other words, the area within the Brandon Avenue right-of-way should be used and developed only as a Green Street.

Alignment with City Council's Vision and Strategic Plan:

The project supports City Council's "Green City" and "A Center for Lifelong Learning" vision. It contributes to Goal 3: A Beautiful and Sustainable Natural and Built Environment, and Objective 3.1 Engage in robust and context sensitive urban planning and implementation. This project also aligns with the Streets That Work initiative.

Community Engagement:

On November 14, 2017 an advertised joint public hearing of the Planning Commission and City Council was held to discuss the proposed street closing request, in accordance with Va. Code Sec. 15.2-2006. Previously, the UVA Master Plan was discussed at several meetings of the Master Planning Council (open public meetings) and with the Jefferson Park Avenue Neighborhood Association in May, 2017. The Rector and Board of Visitors of UVA voted at a public meeting to approve the Schematic Design for the Redevelopment Area, on September 16, 2017.

Budgetary Impact:

The City will no longer bear the expense of maintaining Brandon Avenue, to include sidewalks and the streetscape and this will have a positive budget impact. There would also be a one-time

revenue payment to the City (i) for reimbursement of the sewer line being taken out of service, and (ii) if UVA is required to purchase the area as a condition of the ROW Vacation, the City will receive compensation.

Recommendation:

If City Council determines that the proposed vacation should be approved, staff recommends that the vacation of the street be approved conditionally, consistent with the matters set forth within the “Discussion” section, above. We have drafted the attached Ordinance to include the recommended conditions, and the ordinance directs the Clerk of Council to provide a certified copy of the approved ordinance of vacation suitable for filing in the Clerk’s Office, only upon being instructed to do so by the City Attorney.

Alternatives:

Council can amend the proposed Ordinance to insert additional conditions, or deny the request altogether.

Attachments:

UVA Request Letter with Drawings and Maps attached
Proposed Ordinance

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING
BRANDON AVENUE AND A PORTION OF THE MONROE LANE/15TH STREET
RIGHTS-OF-WAY**

WHEREAS, as permitted by Virginia Code Sec. 15.2-2006, the University of Virginia and the University of Virginia Foundation have petitioned the City to vacate the following City-owned public rights-of-way:

- (1) The entirety of Brandon Avenue from its terminus at Tax Map Parcel 11-97.1 to the intersection of Jefferson Park Avenue, a 50 foot wide public street with a length of approximately 879 feet (44,775 square feet); and
- (2) A portion of Monroe Lane/15th Street from its terminus at Tax Map Parcel 11-98 to the intersection of Monroe Lane and Crispell Drive, a public street that is 30-35 feet across with a length of approximately 451 feet (14,298 square feet);

(together, hereinafter, the “Subject Rights-of-Way”); and,

WHEREAS, landowners who own property adjacent to the Subject Rights-of-Way have been duly notified of the Petition; and,

WHEREAS, following notice to the public pursuant to Virginia Code §15.2-2006, a joint public hearing by the City Council and Planning Commission was held on November 14, 2017, and comments from City staff and representatives for UVA were made and heard; and,

WHEREAS, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on February 7, 2005, this Council finds and determines that the Petition should be conditionally granted;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City hereby closes, vacates and discontinues the following public rights-of-way:

- (1) The entirety of Brandon Avenue from its terminus at Tax Map Parcel 11-97.1 to the intersection of Jefferson Park Avenue, a 50 foot wide public street with a length of approximately 879 feet (44,775 square feet); and
- (2) A portion of Monroe Lane/15th Street from its terminus at Tax Map Parcel 11-98 to the intersection of Monroe Lane and Crispell Drive, a public street that is 30-35 feet across with a length of approximately 451 feet (14,298 square feet).

PROVIDED, HOWEVER, that the vacation of the Subject Rights-of-Way is hereby made conditionally, and neither this Ordinance nor any related deed, shall be recorded within the land records of the City, until all of the following conditions precedent have been satisfied:

1. UVA may commence construction of the Upper Class Housing and one other building within the Project; however, prior to commencement of construction of any third building within the Project, UVA shall provide the City Attorney’s Office with a final plat showing the location and dimensions of: **(i)** a bus stop to be constructed by UVA or the UVA Foundation on property adjacent to Jefferson Park Avenue, in a location approved by the City’s Traffic Engineer; and **(ii)** dedication of public

easements for bicycle and pedestrian travel through property of UVA or the UVA Foundation, providing a bicycle arterial route, an east/ west bicycle and pedestrian connection, and an access point reserved for a future connection to Valley Road [across the railroad tracks], each in locations consistent with the City's Bicycle and Pedestrian Master Plan Vision Network, as verified in writing to the City Attorney by the City's Director of NDS;

2. UVA may commence construction of the Upper Class Housing and one other building within the Project; however, prior to commencement of construction of any third building within the Project, UVA or the UVA Foundation shall provide the City's Traffic Engineer with 100% construction plans for improved pedestrian crossings at the intersections of Jefferson Park Avenue, Hospital Drive and the end of the new Green Street, along with a written agreement to construct the improvements, and the Traffic Engineer shall verify in writing to the City Attorney that the plans for those crossings is consistent with provisions of the City's Standards and Design Manual;
3. Within 12 months from the date of approval of this Ordinance, UVA shall pay or cause to be paid to the City of Charlottesville, as compensation for the right-of-way areas vacated by the terms of this Ordinance, the sum of five hundred thirty-nine thousand dollars (\$539,000.00), which sum is equal to the fair market value of said areas. If this sum is not received by the City within the specified 12-month period, then this Ordinance shall be void.
4. UVA or the UVA Foundation shall provide the City Attorney with a final plat showing the location and dimensions of all easements required for and in connection with the relocation of City-owned utility lines onto land owned by UVA or the UVA Foundation, and the City's Director of Utilities must confirm in writing to the City Attorney that the matters depicted within the plat are acceptable;
5. The City's Director of Utilities shall provide written verification to the City Attorney that 100% utility construction plans depicting the location, size, connections and specifications for the relocated City-owned utility lines have been approved by the Director as being in accordance with City standards;

Upon receipt of evidence that Conditions 3, 4 and 5, above, have been met, the City Attorney will prepare a Deed of Vacation suitable for recordation among the land records of the Charlottesville Circuit Court, vacating the Subject Rights-of-Way and conveying all of the City's right, title and interest therein to the UVA Foundation or UVA, subject to a restriction that the vacated right-of-way for Brandon Avenue shall be held and used by the UVA Foundation or UVA in perpetuity as a "Green Street" (consistent with the definition of that term found within U.S. Environmental Protection Agency publications) and no buildings shall be erected thereon.

The Clerk of City Council shall provide the City Attorney with a certified copy of this Ordinance, as adopted by City Council, and the certified copy shall be held in Escrow by the City Attorney until the City Attorney has received evidence confirming that all conditions presented have been satisfied; thereafter, the City Attorney shall cause the Ordinance and the Deed of Vacation referenced in the preceding paragraph to be recorded within the land records of the Circuit Court of the City of Charlottesville.

In the event that the Ordinance and Deed of Vacation have not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.



One Boar's Head Pointe • P.O. Box 400884
Charlottesville, VA 22904-4884
434-982-5914

*The Office of The Senior Vice President
For Operations
Real Estate & Leasing Services*

September 8, 2017

Ms. Lisa Robinson
Deputy City Attorney
City of Charlottesville
P.O. Box 911
Charlottesville, Virginia 22902

Re: Petition to close Brandon Avenue
Petition to close a portion of Monroe Lane
Request for easement along a portion of Monroe Lane

Dear Ms. Robinson:

The University of Virginia requests the closure of Brandon Avenue and a portion of Monroe Avenue as well as the grant of an easement along a portion of Monroe Lane. The closings are a first step in reconfiguring the Brandon Avenue area into a model green mixed-use community. The University plans to construct a number of buildings, along a newly designed street, to include housing and student wellness, along with others that complement a vibrant student community. Our goal is to create a sustainable streetscape which enhances the student experience.

We have support to close Brandon Avenue from the three adjacent property owners which include Monroe Brandon LLC, the Virginia Baptist Board, and the University of Virginia Foundation. Similarly, we have the support of the University of Virginia Foundation, to close the proposed portion of Monroe Lane. The support of the adjacent property owners are evidence that no inconvenience to them will result.

A street closing request, and support materials are attached. Please let me know if additional information is required, and I look forward to working with your office on this initiative.

Sincerely,

A handwritten signature in blue ink, appearing to read "CH".

Charles Hurt, Jr.
Director
Real Estate and Leasing Services

Enclosures:

Petition to close Brandon Avenue and a portion of Monroe Lane
Narrative
City Tax Map delineating square footage of Brandon Avenue / Monroe Lane
Plats and ownership list of adjacent owners
Title Synopsis
Brandon Monroe, LLC support letter

PETITION TO CLOSE A STREET OR ALLEY

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

FEE: A filing fee of \$100.00 made payable to the City of Charlottesville.



A. PETITIONER INFORMATION

Petitioner Name: The Rector and Visitors of the University of Virginia

Petitioner Mailing Address: Real Estate and Leasing Services, P.O. Box 400884, Charlottesville, VA 22904-4884

Does Petitioner currently own property adjacent to the area requested to be closed? Yes If no, please explain _____

Petitioner Phone Number(s):

Work: 434 982-5914

Home: _____

Fax _____

Email cwh4cm@virginia.edu

B. ADDRESSES OF PROPERTY OWNERS ADJACENT TO THE STREET/ALLEY (use back of form if necessary)

Property Owner Name	Mailing Address	City Tax Map and Parcel #
<u>University of Virginia Foundation, P.O. Box 400218, Charlottesville, VA 22904</u>		<u>see additional sheet for properties</u>
<u>Virginia Baptist Board, 2828 Emerywood Pkwy, Richmond, VA 23294</u>		<u>110088000</u>
<u>Brandon-Monroe, L.L.C., 201 15th Street NW Suite 1A, Charlottesville, VA 22903</u>		<u>110104000</u>
<u>The Rector and Visitors of the University of Virginia, P.O. 400884, Charlottesville, VA 22904-4884</u>		<u>see additional sheet for properties</u>

C. PETITIONER'S REQUEST

- That, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia (1950), as amended, the said Petitioner(s) apply for the vacating, closing and discontinuance of a certain street or alley, situated in the City of Charlottesville, Virginia, as described below as follows: (Provide name, right-of-way width and length of streets or alleys being closed)
Brandon Avenue, 50' ROW, approximately 879'
Monroe Lane, 30' ROW, approximately 451'
- Confirm that no inconvenience will result to any person by reason of said closing, vacation and discontinuance of the said street or alley. Include details in narrative. Confirmed, all three adjacent owners support the closure.
- That land owners along and adjacent to said street or alley desire and request the street or alley to be closed. Attach letters of approval or signatures of approval from adjacent property owners. Letters will be provided.
- Attach a copy of the city real property tax map showing the portion of the street or alley to be vacated with the square footage clearly indicated.
- Applicant must provide copies of a title search and opinion performed by an attorney or licensed title company of the property in question and the alley to the original dedication of the alley or street. Highlight on the deed when the street or alley was created. The deed information is available at the City Circuit Courthouse (315 E. High Street).
- Applicant must review the attached closing policy prior to submission of this form and attach a narrative which addresses the objectives outlined in that policy to include specific information as to why an alley closing is being requested.

Respectfully Submitted,

Charles Hurt, Jr.
 Signature of Petitioner(s) Leasing Services

Charles Hurt, Jr. Director, Real Estate and Leasing Services, University of Virginia
 Print

The review process typically takes two months. Following the review, valid applications will be forwarded to a joint Planning Commission and City Council Public Hearing and then to City Council for two readings.

FOR OFFICE USE ONLY (Sign Posting)

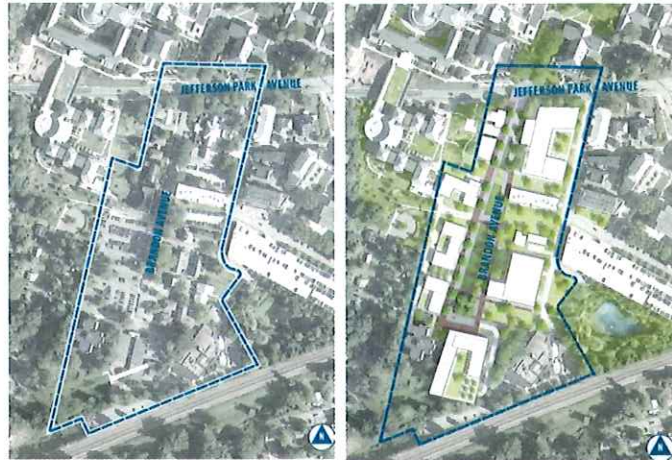
I certify that the sign(s) as required by Section 31-271 of the City Code (Zoning Ordinance) as amended has been posted on the following date:

Signature _____

Date Paid: _____ Amt. Paid: _____ Check #: _____ Recorded by: _____

Brandon Avenue Green Street Narrative

The University is petitioning to close Brandon Avenue and a small portion of Monroe and to facilitate the redevelopment of Brandon Avenue area. Brandon Avenue is centrally located - adjacent to the Health System and South Lawn and just across Jefferson Park Avenue from The Lawn within the Central Grounds. The redevelopment will transform the Brandon area into a model green community where students will live and learn in a distinctive student experience. Building street fronts will include teaching and academic spaces, student wellness facilities and housing. The redeveloped street will incorporate:



- A landscaped bio-retention area which will be the centerpiece of a multi-functional green space
- A system of enhanced pedestrian connections to South Lawn, the Academical Village, the Health System, and adjacent neighborhoods.
- A mix of uses to include student wellness, academics, and housing all curated to activate the street and foster a heightened student experience.

Aligned with the City zoning code and Streets That Work program, the redevelopment vision includes a distribution of academic, research, and residential uses.

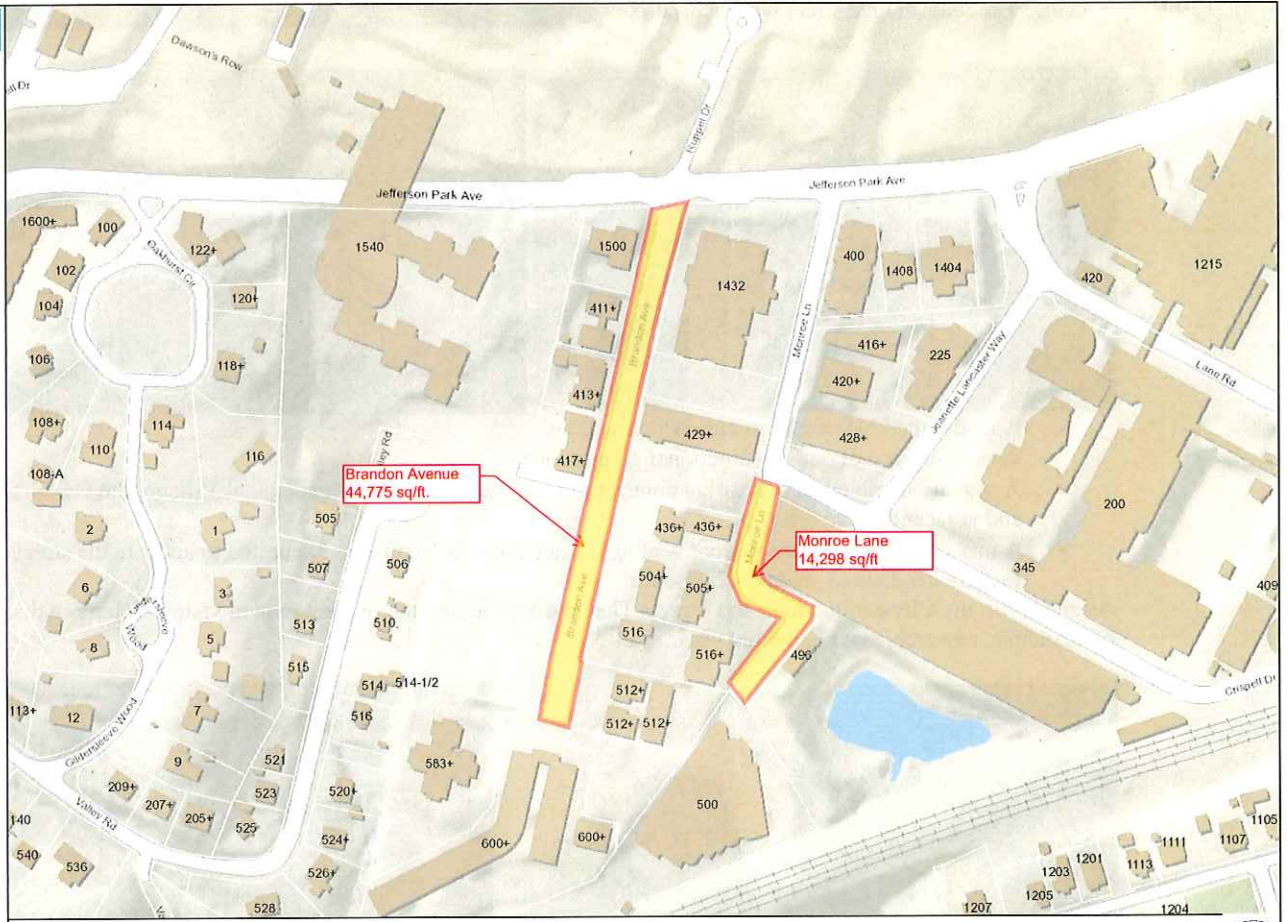


The improved intersection of Brandon and Jefferson Park Avenue will include 1) reducing the curb radius to minimize pedestrian street crossing distances, 2) visible crosswalks, 3) enhancing the eastbound bus stop and 4) reconstructing the ADA ramps at the corners, based on the recommendations of our transportation consultant.



Legend

- Parcels
- Addresses
- City Limits



Feet
0 50 100 150 200
1:2,257 / 1"=188 Feet

Brandon Avenue

4/3/2017

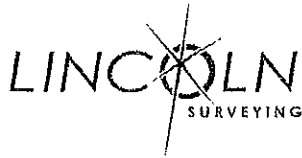
DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Charlottesville is not responsible for its accuracy or how it may be used.





BRANDON AVENUE AND MONROE LANE ADJACENT PROPERTY OWNERS

Address	Owner	Parcel ID
Brandon Avenue Street Adjacent Property Owners		
411 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110089000
413-415 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110090000
417-419 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110091000
503 BRANDON AVE	RECTOR & VISITORS OF U OF VA	110092000
501 BRANDON AVE	RECTOR & VISITORS OF THE U OF VA	110092100
583 BRANDON AVE	RECTOR & VISITORS OF U OF VA	110093000
581 BRANDON AVE	RECTOR & VISITORS OF U OF VA	110094000
514 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110097000
600 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110097100
512 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110099000
516-518 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110100000
504 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110101000
436 BRANDON AVE 1	UNIVERSITY OF VIRGINIA FOUNDATION	110102100
436 BRANDON AVE 2	UNIVERSITY OF VIRGINIA FOUNDATION	110102200
436 BRANDON AVE 3	UNIVERSITY OF VIRGINIA FOUNDATION	110102300
436 BRANDON AVE 4	UNIVERSITY OF VIRGINIA FOUNDATION	110102400
436 BRANDON AVE 5	UNIVERSITY OF VIRGINIA FOUNDATION	110102500
436 BRANDON AVE 6	UNIVERSITY OF VIRGINIA FOUNDATION	110102600
436 BRANDON AVE 7	UNIVERSITY OF VIRGINIA FOUNDATION	110102700
0 BRANDON AVE	RECTOR & VISITORS OF THE U OF VA	110103000
414 BRANDON AVE	RECTOR & VISITORS OF THE U OF VA	110105000
1500 JEFFERSON PARK AVENUE	VA BAPTIST BOARD OF MISSIONS & ED	110088000
Monroe Lane Adjacent Property Owners		
500 MONROE LN	RECTOR & VISITORS OF THE U OF VA	500
400-412 MONROE LN	RECTOR & VISITORS OF THE U OF VA	400-412
435 MONROE LN	RECTOR & VISITORS OF THE U OF VA	435



632 Berkmar Circle
Charlottesville, VA 22901
434.974.1417 / Fax 434.974.1776
www.lincolnsurveying.com

Thomas B. Lincoln, LS / Christopher B. Kean, LS

August 10, 2017

Charles Hurt
University of Virginia FP & C
P.O. Box 400884
Charlottesville, VA 22904

RE: Monroe Ln. / 15th Street / Brandon Ave. Right of Way Research
Charlottesville, Virginia

Dear Mr. Hurt:

We have completed our research on the right of ways for Monroe Ln. / 15th Street / Brandon Ave. After researching the streets, it appears that each street has a different width. Each street's width was established as follows:

15th Street:

The origin of 15th Street (Jeanette Lancaster) dates back to the 1870s. Around 1870, the land was owned by Theodore A. Michie. At this time, Michie divided the land into several lots, which were sold off. This land presently is a part of Tax Map 11, Parcels 131 and 98. Former, these lots also included Tax Map 11, Parcels 125, 126, 127, 128, and 129, however these parcels are now a part of Parcel 131. (See attached Tax Map from 1992). When Michie conveyed off the lots, each lot was assigned a number according to plat. This plat does not appear to have ever been recorded, however metes and bound descriptions of each lot is given. Of interest, lots 5-10 were sold in the following deeds:

Lot 5: Albemarle DB 65 p.98*
Lot 6: Albemarle DB 65 p.98*
Lot 7: Albemarle DB 65 p.87*
Lot 8: Albemarle DB 65 p.399
Lot 9: Albemarle DB 65 p.152
Lot 10: Albemarle DB 65 p.401

Some of these deeds (those marked with an *) contain the following reservation: *"It is expressly understood that a street twenty feet wide is to be kept open on the side of said lot No. * adjoining Jas. Widderfield's land as a public street and to be common to all the lots embraced in Dolin's Plat leading to the Lynchburg Road."*

Innovation. Integrity. Vision.

Thus, this appears to be the origins of 15th Street. It was originally created as a 20' road serving the lots created by Theodore Michie.

This 20' Road is shown on a plat of the adjoining parcels, which was the land previously stated as belonging to Jas. Widderfield. In Albemarle DB 104 p.388 a subdivision plat is recorded which includes the area adjoining this road. The road is mentioned in the deed and is shown on the plat. Though, no width is given to the road. A 15' Alley is shown connecting this road to a new 30' road created by the plat. (That road is presently Monroe Ln.)

15th Street appears to have been a 20' road until 1951 when it was expanded to 30'. In DB 163 p.106, an omnibus deed is recorded where 15th Street, S.W. is dedicated as a 30' Street. Additionally, some of the property owners dedicated land via individual deeds to the City, including Ora E. Landes whose interest was conveyed via DB 163 p.103. According to the deeds, the owners on BOTH sides of the street were to dedicate 5 additional feet to take the road from 20' to 30'. Thus, 5' would be coming off the lots created by Michie and 5' would be coming off the lots created from the former Widderfield land.

Also in 1951, a 35' wide connection road between Monroe Ln. and 15th St., S.W. was created. The land was conveyed to the City of Charlottesville by a deed recorded in DB 161 p.298, with a plat on p.300. The location of this connector road is in the vicinity of the original 15' alley that connected the two roads. The result of this construction essentially extended Monroe Ln. to 15th Street, S.W.

Since 1951 there have been several changes affecting 15th Street, S.W. Two alleys were closed and an access easement was opened. In 1998, a 12' alley at the end of 15th Street, S.W. was closed in Street Closing Book 2 p.16. In 2002, the previously mentioned 15' alley that connected Monroe Ln. and 15th Street, S.W. was closed. This was recorded in Street Closing Book 2 p.36. In 2011 a new access easement connecting 15th Street and Monroe Ln. was created. This easement is Crispell Drive and it was recorded in Inst. # 2011001615.

There is a portion of 15th Street, S.W. which has been physically closed, but which for there is no official street closing recorded. That portion of 15th Street between Crispell Dr. and where the previously mentioned connector road created in 1951 connects to 15th Street is physically closed and there is a building where it formerly was. There was an ordinance approved by the City to close this portion of the road. However, the proceedings were never finalized as all of the conditions of the agreement were not met. Therefore, the street closing was never recorded in the Clerk's Office.

In conclusion, 15th Street S.W. is a 30' street, created over the course of several years and deeds. It appears to technically be open from Lane Road to its terminus at Tax Map 11 Parcel 98.

Monroe Lane:

The origin of Monroe Ln. dates back to a plat dated 1893, and recorded in Albemarle DB 104 p.390. This plat is a division of the property of the Dawson Investment Co., which is also the land formerly belonging to J. Widderfield. This plat shows an unlabeled 30' road, This road later becomes Monroe Ln. This plat shows a parcel along the eastern boundary of this 30' road, which the plat labels as the "Dr. P.B. Barringer's Property." This parcel was sold to P.B. Barringer by deed dated 1895, and recorded in DB 104 p.447, with a plat on p.449.

In 1930, the Barringer parcel was subdivided into 16 lots. The plat subdividing the parcel was recorded in DB 69 p.377. This parcel shows Monroe Ln. as a 35' Street. Thus, the width of the street was increased from 30' to 35'. This 5 additional feet comes from the former Barringer lot and NOT from the previously mentioned lots created in Albemarle DB 104 p.390. Thus, the width of Monroe Ln. is 35'.

In 1951, a 35' wide connection road between Monroe Ln. and 15th St., S.W. was created. The land was conveyed to the City of Charlottesville by a deed recorded in DB 161 p.298, with a plat on p.300. The location of this connector road is in the vicinity of the original 15' alley that connected the two roads, which was shown on plat in Albemarle DB 104 p.388. The result of this construction essentially extended Monroe Ln. to 15th Street, S.W.

In 2002, the previously mentioned 15' alley that connected Monroe Ln. and 15th Street, S.W. was closed. This was recorded in Street Closing Book 2 p.36. In 2011 a new access easement connecting 15th Street and Monroe Ln. was created. This easement is Crispell Drive and it was recorded in Inst. # 2011001615.

There is a portion of 15th Street, S.W. which has been physically closed, but which for there is no official street closing recorded. That portion of 15th Street between Crispell Dr. and where the previously mentioned connector road created in 1951 connects to 15th Street is physically closed and there is a building where it formerly was. There was an ordinance approved by the City to close this portion of the road. However, the proceedings were never finalized as all of the conditions of the agreement were not met. Therefore, the street closing was never recorded in the Clerk's Office.

This street closing cut off the end of 15th Street at Monroe Ln. It appears that the end of 15th Street is now considered to be part of Monroe Ln. It is labeled on the City GIS as Monroe Ln. As previously stated, 15th Street is 30' wide. Thus, IF this is considered Monroe Ln., then it would change in width from 35' to 30' at the point where the connector created in 1951 connects to what was formerly considered 15th Street. Though, it appears that this portion of 15th Street was never official closed, thus confusing the name of this portion of the road.

In conclusion, Monroe Ln. is a 35' street, created over the course of several years and deeds. It appears to technically be open from Jefferson Park Ave. to its terminus at Tax Map 11 Parcel 98.

Brandon Ave.:

The origin of Monroe Ln. dates back to the land formerly belonging to J. Widderfield, which is acquired by the Dawson Investment Co. in 1893 by Albemarle DB 98 p.439. There is a plat recorded with this deed, which shows a division of this land and a 30' wide street in the general location of present Brandon Ave. However, the deed specifically states the following:

The original plat of said land made by said Barnett as aforesaid is hereto attached, which shows a division of said land into lots and a street. This deed, however, is made with no reference to said division and no division is hereby recognized either by this deed or by the recordation of said plat. The said land being bought in a body & said plat being recorded in order to show the location of the land in a body & not in any subdivisions.

Thus, it appears that this subdivision did not happen and that the shown road was not created.

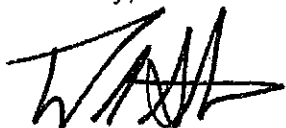
In 1895, the Dawson Investment Co. records a plat dated 1893, and recorded in Albemarle DB 104 p.390, which officially divides of the property of the Dawson Investment Co. This plat shows an 50' road, labeled Brandon Ave., which begins at Old Lynchburg Rd. (present JPA) and terminates at the property of W.M. Fontaine. W.M. Fontaine is a party to this deed and by the deed agrees that Brandon Ave. (and other streets) is to be as it is shown on said plat. Though this plat shows the lot as belonging to W.M. Fontaine, he officially purchased the property by deed dated 7 days after the deed with the plat. His deed is recorded in Albemarle DB 105 p.51 and there is a plat recorded with this deed that shows his parcel. Brandon Ave. is shown on this plat as a 50' street.

In 1922, Dawson Investment Co. re-divides lots 16-19 from the plat recorded in Albemarle DB 104 p.390. This plat is recorded in DB 40 p.5. Again, Brandon Ave. is shown as a 50' street.

No alterations to Brandon Ave. were found since its creation. Thus, it was created as a 50' road and still is a 50' road, which begins at Jefferson Park Ave. and ends at current Tax Map 11 Parcel 97.1.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Sexton', with a stylized flourish at the end.

David Sexton, Survey Research Technician
Lincoln Surveying



BRANDON MONROE LLC

201 1-A 15th Street NW
Charlottesville, VA 22903
Office hours M-F 8:30am-4:30pm

Phone (434)-293-5358
Fax (434)-293-5783
office@velikyrentals.com

August 30, 2017

Ms. Alice J. Raucher

The Honorable Mike Signer, Mayor

Office of the University Architect

City of Charlottesville

The University of Virginia

P. O. Box 911, City Hall

P. O. Box 400304

Charlottesville, VA 22092

Charlottesville, VA 22904

Re: Closing of Brandon Avenue

Charlottesville, VA

Dear Ms. Raucher & Mr. Signer:

As the authorized representative for Brandon Monroe, LLC, owner Tax Map Parcel 11-104, this letter shall serve as documentation that we support the closure and the vacation of the public Right of Way of Brandon Avenue.

The vacation of Brandon Avenue will not create an inconvenience for our property.

Sincerely,

Timothy D Veliky

Brandon Monroe, LLC



UNIVERSITY of VIRGINIA
FOUNDATION

September 11, 2017

Ms. Alice J. Raucher
Office of the University Architect
The University of Virginia
P. O. Box 400304
Charlottesville, VA 22904

The Honorable Mike Signer, Mayor
City of Charlottesville
P. O. Box 911, City Hall
Charlottesville, VA 22902

Re: Closing of Brandon Avenue
Charlottesville, VA

Dear Ms. Raucher & Mr. Signer:

As the authorized representative for the University of Virginia Foundation, owner of Tax Map Parcels 11-89, 11-90, 11-91, 11-97, 11-971, 11-99, 11-1021, 11-102, and 11-101, this letter shall serve as documentation that we support the closure and the vacation of the public Right of Way of Brandon Avenue.

The vacation of Brandon Avenue will not create an inconvenience for our property.

Sincerely,



Tim R. Rose
Chief Executive Officer

BC

BAPTIST GENERAL ASSOCIATION OF VIRGINIA

2828 Emerywood Parkway
Richmond, VA 23294
BGAV.org
800.255.2428

October 9, 2017

Ms. Alice J. Raucher
Office of the University Architect
The University of Virginia
P. O. Box 400304
Charlottesville, VA 22904

The Honorable Mike Signer, Mayor
City of Charlottesville
P. O. Box 911, City Hall
Charlottesville, VA 22092

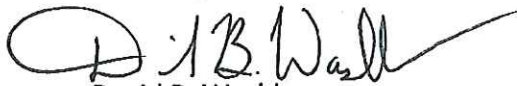
Re: Closing of Brandon Avenue
Charlottesville, VA

Dear Ms. Raucher & Mr. Signer:

As the authorized representative for the Baptist General Association of Virginia, owner of Tax Map Parcel 11-88, this letter shall serve as documentation that we support the closure and the vacation of the public Right of Way of Brandon Avenue.

The vacation of Brandon Avenue will not create an inconvenience for our property.

Sincerely,



David B. Washburn
Treasurer

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