



**CITY COUNCIL AGENDA**  
**Monday, December 19, 2016**

**5:30 p.m.** **Closed session as provided by Section 2.2-3712 of the Virginia Code**  
*Second Floor Conference Room*  
(Acquisition of real property along Moore's Creek east of Avon Street, for public trail purposes; 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**

**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 are published by noon the day of the meeting. An unlimited number of spaces is 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/Galvin)**

- a. Minutes for December 5
- b. **APPROPRIATION:** FY2016 Year-End Appropriation (2<sup>nd</sup> of 2 readings)
- c. **APPROPRIATION:** \$664,776.63 to the Charlottesville Affordable Housing Fund (2<sup>nd</sup> of 2 readings)
- d. **RESOLUTION:** Meeting Procedures Amendment (1<sup>st</sup> of 1 reading)
- e. **RESOLUTION:** Request For Proposal: Form-based Code (1<sup>st</sup> of 1 reading) **Fenwick voted no**
- f. **RESOLUTION:** ~~Ragged Mountain Natural Area Bike Trail Map (1<sup>st</sup> of 1 reading)~~ Pulled for discussion with report 4
- g. **ORDINANCE:** West Main Street Density Amendment (2<sup>nd</sup> of 2 readings)
- h. **ORDINANCE:** Water Street Corridor Zoning Ordinance Amendment (2<sup>nd</sup> of 2 readings)

**2. PUBLIC HEARING / ORDINANCE\*** Conveyance of Rougemont (1<sup>st</sup> of 2 readings ) **Carried (Galvin/Bellamy)**

**3. RESOLUTION** Deer Management **Council gave direction – no vote taken**

**4. ORDINANCE\*** **Ragged Mountain Natural Area Rules of Use (2<sup>nd</sup> of 2 readings)**  
**Ordinance passed 3-2 (Bellamy, Fenwick no)**  
**Resolution also passed 3-2 (Bellamy, Fenwick no)**

**5. REPORT** Blue Ribbon Commission Final Report  
**Council accepted the report and voted to carry this to a work session during the 2<sup>nd</sup> meeting in January**

**6. REPORT** Region 10 / Mohr Center Proposed Changes  
**Council accepted staff's recommendations, with Galvin additions (passed 5-0)**

**OTHER BUSINESS**  
**MATTERS BY THE PUBLIC**

## FY 2016 Year End Appropriation

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the actions hereinafter set forth are herein authorized with respect to the accounts of the City listed herein, for the fiscal year ended June 30, 2016. The memo to Council dated December 5, 2016 is hereby made part of this appropriation.

### I. General Fund (105).

(a) Departmental Appropriations.

The following amounts shall be permitted to be carried over and expended in the General Fund's respective cost centers or internal orders in the following fiscal year:

1901001000. Treasurer.	\$ 18,000.
2041001000. Finance/Assessor.	\$ 8,316.
2301001000. Voter Registrar.	\$ 17,127.
3901001000. Neighborhood Development Services.	\$ 340,000.
3101001000. Police Department	\$ 240,575.
3691001000. Parks and Recreation – City Market.	\$ 17,500.
2000135. Blue Ribbon Commission on Race, Memorials and Public Spaces.	\$ 500,000.
9753005000. Art in Place.	\$ 27,500.
1631001000. Citywide Reserve.	\$ 148,750.
2213001000. Compensation Study Implementation. and Pay Adjustments	\$ 289,000.
2000122. Community Outreach and Engagement.	\$ 8,376.
Total Section 1 (a).	<u>\$ 1,615,144.</u>

(b) Additional Transfers and Appropriations.

9803030000. Transfer to Transit.	\$ 167,632.
9803030000. Transfer to Information Technology.	\$ 153,000.
9803030000. Transfer to Equipment Replacement.	\$ 25,766.
9803030000. Transfer to Golf Fund.	\$ 115,784.
9803030000. Transfer to Capital Projects Contingency Fund.	\$ 3,918,223.
Total Section 1 (b).	<u>\$ 4,380,405.</u>

### II. Capital Projects Fund (426).

- The sum of \$100,000 received from the schools as F.Y.16 gainsharing funds be appropriated to the Schools Lump Sum project account (SH-017, P-00923).

### **III. Equipment Replacement Fund (106).**

- The sum of \$25,766 received as a transfer from the General Fund shall be appropriated into the equipment replacement reserve account to be used for future equipment replacement purchases.

### **IV. Facilities Repair Fund (107).**

- Courthouse Maintenance (P-00099) - \$20,859 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.
- Courthouse Construction (P-00783) - \$25,646 – These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

### **V. Grants Fund (209).**

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

- \$1,021 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).
- \$12,500 – these funds will be used for Crisis Intervention Training mentoring grant from the Virginia Department of Behavioral Health and Development Services (1900225).
- \$6,500 – these funds will be used for Crisis Intervention Training mentoring grant from the Department of Criminal Justice System (1900226).
- \$11,000 the funds will be used for the operations of the Crisis Intervention Training Program (3101003000).

### **VI. Utility Funds (631).**

- Utility Billing - \$15,000 these funds will be used to help fund a cost of service study for water and wastewater.
- Gas Fund - \$144,250, these unspent carryover funds will be used to fund the cost of replacing a steel pipe with a factory defect that was discovered during an inspection performed as part of the Route 29N construction project.

### **VII. Transit (245).**

These funds were received as a transfer from the General Fund and will be used in the following manner:

- \$27,032 will be used to help supplement funding for future bus purchases (2804001000).
- \$50,000 will be used to purchase a diesel filter cleaning system (2804001000).
- \$9,600 will be used to purchase a heavy duty wheel balancer (2804001000).
- \$54,000 will be used to purchase two Cummins replacement engines (2804001000).
- \$50,000 will be used to make improvements to the pedestrian crossing on Water Street at the Downtown Station (2804001000).

#### **VIII. Information Technology Fund (705).**

\$153,000 will be used to reimburse the computer replacement account for unanticipated Mobile Data Computer replacements that were required due to technical requirements of the new Emergency Communications Center computer aided dispatch system (2131001000).

#### **IX. Schools Gainsharing.**

In 1998, the School Board and City Council entered into a gainsharing agreement. This agreement mandates that the first \$100,000 to go to facilities for School Capital Improvement Projects, the next \$100,000 is retained by the Schools in the General Fund and then any amount over \$200,000 will be shared equally (50/50) between the School Board and the City. According to the formula \$100,000 will be contributed to the City's School Lump Sum Project Fund.

**APPROPRIATION**  
**Charlottesville Affordable Housing Fund**  
**\$664,776.63**

**WHEREAS**, the City of Charlottesville has received funding from The Standard at Virginia, LLC on behalf of 853/855/901 West Main Street (\$664,776.63) as its Affordable Dwelling Unit payment as required by the Zoning Ordinance Section 34-12; and

**WHEREAS**, the Affordable Dwelling Unit payment must be paid into the City's Affordable Housing Fund pursuant to Section 34-12(d)(2); and

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$664,776.63, be received as payment from The Standard at Virginia, LLC, to be appropriated as follows:

**Revenues**

\$664,776.63 Fund: 426

Project: -CP-084

G/L Code: 451020

**Expenditures**

\$664,776.63 Fund: 426

Project: CP-084

G/L Code: 599999

## **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that Rule (9) (g) of the *Charlottesville City Council Meeting Procedures*, prohibiting “defamatory attacks on individuals or groups” by speakers at City Council meetings, is hereby repealed.

**RESOLUTION**  
**APPROVING THE PROCURMENT OF A CONSULTANT TO ASSIST WITH THE**  
**DEVELOPMENT OF A FORM-BASED ZONING CODE TO IMPLEMENT PHASE I OF**  
**THE STRATEGIC INVESTMENT AREA PLAN**

WHEREAS, this Council has determined that the City would benefit from having professional planning assistance for the development of a form-based code to implement Phase I of the Strategic Investment Area Plan; and

WHEREAS, City Council is willing to authorize a budget for such services of up to \$228,000; now, therefore,

BE IT RESOLVED that Council authorizes staff to take all actions necessary to procure the services of a consultant within the budget authorized by this resolution.

**AN ORDINANCE  
APPROVING AMENDMENTS TO CHAPTER 34 OF THE CODE OF THE CITY OF  
CHARLOTTESVILLE (1990), AS AMENDED (ZONING), DIVISION 5 (WEST MAIN STREET  
WEST CORRIDOR), SEC. 34-621 (DENSITY) AND DIVISION 6 (WEST MAIN STREET EAST  
CORRIDOR), SEC. 34-641 (DENSITY) TO CHANGE THE RESIDENTIAL DENSITY  
ALLOWED BY RIGHT AND BY SPECIAL USE PERMIT WITHIN EACH DISTRICT**

**WHEREAS**, by resolution adopted on March 21, 2016, City Council initiated certain amendments to the text of the City's Zoning Ordinance, Sections 34-621 and 34-641 of the Code of the City of Charlottesville (1990), as amended, and those proposed amendments were previously referred to the Planning Commission for recommendations, subsequently modified by City Council and re-referred to the Planning Commission for recommendation ("Proposed Zoning Text Amendment"); and

**WHEREAS**, a joint public hearing on the Proposed Zoning Text Amendment, was held before the Planning Commission and City Council November 9, 2016, after notice to the public and to adjacent property owners as required by law, and following conclusion of the public hearing the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment; and

**WHEREAS**, after consideration of the Planning Commission's recommendation and other factors and considerations, this Council is of the opinion that that the Proposed Zoning Text Amendment has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, general welfare and good zoning practice require the Proposed Zoning Text Amendment, and (ii) the Proposed Zoning Text Amendment is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that Sections 34-621 and 34-641 of the Code of the City of Charlottesville (1990), as amended, are hereby amended and reenacted as follows:

**Sec. 34-621. Density**

Residential density shall not exceed ~~forty-three (43)~~ sixty four (64) DUA; however, up to ~~two hundred (200)~~ one hundred eighty (180) DUA may be allowed by special use permit.

**Sec. 34-641. Density**

Residential density shall not exceed forty-three (43) DUA; however, up to ~~two hundred (200)~~ one hundred twenty (120) DUA may be allowed by special use permit.

**AN ORDINANCE  
APPROVING AMENDMENTS TO CHAPTER 34 OF THE CODE OF THE CITY OF  
CHARLOTTESVILLE (1990), AS AMENDED (ZONING), DIVISION 11 (REGULATIONS,  
WATER STREET CORRIDOR DISTRICT), SEC. 34-743 (STREETWALL REGULATIONS) TO  
ESTABLISH 25-FOOT BUILDING SETBACKS ADJACENT TO RIDGE STREET AND THE  
SOUTH STREET CORRIDOR DISTRICT**

**WHEREAS**, by motion, the Planning Commission initiated certain amendments to the text of the City's Zoning Ordinance, Section 34-743 ("Proposed Zoning Text Amendment"); and

**WHEREAS**, a joint public hearing on the Proposed Zoning Text Amendment was held before the Planning Commission and City Council November 9, 2016, after notice to the public and to adjacent property owners as required by law; following conclusion of the public hearing the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment to City Council as being required by the public necessity, convenience, general welfare and good zoning practice; and

**WHEREAS**, after consideration of the Planning Commission's recommendation and other factors and considerations, this Council is of the opinion that that the Proposed Zoning Text Amendment has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, general welfare and good zoning practice require the Proposed Zoning Text Amendment, and (ii) the Proposed Zoning Text Amendment is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that Section 34-743 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reenacted as follows:

**34-743. – Streetwall; setback regulations.**

(a) *Stepbacks*. For properties with frontage on the north side of South Street between Ridge Street and 2nd Street SW, the maximum height of the streetwall of any building or structure shall be forty-five (45) feet. After forty-five (45) feet, there shall be a minimum stepback of twenty-five (25) feet along the length of such street wall along South Street, and a minimum stepback of ten (10) feet along the length of Ridge Street.

(b) *Setbacks*.

(1) *Primary and linking street frontage*. At least seventy-five (75) percent of the streetwall of a building must be built to any the lot property line adjacent to a primary street. For the remaining portion of such streetwall (i.e., twenty-five (25) percent), the maximum permitted building setback is five (5) feet; however, (i) if streetscape trees are provided to the standards set forth in section 34-870, or (ii) pursuant to a special use permit granted by city council up to fifty (50) percent of the streetwall of a building may be set back twenty (20) feet from such lot line. Notwithstanding the foregoing: a

required yard of 15-20 feet, minimum, shall be provided along the entire length of any lot line having any frontage on Ridge Street.

(2) *Setback, Water Street.* A yard ~~minimum setback~~ of at least five (5) feet in width shall be provided ~~required for all building~~ along the entire length of any lot line adjacent to ~~located on~~ Water Street.

(3) *Side and rear setback, adjacent to the South Street Corridor District.* A yard having a width of at least ~~building located on South Street~~ shall be set back a minimum of ten (10) feet shall be provided along the entire length of any lot line that adjoins the ~~from any parcel within the~~ South Street Mixed Use Corridor District. An S-2 buffer shall be provided within this required yard setback. The maximum height of a building wall adjacent to this required yard shall be 45 feet; above the height of 45 feet, a stepback of at least 15 feet shall be provided along the entire length of such building wall. In the event a landowner provides a yard in excess of the required 10 feet, then the required stepback may be reduced by the amount of such excess. In no case shall any building wall, above the height of 45 feet, be within 25 feet of a lot line that adjoins the South Street Mixed Use Corridor District.

**AN ORDINANCE  
TO ADD A NEW ARTICLE III, SECTIONS 18-21 THROUGH 18-27,  
TO CHAPTER 18 (PARKS AND RECREATION)  
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
ENTITLED RAGGED MOUNTAIN NATURAL AREA RULES OF USE**

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that Chapter 18 (Parks and Recreation) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained to add a new Article III (Ragged Mountain Natural Area Rules of Use), Sections 18-21 through 18-27, to Chapter 18, which Article shall read as follows:

**ARTICLE III. RAGGED MOUNTAIN NATURAL AREA RULES OF USE**

**Sec. 18-21. Authority.**

This Article is enacted pursuant to the authority set forth in Virginia Code sections 15.2-1725 and 15.2-2109.

**Sec. 18-22. Purpose.**

The purpose of this Article is to establish reasonable rules and regulations that permit certain recreational uses and activities at the Ragged Mountain Natural Area, while insuring the preservation and protection of the Ragged Mountain Reservoir public water supply and the surrounding habitat.

**Sec. 18-23. Definition.**

As used herein the term “Ragged Mountain Natural Area” or “Natural Area” includes the Ragged Mountain Reservoir and the surrounding City-owned real property identified in County of Albemarle Real Property Tax Assessment records as Parcel ID: 07500-00-00-00100, which parcel is shown on County Tax Maps 59, 74 and 75. The City Department of Parks and Recreation shall maintain on file and available for inspection a map or maps of the boundaries of the Ragged Mountain Natural Area.

**Sec. 18-24. Authorized activities.**

The following activities are permitted in the Ragged Mountain Natural Area:

- (a) Hiking and jogging on designated trails, picnicking and birdwatching;
- (b) Bicycling on designated trails;
- (c) Kayaking, canoeing, and boating on the Reservoir; the use of electric motors is permitted, but gasoline marine motors are prohibited, except when used by Rivanna Water and Sewer Authority employees, agents or contractors for purposes related to the maintenance or surveillance of the dam and the water supply; and,
- (d) Fishing that is conducted in compliance with all state regulations and licensing requirements.

**Sec. 18-25. Prohibited activities.**

Any activity not expressly permitted by this Article is prohibited within the Ragged Mountain Natural Area. These prohibited activities include, but are not limited to:

- (a) Trapping, hunting, or the discharge of firearms;

- (b) Camping or remaining in the Natural Area after sunset;
- (c) Swimming or diving in the Ragged Mountain Reservoir;
- (d) Setting, maintaining or allowing any fire;
- (e) Consumption of alcoholic beverages;
- (f) Horse riding, except when authorized by special permit issued through the City Department of Parks and Recreation;
- (g) Using motor vehicles except on roads paved or improved for vehicular traffic and in designated parking areas; provided that the prohibition of motor vehicles shall not apply to approved ADA mobility assistance devices;
- (h) Accessing the Reservoir's auxiliary spillway, except on designated trails;
- (i) Storing boats or other personal property at the Natural Area; allowing motor vehicles to remain in the parking area after sunset; or mooring boats on the Reservoir;
- (j) Littering or leaving trash or refuse in the Natural Area; and,
- (k) The transporting or releasing of wildlife or the disturbance of nests or nesting sites;
- (l) Conducting organized running or bicycling races or competitions.
- (m) Bringing any dog, except for a service animal, into the Natural Area.

**Sec. 18-26. Natural Area Hours.**

It shall be unlawful for any person to enter or remain on the premises of the Ragged Mountain Natural Area between sunset and 7:00 a.m. without the express written permission of the Director of the City Department of Parks and Recreation. Any person violating the provisions of this section shall be guilty of a Class 3 misdemeanor.

**Sec. 18-27. Management, enforcement and penalties.**

(a) The Director of the City Department of Parks and Recreation, or his or her designee, shall be responsible for the maintenance and management of the Ragged Mountain Natural Area, for the enforcement of the provisions of this Article, for posting appropriate signage at the Natural Area, and for adopting ancillary operating rules and regulations, if necessary, for the Natural Area that are not inconsistent with this Article.

(b) The City Manager or the Director of the City Department of Parks of Recreation or their respective designees may, after a hearing, prohibit any person from using the Ragged Mountain Natural Area for a reasonable period of time due to a serious or repeated violation of the provisions of this Article.

(c) It shall be unlawful for any person to violate the provisions of this Article governing the use of the Ragged Mountain Natural Area. Except as expressly provided in section 18-26, any person violating any of the provisions of this Article shall be guilty of a Class 4 misdemeanor, or as such violations may otherwise be punishable under state law.