



CITY COUNCIL AGENDA
January 7, 2013

5:30 p.m. – 7:00 p.m.

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

TYPE OF ITEM

SUBJECT

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

**AWARDS/RECOGNITIONS
ANNOUNCEMENTS** LEED Gold Certification for CAT Building

MATTERS BY THE PUBLIC Public comment will be permitted for the first 12 speakers to sign up in advance of the meeting (limit of 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

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

a. Minutes for December 17

b. APPROPRIATION: Reimbursement for Expenses Related to His Holiness the 14th Dalai Lama's Visit to the City - \$4,538.13 (2nd of 2 readings)

c. APPROPRIATION: Reimbursement for Attendance to the International Code Conference \$1,927.01 (1st of 2 readings)

d. APPROPRIATION: Reimbursement to City for American Planning Association Web Training Sessions – \$960 (1st of 2 readings)

e. APPROPRIATION: Bank On Greater Charlottesville Funding from the Coalition of Economic Opportunity, C/O the Legal Aid Justice Center - \$20,500 (1st of 2 readings)

f. RESOLUTION: 715 Nalle Street Infill Special Use Permit Amendment (1st of 1 reading)

g. RESOLUTION: Transfer of Funds for Stormwater Camera System - \$38,508 (1st of 1 reading)

h. RESOLUTION: Transfer of Capital Budget Funds - Construction of a Stormwater Retrofit Project in Azalea Park - \$100,000 (1st of 1 reading)

i. RESOLUTION: Authorization for Region Ten to Apply for a Line of Credit (1st of 1 reading)

j. ORDINANCE: Amendment to Definition of Energy Efficient Buildings (2nd of 2 readings)

k. ORDINANCE: Abandonment of Gas Easement on Whitewood Road, Albemarle County (2nd of 2 readings)

2. REPORT Mayor's State of the City Address

**3. PUBLIC HEARING /
ORDINANCE*** Polling Place Change: Relocate Carver Precinct to Carver Recreation Center (1st of 2 readings)

**4. PUBLIC HEARING /
RESOLUTION*** Authorization of Lease Agreement(s) for 608 Ridge Street (1st of 1 reading)

5. REPORT / RESOLUTION* Reallocation of Charlottesville Housing Funds from Charlottesville Redevelopment and Housing Authority (CRHA) Redevelopment to Other Efforts - \$400,000 (1st of 1 reading)

6. REPORT Stormwater Utility Update

7. REPORT Region Ten Community Services Board Annual Update

8. REPORT Section 3 Policy Update

**OTHER BUSINESS
MATTERS BY THE PUBLIC**

*ACTION NEEDED

APPROPRIATION

**Reimbursement for Expenses Related to His Holiness the 14th Dalai Lama's Visit to the City
\$4,538.13**

NOW, THERFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$4,538.13 already received from The Foundation for American Heritage, is hereby appropriated in the following manner:

Revenues - \$4,538.13

Fund: 105	Cost Center: 9900000000	G/L Account: 434820
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Expenditures - \$4,538.13

\$215	Fund: 105	Cost Center:	G/L Account: 599999
\$2,660.13	Fund: 105	Cost Center:	G/L Account: 519999
\$835	Fund: 105	Cost Center:	G/L Account: 599999
\$828	Fund: 105	Cost Center:	G/L Account: 599999

**RESOLUTION
AMENDING A SPECIAL USE PERMIT GRANTED ON SEPTEMBER 4, 2012
FOR INCREASED LOT SIZE OF A SINGLE FAMILY RESIDENTIAL LOT
AT 715 NALLE STREET**

WHEREAS, Stephen Hitchcock and Kendall Cox (“Applicant”) have requested an amendment to the infill special use permit granted by Council on September 4, 2012, with respect to property identified on City Tax Map 30 as Parcel 37, consisting of approximately 0.25 acre or 10,900 square feet (hereafter the “Subject Property”); and

WHEREAS, the Subject Property is currently zoned R-1S (Residential District-Small Lot Single Family); and

WHEREAS, the Applicant was granted an infill special use permit on September 4, 2012 to allow a reduction in the lot size requirement from 6,000 square feet to 5,532 square feet, and the current request is to reduce the lot size requirement from 5,532 square feet to approximately 5,450 square feet; and

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on December 11, 2012, this Council finds that such reduced lot size is allowed under City Code Section 34-165 by special use permit, and the requested amendment to the existing special use permit will conform to the criteria applicable to special use permits generally under Chapter 34 of the City Code; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the special use permit granted to Stephen Hitchcock and Kendall Cox on September 4, 2012 is hereby amended to:

1. Allow a density of 7.87 dwelling units per acre;
2. Reduce the required lot frontage from fifty feet (50’) to thirty-six feet (36’);
3. Reduce the lot size requirement from 6,000 square feet to ~~5,532~~ approximately 5,450 square feet; and
4. Allow the new pervious driveway to be located less than three feet (3’) from the adjoining property.

RESOLUTION

Transfer previously appropriated funds in the Capital Projects account for purchase of a Stormwater CCTV camera system

\$38,508

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$38,508 be transferred as follows:

Transfer From

Amount	Fund	Project/Cost Center	G/L Account
\$13,800	428	P-00341	561425
\$24,708	631	Cost Center: 271300100	561425

Transfer To

Amount	Fund	Project/Cost Center	G/L Account
\$38,508	426	P-00720	498010
\$38,508	426	P-00720	599999

RESOLUTION

**Transfer of Capital Funds - Construction for a Stormwater Retrofit Project in
Azalea Park - \$100,000**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Charlottesville, Virginia that the sum of \$100,000 be transferred as follows:

Transfer From

Amount	Fund	Project/Cost Center	G/L Account
\$100,000	426	P-00653	561209

Transfer To

Amount	Fund	Project/Cost Center	G/L Account
\$100,000	209	1900163	498010
\$100,000	209	1900163	599999

**A RESOLUTION
AUTHORIZING REGION TEN COMMUNITY SERVICES BOARD
TO APPLY FOR AND ACCEPT LOANS**

WHEREAS, Region Ten Community Services Board (“Region Ten”) was established by the City of Charlottesville and the Counties of Albemarle, Fluvanna Greene, Louisa and Nelson (the “Localities”) as required by § 37.2-500 *et seq.* of the Code of Virginia, 1950, as amended, to provide mental health, intellectual disability and substance abuse services to the residents of the Localities; and,

WHEREAS, the services provided by Region Ten are more particularly described in an annual Performance Contract with the Virginia Department of Mental Health, Mental Retardation & Substance Abuse Services, which is subject to review and approval by the City of Charlottesville, Virginia (the “City”); and,

WHEREAS, the City will make quarterly payments to Region Ten for the provision of comprehensive services and for the City’s drug treatment program, and Region Ten will also receive reimbursement funding from the Commonwealth of Virginia, the federal government and other Localities; and,

WHEREAS, in order to pay operational expenses Region Ten has previously relied on loans and other financing obtained through Region Ten Community Services Board, Inc., (“Region Ten, Inc.”), the private nonprofit corporation formed to assist Region Ten in the fulfillment of its mission; and,

WHEREAS, Region Ten now wishes to obtain a loan or other financing in its own name for purposes of cash flow management and for the payment of operational expenses; and,

WHEREAS, § 37.2-504.A.11 of the Code of Virginia, 1950, as amended, requires that community services boards may “apply for and accept loans as authorized by the governing body of each county or city that established it” and Region Ten seeks the City’s authorization solely to meet that statutory requirement; and,

WHEREAS, Region Ten is seeking authorization from the governing body of each Locality to apply for and accept a loan or line of credit in an amount up to \$2,000,000 that creates no legally enforceable obligation extending one year beyond the date on which the obligation is incurred (the “Line of Credit”); and

WHEREAS, Region Ten and the Localities understand and agree that the obligations under the Line of Credit are not to constitute a debt or pledge of the full faith and credit of the Localities and shall not impose any liability on the Localities, nor is the requested authorization a guarantee on the part of the Localities of the Line of Credit.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Charlottesville, Virginia that the City Council hereby authorizes Region Ten Community Services Board to apply for and accept a line of credit consistent with §§ 15.2-2629 or 15.2-2630 of the Code of Virginia or a loan otherwise structured so as not to constitute “debt” subject to Article VII, § 10(b) of the Constitution of Virginia in an amount up to \$2,000,000 and such authorization shall include the right to renew such lines of credit or obtain new lines of credit provided such renewals or new lines of credit do not exceed \$2,000,000 in the aggregate and are subject to the terms and conditions of this resolution; and

BE IT FURTHER RESOLVED that the authorization of the Line of Credit will not constitute an endorsement to any lender of the creditworthiness of Region Ten nor will it be a guarantee of the Line of Credit. Furthermore, the City shall not be obligated to pay nor to guarantee any debt incurred by Region Ten as a result of the Line of Credit applied for and accepted by Region Ten, nor any interest or other costs associated therewith. Accordingly, no debt of Region Ten and no loans shall constitute a debt or pledge of the faith and credit of the City or any of the other Localities, and the taxing power of the City or any of the other Localities shall not be pledged thereto. The substance and effect of this paragraph shall be expressly set forth in the loan documents for any loan or line of credit obtained by Region Ten so as to ensure that the lending institution clearly understands this relationship of the City and the other Localities to the obligation; and

BE IT FURTHER RESOLVED that the authorization provided for in the foregoing resolutions is subject to like authorization being received from the governing bodies of the other Localities.

**AN ORDINANCE
AMENDING AND REORDAINING SECTIONS 30-160.1 AND 30-160.4
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
RELATING TO THE SPECIAL TAX RATE FOR ENERGY EFFICIENT BUILDINGS**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Sections 30-160.1 and 30-160.4 of Article V of Chapter 30 (Taxation) of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:

Sec. 30-160.1. - Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Energy-efficient building means any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by thirty (30) percent or any building that (i) meets or exceeds performance standards of the Green Globes Green Building Rating System of the Green Building Initiative, (ii) meets or exceeds performance standards of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council, (iii) meets or exceeds performance standards or guidelines under the EarthCraft House Program, or (iv) is an Energy Star qualified home, the energy efficiency of which meets or exceeds performance guidelines for energy efficiency under the Energy Star program developed by the United States Environmental Protection Agency.

...

Sec. 30-160.4. - Requirements.

The special tax rate provided by this division shall be granted to applicants meeting the following requirements:

- (1) The title to the property for which it is claimed is held, or partially held, by the person claiming the exemption.
- (2) ~~As required by section 58.1-3221.2, Code of Virginia, a certification that the building has been determined to be an energy-efficient building by a qualified licensed engineer or contractor who is not related to the applicant, which licensed engineer or contractor shall certify to the applicant that he or she has the qualifications to provide such certification. The Applicant shall submit the certification required by section 58.1-3221.2 of the Code of Virginia, or a request that the City designate, at the applicant's expense, a qualified architect or professional engineer to determine whether the building meets or exceeds the performance standards or guidelines under any program set forth in section 58.1-3221.2.C of the Code of Virginia.~~
- (3) The applicant is not in arrears.

**AN ORDINANCE
AUTHORIZING THE ABANDONMENT OF
A PORTION OF A NATURAL GAS EASEMENT
ON WHITEWOOD ROAD GRANTED TO THE CITY**

WHEREAS, University of Virginia Physicians Group is the current owner of property located on Whitewood Road in the County of Albemarle, designated as Parcel 26A on Albemarle County Tax Map 61; and

WHEREAS, University of Virginia Physicians Group has requested abandonment of a portion of the permanent natural gas easement which crosses the above-referenced property, said easement granted to the City by deed dated October 5, 2000, of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 1961, page 252, and revised by deed of correction dated August 15, 2007, of record in the aforesaid Clerk's Office in Deed Book 3480, page 504; and

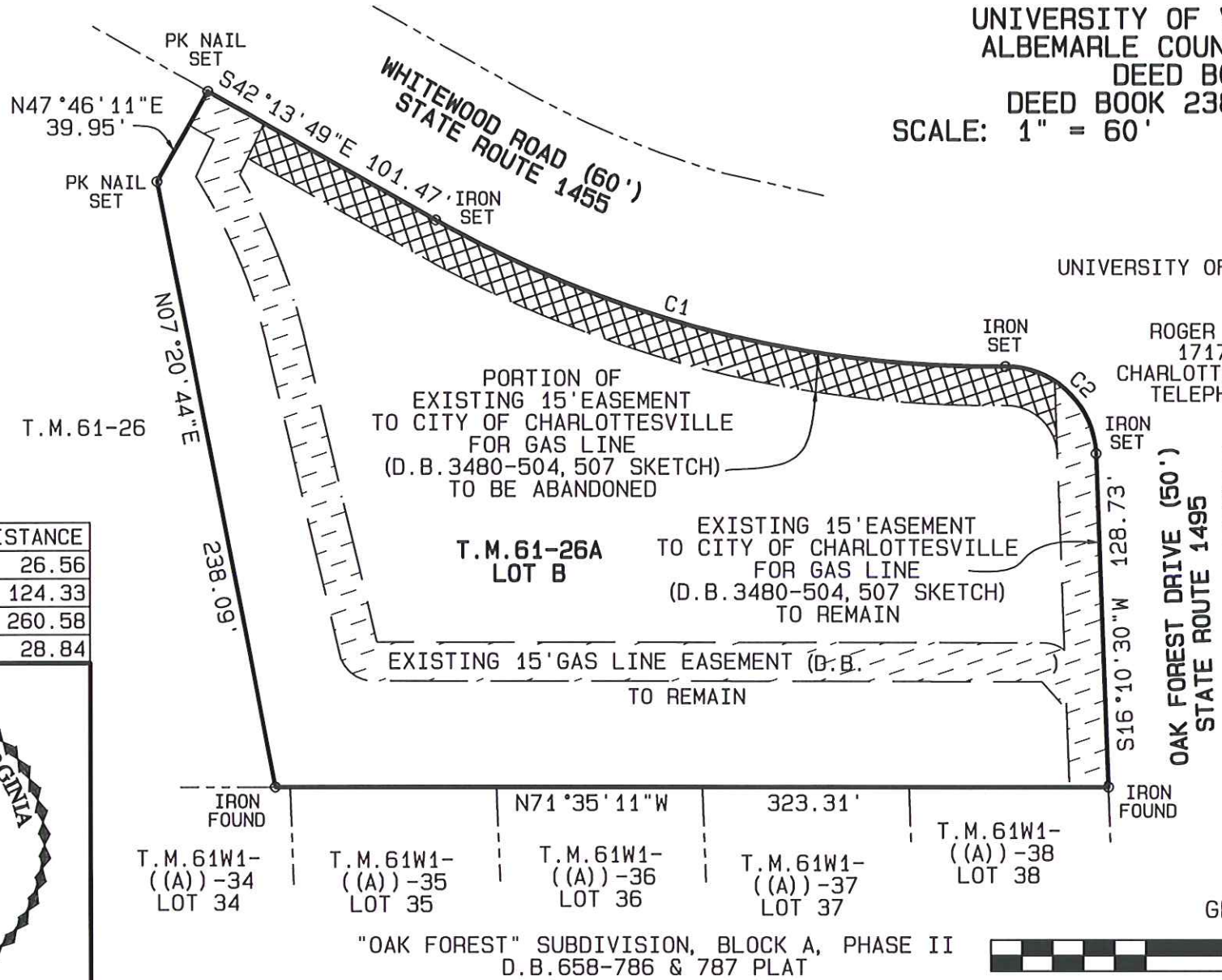
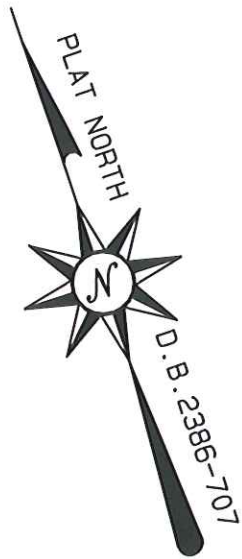
WHEREAS, the Director of Public Utilities has reviewed the request and determined that the City no longer has a need for the above-described easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the abandonment of this easement; 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 Abandonment of Easement, in form approved by the City Attorney, to abandon the above-described natural gas easement, shown as a cross-hatched area on the attached plat made by Brian S. Ray, dated October 4, 2012, last revised October 16, 2012.

LINE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	29°59'37"	440.00	230.33	117.87	227.71	S57°13'39"E
C2	88°23'56"	35.00	54.00	34.03	48.80	S28°01'28"E
C3	17°16'49"	227.97	68.75	34.64	68.49	S04°11'03"E
C4	59°06'56"	5.70	5.89	3.24	5.63	S36°06'56"E
C5	55°02'32"	6.00	5.76	3.13	5.54	S44°00'34"E

CITY OF CHARLOTTESVILLE PUBLIC UTILITIES: GAS
PLAT SHOWING
A PORTION OF THE GAS LINE EASEMENT
RECORDED AT DEED BOOK 3480 PAGE 504
TO BE ABANDONED
FROM
UNIVERSITY OF VIRGINIA PHYSICIANS GROUP
ALBEMARLE COUNTY TAX MAP 61 PARCEL 26A
DEED BOOK 4245 PAGE 156
DEED BOOK 2386 PAGES 706 & 707 PLAT
SCALE: 1" = 60'
DATE: OCTOBER 4, 2012
REVISED: OCTOBER 10, 2012
REVISED: OCTOBER 16, 2012

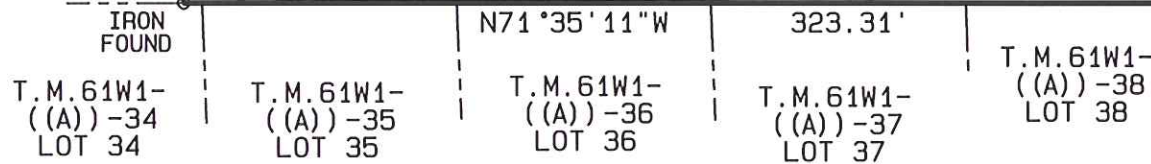


FOR
 UNIVERSITY OF VIRGINIA PHYSICIANS GROUP

ROGER W. RAY & ASSOC., INC.
 1717-1B ALLIED STREET
 CHARLOTTESVILLE, VIRGINIA 22903
 TELEPHONE: (434) 293-3195

LINE	BEARING	DISTANCE
L1	S44°07'18"W	26.56
L2	S05°01'06"W	124.33
L3	S71°31'50"E	260.58
L4	S23°57'40"E	28.84

NOTE:
 BOUNDARY DATA SHOWN HEREON IS BASED
 ON A CURRENT FIELD SURVEY.



"OAK FOREST" SUBDIVISION, BLOCK A, PHASE II
 D.B. 658-786 & 787 PLAT

GRAPHIC SCALE 1"=60'



0 60 120 180 14070E

GL

**RESOLUTION
TO AUTHORIZE THE LEASE OF CITY OWNED PROPERTY
AT 608 RIDGE STREET TO
LOCAL ENERGY ALLIANCE PROGRAM (LEAP)**

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

Lease Agreement between the City of Charlottesville and the
Local Energy Alliance Program (LEAP) for the lease of the main
floor of the house located at 608 Ridge Street.

**RESOLUTION
TO AUTHORIZE THE LEASE OF CITY OWNED PROPERTY
AT 608 RIDGE STREET TO HEATHER HIGGINS**

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

Lease Agreement between the City of Charlottesville and Heather Higgins for the basement apartment space of the property at 608 Ridge Street.

RESOLUTION
Reallocation of Charlottesville Housing Funds from
Charlottesville Redevelopment and Housing Authority Redevelopment to Other Efforts
\$400,000

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$250,000, to be used by CRHA for redevelopment purposes deemed appropriate, be transferred as follows:

Transfer From

Amount	Fund	Project/Cost Center	G/L Account
\$250,000	426	P-00695	599999

Transfer To

Amount	Fund	Project/Cost Center	G/L Account
\$250,000	426	CP-084	599999

BE IT FURTHER RESOLVED that the \$400,000 previously allocated to the Charlottesville Redevelopment and Housing Authority (CRHA) be reallocated to the following projects:

AHIP Emergency Repair	\$100,000
Habitat Belmont Cottages	\$300,000

BE IT FURTHER RESOLVED that the \$400,000 allocated to AHIP Emergency Repair and the Habitat Belmont Cottages be re-committed/allocated to CRHA and the CDC from FY 2014 CHF dollars if such funds are adopted and available.