



**CITY COUNCIL AGENDA  
Monday, August 20, 2018**

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

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

**PLEDGE OF ALLEGIANCE  
ROLL CALL**

**CITY MANAGER RESPONSE TO COMMUNITY MATTERS  
AUGUST 11-12 REPORT**

**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.

- 1. CONSENT AGENDA\*:** (Items removed from consent agenda will be considered at the end of the regular agenda.)
- a. Minutes for August 6
  - b. APPROPRIATION: Additional Funding for Medicaid Expansion – \$168,658 (2<sup>nd</sup> of 2 readings)
  - c. APPROPRIATION: Additional Funding for Department of Social Services VIEW Program – \$12,512 (2<sup>nd</sup> of 2 readings)
  - d. APPROPRIATION: Strategic Energy Initiatives – \$367,698.50 (2<sup>nd</sup> of 2 readings)
  - e. APPROPRIATION: Charlottesville/Albemarle Adult Drug Treatment Court Grant Award – \$205,000 (1<sup>st</sup> of 2 readings)
  - f. APPROPRIATION: Office of Emergency Medical Services Rescue Squad Assistance Fund Grant – \$499,703.55 (1<sup>st</sup> of 2 readings)
  - g. APPROPRIATION: Supplemental Local Emergency Management Performance Grant Fire Department – \$13,143.29 (Fire Dept.) (1<sup>st</sup> of 2 readings)
  - h. APPROPRIATION: Check and Connect Student Engagement Continuation Grant - \$137,000 (1<sup>st</sup> of 2 readings)
  - i. APPROPRIATION: Virginia Juvenile Community Crime Control Act Grant – \$452,704 (1<sup>st</sup> of 2 readings)
  - j. RESOLUTION: Black Business Expo Funding Request – \$2,000 (1<sup>st</sup> of 1 reading)
  - k. RESOLUTION: Support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution (1<sup>st</sup> of 1 reading)
  - l. ORDINANCE: Quitclaim Gas Easement in Cascadia Subdivision (Alb County) to VDOT (1<sup>st</sup> of 2 readings)
  - m. ORDINANCE: Quitclaim Gas Easement in Estes Park Subdivision (Alb County) to VDOT (1<sup>st</sup> of 2 readings)
- 2. PUBLIC HEARING:** City Manager Search Process
- 3. PUBLIC HEARING / ORDINANCE\*:** Easement to Dominion Power at McIntire Park – Skate Park (1<sup>st</sup> of 2 readings)
- 4. PUBLIC HEARING / ORDINANCE\*:** Release of Portion of Sewer Easement at Belmont Station Subdivision (1<sup>st</sup> of 2 readings)
- 5. PUBLIC HEARING / ORDINANCE\*:** Release of Sewer Easement at Beta Apartments on 17<sup>th</sup> Street (1<sup>st</sup> of 2 readings)
- 6. RESOLUTION\*:** Approving Policy to Conduct Electronic Meetings (1<sup>st</sup> of 1 reading)
- 7. ORDINANCE\*:** Restaurants: Drive-through windows in Highway Corridor (2<sup>nd</sup> of 2 readings)
- 8. REPORT\*:** Monticello Road Traffic Reversal Pilot

**OTHER BUSINESS  
MATTERS BY THE PUBLIC**

\*ACTION NEEDED

## GUIDELINES FOR PUBLIC COMMENT

**We welcome public comment;  
it is an important part of our meeting.**

**Time is reserved near the beginning and at the end of each  
regular City Council meeting for public comment.**

**Please follow these guidelines for public comment:**

- Each speaker has **3 minutes** to speak. Please give your name and place of residence before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them. **Speaking from the audience is not permitted** without first being recognized by the Chair.
- Please **refrain from using obscenities**.
- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- If you cannot follow these guidelines, you will be asked to leave City Council Chambers and will not be permitted to re-enter.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 6, 2018
Action Required:	Approve Appropriation
Presenter:	Diane Kuknyo, Director, Department of Social Services
Staff Contacts:	Sue Moffett, Assistant Director, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	<b>Additional Funding for Medicaid Expansion -- \$168,658</b>

**Background:**

The Charlottesville Department of Social Services has received \$168,658 in additional funding from the Virginia Department of Social Services to assist with the increased volume of applications anticipated with Medicaid expansion.

**Discussion:**

Medicaid provides medical coverage to eligible needy persons. The purpose of Virginia Medicaid is to improve the health of people in Virginia who might otherwise go without medical care for themselves and their children. 8,228 individuals received Medicaid through the Charlottesville Department of Social Services in Fiscal Year 2017. It is anticipated that an additional 2,100 City residents will be eligible with Medicaid expansion. The Department plans to use the additional funding to add two permanent full time Benefit Programs Specialists to support the increasing workload and keep a returning retiree through fiscal year 2019. The additional funding will also be used for advertising to increase community awareness about Medicaid expansion and other benefit programs available through the department.

**Alignment with Council Vision Areas and Strategic Plan:**

Approval of this agenda item aligns with the City's mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with **Strategic Plan Goal 2: A Healthy and Safe City, Objective 2.3, Improve community health and safety outcomes by connecting residents with effective resources.**

**Community Engagement:**

Department staff work directly with citizens to provide social services, protect vulnerable children and adults, and promote self-sufficiency.

**Budgetary Impact:**

The additional funding for this program is entirely State dollars for FY19 and no additional City funds are required or being requested. Once funds are received from the State they will be appropriated into the Social Services Fund. Beginning in FY20 the City will be required to match these funds at 15.5% and the additional costs to the City will be added to the Social Services budget.

**Recommendation:**

Staff recommends approval and appropriation of these funds.

**Alternatives:**

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

**Attachments:**

Appropriation

**APPROPRIATION**  
**Additional Funding for Department of Social Services Medicaid Expansion**  
**\$168,658**

**WHEREAS**, the Charlottesville Department of Social Services has received an additional \$168,658 in the Fiscal Year 2019 budget from the Virginia Department of Social Services to be used for Medicaid Expansion,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$168,658 is hereby appropriated in the following manner:

**Revenue – \$168,658**

Fund: 212	Cost Center: 9900000000	G/L Account: 430080	\$168,658
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**Expenditures - \$168,658**

Fund: 212	Cost Center: 3301005000	G/L Account: 510010	\$79,165
Fund: 212	Cost Center: 3301005000	G/L Account: 511010	\$ 7,623
Fund: 212	Cost Center: 3301005000	G/L Account: 510020	\$20,479
Fund: 212	Cost Center: 3301005000	G/L Account: 511030	\$ 720
Fund: 212	Cost Center: 3301005000	G/L Account: 511020	\$25,776
Fund: 212	Cost Center: 3301005000	G/L Account: 511040	\$18,144
Fund: 212	Cost Center: 3301005000	G/L Account: 510160	\$ 2,231
Fund: 212	Cost Center: 3301005000	G/L Account: 530216	\$ 597
Fund: 212	Cost Center: 3301005000	G/L Account: 530030	\$ 529
Fund: 212	Cost Center: 3301005000	G/L Account: 530320	\$ 6,404
Fund: 212	Cost Center: 3301005000	G/L Account: 520010	\$ 490
Fund: 212	Cost Center: 3301005000	G/L Account: 520900	\$ 4,000
Fund: 212	Cost Center: 3301005000	G/L Account: 530120	\$ 2,500

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$168,658 from the Virginia Department of Social Services.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 06, 2018
Action Required:	Approve Appropriation
Presenter:	Diane Kuknyo, Director, Department of Social Services
Staff Contacts:	Kelly Logan, VIEW Supervisor, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	<b>Additional Funding for Department of Social Services VIEW Program -- \$12,512</b>

**Background:**

The Charlottesville Department of Social Services has received \$12,512 in additional funding from the Virginia Department of Social Services for the Virginia Initiative for Employment not Welfare (VIEW) program.

**Discussion:**

This funding will serve residents of the City of Charlottesville who receive Temporary Assistance for Needy Families (TANF) and are enrolled in Virginia Initiative for Employment not Welfare (VIEW) through the Department of Social Services. The VIEW program serves parents in households with children up to the age of 18. All participants in the VIEW program are considered low-income with annual incomes below 100% of the federal poverty level for single parent households and below 150% of the federal poverty level for two parent households.

The VIEW program provides a variety of supportive services such as job skills training, child care assistance, and transportation to assist participants with becoming self-sufficient through employment.

**Alignment with Council Vision Areas and Strategic Plan:**

Approval of this agenda item aligns with the City's mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with **Strategic Plan Goal 1: An Inclusive Community of self-sufficient residents, Objective 1.2, Prepare residents for the workforce and 1.4, Enhance financial health of residents.**

**Community Engagement:**

Department staff work directly with citizens to provide social services, protect vulnerable children and adults, and promote self-sufficiency.

**Budgetary Impact:**

The additional funding for this program is entirely State dollars. No additional City funds are required or being requested. Once funds have been received from the State they will be appropriated into the Social Services Fund.

**Recommendation:**

Staff recommends approval and appropriation of these funds.

**Alternatives:**

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

**Attachments:**

Appropriation



**APPROPRIATION**  
**Additional Funding for Department of Social Services VIEW Program**  
**\$12,512**

**WHEREAS**, the Charlottesville Department of Social Services has received an additional \$12,512 in the Fiscal Year 2019 budget from the Virginia Department of Social Services to be used for clients enrolled in the Virginia Initiative for Employment not Welfare (VIEW) program,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$12,512 is hereby appropriated in the following manner:

**Revenue – \$12,512**

Fund: 212	Cost Center: 9900000000	G/L Account: 451022	\$12,512
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**Expenditures - \$12,512**

Fund: 212	Cost Center: 3333002000	G/L Account: 540060	\$12,512
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$12,512 from the Virginia Department of Social Services.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 6, 2018
Action Requested:	Approve Appropriation
Presenter:	Kristel Riddervold, Environmental Sustainability Manager
Staff Contacts:	Paul Oberdorfer, PWD Director Leslie Beauregard, Assistant City Manager
Title:	<b>Strategic Energy Initiatives - \$367,698.50</b>

**Background:**

The Gas Fund includes a funded program that, until recently, was intended to serve as part of the required match for a DEQ grant for a stream restoration project on Moores Creek at Azalea Park. Unfortunately, we recently had to relinquish the grant funds after years of unsuccessful attempts to acquire a private property that was integral to the success of the project. This fund currently has a balance of \$307,999.

The City established a “Green City Fund” in the FY08 budget, to support recommendations brought before City Council to sponsor demonstration projects and initiatives that promote and support City Council’s Green City Vision (e.g., supplemental funding to support deep energy retrofit demonstration of ecoREMOD and establishment of an EV Charging mini-grant program). This fund was last used in FY14 and has a current balance of \$59,699.50.

**Discussion:**

Since the time when these programs were established, the City’s Environmental Sustainability Program has continued to evolve. Efforts to reduce community energy usage and the associated greenhouse gas emissions reductions have focused on various sectors outlined through the 2012 Local Climate Action Planning Process, including the built environment, mobility, generation sources, materials, and the landscape.

Based on experience with these efforts, feedback and interest, and the intent to continue supporting improved energy performance in Charlottesville, we have identified a set of strategic energy initiative tracks that are linked to the City’s Climate Protection Program and the increased commitment made last summer by joining the Global Covenant of Mayors for Climate & Energy.

By combining the funds in these two programs and designating their use for strategic energy initiatives as outlined below, additional progress in several sectors can be supported over the course of the next few years. These tracks are strategic in making progress towards community emission reduction goals by addressing known barriers, leveraging private sector funds, and

targeting action where improvement opportunities exist.

- \$100,000 – to support commercial energy efficiency through the Clean Energy Loan Fund (CELF) currently administered by LEAP. Recent project activity has depleted the initial fund that was established by City Council in 2012, and was most recently revised and administratively approved in April 2016. There is growing interest in this financing assistance program, in part due to recently completed projects that have been publicized.
- \$100,000 – to support residential energy efficiency through a rebate program to be delivered by LEAP as a core next phase to the program support they have provided to the City over several years.
- \$100,000 – to support sustainable transportation opportunities, such as those related the VW settlement funds that established an environmental mitigation trust to be administered by DEQ through a state mitigation plan. At this time it is unclear if a local funding match will be required for that particular program.
- \$67,698.50 – to support other sustainability initiatives identified by City Council, staff, or community members.

**Alignment with City Council’s Vision and Strategic Plan:**

The proposal supports City Council’s “Green City” vision. It contributes to Goal 3 of the Strategic Plan: A beautiful and sustainable natural and built environment as well Goal 6 of the 2013 Comprehensive Plan to promote effective and innovative energy and fuel management in both City and community buildings and operations. The current revisions of the Comprehensive Plan will address this topic as well. This also aligns with the commitment made in 2017 to the Global Covenant of Mayors for Climate & Energy.

**Community Engagement:**

N/A

**Budgetary Impact:**

No additional funding is required. All funds to be used to support this recommendation have been previously appropriated.

**Recommendation:**

Staff recommends approval of the recommendation to reprogram already appropriated funds to meet current priorities.

**Alternatives:**

City Council could decline this recommendation, and the funds would remain in the original funded programs without a clear intent to pursue current needs and opportunities.

**Attachments:**

Appropriation

**APPROPRIATION**  
**Strategic Energy Initiatives**  
**\$367,698.50**

**WHEREAS**, the City of Charlottesville has previously appropriated funds in the amount of \$307,999 that were to be used for a Department of Environmental Quality grant match; and

**WHEREAS**, the City of Charlottesville has previously appropriated funds for the Green City Fund, of which there is a \$59,699.50 balance; and

**WHEREAS**, these funds will now be used to support the Clean Energy Loan Fund; the residential energy efficiency rebate program; sustainable transportation opportunities; and other sustainability initiatives identified by City Council, staff, or community members;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$367,698.50 is hereby appropriated in the following manner:

**Revenues - \$59,699.50**

**Transfer To**

\$59,699.50    Fund: 631    IO: 2000139    Cost Center: 2711001000    G/L: 498010

**Expenditures - \$367,698.50**

**Transfer From**

\$59,699.50    Fund: 105    Cost Center: 1601002000    G/L: 561631

\$307,999    Fund: 631    IO: 2000094    Cost Center: 2711001000    G/L: 599999

**Transfer To**

\$59,699.50    Fund: 631    IO: 2000139    Cost Center: 2711001000    G/L: 599999

\$307,999    Fund: 631    IO: 2000139    Cost Center: 2711001000    G/L: 599999

**BE IT FURTHER RESOLVED** that this appropriation 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.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	August 20, 2018
<b>Action Required:</b>	Approve Appropriation
<b>Presenter:</b>	Susan Morrow, Offender Aid and Restoration
<b>Staff Contact:</b>	Susan Morrow, Offender Aid and Restoration Ryan Davidson, Senior Budget and Management Analyst
<b>Title:</b>	Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$205,000

**Background:**

The City of Charlottesville, on behalf of the Charlottesville/Albemarle Adult Drug Treatment Court, has received a Supreme Court of Virginia Drug Treatment Court Docket Grant in the amount of \$205,000 for operations of the drug court program, which is operated by Offender Aid and Restoration (O.A.R.). The City of Charlottesville serves as fiscal agent for the Supreme Court of Virginia Drug Treatment Court Docket Grant.

**Discussion:**

In its twenty-first year of operation, the Charlottesville/Albemarle Adult Drug Treatment Court is a supervised 12 month drug treatment program that serves as an alternative to incarceration for offenders. Drug Court is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving non-violent adult felony offenders who are addicted to drugs. The program uses the power of the court to assist non-violent drug offenders to achieve recovery through a combined system of intensive supervision, drug testing, substance abuse treatment, and regular court appearances.

The total program budget is **\$332,062** and includes three funding sources:  
Supreme Court of V.A. - \$205,000

City of Charlottesville: \$72,331, which has already been appropriated  
Albemarle County: \$54,731, which has already been appropriated

**Alignment with City Council Vision and Strategic Plan:**

This relates to Goal #2 in the City's Strategic Plan - A Healthy and Safe City. More specifically Objective 2.3 Improve community health and safety and outcomes by connecting residents with effective resources; and Objective 2.4 Reduce the occurrences of crime, traffic violations, and accidents in the community. The drug court is a valuable, less expensive alternative to incarceration for certain substance dependent criminal offenders which utilizes a blend of court-ordered supervision, drug testing, drug and mental health treatment services, court appearances, and behavioral sanctions and incentives to reduce recidivism and drug use among participants beyond what is observed after incarceration alone.

**Community Engagement:**

The Drug Treatment Court is a direct service provider and is engaged daily with non-violent criminal offenders with drug driven crimes who are at a high level of risk for reoffending due to active addictions and long standing patterns of criminal behavior. By collaborating with the Court system, Region Ten Community Services Board, and the Sheriff's department, the Drug Treatment Court provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Drug Treatment Court through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the Circuit Court. If they successfully complete the program which takes a minimum of 12 months, participants may have their pending charges reduced or dismissed. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Drug Treatment Court participants return the community's investment in them by maintaining full time, tax paying employment, providing for and taking care of their children and families including paying off back child support, behaving as good role models in the community, and supporting the recovery community in Charlottesville.

**Budgetary Impact:**

No additional City funding is required as the City's match for this grant, \$72,331, was appropriated as part of the FY 2019 Council Approved Budget as part of the City's contribution to Offender Aid and Restoration.

**Recommendation:**

Staff recommends approval and appropriation.

**Attachments:**

Appropriation



**APPROPRIATION**  
**Charlottesville/Albemarle Adult Drug Treatment Court Grant Award**  
**\$205,000**

**WHEREAS**, the Supreme Court of Virginia awarded the Supreme Court of Virginia Drug Treatment Court Docket Grant in the amount of \$205,000 for the Charlottesville/Albemarle Drug Court Treatment Court 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 \$127,062; and

**WHEREAS**, the grant award covers the period July 1, 2018 through June 30, 2019.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$205,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

**Revenues**

\$205,000      Fund: 209      Internal Order: 1900312      G/L Account: 430120

**Expenditures**

\$205,000      Fund: 209      Internal Order: 1900312      G/L Account: 530550

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$205,000 from the Supreme Court of Virginia.

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## CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	August 20, 2018
Action Required:	Appropriation
Presenter:	Mike Rogers, Deputy Chief – Operations, Charlottesville Fire Dept.
Staff Contacts:	Mike Rogers, Deputy Chief – Operations, Charlottesville Fire Dept.
<b>Title:</b>	<b>2018 Office of Emergency Medical Services Rescue Squad Assistance Fund Grant (RSAF) - \$499,703.55</b>

### **Background:**

The City of Charlottesville Fire Department has been awarded a 2018 Rescue Squad Assistance Fund Grant (RSAF) through the Virginia Office of Emergency Medical Services (OEMS). This grant is a 50/50 matching grant, with the grant total awarded from OEMS at \$155,703.55.

### **Discussion:**

The 2018 RSAF grant was awarded to the City for the purchase of one ambulance, one ambulance stretcher, and two cardiac monitors. This ambulance will replace a unit we are presently borrowing from the Charlottesville Albemarle Rescue Squad (CARS) housed at the Ridge Street Fire Station. The stretcher and one cardiac monitor will go to this unit, with the other cardiac monitor serving as a replacement for our older units being presently replaced. The grant requires at least a 50% match from the City, however additional funding above the 50% threshold is being transferred from the Fire Replacement Apparatus account. This additional funding will to be used to purchase the other equipment necessary to outfit the unit for active service that is not covered by the grant, and to provide for any equipment cost changes since the grant application was submitted. Any unused City match will be returned to the Replacement Fire Apparatus account in the Capital Improvements Program fund upon the completion of this purchase.

### **Alignment with Council Vision Areas and Strategic Plan:**

With this grant we are better able to equip our responders to deliver emergency services to the citizens, students, business community members, and guests of the City. The grant aligns with Goal 2 of the Strategic Plan: A Healthy and Safe City, providing funds for life safety supplies

and equipment better enabling our responders to care for those that are ill or injured in a timely and safe manner.

**Community Engagement:** N/A

**Budgetary Impact:**

No additional funding is needed for this grant. The City's matching portion of this grant will come from Replacement Fire Apparatus account in the capital improvements program fund previously appropriated as part of the FY 2019 Adopted Budget.

**Recommendation:**

Staff recommends appropriation of the grant funds to be used for the purchase of a new ambulance and listed equipment.

**Alternatives:**

If the grant funds are not appropriated for use, we will have to utilize monies solely from City CIP funds to purchase a new ambulance and its equipment.

**Attachments:**

Appropriation

**APPROPRIATION**

**2018 Office of Emergency Medical Services Rescue Squad Assistance Fund Grant  
\$499,703.55**

**WHEREAS**, a reimbursable 2018 Rescue Squad Assistance Fund Grant totaling \$155,703.55 has been awarded to the Fire Department for the purchase of a new ambulance, stretcher, and two cardiac monitors.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$499,703.55 be appropriated in the following manner:

**Revenues -**

\$155,703.55	Fund: 209	Order: 1900311	G/L Account: 430110
\$344,000	Fund: 209	Order: 1900311	G/L Account: 498010

**Expenditures -**

\$499,703.55	Fund: 209	Order: 1900311	G/L Account: 599999
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**Transfer from -**

\$344,000	Fund: 426	WBS: P-00976	GL Account: 561209
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$155,703.55 from the Virginia Office of Emergency Medical Services.

**BE IT FURTHER RESOLVED**, that any unused City match is to be returned to the Replacement Fire Apparatus account in the Capital Improvements Program fund.

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CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	August 20, 2018
Action Required:	Appropriation
Presenter:	Mike Rogers, Deputy Chief – Operations, Charlottesville Fire Dept.
Staff Contacts:	Mike Rogers, Deputy Chief – Operations, Charlottesville Fire Dept.
Title:	<b>2017 Supplemental Local Emergency Management Performance Grant - \$13,143.29</b>

**Background:**

The City of Charlottesville Fire Department has been awarded a 2017 Supplemental Local Emergency Management Performance Grant (SLEMPG) through the Virginia Department of Emergency Management (VDEM). The total grant awarded is \$12,080, and requires at least a 50 percent City match. The City’s minimum matching share is \$6,090.00, with the VDEM portion of \$6,090.00, reimbursed after the equipment purchases are made.

**Discussion:**

The 2017 SLEMPG was awarded to the City for the purchase of 21 NIJ Level III ballistic vests and 21 NIJ Level III ballistic helmets. These vests and helmets are slated to be placed in-service on the current fire apparatus and ambulances that department staffs each day. One vest and one helmet for each staffed riding position. From the grant application date to present day, the numbers have been adjusted to 23 helmets, and 25 vests resulting in an increase in the City’s portion of the expenses to \$7,053.29, for a total grant expenditure appropriation of \$13,143.29.

**Alignment with Council Vision Areas and Strategic Plan:**

With this grant we are better able to equip our responders to deliver emergency services to the citizens, students, business community members, and guests of the City. The grant aligns with Goal 2 of the Strategic Plan: A Healthy and Safe City, providing funds for life safety supplies and equipment better enabling our responders to care for those that are ill or injured in a timely manner.

**Community Engagement:** N/A

**Budgetary Impact:**

No additional funding is needed for this grant. The City's matching portion of this grant will come from Fire Department operational funding previously appropriated as part of the FY 2019 Adopted Budget.

**Recommendation:**

Staff recommends appropriation of the grant funds to be used for outfitting the department's apparatus with ballistic protection.

**Alternatives:**

If the grant funds are not appropriated to be used for the ballistic protection purchases, we will have to pull monies solely from operational line items to outfit our responder with this level of ballistic protection without recouping any of the associated costs.

**Attachments:**

Appropriation



**APPROPRIATION**

**2017 Supplemental Local Emergency Planning Grant -\$13,143.29**

**WHEREAS**, a reimbursable 2017 Supplemental Local Emergency Management Planning Grant totaling \$13,143.29 has been awarded to the Fire Department for the purchase of ballistic vests and helmets.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$13,143.29 be appropriated in the following manner:

**Revenues -**

\$6,090	Fund: 209	Order: 1900298	G/L Account: 430120
\$7,053.29	Fund: 209	Order: 1900298	G/L Account: 498010

**Expenditures -**

\$13,143.29	Fund: 209	Order: 1900298	G/L Account: 599999
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**Transfer -**

\$7,053.29	Fund: 105	CC: 3201005000	GL Account: 541209
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$6,090 from the Virginia Department of Emergency Management.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 20, 2018
Action Required:	Appropriation
Presenter:	Rory Carpenter, Community Attention
Staff Contacts:	Rory Carpenter, Community Attention Kaki Dimock, Director of Human Services
Title:	<b>Check and Connect Student Engagement Continuation Grant - \$137,000</b>

**Background:**

Check and Connect is an evidence-based truancy prevention program funded by a Byrne/Juvenile Assistance Grant from the Virginia Department of Criminal Justice Services (DCJS) and administered by the Human Services Department. The grant provides a comprehensive student engagement intervention for truant youth or youth at risk of truancy who live in the City of Promise footprint and attend Burnley-Moran Elementary and Walker Upper Elementary. The grant period is from July 1, 2018 through June 30, 2019.

**Discussion:**

Truancy is a precursor to delinquent behavior that should be addressed in its early stages to avoid further penetration into the juvenile justice system. Locally, the connection between truancy and delinquency has been documented by the *Juvenile Offender Report* a research report issued by the Charlottesville Department of Human Services that deals with the risk and needs of 985 local juvenile offenders who were placed on probation between 1997 – 2000, 2004 – 2006, and 2011-2012. The average rate of truancy for the juvenile offenders in the study group was 48% per year over a nine year period.

This is the final year of a 4 year grant from DCJS for the Check and Connect program. The total grant amount is \$137,000, with \$34,250 being provided by federal pass through funds, and a required local match of \$102,750 to be provided by the Charlottesville Department Human Services through the usage of the Human Services fund balance.

### **Alignment with Council Vision Areas and Strategic Plan:**

The Check and Connect grant aligns with the City of Charlottesville's Strategic Plan – Goal 2: A Healthy and Safe City Objective 2.3: Improve community health and safety outcomes by connecting residents with effective resources.

The Human Service Department's programs provide residential and community based services that prevent delinquency and promote the healthy development of youth. The Check and Connect Program provides comprehensive support services for elementary and upper elementary children experiencing school attendance problems to prevent early school withdrawal and ultimately delinquent behavior by promoting students' engagement with school and learning. Expected outcomes include increased attendance and decreased delinquent behavior during and after program participation.

### **Community Engagement:**

The community is engaged through the City of Promise by serving students and families in the Charlottesville school system through the Check and Connect Program and by collaborating with the many different agencies that interface with the program.

### **Budgetary Impact:**

There is no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund. The local match of \$102,750 will be provided from existing funding in the Department of Human Services fund balance.

### **Recommendation:**

Staff recommends approval and appropriation of grant funds.

### **Alternatives:**

If the grant funds are not appropriated, City of Promise would not be able to provide this service to local youth.

### **Attachments:**

Appropriation

**APPROPRIATION**  
**Check and Connect Student Engagement Grant**  
**\$137,000**

**WHEREAS**, the City of Charlottesville has been awarded \$34,250 in Federal Funds from the Virginia Department of Juvenile Justice, and \$102,750 in matching funds for a total award of \$137,000 for the Check and Connect Student Engagement Program; and

**WHEREAS**, the local match of \$102,750 will be provided from the Department of Human Services existing fund balance; and

**WHEREAS**, the grant award covers the period from July 1, 2018 through June 30, 2019.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$137,000 is hereby appropriated in the following manner:

**Revenue – \$137,000**

\$ 34,250	Fund: 209	Cost Center: 3413008000	G/L Account: 430120
\$ 102,750	Fund: 209	Cost Center: 3413008000	G/L Account: 498010

**Expenditures - \$137,000**

\$122,054	Fund: 209	Cost Center: 3413008000	G/L Account: 519999
\$ 14,946	Fund: 209	Cost Center: 3413008000	G/L Account: 599999

**Revenue:**

\$102,750	Fund: 213	Cost Center: 3411001000	G/L Account: 498011
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**Expenditure:**

\$102,750	Fund: 213	Cost Center: 3411001000	G/L Account: 561209
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**Transfer from:**

\$102,750	Fund: 213	Cost Center: 3411001000	G/L Account: 561209
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$34,250 from VA Department of Criminal Justice Services.

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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	August 20, 2018
<b>Action Required:</b>	Appropriation
<b>Presenter:</b>	Rory Carpenter, Human Services Department
<b>Staff Contacts:</b>	Rory Carpenter, Human Services Department Kaki Dimock, Human Services Department
<b>Title:</b>	<b>Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704</b>

**Background:**

In July 2010, the City of Charlottesville became the fiscal agent for the Virginia Juvenile Community Crime Control Act (VJCCCA) funds for both Charlottesville and Albemarle County. This funding stream was established by the 1995 Virginia General Assembly to create balanced, community-based systems of sanctions, programs and services for juvenile offenders. These funds are used to support the Community Attention programs. In Fiscal Year 2019, \$292,058 in VJCCCA funds will be received from the Virginia Department of Juvenile Justice with a required local maintenance of effort of \$52,231 from Albemarle County, and \$108,415 from the City for a total of \$452,704. The grant period is from July 1, 2018 through June 30, 2019.

**Discussion:**

The VJCCCA grant funds the delinquency prevention and youth development services provided by Community Attention for Charlottesville/Albemarle youth involved in the juvenile justice system. These services include the following programs: the Teens GIVE service learning program that provides community service opportunities during both the school year and the summer; the Community Supervision Program that provides pro-social skills training like anger management, individual and group counseling services and case management services for youth on electronic monitoring; the Community Attention Youth Internship Program (CAYIP) which provides paid internship opportunities; the Family Based Intervention Program which provides evidence-based, family centered intervention programs and the Juvenile Court Case Manager position providing supervision and case management services for youth identified by the court as truant.

**Alignment with City Council's Vision and Strategic Plan:**

The VJCCCA grant aligns with the City of Charlottesville's Strategic Plan - Goal 2: A Healthy and Safe City Objective 2.3: Improve community health and safety outcomes by connecting residents with effective resources.

Community Attention's VJCCCA funded programs provide community based services that prevent delinquency and promote the healthy development of youth. Expected outcomes include decreased delinquent behavior during and after program participation.

**Community Engagement:**

The VJCCCA funded programs engage local youth involved in the juvenile justice system and their families by providing delinquency prevention and youth development programs. The programs also engage and coordinate with other local agencies and organizations in the provision of services to the youth.

**Budgetary Impact:**

The funds will be expensed and reimbursed to the VJCCCA Fund. The required General Fund City contribution has already been appropriated as part of the Fiscal Year 2019 Council Adopted Budget so no new funds are required to cover the match.

**Recommendation:**

Staff recommends approval and appropriation of funds.

**Alternatives:**

If the VJCCCA funds are not appropriated, Community Attention would have to serve fewer youth and eliminate programs and staff.

**Attachments:**

Appropriation



**APPROPRIATION**  
**Virginia Juvenile Community Crime Control Act Grant (VJCCCA)**  
**\$452,704**

**WHEREAS**, the City of Charlottesville has been awarded \$292,058 from the Virginia Department of Juvenile Justice; and

**WHEREAS**, this grant requires local maintenance of effort funds in the amount of \$52,231 from Albemarle County and \$108,415 from the City; and

**WHEREAS**, the grant award covers the period from July 1, 2018 through June 30, 2019.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$452,704 is hereby appropriated in the following manner:

**Revenue – \$452,704**

\$292,058	Fund: 220	Cost Center: 3523001000	G/L Account: 430080
\$52,231	Fund: 220	Cost Center: 3523001000	G/L Account: 432030
\$108,415	Fund: 220	Cost Center: 3523001000	G/L Account: 498010

**Expenditures - \$452,704**

\$ 53,075	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$399,629	Fund: 220	Cost Center: 3523001000	G/L Account: 530010

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$292,058 from Virginia Department of Juvenile Justice, and \$52,231 from Albemarle County.

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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	August 20, 2018
<b>Action Required:</b>	** See Recommendation **
<b>Staff Contact:</b>	Leslie Beauregard, Assistant City Manager
<b>Presenter:</b>	Nathan Moore, WTJU General Manager
<b>Title:</b>	<b>WTJU Sponsor Request – City Sponsorship of the Black Business Expo on Saturday, September 23, 2017 - \$2,000</b>

**Background:**

WTJU is seeking the City’s sponsorship and support for a Black Business Expo on Saturday, September 22, 2018. This event is being organized by Lifeview Marketing and WTJU Radio, with promotional support from the Chamber of Commerce’s Business Diversity Council. With this request for sponsorship, WTJU is seeking \$2,000 from the City to help fund the costs of this free community event.

**Discussion:**

The Black Business Expo serves to support and celebrate black-owned businesses in Charlottesville and Albemarle County. This Expo is an initiative that is consistent with the City’s desire to support racial equity in economic opportunity. Black-owned businesses are important to the local Charlottesville economy, and supporting these businesses serves the interest of our entire business community. The Expo is free and open to the public, and will take place at the IX Art Park. The event will support black-owned businesses with a series of workshops on financing, marketing, and working with major buyer procurement.

The event will support black-owned businesses with a series of business seminars on financing, marketing, working with major buyer procurement, and other topics aimed at knowledge-enhancement and asset-building. The Expo will have a festive atmosphere, drawing hundreds of attendees beyond the black entrepreneurs. The event will encompass not only business networking opportunities, but health and wellness programming, a hair and/or fashion show, kids’ activities, and live entertainment. The day will build toward a 7 p.m. concert by socially conscious reggae artist Mighty Joshua. This Expo will take place in conjunction with WTJU’s Freefall concert series at the IX Art Park.

Based on WTJU’s extensive experience with hosting special events, including the first local Black Business Expo in 2017, this event is expected to draw 30-40 participating businesses and at least 1,100 attendees.

Participating business owners will be surveyed in the month following the Expo to ascertain whether they found the experience to (1) increase their sense of self-sufficiency and inclusiveness and (2) to increase their ability to be part of a diversified economic base, to be creative, and to strengthen their business objectives. They will also be asked if they encountered at least five new people who served to enlarge their business knowledge and/or customer base. If the majority of the owners respond positively to these questions, this will indicate that the Expo constituted a substantive step toward meeting Goal #1 and Goal #4 of the City's Strategic Plan.

**Community Engagement:**

N/A

**Alignment with City Council's Vision and Strategic Plan:**

The Expo will contribute toward these objectives under Strategic Goal #1: (1.2) "Preparing residents for the workforce" – and, let us add, preparing black entrepreneurs to enlarge the workforce, (1.4) enhancing the financial health of residents, and (1.5) intentionally addressing issues of race and equity. Under Strategic Goal #4, the Expo will address these objectives: (4.1) developing a quality workforce, (4.2) attracting and cultivating a variety of businesses, (4.3) growing and retaining viable businesses, and (4.4) promoting tourism (in that WTJU will be marketing the Expo widely to its far-afield audience).

**Recommendation:**

Staff has prepared a resolution that allocates \$2,000 from Council's Strategic Initiative Account should Council choose to fund this request. No new money is required since this is coming from already appropriated funds.

**Budgetary Impact:**

Staff is recommending this come from Council's Strategic Initiatives Account.

**Alternatives:**

See recommendation.

**Attachments:**

N/A

**RESOLUTION**  
**WTJU Sponsor Request – City Sponsorship of the Black Business Expo on**  
**Saturday, September 22, 2018**  
**\$2,000**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$2,000 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund to WTJU in support of the Black Business Expo taking place on September 22, 2018.

\$2,000

Fund: 105

Cost Center: 10110010000

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**Charlottesville  
National Organization for Women**

PO Box 5511  
Charlottesville, VA 22905  
434.963.0058  
charlottesvillenow@gmail.com



June 28, 2018

The Honorable Nikuyah Walker  
Mayor, City of Charlottesville  
P.O. Box 911  
Charlottesville, VA 22902

Dear Ms. Walker:

Each year **August 26 is observed nationally as Women's Equality Day**, celebrating ratification of the 19<sup>th</sup> Amendment to the U.S. Constitution granting women the right to vote. Today, nearly 100 years later, the right to vote is still the only constitutionally guaranteed right of U.S. women—real equality has not yet been achieved.

As it has for decades, the Charlottesville chapter of the National Organization for Women is again providing local governments the opportunity to proclaim their endorsement of women's equality for Women's Equality Day. For the City of Charlottesville this will be 43 years of support since Mayor Barbour first signed a proclamation in 1975 (Daily Progress article/photo, 8/17/1975).

This year, as part of a statewide campaign, we ask you to endorse adding the Equal Rights Amendment to the U.S. Constitution. **By adopting a resolution in support of Virginia's ratification of the ERA, local leaders can show their support for constitutional equality and call on the Virginia Assembly to do the same.** Attached is the requested resolution to be adopted at your August meeting prior to August 26.

Local governments across the state are adopting the resolution in this historic effort. Recent interest and activism across the country has revived ERA ratification efforts (Nevada 2017, Illinois 2018) so just one more state needs to ratify before gender equality can be added to the U.S. Constitution. You can help make Virginia the state that finally gets the ERA over the finish line! Let me know if you have any questions about the resolution or the ERA campaign in Virginia.

Many of our chapter members live in Charlottesville and look forward to our annual celebration of Women's Equality Day, where we'll showcase the resolution. You all are invited to come celebrate with us on August 26. Details will be shared as plans are finalized.

As always, we at NOW appreciate all your efforts on behalf of our community and are grateful for your ongoing support for equal rights and opportunities for all.

Sincerely,

Charlotte Gibson  
President

## **Resolution in support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution**

**WHEREAS**, the United States Constitution does not explicitly guarantee equal rights and equal protection for the sexes; and

**WHEREAS**, the 14th Amendment to the United States Constitution and state constitutional statements of equality generally do not provide the strict scrutiny for sex-based classifications that is provided for classifications based on race, religion, and national origin; and

**WHEREAS**, state laws are not uniform and federal laws are not comprehensive, and these laws can be repealed or reduced; and

**WHEREAS**, the people of the United States continue to experience the negative effects of lack of political parity between men and women, workplace discrimination, health care inequities, disparate rates of poverty, rape and domestic violence assaults;

**WHEREAS**, the Equal Rights Amendment (ERA) provides that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex;" and

**WHEREAS**, the Amendment would help ensure women and men have the same constitutional protections; and

**WHEREAS**, the ERA was passed by Congress in 1972, and has been ratified by 37 states, the most recent being Nevada in 2017 and Illinois in 2018; and

**WHEREAS**, the time limit for the ERA appears only in the preamble; and

**WHEREAS**, Congress presently is considering a bill that removes the time limit for ratification of the ERA; and

**WHEREAS**, for 47 years, the Virginia State Constitution has sought to protect Virginians from discrimination by the Commonwealth on the basis of sex; and

**WHEREAS**, The City of Charlottesville enforces principles of fair treatment in accordance with the Charlottesville Human Rights Ordinance (Article XV of the City Code) which prohibits gender discrimination,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Charlottesville supports the ratification of the Equal Rights Amendment; and

**BE IT FURTHER RESOLVED**, that the City Council of Charlottesville urges the General Assembly of the Commonwealth of Virginia to ratify the ERA to the U.S. Constitution, as proposed by Congress on March 22, 1972, during the 2019 legislative session.



**CITY OF CHARLOTTESVILLE  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	August 20, 2018
<b>Action Required:</b>	Yes (First Reading of Ordinance)
<b>Staff Contacts:</b>	Lauren Hildebrand, Utilities Director Christian Chirico, Gas Utility Engineer Lisa A. Robertson, Chief Deputy City Attorney
<b>Title:</b>	<b>Quitclaim Gas Easements to VDOT (Cascadia Subdivision)</b>

**Background:** In 2015 the City acquired two (2) natural gas line easements in multiple roadways in Cascadia Subdivision on Route 20 North in Albemarle County. The Virginia Department of Transportation is prepared to accept these roads into the state highway system. At the request of the Gas Division, we have drafted an ordinance and deed quitclaiming to VDOT the City's natural gas easements crossing these roadways.

**Discussion:** The quitclaim deed requires the gas lines to remain in their present location, and if any of the streets cease to be part of the state's highway system, the easement in that street will automatically revert back to the City. The natural gas lines and facilities continue to be owned and maintained by the City even after the easements are quitclaimed to the state.

**Alignment with Council Vision Areas and Strategic Plan:** Not applicable.

**Community Engagement:** Not applicable.

**Alternatives:** If the ordinance is not approved, VDOT will not accept the roadways into its road maintenance system.

**Budgetary Impact:** None.

**Recommendation:** Approval of the attached ordinance and quitclaim deed.

**Attachments:** Ordinance and Deed of Quitclaim (with plats attached).

**AN ORDINANCE  
TO QUITCLAIM TWO (2) NATURAL GAS LINE EASEMENTS  
WITHIN MULTIPLE ROADWAYS IN CASCADIA SUBDIVISION  
LOCATED IN ALBEMARLE COUNTY  
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadways known as Delphi Drive, Delphi Lane, Boulder Hill Lane, Glissade Lane, Marietta Drive, Terrace Lane, located in the Cascadia Subdivision in Albemarle County; and

**WHEREAS**, the City owns natural gas lines located within these roadways, and also owns an easement for such lines, and VDOT has asked that the foregoing easements crossing these roadways be released upon VDOT's acceptance of the roadways; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easements crossing the said roadways to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said lines to continue to be located in said roadways.

*Prepared by Lisa A. Robertson (VSB #32486)  
Charlottesville City Attorney's Office  
P.O. Box 911, Charlottesville, VA 22902*

*Albemarle County Tax Map 78E-H (Cascadia Subdivision)*

**This deed is exempt from recordation taxes pursuant to  
Virginia Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4).**

**DEED OF QUITCLAIM**

**THIS DEED OF QUITCLAIM**, made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

**WITNESSETH:**

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, the easements and rights of way, as shown on the attached plats made by the City of Charlottesville Gas Division dated July 10, 2018, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in certain roadways (Delphi Drive, Delphi Lane, Boulder Hill Lane, Glissade Lane, Marietta Drive, Terrace Lane) in the Cascadia Subdivision in the County of Albemarle, namely: Natural gas lines and related gas facilities upon and across Delphi Drive, Delphi Lane, Boulder Hill Lane, Glissade Lane, Marietta Drive, Terrace Lane, insofar as the land embraced within said easement falls within the boundaries of a public street or highway to be maintained by the Virginia Department of Transportation. Said gas line easements were conveyed to the City:

- (1) By deed from Cascadia Development, LLC, dated November 24, 2015, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 4705 at page 426; and
- (2) By deed from Towne District, LLC, dated December 16, 2015, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 4717 at page 173.

The Grantor reserves unto itself, its successors and assigns, all of the rights and privileges under the aforesaid Deeds of Easement until such time as the Virginia Department of Transportation has issued a permit to the GRANTOR subject to the following two conditions which shall also be covenants running with the land:

1. That the above described improvements of the GRANTOR may continue to occupy such streets or highways in the existing condition and location.
2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE is to have and hold the above-described property for so long as said property is used as part of its public street or highway maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said property's use for such purposes, all rights, privileges, interests and easements in the property herein described under aforesaid Right of Way Easement shall revert to the GRANTOR, its successors and assigns.

Notwithstanding other language contained herein which might appear to the contrary, the parties agree that GRANTOR shall continue to own in fee simple the gas line improvements located within the above described public roadways.

**IN WITNESS WHEREOF**, the **GRANTOR** has caused its name to be assigned hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

**CITY OF CHARLOTTESVILLE, VIRGINIA**

BY: \_\_\_\_\_  
Nikuyah Walker, Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

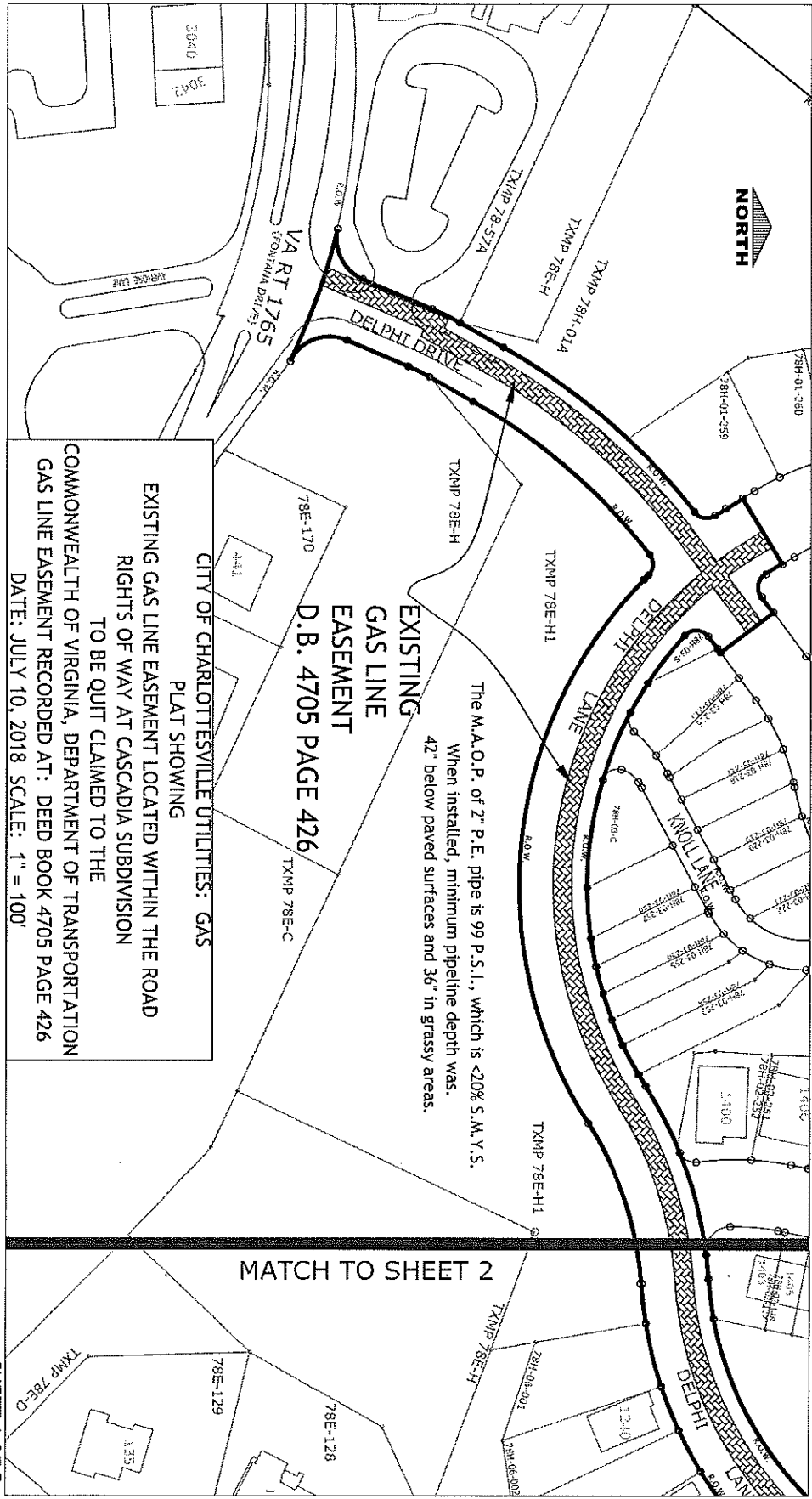
STATE OF VIRGINIA  
CITY OF CHARLOTTESVILLE

I, \_\_\_\_\_, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that Nikuyah Walker, Mayor of the City of Charlottesville, Virginia, and Paige Rice, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of \_\_\_\_\_, 2018, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: \_\_\_\_\_

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public  
Registration # \_\_\_\_\_

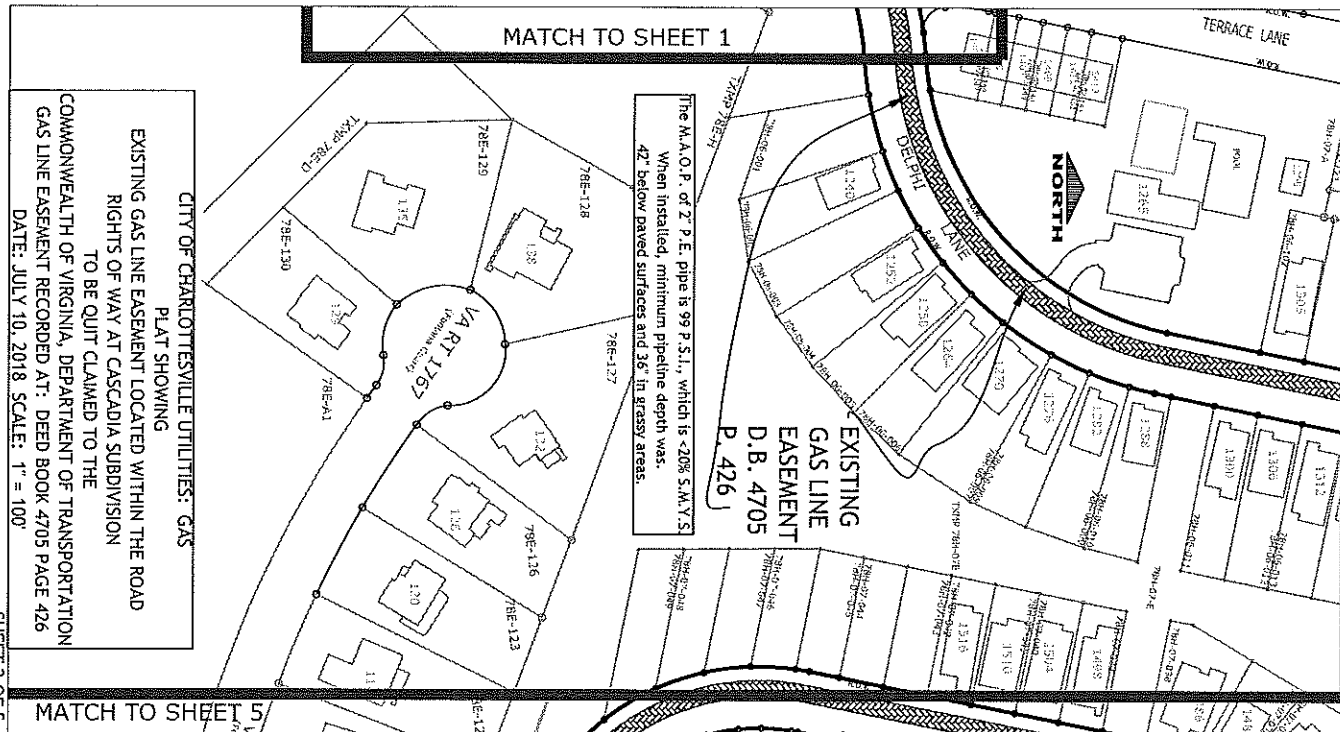


**CITY OF CHARLOTTEVILLE UTILITIES: GAS**  
**PLAT SHOWING**  
**EXISTING GAS LINE EASEMENT LOCATED WITHIN THE ROAD**  
**RIGHTS OF WAY AT CASCADIA SUBDIVISION**  
**TO BE QUIT CLAIMED TO THE**  
**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION**  
**GAS LINE EASEMENT RECORDED AT: DEED BOOK 4705 PAGE 426**  
**DATE: JULY 10, 2018. SCALE: 1" = 100'**

The M.A.O.P. of 2" P.E. pipe is 99 P.S.I., which is -20% S.M.Y.S.  
 When installed, minimum pipeline depth was:  
 42" below paved surfaces and 36" in grassy areas.

MATCH TO SHEET 2

MATCH TO SHEET 3



The M.A.O.P. of 2" P.E. pipe is 99 P.S.I., which is <math>208\text{ S.M.Y.S}</math>  
 When installed, minimum pipeline depth was:  
 42" below paved surfaces and 36" in grassy areas.

EXISTING  
 GAS LINE  
 EASEMENT  
 D.B. 4705  
 P. 426

CITY OF CHARLOTTESVILLE UTILITIES: GAS  
 PLAT SHOWING  
 EXISTING GAS LINE EASEMENT LOCATED WITHIN THE ROAD  
 RIGHTS OF WAY AT CASCADIA SUBDIVISION  
 TO BE QUIT CLAIMED TO THE  
 COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION  
 GAS LINE EASEMENT RECORDED AT: DEED BOOK 4705 PAGE 426  
 DATE: JULY 10, 2018 SCALE: 1" = 100'

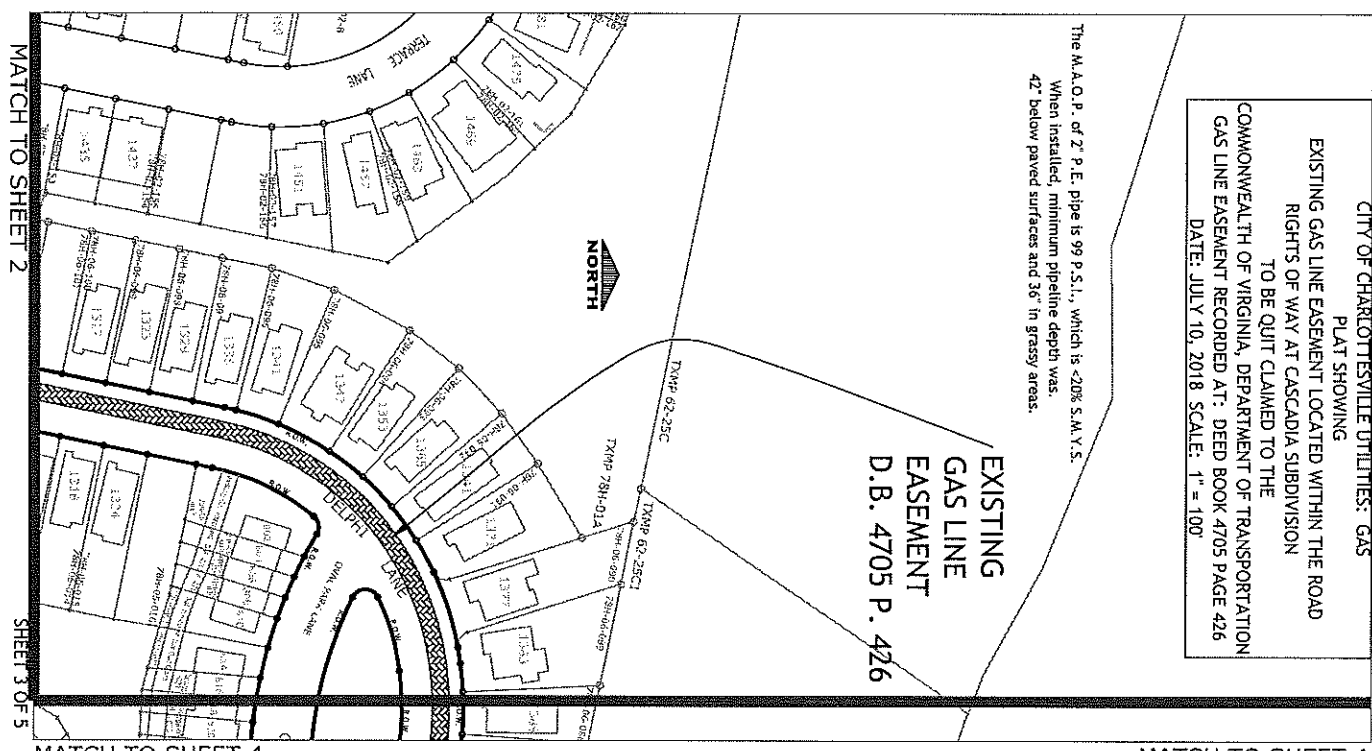
SHEET 2 OF 5

MATCH TO SHEET 5

CITY OF CHARLOTTE UTILITIES: GAS  
 PLAT SHOWING  
 EXISTING GAS LINE EASEMENT LOCATED WITHIN THE ROAD  
 RIGHTS OF WAY AT CASCADIA SUBDIVISION  
 TO BE QUIT CLAIMED TO THE  
 COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION  
 GAS LINE EASEMENT RECORDED AT: DEED BOOK 4705 PAGE 426  
 DATE: JULY 10, 2018 SCALE: 1" = 100'

EXISTING  
 GAS LINE  
 EASEMENT  
 D.B. 4705 P. 426

The M.A.O.P. of 2" P.E. pipe is 99 P.S.I., which is <20% S.M.V.S.  
 When installed, minimum pipeline depth was:  
 42" below paved surfaces and 36" in grassy areas.



MATCH TO SHEET 2

SHEET 3 OF 5

MATCH TO SHEET 4

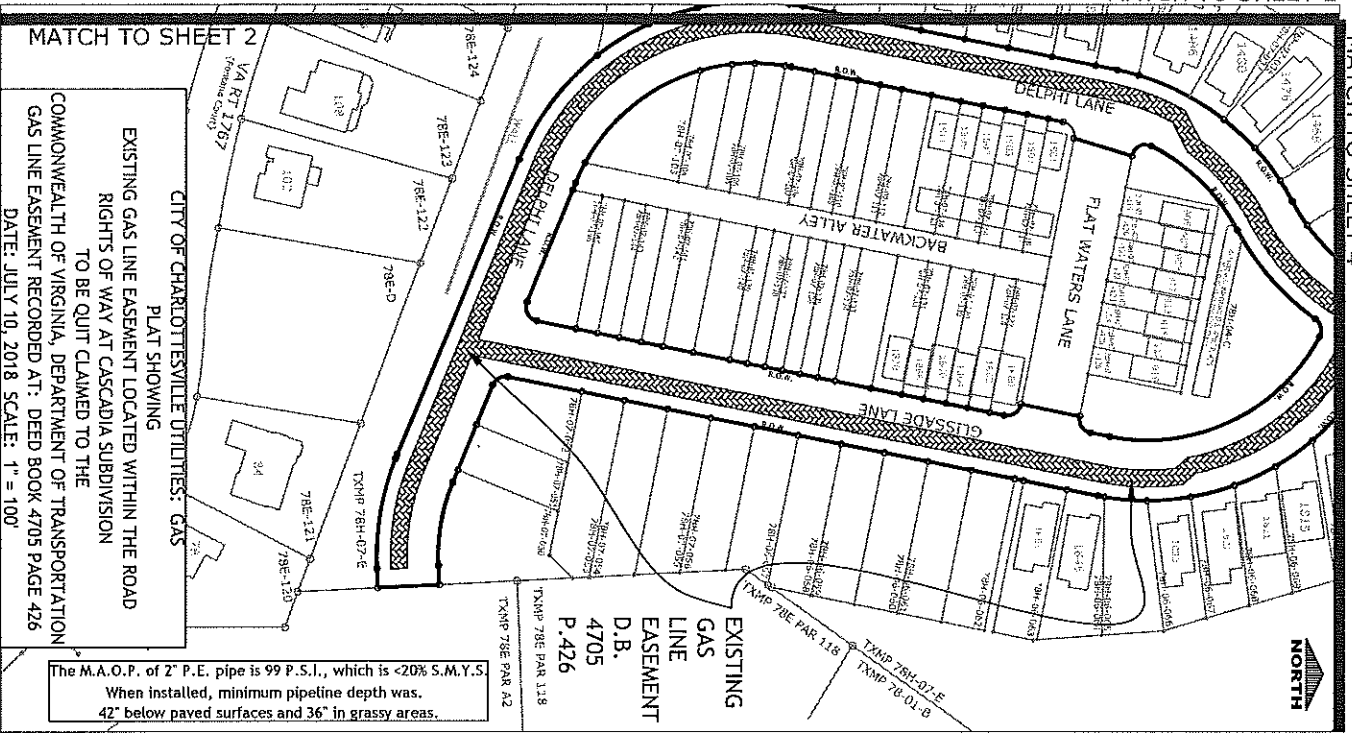
MATCH TO SHEET 4





MATCH TO SHEET 2

MATCH TO SHEET 4



MATCH TO SHEET 2

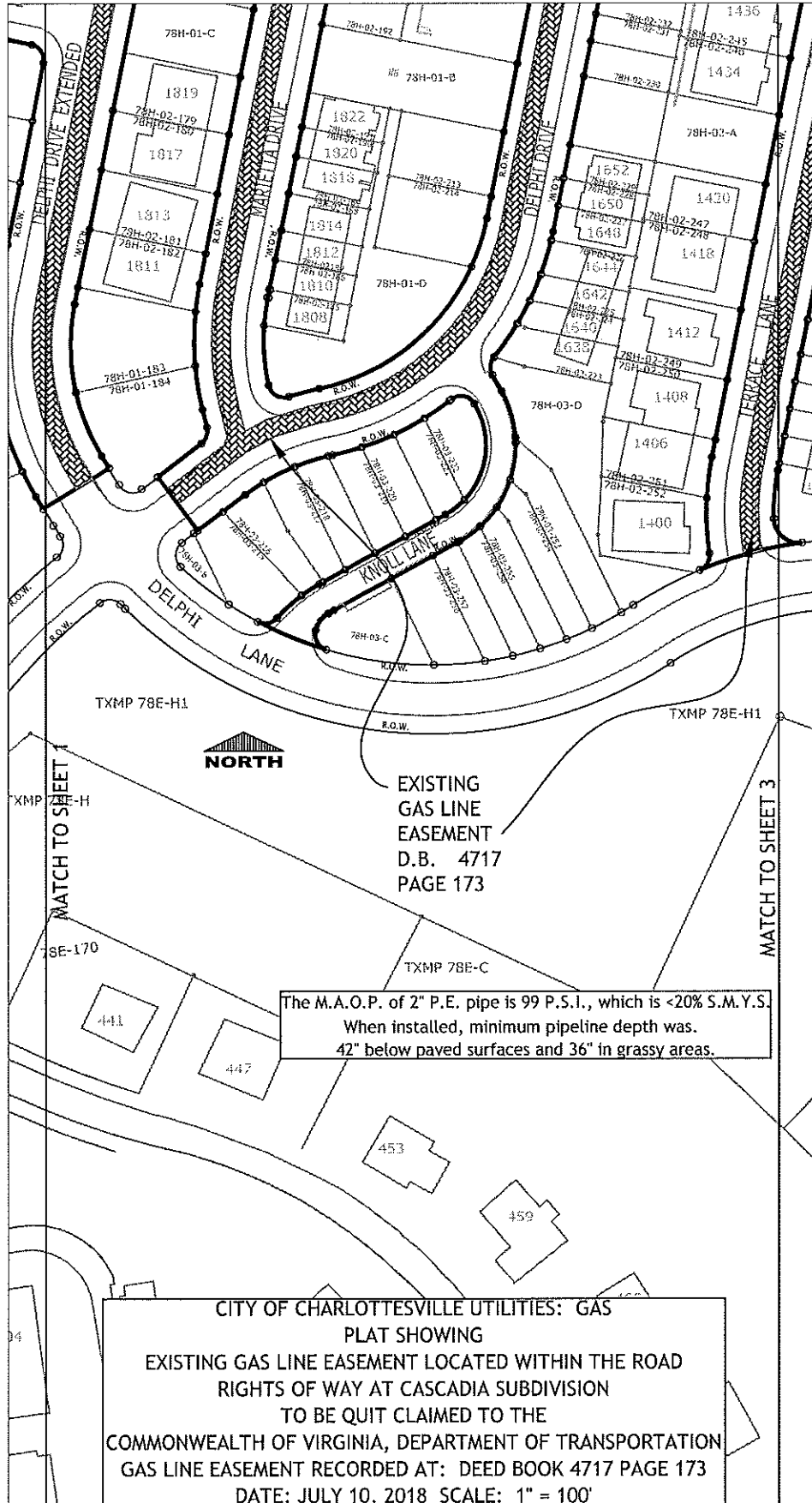
CITY OF CHARLOTTESVILLE UTILITIES: GAS  
 PLAT SHOWING  
 EXISTING GAS LINE EASEMENT LOCATED WITHIN THE ROAD  
 RIGHTS OF WAY AT CASCADIA SUBDIVISION  
 TO BE QUIT CLAIMED TO THE  
 COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION  
 GAS LINE EASEMENT RECORDED AT: DEED BOOK 4705 PAGE 426  
 DATE: JULY 10, 2018 SCALE: 1" = 100'

The M.A.O.P. of 2" P.E. pipe is 99 P.S.I., which is <20% S.M.Y.S.  
 When installed, minimum pipeline depth was:  
 42" below paved surfaces and 36" in grassy areas.

EXISTING  
 GAS  
 LINE  
 EASEMENT  
 D.B.  
 4705  
 P. 426

SHEET 5 OF 5



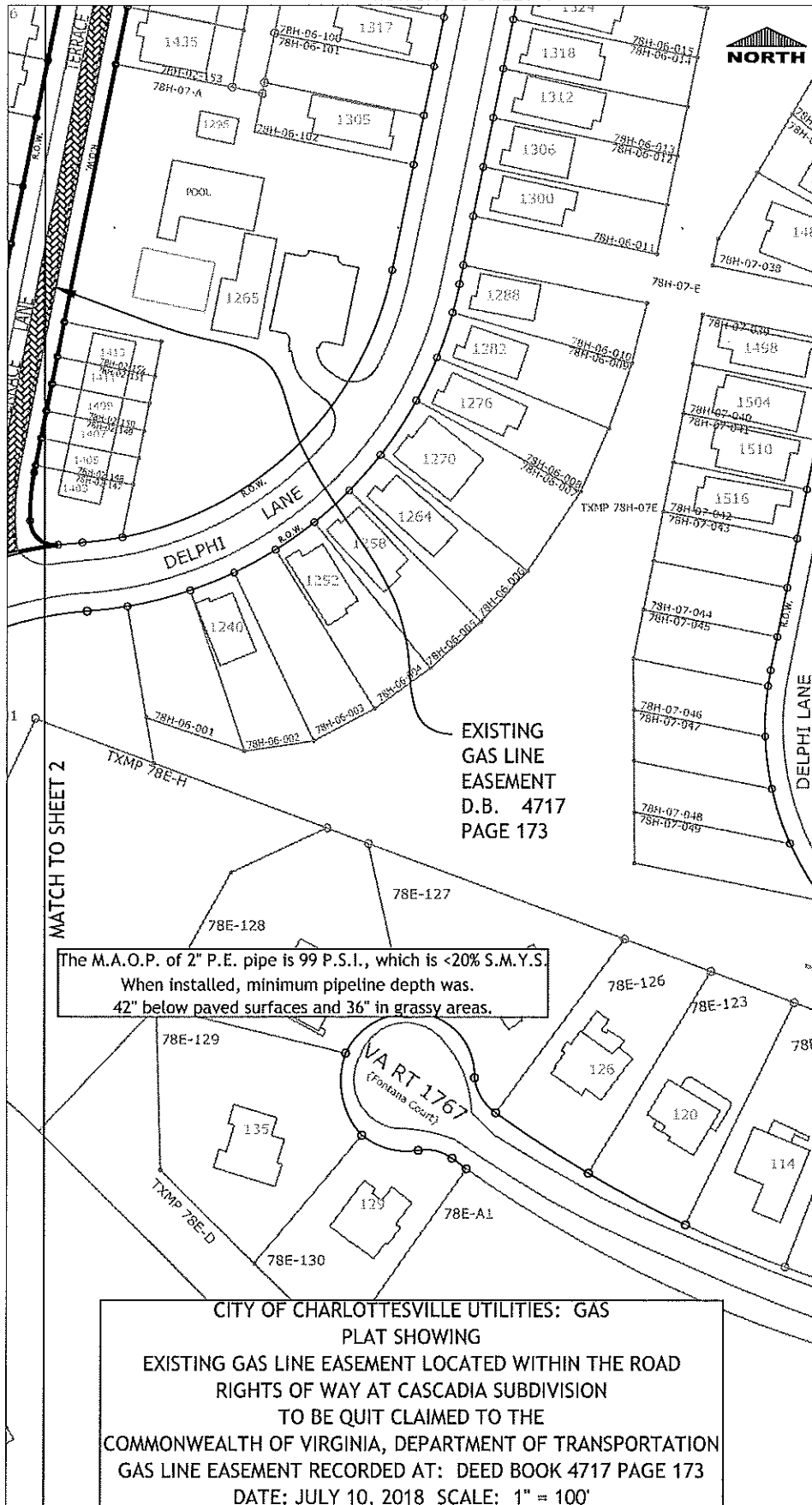


EXISTING  
GAS LINE  
EASEMENT  
D.B. 4717  
PAGE 173

The M.A.O.P. of 2" P.E. pipe is 99 P.S.I., which is <20% S.M.Y.S.  
When installed, minimum pipeline depth was  
42" below paved surfaces and 36" in grassy areas.

CITY OF CHARLOTTESVILLE UTILITIES: GAS  
PLAT SHOWING  
EXISTING GAS LINE EASEMENT LOCATED WITHIN THE ROAD  
RIGHTS OF WAY AT CASCADIA SUBDIVISION  
TO BE QUIT CLAIMED TO THE  
COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION  
GAS LINE EASEMENT RECORDED AT: DEED BOOK 4717 PAGE 173  
DATE: JULY 10, 2018 SCALE: 1" = 100'

MATCH TO SHEET 4



EXISTING GAS LINE EASEMENT D.B. 4717 PAGE 173

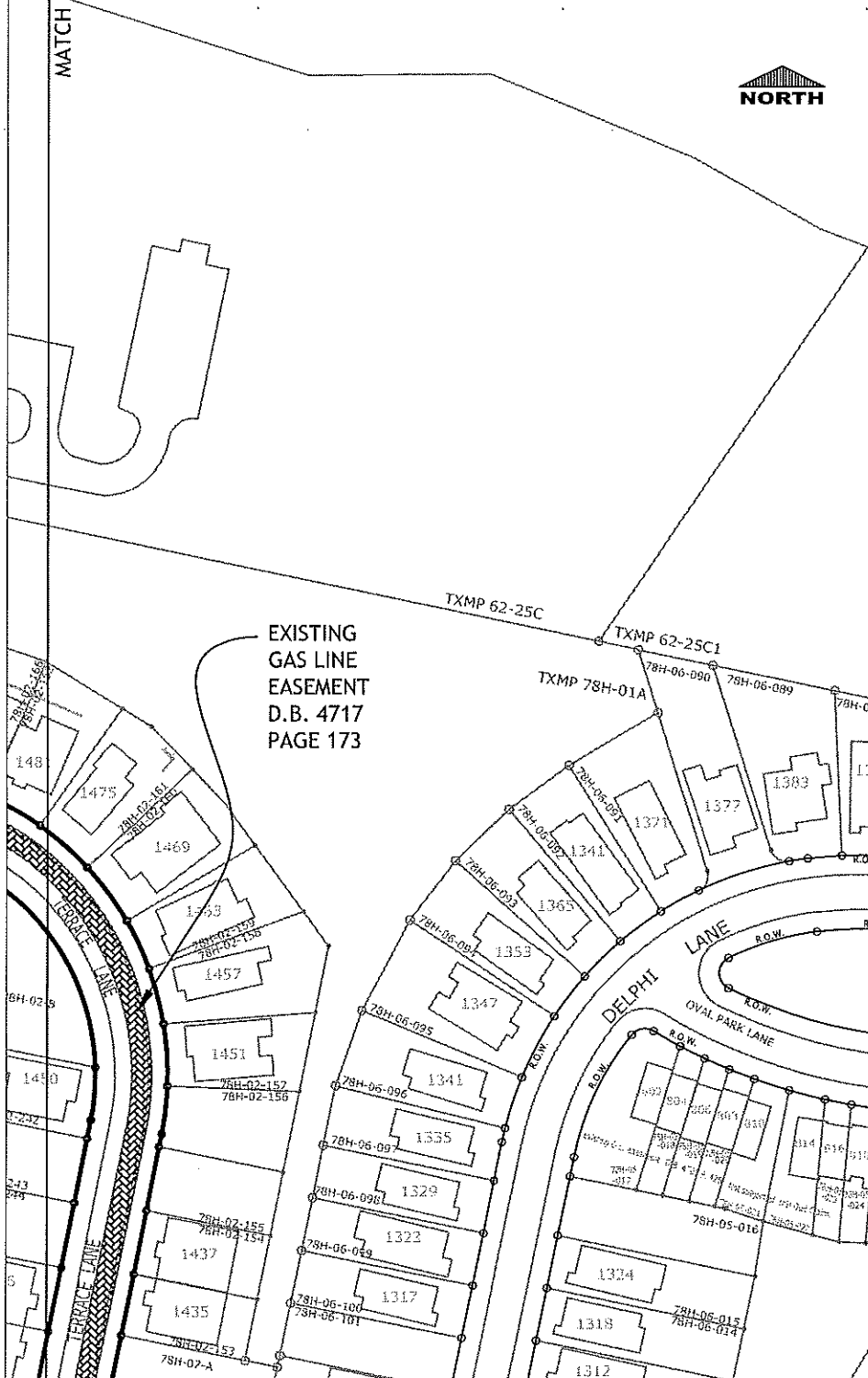
MATCH TO SHEET 2

The M.A.O.P. of 2" P.E. pipe is 99 P.S.I., which is <20% S.M.Y.S. When installed, minimum pipeline depth was 42" below paved surfaces and 36" in grassy areas.

CITY OF CHARLOTTESVILLE UTILITIES: GAS PLAT SHOWING EXISTING GAS LINE EASEMENT LOCATED WITHIN THE ROAD RIGHTS OF WAY AT CASCADIA SUBDIVISION TO BE QUIT CLAIMED TO THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION GAS LINE EASEMENT RECORDED AT: DEED BOOK 4717 PAGE 173 DATE: JULY 10, 2018 SCALE: 1" = 100'

CITY OF CHARLOTTESVILLE UTILITIES: GAS  
PLAT SHOWING  
EXISTING GAS LINE EASEMENT LOCATED WITHIN THE ROAD  
RIGHTS OF WAY AT CASCADIA SUBDIVISION  
TO BE QUIT CLAIMED TO THE  
COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION  
GAS LINE EASEMENT RECORDED AT: DEED BOOK 4717 PAGE 173  
DATE: JULY 10, 2018 SCALE: 1" = 100'

MATCH TO SHEET 5



EXISTING  
GAS LINE  
EASEMENT  
D.B. 4717  
PAGE 173

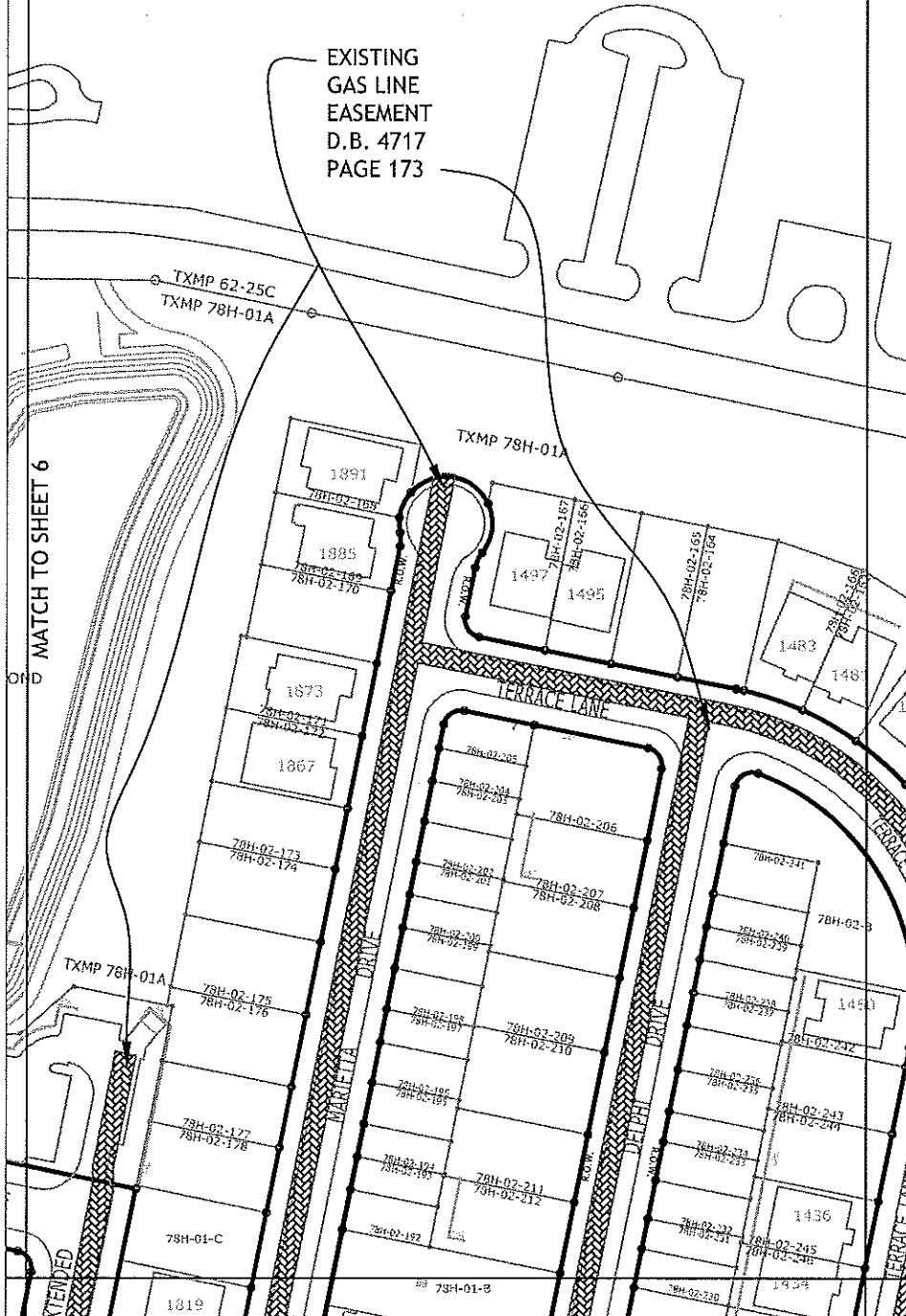
MATCH TO SHEET 3

CITY OF CHARLOTTESVILLE UTILITIES: GAS  
PLAT SHOWING  
EXISTING GAS LINE EASEMENT LOCATED WITHIN THE ROAD  
RIGHTS OF WAY AT CASCADIA SUBDIVISION  
TO BE QUIT CLAIMED TO THE  
COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION  
GAS LINE EASEMENT RECORDED AT: DEED BOOK 4717 PAGE 173  
DATE: JULY 10, 2018 SCALE: 1" = 100'



MATCH TO SHEET 4

EXISTING  
GAS LINE  
EASEMENT  
D.B. 4717  
PAGE 173



MATCH TO SHEET 6

MATCH TO SHEET 2

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CITY OF CHARLOTTESVILLE  
CITY COUNCIL AGENDA



Agenda Date:	August 20, 2018
Action Required:	Yes (First Reading of Ordinance)
Staff Contacts:	Lauren Hildebrand, Utilities Director Christian Chirico, Gas Utility Engineer Lisa A. Robertson, Chief Deputy City Attorney
Title:	<b>Quitclaim Gas Easements to VDOT (Estes Park Subdivision)</b>

**Background:** In 2013 the City acquired two (2) natural gas line easements in certain roadways (Burgundy Lane, Regent Street, Conway Lane, and Decatur Drive) in Estes Park Subdivision in Albemarle County. The Virginia Department of Transportation is prepared to accept these roads into the state highway system. At the request of the Gas Division, we have drafted an ordinance and deed quitclaiming to VDOT the City's natural gas easements crossing these roadways.

**Discussion:** The quitclaim deed requires the gas lines to remain in their present location, and if any of the streets cease to be part of the state's highway system, the easement in that street will automatically revert back to the City. The natural gas lines and facilities continue to be owned and maintained by the City even after the easements are quitclaimed to the state.

**Alignment with Council Vision Areas and Strategic Plan:** Not applicable.

**Community Engagement:** Not applicable.

**Alternatives:** If the ordinance is not approved, VDOT will not accept the roadways into its road maintenance system.

**Budgetary Impact:** None.

**Recommendation:** Approval of the attached ordinance and quitclaim deed.

**Attachments:** Ordinance and Deed of Quitclaim (with plats attached).

**AN ORDINANCE  
TO QUITCLAIM A NATURAL GAS LINE EASEMENT  
WITHIN CERTAIN ROADWAYS IN ESTES PARK SUBDIVISION  
LOCATED IN ALBEMARLE COUNTY  
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadways known as Burgundy Lane, Regent Street, Conway Lane, and Decatur Drive, located in the Estes Park Subdivision in Albemarle County; and

**WHEREAS**, the City owns natural gas lines located within these roadways, and also owns two (2) easements for such lines, and VDOT has asked that the foregoing easements crossing these roadways be released upon VDOT's acceptance of the roadways; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easements crossing the said roadways to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said lines to continue to be located in said roadways.

*Prepared by Lisa A. Robertson (VSB #32486)  
Charlottesville City Attorney's Office  
P.O. Box 911, Charlottesville, VA 22902*

*Albemarle County Tax Map 32J and 46B4 (Estes Park Subdivision)*

**This deed is exempt from recordation taxes pursuant to  
Virginia Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4).**

**DEED OF QUITCLAIM**

**THIS DEED OF QUITCLAIM**, made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

**WITNESSETH:**

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, easements and rights of way, as shown on the attached plats made by the City of Charlottesville Gas Division dated July 11, 2018, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in the Burgundy Lane, Regent Street (formerly known as Estes Park Road), Conway Lane, and Decatur Drive rights-of-way in the Estes Park Subdivision in the County of Albemarle, namely: Natural gas lines and related gas facilities, or portions thereof, upon, under and across the above-referenced rights-of-way, insofar as the land embraced within said easement falls within the boundaries of a public street or highway to be maintained by the Virginia Department of Transportation. Said portions of the gas line easement in the above-referenced rights-of-way were conveyed to the City:

- (1) By Deed of Easement dated July 30, 2013 from Estes Park, LLC, of record in the Clerk's Office for the Circuit Court for the County of Albemarle in Deed Book 4404, Page 249; and
- (2) By Deed of Easement dated July 30, 2013 from Estes Park, LLC, of record in the Clerk's Office for the Circuit Court for the County of Albemarle in Deed Book 4404, Page 258.

The Grantor reserves unto itself, its successors and assigns, all of the rights and privileges under the aforesaid Deeds of Easement until such time as the Virginia Department of Transportation has issued a permit to the GRANTOR subject to the following two conditions which shall also be covenants running with the land:

1. That the above described improvements of the GRANTOR may continue to occupy such streets or highways in the existing condition and location.
2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE is to have and hold the above-described property for so long as said property is used as part of its public street or highway maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said property's use for such purposes, all rights, privileges, interests and easements in the property herein described under the aforesaid easements shall revert to the GRANTOR, its successors and assigns.

Notwithstanding other language contained herein which might appear to the contrary, the parties agree that GRANTOR shall continue to own in fee simple the gas line improvements located within the above described public roadways.

**IN WITNESS WHEREOF**, the GRANTOR has caused its name to be assigned hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

**CITY OF CHARLOTTESVILLE, VIRGINIA**

BY: \_\_\_\_\_  
Nikuyah Walker, Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

STATE OF VIRGINIA  
CITY OF CHARLOTTESVILLE

I, \_\_\_\_\_, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that Nikuyah Walker, Mayor of the City of Charlottesville, Virginia, and Paige Rice, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of \_\_\_\_\_, 2018, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: \_\_\_\_\_

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public  
Registration # \_\_\_\_\_

*Approved as to Form:*

\_\_\_\_\_  
*Lisa A. Robertson, Chief Deputy City Attorney*

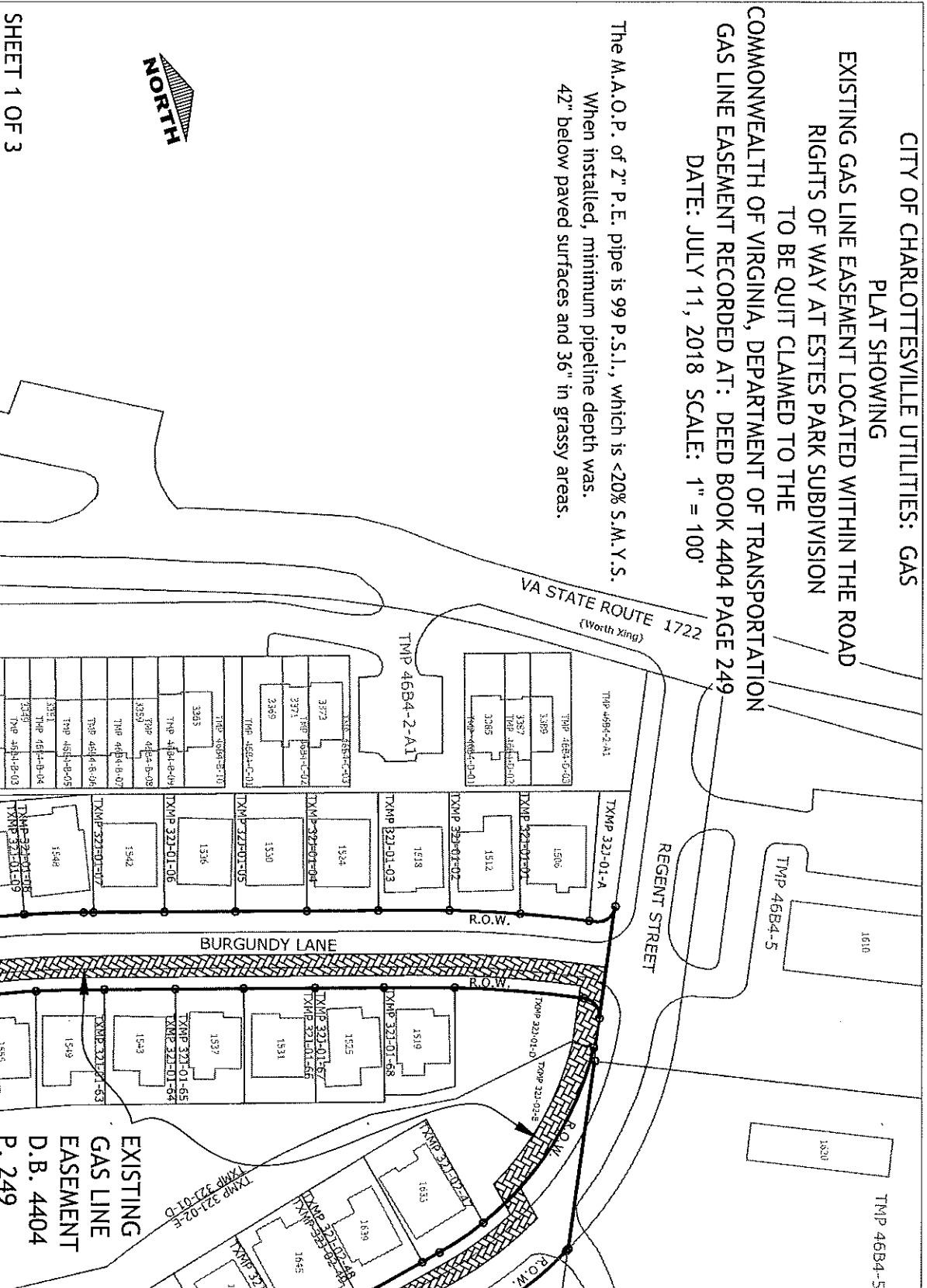
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CITY OF CHARLOTTEVILLE UTILITIES: GAS  
 PLAT SHOWING

EXISTING GAS LINE EASEMENT LOCATED WITHIN THE ROAD  
 RIGHTS OF WAY AT ESTES PARK SUBDIVISION  
 TO BE QUIT CLAIMED TO THE

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION  
 GAS LINE EASEMENT RECORDED AT: DEED BOOK 4404 PAGE 249  
 DATE: JULY 11, 2018 SCALE: 1" = 100'

The M.A.O.P. of 2" P.E. pipe is 99 P.S.I., which is <20% S.M.Y.S.  
 When installed, minimum pipeline depth was  
 42" below paved surfaces and 36" in grassy areas.



MATCH TO SHEET 3

MATCH TO SHEET 2

TMP 46B4-5A

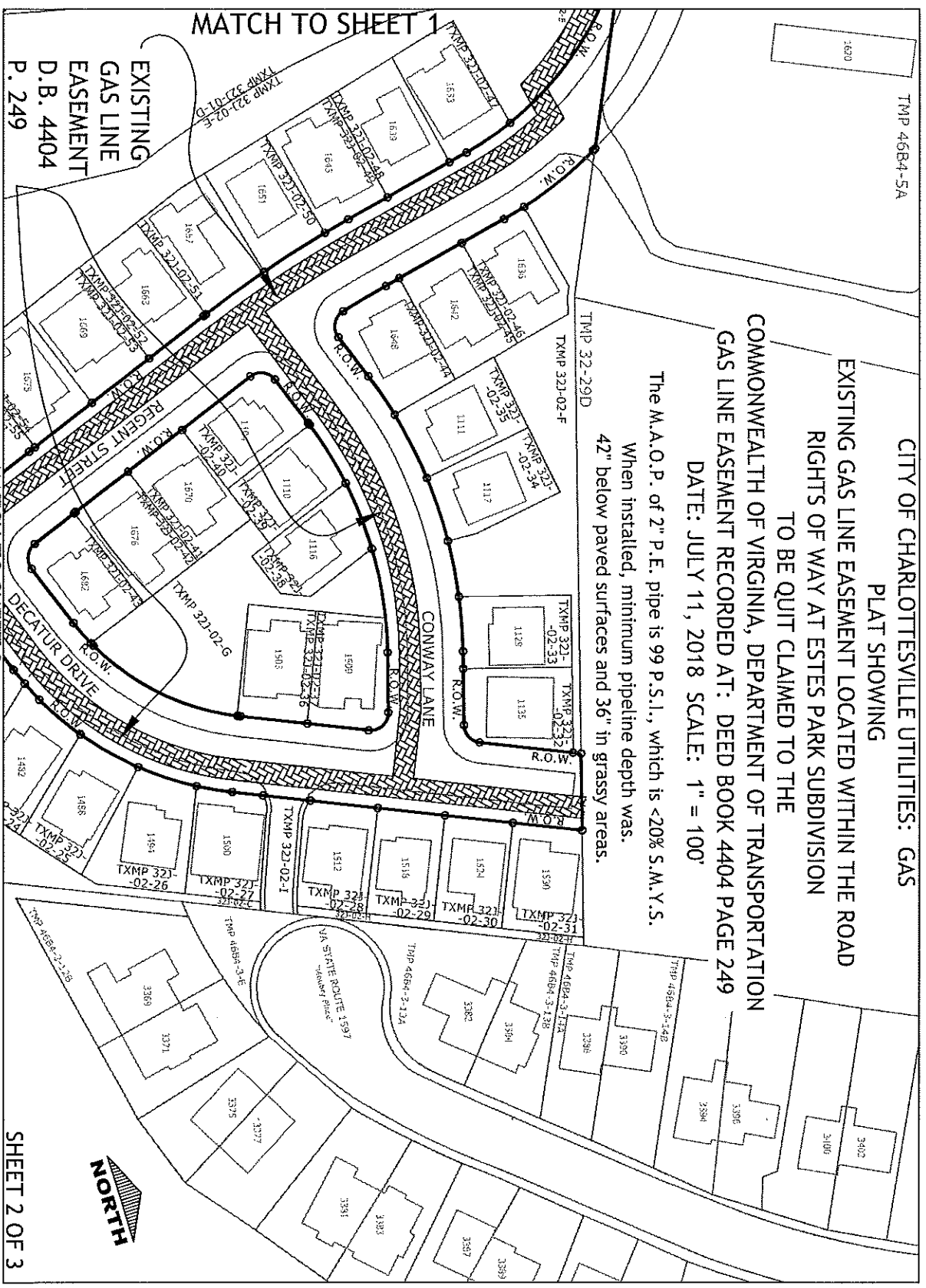
CITY OF CHARLOTTEVILLE UTILITIES: GAS  
PLAT SHOWING

EXISTING GAS LINE EASEMENT LOCATED WITHIN THE ROAD  
RIGHTS OF WAY AT ESTES PARK SUBDIVISION  
TO BE QUIT CLAIMED TO THE

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION  
GAS LINE EASEMENT RECORDED AT: DEED BOOK 4404 PAGE 249

DATE: JULY 11, 2018 SCALE: 1" = 100'

The M.A.O.P. of 2" P.E. pipe is 99 P.S.I., which is <20% S.M.Y.S.  
When installed, minimum pipeline depth was.  
42" below paved surfaces and 36" in grassy areas.



MATCH TO SHEET 1

EXISTING  
GAS LINE  
EASEMENT  
D.B. 4404  
P. 249

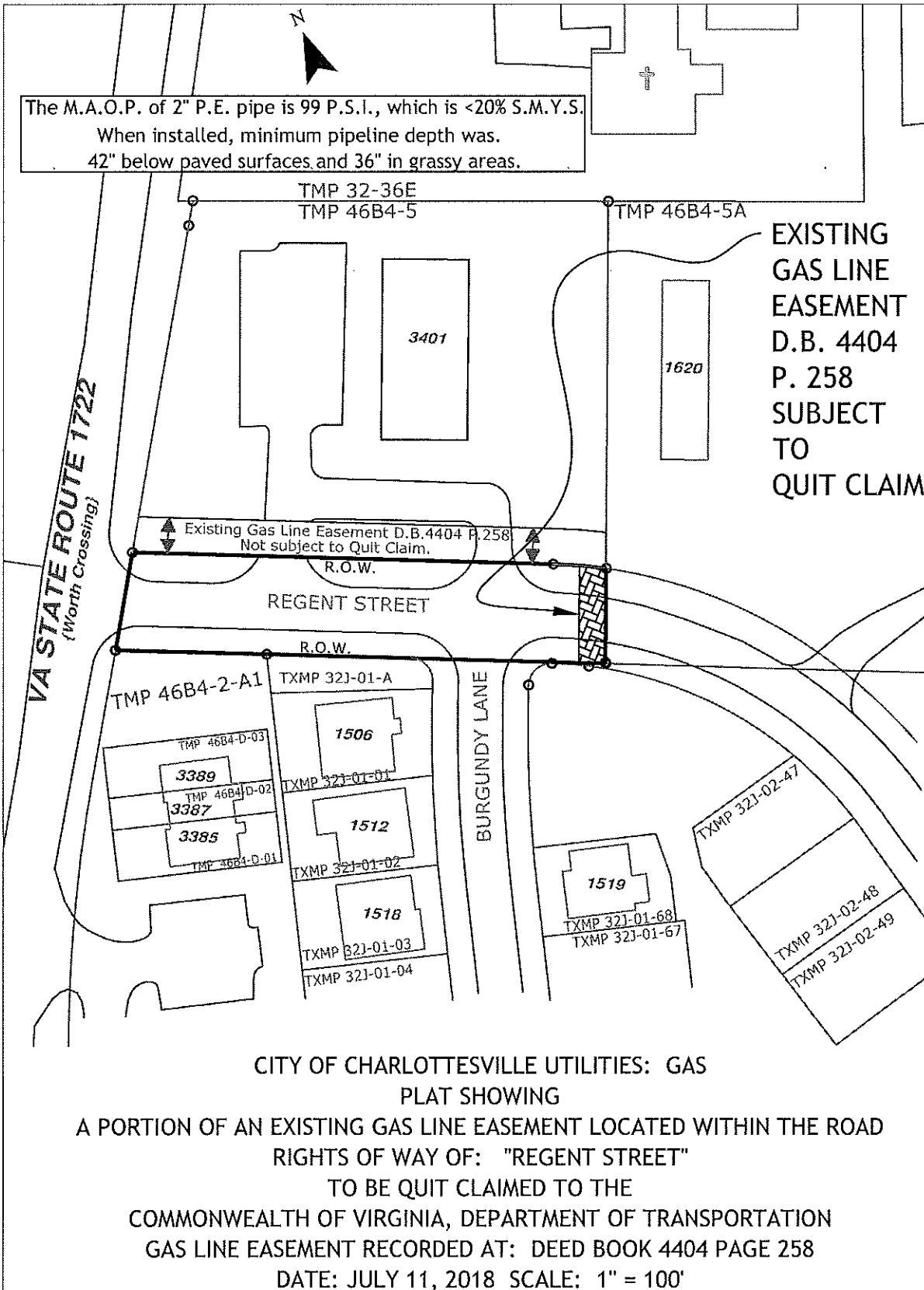
MATCH TO SHEET 3

SHEET 2 OF 3









**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	August 20, 2018
Action Required:	Public Hearing
Presenter:	Mike Murphy, Interim City Manager
Staff Contacts:	Mike Murphy, Interim City Manager Paige Rice, Clerk of Council
<b>Title:</b>	<b>City Manager Search Process</b>

**Background:**

The City Council is embarking upon the search process to find the next City Manager for the City of Charlottesville and is hiring an executive recruitment firm to assist with the search. The search is expected to take approximately six-nine months to complete.

A basic outline of the major steps included in this process:

- With community input, develop City Manager position profile and recruitment brochure
- Recruitment / candidate outreach
- Applicant review and recommendation of semi-finalists
- Finalists selected; final interviews conducted
- Offer made / accepted

**Discussion:**

The City puts a high priority on community participation in the City Manager selection process and will work to identify multiple opportunities for meaningful citizen input throughout this process.

Community input will include community meetings, interviews with residents or community leaders identified by the City Council who may interact with the new City Manager on a regular basis, and resident surveys in order to identify a community perspective of what personal qualities, knowledge, skills and abilities a successful City Manager candidate for the City of Charlottesville should possess. Springsted and Council will use this community input to inform the process along the way.

As a first step to embarking upon the search, City Council is holding a public hearing to gather initial feedback from the community on the City Manager search process. For reference, the City Manager job description from the 2009 recruitment process is attached.

**Attachments:**

City Manager job description from 2009

### **The Position of City Manager**

The City Manager serves as the chief executive officer for the City, managing a full array of urban services in a densely developed and active university community. The Manager has exclusive authority over personnel administration, including selection, evaluation, and retention of key senior executive staff, except for the Clerk of the City Council, Director of Finance and City Assessor, who are appointed by the City Council. Under the City Code, the Manager seeks the advice and consent of the City Council prior to appointment and removal of the City Attorney. As Chief Executive Officer, the Manager ensures that the entire community is served effectively and efficiently by providing direct management and oversight to the Chief Operating/Financial Officer, Assistant City Manager who oversees Budget and Performance Management and Communications and 11 departments, including: police, fire, neighborhood services, public works, human services, parks and recreation, social services, economic development, finance, human resources and technology.

The City employs 916 full-time personnel, has a FY 2011 General Fund operating budget of \$140.7 million, and a FY 2011 year Capital Improvements Plan of \$33.9 million. The 2010-2011 budget recently adopted reflected the continued delivery of high - quality governmental services that the citizens, businesses and visitors rely upon daily within the constraints of the current economy. As an independent City, Charlottesville does not have the same boundaries as nor is not subject to taxation by any county, and is not liable for any county or school district indebtedness.

### **City Manager Profile**

#### **Education and Experience**

A bachelor's degree in public or business administration or related field required; a master's degree is highly desirable. A substantial amount of public sector management experience as a manager, deputy or assistant in a comparably sized or larger city or county is also required, with more experience preferred. Past experience of the individual must show a high level of interest and successful achievement in a broad range of areas that includes working effectively with citizen groups, economic and community development, redevelopment of existing neighborhoods, working with and understanding the needs of existing businesses, building Council and community consensus and dealing with public finance issues. Additional consideration will be given to ICMA Credentialed Managers who display a commitment to lifelong learning and professional growth.

#### **Skills and Past Performance**

##### **Administrative ability**

Must have demonstrated performance in working with staff to build consensus and the ability to select well-qualified and motivated department heads. Excellent communication skills are a must, including the ability to listen to and communicate with various segments of the community, while developing a strong relationship with the business community. The City Manager must be willing to devote whatever time is necessary to achieve the goals and guidelines established by the City Council. Knowledge of how to effectively use existing community resources and strong leadership qualities are extremely important.

**City Manager/Council/Interdepartmental relations**

Ability to take time and interest in working with Council members to keep them informed and explain technical processes in understandable terms. Should be able to adequately inform the Council on a regular basis so there are no surprises. The Manager must be able to accept constructive criticism and to implement needed changes incorporating new ideas. Candidate must be open and honest with the Council, providing an honest assessment of the practicality of new proposals, and must be able to present well thought - out recommendations for issues and problems which affect the locality. The individual should be able to interpret and carry out Council's vision and the intentions and direction of the Council enthusiastically.

**Budget and finance**

Should have demonstrated prior experience in successfully managing a City or County budget with emphasis on efficient utilization of available resources. Must recognize the value of, and protect, the City's AAA bond rating. Must be able to develop a budget, that is "transparent" and understandable to elected officials, citizens and staff and targets the use of scarce resources in a well thought - out and prioritized manner. Must have knowledge of the value of performance measurement tools and their applicability to improving public sector operations.

**Human resource management**

Must demonstrate a personality that can communicate the City Council's goals and the City's needs to department heads and employees. Must be prepared to motivate employees and demonstrate fairness in dealing with staff while holding all staff accountable for their performance. Should have demonstrated a commitment to teambuilding, equal employment opportunity and upward mobility of staff with the desire to ensure staff is service oriented.

**Economic development**

Must have demonstrated skills in successfully initiating and completing a wide range of economic development projects in an urban setting. Must have thorough knowledge of redevelopment issues and demonstrated success with downtown revitalization working within a regional setting.

**Housing**

Significant experience and success in dealing with urban housing and affordable housing issues, in a community with a high concentration of rental housing, important.

**Community relations**

The successful candidate must have a desire to work and be visible in an economically and socially diverse community demonstrating success in incorporating a wide range of opinions into recommended solutions. Experience working with and understanding the needs of the business and academic community is highly desirable. Candidate should be able to present a confident image of the local government to the community at large. Must be able to demonstrate a positive, productive attitude to citizens and businesses of the community.

### Intergovernmental relations

Must be able to relate to and develop a good working relationship with governments within the area/region, community organizations, the Charlottesville school division, and state and federal agencies.

### Professional Skills and Management Style

- Must be able to understand and successfully manage an organization with a number of complex and interrelated "moving parts"
- Ability to craft a position of "what is possible", serving as a visionary for the City Council and staff with the ability to take reasoned risks, while employing creative and innovative thinking to forge solutions to problems
- Service oriented in approach to public service
- Collaborative in dealing with others and comfortable in developing shared solutions
- Strong analytical skills, an "idea" person who is able to think and act strategically while looking at issues from all aspects before making a recommendation
- Strong and enthusiastic in presenting ideas, while being respectful of others
- Self-starter, hard working, producer; setting an example for others
- Team builder, who mentors and believes in building staff capabilities
- People person who understands citizens and enjoys working with them
- Clearly understands and stands up for the role of the City Manager
- Fair in approach to decision making yet firm in application of policies, rules and laws when needed
- Ability to manage with confidence and the courage to "present the good news with the bad" and do what's right, even in the face of adversity
- Flexible, can adjust to changing leadership and conditions within the City when warranted
- Organized and timely in response to requests for information from all sources
- Develops and maintains good public relations with citizens, community groups, City staff, City Council and regional leaders.
- Willing to be the visible leader of staff, setting a positive tone even during difficult periods
- Ability to communicate with various constituencies without intimidation or condescension

### Personal Traits

- Ethical with high moral standards, honest, trustworthy, open and candid
- Accessible and approachable and comfortable with a wide range of different types of personalities
- Proactive in dealing with issues; decisive in actions
- Good listener, responsive to Council and citizen concerns
- Compassionate in dealing with problems while caring about outcomes
- Strong, self confident, tactful, discreet, diplomatic
- Personable with a sense of humor
- Consensus builder
- Apolitical

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 20, 2018
Action Required:	Public Hearing & Approval of Ordinance
Presenter:	Brian Daly, Director, Parks and Recreation
Staff Contacts:	Brian Daly, Director, Parks and Recreation Doug Ehman, Manager, Parks Division, Parks and Recreation
<b>Title:</b>	<b>Dominion Power Easement – McIntire Skate Park</b>

**Background:**

The City, as the owner of McIntire Park, has been requested to approve an easement to Dominion Power to allow the installation of a power pole and associated electrical service to support the new skate park that is currently under construction at McIntire Park.

**Discussion:**

The intent of this easement is to place one pole on the southwest side of the skate park site to facilitate the installation of necessary electrical service to support the completion of construction at the McIntire Skate Park.

Electrical service will support future lighting of the facility consistent with the Master Plan for East McIntire Park; as well as other electrical service within the skate park facility. Charlottesville Parks and Recreation staff have reviewed the proposed easement and plat and have no concerns with providing the easement. Approval of this easement will not inhibit any public access to the park and will allow the construction of the skate park to remain on schedule.

**Alignment with City Council’s Vision and Strategic Plan:**

The project supports City Council’s Green City Vision and Goal 3 of the Strategic Plan: A Beautiful and Sustainable Natural and Built Environment and Objective 3.2 Provide Reliable and High Quality Infrastructure.

**Community Engagement:**

There has not been direct community engagement about his proposal.

**Budgetary Impact:**

Approval of the easement will not have any budget impact to the City.

**Recommendation:**

Staff recommends approval of the easement to Dominion Power.

**Alternatives:**

If the easement is not approved, provision of electrical service to the skate park will be impeded.

**Attachments:**

Draft Easement documents and location diagram.



**AN ORDINANCE  
AUTHORIZING THE CONVEYANCE OF AN EASEMENT  
TO DOMINION ENERGY VIRGINIA TO PERMIT ELECTRICAL FACILITIES  
ON AND ACROSS CITY PROPERTY (McINTIRE PARK)  
TO SERVE THE McINTIRE SKATE PARK**

**WHEREAS**, the Virginia Electric and Power Company, a Virginia public service corporation doing business in Virginia as Dominion Energy Virginia (“Dominion”), has requested this Council to grant an easement across property owned by the City of Charlottesville within McIntire Park (Tax Map Parcel No. 450001000) near the 250 Bypass, as identified within a Right of Way Agreement (DVP ID No. 81-18-0044) and accompanying Plat submitted by Dominion, for the installation and maintenance of electrical facilities (pole and transformer); and

**WHEREAS**, on August 20, 2018, this City Council conducted a public hearing on the requested easement, as required by law; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute the Dominion Right of Way Agreement, in form approved by the City Attorney, granting the above-described easement to Dominion Energy Virginia for electrical facilities and service to the Skate Park in McIntire Park.



## Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between

CITY OF CHARLOTTESVILLE

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Energy Virginia, with its principal office in Richmond, Virginia ("GRANTEE").

### WITNESSETH:

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, GRANTOR grants and conveys unto GRANTEE, its successors and assigns, the ~~perpetual~~ right, privilege and non-exclusive easement over, under, through, upon, above and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

1.2 to construct, operate and maintain a pole line including, without limitation, all wires, poles, attachments, ground connections, one or more lighting supports and lighting fixtures as GRANTEE may from time to time deem advisable, equipment, accessories and appurtenances desirable in connection therewith, including the right to increase or decrease the number of wires; the width of said non-exclusive easement shall extend THIRTY (30) feet in width across the lands of GRANTOR.

Initials: \_\_\_\_\_

**This Document Prepared by Virginia Electric and Power Company and should be returned to:**  
Dominion Virginia Power, 1719 Hydraulic Road Charlottesville VA 22901.

(Page 1 of 7 Pages)  
VAROW No(s). 81-18-0044  
Tax Map No. 450001000

Form No. 728493-1 (Feb 2018)  
© 2018 Dominion Energy

## Right of Way Agreement

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in CHARLOTTESVILLE, Virginia, as more fully described on Plat(s) Numbered 81-18-0044 , attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on and within the easement area, including but not limited to the airspace above the property controlled by **GRANTOR**, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

Initials: \_\_\_\_\_

## Right of Way Agreement

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE'S** exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE'S** rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE'S** exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE'S** exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: \_\_\_\_\_



Right of Way Agreement

11. GRANTOR covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that GRANTOR shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of GRANTOR warrants that GRANTOR is a corporation duly organized and existing under the laws of the state hereinabove mentioned and that he or she has been duly authorized to execute this easement on behalf of said corporation.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, GRANTOR has caused its corporate name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

Corporate Name: City of Charlottesville

By (Signature):

Name (Print):

Its:

State of Virginia

City/County of City of Charlottesville

The foregoing instrument was acknowledged before me this day of

by (Name of officer or agent), (Title of officer or agent)

of City of Charlottesville, a(n) Virginia (Name of corporation) (State of incorporation)

corporation, on behalf of the corporation.

Notary Public (Print Name) Notary Public (Signature)

Virginia Notary Reg. No. My Commission Expires:

(Page 4 of 7 Pages)

VAROW No(s). 81-18-0044

(Notary Seal Here)



# Right of Way Agreement

## Exhibit A

THIS RIGHT OF WAY AGREEMENT dated \_\_\_\_\_, 2018, by and between the  
City of Charlottesville

a political subdivision of the Commonwealth of Virginia ("GRANTOR"), and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation doing business in Virginia as Dominion Energy Virginia ("GRANTEE") is hereby amended as follows:

1. This Right of Way Agreement shall be limited in duration and shall remain in force for a term of forty (40) years, except for any air rights together with easements for columns for support granted hereunder, in which case such air rights together with easements for columns for support shall exist for a term of sixty (60) years. At the end of any such term, this Right of Way Agreement shall automatically terminate unless GRANTOR agrees to renew this Right of Way Agreement for an additional term of years.
2. In the event that this Right of Way Agreement is terminated, or if the removal of GRANTEE's facilities is otherwise desired by GRANTOR, then GRANTOR agrees that it will pay the cost of removing GRANTEE's wires and facilities, and, if appropriate, the cost of replacing GRANTEE's wires and facilities. Upon the termination of this Right of Way Agreement, GRANTOR agrees to provide GRANTEE, if needed by GRANTEE, a suitable substitute easement subject to the same terms provided for herein for GRANTEE's wires and facilities. In the event that this Right of Way Agreement is revoked or terminated, all facilities constructed hereunder shall remain the property of GRANTEE.
3. GRANTOR covenants that in the event that GRANTOR sells or conveys the real property on which GRANTEE's wires and facilities are located by this Right of Way Agreement, GRANTOR will provide GRANTEE with a suitable permanent easement for GRANTEE's wires and facilities and, if necessary, pay the cost of relocating GRANTEE's wires and facilities to such permanent easement.

**GRANTOR:**

City of Charlottesville

\_\_\_\_\_ a political subdivision of the Commonwealth of Virginia

By: \_\_\_\_\_

Its: \_\_\_\_\_

VAROW No(s). 81-18-0044  
(Page 5 of 7 Pages)



# Right of Way Agreement

## EXHIBIT A

This Exhibit A shall be attached to and made a part of the RIGHT OF WAY AGREEMENT executed by the undersigned **GRANTOR(s)** on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. The following terms and conditions are incorporated therein:

GRANTEE agrees to indemnify, protect, defend, and hold GRANTOR, its employees and agents, harmless from and against all claims, actions, losses, damages, costs, expenses, and liabilities arising out of injury to or death of any person or loss of or damage to any property in or upon the easement or GRANTOR'S contiguous area, including the person or property of GRANTOR, its employees, agents, licensees, or others, to the extent such injury, death, loss or damage is caused by the acts or omissions of GRANTEE, its agents or employees. The foregoing indemnity shall not apply to any claims, actions, losses, damages, costs, expenses, and liabilities arising from any act or omission of GRANTOR, its agents, employees, licenses, or others

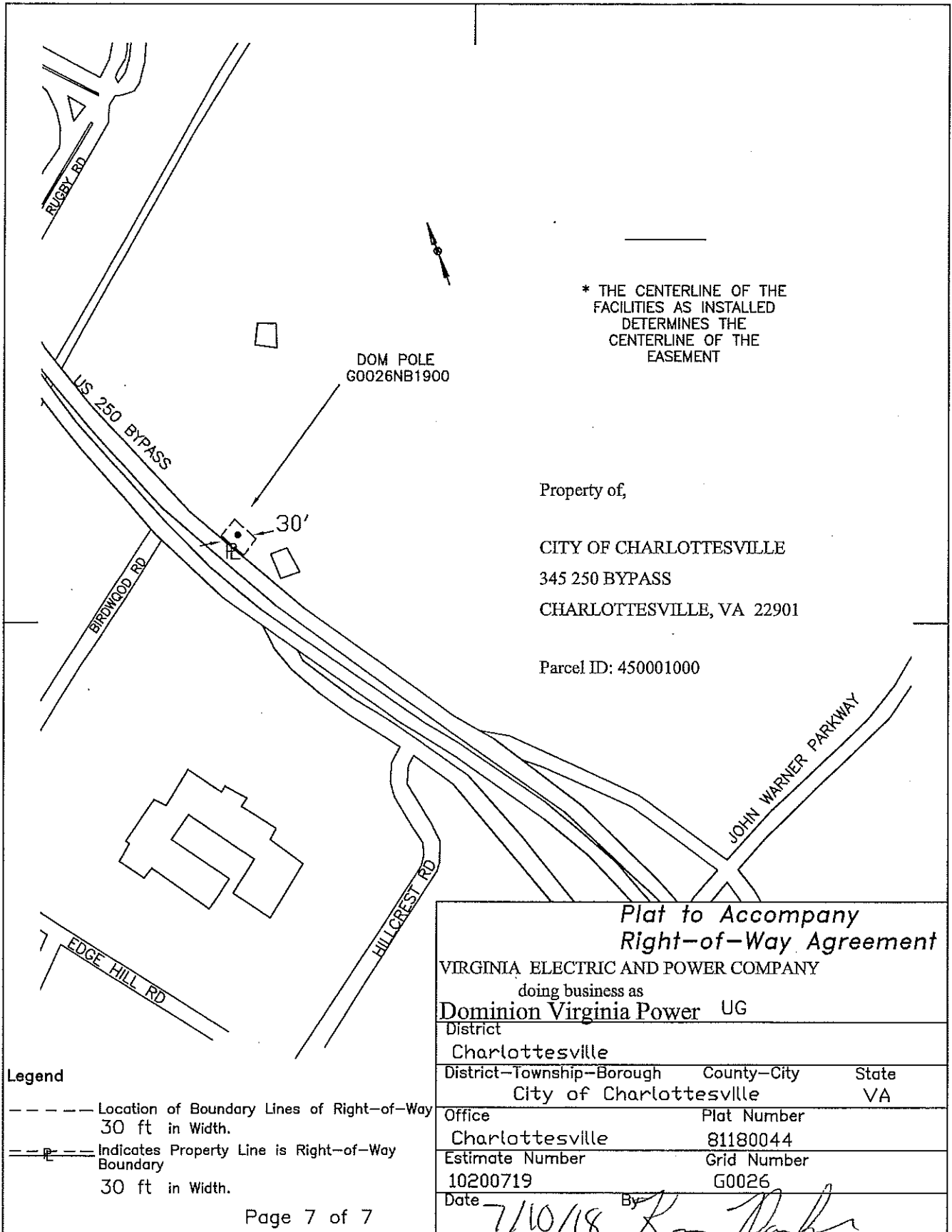
\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

(Page 6 of 7 Pages)

VAROW No(s). 81-18-0044

VAROW No(s).



\* THE CENTERLINE OF THE FACILITIES AS INSTALLED DETERMINES THE CENTERLINE OF THE EASEMENT

Property of,  
 CITY OF CHARLOTTESVILLE  
 345 250 BYPASS  
 CHARLOTTESVILLE, VA 22901

Parcel ID: 450001000

<b>Plat to Accompany Right-of-Way Agreement</b>			
VIRGINIA ELECTRIC AND POWER COMPANY doing business as <b>Dominion Virginia Power UG</b>			
District Charlottesville			
District-Township-Borough	County-City	State	
City of Charlottesville		VA	
Office	Plat Number		
Charlottesville	81180044		
Estimate Number	Grid Number		
10200719	G0026		
Date	By		
7/10/18	<i>[Signature]</i>		

**Legend**

- Location of Boundary Lines of Right-of-Way 30 ft in Width.
- ==|== Indicates Property Line is Right-of-Way Boundary 30 ft in Width.



**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	August 20, 2018
Action Required:	Yes (Public Hearing and First Reading of Ordinance)
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities Carrie Rainey, Planner, NDS
<b>Title:</b>	<b>Release of Portion of Sewer Easement – Belmont Station Subdivision</b>

**Background:** In 1964 the City was granted an easement for installation of sanitary sewer facilities across property now known as Belmont Station, a new subdivision near Carlton Avenue and Randolph Avenue, designated as City Tax Map Parcel 570123000. The property is owned by Belmont Station, LLC (“Owner”), and a subdivision plat showing new roads and utility line easements was recorded in 2017 as Instrument #2017003252 in the Charlottesville Circuit Court Clerk’s Office. The subdivision plat (attached) also indicates as shaded areas those portions of the 1964 sewer line easement which are proposed to be released.

**Discussion:** The subdivision plat clearly shows that certain portions of the 1964 sewer easement cross lots where houses have been or will be constructed, and the need for a partial release of the easement. The Utilities Department and Neighborhood Development Services have confirmed that those portions of the 1964 sewer easement are no longer needed. A new private street, Junction Lane, has been designated as a 32’ wide public utility easement so that utility lines can be installed in the right of way and avoid crossing lots as much as possible. If approved, the City Attorney’s Office will draft a quitclaim deed (substantially the same as the attached deed) to release the City’s rights in the shaded portions of the 1964 sewer easement.

**Community Engagement:** A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of a property interest. Notice of such public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

**Alignment with City Council’s Vision and Priority Areas:** Not applicable.

**Budgetary Impact:** None.

**Recommendation:** Approve the ordinance abandoning portions of the 1964 sewer easement.

**Attachments:** Proposed Ordinance; Quitclaim Deed; Plat.

**AN ORDINANCE  
AUTHORIZING THE RELEASE OF  
A PORTION OF A SANITARY SEWER EASEMENT  
GRANTED TO THE CITY ACROSS PROPERTY  
NEAR CARLTON AVENUE AND RANDOLPH AVENUE  
(BELMONT STATION SUBDIVISION)**

**WHEREAS**, in 1964 the City acquired a permanent easement for installation of sanitary sewer line facilities (“1964 Sewer Easement”) across the property currently known as Belmont Station subdivision, designated as City Tax Map Parcel 570123000 (“Subject Property”), owned by Belmont Station LLC; and

**WHEREAS**, the Subject Property has been developed as an approved subdivision, the subdivision plat being of record as Instrument #2017003252 in the Charlottesville Circuit Court Clerk’s Office, with relocation of certain portions of the sanitary sewer lines protected by the 1964 Sewer Easement and new easements granted to the City across the Subject Property; and

**WHEREAS**, the Director of Utilities and Neighborhood Development Services have reviewed the request to release portions of the 1964 Sewer Easement, shown as shaded areas on the subdivision plat and labeled “12’ San. Sewer Esmt. DB 251 Pg 547 Shaded Portion To Be Vacated”, after determining that the City no longer has a need for those portions of the easement; and

**WHEREAS**, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the partial release of the 1964 Sewer Easement; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Quitclaim Deed, in form approved by the City Attorney, to release the above-described portions of the 1964 Sewer Easement granted to the City.

Prepared by Lisa A. Robertson (VSB #32486)  
City Attorney's Office, P.O. Box 911, Charlottesville, VA 22902  
Tax Map Parcel 570123000

**This deed is exempt from state recordation taxes imposed by Virginia Code §58.1-802 pursuant to Virginia Code §58.1-811(C)(4).**

**THIS QUITCLAIM DEED** made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, from the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (hereinafter, the "CITY"), GRANTOR, to **BELMONT STATION, LLC**, a Virginia limited liability company, GRANTEE, whose address is 170 South Pantops Drive, Charlottesville, Virginia 22911.

WITNESSETH:

WHEREAS, GRANTEE is the owner of certain real property in the City of Charlottesville, Virginia, designated on City Real Estate Tax Map 57 as Parcel 123 (the "Property"); and

WHEREAS, by Deed of Easement dated January 27, 1964 to the CITY, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 251, Page 547, the CITY was conveyed a permanent easement and right of way (the "1964 Sewer Easement") for the construction and maintenance of sanitary sewer facilities across the Property; and

WHEREAS, certain sections of the sanitary sewer line facilities have been relocated to accommodate construction of a new subdivision (Belmont Station Subdivision) on the Property, and new public utility easements have been granted to the City for the relocated portions of the sewer lines; and

WHEREAS, GRANTEE has requested the City to Quitclaim and Release portions of the 1964 Sewer Easement, shown as shaded areas and labeled "12' San. Sewer Esmt. DB 251 Pg 547 Shaded Portion To Be Vacated" on the subdivision plat of Belmont Station, of record as Instrument #2017003252 in the Charlottesville Circuit Court Clerk's Office, said portions of the 1964 Sewer Easement being no longer necessary for access, maintenance, or repair of the new sanitary sewer facilities; and

WHEREAS, the CITY has agreed to Quitclaim portions of the 1964 Sewer Easement as requested by GRANTEE, after holding a public hearing, advertised in accordance with Virginia Code Sec. 15.2-1800(B), and adoption of an Ordinance by the Charlottesville City Council on \_\_\_\_\_, 2018.

WITNESSETH:

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, the CITY does hereby RELEASE and forever QUITCLAIM all its right, title and interest in and to those portions of the 1964 Sewer Easement shown as shaded areas and labeled "12'

San. Sewer Esmt. DB 251 Pg 547 Shaded Portion To Be Vacated” on the subdivision plat of Belmont Station, of record as Instrument #2017003252 in the Charlottesville Circuit Court Clerk’s Office.

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an Ordinance adopted by City Council on \_\_\_\_\_, 2018.

WITNESS the following signature and seal:

**CITY OF CHARLOTTESVILLE, VIRGINIA**

By: \_\_\_\_\_  
Nikuyah Walker, Mayor

COMMONWEALTH OF VIRGINIA  
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by Nikuyah Walker, Mayor, on behalf of the City of Charlottesville, Virginia.

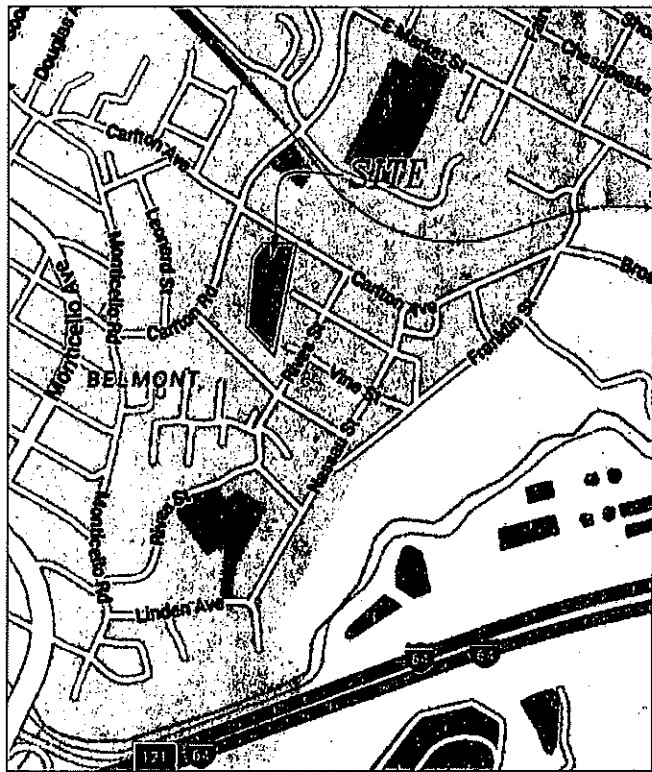
\_\_\_\_\_  
NOTARY PUBLIC  
Registration #: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

*Approved As To Form:*

\_\_\_\_\_  
Lisa A. Robertson, Chief Deputy City Attorney

**NOTES:**

1. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY SHOWN HEREON.
2. OWNER OF RECORD (TMP 57-123): BELMONT STATION, LLC. SOURCE OF TITLE: INSTRUMENT NUMBER 2016-439.
3. OWNER OF RECORD (TMP 57-123.52): 300 CARLTON HOUSE, LC. SOURCE OF TITLE: INSTRUMENT NUMBER 2016-3902.
4. THE AREA SHOWN HEREON IS LOCATED IN ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN AS SHOWN ON FEMA MAP NO 51003C0288D. THIS DETERMINATION HAS BEEN MADE BY GRAPHIC METHODS, NO ELEVATION STUDY HAS BEEN PERFORMED AS A PORTION OF THIS PROJECT.
5. BOUNDARY DATA SHOWN IS TAKEN FROM A SURVEY PREPARED BY KIRK HUGHES AND ASSOCIATES TITLED "TOPOGRAPHIC MAP, CARLTON, LLC" DATED FEBRUARY 6, 2014.
6. SUBJECT PARCEL IS ZONED B-2.
7. SETBACKS PER ZONING ARE: 20' FRONT, 0' SIDE AND 0' REAR. WHERE THE REAR OF A LOT ADJOINS A LOW-DENSITY RESIDENTIAL DISTRICT, THERE SHALL BE A MINIMUM REAR YARD OF TWENTY (20) FEET.
8. PROPOSED USE IS RESIDENTIAL TOWNHOMES.
9. ALL PROPERTY CORNERS WILL BE MONUMENTED WITH IRON PINS UNLESS NOTED OTHERWISE.
10. WATERLINE AND SANITARY SEWER EASEMENTS ARE PUBLIC AND SHALL BE DEDICATED TO AND MAINTAINED BY THE CITY OF CHARLOTTESVILLE UTILITIES DIVISION. THE ENTIRETY OF JUNCTION ROAD IS ALSO DESIGNATED AS A PUBLIC UTILITY EASEMENT.
11. ALL DRAINAGE EASEMENTS ARE PRIVATE AND ARE TO BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION TO BE NAMED AT A LATER DATE.
12. STORM WATER MANAGEMENT EASEMENTS ARE PRIVATE AND SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION TO BE NAMED AT A LATER DATE.
13. ALL NEW ROADS ARE PRIVATE AND ARE TO BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION TO BE NAMED AT A LATER DATE.
14. THE STREETS IN THIS SUBDIVISION ARE NOT ACCEPTED INTO THE CITY'S STREET SYSTEM AND WILL NOT BE MAINTAINED BY THE CITY OF CHARLOTTESVILLE.
15. EACH PARCEL CREATED BY THIS SUBDIVISION PLAT CONTAINS A BUILDING SITE THAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTESVILLE'S ZONING, WATER PROTECTION AND SUBDIVISION ORDINANCES.



VICINITY MAP  
SCALE: 1"=1,000'

**OWNER'S APPROVAL**

THE DIVISION OF THE LAND DESCRIBED IS WITH THE FREE CONSENT OF AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER, TRUSTEES, OR PROPRIETORS. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED AS THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

BELMONT STATION, LLC  
170 SOUTH PANTOPS DRIVE  
CHARLOTTESVILLE, VA 22911

*Lois A. Haverstrom*  
LOIS A. HAVERSTROM  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JULY 31, 2020  
REGISTRATION NO. 298946

TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 2nd DAY OF June 2017.

MY COMMISSION EXPIRES: 7-31-2020

**OWNER'S APPROVAL**

THE DIVISION OF THE LAND DESCRIBED IS WITH THE FREE CONSENT OF AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER, TRUSTEES, OR PROPRIETORS. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED AS THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

300 CARLTON HOUSE, LC by Christopher Murray, AS Manager  
1217 HAZEL STREET  
CHARLOTTESVILLE, VA 22902

*Lois A. Haverstrom*  
LOIS A. HAVERSTROM  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JULY 31, 2020  
REGISTRATION NO. 298946

TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 2nd DAY OF June 2017.

MY COMMISSION EXPIRES: 7-31-2020

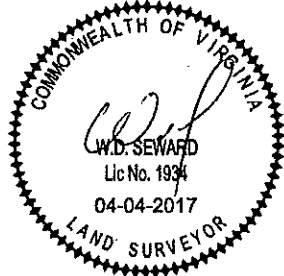
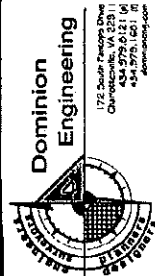
**AREA SUMMARY:**

ORIGINAL TMP 57-123	3.212 AC
NEW RESIDENTIAL LOTS	2.415 AC
OPEN SPACE	0.382 AC
PRIVATE R/W & UTILITY EASE.	0.406 AC
AREA 'X' ADDED TO TMP 57-123.52	0.009 AC
TOTAL	3.212 AC

**APPROVED FOR RECORDATION**

SIGNATURE: *[Signature]* DATE 6/6/17  
CITY SUBDIVISION AGENT, (OR AUTHORIZED) DESIGNEE

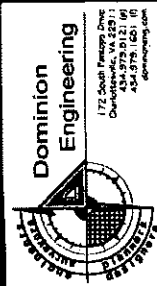
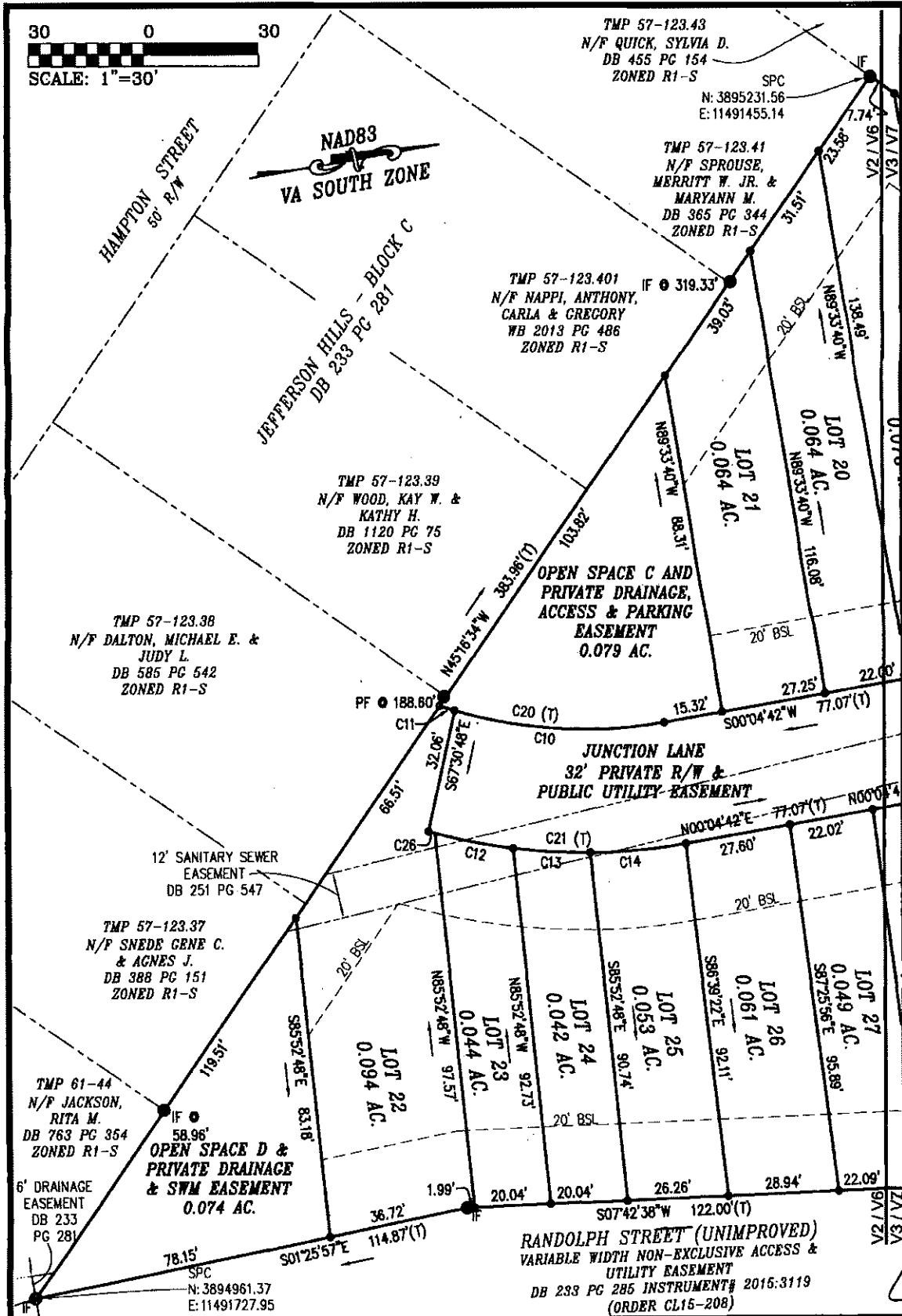
SIGNATURE: *[Signature]* DATE 6/7/17  
CHAIR, CITY PLANNING COMMISSION



FINAL SUBDIVISION PLAT  
TAX MAP 57 PARCEL 123  
BELMONT STATION SUBDIVISION  
CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 01-27-2017	REVISION: CITY COMMENTS	DRAWN BY: BRV	SHEET: V1
PROJECT NO: 14.0088	REVISION:	CHECKED BY: WDS	1 OF 10

30 0 30  
 SCALE: 1"=30'



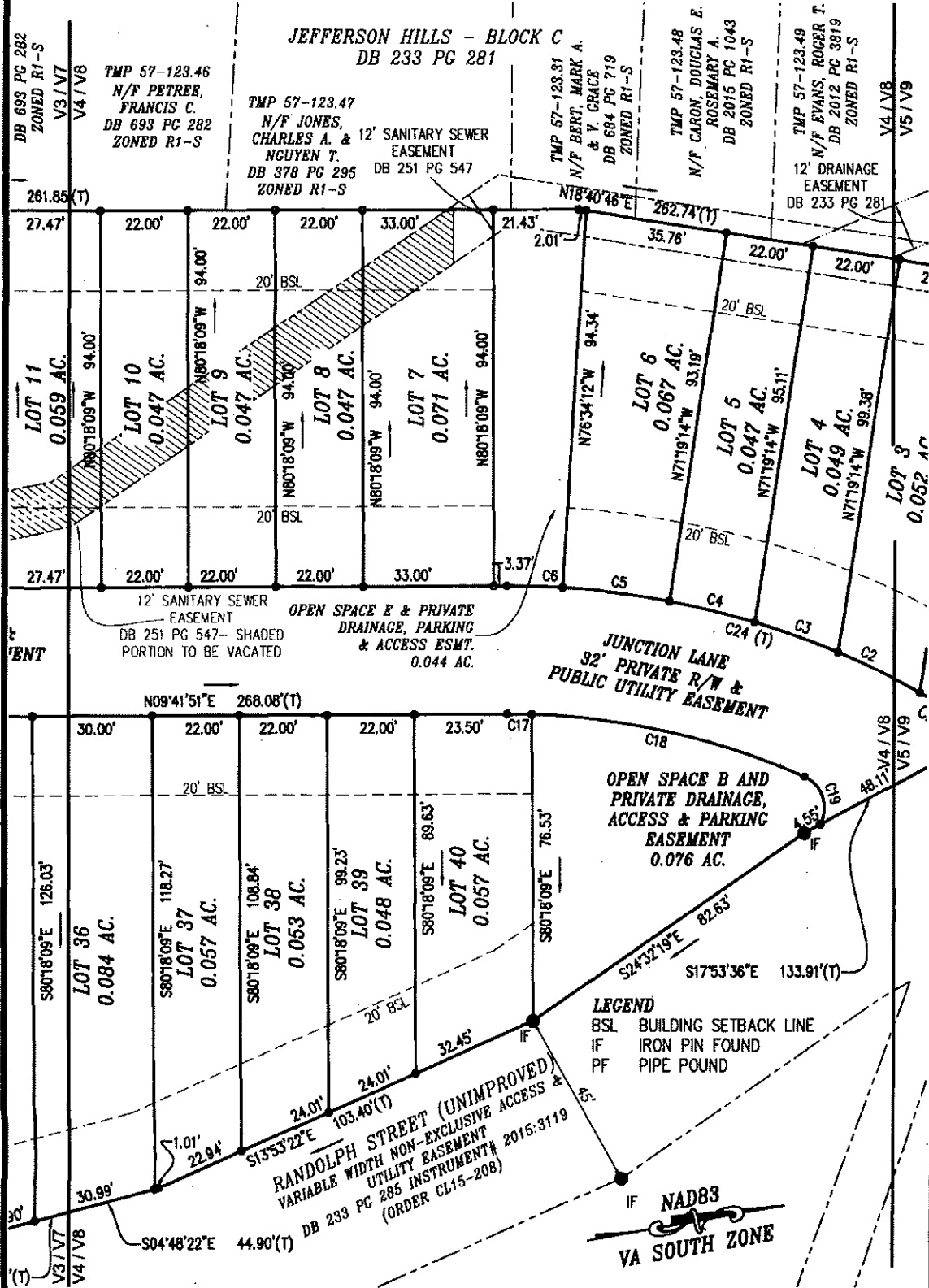
FINAL SUBDIVISION PLAT  
 TAX MAP 57 PARCEL 123  
 BELMONT STATION SUBDIVISION  
 CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 01-27-2017	REVISION: 04-04-2017	CITY COMMENTS	DRAWN BY: BRV	SHEET: V2
PROJECT NO: 14.0088	REVISION:		CHECKED BY: WDS	2 OF 10



30 0 30

SCALE: 1"=30



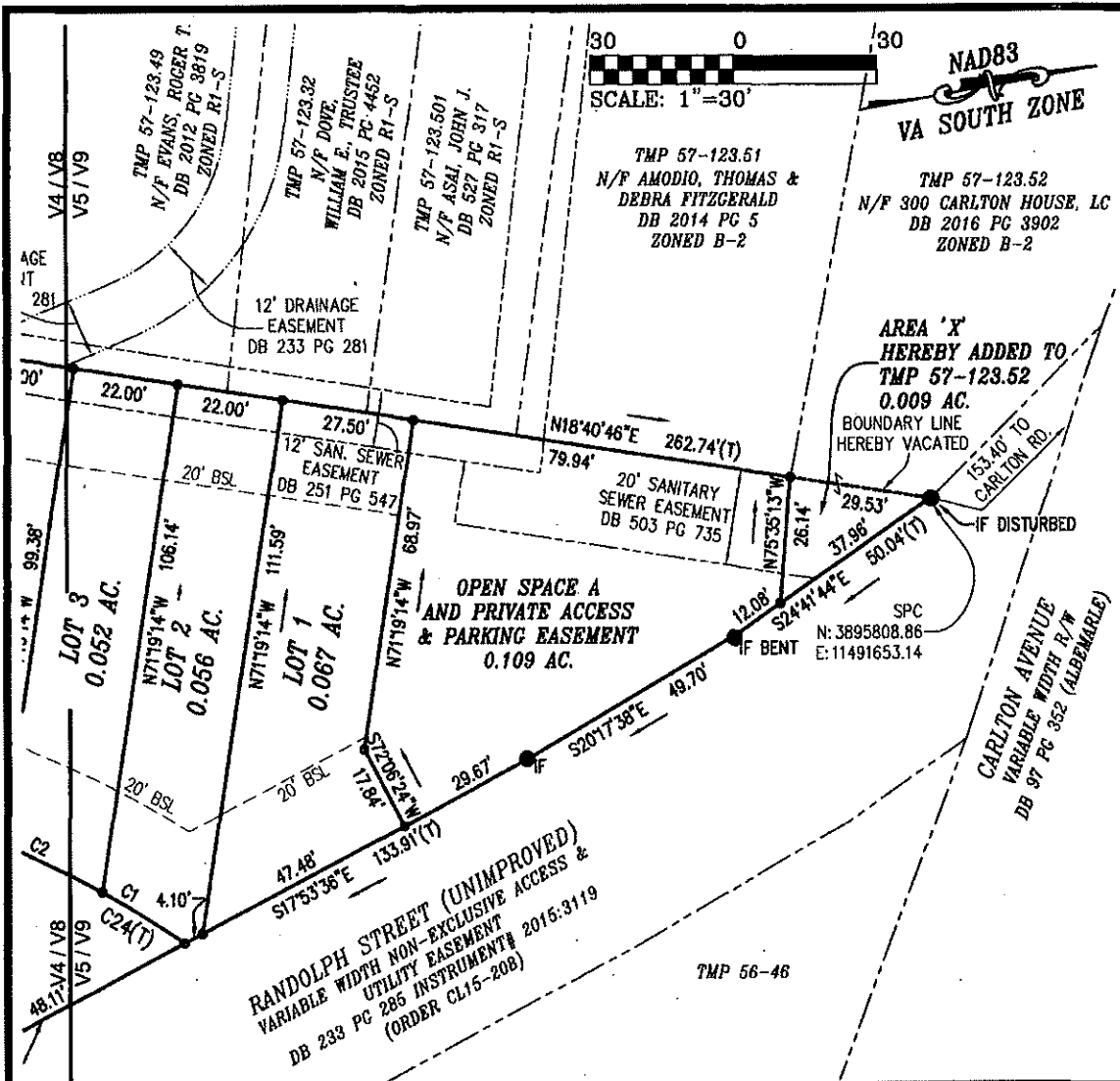
**Dominion Engineering**  
172 South Park Drive  
Charlottesville, VA 22901  
434-979-9229  
434-979-1421 (F)

**COMMONWEALTH OF VIRGINIA**  
W.D. SEWARD  
Lic No. 1934  
04-04-2017  
LAND SURVEYOR

**FINAL SUBDIVISION PLAT**  
**TAX MAP 57 PARCEL 123**  
**BELMONT STATION SUBDIVISION**  
**CITY OF CHARLOTTESVILLE, VIRGINIA**

DATE: 01-27-2017	REVISION: 04-04-2017	CITY COMMENTS	DRAWN BY: BRV	SHEET: V4
PROJECT NO: 14.0088	REVISION:	CHECKED BY: WDS	4 OF 10	





Curve Table							Curve Table						
Curve	Length	Radius	Delta	Tangent	Chord	Chord Bearing	Curve	Length	Radius	Delta	Tangent	Chord	Chord Bearing
C1	20.31'	213.50'	5°27'06"	10.16'	20.31'	S 41°34'15" W	C14	24.99'	152.00'	9°25'16"	12.52'	24.97'	N 04°47'20" E
C2	23.03'	213.50'	6°10'45"	11.52'	23.01'	S 35°45'19" W	C15	16.59'	181.50'	5°14'13"	8.30'	16.58'	N 02°41'49" E
C3	22.42'	213.50'	6°01'01"	11.22'	22.41'	S 29°39'26" W	C16	13.88'	181.50'	4°22'56"	6.94'	13.88'	N 07°30'23" E
C4	22.09'	213.50'	5°55'45"	11.06'	22.08'	S 23°41'03" W	C17	6.25'	181.50'	1°58'23"	3.13'	6.25'	N 10°41'03" E
C5	27.16'	213.50'	7°17'22"	13.60'	27.14'	S 17°04'29" W	C18	70.74'	181.50'	22°19'57"	35.83'	70.30'	N 22°50'13" E
C6	13.91'	213.50'	3°43'58"	6.96'	13.91'	S 11°33'50" W	C19	14.15'	8.50'	95°20'59"	9.33'	12.57'	N 81°40'41" E
C7	2.11'	213.50'	0°33'56"	1.05'	2.11'	S 09°24'53" W	C20	59.48'	120.00'	26°24'07"	30.37'	58.88'	S 14°16'46" W
C8	24.23'	213.50'	6°30'08"	12.13'	24.22'	S 05°52'51" W	C21	67.92'	152.00'	25°36'12"	34.54'	67.36'	N 12°52'48" E
C9	9.51'	213.50'	2°33'05"	4.75'	9.51'	S 01°21'15" W	C22	35.84'	213.50'	9°37'09"	17.96'	35.80'	S 04°53'17" W
C10	55.41'	120.00'	26°27'23"	28.21'	54.92'	S 13°18'24" W	C23	30.47'	181.50'	9°37'09"	15.27'	30.44'	S 04°53'17" W
C11	4.07'	120.00'	1°56'43"	2.04'	4.07'	S 27°30'27" W	C24	128.93'	213.50'	34°35'57"	66.50'	126.98'	S 26°59'49" W
C12	20.93'	152.00'	7°53'18"	10.48'	20.91'	N 21°05'11" E	C25	77.00'	181.50'	24°18'21"	39.09'	76.42'	N 21°51'01" E
C13	20.28'	152.00'	7°38'35"	10.15'	20.28'	N 13°19'15" E	C26	1.73'	152.00'	0°39'04"	0.86'	1.73'	N 25°21'22" E

**Dominion Engineering**  
 172 South Patterson Drive  
 Charlottesville, VA 22911  
 541-279-1250  
 dominioneng.com

**COMMONWEALTH OF VIRGINIA**  
 W.B. SEWARD  
 Lic No. 1934  
 04-04-2017  
 LAND SURVEYOR

FINAL SUBDIVISION PLAT  
 TAX MAP 57 PARCEL 123  
 BELMONT STATION SUBDIVISION  
 CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 01-27-2017	REVISION: 04-04-2017	CITY COMMENTS	DRAWN BY: BRV	SHEET: V5
PROJECT NO: 14.0088	REVISION:	CHECKED BY: WDS	5 OF 10	

NAD83  
VA SOUTH ZONE

TMP 57-123.43  
N/F QUICK, SYLVIA D.  
DB 455 PG 154  
ZONED R1-S

TMP 57-123.41  
N/F SPROUSE,  
MERRITT W. JR. &  
MARYANN M.  
DB 365 PG 344  
ZONED R1-S

TMP 57-123.401  
N/F NAPPI, ANTHONY,  
CARLA & GREGORY  
WB 2013 PG 486  
ZONED R1-S

TMP 57-123.39  
N/F WOOD, KAY W. &  
KATHY H.  
DB 1120 PG 75  
ZONED R1-S

TMP 57-123.38  
N/F DALTON, MICHAEL E. &  
JUDY L.  
DB 585 PG 542  
ZONED R1-S

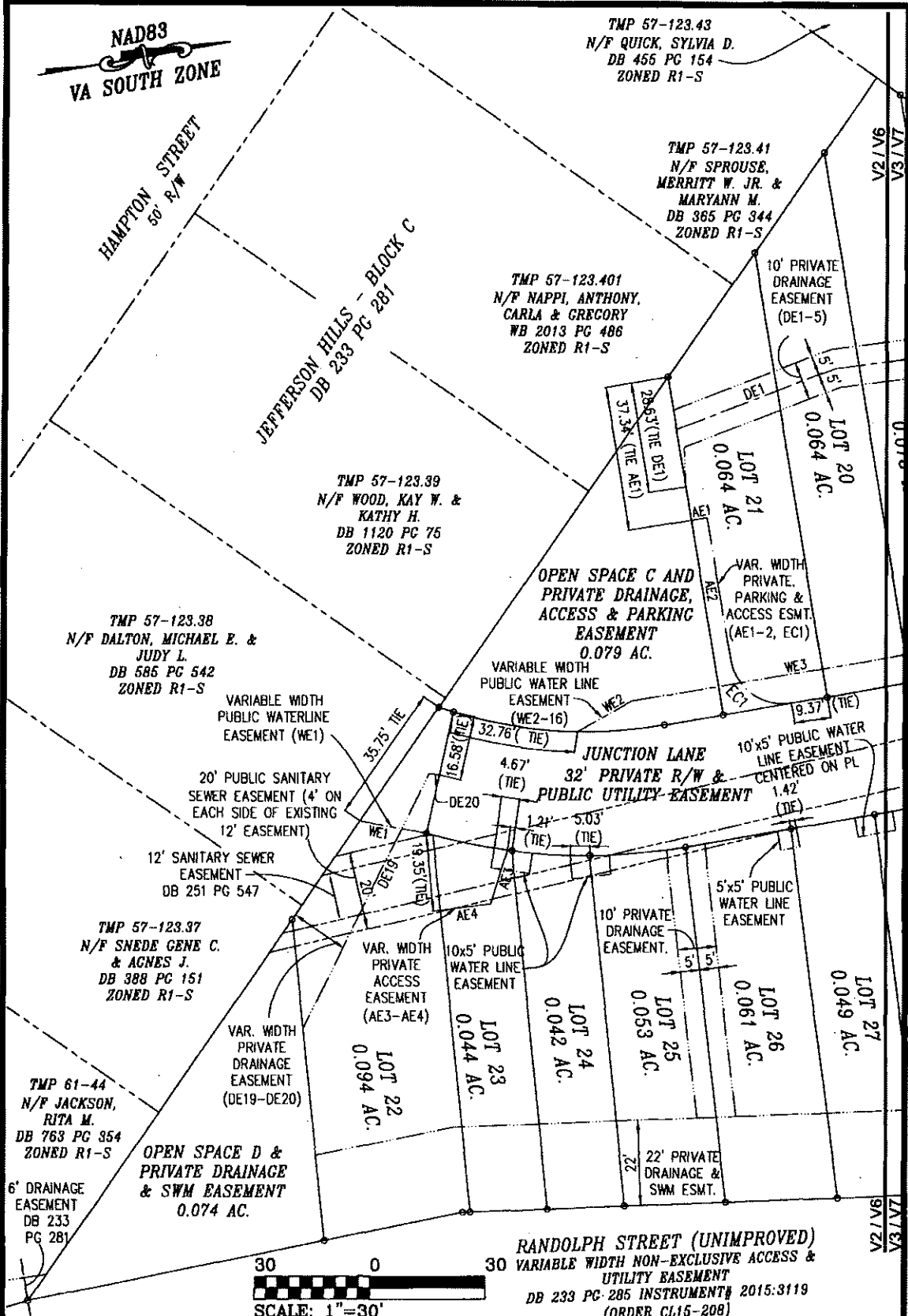
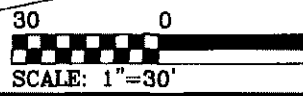
TMP 57-123.37  
N/F SNEDE GENE C.  
& AGNES J.  
DB 388 PG 151  
ZONED R1-S

TMP 61-44  
N/F JACKSON,  
RITA M.  
DB 763 PG 354  
ZONED R1-S

6' DRAINAGE  
EASEMENT  
DB 233  
PG 281

OPEN SPACE D &  
PRIVATE DRAINAGE  
& SWM EASEMENT  
0.074 AC.

RANDOLPH STREET (UNIMPROVED)  
30 VARIABLE WIDTH NON-EXCLUSIVE ACCESS &  
UTILITY EASEMENT  
DB 233 PG 285 INSTRUMENT# 2015.3119  
(ORDER CL15-208)

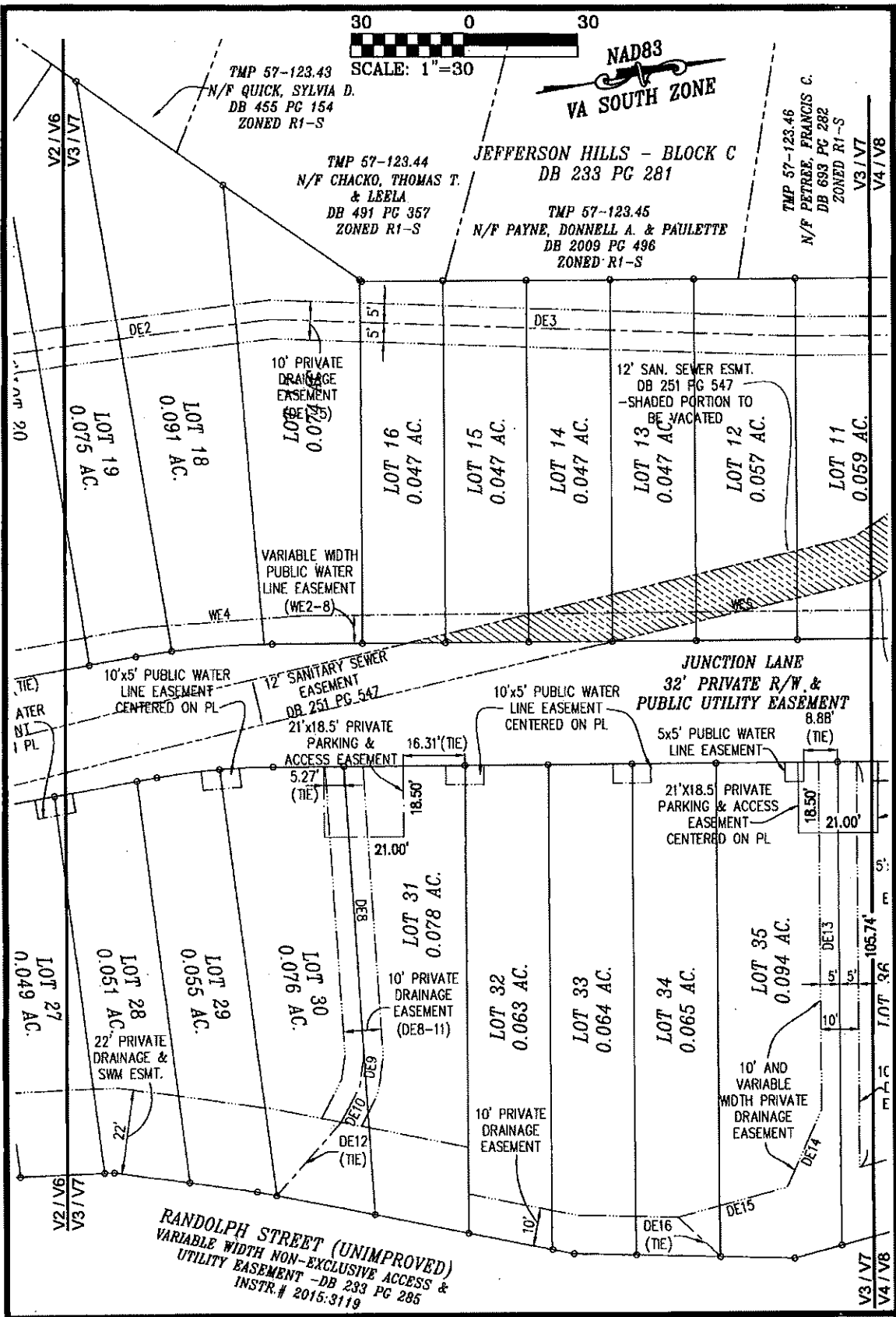


**Dominion Engineering**  
172 South Park Drive  
Charlottesville, VA 22902  
434-279-1601 | 16  
dominioneng.com

COMMONWEALTH OF VIRGINIA  
W.B. SEWARD  
Lic No. 1934  
04-04-2017  
LAND SURVEYOR

FINAL SUBDIVISION PLAT  
TAX MAP 57 PARCEL 123  
BELMONT STATION SUBDIVISION  
CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 01-27-2017	REVISION: 04-04-2017	CITY COMMENTS	DRAWN BY: BRV	SHEET: V6
PROJECT NO: 14.0088	REVISION:	CHECKED BY: WDS	6 OF 10	



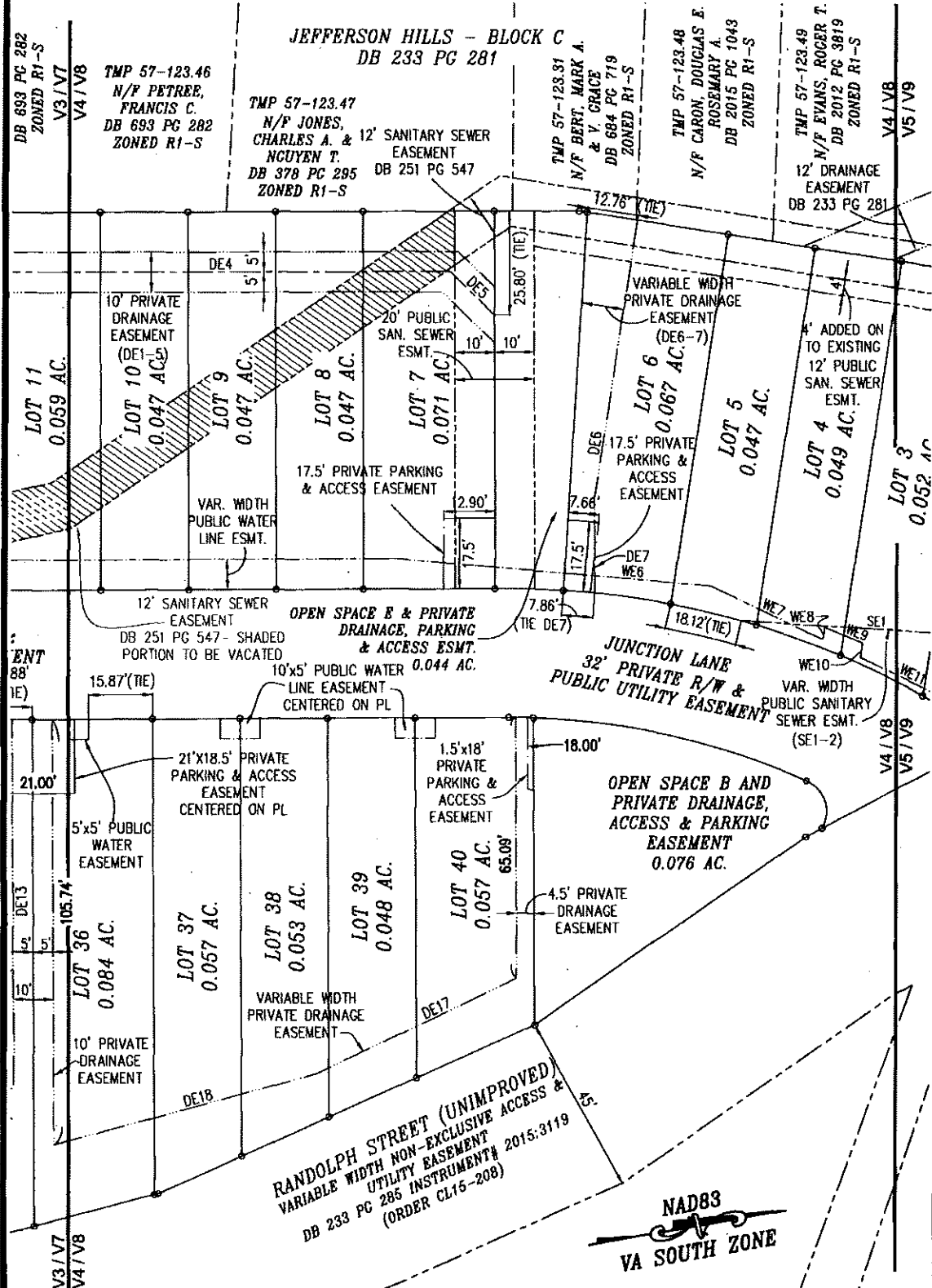
**Dominion Engineering**  
172 South Frying Pan Drive  
Charlottesville, VA 22902  
434.979.6121 (P)  
434.979.1001 (C)  
dominioneng.com

**COMMONWEALTH OF VIRGINIA**  
W.D. SEWARD  
Lic No. 1934  
04-04-2017  
LAND SURVEYOR

FINAL SUBDIVISION PLAT  
TAX MAP 57 PARCEL 123  
BELMONT STATION SUBDIVISION  
CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 01-27-2017	REVISION: 04-04-2017 CITY COMMENTS	DRAWN BY: BRV	SHEET: V7
PROJECT NO: 14.0088	REVISION:	CHECKED BY: WDS	7 OF 10

30 0 30  
 SCALE: 1"=30

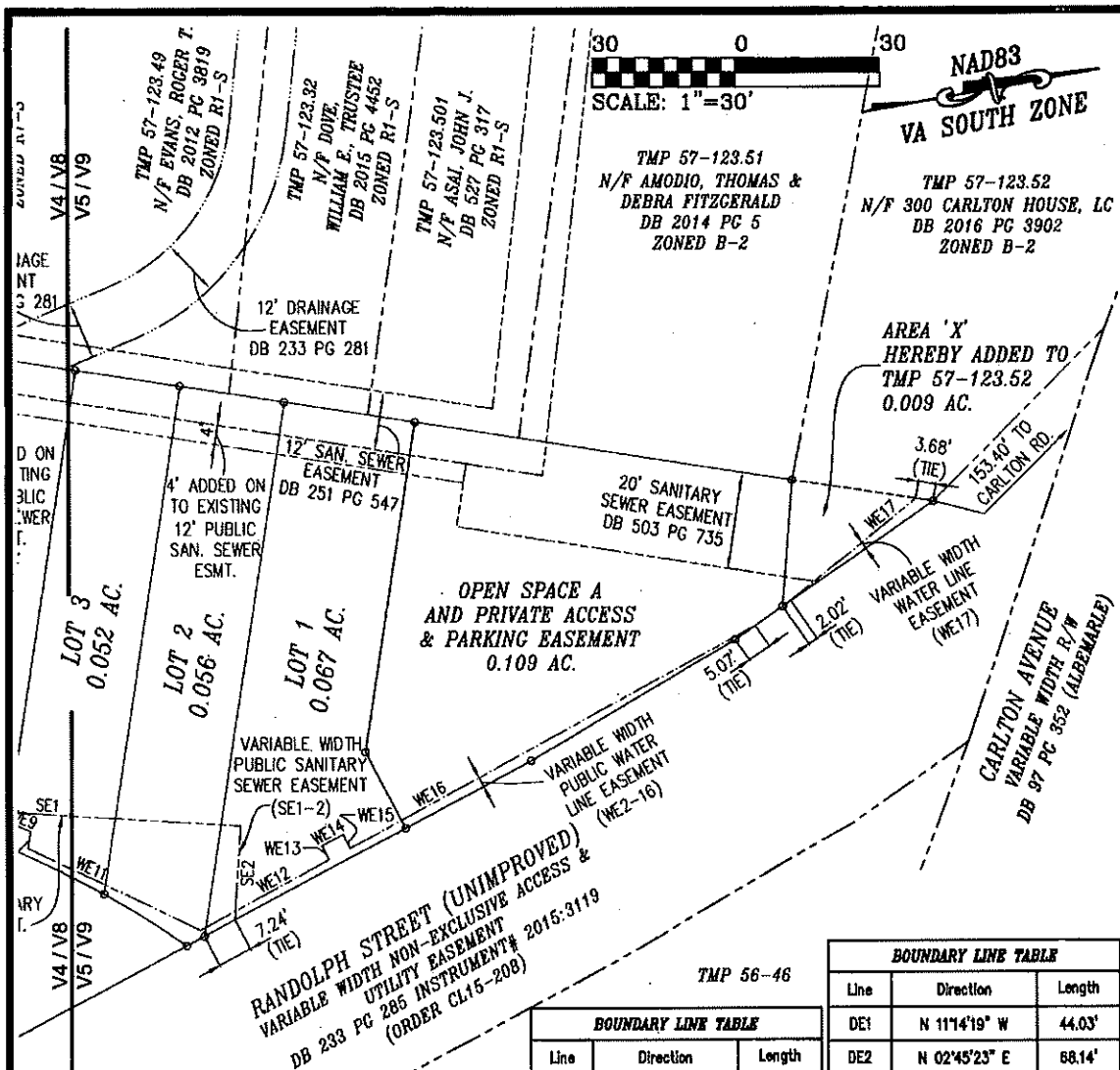


**Dominion Engineering**  
 172 South Parkway Drive  
 Charlottesville, VA 22902  
 434.975.1210  
 434.975.1211  
 dominioneng.com

COMMONWEALTH OF VIRGINIA  
 W.D. SEWARD  
 Lic No. 1934  
 04-04-2017  
 LAND SURVEYOR

FINAL SUBDIVISION PLAT  
 TAX MAP 57 PARCEL 123  
 BELMONT STATION SUBDIVISION  
 CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 01-27-2017	REVISION: 04-04-2017	CITY COMMENTS	DRAWN BY: BRV	SHEET: V8
PROJECT NO: 14.0088	REVISION:	CHECKED BY: WDS	8 OF 10	



**Curve Table**

Curve	Length	Radius	Delta	Tangent	Chord	Chord Bearing
EC1	21.21'	13.50'	89°59'58"	13.50'	19.09'	S 45°04'43" W

**BOUNDARY LINE TABLE**

Line	Direction	Length
SE1	N 13°30'41" E	74.30'
SE2	S 76°28'19" E	19.46'

**BOUNDARY LINE TABLE**

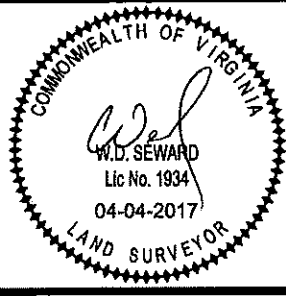
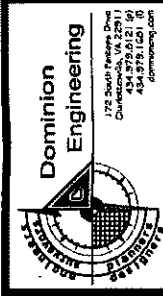
Line	Direction	Length
AE1	S 0°04'42" W	4.06'
AE2	N 89°55'18" W	37.47'
AE3	S 82°39'01" E	14.42'
AE4	S 02°52'31" W	13.14'

**BOUNDARY LINE TABLE**

Line	Direction	Length
WE1	S 20°17'09" W	17.60'
WE2	N 19°31'42" W	16.02'
WE3	N 00°14'03" E	86.78'
WE4	N 05°55'11" E	42.42'
WE5	N 09°38'17" E	232.13'
WE6	N 14°47'51" E	79.35'
WE7	N 35°20'19" E	31.16'
WE8	N 71°19'14" W	3.07'
WE9	N 32°20'35" E	10.29'
WE10	S 71°19'14" E	3.63'
WE11	N 35°20'19" E	39.70'
WE12	N 18°25'59" W	30.50'
WE13	S 72°06'24" W	3.27'
WE14	N 17°53'36" W	5.00'
WE15	N 72°06'24" E	3.23'
WE16	N 18°25'59" W	96.46'
WE17	N 29°02'22" W	33.36'

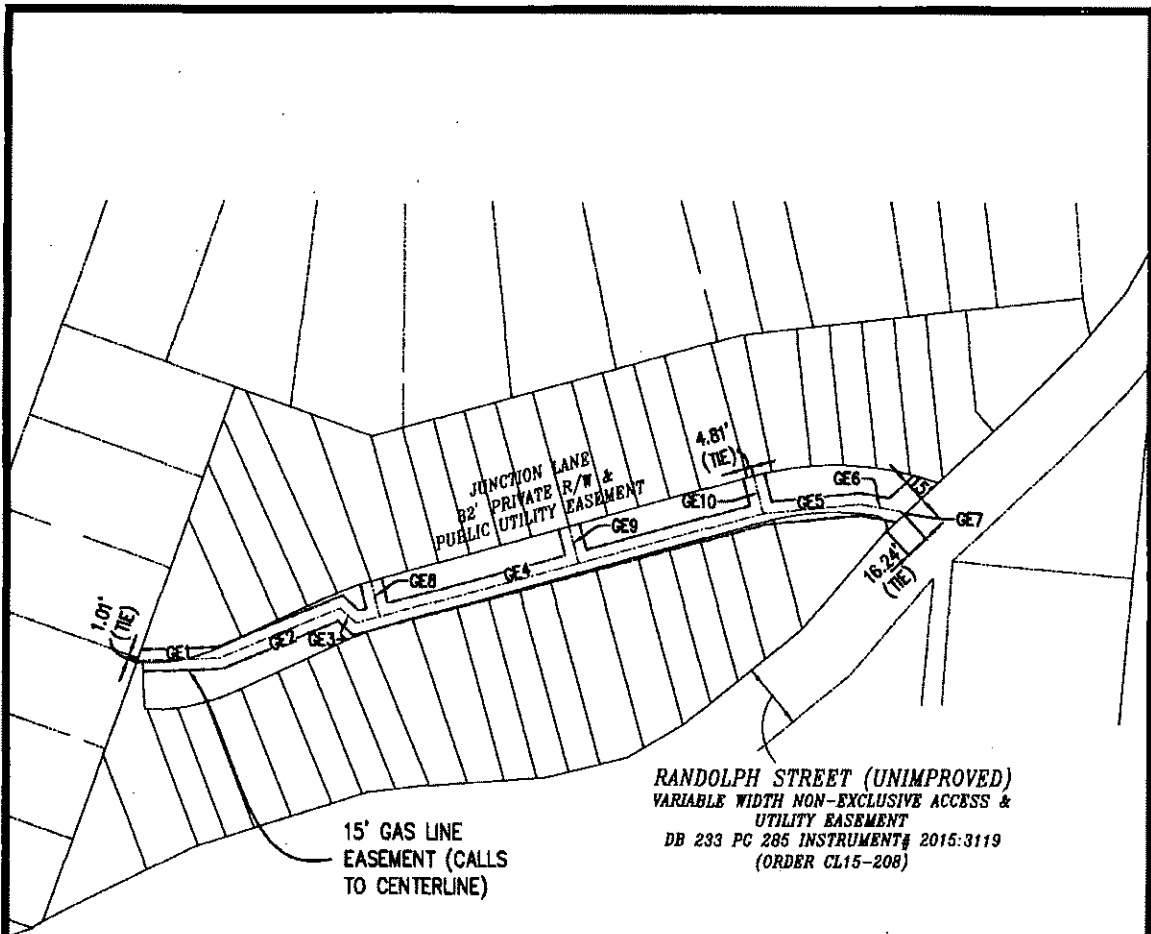
**BOUNDARY LINE TABLE**

Line	Direction	Length
DE1	N 11°14'19" W	44.03'
DE2	N 02°45'23" E	68.14'
DE3	N 11°52'25" E	138.33'
DE4	N 09°43'54" E	115.07'
DE5	N 53°37'05" E	15.57'
DE6	S 71°18'14" E	70.16'
DE7	S 80°23'18" E	23.50'
DE8	S 83°52'03" E	75.55'
DE9	S 71°28'28" E	8.07'
DE10	S 52°02'09" E	10.51'
DE12	S 38°28'18" E	25.49'
DE13	S 80°19'02" E	90.66'
DE14	S 55°40'51" E	22.09'
DE15	S 05°07'48" E	29.89'
DE16	S 53°12'10" W	15.01'
DE17	N 15°14'39" W	55.88'
DE18	N 04°56'02" W	67.97'
DE19	N 53°36'33" W	73.51'
DE20	N 18°58'30" E	2.64'



**FINAL SUBDIVISION PLAT**  
**TAX MAP 57 PARCEL 123**  
**BELMONT STATION SUBDIVISION**  
**CITY OF CHARLOTTESVILLE, VIRGINIA**

DATE: 01-27-2017	REVISION: 04-04-2017 CITY COMMENTS	DRAWN BY: BRV	SHEET: V9
PROJECT NO: 14.0088	REVISION:	CHECKED BY: WDS	9 OF 10

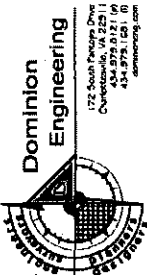
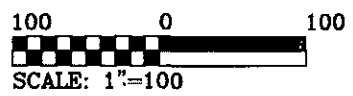


**RANDOLPH STREET (UNIMPROVED)**  
 VARIABLE WIDTH NON-EXCLUSIVE ACCESS &  
 UTILITY EASEMENT  
 DB 233 PC 285 INSTRUMENT# 2015-3119  
 (ORDER CL15-208)

15' GAS LINE  
 EASEMENT (CALLS  
 TO CENTERLINE)

**BOUNDARY LINE TABLE**

Line	Direction	Length
GE1	N 22°42'02" E	56.29'
GE2	N 02°44'16" E	88.83'
GE3	N 67°32'11" E	14.80'
GE4	N 10°01'07" E	287.80'
GE5	N 19°36'47" E	66.06'
GE6	N 34°46'37" E	28.12'
GE7	N 70°14'49" E	3.25'
GE8	S 79°58'53" E	24.87'
GE9	S 79°58'53" E	25.66'
GE10	N 79°00'07" W	26.40'



FINAL SUBDIVISION PLAT  
 TAX MAP 57 PARCEL 123  
 BELMONT STATION SUBDIVISION  
 CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 01-27-2017	REVISION: 04-04-2017	CITY COMMENTS	DRAWN BY: BRV	SHEET: V10
PROJECT NO: 14.0088	REVISION:		CHECKED BY: WDS	10 OF 10

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	August 20, 2018
<b>Action Required:</b>	Yes (Public Hearing and First Reading of Ordinance)
<b>Presenter:</b>	Lauren Hildebrand, Director of Utilities
<b>Staff Contacts:</b>	Lauren Hildebrand, Director of Utilities Chris Sibold, Civil Engineer, NDS
<b>Title:</b>	<b>Release of Sewer Easement – Beta Apartments (17<sup>th</sup> Street, NW)</b>

**Background:** In 1994 the City was granted an easement and right-of-way for installation of a sanitary sewer line across property on 17<sup>th</sup> Street, N.W. (City Tax Map Parcel 090008000) known as Beta Apartments, and owned by Beta Bridge, L.L.C (“Owner”). The property is being redeveloped and new buildings erected, requiring relocation of the existing sewer line. The Owner has signed a deed of easement for the relocated sanitary sewer line, but a certificate of occupancy for the new buildings cannot be granted until the old sewer line easement is released. Copies of the 1994 easement plat and the 2018 Public Utility Easement plat are attached.

**Discussion:** Attached is a plat showing the location of the easement to be released. If approved, the City Attorney’s Office will draft a quitclaim deed (substantially the same as the attached deed) to release the City’s rights in the 1994 sewer easement. The Utilities Department and Neighborhood Development Services have approved the location and as-built plans for the site, and confirmed that the 1994 sewer easement is no longer needed.

**Community Engagement:** A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of a property interest. Notice of such public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

**Alignment with City Council’s Vision and Priority Areas:** Not applicable.

**Budgetary Impact:** None.

**Recommendation:** Approve the ordinance abandoning the 1994 sewer easement.

**Attachments:** Proposed Ordinance; Quitclaim Deed; Plats.

**AN ORDINANCE  
AUTHORIZING THE RELEASE OF  
A SANITARY SEWER EASEMENT  
GRANTED TO THE CITY ACROSS PROPERTY  
ON 17<sup>TH</sup> STREET, NW (BETA APARTMENTS)**

**WHEREAS**, in 1994 the City acquired a permanent easement for installation of a sanitary sewer line (“1994 Sewer Easement”) across the property currently designated as City Tax Map Parcel 090008000 on 17<sup>th</sup> Street, N.W. (“Subject Property”), owned by Beta Bridge, L.L.C.; and

**WHEREAS**, the Subject Property is being redeveloped with new buildings constructed, which requires relocation of the existing sanitary sewer line as part of the site development, and Beta Bridge, L.L.C. has granted the City an easement for the new sanitary sewer line; and

**WHEREAS**, the Director of Utilities and Neighborhood Development Services have reviewed the request to release the 1994 Sewer Easement and determined that the City no longer has a need for that easement; and

**WHEREAS**, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the release of the 1994 Sewer Easement; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Quitclaim Deed, in form approved by the City Attorney, to release the above-described sanitary sewer easement granted in 1994 to the City.



Prepared by Lisa A. Robertson (VSB #32486)  
City Attorney's Office, P.O. Box 911, Charlottesville, VA 22902  
Tax Map Parcel 090008000

**This deed is exempt from state recordation taxes imposed by Virginia Code §58.1-802 pursuant to Virginia Code §58.1-811(C)(4).**

**THIS QUITCLAIM DEED** made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, from the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (hereinafter, the "CITY"), GRANTOR, to **BETA BRIDGE, LLC**, a Virginia limited liability company, GRANTEE, whose address is P.O. Box 1414, Charlottesville, Virginia 22902.

WITNESSETH:

WHEREAS, GRANTEE is the owner of certain real property in the City of Charlottesville, Virginia, designated on City Real Estate Tax Map 9 as Parcel 8 (the "Property"); and

WHEREAS, by Deed of Easement dated May 27, 1994 from GRANTEE to the CITY, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 632, Page 243, the CITY was conveyed a permanent easement and right of way (the "1994 Sewer Easement") for the construction and maintenance of sanitary sewer facilities across the Property; and

WHEREAS, the sanitary sewer line facilities will be or have been relocated to accommodate new building construction on the Property, and a new sewer easement has been granted to the City for the relocated sewer line; and

WHEREAS, GRANTEE has requested the City to Quitclaim and Release the 1994 Sewer Easement, which is no longer necessary for access, maintenance, or repair of the new sanitary sewer facilities; and

WHEREAS, the CITY has agreed to Quitclaim the 1994 Sewer Easement as requested by GRANTEE, after holding a public hearing, advertised in accordance with Virginia Code Sec. 15.2-1800(B), and adoption of an Ordinance by the Charlottesville City Council on \_\_\_\_\_, 2018.

WITNESSETH:

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, the CITY does hereby RELEASE and forever QUITCLAIM all its right, title and interest in and to the 1994 Sewer Easement, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 632, Page 243.

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an Ordinance adopted by City Council on \_\_\_\_\_, 2018.

WITNESS the following signature and seal:

**CITY OF CHARLOTTESVILLE, VIRGINIA**

By: \_\_\_\_\_  
Nikuyah Walker, Mayor

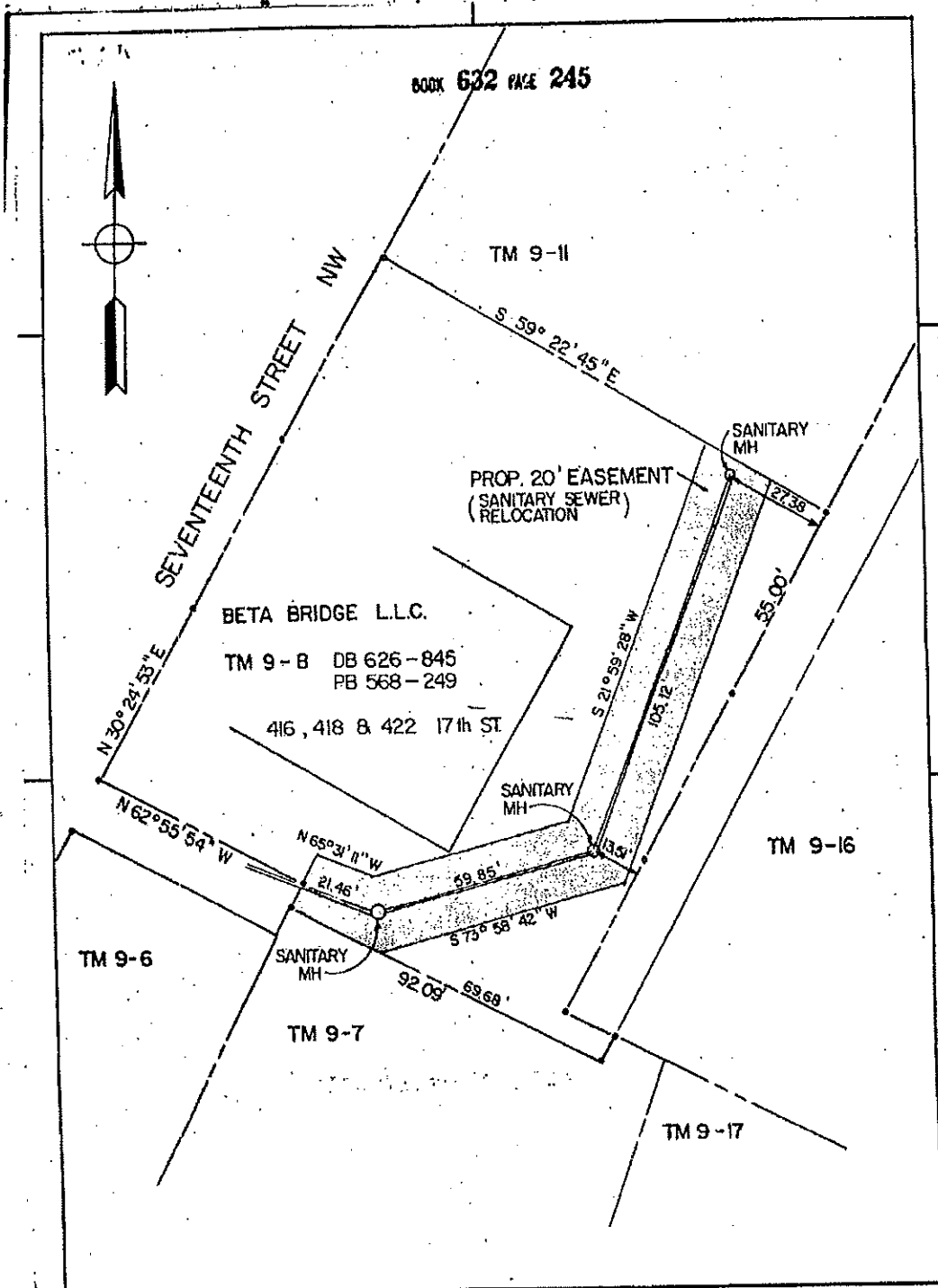
COMMONWEALTH OF VIRGINIA  
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by Nikuyah Walker, Mayor, on behalf of the City of Charlottesville, Virginia.

\_\_\_\_\_  
NOTARY PUBLIC  
Registration #: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

*Approved As To Form:*

\_\_\_\_\_  
Lisa A. Robertson, Chief Deputy City Attorney



PLAT SHOWING  
**PROPOSED EASEMENT  
 SANITARY SEWER RELOCATION**  
 TO BE ACQUIRED BY THE  
 CITY OF CHARLOTTESVILLE, VA.  
 FROM  
**BETA BRIDGE L.L.C.**

ENGINEERING DEPARTMENT  
 CITY OF CHARLOTTESVILLE, VA.

*pamela & murray*

DRAWN BY PGM

CHECKED BY

DATE RECORDED \_\_\_\_\_

DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

PLAT REF. D.B. \_\_\_\_\_ P. \_\_\_\_\_

FILE NO.

SCALE 1" = 30'

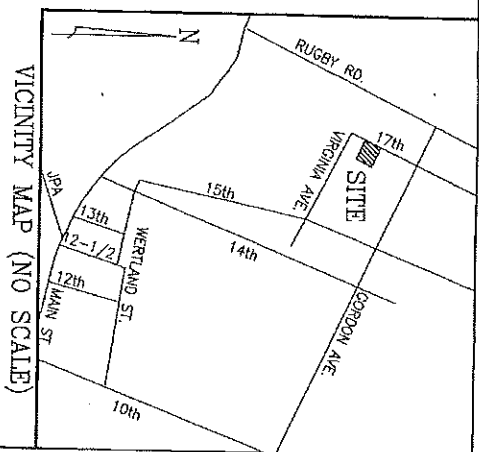
DATE 4-12-94

SCHEMATIC PHOTO - CASE NUMBER 13512

Plat Showing A  
 Public Utility Easement On  
 Parcel 090008000  
 Located On 17th St. N.W.  
 City of Charlottesville, Virginia

Date: Jul. 3, 2018  
 Rev.: Jul. 11, 2018 (city comments)  
 Sheet 1 of 2

- Notes:
1. Owner: Beta Bridge LLC  
 Deed Book 626, Page 845
  2. The properties shown hereon are oil zoned R-3 UMDH Setbacks: Front 25' min. or average front setback of existing buildings along 17th St. NW; Side: 1' per 3' of height, 10' min.; Rear: 25'
  3. This property appears to lie in an area designated as Zone "X" (Areas determined to be outside the 0.2% annual chance floodplain) as shown on Federal Flood Insurance Rate Maps dated Feb. 4, 2005 Community Panel # 51003C0286D.



VICINITY MAP (NO SCALE)



**SEI KEY**  
 INCORPORATED  
 LAND SURVEYORS  
 &  
 LAND PLANNERS  
 P.O. Box 522  
 Nellysford, VA 22968  
 (434) 971-8339  
 JAT / 98-15204-18 dwg  
 98-152-04



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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	August 20, 2018 [deferred from August 6, 2018 meeting]
Action Required:	Adoption of Resolution
Presenter:	John C. Blair II, City Attorney
Staff Contacts:	Lisa Robertson, Chief Deputy City Attorney Allyson Davies, Deputy City Attorney Sebastian Waisman, Assistant City Attorney
Title:	<b>Resolution Adopting City Council Policy on Member Participation in Meetings By Electronic Means</b>

**Background:**

Va. Code § 2.2-3708.2 requires a written policy adopted by the Charlottesville City Council, in advance, to allow individual City Councilors to participate in a meeting remotely. The City Council requests such a policy, and the City Attorney's Office drafted the attached policy for Council's consideration.

**Discussion:**

There are strict rules governing remote participation. The Virginia Freedom of Information Act's stated policy is that, "...people of the Commonwealth...(have) free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy....Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public...." See Virginia Code § 2.2-3700.

Pursuant to that general policy, the exemption from being physically present to participate at a public meeting is narrowly construed. Under Virginia Code § 2.2-3700, any ordinance adopted by a local governing body that conflicts with the provisions of this chapter shall be void. Therefore, participation by a member of a public body in a meeting through electronic communication means can only be authorized if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation and subject to the express limitations imposed by Va. Code § 2.2-3708.2.
2. Once adopted, the policy shall be applied strictly and uniformly, without exception and without regard to the identity of the member requesting remote participation or the matters

that will be considered or voted on at the meeting.

3. A quorum of the public body is physically assembled at one primary or central meeting location; and
4. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

The attached policy complies with Va. Code § 2.2-3708.2.

**Alignment with Council Vision Areas and Strategic Plan:**

This aligns with the Council vision of a Community of Mutual Respect. In all endeavors, the City of Charlottesville is committed to...inclusion. This policy maximizes the opportunities for interactions among City Council and the public in a way that is respectful, unbiased, and without prejudice.

This aligns with the Council vision of a Smart, Citizen-Focused Government. City Council decisions should be informed at every stage by effective communication and active citizen involvement. This policy maximizes individual City Councilor's ability to participate in public meetings.

**Community Engagement:**

This is a resolution required by Virginia Code §2.2-3708.2 for remote electronic participation of City Councilors.

**Budgetary Impact:**

There is no direct budgetary impact to the adoption of this policy.

**Recommendation:**

Adoption of the attached Resolution.

**Alternatives:**

Do not adopt the resolution and require City Council members to participate only when physically present at the location of the City Council meeting.

**Attachments:**

Resolution Adopting Policy Regarding Individual Participation in Council Meeting by Electronic Means

Policy of Charlottesville City Council Regarding Individual Participation in Council Meeting by Electronic Means



**RESOLUTION**  
**ADOPTING POLICY REGARDING COUNCIL MEMBER PARTICIPATION**  
**IN COUNCIL MEETINGS BY ELECTRONIC MEANS**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that this Council hereby adopts the attached “Policy of Charlottesville City Council Regarding Individual Participation in Council Meeting by Electronic Means”, as discussed and voted upon at its regular meeting on August 20, 2018. A copy of such Policy, as adopted, shall be retained and available for inspection in the Office of the Clerk of Council.

## **Policy of Charlottesville City Council Regarding Individual Participation in Council Meeting By Electronic Means**

- I. **Purpose and Applicability:** It is the policy of the City Council of the City of Charlottesville that individual members of the Council may participate in Council meetings by electronic means as permitted by Virginia Code § 2.2-3708.2.

The purpose of this policy is to comply with the requirements of section 2.2-3708.2 of the Code of Virginia and to allow for and govern participation by one or more Council Members in Council meetings by electronic communication means.

All proceedings pursuant to this policy shall be performed in accordance with section 2.2-3708.2 as that statute may hereafter be amended.

This policy shall apply to the entire City Council membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

- II. **Quorum Required:** The City Council may consider a request for participation by electronic communication means only if a quorum of the Council is physically assembled at the primary or central meeting location.

Whenever an individual member wishes to participate from a remote location, the law requires the quorum of the City Council to be physically assembled at the primary or central meeting location, and there is an arrangement for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

The reason that the member is unable to attend the meeting and the remote location from which the member participates must be recorded in the meeting minutes.

- III. **Permissible Reasons for Electronic Participation:** Participation by a Council Member in a meeting by electronic communication means shall only be allowed due to an emergency, a personal matter, or disability.

Each individual Council member shall be limited each calendar year to participation by electronic means in two meetings.

IV. **Approval:** Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act.

If a member's participation from a remote location is challenged, then the City Council shall vote whether to allow such participation.

If the City Council votes to disapprove the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

V. **Approval Process:** No Council Member may participate in a meeting by electronic communication means unless the Council Member requests and the Council approves the participation in accordance with this policy.

A. A Council Member may request to participate in a meeting by electronic communication means if the Council Member notifies the Mayor and the Clerk of Council on or before the day of the meeting that the Council Member is unable to attend due to the following:

- (i) **Personal:** an emergency or personal matter, provided that the Council Member identifies with specificity the nature of the emergency or personal matter, or
- (ii) **Temporary or Permanent Disability:** a temporary or permanent disability or other medical condition that prevents the Council Member's physical attendance.

B. The Council Member must also notify the Clerk of Council of the remote location from which the Council Member would participate by electronic communication means.

C. At the meeting, the Clerk of Council shall announce the information received from the absent Council Member. If the Council Member's request is in all respects compliant with this Policy, then any of the quorum of Council members physically assembled at the central meeting location shall make a motion to approve or disapprove the absent Council Member's request.

- D. Upon adoption of a motion to approve the Council Member's participation by electronic communication means, the Council Member shall be allowed to fully participate in the meeting by electronic communication means.
  
- E. If the Council Member's participation by electronic communication means is approved, the Clerk of Council shall record in the meeting minutes:
  - (i) the motion,
  - (ii) the vote thereon,
  - (iii) the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition, and
  - (iv) the remote location from which the Council Member participates in the meeting.
  
- F. If the Council Member's participation by electronic communication means is disapproved, whether by adoption of a motion to disapprove or rejection of a motion to approve, the Clerk of Council shall record in the meeting minutes:
  - (i) the motion,
  - (ii) the vote thereon, and
  - (iii) the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition,
  - (iv) the remote location from which the Council Member sought to participate in the meeting, and
  - (v) the specific aspect of this policy that would be violated by the Council Member's proposed participation by electronic communication means, as summarized by the quorum of Council members physically present.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	July 2, 2018 (second reading August 20, 2018)
Action Required:	Consideration of a Zoning Text Amendment
Presenter:	Heather Newmyer, City Planner, Neighborhood Development Services
Staff Contacts:	Heather Newmyer, City Planner, Neighborhood Development Services
Title:	<b><u>ZT18-04-01 – Restaurants: Drive-through windows in Highway Corridor</u></b>

**Background:**

At the April 16, 2018 City Council meeting, a zoning text amendment was initiated for consideration of allowing restaurants with drive-through windows to be allowed by special use permit in the Highway Corridor (HW) Mixed Use District. The request was brought to staff by Ashley Davies of Williams Mullen Law Firm on behalf of Alan Taylor, Riverbend Development, who is the applicant for 1801 Hydraulic (K-Mart site) redevelopment project titled “Hillsdale Place.”

Project Description: The current final site plan application is under administrative review by City staff and includes Tax Map 41B Parcels 1 and 2 with road frontage on Hydraulic Road, Seminole Trail (Route 29), Hillsdale Drive and India Road. The site plan proposes i) to reduce existing buildings on-site (held by K-Mart and Gold’s Gym currently) from 121,197 SF to 77,000 SF in preparation for new retail tenants and ii) provide parking, utility and landscape improvements on-site. The Subject Property is zoned HW, EC (Highway Corridor District, Entrance Corridor Overlay (Note: The site received a Certificate of Appropriateness (COA) from the Entrance Corridor Review Board (ERB) on December 15, 2017). The general usage specified in the Comprehensive Plan for the Subject Property is Mixed Use.

While the current final site plan proposes only renovations to the existing building on-site, Riverbend Development has indicated the desire to include in their future redevelopment plans a restaurant with a drive-through window, which currently is not allowed within the HW District.

**Please note:** While the request was made on behalf of one developer, this consideration is for the entirety of the HW District throughout the City; and, should the ZTA be approved, any developer who wishes to include a restaurant with a drive-through window as a use on a property within the HW District would require a special use permit be approved by City Council prior to the use being allowed on said property.

### **Standard of Review**

Per Sec. 34-42(c), Planning Commission is to make a recommendation on an initiated amendment to the zoning ordinance within 100 days to City Council. Planning Commission makes their recommendation based off of the following factors:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

Per Sec. 34-43, City Council is to hold at least one (1) public hearing prior to acting on any proposed amendment to the zoning ordinance.

### **Relevant Code Sections**

**§34-1200:** The *restaurant* definition under §34-1200 includes “fast food restaurant” which is one at which patrons order and receive food orders at a counter or **window** for consumption either on or off-premises.

**§34-157:** When considering an application for a special use permit, there is a higher level of review that is conducted by staff, the Planning Commission and City Council as opposed to when a use is allowed by-right. Within Sec. 34-157, there is a list of factors that are considered prior to approving or denying such request. These factors include:

- Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood
- Whether the proposed use or development and associated public facilities will substantially conform to the city’s comprehensive plan
- Whether the proposed use or development of any buildings or structures will comply with all applicable building code regulations

- Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts (then the section goes onto list potential adverse impacts such as traffic, noise, lighting, etc.)
- Whether the proposed use or development will be in harmony with the purposes of the specific zoning district which it will be placed
- Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and
- When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

### **Proposed Zoning Text Change**

Revise the Mixed Use (§34-796) matrix as follows:

- Place an “S”, which indicates special use permit required, in the row labeled “Drive-through windows” under the heading “Restaurants:” located in the Non-residential: General and Misc. Commercial section, under the HW zoning district column.

### **Discussion:**

#### **Overview of Staff Analysis**

Please see the staff report prepared for the June 12, 2018 Planning Commission Meeting ([Attachment 2](#)) for more information.

Staff recommended approval of the proposed zoning text amendment to allow for restaurants with drive-through windows in the Highway Corridor based off of the following:

- The three areas zoned as Highway Corridor (see Map 1, [Attachment 2](#)) are roads that carry the highest traffic volumes within the City according to VDOT 2014 data.
- Areas zoned Highway Corridor run up against both the northern city limits (Emmet St N of 250 Bypass to northern city limits) and the southern city limits (5<sup>th</sup> St Extended and Monticello Avenue) where much of the traffic is using these roads as a means to enter the City from the County and beyond
- The purpose of the Highway Corridor Mixed Use District, expressed in Sec. 34-541, states it is to facilitate **development of a commercial nature that is more auto oriented**

**than other mixed use and neighborhood commercial districts and this district is intended for the areas where the most intense commercial development in Charlottesville occurs.**

- Staff recognizes that two out of the three areas zoned for Highway Corridor are within the City's identified small areas as called out in the 2013 Comprehensive Plan ((i) Emmet St north of the 250 Bypass which includes the recently adopted Hydraulic-29 Small Area Plan and (ii) 5<sup>th</sup> Street Extended), where these areas speak to future urban design opportunities, multimodal connections, future roadways, and more walkable, bikeable and transit oriented development (Please refer to the staff report ([Attachment 2](#), pp. 3-13) to find more detailed analysis on the small area plans). Staff would not feel comfortable allowing the proposed use by-right given there are many factors to consider other than land use compatibility specific to these identified areas (e.g. compliance with multimodal connections, open spaces, future roadways, etc.); however, staff believes allowing this use by special use permit allows for a higher level of review that requires compliance with the Comprehensive Plan (which includes not only the small area plan guidance but other amendments like Streets That Work), discretion for adding conditions that minimize negative impacts, and allows for the ability to deny the use request altogether.
- Staff believes allowing this use via special use permit balances the reality that these areas carry the highest volumes of vehicular traffic in the City and are called out to house the most intense commercial development in order to limit it elsewhere throughout the City while still holding a *higher level of review* that can either ensure the end commercial product follows the guidance provided in the small area plans and other elements of the Comprehensive Plan ultimately providing for a context sensitive commercial use OR retain the ability to deny the request altogether when not appropriate.

### **Planning Commission**

Among the matters discussed by the Planning Commission at their June 12, 2018 meeting were the following:

- Whether the proposed ZTA was compatible with the Comprehensive Plan's small area plans. Some Commissioners believed the proposed ZTA was incompatible.
- Desire to preserve entrances to Charlottesville
- Charlottesville's goal of being a green and healthy City of Charlottesville
- Other Commissioners in support of the ZTA stated Zaxby's was a successful example of a context sensitive drive-through restaurant and that drive-through restaurants can be designed in such a way that can be in a compatible form to the City in these areas.



**Alignment with City Council’s Vision Areas and Strategic Plan:**

The proposed zoning text amendment aligns with the City Council Vision of **Economic Sustainability**, where the City is a “*business friendly environment.*”

The proposed zoning text amendment aligns with the City’s **Strategic Plan, Goal 4.3**, “*grow and retain viable businesses.*”

Allowing the proposed use via special use permit (higher level of review) aligns with **Strategic Plan, Goal 3.1**, “*engage in...context sensitive urban planning....*”

**Community Engagement:**

No public comment was received.

**Budgetary Impact:**

No budgetary impact.

**Recommendation:**

The Commission took the following action:

Ms. Keller moved to recommend denial of this Zoning Text Amendment to allow restaurants with drive-through windows by special use permit in the Highway Corridor on the bases that the changes would not serve the interests of public necessity, convenience, general public welfare or good zoning practice.

Mr. Solla-Yates seconded the motion. The Commission voted 5-2 (Lahendro, Mitchell) to recommend denial of the Zoning Text Amendment

**Alternatives:**

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolution (granting the ZTA);
- (2) by motion, request changes to the attached Resolution, and then approve the ZTA in accordance with the amended Resolution;
- (3) by motion, deny the requested ZTA (as recommended by the Planning Commission).

**Attachment:**

- (1) Proposed Resolution Approving a Zoning Text Amendment
- (2) Staff Report with Attachments, June 12, 2018

**ORDINANCE**  
**AMENDING AND RE-ENACTING CHAPTER 34 (ZONING) OF THE CODE OF THE**  
**CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO AUTHORIZE**  
**RESTAURANTS WITH DRIVE THROUGH WINDOWS IN THE**  
**HIGHWAY CORRIDOR (HW) MIXED USE ZONING DISTRICT**  
**WITH A SPECIAL USE PERMIT**

**WHEREAS**, by resolution adopted April 16, 2018 City Council initiated a zoning text amendment to authorize drive through windows in restaurants in the Highway Corridor (HW) Mixed Use Zoning District (“Proposed Zoning Text Amendment”); and

**WHEREAS**, following a public hearing duly advertised and conducted in accordance with law, the Planning Commission considered the Proposed Zoning Text Amendment at its meeting on June 12, 2018, and voted to recommend denial of the Proposed Zoning Text Amendment as presented; and

**WHEREAS**, a public hearing on the Proposed Zoning Text Amendment was held by City Council on July 2, 2018, after notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, after consideration of the Planning Commission’s recommendation, and comments from the public, this Council is of the opinion 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 Chapter 34 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and re-enacted as follows:

**1. Sec. 34-796 (Use matrix—Mixed use corridor districts) of Article VI (Mixed Use Districts), of Chapter 34 (Zoning), are hereby amended and re-enacted, to incorporate the following change in the column titled “HW”:**

<i>Use Types</i>	<i>Zoning Districts</i>
<b>NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL</b>	<i>HW</i>
Restaurants:	
Drive-through windows	<u>S</u>

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**REQUEST FOR A ZONING TEXT AMENDMENT**

**JOINT CITY COUNCIL AND PLANNING COMMISSION PUBLIC  
HEARING**

**DATE OF PLANNING COMMISSION MEETING: June 12, 2018**

**Author of Staff Report:** Heather Newmyer, AICP

**Date of Staff Report:** May 31, 2018

**Application Number/Description:** ZT18-04-01: Restaurants: Drive-through windows in Highway Corridor

**Applicable City Code Provisions:** §34- 41 (Amendments to the Zoning Ordinance), §34-796 (Use matrix – mixed use corridor districts)

**Executive Summary**

This is a proposed zoning text amendment to amend §34-796 to allow restaurants with drive-through windows to be allowed by special use permit in the City’s Highway Corridor (HW) Mixed Use Districts. Staff recommends that the use be permitted by special use permit in the HW District as the intent of this district is to provide for the “intense commercial development with very limited residential use” in the “areas where the most intense commercial development in Charlottesville occurs” (ref. Sec. 34-541 – Mixed use districts - intent and description), as opposed to other mixed use districts within the City. By allowing this use via the special permit process, City Council reserves the authority to protect adjacent properties and/or zoning districts from potential impacts associated with the use, such as noise, lighting and business hours.

**Background**

At the April 16, 2018 City Council meeting, a zoning text amendment was initiated for consideration of allowing restaurants with drive-through windows to be allowed by special use permit in the HW District (Attachment 1). The request was brought to staff by Ashley Davies of Williams Mullen Law Firm on behalf of Alan Taylor, Riverbend Development, who is the applicant for 1801 Hydraulic (K-Mart site) redevelopment project titled “Hillsdale Place.”

**Project Description:** The current final site plan application is under administrative review by City staff and includes Tax Map 41B Parcels 1 and 2 with road frontage on Hydraulic Road, Seminole Trail (Route 29), Hillsdale Drive and India Road. The site plan proposes i) to reduce existing buildings on-site (held by K-Mart and Gold’s Gym currently) from 121,197 SF to 77,000 SF in preparation for new retail tenants and ii) provide parking, utility and landscape improvements on-site. The Subject Property is zoned HW, EC (Highway Corridor District, Entrance Corridor Overlay (Note: The site received a

Certificate of Appropriateness (COA) from the Entrance Corridor Review Board (ERB) on December 15, 2017). The general usage specified in the Comprehensive Plan for the Subject Property is Mixed Use.

While the current final site plan proposes only renovations to the existing building on-site, Riverbend Development has indicated the desire to include in their future redevelopment plans a restaurant with a drive-through window, which currently is not allowed within the HW District.

**Please note:** While the request was made on behalf of one developer, this consideration is for the entirety of the HW District throughout the City; and, should the ZTA be approved, any developer who wishes to include a restaurant with a drive-through window as a use on a property within the HW District would require a special use permit be approved by City Council prior to the use being allowed on said property.

**Relevant Code Sections:**

**§34-1200:** The *restaurant* definition under §34-1200 includes “fast food restaurant” which is one at which patrons order and receive food orders at a counter or **window** for consumption either on or off-premises.

**§34-157:** When considering an application for a special use permit, there is a higher level of review that is conducted by staff, the Planning Commission and City Council as opposed to when a use is allowed by-right. Within Sec. 34-157, there is a list of factors that are considered prior to approving or denying such request. These factors include:

- Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood
- Whether the proposed use or development and associated public facilities will substantially conform to the city’s comprehensive plan
- Whether the proposed use or development of any buildings or structures will comply with all applicable building code regulations
- Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts (then the section goes onto list potential adverse impacts such as traffic, noise, lighting, etc.)
- Whether the proposed use or development will be in harmony with the purposes of the specific zoning district which it will be placed
- Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and
- When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

## **Study Period and Public Hearing**

Once an amendment has been initiated by City Council, it is deemed referred to the Planning Commission for study and recommendation (City Code §34-41(d)). From the time of initiation, the planning commission has **100 days** in which to make its recommendation to City Council, or else it will be deemed to be a recommendation of approval.

## **Standard of Review**

As per §34-42 of the City Code, the planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

## **Proposed Zoning Text Change**

Revise the Mixed Use (§34-796) matrix as follows:

- Place an “S”, which indicates special use permit required, in the row labeled “Drive-through windows” under the heading “Restaurants:” located in the Non-residential: General and Misc. Commercial section, under the HW zoning district column.

## **Standard of Review Analysis**

- 1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;**

### **Land Use Chapter:**

The Comprehensive Plan Land Use Chapter lists goals that include but are not limited to: establishing a mix of use throughout Charlottesville, being context sensitive to surrounding neighborhoods, highlighting pedestrian connections between residences, commercial centers, public facilities, amenities and green spaces, and providing opportunities for employment centers and nodes of activity along mixed-use corridors.

The areas within the City that are zoned HW District fall under the Land Use category Mixed Use, which is described as “areas intended to ... encourage development of a moderate or high intensity, and where a large variety of uses will be permitted, including many

commercial uses, residential uses, and some limited research and manufacturing where appropriate.”

**Land Use Staff Analysis:** Staff finds that the proposed amendment to allow for restaurants with drive-through windows is consistent with the Land Use general guidelines mentioned above given that:

- The areas within the City zoned HW District fall under the Mixed Use land use category, which is called to encourage “many commercial uses”
- Allowing restaurants with drive-through windows in the HW District by special use permit will require a higher level of review than if the use was allowed by-right. Staff believes because of the higher level of review, which includes a number of factors that have to be considered when reviewing a special use permit as well as the ability to include conditions that help mitigate potential adverse impacts, there is flexibility and more liberty in review to help guide development that would conform to many of the general guidelines given in the Land Use Chapter that speak to urban design, context sensitivity, and connectivity. Should the ZTA be approved, developers wishing to include a restaurant with a drive-through window in the HW District would be required to include in their design how the project complies with the Comprehensive Plan and its goals. In addition to that, Staff, Planning Commission and Council can recommend conditions that help mitigate potential adverse impacts and help provide for a better design overall. For example, increased buffering, increased screening for parking that is relegated to the back of the building, limited business hours to prevent noise issues, wider sidewalks, café seating areas, requiring the drive-through window/order area to not be visible from the right-of-way, etc., would provide for a drive-through window design that is more context sensitive, follows urban design guidelines, and fits more into what is desired for a commercial use in the City. Furthermore, if an application is presented that does not comply with the Comprehensive Plan, Council has the ability to deny such request. Given the higher level of review and built in flexibility, staff believes the proposed amendment is consistent with the Comprehensive Plan.

Below, staff goes into further detail regarding the Comprehensive Plan Land Use Chapter’s small area plans and how these areas relate to the proposed amendment; however, the above analysis is the overall analysis given for the Land Use Chapter.

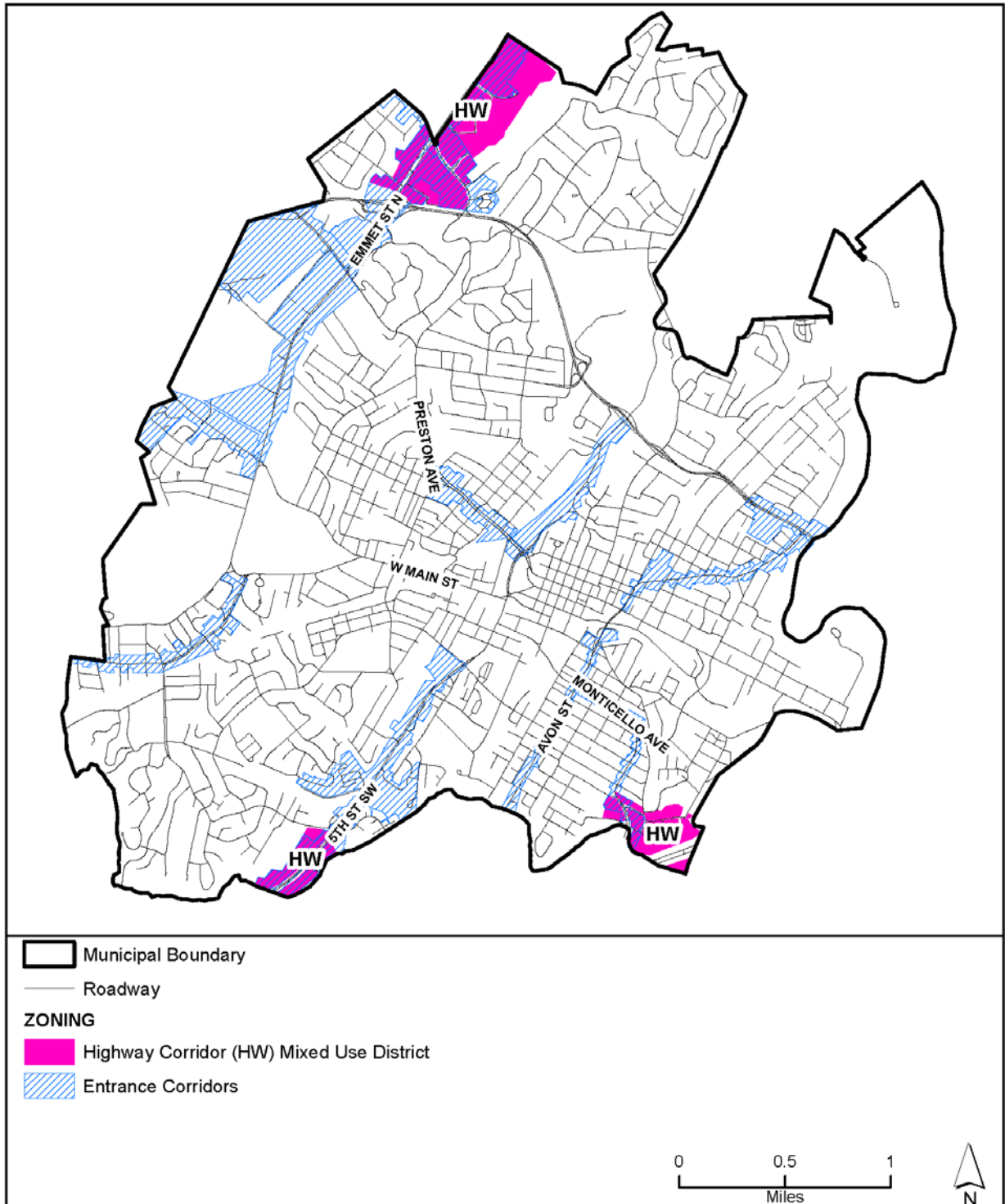
**Land Use Small Areas:**

Within the Land Use Chapter of the 2013 Comprehensive Plan, there are several specific areas identified for future small area plans with the goal in mind that the resulting small area plans will provide the basis for future planning, urban design and investment decisions.

There are three corridors within the City fall under the HW District zoning: i) Emmet St north of the 250 Bypass, ii) a portion of 5<sup>th</sup> Street extended, and iii) a portion of Monticello Avenue (See Map 1).

# MAP 1:

## HIGHWAY CORRIDOR MIXED USE DISTRICTS IN THE CITY OF CHARLOTTESVILLE



**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



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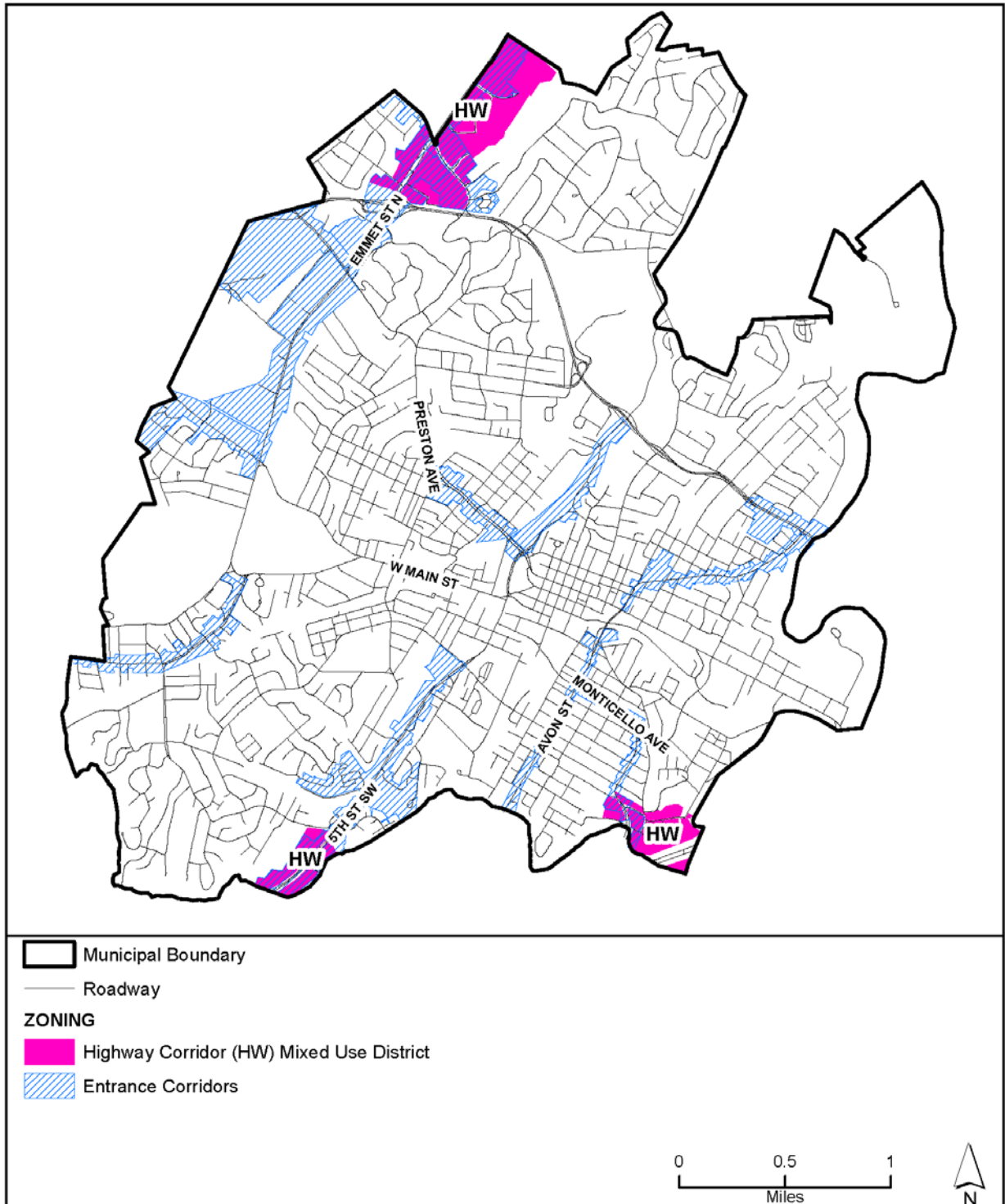
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There are three corridors within the City fall under the HW District zoning: i) Emmet St north of the 250 Bypass, ii) a portion of 5<sup>th</sup> Street extended, and iii) a portion of Monticello Avenue (See Map 1).

# MAP 1:

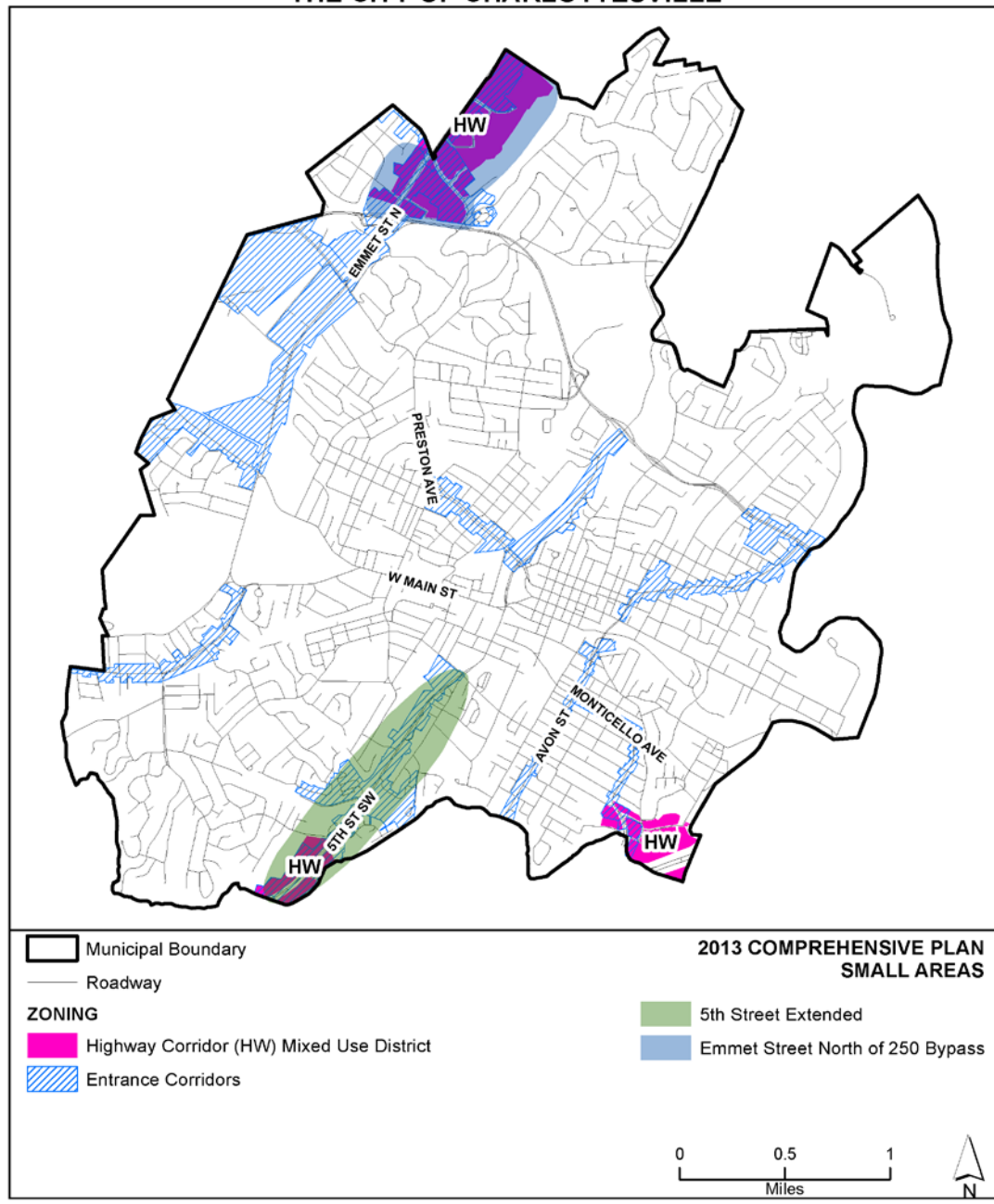
## HIGHWAY CORRIDOR MIXED USE DISTRICTS IN THE CITY OF CHARLOTTESVILLE



Two of these corridors fall under areas called out as small area plans in the 2013 Comprehensive Plan: Emmet Street north of 250 Bypass and 5<sup>th</sup> Street Extended. See Map 2.

**MAP 2:**

**2013 COMPREHENSIVE PLAN SMALL AREAS THAT  
OVERLAY HIGHWAY CORRIDOR MIXED USE DISTRICTS IN  
THE CITY OF CHARLOTTESVILLE**



The 2013 Comprehensive Plan provides the following descriptions of the following areas that are intended for future small area plans:

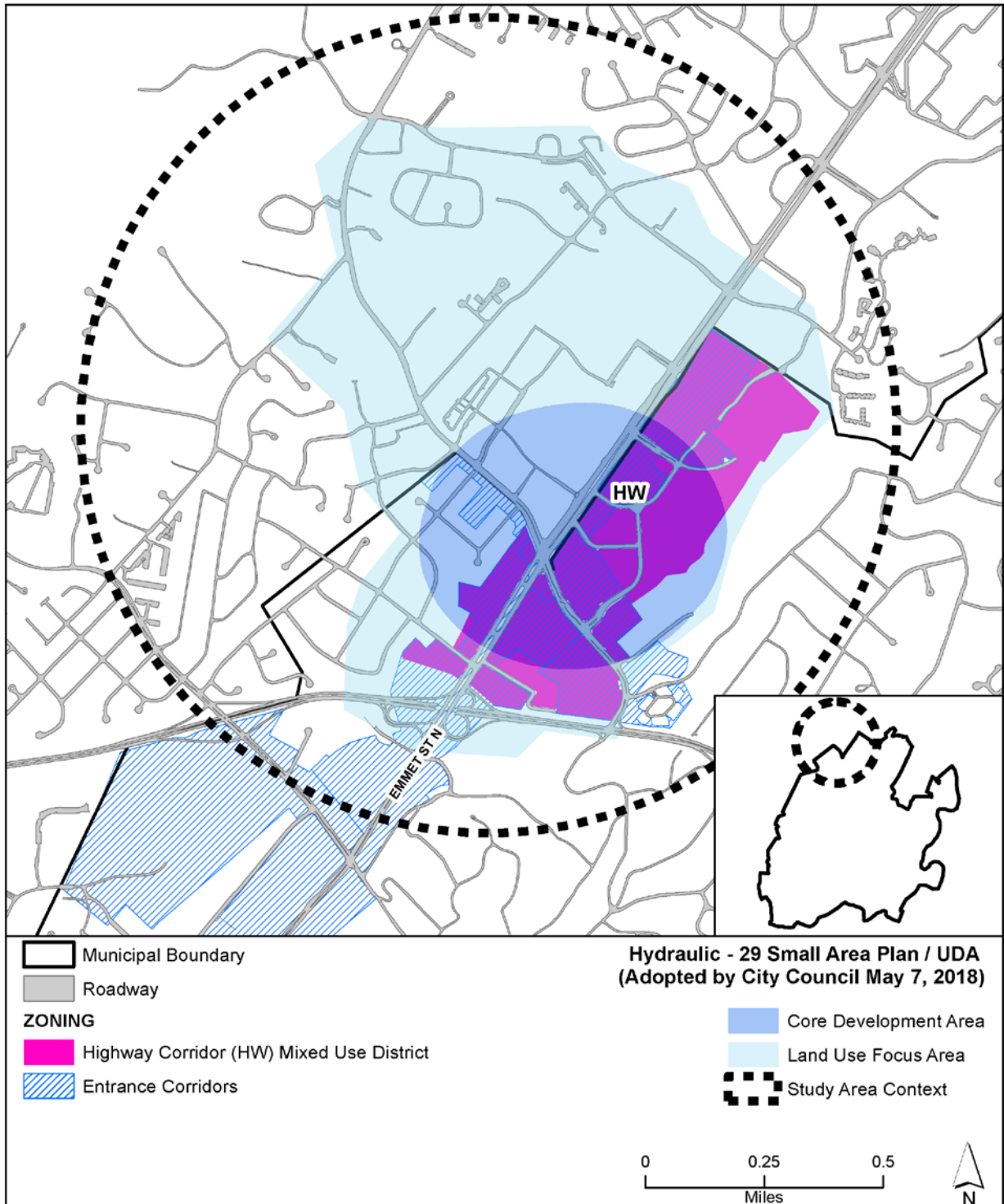
Emmet Street north of 250 Bypass: This area possesses considerable potential for new placemaking because of road network and traffic pattern changes, the development of the Stonefield commercial and residential development in the County, and future redevelopment of the K-Mart site and Michie Drive CRHA site. This area provides an expanded opportunity for dense, urban development at a major gateway to the city.

5<sup>th</sup> Street Extended: The construction of the Avon/5<sup>th</sup> Connector and the resultant big box center will change traffic patterns in this area and is likely to stimulate increased commercial activity near this city/county edge. Planning and design studies for this area may identify urban design opportunities more consistent with the city's desire for walkable, bikeable, and transit-supported development.

While the 5<sup>th</sup> Street Extended area does not yet have a formal small area attached to the above description, the Emmet Street north of the 250 Bypass area does as of May 2018. On May 7, 2018, City Council adopted the Hydraulic-29 Small Area Plan as well as designated the area as an Urban Development Area (UDA) (See Attachment 2 for the Resolution, Attachment 4 for UDA State Code). Map 3, shown below, depicts the boundaries of the Hydraulic-29 Small Area Plan/UDA which correspond to the boundaries shown in the full report that was also approved on May 7, 2018 (Attachment 3). Now part of the Comprehensive Plan, this small area plan is to act as the basis for future planning, design and investment decisions.

MAP 3:

2018 HYDRAULIC-29 SMALL AREA PLAN  
THAT OVERLAYS HIGHWAY CORRIDOR MIXED USE DISTRICTS IN  
THE CITY OF CHARLOTTESVILLE



A high-level overview of some of the recommendations and guidelines from this plan include:

- Road Framework Plan which includes proposed roads (p. 58, Attachment 3)
- Conceptual Bicycle/Pedestrian Plan which includes proposed multi-modal facilities (p. 60 of Attachment 3)
- Conceptual Open Space, Parks and Natural Systems Plan (p. 61 of Attachment 3)
- Conceptual Land Use Plan (p. 71 of Attachment 3)
- Conceptual Core Area Plan (p. 85 of Attachment 3)

The Conceptual Land Use Plan within the Hydraulic-29 Plan calls for the following land uses in the areas zoned HW District along Emmet St: Mixed Use Commercial, Commercial, Mixed Use Residential, and Mixed Use Office/Institutional (see p. 71 of Attachment 3).

**Land Use Small Areas Staff Analysis:**

Provided below is a more detailed analysis that is broken down into the three sections referencing the three corridors in the City zoned HW District.

- i) HW Districts along Emmet St north of the 250 Bypass: One of the corridors the HW District falls within is along Emmet St north of the 250 Bypass, an area called out in the 2013 Comprehensive Plan for future small area plans. On May 7, 2018, the Hydraulic-29 Small Area Plan was adopted as an amendment to the Comprehensive Plan by Council as a plan that provides more detailed guidance in the Emmet St north of the 250 Bypass area as mentioned above. Staff recognizes there is a high level of detail and guidance provided in the recently adopted Hydraulic-29 Small Area Plan that speaks to future roadways, multimodal connections, open spaces and land use recommendations. Any new development being proposed that falls within the Hydraulic-29 small area plan should incorporate elements of the small area plan and comply.

The majority of the areas zoned HW District on the City's current zoning map are called out in the Hydraulic-29 Plan for land use that is mixed use commercial or mixed use residential. The proposed zoning text amendment that would allow a restaurant with a drive-through window would not necessarily go against the recommended land uses; however, staff would not feel comfortable allowing this use by-right as there are many other factors than land use compatibility that come into play when applying implementation of a small area plan (e.g. compliance with future roads, multimodal connections, open spaces, etc).

Allowing a restaurant with a drive-through window *by special use permit* in the HW District allows for the higher level of review prescribed in Sec. 34-157, where many factors are weighed prior to a recommendation being made, one of which is compliance with the Comprehensive Plan. As such, any special use permit application for this use at a property falling within the Hydraulic-29 Small Area Plan would be required to show compliance with the elements prescribed in the Hydraulic-29 Small Area Plan as part of the application per Sec. 34-157(a)(2).



Staff believes the amendment would be consistent with the small area plan due to the special use permit application process having the built in required compliance with the Comprehensive Plan (Sec. 34-157(a)(2)), the discretion for Council to provide conditions that prevent any negative impacts to adjacent communities can be minimized, or the ability to deny a special use permit request if the application request is found non-compliant to elements of the small area plan, etc.

- ii) HW Districts along 5<sup>th</sup> Street Extended: While the Comprehensive Plan does not include a more detailed small area plan for the 5<sup>th</sup> Street Extended area, the description provided within the Comprehensive Plan states there will be “increased commercial activity” near the city/county edge. The description also states this area is desired for walkable, bikeable, and transit-supported development.

Because of the future desire for this area to identify urban design opportunities that allow for more walkable, bikeable and transit-oriented development, staff believes allowing restaurants with drive-through windows by-right would prevent such opportunities. However, staff recognizes that this is one of the three corridors total in the City identified as a Highway Corridor that carries higher volumes of vehicular traffic, and, therefore, would be appropriate to house a more auto-oriented use. The special use permit process allows for a higher level of review, requires compliance with the Comprehensive Plan, discretion for adding conditions that minimize negative impacts, and allows for the ability to deny the use request altogether. Because of this, staff believes that allowing this use by special use permit would either ensure compliance with the Comprehensive Plan goals for this area OR allow the ability for the request to be denied if compliance is not met. Allowing the more auto-oriented use via special use permit also recognizes that this area does carry more vehicular traffic and is one of three areas called out by the City as a Highway Corridor.

- iii) Monticello Avenue: The third area of the City zoned HW District is near the southeastern city/county edge and includes a portion of Monticello Avenue (Route 20) that runs through the city/county edge. This area is not called out as a small area in the 2013 Comprehensive Plan. In addition to Monticello Avenue, this area includes streets such as Linden Avenue, Monticello Road, Keystone and Mountain View Street. This area contains a mixture of uses that include residential uses (condominiums, townhomes, single-family residential homes) and commercial uses (gas station, Moose’s By The Creek restaurant, Albemarle Heating & Air, Jaunt, a private tree business, roofing business, and more). Because of this area’s proximity to Route 20 and I 64, staff sees this area as being appropriate for potentially housing a restaurant with a drive-through window; however, staff believes allowing this use by special use permit is vital in protecting the existing residential uses of the area because there are pockets within the overall area that are predominately residential and would not be appropriate unless it was shown by the applicant that conditions would adequately mitigate potential adverse impacts.

### **Economic Sustainability Chapter**

The Comprehensive Plan Economic Sustainability Chapter lists goals that include but are not limited to: work strategically to continue to develop and implement land use policies and regulations that ensure the availability of sites for businesses to locate and expand as well as generate successful businesses.

**Economic Sustainability Staff Analysis:** Staff believes the amendment is consistent with goals prescribed in the Economic Sustainability Chapter of the Comprehensive Plan as this amendment would open up the opportunity for a use to available locations in the HW District in the zoning district that staff believes is most appropriate to house this type of commercial use.

### **Streets That Work**

The Streets That Work Plan was adopted by City Council on September 6, 2016 as an amendment to the City's Comprehensive Plan. The Streets That Work Plan includes design guidelines that provide guidance for all elements of the public right-of-way and include design recommendations specific to the street types given for the City's framework streets. For example, in the *Mixed Use A Street Typology* (both Emmet St N of 250 Bypass and 5<sup>th</sup> Street Extended classified as Mixed Use A) prioritize bicycle facilities, >7' sidewalks and 3'-6' curbside buffers.

Streets That Work Plan also identifies that Charlottesville's principal arterial roadways carry a disproportionate amount of the traffic in and through the city, whereas 74% of roads in Charlottesville have an average annual daily traffic (AADT) count below 1,000, which is relatively low. The roads that include the highest traffic volumes are shown below in Table 1 of this report, taken from Chapter 3 of the Streets That Work Plan. Please note all three of the HW District corridors are along roads with the highest traffic volumes in the City and the 29 N/Seminole Trail corridor (250 Bypass to North City Limits) is the highest with 60,000 AADT (2014).

**TABLE 1: AVERAGE ANNUAL DAILY TRAFFIC ON CHARLOTTESVILLE'S MAJOR ROADS<sup>1</sup>**

Road Name	Segment	Number of Through Travel Lanes	AADT VDOT, 2012	AADT VDOT 2014 <sup>8</sup>
29 N/Seminole Trail	250 Bypass to North City Limits	6	59,000	60,000
250 Bypass	Hydraulic Road to Dairy Road	4	42,000	37,000
29 N/Emmet Street	Barracks Road to 250 Bypass	4	31,000	29,000
Preston Avenue	Grady Avenue to Market Street	4	21,000	20,000
Ridge Street	Dice Street to Main Street	2	22,000	20,000
E High Street	Gillespie Avenue to 250 Bypass	2	19,000	18,000
5th Street	South City Limits to Cherry Avenue	4	18,000	17,000
Monticello Avenue	South City Limits to Meridian Avenue	2	15,000	14,000
Avon Street/9 <sup>th</sup> Street NE	Monticello Avenue to High Street	2-4	14,000	13,000
W Main Street	Jefferson Park Avenue to McIntire Road	2	13,000	12,000

<sup>1</sup>City of Charlottesville. *Streets That Work Plan*. Adopted September 2016.  
 < <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work/streets-that-work-plan>>

**Streets That Work Staff Analysis:** Staff believes the proposed amendment is consistent with the Streets That Work Plan because of the following:

- The proposed amendment would allow for a use that is more auto-oriented in three areas that are identified as carrying the highest traffic volumes throughout the City. By allowing this use in the higher volume areas of the City, staff believes there is opportunity to localize the use in the appropriate areas in the City while protecting other areas in the City with less intensive commercial uses.
- Since Streets That Work was adopted in September 2016, there have been many developers who have incorporated the recommendations in STW that are given for the street type their project fronts on. Staff has found that in cases where there is a higher level of review on such projects (e.g. Entrance Corridor, Special Use Permit), the developer is more likely to comply with the recommended guidelines found in Streets That Work. In some cases, there are conditions included as part of the higher level of review that requires the developer to comply with certain guidelines found within STW. A few examples of recent projects that have been approved or are in review that include street elements that follow the design parameters found in STW are:
  - the CVS at Barracks and Emmet (required Entrance Corridor review; site plan **approved/under construction**)
  - Zaxby's restaurant located at 1248 Emmet St (required Special Use Permit for restaurant drive-through window; **approved/ construction complete**).
  - Hillsdale Place (1801 Hydraulic Rd) (required Entrance Corridor Review; site plan still **in review**) *\*Note: Developer showing 10' multiuse trails and 5' curbside buffers along Hydraulic and Seminole Trail– this was also vetted through TJPDC as this review ran while Hydraulic-29 Small Area Plan was being developed*

Staff brings up the above mentioned examples to show that there have been successes in implementing Streets That Work in part to the higher level of reviews in place for certain development projects. Staff believes the proposed amendment is consistent with Streets That Work Plan as it would allow the use by special use permit, allowing for the higher level of review and required compliance with the Comprehensive Plan, which includes Streets That Work.

**2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;**

The purpose of the Highway Corridor Mixed Use District is expressed in Sec. 34-541 as “to facilitate development of a commercial nature that is **more auto oriented than the mixed use and neighborhood commercial corridors. Development in these areas has been traditionally auto driven and the regulations established by this ordinance continue that trend. This district provides for intense commercial development with very limited residential use. It is intended for the areas where the most intense commercial development in Charlottesville occurs.**

**Staff Analysis:** The purposes of the chapter would be furthered by the amendment. An approved amendment would not only encourage economic development but also better align the district with its intent, where it is stated that this district is “traditionally auto driven” and

is intended for the “most intense commercial development in Charlottesville.” Staff believes that by focusing this auto-oriented use to the City’s high volume corridors, this could help relieve pressure from other zoning districts throughout the City that are intended for mixed use and pedestrian centered development patterns (e.g. the Urban Corridor (URB) Mixed Use District).

In addition, by permitting the use through a special use permit, adjacent properties and neighborhoods can be protected while having their character and stability enhanced. In allowing the uses by special use permit, neighborhood participation in the development process is also encouraged through a public hearing.

**3. Whether there is a need and justification for the change;**

Staff believes there is a justification for the change because the zoning text amendment, if approved, would be allowing an auto-oriented use by special use permit in areas in the City that experience the highest volumes of traffic and where the zoning district’s intent expressly states these areas are traditionally auto-driven. As stated before, by allowing this type of use in this zoning district, this could help relieve pressure from other zoning districts that are intended for a variety of uses that are more pedestrian focused and less intensive.

**4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities.**

This zoning text amendment does not include a change in the zoning district classification of any particular property. The zoning text amendment proposes to allow for a use by special use permit throughout the entirety of the HW District.

Staff believes that allowing a restaurant with a drive-through window by special use permit in the HW District ensures a built-in review process that’s aim is to protect adjacent properties from potential negative impacts; and, furthermore, provide a way to deny such request if, in the end, a specific location is not appropriate.

**Public Comment**

No public comment has been received at this time.

**Recommendation**

As noted in the Streets That Work Plan, the three areas zoned as Highway Corridor (see Map 1) are roads that carry the highest traffic volumes within the City (See Table 1). One corridor in particular, 29 N/Seminole Trail, carries the highest volumes in the City, totaling at 60,000 average annual daily traffic (AADT) according to VDOT in 2014. The three areas zoned as Highway Corridor run up against both the northern city limits (Emmet St north of 250 Bypass to

northern city limits) and the southern city limits (5<sup>th</sup> St Extended and Monticello Avenue) where much of the traffic is using these roads as a means to enter the City from the County and beyond. Given that these areas not only carry the most traffic but the zoning district specifically calls for these areas to house more auto oriented uses than other mixed use and neighborhood corridors and limit the most intense commercial development in Charlottesville within this district, staff finds the proposed amendment to be appropriate.

Staff recognizes, as mentioned in detail above, that two out of the three areas zoned for Highway Corridor are within the City's identified small areas as called out in the 2013 Comprehensive Plan: i) Emmet St north of the 250 Bypass and ii) 5<sup>th</sup> Street Extended. Within the Emmet St north of the 250 Bypass area, the Hydraulic-29 Small Area Plan has just been adopted in May 2018 by City Council. The Hydraulic-29 Small Area Plan provides more detailed guidance that speaks to future roadways, multimodal connections, open spaces and land use recommendations. The majority of the areas zoned HW District are called out in the Hydraulic-29 Small Area Plan for land use that is mixed use commercial or mixed use residential. Both the Emmet St north of the 250 Bypass (which includes the adopted Hydraulic-29 Small Area Plan) and the 5<sup>th</sup> Street Extended areas speak to future urban design opportunities, multimodal connections, and more walkable, bikeable and transit oriented development. While staff would not feel comfortable allowing the proposed use by-right as there are many factors to consider other than land use compatibility within these identified areas (e.g. compliance with multimodal connections, open spaces, future roadways, etc.), staff believes allowing this use by special use permit allows for a higher level of review, requires compliance with the Comprehensive Plan (which includes not only the small area plan guidance but the above mentioned Streets That Work Design Guidelines as well), discretion for adding conditions that minimize negative impacts, and allows for the ability to deny the use request altogether.

Allowing the more auto-oriented use *via special use permit* retains the ability (through the higher level of review) to shape a drive-through development that is more context sensitive, follows the urban design guidelines and goals given in the Comprehensive Plan, including those more detailed guidelines prescribed in the small area plans, and provide for a more desirable commercial use in the City. In addition, the proposed amendment acknowledges that these areas carry the highest volumes of vehicular traffic in the City and are called out to house the most intense commercial development in order to limit it elsewhere throughout the City.

Staff recommends that the zoning text amendment be approved by the Planning Commission and City Council as written to allow restaurants with drive-through windows by special use permit in the HW – Highway Corridor zone.

### **Appropriate Motions**

1. "I move to recommend approval of this zoning text amendment to amend and re-ordain Section 34-796 of the Code of The City of Charlottesville, 1990, as amended, to allow restaurants with drive-through windows by special use permit in the Highway Corridor on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*)."

2. “I move to recommend approval of this zoning text amendment to amend and re-ordain Section 34-796 of the Code of The City of Charlottesville, 1990, as amended, to allow restaurants with drive-through windows by special use permit in the Highway Corridor on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) with the following additions and modifications:”
  - a.
  - b.
  
3. “I move to recommend denial of this zoning text amendment to amend and re- ordain Section 34-796 of the Code of The City of Charlottesville, 1990, as amended, to allow restaurants with drive-through windows by special use permit in the Highway Corridor on the basis that the changes would not serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) for the following reasons: ....”
  - a.
  - b.

### **Attachments**

- 1) ZTA Initiation April 16, 2018
- 2) Hydraulic-29 Small Area Plan Resolution, Adopted May 8, 2018
- 3) Hydraulic-29 Small Area Plan Final Report, Adopted May 8, 2018  
Follow link: <https://bit.ly/2JmlUZF>
- 4) §15.2-2223.1 – Urban Development Area (UDA) State Code

**RESOLUTION**  
**Initiating Zoning Text Amendments**  
**for the Highway Corridor (HW) Mixed Use District**

**WHEREAS**, the intent of the Highway Corridor District is to facilitate development of a commercial nature that is more auto oriented than other mixed use corridor zoning designations; and

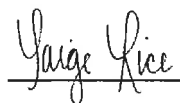
**WHEREAS**, restaurants with drive-through windows are allowed by special use permit in the Cherry Avenue (CH), High Street (HS), Urban Corridor (URB), and the Central City (CC) mixed use districts; and

**WHEREAS**, a joint City Council/Planning Commission work session on the Hydraulic Small Area Plan has considered the need for such use (drive-through restaurant) to be allowed by special use permit in the Highway Corridor mixed use district; and

**WHEREAS**, Council finds that the public necessity, convenience, general welfare or good zoning practice requires consideration of a zoning text amendment to the Highway Corridor (HW) Mixed Use District designation to allow restaurants with drive-through windows to be allowed by special use permit;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville that the zoning text amendment referenced above within this Resolution is hereby initiated by City Council, and the Planning Commission is directed to review the proposed text amendment, conduct a joint public hearing with City Council to allow affected persons to be heard on these matters, and then report its findings and recommendations back to City Council within 100 days of the date of this Resolution.

Approved by Council  
April 16, 2018



Clerk of Council




**RESOLUTION**  
**APPROVING AN AMENMENT TO THE CITY COMPREHENSIVE PLAN BY**  
**INCORPORATION THE 2018 HYDRAULIC-29 SMALL AREA PLAN, AND**  
**DESIGNATING THE AREA AS AN URBAN DEVELOPMENT AREA (UDA)**

WHEREAS, on April 10, 2018, after notice was given as required by law, the Charlottesville Planning Commission and Charlottesville City Council conducted a public hearing on a proposed amendment to the 2013 Comprehensive Plan for the City of Charlottesville, to include the contents of the proposed 2018 Hydraulic-29 Small Area Plan, and designation of the area as an Urban Development Area (UDA); and

WHEREAS, on April 10, 2018, the Planning Commission adopted a resolution recommending approval by the City Council of the Comprehensive Plan Amendment, and certifying a copy of the Comprehensive Plan Amendment to Council for its consideration; now, therefore,

BE IT RESOLVED that, upon consideration of the Comprehensive Plan Amendment, the City Council hereby adopts the 2018 Hydraulic-29 Small Area Plan as an amendment to the City's Comprehensive Plan. The City Council further designates the area as an Urban Development Area (UDA) in accordance with the Code of Virginia, section §15.2-223.1. The Neighborhood Development Services staff shall post on the City's website notice of Council's adoption of this Update, along with a copy of the approval Update.

Approved by Council  
May 7, 2018

  
\_\_\_\_\_

Clerk of Council

## § 15.2-2223.1. Comprehensive plan to include urban development areas

A. For purposes of this section:

"Commercial" means property devoted to usual and customary business purposes for the sale of goods and services and includes, but is not limited to, retail operations, hotels, motels and offices. "Commercial" does not include residential dwelling units, including apartments and condominiums, or agricultural or forestal production, or manufacturing, processing, assembling, storing, warehousing, or distributing.

"Commission" means the Commission on Local Government.

"Developable acreage," solely for the purposes of calculating density within the urban development area, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways, and public utilities and (ii) other existing public lands and facilities.

"Population growth" means the difference in population from the next-to-latest to the latest decennial census year, based on population reported by the United States Bureau of the Census. In computing its population growth, a locality may exclude the inmate population of any new or expanded correctional facility that opened within the time period between the two censuses.

"Urban development area" means an area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area and (ii) to the extent feasible, to be used for redevelopment or infill development.

B. Any locality may amend its comprehensive plan to incorporate one or more urban development areas.

1. Urban development areas are areas that may be appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, any proportional combination thereof, or any other combination or arrangement that is adopted by a locality in meeting the intent of this section.

2. The urban development areas designated by a locality may be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not more than 20 years, which may include phasing of development within the urban development areas. Where an urban development area in a county with the urban county executive form of government includes planned or existing rail transit, the planning horizon may be for an ensuing period of at least 10 but not more than 40 years. Future residential and commercial growth shall be based on official estimates of either the Weldon Cooper Center for Public Service of the University of Virginia, the Virginia Employment Commission, the United States Bureau of the Census, or other official government projections required for federal transportation planning

purposes.

3. The boundaries and size of each urban development area shall be reexamined and, if necessary, revised every five years in conjunction with the review of the comprehensive plan and in accordance with the most recent available population growth estimates and projections.

4. The boundaries of each urban development area shall be identified in the locality's comprehensive plan and shall be shown on future land use maps contained in such comprehensive plan.

5. Urban development areas, if designated, shall incorporate principles of traditional neighborhood design, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections.

6. The comprehensive plan shall describe any financial and other incentives for development in the urban development areas.

7. A portion of one or more urban development areas may be designated as a receiving area for any transfer of development rights program established by the locality.

C. No locality that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or shall refuse to consider any application for rezoning based solely on the fact that the property is located outside the urban development area.

D. Localities shall consult with adjacent localities, as well as the relevant planning district commission and metropolitan planning organization, in establishing the appropriate size and location of urban development areas to promote orderly and efficient development of their region.

E. Any county that amends its comprehensive plan pursuant to subsection B may designate one or more urban development areas in any incorporated town within such county, if the council of the town has also amended its comprehensive plan to designate the same areas as urban development areas with at least the same density designated by the county. However, if a town has established an urban development area within its corporate boundaries, the county within which the town is located shall not include the town's projected population and commercial growth when initially determining or reexamining the size and boundary of any other urban development area within the county.

F. To the extent possible, federal, state and local transportation, housing, water and sewer facility, economic development, and other public infrastructure funding for new and expanded facilities shall be directed to designated urban development areas or to such similar areas that accommodate growth in a manner consistent with this section.

2007, c. [896](#);2009, c. [327](#);2010, cc. [465](#), [528](#);2011, c. [561](#);2012, cc. [192](#), [518](#), [805](#), [836](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section

may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**CITY OF CHARLOTTESVILLE, VIRGINIA**  
**CITY COUNCIL AGENDA**



Agenda Date:	August 20, 2018
Action Required:	Direction from Council
Presenter:	Brennen Duncan, Traffic Engineer, NDS
Staff Contacts:	Brennen Duncan, Traffic Engineer, NDS
<b>Title:</b>	<b>Monticello Rd Traffic Reversal Pilot</b>

**Background**

During the design for the Belmont Bridge, it was determined that the final design would eliminate the left turn from Graves St onto 9<sup>th</sup> St SE. This would force vehicles wanting to make this southbound movement to either drive through the access easement along the east side of the bridge, proceed under the bridge to Avon St, South St., 6<sup>th</sup> St and Levy Avenue to the light, OR drive through the Belmont neighborhood on Graves St. to Goodman St, back to Monticello Rd passing approximately 63 residences. As neither of these proposed routes provide an easy route, traffic engineering proposed the idea for reversing the flow of traffic on Monticello Rd. for one block. This would shorten the “detour” from 0.36 miles and 0.41 miles respectively, to 0.13 miles. This new route would still pass some residences along Monticello and Levy, but that number is reduced to 15. All of these options take vehicles to the intersection of 9<sup>th</sup> Street and Levy at the traffic signal.

**Community Engagement**

Traffic Engineering has presented this idea to the public both at Belmont Bridge public meetings as well as the Belmont Neighborhood Association meetings.

**Discussion**

So far the majority of the feedback from the neighborhood is negative, or hesitant at best. Their objections can generally be broken into two categories. First, many feel as though the physical constraints of the roadway and topography could never allow this to work. Second, they are

concerned about the traffic that would be diverted onto Levy Avenue that does not currently use that street today.

In order to alleviate their first concern regarding the viability of this option from the physical standpoint, traffic engineering proposes a Saturday trial where we would set up temporary traffic control to mimic the traffic flow if we were to proceed with a full trial. This would give residents and the community an opportunity to drive the route and determine if their concerns were warranted or not. If it is found that the topographic logistics of this do not work, the process would stop here.

If these concerns are adequately addressed, the second part of this could take place which traffic engineering is proposing would be a 6 month trial. This time period would allow traffic to learn the new pattern and a new “normal” to be established at which time the city would perform an “after” traffic study to determine volumes and speed in the area compared to current levels.

### **Budgetary Impact**

None. Trial would be paid for out of the Traffic Engineering Budget.

### **Recommendations**

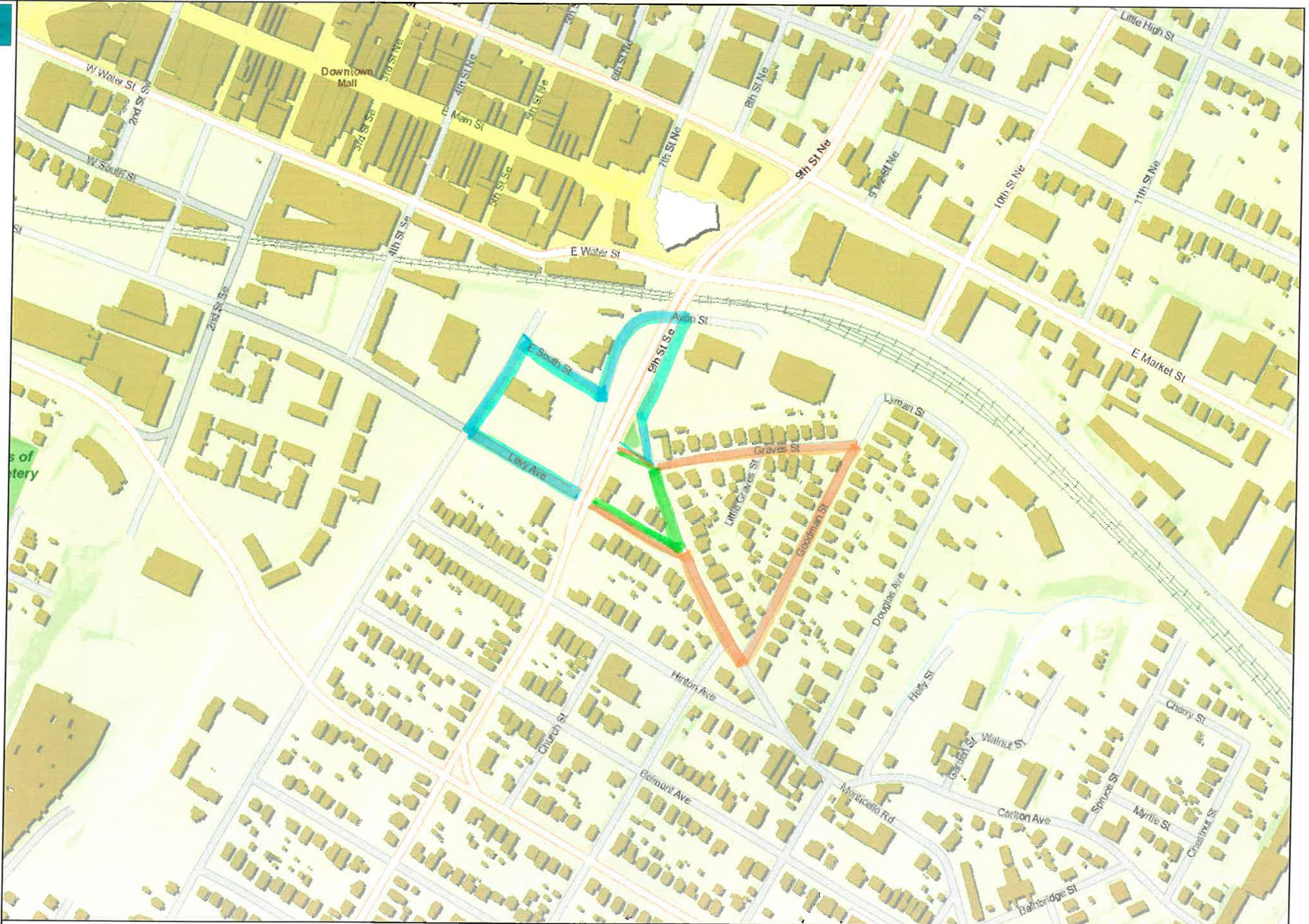
Traffic Engineering’s recommendation is that we move forward with the two phase trial presented regardless of community buy in. It is traffic engineering’s opinion that doing so would serve the greater good of the entire Charlottesville community and not just those residents who are immediately adjacent to the proposed changes.

### **Attachments**

1. Map Diagram
2. Existing Traffic Counts

**Legend**

-  City Limits
  
-  - ROUTE 1
-  - ROUTE 2
-  - PROPOSED TRIAL



8/9/2018



DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Charlottesville is not responsible for its accuracy or how current it may be.

**MH Corbin Traffic Analyzer Study  
 Computer Generated Summary Report  
 City: Charlottesville  
 Street: Monticello Rd  
 Location: South of Levy intersection**

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A study of vehicle traffic was conducted with the device having serial number 401931. The study was done in the NB lane at Monticello Rd in Charlottesville, VA in county. The study began on 06/26/2018 at 12:01 AM and concluded on 06/29/2018 at 12:01 AM, lasting a total of 72.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 2,499 vehicles passed through the location with a peak volume of 40 on 06/28/2018 at [08:16 AM-08:31 AM] and a minimum volume of 0 on 06/26/2018 at [11:01 PM-11:16 PM]. The AADT count for this study was 833.

**SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 20 - 25 MPH range or lower. The average speed for all classified vehicles was 23 MPH with 30.61% vehicles exceeding the posted speed of 25 MPH. 0.24% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 20MPH and the 85th percentile was 28.34 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >				
18	121	440	1146	580	142	19	11	3	0	6				

CHART 1

**CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 1399 which represents 56 percent of the total classified vehicles. The number of Vans & Pickups in the study was 988 which represents 40 percent of the total classified vehicles. The number of Busses & Trucks in the study was 65 which represents 3 percent of the total classified vehicles. The number of Tractor Trailers in the study was 33 which represents 1 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >							
1399	893	95	18	27	32	12	10							

CHART 2

**HEADWAY**

During the peak traffic period, on 06/28/2018 at [08:16 AM-08:31 AM] the average headway between vehicles was 21.951 seconds. During the slowest traffic period, on 06/26/2018 at [11:01 PM-11:16 PM] the average headway between vehicles was 900 seconds.

**WEATHER**

The roadway surface temperature over the period of the study varied between 73.00 and 120.00 degrees F.



**MH Corbin Traffic Analyzer Study  
 Computer Generated Summary Report  
 City: Charlottesville  
 Street: Monticello Rd  
 Location: North of Levy intersection**

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A study of vehicle traffic was conducted with the device having serial number 135004. The study was done in the NB lane at Monticello Rd in Charlottesville, VA in county. The study began on 06/26/2018 at 12:01 AM and concluded on 06/29/2018 at 12:01 AM, lasting a total of 72.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 2,123 vehicles passed through the location with a peak volume of 34 on 06/26/2018 at [07:46 AM-08:01 AM] and a minimum volume of 0 on 06/26/2018 at [11:01 PM-11:16 PM]. The AADT count for this study was 708.

**SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 15 - 20 MPH range or lower. The average speed for all classified vehicles was 19 MPH with 5.41% vehicles exceeding the posted speed of 25 MPH. 0.05% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 15MPH and the 85th percentile was 23.58 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >				
26	226	985	702	98	9	1	0	2	0	1				

CHART 1

**CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 1546 which represents 76 percent of the total classified vehicles. The number of Vans & Pickups in the study was 460 which represents 22 percent of the total classified vehicles. The number of Busses & Trucks in the study was 29 which represents 1 percent of the total classified vehicles. The number of Tractor Trailers in the study was 12 which represents 1 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >							
1546	354	106	20	4	8	5	7							

CHART 2

**HEADWAY**

During the peak traffic period, on 06/26/2018 at [07:46 AM-08:01 AM] the average headway between vehicles was 25.714 seconds. During the slowest traffic period, on 06/26/2018 at [11:01 PM-11:16 PM] the average headway between vehicles was 900 seconds.

**WEATHER**

The roadway surface temperature over the period of the study varied between 77.00 and 133.00 degrees F.

**MH Corbin Traffic Analyzer Study  
 Computer Generated Summary Report  
 City: Charlottesville  
 Street: Levy Ave  
 Location: Off of Monticello intersection**

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A study of vehicle traffic was conducted with the device having serial number 402073. The study was done in the WB lane at Levy Ave in Charlottesville, VA in county. The study began on 06/26/2018 at 12:01 AM and concluded on 06/29/2018 at 12:01 AM, lasting a total of 72.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 557 vehicles passed through the location with a peak volume of 14 on 06/28/2018 at [08:16 AM-08:31 AM] and a minimum volume of 0 on 06/26/2018 at [12:16 PM-12:31 PM]. The AADT count for this study was 186.

**SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 20 - 25 MPH range or lower. The average speed for all classified vehicles was 23 MPH with 20.41% vehicles exceeding the posted speed of 25 MPH. 3.51% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 20MPH and the 85th percentile was 28.13 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >				
9	39	117	221	40	10	12	8	9	3	17				

CHART 1

**CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 264 which represents 55 percent of the total classified vehicles. The number of Vans & Pickups in the study was 149 which represents 31 percent of the total classified vehicles. The number of Busses & Trucks in the study was 31 which represents 6 percent of the total classified vehicles. The number of Tractor Trailers in the study was 40 which represents 8 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >							
264	116	33	7	19	10	11	25							

CHART 2

**HEADWAY**

During the peak traffic period, on 06/28/2018 at [08:16 AM-08:31 AM] the average headway between vehicles was 60 seconds. During the slowest traffic period, on 06/26/2018 at [12:16 PM-12:31 PM] the average headway between vehicles was 900 seconds.

**WEATHER**

The roadway surface temperature over the period of the study varied between 77.00 and 135.00 degrees F.

**MH Corbin Traffic Analyzer Study  
 Computer Generated Summary Report  
 City: Charlottesville  
 Street: Levy Ave  
 Location: Off of Monticello intersection**

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A study of vehicle traffic was conducted with the device having serial number 135009. The study was done in the EB lane at Levy Ave in Charlottesville, VA in county. The study began on 06/26/2018 at 12:01 AM and concluded on 06/29/2018 at 12:01 AM, lasting a total of 72.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 314 vehicles passed through the location with a peak volume of 12 on 06/28/2018 at [05:31 PM-05:46 PM] and a minimum volume of 0 on 06/26/2018 at [12:31 PM-12:46 PM]. The AADT count for this study was 105.

**SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 15 - 20 MPH range or lower. The average speed for all classified vehicles was 18 MPH with 9.09% vehicles exceeding the posted speed of 25 MPH. 0.79% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 15MPH and the 85th percentile was 22.65 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >				
16	60	120	34	13	2	2	1	2	1	2				

CHART 1

**CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 124 which represents 49 percent of the total classified vehicles. The number of Vans & Pickups in the study was 97 which represents 38 percent of the total classified vehicles. The number of Busses & Trucks in the study was 22 which represents 9 percent of the total classified vehicles. The number of Tractor Trailers in the study was 9 which represents 4 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >							
124	59	38	18	4	0	4	6							

CHART 2

**HEADWAY**

During the peak traffic period, on 06/28/2018 at [05:31 PM-05:46 PM] the average headway between vehicles was 69.231 seconds. During the slowest traffic period, on 06/26/2018 at [12:31 PM-12:46 PM] the average headway between vehicles was 900 seconds.

**WEATHER**

The roadway surface temperature over the period of the study varied between 77.00 and 133.00 degrees F.

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