



CITY COUNCIL AGENDA
August 2, 2010

6:00 – 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

Winneba Delegation, Joli Milner – Teen Jeopardy, Army Birthday Celebration

ANNOUNCEMENTS

MATTERS BY THE PUBLIC

Public comment will be permitted until 7:35 p.m. (limit of 3 minutes per speaker) and at the end of the meeting on any item, including items on the agenda, provided that a public hearing is not planned or has not previously been held on the matter. Persons are asked to sign up in advance of the start of the meeting.

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 of July 19
- b. **APPROPRIATION:** \$5,000 – Virginia Commission of the Arts Challenge Grant (2nd of 2 readings)
- c. **APPROPRIATION:** \$88,522 – FY2011 Friendship Court Sponsorship Agreement (2nd of 2 readings)
- d. **APPROPRIATION:** \$15,000 – 2009 State Homeland Security Program Grant (Hazmat) (2nd of 2 readings)
- e. **APPROPRIATION:** \$30,000 – Contribution to Stormwater Management Improvements (2nd of 2 readings)
- f. **APPROPRIATION:** \$65,000 – CASASTART Truancy Prevention Program (2nd of 2 readings)
- g. **APPROPRIATION:** \$316,957 – FY 2011 Transit Grants (2nd of 2 readings)
- h. **APPROPRIATION:** \$1,089,000 – from Wastewater Fund Balance to the Wastewater Utility Expense Budget (2nd of 2 readings)
- i. **APPROPRIATION:** \$1,500 – Charlottesville Sheriff's Office Calendar sales (1st of 2 readings)
- j. **RESOLUTION:** Appointment to James River ASAP (1st of 1 reading)
- k. **RESOLUTION:** Recommendation for SUP at 1204 W. Main St. (Battle Building) (1st of 1 reading)
- l. **ORDINANCE:** Snow Removal Enforcement Ordinance (2nd of 2 readings)
- m. **ORDINANCE:** Renewing CenturyLink Franchise Agreement (2nd of 2 readings)
- n. **ORDINANCE:** Granting Fiber Roads Franchise Agreement (2nd of 2 readings)
- o. **ORDINANCE:** Density Regulations for Townhouse Developments (1st of 2 readings)
- p. **ORDINANCE:** Amendment to Mixed Use Districts (1st of 2 readings)
- q. **ORDINANCE:** Truck Restrictions on Altavista Avenue and Shamrock Road (1st of 2 readings)

**2. REPORT/
RESOLUTION**

Charlottesville Winneba Memorandum of Understanding (1st of 1 reading)

**3. PUBLIC HEARING/
ORDINANCE**

NDS Fee Schedule Additions (1st of 2 readings)

**4. REPORT/
ORDINANCE**

Amendment to Panhandling Code (1st of 2 readings)

**5. REPORT/
RESOLUTION**

Nunley Street Name Change (1st of 1 reading)

**OTHER BUSINESS
MATTERS BY THE PUBLIC
ADJOURNMENT**

*ACTION NEEDED (Appropriations require two readings; ordinances require two readings; resolutions require one reading.)

Reasonable accommodations will be provided for persons with disabilities if requested.

Appropriation

**Virginia Commission of the Arts Challenge Grant
\$5,000**

WHEREAS, the Virginia Commission for the Arts has notified the City of Charlottesville of its grant award in the Local Government Challenge Grant category; and

WHEREAS, the grant award will be split evening between the Virginia Discovery Museum and the Piedmont Council for the Arts for their activities during the FY 2011 fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$5,000 is hereby appropriated in the following manner:

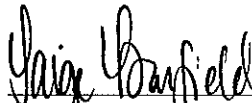
Revenues

\$2,500	Fund: 209	Internal Order: 1900150	G/L Account: 430080
\$2,500	Fund: 209	Internal Order: 1900151	G/L Account: 430080

Expenditures

\$2,500	Fund: 209	Internal Order: 1900150	G/L Account: 540100
\$2,500	Fund: 209	Internal Order: 1900151	G/L Account: 540100

Approved by Council
August 2, 2010


Clerk of Council

APPROPRIATION
2011 Friendship Court Sponsorship Agreement
\$88,522

WHEREAS, the City of Charlottesville has received a donation from Friendship Court to fund enhanced police coverage for the areas defined in the Sponsorship Agreement, including salary, equipment, technology and related administrative expenses associated with provisions of such enhanced coverage.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$88,522, to be received as a donation from Friendship Court, is hereby appropriated in the following manner, and is conditioned upon receipt of \$88,522 by Friendship Court in four (4) quarterly payments to the City.

Revenues - \$88,522

Fund: 105 Internal Order: 2000005 G/L Account: 451999

Expenditures - \$88,522

Fund: 105 Internal Order: 2000005 G/L Account: 510060

Approved by Council
August 2, 2010


Clerk of Council

APPROPRIATION
2009 Homeland Security Local Preparedness Grant
\$15,000

WHEREAS, the Virginia Department of Emergency Management has awarded a grant to the City of Charlottesville the 2009 Homeland Security Local Preparedness Grant in the amount of \$15,000; and

WHEREAS, the grant award covers the period from July 1, 2010 to December 31, 2011.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$15,000, received as a grant from the Department of Homeland Security, through the Virginia Department of Emergency Management, is hereby appropriated in the following manner:

Revenue - \$15,000

Fund: 209 Internal Order: 1900152 G/L Account: 430120

Expenditures - \$15,000

Fund: 209 Internal Order: 1900152 G/L Account: 520900

BE IT FURTHER RESOLVED, that the appropriation is conditioned upon reimbursement of up to \$15,000 from the Virginia Department of Emergency Management.

Approved by Council
August 2, 2010



Clerk of Council

APPROPRIATION

**Contribution to Stormwater Management Improvements
\$30,000**

WHEREAS, the City has received \$30,000 from Southern Development for stormwater and stream improvements; and

WHEREAS, these funds will be used to implement stormwater management improvements at Azlaea Park consistent with the adopted Azalea Park Master Plan;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that \$30,000 be appropriated in the following manner:

Revenue - \$30,000

Fund: 426

WBS: P-00599

G/L Account: 434675

Expenditures - \$30,000

Fund: 426

WBS: P-00599

G/L Account: 599999

Approved by Council
August 2, 2010


Clerk of Council

APPROPRIATION
CASASTART Truancy Prevention Program
\$65,000

WHEREAS, the City of Charlottesville has been awarded \$65,000 from the Virginia Department of Criminal Justice Services.

WHEREAS, the funds will be used to operate the CASASTART Truancy Prevention Program. The grant award covers the period from July 1, 2010 through June 30th, 2011.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$65,000 is hereby appropriated in the following manner:

Revenue – \$65,000

Fund: 209 Cost Center: 3413004000 G/L Account: 430120

Expenditures - \$65,000

\$56,267	Fund: 209	Cost Center: 3413004000	G/L Account: 519999
\$1,000	Fund: 209	Cost Center: 3413004000	G/L Account: 530100
\$7,733	Fund: 209	Cost Center: 3413004000	G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$65,000 from the Virginia Department of Criminal Justice Services.

Approved by Council
August 2, 2010


Clerk of Council

APPROPRIATION
Transit Division Project Funds
\$236,506 (Capital grants)
\$80,615 (Non-capital grants)

WHEREAS, Federal & State Capital Grant Funds have been awarded to the City of Charlottesville in the amount of \$1,899,337, and this amount is \$236,506 greater than budgeted; and

WHEREAS, the City's FY 2011 Capital Improvement Program includes \$316,730 in City funds (to be transferred from P-00334) to secure these capital grant funds; and

WHEREAS, Federal and State Non-Capital Grant Funds have been awarded to the City of Charlottesville in the amount of \$1,848,780 (Federal non-capital) and \$945,612 (State non-capital), and this amount is \$80,615 greater than budgeted; and

WHEREAS, expenditure of these non-capital grant funds requires a local match of \$1,877,780 which has already been satisfied by the City general fund amount of \$1,768,834 and the Albemarle County amount of \$648,004 for Transit operations in the FY 2011 budget.

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

<u>Revenue (Capital)</u>	Project Number: P-00334
\$68 Fund: 245	Cost Center: 2804001000 G/L Account 431110
\$236,438 Fund: 245	Cost Center: 2804001000 G/L Account 430110

Expenditures (Capital)
\$236,506 Fund: 245 Cost Center: 2824001000

Revenue (Non-Capital)
\$49,687 Fund: 245 Cost Center: 2801001000 G/L Account 431110
\$(41,072) Fund: 245 Cost Center: 2801001000 G/L Account 430080
(G/L Account 430080 has \$866,684 in the FY 2011 budget)
\$72,000 Fund: 245 Cost Center: 2801001000 G/L Account 430110
(G/L Account 430110 has \$48,000 in the FY 2011 budget)

Expenditures (Non-Capital)
\$80,615 Fund: 245 Cost Center: 2801001000

Approved by Council
August 2, 2010


Clerk of Council

Appropriation

\$1,270,000 from Wastewater Fund Balance to the Wastewater Utility Expense Budget

WHEREAS, in FY 2010, the City planned for the cost of treating 256,450 MCF of wastewater and given the tremendous amount of precipitation that occurred over the course of the year, we are currently projecting that 318,409 MCF will be treated; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$1,270,000 is hereby appropriated, in fiscal year 2010, in the following manner:

Expenditures - \$1,270,000

Fund: 621

CC: 2601001000

FP: 200054

G/L Account: 525110

Approved by Council

August 2, 2010


Clerk of Council

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that Lt. Ronnie Roberts is hereby appointed as the City representative to the James River ASAP Board for a three-year term.

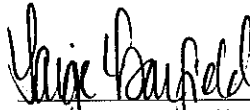
Approved by Council
August 2, 2010


Clerk of Council

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that Lt. Ronnie Roberts is hereby appointed as the City representative to the James River ASAP Board for a three-year term.

Approved by Council
August 2, 2010



Clerk of Council

**RESOLUTION
AMENDING A SPECIAL USE PERMIT GRANTED TO
THE UNIVERSITY OF VIRGINIA FOUNDATION
FOR INCREASED BUILDING HEIGHT AT 1204 WEST MAIN STREET
IN THE WEST MAIN SOUTH MIXED-USE ZONING DISTRICT**

WHEREAS, the University of Virginia Foundation (“Applicant”) has requested an amendment to the special use permit granted by Council on November 6, 2006, with respect to property identified on City Tax Map 10 as Parcel 60, consisting of approximately 1.04 acres or 45,302 square feet (hereafter the “Subject Property”) to allow additional building height for a proposed children’s clinical outpatient facility above that permitted by the existing special use permit and City Code §34-637; and

WHEREAS, the Subject Property is located within the West Main Street South Mixed Use Corridor District (“WMS”); and

WHEREAS, the Applicant was granted a special use permit on November 6, 2006 to allow an increase in the building height of the proposed medical office building from five (5) stories to seven (7) stories; and

WHEREAS, Sec. 34-637 of the City Code was amended on May 19, 2008 to change the height measurement from stories to feet, and currently requires in this district a minimum building height of 40 feet and a maximum building height of 70 feet, which may be increased to 101 feet by special use permit; and

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on July 13, 2010, and based on the information presented by Neighborhood Development Services staff as well as by the Applicant, the Planning Commission recommended that the application be approved; and

WHEREAS, this Council finds that such increased in building height is allowed under City Code Section 34-637 by special use permit, and will conform to the criteria applicable to special 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 the University of Virginia Foundation on November 6, 2006 is hereby amended to permit an increase in the allowable building height at 1204 West Main Street to 90 feet, 4 inches. Approval of this special use permit is conditioned upon the following:

1. The ground floor frontage of the building along West Main Street must be of retail, commercial, service, or other active use, which shall include front doors and direct public access along West Main Street; and,
2. The applicant’s site plan must show improvements along the property’s West Main Street frontage that substantially conform to the 2004 West Main Street Open Space Concept and Streetscape Schematics, or an updated concept as approved by the Board of Architectural Review.

All other conditions of the Special Use Permit approved by City Council on November 6, 2006 shall remain the same and shall continue in force, unaffected by this amendment.

Approved by Council
August 2, 2010


Clerk of Council

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All other conditions of the Special Use Permit approved by City Council on November 6, 2006 shall remain the same and shall continue in force, unaffected by this amendment.

Approved by Council
August 2, 2010


Clerk of Council

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 28-25 OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, 1990, AS AMENDED,
RELATING TO THE REMOVAL OF SNOW, SLEET AND ICE
FROM SIDEWALKS OR WALKWAYS.**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Section 28-25 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 28-25. Removal of snow, sleet and ice from sidewalks.

(a) It shall be the duty of every owner and/or occupant of every house or lot which abuts or fronts on, or is otherwise situated on, a paved sidewalk or walkway to have all snow removed from such sidewalk or walkway within ~~twelve (12)~~ twenty-four (24) hours after the same has ceased falling. This requirement shall exist whether or not an unpaved strip of publicly-owned property runs between the paved sidewalk and the private property line and the words "abuts," "fronts on," "otherwise situated on," should be interpreted in accord with such requirement. The duty of snow removal imposed on each owner and/or occupant by this section extends only to that portion of a particular paved sidewalk or walkway which runs in front of that particular owner's or occupant's private property.

(b) The provisions of subsection (a) of this section shall apply to ice or sleet on sidewalks or walkways, except that the same, when it cannot be removed without injury damage to the sidewalk or walkway, shall be covered, within the period of time specified, with sand, ashes or some other substance which will render it safe for travel.

(c) Whenever any house or lot is unoccupied, it shall be the duty of the owner or the agent of the owner thereof to have the snow or ice removed from the sidewalk or walkway abutting, fronting on, or otherwise situated on such owner's property as is required by this section.

(d) A warning shall be issued for a violation of this section. The warning shall be posted on the property or delivered by hand to the property owner and/or occupant, and shall provide the owner and/or occupant ~~twelve (12)~~ twenty-four (24) hours in which to correct the conditions; after which penalties shall be imposed pursuant to section 28.1. Every twelve (12) hours that such snow or ice is allowed to remain in violation of this section shall constitute a separate offense. If after such warning and the passage of twenty-four (24) hours, the owner or occupant of the property affected by the provisions of this section shall fail to abate or obviate the condition, the Director of Neighborhood Development Services may do so and charge and collect the cost thereof from the owner or occupant of the property affected in any manner provided by law for the collection of Commonwealth or local taxes.

Charter references: Authority of council to compel removal of snow from sidewalks, § 14(2).

State law references: Authority to compel removal of snow from sidewalks and collection of fees, Code of Virginia, §15.2-1115.

Sec. 28-26. Deposit of ice and snow on public rights-of-way.

It shall be unlawful for any person to deposit in the public rights-of-way accumulations of snow and ice removed from private property.

Approved by Council
August 2, 2010


Clerk of Council

**AN ORDINANCE
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OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, 1990, AS AMENDED,
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Approved by Council
August 2, 2010


Clerk of Council

RESOLUTION

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the unimproved right of way currently designated as Nunley Street, from Spring Street to Hanover Street in the Fifeville neighborhood, shall hereinafter be officially named Bingler Street.

Approved by Council
August 2, 2010


Clerk of Council