

CITY COUNCIL AGENDA
Monday, April 1, 2019



5:30 p.m. Closed session as provided by Section 2.2-3712 of the Virginia Code
Second Floor Conference Room (Personnel; property acquisition)

6:30 p.m. Regular Meeting - CALL TO ORDER
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
PROCLAMATIONS

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

5-0 (HILL/GALVIN) with item "n" removed and item "s" pulled for separate vote

- a. MINUTES: March 4 Regular Meeting; March 7 Budget Worksession; March 14 Special Meeting; March 16 Community Budget Forum; March 18 Special Meeting; March 19 Budget Worksession; March 27 Budget Worksession
- b. APPROPRIATION: State Criminal Alien Assistance Program (SCAAP) Grant for 2019 - \$14,086 – 2nd of 2 readings
- c. APPROPRIATION: Domestic Violence Services Coordinator Grant - \$49,336 (2nd of 2 readings)
- d. APPROPRIATION: Virginia Behavioral Health Docket Grant - \$50,000 (2nd of 2 readings)
- e. APPROPRIATION: Funds from VML Insurance Programs – \$11,374.00 (1st of 2 readings)
- f. APPROPRIATION: Funds from Ryder – \$7,850.00 (1st of 2 readings)
- g. APPROPRIATION: Funds from Trinity Steel Erection, Inc. – \$2,856.00 (1st of 2 readings)
- h. APPROPRIATION: Funds from Penn National Insurance – \$12,500.00 (1st of 2 readings)
- i. APPROPRIATION: Virginia Fire Equity & Diversity Conference - \$50,000 (1st of 2 readings)
- j. APPROPRIATION: Virginia Housing Solutions Program Grant Award - \$27,728.46 (1st of 2 readings)
- k. APPROPRIATION: Virginia Department of Social Services (VDSS) Employment for Temporary Aid to Needy Families (TANF) Participants Grant (2nd Renewal) - \$58,824 (1st of 2 readings)
- l. RESOLUTION: Support for Safe Routes to School Non-infrastructure grant (1st of 1 reading)
- m. RESOLUTION: Housing Advisory Committee Membership Expansion (1st of 1 reading)
- n. RESOLUTION: 10th & Page Park – land acquisition – \$60,800 (2nd of 2 readings)
REMOVED – Item required only 1 reading and was PASSED on March 18, 2019
- o. RESOLUTION: CPA-TV/York Property Lease Agreement and The Ryal Thomas Show, LLC License Agreement (1st of 2 readings)
- p. RESOLUTION: Partnership for Bennett's Village All Abilities Playground at Pen Park (1st of 1 reading)
- q. ORDINANCE: Telecommunications Franchise to MMI Atlantic, LLC (1st of 2 readings)
- r. ORDINANCE: Rezone Lyman Street Residences-Tax Map 58 Parcels 289.2 and 358E (Subject Properties)(1st of 2 readings)
- s. ORDINANCE: Proposed Meals Tax Rate for FY2020 (2nd of 2 readings)
4-1 (HILL/GALVIN; SIGNER - No)
- t. ORDINANCE: Proposed Lodging Tax Rate for FY2020 (2nd of 2 readings)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 8 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

2. PUBLIC HEARING/
RESOLUTION Lease Agreement with Verizon for Communications Equipment in Market Street Garage (1st of 1 reading)

5-0 (HILL/GALVIN)

3. PUBLIC HEARING City Council's Proposed Budget for FY2020

4. ORDINANCE Annual Tax Levy for CY 2019 (1st of 2 readings)

5. APPROPRIATION Annual Budget Appropriation for FY2020 (1st of 2 readings)

6. REPORT: Rivanna Water & Sewer Authority (RWSA) Quarterly Update

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION
State Criminal Alien Assistance Program (SCAAP) Grant for 2017 reimbursement
\$14,086

WHEREAS, the State Criminal Alien Assistance Program (SCAAP) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$14,086.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$10,987 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$3,099 be appropriated and passed through to Justice Benefits, Inc.

Revenues

\$14,086	Fund: 211	Internal Order: 1900296	G/L Account: 431110
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Expenses

\$10,987	Fund: 211	Internal Order: 1900296	G/L Account: 530550
\$ 3,099	Fund: 211	Internal Order: 1900296	G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$14,086 from the U. S. Bureau of Justice Assistance.

APPROPRIATION

Domestic Violence Services Coordinator Grant

\$49,336

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney’s Office, has received the Domestic Violence Services Coordinator Grant from the Virginia Department of Criminal Justice Services in the amount of \$38,336 in Federal pass-thru funds, Albemarle County is to contribute an additional \$6,000 in local cash match, and the City Commonwealth Attorney’s Office will contribute up to \$5,000 cash match, as needed to meet salary and benefit expenses.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$49,336 is hereby appropriated in the following manner:

Revenues

\$38,336	Fund: 209	Cost Center: 1414002000	G/L Account: 430120
\$ 6,000	Fund: 209	Cost Center: 1414002000	G/L Account: 432030
\$ 5,000	Fund: 209	Cost Center: 1414002000	G/L Account: 498010

Expenditures

\$49,336	Fund: 209	Cost Center: 1414002000	G/L Account: 519999
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Transfer

\$ 5,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$38,336 from the Virginia Department of Criminal Justice Services, and \$6,000 from the County of Albemarle, Virginia.

APPROPRIATION
Charlottesville - Albemarle Therapeutic Docket Grant Award
\$50,000

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$50,000 for the Charlottesville - Albemarle Therapeutic Docket in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$110,000; and

WHEREAS, the grant award covers the period January 1, 2019 through June 30, 2019.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$50,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$50,000 Fund: Internal Order: #1900324 G/L Account: 430110 (State Grant)

Expenditures

\$50,000 Fund: Internal Order: #1900324 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$50,000 from the Supreme Court of Virginia.

RESOLUTION
Supporting Safe Routes to School (“SRTS”) Projects

WHEREAS, obesity is one of the most serious threats to American public health, ranking third among preventable causes of death in the United States;

WHEREAS, motor vehicle crashes are also a leading cause of death and injury to children;

WHEREAS, between 1969 and 2009 the percentage of children walking and biking to school dramatically declined from 48 percent to 13 percent;

WHEREAS, the Safe Routes to School program, created by Congress in 2005, aimed to increase the number of children engaged in active transportation when traveling to school by funding (1) infrastructure projects, located within two miles of a public school, that directly increase safety and convenience for public school children walking and/or biking to school, and (2) non-infrastructure projects designed to encourage public school children to walk and bicycle to school;

WHEREAS, Safe Routes to School projects are a proven, effective approach to increasing the number of children actively traveling to school by foot or bike;

WHEREAS, Safe Routes to School projects provide important health, safety, and environmental benefits for children, including reducing risk of obesity/chronic disease and pedestrian/bicycle injuries as well as improving air quality;

WHEREAS, the need for Safe Routes to School projects is especially strong in low-income areas, which suffer from a disproportionately high incidence of both childhood obesity/chronic disease and pedestrian and bicycle injuries and often have inferior pedestrian and bicycle infrastructure;

WHEREAS, Safe Routes to School projects make it safer and more convenient for all residents to walk and bike to destinations, further promoting public health;

WHEREAS, a goal of the City of Charlottesville’s current Comprehensive Plan, Bicycle and Pedestrian Master Plan, Complete Streets Resolution and Healthy Eating Active Living Resolution supports active transportation options, which can be met in part by implementation of Safe Routes to School projects;

NOW, THEREFORE, BE IT RESOLVED that the City of Charlottesville affirms its commitment to active transportation and supporting Safe Routes to School infrastructure and non-infrastructure projects.

RESOLUTION

Amending the Housing Advisory Committee Membership

WHEREAS, the Housing Advisory Committee consists of four categories of membership; and

WHEREAS, the Housing Advisory Committee's Category Two membership consists of representatives appointed by organizations within the Charlottesville community; and

WHEREAS, Category Two representatives are not subject to term limits for their service on the HAC; and

WHEREAS, the Housing Advisory Committees has sent a letter recommending that a representative from the Charlottesville Works Initiative be added to the Housing Advisory Committee as a Category Two representative.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that it adds the Charlottesville Works Initiative as a Category Two member of the Housing Advisory Committee.

RESOLUTION
ESTABLISHING a PARTNERSHIP between the
CITY OF CHARLOTTESVILLE And
BENNETT’S VILLAGE

WHEREAS, the City of Charlottesville (hereinafter “the City”) acknowledges the need for a fully accessible playground within the City’s park system that is designed for individuals with disabilities across the age and ability spectrum; and

WHEREAS, the City has received a proposal from Bennett’s Village, a 501-c-3 non-profit organization, to conduct the fund-raising needed to construct such a facility at Pen Park, and

WHEREAS, the City Parks and Recreation Department has reviewed this proposal to determine its consistency with the Agency Mission, the City’s Comprehensive Plan and the Park Classifications and determined that such a facility is consistent with the Mission, the Comprehensive Plan, and with Pen Park’s designation as a regional park, and

WHEREAS, the City’s Parks and Recreation Department, as the regional provider of adaptive recreation services, supports this proposal to meet a need within the City’s park system that can support the entire region.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia that the Parks and Recreation Department is authorized to create a public private partnership between the City and Bennett’s Village to design and develop an All Abilities playground at Pen Park to be formalized with a Memorandum of Agreement between the two parties at the earliest possible convenience to facilitate fund raising by Bennett’s Village for the facility.

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 30-283 OF CHAPTER 30 (TAXATION)
INCREASING THE MEALS TAX ON THE PURCHASE
OF EVERY MEAL SOLD IN THE CITY BY A RESTAURANT OR CATERER.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

- (1) Section 30-283 of Article X (Meals Tax) of Chapter 30 (Taxation) is hereby amended and reordained, as follows:

Sec. 30-283. Levied.

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the purchaser of every meal sold in the city by a restaurant or caterer. The rate of this tax shall be ~~five (5)~~ six (6) percent of the amount paid for the meal. There shall be no tax if the total amount paid is less than thirteen cents (\$0.13); on larger amounts a fractional cent of tax due shall be rounded to the next higher cent.

- (2) This ordinance shall take effect on July 1, 2019.

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 30-253 OF CHAPTER 30 (TAXATION)
INCREASING THE TRANSIENT OCCUPANCY TAX
FROM 7% TO 8% FOR TRANSIENT LODGING.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

- (1) Section 30-253 of Article IX (Transient Occupancy Tax) of Chapter 30 (Taxation) is hereby amended and reordained, as follows:

Sec. 30-253. Levied.

There is hereby imposed and levied upon every transient obtaining or occupying lodging within the city, in addition to all other taxes and fees of every kind now imposed by law, a tax equivalent to ~~seven~~ eight (8) percent of the amount charged for such lodging.

- (2) This ordinance shall take effect on July 1, 2019.

RESOLUTION B

**RESOLUTION
APPROVING 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 renew and amend its existing lease of certain property on the Market Street Parking Garage structure, for the purpose of installing telecommunications equipment ("Lease");

WHEREAS, City Staff and Verizon negotiated terms and conditions for the original 2014 Lease, and Verizon proposes a 2019 Lease with a reduced annual rent of \$7,650.00, but in all other aspects having the same terms and conditions as negotiated in 2014, all as set forth within the draft proposed Lease Agreement submitted for City Council's consideration at a public hearing duly advertised and conducted on April 1, 2019; 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 Agreement is in the public interest, will promote the public welfare, safety and convenience, and will promote economic development and tourism in Downtown Charlottesville; however, City Council does not find that the requested reduction of annual rent is satisfactory and mutually advantageous, and Council as compared with the current annual rent of \$9,000.00;

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 providing for annual rent in the amount of \$9,000.00, but otherwise consistent with the terms and conditions of the proposed Lease Agreement considered by Council at the April 1, 2019 Council meeting, which final Lease Agreement must be approved by the City Attorney as to form prior to signature.