

CITY COUNCIL AGENDA
Monday, June 3, 2019



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

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

PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
PROCLAMATIONS

National Gun Violence Awareness Day
Delta Sigma Theta Sorority, Inc.-Charlottesville Chapter 50th Anniversary

1. CONSENT AGENDA* (Items removed from consent agenda will be considered at the end of the regular agenda)
5-0 (HILL/GALVIN) with items "c" and "d" pulled for separate vote per Walker

- a. MINUTES: May 6, 2019 Special and Regular meetings; May 8, 2019 Special ABRT meeting
- b. APPROPRIATION: Appropriation of funding for CPA-TV from The Ryal Thomas Show, LLC - \$4,247.50 (2nd of 2 readings)
- c. APPROPRIATION: 2019-2020 Community Development Block Grant funding – \$395,052.82 (2nd of 2 readings)
Pulled from consent for separate vote: 4-1 (HILL/GALVIN; Walker against)
- d. APPROPRIATION: 2019-2020 HOME Investment Partnership funding – \$120,382.75 (2nd of 2 readings)
Pulled from consent for separate vote: 4-1 (HILL/GALVIN; Walker against)
- e. APPROPRIATION: Virginia Housing Solutions Program Grant Award -\$16,500 (2nd of 2 readings)
- f. APPROPRIATION: Greenstone on 5th Corporation Sponsorship Agreement for Enhanced Police Coverage - \$41,092 (2nd of 2 readings)
- g. ORDINANCE: Repeal of Charlottesville City Code Section 17-8 (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/
ORDINANCE: Utility Rate Report FY2020 (1st of 2 readings)
3. APPROPRIATION: Appropriation of Human Services Balance for FY 2019 Expenses - \$400,000 (1st of 2 readings)
4. APPROPRIATION*: Unity Days Planning and Funding Transfer - \$100,000 (1st of 1 reading) 5-0 (GALVIN/HILL)
5. RESOLUTION*: Divestment - Operating Budget (1st of 1 reading) 5-0 (GALVIN/HILL)
6. RESOLUTION*: Transfer of FY 2020 City of Promise Funding to ReadyKids - \$81,837 (1st of 2 readings)
7. RESOLUTION*: Special Use Permit (SUP) 1617 Emmett Street drive-thru (1st of 1 reading) 4-1 (HILL/BELLAMY)
8. RESOLUTION*: Sunrise Planned Unit Development (PUD) Road Acceptance (1st of 1 reading) 5-0 (HILL/GALVIN)
9. REPORT: Legislative update

OTHER BUSINESS
MATTERS BY THE PUBLIC
*ACTION NEEDED

APPROPRIATION
Appropriation of funding for CPA-TV from The Ryal Thomas Show, LLC
\$4,247.50

WHEREAS, the City of Charlottesville entered into a license agreement with The Ryal Thomas Show, LLC;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$4,247.50 to be received per the agreement is hereby appropriated as follows:

Revenues - \$4,247.50

\$4,247.50 Fund: 105 Internal Order: 2000146 G/L Account: 450030

Expenditures - \$4,989

\$4,247.50 Fund: 105 Internal Order: 2000146 G/L Account: 599999

BE IT FURTHER RESOLVED, that future lease proceeds to CPA-TV will be hereby considered as a continuing appropriation and shall automatically appropriate upon receipt of funds.

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2019-2020
COMMUNITY DEVELOPMENT BLOCK GRANT - \$395,052.82**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2019-2020 fiscal year in the total amount of **\$395,052.82** that includes new entitlement from HUD amounting to \$393,152, and previous entitlement made available through reprogramming of \$1,900.82.

WHEREAS, City Council has received recommendations for the expenditure of funds from the CDBG Task Force, the SAT, the Belmont Priority Neighborhood Task and the City Planning Commission; and has conducted a public hearing thereon as provided by law; now, therefore;

BE IT RESOLVED by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

PRIORITY NEIGHBORHOOD

Belmont Priority Neighborhood	\$244,950.82
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ECONOMIC DEVELOPMENT

Community Investment Collaborative Scholarships	\$12,500
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PUBLIC SERVICE PROGRAMS

OED GO Utilities	\$20,498
TJACH – Coordinated Entry System	\$29,237
Literacy Volunteers – Basic Literacy Instruction	\$9,237

ADMINISTRATION AND PLANNING:

Admin and Planning	\$78,630
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TOTAL	\$395,052.82
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$395,052.82 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (sub-recipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2019-2020
HOME FUNDS \$120,382.75**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnerships (HOME) funding for the 2019-2020 fiscal year;

WHEREAS, the region is receiving an award for HOME funds for fiscal year 19-20 of which the City will receive \$73,603 to be expended on affordable housing initiatives such as homeowner rehab and downpayment assistance.

WHEREAS, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the a surplus of match from previous appropriations from the Charlottesville Housing Fund (account CP-0084 in SAP system) in the amount of \$18,400.75. Project totals also include previous entitlement made available through program income of \$28,379. The total of the HUD money, program income, and the local match, equals \$120,382.75 and will be distributed as shown below.

PROJECTS	HOME EN	PI	MATCH	TOTAL
AHIP-Homeowner Rehab	\$73,603	\$28,379	\$18,400.75	\$120,382.75
Total	\$73,603	\$28,379	\$18,400.75	\$120,382.75

* includes Program Income which does not require local match.

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$73,603 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

APPROPRIATION
V. H. S. P. Grant \$16,500

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the V. H. S. P. Grant from the Virginia Department of Housing and Community Development in the additional amount of \$16,500;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the additional sum of \$16,500 is hereby appropriated in the following manner:

Revenues			
\$16,500	Fund: 209	IO: 1900313	G/L: 430110 State Grant

Expenditures			
\$16,500	Fund: 209	IO: 1900313	G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of an additional \$16,500 in funds from the Virginia Department of Housing and Community Development.

APPROPRIATION
Greenstone on 5th Sponsorship Agreement for Enhanced Police Coverage
\$41,092

WHEREAS, the City of Charlottesville entered into an agreement with Greenstone on 5th Corporation to fund enhanced police coverage for the area of Greenstone on 5th Apartments, 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 \$41,092, to be received as a donation from Greenstone on 5th Corporation.

Revenues - \$41,092

\$41,092	Fund: 105	Internal Order: 2000113	G/L Account: 451999
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Expenditures - \$82,184

\$37,598	Fund: 105	Internal Order: 2000113	G/L Account: 510090
\$3,494	Fund: 105	Internal Order: 2000113	G/L Account: 599999

**AN ORDINANCE
REPEALING SECTION 17-8
OF CHAPTER 17 (OFFENSES-MISCELLANEOUS)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 17-8 of Chapter 17 of the Code of the City of Charlottesville (1990), as amended, is hereby repealed as follows:

Sec. 17-8. ~~Trick or treat visitations; special curfew on Halloween.~~ Repealed.

~~(a) It shall be unlawful and a Class 1 misdemeanor for any person to appear on the streets, highways, public homes, private homes or public places in the city to make trick or treat visitations; except, that this subsection shall not apply to children twelve (12) years of age and under on Halloween night.~~

~~(b) A special curfew hour of 10:00 p.m. on Halloween night is hereby established for the trick or treat visitations permitted by subsection (a) of this section.~~

RESOLUTION
Fund Transfer to Support Unity Days Marketing and Programming
\$100,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$100,000 is hereby transferred from currently appropriated funds in the Citywide Reserve account in the General Fund for the support of marketing and programming of Unity Days activities.

Transfer From:

Fund 105 Cost Center: 1631001000 I/O: NONE G/L Account: 599999

Transfer To:

Fund 105 Cost Center: 1611001000 I/O: 2000147 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation of funds shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuring fiscal year unless altered by further action of City Council.

A RESOLUTION
SUPPORTING THE DIVESTMENT OF CITY OPERATING FUNDS
IN ANY COMPANY INVOLVED IN THE PRODUCTION OF FOSSIL FUELS
OR THE PRODUCTION OR UPGRADING OF WEAPONS AND WEAPONS SYSTEMS

WHEREAS, the Charlottesville City Council formally declares its opposition to investing City funds from the General Operating Fund in any entities that are involved in the production of fossil fuels or the production or upgrading of weapons and weapons systems, whether conventional or nuclear, and including the manufacture of civilian arms; and,

WHEREAS, pursuant to City Code Section 11-64 and the Virginia Security for Public Deposits Act (Virginia Code Section 2.2-4400 et seq.), and the Virginia Investment of Public Funds Act (Virginia Code Section 2.2-4500 et seq.), the City Treasurer has sole discretion over the investment of City operating funds; and,

WHEREAS, the City Treasurer has a duty to invest all City funds with the primary objectives of safety, liquidity, and yield; and,

WHEREAS, the primary investment objectives for operating funds of safety, liquidity, and yield can be achieved while supporting the Council's opposition to investing City funds in direct security investments of any entity involved in the production of fossil fuels or the production or upgrading of weapons and weapons systems; and,

WHEREAS, the City Treasurer has publicly expressed his support for the divestment of City operating funds from direct securities of any entity involved in the production of fossil fuels or the production or upgrading of weapons and weapons systems.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia that it declares its support and encouragement of any and all persons acting on behalf of City investment activity in regards to City operating funds, to divest all City operating funds from direct security investments in any entity engaged in the production of fossil fuels or the production or upgrading of weapons and weapons systems within 30 days.

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE THE ESTABLISHMENT AND OPERATION OF A
RESTAURANT WITH A DRIVE-THROUGH WINDOW
AT 1617 EMMET STREET (RT. 29) NORTH**

WHEREAS, Riverbend Development, Inc. (“Applicant”), as contract purchaser with authorization of current landowner Wells Fargo Bank, N.A., has requested City Council to approve a special use permit pursuant to City Code § 34-796, specifically to authorize the establishment of a coffee shop restaurant with a drive-through window (the proposed “Special Use”) at 1617 Emmet Street, identified on City Tax Map 40C as Parcel 2 (Tax Map Parcel Id. # 40C002000) (“Subject Property”). The Subject Property is within the City’s Highway Corridor Mixed Use (“HW”) zoning district, subject to Entrance Corridor Overlay; and

WHEREAS, the proposed Special Use is described and depicted within the Application materials submitted in connection with zoning application number SP19-00001, and the proposed Special Use is allowed by special use permit within the HW zoning district, pursuant to City Code 34-796; and

WHEREAS, the Planning Commission has reviewed the Application materials, and the City’s Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on May 14, 2019, the Planning Commission voted to recommend that City Council should approve the requested Special Use, subject to certain conditions recommended for Council’s consideration; and

WHEREAS, upon consideration of the comments received during the public hearing, and of the Planning Commission’s recommendations, the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, and additional site layout materials submitted by the Applicant after the public hearing for review by City Council, 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 §34-796, a special use permit is hereby approved and granted to authorize a drive-through window to be established and operated on the Subject Property for and in connection with the coffee shop restaurant described and depicted within the Application materials for SP19-00001, subject to the following conditions:

1. No alteration of any existing building, structure or canopy on the Subject Property shall be commenced prior to the landowner obtaining a certificate of appropriateness from the City’s entrance corridor review board as required by City Code §§34-306 et seq.
2. The final site plan for the Special Use shall depict the type, size and location of additional signage and pavement markings (to include both lane lines and text) to designate the vehicular travelways for the drive-through window as well as non-drive-through vehicular traffic. All vehicular traffic within the Subject Property shall be one-way traffic.
3. The landowner shall establish and maintain on the Subject Property a handicapped access lane that extends to and connects with the sidewalk along Angus Road.

RESOLUTION
ACCEPTING RESPONSIBILITY FOR MAINTENANCE OF CERTAIN
STORMWATER MANAGEMENT FACILITIES WITHIN THE SUNRISE PLANNED
UNIT DEVELOPMENT

WHEREAS, in 2009 the Charlottesville City Council approved the Sunrise Planned Unit Development (“PUD”). Streets proposed by Sunrise Park LLC within the PUD Development Plan were narrower than the standard width, included on-street parking lanes to provide the required number of parking spaces for the units within the development, and proposed pervious paving materials within the parking lanes; these three design features conflicted with the City’s parking requirements and standard public street specifications. The PUD Development Plan included the following statement: “Nothing in the PUD Development Plan will be interpreted to prohibit the design team from working with the City Engineer to modify the City’s street standards to allow internal streets to be dedicated for public use.”

WHEREAS, the City’s Subdivision Agent granted final approval for a subdivision plat which dedicated the streets within the Sunrise PUD for public use, and that Subdivision Plat was recorded in the City’s land records several years ago. However, recordation of a subdivision plat does not create any obligation upon the City to pay for any paving, improvements or construction, and the City has not, to date, accepted the improved (paved) PUD streets into the City’s public street system for maintenance.

WHEREAS, under the ordinances, standards and specifications in effect as of the date this Resolution is adopted, the streets within the Sunrise PUD do not meet public street standards; however, Sunrise Park LLC is now asking the City to accept the constructed streets into the public street system for maintenance; and

WHEREAS, state law required the PUD Development to be constructed in accordance with a Stormwater Management Plan approved in accordance with state and local laws, which require provision of facilities for management and treatment of the quantity and quality of stormwater. Following completion of the development, all such stormwater management facilities must be maintained by the owners of land within the development. Sunrise Park LLC obtained approval of a Stormwater Management Plan which identified the permeable pavement within the PUD street parking lanes as one of the stormwater management facilities to be permanently maintained by a responsible party—generally, the owner(s) of land within the development.

WHEREAS, the City’s Water Protection Ordinance requires that, in the event a person desires to cede or transfer responsibility for maintenance, repair and replacement of a stormwater management facility to the City, that person and the City must enter into a written contract, and prior to execution of that contract, the City Council must, by resolution, accept the responsibility proposed to be ceded or transferred; the purpose of this resolution is to set forth the terms under which City Council will accept responsibility for maintenance of the pervious paving within the street right of way proposed to be transferred.

WHEREAS, this Charlottesville City Council is willing to accept responsibility for maintenance of the pervious pavement within the parking lanes and sidewalks within the Sunrise PUD, but only if: **(i)** Sunrise Park LLC remains bound to complete the entire PUD Development in accordance with the approved stormwater management plan for the PUD, **(ii)** the City is held harmless from all impacts of construction activities within uncompleted portions of the PUD on the permeable pavement, within a written indemnification agreement satisfactory to the City Attorney, and **(iii)** following a formal offer dedicating the streets and sidewalks within the Sunrise PUD right-of-way for public use, the City accepts the streets and sidewalks and title is transferred to the City of Charlottesville;

NOW THEREFORE, BE IT RESOLVED by the Charlottesville City Council that it will accept responsibility for maintenance, repair and replacement of the permeable pavement

within the parking lanes and sidewalks of the right-of-way within the Sunrise PUD Development, effective on the date on which all of the following conditions have been satisfied:

1. All erosion and sediment control (E&S) plans, and any agreement-in-lieu-of-a plan, required pursuant to Chapter 10 of the City Code for construction activities within Phase 4 of the Stormwater Management Plan (Lot 15 as designated within the site plan for the PUD Development), shall include measures specifically designed to protect the permeable pavement from damage, silt, sedimentation, oil/ petroleum spills, hazardous materials spills, and other reasonably foreseeable impacts of construction activities.

2. The Stormwater Management Plan and/or the Stormwater Pollution Prevention Plan for the Sunrise PUD shall be modified or amended, as may be necessary: **(i)** to reflect the fact that the permeable pavement has been installed prior to completion of all construction activities within the Sunrise PUD and to correctly identify the numbered phases of construction activity, **and (ii)** to reflect any change in legal responsibility for completion of all requirements of the Stormwater Management Plan, the Stormwater Pollution Prevention Plan, or Virginia State Construction General Permit coverage, so that at no time will there be any lapse in coverage under the Construction General Permit and there will at all times be and remain a person that is legally responsible for compliance with and completion of all requirements of the Stormwater Management Plan or the Stormwater Pollution Prevention Plan for the Sunrise PUD. The City shall not be required to approve any final release of stormwater management or erosion and sediment control bonds posted by Sunrise Park LLC in accordance with VSMP/ VESCP regulations, until a Notice of Termination of construction general permit coverage has been approved in accordance with state regulations and city ordinances.

3. The City shall be provided with a supplemental E&S bond, in the form of a cash bond or letter of credit (“Supplemental Bond”) in an amount deemed by the City Engineer to be sufficient to cover the cost of repairing, replacing and/or cleaning the permeable pavement in the event that the protective measures are insufficient under any circumstances, or otherwise fail, in whole or in part, prior to final completion of all requirements of the Erosion and Sediment Control Plan for the Sunrise PUD (“Final Completion”). The Supplemental Bond shall be provided by the person (including, without limitation, any corporation or limited liability company) who is permitted to conduct land disturbing activity within Lot 15 of the PUD Development.

- a. If the E &S measures are insufficient under any circumstances, or otherwise fail, in whole or in part, to protect the permeable pavement, then the City shall have the right, following reasonable written notice to the land disturber, to repair or replace the damage or clean the permeable pavement, as may be necessary, at the sole expense of the land disturber. Funds from the Supplemental Bond shall be released to the City upon request to pay the cost thereof. Thereafter, the Land Disturber shall immediately replenish the line of credit, so that the full amount of funds required to be posted as the Supplemental Bond will remain available to the City for subsequent use prior to Final Completion.
- b. No action by the City to replace, repair or clean the permeable pavement prior to Final Completion shall preclude the City from taking any action(s) to enforce the

requirements of the E&S Plan, or the Stormwater Management Plan for the Sunrise PUD.

4. Sunrise Park LLC and the permitted land disturber engaging in construction activities within Lot 15 of the Sunrise PUD shall each execute a written agreement satisfactory to the City Attorney, indemnifying and holding the City of Charlottesville harmless from and against all claims, contributions and responsibilities, financial or otherwise, for maintenance, operation or repair of any stormwater management facility(ies) within the Sunrise PUD (other than the permeable pavement within the on-street parking lanes and sidewalks, following City Council's acceptance of the Sunrise PUD streets and sidewalks into the public system for maintenance).

5. Sunrise Park LLC shall prepare a formal offer of dedication of the land within the boundaries of the platted right-of-way within the Sunrise PUD to the City. The formal offer of dedication shall be in a form approved by the City Attorney, and shall be accompanied by a deed and plat suitable for recordation within the City's land records which can be recorded in the land records of the Circuit Court and will transfer clear title to the City, as indicated by a title report and binding title commitment issued by a title company satisfactory to the City Attorney.

6. Within 90 days prior to the date of any City Council meeting at which Council will be requested to authorize the City Attorney to accept conveyance of title to the land and improvements located within the Rights of Way of the Sunrise PUD, the City Engineer shall verify in writing that the permeable paving within the street right-of-way proposed to be dedicated for public use and conveyed to the City has been permanently installed and is functioning to a level of effectiveness mutually agreed to by the Engineer and Sunrise Park LLC.

BE IT FURTHER RESOLVED THAT, when all of the conditions referenced above within this Resolution have been satisfied, Sunrise Park, LLC may submit a written request to the City Attorney's Office for a certification of compliance. Following certification of compliance by the City Attorney, the City Manager is authorized to place on a City Council agenda a resolution authorizing the City Attorney to accept conveyance of title to the streets and sidewalks within the Sunrise PUD, and a resolution accepting the improved streets and sidewalks within the Sunrise PUD into the City's public system for maintenance.