



CITY COUNCIL AGENDA

April 2, 2012

6:30 p.m. – 7:00 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code
(Second Floor Conference Room)

TYPE OF ITEM

SUBJECT

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

Fair Housing Month; Mayor's Challenge for Water Conservation; Clean Air Act;
Community Forgiveness Day

MATTERS BY THE PUBLIC

Public comment will be permitted for the first 12 speakers to sign up in advance of the meeting (limit of 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

1. **CONSENT AGENDA*** (Items removed from the consent agenda will be considered at the end of the regular agenda.)
 - a. Minutes for March 19, March 21, March 22
 - b. **APPROPRIATION:** Albemarle County Reimbursement for Preston/Morris Building Envelope Restoration \$1,426.28 (2nd of 2 readings)
 - c. **APPROPRIATION:** Albemarle County Reimbursement for CATEC Monument Sign - \$2,301.50 (2nd of 2 readings)
 - d. **APPROPRIATION:** Albemarle County Reimbursement for Gordon Avenue Library Elevator/Restroom \$25,232.84 (2nd of 2 readings)
 - e. **APPROPRIATION:** Albemarle County Reimbursement for CATEC Bus Loop - \$6,541.22 (2nd of 2 readings)
 - f. **APPROPRIATION:** Albemarle County Reimbursement for Central Library McIntire Room - \$487.50 (2nd of 2 readings)
 - g. **APPROPRIATION:** Albemarle County Reimbursement - Gordon Avenue Library – Building Envelope (Masonry) \$1,368.78 (2nd of 2 readings)
 - h. **APPROPRIATION:** 2011 Juvenile Accountability Block Grant (JABG) - \$14,169 (2nd of 2 readings)
 - i. **APPROPRIATION:** State Assistance for Spay and Neuter Program at SPCA – \$853.42 (2nd of 2 readings)
 - j. **APPROPRIATION:** Virginia Department of Health Special Nutrition Programs - \$95,000 (1st of 2 readings)
 - k. **APPROPRIATION:** Domestic Violence Services Coordinator Grant - \$47,548 (1st of 2 readings)
 - l. **RESOLUTION:** EPA Clean Air Act Request (1st of 1 reading)
 - m. **RESOLUTION:** Sal's Restaurant Café Square Footage (1st of 1 reading)
 - n. **ORDINANCE:** Sal's Mall Café Space Ordinance Change (2nd of 2 readings)
2. **PUBLIC HEARING** City Council's Proposed FY 2013 Budget
3. **ORDINANCE*** Annual Tax Levy (1st of 2 readings)
4. **ORDINANCE*** Annual Budget Appropriation for FY 2013 (1st of 2 readings)
5. **PUBLIC HEARING** Appropriation of Funds for CDBG FY 2012-2013 - \$441,300.75 (1st of 2 readings)
APPROPRIATION / Resolution Reprogramming Funds for FY 12-13 - \$2,401.28 (1st of 1 reading)
RESOLUTION*

APPROPRIATION

**Albemarle County Reimbursement for Preston/Morris Building Envelope Restoration
\$1,426.28**

WHEREAS, Albemarle County is expected to submit payment to the City of Charlottesville in the amount of \$1,426.28.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$1,426.28 from Albemarle County is hereby appropriated in the following manner:

Revenues - \$1,426.28

Fund: 426 Funded Program: CP-012 (P-00675-08) G/L Account: 432030

Expenditures - \$1,426.28

Fund: 426 Funded Program: CP-012 (P-00675-08) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$1,426.28 from Albemarle County.

APPROPRIATION
Albemarle County Reimbursement for CATEC Monument Sign
\$2,301.50

WHEREAS, Albemarle County is expected to submit payment to the City of Charlottesville in the amount of \$2,301.50.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$2,301.50 from Albemarle County is hereby appropriated in the following manner:

Revenues - \$2,301.50

Fund: 425 Funded Program: CP-010 (P-00554-02) G/L Account: 432030

Expenditures - \$2,301.50

Fund: 425 Funded Program: CP-010 (P-00554-02) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$2,301.50 from Albemarle County.

APPROPRIATION
Albemarle County Reimbursement for Gordon Avenue Library Elevator/Restroom
\$25,232.84

WHEREAS, Albemarle County has been invoiced and is expected to submit payment to the City of Charlottesville in the amount of \$25,232.84.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$25,232.84 from Albemarle County is hereby appropriated in the following manner:

Revenues - \$25,232.84

Fund: 425 Funded Program: CP-009 (P-00505-04) G/L Account: 432030

Expenditures - \$25,232.84

Fund: 425 Funded Program: CP-009 (P-00505-04) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$25,232.84 from Albemarle County.

APPROPRIATION
Albemarle County Reimbursement for CATEC Bus Loop
\$6,541.22

WHEREAS, Albemarle County is expected to submit payment to the City of Charlottesville in the amount of \$6,541.22.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$6,541.22 from Albemarle County is hereby appropriated in the following manner:

Revenues - \$6,541.22

Fund: 426 Project: P-00631 G/L Account: 432030

Expenditures - \$6,541.22

Fund: 426 Project: P-00631 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$6,541.22 from Albemarle County.

APPROPRIATION
Albemarle County Reimbursement for Central Library McIntire Room
\$487.50

WHEREAS, Albemarle County is expected to submit payment to the City of Charlottesville in the amount of \$487.50.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$487.50 from Albemarle County is hereby appropriated in the following manner:

Revenues - \$487.50

Fund: 107 Funded Program: FR-001 (P-00615) G/L Account: 432030

Expenditures - \$487.50

Fund: 107 Funded Program: FR-001 (P-00615) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$487.50 from Albemarle County.

APPROPRIATION
Albemarle County Reimbursement - Gordon Ave. Library Building Envelope
\$1,368.78

WHEREAS, Albemarle County is expected to submit payment to the City of Charlottesville in the amount of \$1,368.78.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$1,368.78 from Albemarle County is hereby appropriated in the following manner:

Revenues - \$1,368.78

Fund: 426 Funded Program: CP-011 (P-00601-05) G/L Account: 432030

Expenditures - \$1,368.78

Fund: 426 Funded Program: CP-011 (P-00601-05) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$1,368.78 from Albemarle County.

APPROPRIATION
2012 Juvenile Accountability Block Grant (JABG)
(12-N3236JB10)
\$14,169

WHEREAS, the City of Charlottesville has received funds from the Virginia Department of Criminal Justice Services in the amount of \$12,752 in federal pass through funds and \$1,417 in local cash match (provided by Community Attention, Central Virginia Restorative Justice and the Albemarle Police Department) for a total award of \$14,169; and

WHEREAS, the funds will be used to support programs provided by Community Attention and the Central Virginia Restorative Justice Program, and gang prevention training for the Albemarle County Police Department; and

WHEREAS, the grant award covers the period from January 1, 2012 through December, 2012;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$14,169 is hereby appropriated in the following manner:

Revenue – \$14,169

\$12,752	Fund: 209	I/O: 1900182	G/L: 430120 State/Fed pass thru
\$ 1,160	Fund: 209	I/O: 1900182	G/L: 431022 Other grant funding
\$ 257	Fund: 209	I/O: 1900182	G/L: 498010 Transfer from other funds

Expenditures - \$14,169

\$ 2,386	Fund: 209	I/O: 1900182	G/L: 510010 Full Time Salaries
\$ 183	Fund: 209	I/O: 1900182	G/L: 511010 Social Security FICA
\$11,600	Fund: 209	I/O: 1900182	G/L: 530550 Contracted Services

Transfer - \$257

\$ 257	Fund: 213	CC: 3411001000	G/L: 561209 Transfers for State Grants
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$12,752 from the Virginia Department of Criminal Justice Services.

Appropriation

**State Assistance for Spay and Neuter Program at SPCA
\$853.42**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$853.42 is hereby appropriated to the Charlottesville/Albemarle SPCA in the following manner:

Revenues - \$853.42

Fund: 105 Cost Center: 9713006000 G/L Account: 430080

Expenditures - \$853.42

Fund: 105 Cost Center: 9713006000 G/L Account: 540100

RESOLUTION

REQUESTING that the Environmental Protection Agency Administrator fully employ and enforce the Clean Air Act to reduce industrial carbon pollution.

WHEREAS the Intergovernmental Panel on Climate Change predicts that climate change will cause negative public health impacts from direct temperature effects, extreme weather events, climate-sensitive diseases, air quality, and other health impacts; and

WHEREAS the Union of Concerned Scientists predicts that higher temperatures from global warming will exacerbate ozone pollution, one of the main ingredients of smog; and

WHEREAS, on days with high levels of smog pollution deaths from cardiovascular and respiratory causes increase, more people visit hospital emergency rooms for asthma, pneumonia and upper respiratory infections, and more adults miss work and more children miss school due to illness; and

WHEREAS, the American Lung Association says nearly half of all Americans – 48 percent – still live in areas with unhealthy levels of smog pollution; and

WHEREAS the City of Charlottesville had 3 unhealthy air days from ground level ozone pollution (above 75 parts per billion in an eight hour period) in 2010; and

WHEREAS, for four decades, the Clean Air Act has protected the air we breathe through a proven, comprehensive, successful system of pollution control that saves lives and creates economic benefits exceeding its costs by many times; and

WHEREAS, between 1970 and 1990, the six main pollutants covered by the Clean Air Act were reduced by between 47 and 93 percent, and airborne lead was virtually eliminated; and

WHEREAS, the Clean Air Act has produced economic benefits valued at \$2 trillion or 30 times the cost of regulation; and

WHEREAS, the U.S. Supreme Court ruled in *Massachusetts v. EPA* (2007) that greenhouse gases are “air pollutants” as defined by the Clean Air Act and the Environmental Protection Agency has the authority to regulate them; and

WHEREAS, the Clean Air Act can work immediately to curb greenhouse gas pollution without new climate legislation or in conjunction with new climate legislation; and

WHEREAS, in 2006, Charlottesville Mayor David Brown, with the endorsement of the City Council, signed the Mayor’s Climate Protection Agreement, which has now been signed by more than 1000 U.S. mayors; and

WHEREAS, in 2007, the City Council adopted a 2025 Vision Statement for the City which incorporated goals for “A Green City,” including a goal for clean air;

BE IT RESOLVED by the Council of the City of Charlottesville, State of Virginia:

Section 1. That the Council respectfully request the Administrator of the Environmental Protection Agency, Lisa P. Jackson, and President Barack Obama to fully employ and enforce the Clean Air Act to do our part to reduce carbon in our atmosphere to no more than 350 parts per million.

Section 2. That a copy of this resolution be sent to Lisa P. Jackson, Administrator for the Environmental Protection Agency.

**RESOLUTION
INCREASING THE ALLOWABLE CAFÉ SPACE ALLOTTED TO
SAL'S PIZZA RESTAURANT**

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that pursuant to City Code Section 28-212(e), Sal's Pizza Restaurant, 221 East Main Street, is hereby assigned up to 1,224 square feet on the Downtown Pedestrian Mall for the operation of a sidewalk café, effective April 2, 2012.

**AN ORDINANCE
AMENDING AND REORDAINING SEC. 28-212 OF ARTICLE VI
(SIDEWALK CAFÉS) OF CHAPTER 28 (STREETS AND SIDEWALKS)
TO ADJUST THE ALLOWABLE CAFÉ SPACE ALLOTTED TO
A RESTAURANT WITH COUNCIL APPROVAL.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Section 28-212 of Article VI (Sidewalk Cafés) of Chapter 28 (Streets and Sidewalks) is hereby amended and reordained, to read as follows:

ARTICLE VI. SIDEWALK CAFÉS

DIVISION 2. PERMIT

Sec. 28-211. Required.

(a) No person shall operate an outdoor café on a city sidewalk or the downtown pedestrian mall referred to in section 28-212 without a permit issued pursuant to this division.

(b) The city manager shall, from time to time, approve a map identifying the locations along the downtown pedestrian mall which will be eligible for use as outdoor café areas. The locations identified on this map shall be the only areas for which any café permit(s) may be issued by the zoning administrator for space on the mall. This map shall be maintained available for public inspection within the city's department of neighborhood development services. The city reserves the right to re-define and re-designate spaces available for outdoor café use, on an annual basis. Written notice of such changes shall be provided by the city to operators at least thirty (30) days in advance of the commencement of the permit term in which the changes will take place. In the event of any such changes, an incumbent operator will be assigned a space that most closely corresponds to the location occupied during the prior permit year.

(c) For the purposes of this division a "permit term" shall refer to the period from March 2009 through the last day of February, 2010; then, commencing on March 1, 2010 for consecutive one-year periods thereafter.

(d) The city council will, from time to time, approve a schedule of the rents, fees and charges associated with reservation of outdoor café spaces. No space shall be reserved to any person until all applicable rents, fees and charges have been paid.

Sec. 28-212. Application.

(a) The operator of any licensed restaurant in the city may, on or before the commencement of each permit term, apply to the zoning administrator for a permit to operate an outdoor café on the city sidewalk contiguous to such restaurant.

(b) The operator of any licensed restaurant abutting the downtown pedestrian mall on Main Street between East Seventh Street and Ridge-McIntire Road, or the adjacent side streets may, on or before the commencement of each permit term, apply to the zoning administrator for a permit to operate an outdoor café upon a portion of the mall or any side street located within the same block as the restaurant. If there is no such space available, such an operator may apply for a permit to operate café space adjacent to its restaurant provided that for its entire length, at least twelve (12) feet of sidewalk is maintained between the café space and any obstruction and/or the fire lane for pedestrian travel.

(c) A prospective operator of a restaurant shall provide, as part of its application, an executed lease for, evidence of ownership of, or a valid option agreement to lease or purchase the restaurant space. Submission of a valid option agreement in conjunction with a timely and complete qualifying application shall cause the space applied for to be reserved for the prospective operator for thirty (30) days from the date of application. Failure to submit an executed lease or purchase agreement for the restaurant space within this time period shall result in denial of the application.

(d) Any operator holding a valid permit for a particular outdoor café space shall be deemed to have re-applied for permission to use the same space for a succeeding permit term. Such operator shall pay the required application fees and rent, and shall complete all paperwork required by the zoning administrator, within thirty (30) days of the commencement of the succeeding permit term. During such thirty-day period, the café space shall not be assigned by the city to any other operator; however, if the incumbent operator fails to meet all requirements within the thirty (30) days, then the operator's permit shall expire and the city may deem that space to be unassigned.

(e) No operator shall be assigned all the available space within a single block on the downtown mall. No space in excess of eight hundred (800) square feet will be assigned to any operator. However, any operator assigned a space in excess of eight hundred (800) square feet as of March 1, 2011 may continue to utilize that space, or such additional space as may be approved by resolution of City Council, until ownership of the restaurant changes.

(f) Any operator assigned space on a mall corner may include space located on an adjacent numbered side street that is closed to through-traffic. If any such side street is used for parking of motor vehicles, or for one (1) or more loading zones, during certain hours of the day or evening, no outdoor café operations shall be authorized during any such hours.

(g) When a permit holder ceases operation of café space, the zoning administrator shall notify all owners of commercial property on the block where that café space is located. All such owners shall have thirty (30) days from the date of notice to submit a permit application for the available café space in accordance with this article. Up to fifty (50) percent of the available space (but in no case more than four hundred (400) square feet) shall be awarded to a restaurant that will occupy the vacating restaurant space, and the remainder shall be awarded to the first other applicant (provided each submit a timely and complete qualifying application). If no additional applications are received, the entire available space shall be offered to the restaurant that will occupy the vacating space, up to the maximum allowable square footage.

RESOLUTION
AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT
Reprogramming of Funds for FY 12-13

WHEREAS, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) funds; and

WHEREAS, it now appears that these funds have not been spent and need to be reprogrammed, and therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the CDBG fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby reappropriated to the respective accounts shown as follows:

Program Year	Account Code	Purpose	Proposed Revised Reduction	Proposed Revised Addition	Proposed Revised Appropriation
10-11	P-00001-02-42	PHAR Internships	\$11.28		\$0
11-12	P-00001-02-50	Banah Familia	\$2,390		\$0
12-13		AHIP- Homeowner Rehabs		\$2,401.28	\$2,401.28
		TOTALS:	\$2,401.28	\$2,401.28	\$2,401.28