



CITY COUNCIL AGENDA
Monday, December 5, 2016

6:00 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code

Second Floor Conference Room (Sale of City-owned property on Rougemont Avenue; consultation with legal counsel regarding pending litigation with Charlottesville Parking Center, Inc., and consideration of specific individuals for appointment to boards and commissions.)

7:00 p.m.

Regular Meeting - CALL TO ORDER

Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

VSA Poetry Book presentation

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

MATTERS BY THE PUBLIC

Public comment is provided for up to 12 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 9 of these spaces, and pre-registered speakers are announced by noon the day of the meeting. An unlimited number of spaces are available at the end of the meeting.

1. CONSENT AGENDA*

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

Passed 5-0 (Szakos/Bellamy)

a. Minutes for November 21

b. **APPROPRIATION:**

\$715,436.19 from Rivanna Water and Sewer Authority (RWSA) for Reimbursement of Utility Betterment for Route 250 Bypass (2nd of 2 readings)

c. **APPROPRIATION:**

\$1,614,157.22 to Virginia Department of Transportation (VDOT) for Overpayment of Funds Received for Route 250 Bypass (2nd of 2 readings)

d. **APPROPRIATION:**

New Sidewalk, ADA Improvements, & Bicycle Improvements – \$295,000 (2nd of 2 readings)

e. **APPROPRIATION:**

U.S. Department of Justice Bullet Proof Partnership Grant – \$6,737.50 (2nd of 2 readings)

f. **APPROPRIATION:**

\$664,776.63 to the Charlottesville Affordable Housing Fund (1st of 2 readings)

g. **RESOLUTION:**

Cedars Court Apartments Special Use Permit (1st of 1 reading)

h. **RESOLUTION:**

1713 Jefferson Park Ave Alpha Chi Sigma fraternity Special Use Permit (1st of 1 reading)

i. **RESOLUTION:**

Expand Career Pipelines & Paid Apprenticeships for Infrastructure Building and Repair (1st of 1 reading)

j. **ORDINANCE:**

West Main Street Density Amendment (1st of 2 readings)

k. **RESOLUTION:**

Statement of Principle: A Commitment to Pluralism, Inclusion, Equity and Justice (1st of 1 reading)

2. PUBLIC HEARING /
APPROPRIATION*

FY2016 Year-End Appropriation (1st of 2 readings) – **Carried (Szakos/Galvin)**

3. PUBLIC HEARING /
ORDINANCE*

Ragged Mountain Natural Area Rules of Use (1st of 2 readings) – **Carried (Szakos/Galvin)**

4. ORDINANCE*

Water Street Corridor Amendments (1st of 2 readings) – **Carried (Szakos/Galvin)**

As revised by Galvin to say 15-20' setback

5. RESOLUTION*

Proposed Vinegar Hill Park (Plaza) – Resolution to name and provide \$15,000 for signage (1st of 1 reading) – **Passed 5-0 (Bellamy/Fenwick)**

OTHER BUSINESS

MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION

Rivanna Water and Sewer Authority (RWSA) for Reimbursement of Utility Betterment for Route 250 Bypass \$715,436.19

WHEREAS, the Route 250 Bypass Interchange at McIntire Road project has been completed and Rivanna Water and Sewer Authority (RWSA) has reimbursed the City for its share of the utility betterment portion of the project;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$715,436.19 be appropriated.

Expenditure

Fund: 426

WBS Element: P-00201

G/L Code: 599999

APPROPRIATION

Reimbursement of Funds to Virginia Department of Transportation (VDOT) for Utility Betterment Portion of Route 250 Bypass \$1,614,157.22

WHEREAS, the Route 250 Bypass Interchange at McIntire Road project has been completed and the utility betterment portion of the project has been reconciled;

WHEREAS, the Virginia Department of Transportation (VDOT) has overpaid the City of Charlottesville for amounts related to utility betterment costs;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$1,614,157.22 be appropriated and used to reimburse VDOT for the overpayment.

Expenditure

Fund: 426

WBS Element: P-00201

G/L Code: 599999

APPROPRIATION

Revenue Sharing Program - \$295,000

WHEREAS, a total of \$295,000 in state funds for the Revenue Sharing Program requires appropriation;

WHEREAS, a total of \$295,000 in matching city funds for the Revenue Sharing Program requires transferring;

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

\$ 295,000 Fund: 426 WBS: New Account G/L Account: 430080

Expenditures

\$ 295,000 Fund: 426 WBS: New Account G/L Account: 599999

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

Transfer From

\$ 95,000	Fund: 426	WBS: P-00670	G/L Account: 561425
\$ 100,000	Fund: 426	WBS: P-00335	G/L Account: 561425
\$ 100,000	Fund: 426	WBS: P-00671	G/L Account: 561425

Transfer To

\$ 95,000	Fund: 426	WBS: P-00929	G/L Account: 498010
\$ 100,000	Fund: 426	WBS: P-00927	G/L Account: 498010
\$ 100,000	Fund: 426	WBS: P-00928	G/L Account: 498010

APPROPRIATION

**U.S. Department of Justice 2016 Bullet Proof Partnership Reimbursement Grant
\$6,737.50**

WHEREAS, the City of Charlottesville, through the Police Department, has received the U.S. Department of Justice Bullet Proof Vest Grant in the amount of \$6,737.50 to be used to offset 50% of the cost of bullet proof vests.

WHEREAS, the grant award covers the period from period October 1, 2015 through August 31, 2018.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$6,737.50, received from the U.S. Department of Justice is hereby appropriated in the following manner:

Revenues - \$6,737.50

Fund: 105 Cost Center 3101001000 G/L: 431110

Expenditures - \$6,737.50

Fund: 105 Cost Center 3101001000 G/L: 520060

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$6,737.50 from the U.S. Department of Justice.

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE RESIDENTIAL DENSITY UP TO 55 DWELLING UNITS PER ACRE
WITHIN A MULTIFAMILY DWELLING TO BE CONSTRUCTED
AT 1228 CEDARS COURT**

WHEREAS, 1228 Cedars Court, LLC is the owner of certain land located at 1228 Cedars Court, identified on City Tax Map 40B as Parcel 4.5 and containing approximately 0.348 acre or 15,159 square feet (“Subject Property”), by its authorized agent, has requested special use permit, in order to obtain sufficient density to establish a 19-unit multifamily dwelling on the Subject Property (the proposed “Special Use”). The Subject Property is within the City’s Urban Corridor Mixed Use zoning District (“URB”); and

WHEREAS, the requested Special Use is described within the application materials submitted in connection with SP16-00008, including: (i) a narrative dated July 26, 2016, a proposed preliminary site plan last revised October 14, 2016, submitted to NDS on July 26, 2016 (collectively, the “Application Materials”), and the Special Use is allowed within the URB zoning district, pursuant to City Code §34-760; and

WHEREAS, the Planning Commission has reviewed the Application Materials, the City’s November 9, 2016 Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on November 9, 2016, the Commission voted to recommend that City Council should approve the requested Special Use and recommended several conditions; and

WHEREAS, upon consideration of the comments received during the joint public hearing, and of the Planning Commission’s recommendation, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the requested special use permit subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §34-760, a special use permit is hereby approved and granted to authorize a multifamily dwelling containing no more than 19 dwelling units (the “Building”) to be constructed on the Subject Property, subject to the following conditions:

1. The landowner shall establish a vegetated curbside buffer having a width of at least three (3) feet, and not exceeding four (4) feet, along the length of the Subject Property’s frontage on Cedars Court (“Curbside Buffer”).
2. Trees shall be planted, either (i) within the Curbside Buffer or (ii) on the Subject Property adjacent to the sidewalk, planted in accordance with Sec. 34-870. The final number and types of trees, and planting details, shall be depicted on the final site plan; all such trees, and the specific location and manner of planting, shall be subject to approval of the NDS Director and the City’s Utilities Engineer.

3. The landowner shall construct a sidewalk, at least five (5) feet wide, along the length of the Subject Property's frontage on Cedars Court. The sidewalk shall be constructed within the public right-of-way, between the Curbside Buffer and the adjacent lot line of the Subject Property.
4. The landowner shall provide a primary Building entrance located on the northeast corner of the Building ("Corner Entrance"). This Corner Entrance will be separate from the vehicular entrance. This Corner Entrance shall be constructed of transparent materials, so that the interior of the building is visible from Cedars Court, and:
 - a. a continuous separated pedestrian connection shall be provided to connect the public right-of-way to this primary Building entrance (facing Cedars Court);
 - b. the open interior space inside the Corner Entrance shall contain the bicycle storage facilities required by City Code Sec. 34-881. The Corner Entrance and the bicycle storage facilities shall be configured and constructed so that the bicycle parking is readily observable from Cedars Court; and
 - c. the primary Building entrance, pedestrian connection, open space, and bicycle storage shall be depicted on the final site plan for the development.
5. The final site plan shall depict and include details of a stream restoration plan, consistent with natural channel design principles and practices. The stream restoration plan shall satisfy the requirements of City Code Sec. 10-75 and shall contain details satisfactory to the City Engineer, the City's Utilities Engineer, and the City's Stormwater Utility Program Administrator.
6. No demolition of existing building(s) or other site improvements shall be commenced prior to approval of a final site plan and approval of a permit authorizing land-disturbing activities pursuant to Sec. 10-9. For purposes of Chapter 10 of the City Code, demolition activities shall be planned and built into the E&S and stormwater management plan (if required), as part of the overall development plan for the subject property, and no such demolition activity shall be undertaken as a stand-alone activity.
7. The landowner shall install signage on the Subject Property, directing pedestrians to the existing Rivanna Trail Foundation (RTF) trail access located on the Subject Property.

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE A BOARDING (FRATERNITY/SORORITY) HOUSE
AT 1713 JEFFERSON PARK AVENUE**

WHEREAS, Alpha Kappa Housing Corporation is the owner of certain land, buildings and improvements located at 1713 Jefferson Park Avenue, identified on City Tax Map 16 as Parcel 10 (“Subject Property”), and through its duly authorized agent the owner has submitted application SP16-00009 (“Application”) requesting a special use permit; and

WHEREAS, the purpose of the Application is to bring an existing fraternity house into compliance with current zoning requirements, to expand the existing building and use (the proposed “Special Use”) and to modify certain parking and building setback requirements for the proposed Special Use, as described within the Staff Reports dated October 18, 2016 and November 9, 2016, and as depicted within the proposed preliminary site plan dated 07/22/2016, as revised 09/15/2016 (“Preliminary Site Plan”); and

WHEREAS, the requested Special Use is authorized by §34-420 of the City Code, and the requested modifications of parking and setback requirements are authorized by City Code §34-162; and

WHEREAS, the Subject Property is zoned “R-3” (multifamily residential) subject to the requirements of the City’s entrance corridor overlay district zoning regulations; and

WHEREAS, following a joint public hearing before the Planning Commission and City Council, duly advertised and held on November 9, 2016, the Planning Commission reviewed the application materials and, following the public hearing, determined that the proposed Special Use, under suitable regulations and safeguards set forth within a list of recommended conditions, should be approved by City Council, and the Planning Commission has transmitted its recommendation to City Council; and

WHEREAS, this Council concurs with the Planning Commission and hereby finds and determines that, under suitable regulations and safeguards, the proposed Special Use is consistent with the Comprehensive Plan and will serve the interests of the public necessity, convenience, general welfare or good zoning practice; will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code; and will be consistent with the purpose of the R-3 zoning district classification. **NOW, THEREFORE**,

BE IT RESOLVED by the City Council of the City of Charlottesville, that a Special Use Permit is hereby granted to authorize a boarding (fraternity or sorority) house use within a building of the size and location depicted within the proposed Preliminary Site Plan, subject to the following conditions:

1. The fraternity house shall have a maximum of eight (8) bedrooms and not more than eight (8) residents. Any expansion of the fraternity house beyond eight (8) bedrooms and/or eight (8) residents will require an amendment to this Special Use Permit.
2. On-site parking will be provided in the location and configuration shown within the preliminary site plan dated 07/22/2016, as revised 09/15/2016. The final site plan shall demonstrate compliance with all of the following:
 - a. Any on-site parking off of Montebello Circle shall be angled in a way to prevent backing out onto the road at a 90° angle.
 - b. No trees shall be removed to make room for parking.
 - c. Parking on the existing driveway off of Jefferson Park Avenue shall be limited to two (2) spaces and must be screened from view of Jefferson Park Avenue.

- d. All on-site parking shall be used exclusively by residents of the fraternity house and their guests. No selling or leasing of on-site parking for off-site functions is permitted.
3. All trash receptacles must be hidden from view when not set out for curbside pickup.
4. All outdoor lighting and light fixtures shall be full cut-off luminaires and equipped with devices for redirecting light (such as shields, visors, or hoods) to eliminate the luminaire glare and block direct light from on-site fixtures from spilling over onto neighboring properties. Fixtures shall be recessed and shall completely conceal the light source from all viewing positions other than those on-site positions intended to receive illumination from the fixture.
5. For the building and use described above, modifications of generally-applicable parking standards (City Code 34-984) and required yards (City Code 34-353) are approved, as follows:
 - a. Seven (7) on-site parking spaces will be required.
 - b. The following side yards shall be required:
 - i. Northeast Side Yard Abutting TMP 16-10.1 Lot 21 (S 58°59'59" E 150.446'): A side yard of three (3) feet, minimum will be required instead of one (1) foot of side yard per every two (2) feet of building height with a minimum of ten (10) feet.
 - ii. Southwest Side Yard Abutting TMP 16-11 Lot C (N 58° 59'58" W 151.72'): A ten (10) feet, minimum will be required, instead of one (1) foot of side yard per every two (2) feet of building height with a minimum of ten (10) feet.
6. Except as specifically modified within condition (5), buildings and structures, and the uses thereof, located on the Subject Property shall be in accordance with the provisions of City Code Sec. 34-353 and 34-984, and any other applicable provision of Chapter 34 (Zoning) of the Code of the City of Charlottesville.

RESOLUTION
to Expand Career Pipelines & Paid Apprenticeships in Infrastructure
Building and Repair within the City of Charlottesville for Local Residents

Whereas, the Piedmont Workforce Network (PWN) supports educational and skill enhancement and workplace readiness programs for eligible clients as they pursue career pathways in rising occupational groups (like transportation) that support the region’s target industry groups; and

Whereas, the Charlottesville City Council’s Strategic Plan calls for enhancing “the self-sufficiency of our residents” (Goal 1) and having “a strong diversified economy” (Goal 3); and

Whereas, the 2013 Charlottesville Comprehensive Plan goals for Economic Sustainability call for:

- partnering “with local workforce service providers to offer retraining opportunities for City residents in order to increase their chances of gaining employment in new and emerging industries” (Goal 6.5); and
- adopting the “Growing Opportunity (GO): A Path to Self- Sufficiency in Charlottesville” plan as a “framework for a City-wide policy to facilitate economic prosperity for all City residents” (Goal 6.10); and

Whereas, on March 21, 2016 the Charlottesville City Council directed the City Manager to conduct an analysis of jobs required by the West Main Street Improvement Project that could be performed in-house by city departments (such as sidewalk installation, laying pipe, others) and linked to the Growing Opportunity GO apprenticeship programs for the benefit of local residents within nine (9) months of passing that resolution, thereby establishing a precedent for linking local employment opportunities to infrastructure projects;

BE IT RESOLVED that Charlottesville City Council directs the City Manager and his staff to conduct an analysis of jobs required by the Belmont Bridge Project that can be performed in-house by city departments and linked to the Growing Opportunity GO apprenticeship programs as well as programs at CATEC and PVCC for the benefit of local residents within nine (9) months of passing this resolution; and

BE IT FURTHER RESOLVED that Charlottesville City Council directs the City Manager and his staff to work with the Virginia Department of Transportation (VDOT), the Thomas Jefferson Planning District Commission (TJPDC), the local Metropolitan Planning Organization (MPO) and the Piedmont Workforce Network (PWN) Council and Board to develop strategies to promote local recruitment for VDOT training programs and hiring as they pertain to regionally significant transportation projects like the Belmont Bridge, within nine (9) months of passing this resolution.

RESOLUTION

Statement of Principle: A Commitment to Pluralism, Inclusion, Equity and Justice

Advancing equity and inclusion is critical to the success of our community and our nation. Our diversity is the source of our pride and our prosperity.

As political rhetoric on the national level has become heated and divisive, and with an increase in hateful and dangerous speech and acts locally and nationwide, many of our neighbors have experienced fear and anxiety.

At this time we must strongly reaffirm our commitment to diversity and to fostering an atmosphere of inclusion.

We reject hate speech, hate crimes, harassment, racial bias, homophobia, Islamophobia, anti-Semitism, anti-immigrant discrimination, and harmful bias and discrimination in all forms.

We welcome all people and recognize the rights of individuals to live their lives with dignity, free of fear and discrimination because of their faith, race, sexual orientation or identity, national origin or immigration status.

We believe the public sector has a critical role in ensuring the public good and pledge to continue our work in making our services and programs accessible and open to all.

RESOLUTION
TO RESERVE A PORTION OF THE DOWNTOWN PEDESTRIAN MALL,
AS DEFINED IN CITY CODE SEC. 28-2(b), AS AN AREA TO
BE NAMED “VINEGAR HILL PARK”

WHEREAS, the City’s Historic Resources committee has recommended that, in commemoration of the historical significance of the Vinegar Hill neighborhood, a portion of the public right-of-way at the west end of the Downtown Pedestrian Mall should be reserved, landscaped and improved as an area to be known as “Vinegar Hill Park”; and

WHEREAS, this project will implement a concept originally shown within Lawrence Halprin’s original plan for the Downtown Mall (ca. 1974) and the proposed improvements include signage and kiosks that will educate the general public about the historical significance of the Vinegar Hill neighborhood;

NOW, THEREFORE, be it resolved by the Charlottesville City Council that a portion of the public right-of-way located at the west end of the Downtown Pedestrian Mall, as that term is defined in City Code Sec. 28-2(b), shall be reserved and improved as shown within a document titled “*Concept Plan and Signage Details for proposed Vinegar Hill Park by Laura Knott, ASLA, July 20, 2016*”, hereafter to be known as “Vinegar Hill Park”; and

BE IT FURTHER RESOLVED THAT Vinegar Hill Park shall be and remain part of the public right-of-way referenced in City Code Sec. 28-2(b). The NDS Director and the City’s Fire Official shall update the maps referred to within Sec. 28-2(b), (c), and (d), as may be necessary as a result of the improvements authorized within this resolution.