



**CITY COUNCIL AGENDA
December 16, 2013**

6:00 p.m. – 7:00 p.m.

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

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
AWARDS/RECOGNITIONS
ANNOUNCEMENTS**

Councilor Dave Norris; Det. Joey Lewis, Officer of the Year; Philip Hoffman, First Tee

MATTERS BY THE PUBLIC

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

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

1. CONSENT AGENDA*

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

a. Minutes for December 2

b. **APPROPRIATION:**

Virginia Department of Rail and Public Transportation F.Y. 2014 Mid-Year Funding Allocation - \$565,105 (2nd of 2 readings) **PASSED**

c. **APPROPRIATION:**

Charlottesville Sheriff's Office Insurance Claim Recovery – \$12,943.95 (2nd of 2 readings) **PASSED**

d. **APPROPRIATION:**

Yarney Loan Payoff – \$8,411.00 (2nd of 2 readings) **PASSED**

e. **APPROPRIATION:**

Reimbursement for Attendance to the Congress of Building Code Officials \$1,000 (1st of 2 readings) **CARRIED**

f. **APPROPRIATION:**

Appropriation and Transfer for the Thomas Jefferson Area Coalition for the Homeless Collaborative – \$65,000 (1st of 2 readings) **CARRIED**

g. **APPROPRIATION:**

F.Y. 2014 JAUNT Pass-through Funding - \$480,724 (1st of 2 readings) **CARRIED**

h. **APPROPRIATION:**

Appropriation of Funds from Charlottesville City Schools to the Buford Science Labs Project - \$451 (1st of 1 reading) **PASSED**

i. **RESOLUTION:**

Release of Outstanding \$30k Albemarle Housing Improvement Program (AHIP) Loan (1st of 1 reading) **PASSED**

j. **RESOLUTION:**

FY 12-13 and FY 13-14 Action Plan Amendments and Housing Funds Allocation (1st of 1 reading) **PASSED**

k. **RESOLUTION:**

Support for First Day Introduction Requirement for Bills with Local Fiscal Impacts (1st of 1 reading) **PASSED**

l. **RESOLUTION:**

Release of Encroachment Permit at 853 West Main Street (1st of 1 reading) **PASSED**

m. **RESOLUTION:**

Grant Application for Trails Program – Meadow Creek Trail and Bridge Construction (1st of 1 reading) **PASSED**

n. **ORDINANCE:**

Sale of Kenwood Lot (2nd of 2 readings) **moved to regular agenda; PASSED (4-1, Smith no)**

o. **ORDINANCE:**

Petition to Rezone Property Adjacent to 601 Concord Avenue (2nd of 2 readings) **PASSED**

p. **ORDINANCE:**

Cable Franchise Agreement Extension (1st of 2 readings) **CARRIED**

2. PUBLIC HEARING / RESOLUTION*

Authorize Lease Agreement for 608 Ridge Street (1st of 1 reading) **PASSED**

3. PUBLIC HEARING / RESOLUTION*

Lease Agreement for Cellular Equipment at Market Street Parking Garage (1st of 1 reading) **PASSED**

4. REPORT

State of the City Address

5. REPORT

City Market/Mixed-Use Development Proposal

6. REPORT

Charlottesville Redevelopment & Housing Authority Review

7. RESOLUTION*

Water Resources Protection Program Fee Waiver and Incentive Policy (1st of 1 reading)
PASSED

8. REPORT

Homeowner Assistance with Stormwater Utility Fees

9. RESOLUTION*

~~Transfer of Funds from Capital Improvement Program Contingency for the Context Sensitive Street Design Funding Appropriation – \$300,000 (1st of 1 reading)~~
Deferred to January 21 meeting

10. RESOLUTION*

Allocation of Charlottesville Housing Funds for Development of Property at 991 5th Street S.W. – \$350,000 (1st of 1 reading) **PASSED**

11. RESOLUTION*

Transfer of Funds from Capital Improvement Program Contingency for the Synchro Project - \$300,000 (1st of 1 reading) **DID NOT VOTE; will consider as part of the budget process**

12. RESOLUTION*

YMCA Ground Lease – Extension of Deadline for Construction (1st of 1 reading) **PASSED**

13. REPORT

SPCA Annual Update (*Written Report Only – no presentation*)

14. REPORT

Region 10 Update (*Written Report Only – no presentation*)

OTHER BUSINESS

MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION.
Virginia Department of Rail and Public Transportation
F.Y. 2014 Mid-Year Allocation.
\$565,105

WHEREAS, the Virginia Department of Rail and Public Transportation has approved an allocation to the City of Charlottesville in the amount of \$565,105 for use during F.Y. 2014;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$565,105 is hereby appropriated in the following manner:

Revenues - \$565,105

Fund: 245 Internal Order: 2200005 G/L Account: 430110

Expenditures - \$565,105

Fund: 245 Cost Center: 2200005 G/L Account: 541011

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$565,105 from the Virginia Department of Rail and Public Transportation.

APPROPRIATION.

**Charlottesville Sheriff's Office Automobile Damage Insurance Claim Recovery.
\$12,943.95.**

WHEREAS, the Virginia Municipal League has provided a check in the amount of \$12,943.95, as payment for damages that occurred to the Charlottesville Sheriff's Office Car, Vehicle #3077, during a rear end collision;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that \$12,943.95 is hereby appropriated in the following manner:

Revenues - \$12,943.95

Fund: 105 Cost Center: 1501001000 G/L Account: 451110

Expenditures - \$12,943.95

Fund: 105 Cost Center: 1501001000 G/L Account: 540150

**APPROPRIATION.
Yarney Loan Payoff.
\$8,411.00.**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$8,411.00 is hereby appropriated in the following manner:

Revenues

Fund: 426

Project: CP-084

G/L Account: 499040

Expenditures

Fund: 426

Project: CP-084

G/L Account: 599999

APPROPRIATION.

**Appropriation of Funds from Charlottesville City Schools to the Buford Science Labs Project
\$451**

WHEREAS, Charlottesville City Schools has reimbursed the City of Charlottesville for a credit associated with the cancellation of the Builder’s Risk policy for the Buford Science Labs project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$451 from Charlottesville City Schools is hereby appropriated in the following manner:

Revenues - \$451

Fund: 426 Project: P-00754-01 G/L Account: 432085

Expenses - \$451

Fund: 426 Project: P-00754-01 G/L Account: 599999

RESOLUTION
A.H.I.P. Loan Release \$30,000

WHEREAS, the City of Charlottesville appropriated funding for Albemarle Housing Improvement Program (A.H.I.P.) for the purpose of rehabilitation services of dilapidated houses in Charlottesville; and

WHEREAS, the City and A.H.I.P. entered into a contractual agreement where the \$30,000 would be used as a revolving loan; and

WHEREAS, A.H.I.P. is unable to provide documentation as to the specific use of the funds and has not been reporting the loan as a note payable in their audited financial statements.

NOW THEREFORE, BE IT RESOLVED by the COUNCIL of the City of Charlottesville, Virginia, that the debt of \$30,000, is hereby forgiven.

**A RESOLUTION
AMENDING THE CITY OF CHARLOTTESVILLE'S
FY 12-13 AND FY 13-14 ANNUAL ACTION PLANS**

WHEREAS, the City of Charlottesville must submit Annual Action Plans to the Department of Housing and Urban Development describing the use of Community Development Block Grant and HOME Investment funds; and

WHEREAS, the City of Charlottesville has determined that projects originally described in the FY 12-13 and FY 13-14 Annual Action Plans are no longer valid;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the FY 12-13 and FY 13-14 Annual Action Plans be amended as follows:

FY 12-13 Action Plan

--HOME funds totaling \$88,285 now awarded to AHIP for homeowner rehab.

--CHDO funds totaling \$89,902 now awarded to PHA for development of one affordable unit within the CALM 5th St. Project.

FY 13-14 Action Plan

-- CDBG funds totaling \$27,895 now awarded to Barrett Early Learning Center for building improvements.

RESOLUTION

FIRST DAY INTRODUCTION REQUIREMENT FOR BILLS WITH LOCAL FISCAL IMPACTS

WHEREAS, many local governing bodies in Virginia have an ever-growing concern about the impact on localities of state mandates and cost shifting; and

WHEREAS, Section 30-19.03 of the Code of Virginia states that the Commission on Local Government shall prepare and publish a statement of fiscal impact for “any bill requiring a net additional expenditure by any county, city, or town, or...any bill requiring a net reduction of revenues by any county, city, or town, is filed during any session of the General Assembly”; and

WHEREAS, numerous bills fitting this criteria have been submitted and gone through the legislative process without review for local fiscal impacts due to limited time and resources to review these bills during the General Assembly session; and

WHEREAS, it is also recognized that a need exists for additional time and resources to provide such information during the tight procedural confines of the current legislative process; and

WHEREAS, we believe it is critical that lawmakers have better and timelier information on the fiscal impact to localities when they consider bills and budget items; and

NOW, THEREFORE, BE IT RESOLVED that the City of Charlottesville requests that the General Assembly support measures that require its members to file bills with local fiscal impacts as early as possible, and no later than the first day of session.

RESOLUTION

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

Deed of Vacation and Release of Encroachment Permit between 853 West Main, LLC and the City of Charlottesville, Virginia, for the release of easement rights across the property designated as Parcel 170 on City Tax Map 31 on West Main Street; and

Deed of Vacation and Release of Encroachment Permit between Jean Robertson and James Lindsay, LLLP and the City of Charlottesville, Virginia, for the release of easement rights across the property designated as Parcel 169 on City Tax Map 31 on West Main Street.

RESOLUTION

Virginia Department of Conservation and Recreation (D.C.R.) Recreation Trails Grant Application

WHEREAS, under the provisions of Recreational Trails Program (R.T.P.), federal funding assistance is requested to aid in financing the cost of the construction and/or rehabilitation of recreational trails and trail related facilities; and

WHEREAS, the City of Charlottesville considers it in the best public interest to complete the Meadow Creek bridge recreational trail project described in the 2013-2014 R.T.P. application.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Manager be authorized to make formal application to D.C.R. for funding assistance;
2. Any fund assistance received be used for implementation and completion of the Meadow Creek bridge within the specified timeframe;
3. The City of Charlottesville hereby certifies that project funding is committed and will be derived from a \$5,000 donation from the Rivanna Trails Foundation as well as \$20,000 from the Parkland Acquisition fund to be reimbursed by the state;
4. We acknowledge that we are responsible for supporting all non-cash commitments to this project should they not materialize;
5. We are aware that the grant, if approved by the Federal Highway Administration, will be paid on a 80-20 reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid and remitted to our vendors and evidence of such has been provided to D.C.R. in the format required by the project agreement.
6. This resolution becomes part of a formal application to the Virginia Department of Conservation and Recreation;
7. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, and at a minimum the Endangered Species Act, and Historic Preservation Act as well as all applicable state and federal laws
8. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval.

ORDINANCE
AUTHORIZING THE SALE/CONVEYANCE OF CITY-OWNED LAND
LOCATED AT 1279 KENWOOD LANE
TO HUGH D. SCOTT, III AND SUSANNAH G. WOOD

WHEREAS, the City of Charlottesville is the owner of property located at 1279 Kenwood Lane, Charlottesville, Virginia, currently designated as Parcel 32 on City Tax Map 43B; and

WHEREAS, the City has proposed a subdivision of the Property, to create a new lot, consisting of approximately 14,563 square feet (0.334 acre) fronting on Kenwood Lane (the "Property"), as shown on the attached subdivision plat (review copy) prepared by Thomas B. Lincoln, and the City has begun the process necessary for preparation and approval of a final subdivision plat for the Property; and

WHEREAS, in September 2013 the City solicited proposals from persons interested in acquiring and developing the Property ("Request for Proposals"), and the City has received six (6) purchase offers/ proposals, including a proposal dated October 16, 2013, from Hugh D. Scott and Susannah G. Wood, together, which proposal was amended November 11, 2013 to clarify the correct names of Purchaser as being "Hugh D. Scott, III" and Susannah G. Wood; and

WHEREAS, following review of all proposals received and consideration of the merits of each, and upon consideration of the recommendation of staff, this Council finds that the proposal submitted by Hugh D. Scott, III and Susannah G. Wood is the most meritorious for reasons including, without limitation, the offered purchase price of \$101,850 (i.e., \$105,000, less and except a real estate sales commission of 3% payable to Purchaser's real estate agent); and

WHEREAS, as required by Virginia Code Section 15.2-1800(B) a public hearing on the proposed sale of the Property was advertised and was held on December 2, 2013, and the public has thereby been given an opportunity to comment on the proposed conveyance of the Property;

NOW, THEREFORE, BE IT ORDAINED by the Charlottesville City Council:

THAT the October 16, 2013 proposal, as amended November 11, 2013 ("Proposal") received from Hugh D. Scott, III and Susannah G. Wood (together, "Purchaser") is hereby accepted by Council, and Council hereby approves a sale of the Property to the Purchaser under the terms and conditions set forth within the Request for Proposals and the Purchaser's Proposal, subject to the following modifications:

- (1) The southeast boundary of the Property will be adjusted to provide a fifteen (15) foot wide access between Kenwood Lane and the remainder of the property retained by the City;
- (2) The rear boundary of the Property will be adjusted so that the Property will still contain approximately 14,563 square feet (0.334 acres), after the adjustment to the southeast boundary; and,
- (3) The single family home built on the Property will contain an accessory apartment, as defined and allowed under the City's Zoning Ordinance.

THAT closing shall not take place until a subdivision plat for the property, revised to reflect the modifications stated herein, has received final approval through the City's normal approval process and timeline.

THAT the City Manager is hereby authorized to execute a contract for the sale of the Property by the City to the Purchaser, under the terms and conditions referenced above, and in a form approved by the City Attorney; and

THAT the Mayor of the City of Charlottesville is hereby authorized to execute a deed, in a form approved by the City Attorney, conveying the Property to the Purchaser. The City Attorney is hereby authorized to take whatever steps are necessary to effect the closing of said property conveyance.

Approved by Council
December 16, 2013

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

Clerk of Council

**AN ORDINANCE
APPROVING A REQUEST TO REZONE PROPERTY LOCATED
WITHIN THE RAILROAD RIGHT-OF-WAY ADJACENT TO THE REAR
OF 601 CONCORD AVENUE**

WHEREAS, EFB-JSB, Inc. (“Applicant”) who is the owner and operator of an established business situated on 601 Concord Avenue, seeks a rezoning of an area of approximately 0.2 acre of land, consisting of previously un-zoned railroad right-of-way, located to the rear of and immediately adjacent to 601 Concord Avenue (“Subject Property”); and

WHEREAS, the Applicant has provided documentation that the Owner of the Subject Property assents to this application seeking to place the Subject Property into the Industrial Corridor (IC) zoning district (hereinafter the “Proposed Rezoning”); and

WHEREAS, this application was referred to the Planning Commission for review pursuant to Sec. 34-42 of the City’s Zoning Ordinance, and following a public hearing duly advertised and conducted by the Planning Commission on November 12, 2013, the Planning Commission has recommended approval of the rezoning; and

WHEREAS, following a public hearing, duly advertised and conducted by the City Council on December 2, 2013, and upon consideration of the Planning Commission’s recommendation, this Council finds and determines that the public necessity, convenience, general welfare or good zoning practice requires the Proposed Rezoning; that the proposed “IC” zoning classification is 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 to the Industrial Corridor (IC) zoning district, 0.2 acre of land within the railroad right-of-way immediately adjoining the rear of the property located at 601 Concord Avenue.

**RESOLUTION
TO EXTEND AND MODIFY THE LEASE OF CITY OWNED LAND
AT 608 RIDGE STREET**

WHEREAS, the City Council previously approved two leases of space within the house located at 608 Ridge Street: (i) one, a lease of the basement space for residential occupancy, and (ii) the second, a Lease Agreement made January 11, 2013, to The Local Energy Alliance Program (LEAP), a nonprofit corporation, of the two upper floors of the house (“LEAP Lease”), and both leases are for terms that expire on June 30, 2014; and

WHEREAS, circumstances have changed for each of the tenants, and the tenant occupying the basement apartment is anticipated to leave prior to June 30, 2014, and LEAP desires to continue occupying its current space, and to obtain occupancy of the basement space (once vacated), continuing through June 30, 2015;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Manager is hereby authorized to re-execute the LEAP Lease, revised to include the following amendments:

To the introductory paragraph of the LEAP Lease, the following amendment:

That Landlord hereby leases unto the Tenant and the Tenant hereby agrees to lease from the Landlord the two main floors, and the basement apartment, within of the building located at 608 Ridge Street, in the City of Charlottesville, Virginia, hereinafter referred to as the “Premises.”

To Paragraph 1 of the LEAP Lease, the following amendment:

1. Term. The term of this lease shall commence February 15, 2013 and shall end on June 30, 20142015 (the “Term”). Tenant shall have the right to occupy the basement apartment beginning on July 1, 2014, or at such earlier date as the Landlord may authorize in writing, following any early termination of the separate lease of the basement apartment.

To Paragraph 2 of the LEAP Lease, the following amendment:

2. Rent/ Late Fee/ Deposit. The Tenant agrees to pay the Landlord rent during the Term of this lease of Six Hundred Dollars (\$600) per month). Commencing on July 1, 2014, or on such earlier date as Tenant may take occupancy of the basement apartment, Tenant shall pay rent to the Landlord in the amount of One Thousand Dollars (\$1,000) per month. The Tenant shall pay the Landlord the rent, in advance, on the first day of each calendar month. The Tenant shall pay a late fee of Fifty Dollars (\$50.00) for any rent payment not paid by the due date. On execution of this lease, Tenant shall deposit with Landlord one month’s rent as security for the faithful performance by Tenant of the terms herein, to be returned to Tenant, without interest, upon full performance of its obligations herein.

To Paragraph 7 of the LEAP Lease, the following amendment:

7. Sublet or Assignment. The Tenant shall have no right to assign or sublet the Premises, or any portion thereof, to any other party without the prior written consent of the Landlord, which consent shall be entirely within the discretion of the Landlord. ~~If during the Term, the active lease agreement for the basement apartment of the Premises is assigned to Tenant, then that lease agreement and this agreement shall merge, after which the total monthly rent payable by Tenant pursuant to Paragraph 2 herein shall be increased to one thousand dollars (\$1,000.00) for the remainder of the Term. In the event of a conflict of terms between the two lease agreements, this Agreement shall control.~~

Except as to the amendments shown above, all of the other terms and conditions of the LEAP Lease shall be and remain in full force and effect. The City Attorney's Office shall prepare a final, amended lease with the amendments shown above, shall indicate whether the amended lease is approved as to form, and shall present signature copies for execution by the City Manager and LEAP's authorized representative.

Approved by Council
December 16, 2013



Clerk of Council

**A RESOLUTION
APPROVING A LEASE OF PROPERTY
ON THE MARKET STREET PARKING GARAGE
TO CELLCO PARTNERSHIP (T/A VERIZON WIRELESS)**

WHEREAS, Cellco Partnership, trading as Verizon Wireless (“Verizon”), proposes to lease certain property on the Market Street Parking Garage structure, for the purpose of installing telecommunications equipment (“Lease”);

WHEREAS, City Staff and Verizon have negotiated proposed terms and conditions for the Lease, as set forth within the draft proposed Lease Agreement submitted for City Council’s consideration at a public hearing duly advertised and conducted on December 16, 2013; and

WHEREAS, upon consideration of the recommendations of staff and of the terms and conditions of the proposed Lease Agreement, this Council finds that the proposed Lease is in the public interest, will promote the public welfare, safety and convenience, will promote economic development and tourism in Downtown Charlottesville, and contains terms that are satisfactory and mutually advantageous;

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the City Manager is hereby authorized to execute a final Lease Agreement consistent with the terms and conditions of the draft proposed Lease Agreement considered by Council at the December 16, 2013 public hearing, which final Lease Agreement must be approved by the City Attorney as to form prior to signature.

**A RESOLUTION
ADOPTING A STORMWATER UTILITY FEE WAIVER AND
WATER QUALITY INCENTIVE PROGRAM
FOR THE CITY'S WATER RESOURCES PROTECTION PROGRAM**

WHEREAS, the City is developing a comprehensive Water Resources Protection Program (WRPP), designed to ensure regulatory compliance, address drainage and flooding problems, provide for stormwater infrastructure rehabilitation and environmental protection and restoration, and promote public education, outreach and involvement; and,

WHEREAS, the City previously adopted an ordinance establishing a stormwater utility that includes a Water Resources Protection Fund, with a dedicated revenue source from a system of service charges ("stormwater utility fee") assessed to property owners or other persons to whom water services are billed; and,

WHEREAS, the Code of Virginia § 15.2-2114 (D) mandates that any locality adopting a stormwater utility fee must provide for full or partial waivers of stormwater utility fee charges to any person who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings; and

WHEREAS, in order to develop a program to implement a system of full or partial waivers, to be applied as credits against a property's established stormwater utility fee, and also to provide some cost sharing incentive(s) to persons who voluntarily improve water quality, the City convened a focus group of community stakeholders and considered their recommendations, and the City has arranged a partnership with the Thomas Jefferson Soil and Water Conservation District, for the administration of an incentive program in which funding will be offered to persons who install, operate and maintain practices that improve water quality, through a combined local and regional conservation and assistance program; and

WHEREAS, this Council previously appointed members to a City WRRP Advisory Committee, and these members will participate in periodic assessments of WRRP priorities and funding needs, it is the recommendation of City staff that the Advisory Committee also be authorized to conduct periodic reviews of the appropriateness and effectiveness of the incentives program;

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the WRPP Fee Waiver and Incentive Policy dated December 16, 2013 is hereby approved, and the WRRP Advisory Committee may, from time to time, report to City Council on the appropriateness and effectiveness of the incentives program referenced within the Policy; and

BE IT FURTHER RESOLVED that the City Manager is authorized to execute a final Memorandum of Agreement ("MOA") with the Thomas Jefferson Soil and Water Conservation District, and to execute amendments of such MOA from time to time thereafter, all consistent with the terms and conditions set forth within the proposed MOA reviewed by Council on December 16, 2013, and within the limits of the funding appropriated by City Council for the incentives program, and subject to approval of the form of the final MOA and any amendments by the City Attorney.

RESOLUTION
Allocation of Charlottesville Housing Funds for Development of
Property at 991 5th Street S.W.
\$350,000

NOW THEREFORE BE IT RESOLVED by the City Council of Charlottesville, Virginia, that \$350,000 from currently appropriated funds in the Charlottesville Housing Fund (CP-084) be allocated out to Habitat for Humanity of Greater Charlottesville (or other designated recipient) to develop the site located at 991 5th Street S.W. by providing funding to assist Charlottesville Abundant Life Ministries (CALM), Habitat for Humanity of Greater Charlottesville (Habitat), and Piedmont Housing Alliance (PHA) with the development of 12 single family attached townhouses with 6 units serving households at 25% to 60% AMI and 6 others currently envisioned to serve 60% to 120% AMI, with 2 units reserved to serve 60% - 80% AMI, as feasible.

BE IT FURTHER RESOLVED that to the greatest extent possible, current residents of the Prospect Avenue community shall be given access to purchasing these homes.

RESOLUTION
EXTENDING THE DEADLINE FOR PIEDMONT FAMILY YMCA
TO COMMENCE CONSTRUCTION ON THE RECREATIONAL FACILITY
TO BE LOCATED IN McINTIRE PARK

WHEREAS, the City of Charlottesville and Piedmont Family YMCA (“YMCA”) entered into a Ground Lease, dated January 15, 2008, for the long-term use of a portion of McIntire Park on which the YMCA intends to build a recreational facility to benefit the community; and

WHEREAS, construction has been delayed due to litigation over the City’s bidding and funding process related to the leasing of the subject land which litigation concluded in January of 2013; and

WHEREAS, Paragraph 8 of the Ground Lease states the lease will terminate if construction of the facility is not commenced within sixty (60) months of the execution of the lease or January 15, 2013, unless an extension of time is requested by the YMCA for good cause and agreed to by the City; and

WHEREAS, Council previously granted a one year extension to the deadline on December 17, 2012 allowing for a deadline of January 15, 2014 for commencement of construction, and

WHEREAS, this Council finds that good cause does exist for the delay in construction, and YMCA has requested in writing a second twelve (12) month extension of the deadline to commence construction due to the litigation delays; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that this Council hereby agrees to extend the construction commencement deadline for an additional twelve (12) months on the YMCA facility, as required by Paragraph 8 of the above-referenced Ground Lease. The new construction commencement deadline will be January 15, 2015.