



**CITY COUNCIL AGENDA**  
**December 17, 2012**

6:00 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**

Virginia School Boards Association's Green Schools Challenge; ECC Accreditation

**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 December 3

b. APPROPRIATION:

Appropriation of Funds for the Human Services Planner - \$63,766 (2<sup>nd</sup> of 2 readings)

c. APPROPRIATION:

Albemarle County Reimbursement for the Gordon Avenue Library Masonry Project - \$3,452.25 (2<sup>nd</sup> of 2 readings)

d. APPROPRIATION:

Albemarle County Reimbursement for the Central Library Elevator Replacement Project \$8,906 (2<sup>nd</sup> of 2 readings)

e. APPROPRIATION:

Aid to Localities Fire Disbursement Fund - \$116,218 (2<sup>nd</sup> of 2 readings)

f. APPROPRIATION:

Approval of Funds for Purchase of 909 East Market Street (2<sup>nd</sup> of 2 readings)

g. APPROPRIATION:

Reimbursement for Expenses Related to His Holiness the 14th Dalai Lama's Visit to the City - \$4,538.13 (1<sup>st</sup> of 2 readings)

h. RESOLUTION:

Street Acceptance for Paton Street Planned Unit Development (PUD) (1<sup>st</sup> of 1 reading)

i. RESOLUTION:

Mobile Food Unit – Zoning Initiation (1<sup>st</sup> of 1 reading)

j. RESOLUTION:

Authorization of the Department of Conservation and Recreation Land & Water Conservation Fund Grant Application (1<sup>st</sup> of 1 reading)

k. RESOLUTION:

Jefferson School Signage Plan (1<sup>st</sup> of 1 reading)

l. RESOLUTION:

Section 3 Policy Amendment (1<sup>st</sup> of 1 reading)

m. RESOLUTION:

Honorary Street Name – Preston Coiner (1<sup>st</sup> of 1 reading)

n. ORDINANCE:

Zoning Text Amendment – Medical Labs (2<sup>nd</sup> of 2 readings)

o. ORDINANCE:

Zoning Text Amendment Request for BAR housekeeping code changes (2<sup>nd</sup> of 2 readings)

p. ORDINANCE:

Amendment to Definition of Energy Efficient Buildings (1<sup>st</sup> of 2 readings)

**2. PUBLIC HEARING**  
**/ ORDINANCE\***

Davis Field – Bid Opening and Grant of Lease (1<sup>st</sup> of 2 readings)

**3. REPORT**

Dialogue on Race Update

**4. REPORT**

Human Rights Taskforce

**5. REPORT**

PVCC Annual Update

**6. REPORT**

Update on Transit Study

**7. REPORT/RESOLUTION\***

Allocation of Charlottesville Housing Funds for Albemarle Housing Improvement Program (AHIP) Block by Block Charlottesville (BXBC) - \$400,000 (1<sup>st</sup> of 1 reading)

**8. REPORT/RESOLUTION\***

YMCA Ground Lease – Extension of Deadline for Construction (1<sup>st</sup> of 1 reading)

**OTHER BUSINESS  
MATTERS BY THE PUBLIC**

\*ACTION NEEDED

**APPROPRIATION**

**Appropriate of Funds for the Human Services Planner**

**\$63,766**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of up to \$63,766, is hereby appropriated in the following manner:

**Revenues - \$63,766**

|          |           |                         |                     |
|----------|-----------|-------------------------|---------------------|
| \$36,266 | Fund: 213 | Cost Center: 3411001000 | G/L Account: 498010 |
| \$27,500 | Fund: 213 | Cost Center: 3411001000 | G/L Account: 432030 |

**Expenditures - \$63,766**

|          |           |                         |                     |
|----------|-----------|-------------------------|---------------------|
| \$46,000 | Fund: 213 | Cost Center: 3411001000 | G/L Account: 519999 |
| \$17,766 | Fund: 213 | Cost Center: 3411001000 | G/L Account: 599999 |

**Transfer From:**

|          |           |                         |                     |
|----------|-----------|-------------------------|---------------------|
| \$36,266 | Fund: 105 | Cost Center: 9743018000 | G/L Account: 540100 |
|----------|-----------|-------------------------|---------------------|

**APPROPRIATION**  
**Albemarle County Reimbursement for the Gordon Avenue Library Masonry Project**  
**\$3,452.25**

**WHEREAS**, Albemarle County has submitted payment to the City of Charlottesville in the amount of \$3,452.25.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$3,452.25 from Albemarle County is hereby appropriated in the following manner:

**Revenues - \$3,452.25**

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

**Expenditures - \$3,452.25**

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

**BE IT FURTHER RESOLVED**, that this appropriation is contingent upon the receipt of \$3,452.25 from Albemarle County.

**APPROPRIATION**

**Albemarle County Reimbursement for the Central Library Elevator Replacement Project  
\$8,906**

**WHEREAS**, Albemarle County has submitted payment to the City of Charlottesville in the amount of \$8,906.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$8,906 from Albemarle County is hereby appropriated in the following manner:

**Revenues - \$8,906**

Fund: 426                      Funded Program: CP-012 (P-00675-01)                      G/L Account: 432030

**Expenditures - \$8,906**

Fund: 426                      Funded Program: CP-012 (P-00675-01)                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is contingent upon the receipt of \$8,906 from Albemarle County.

**APPROPRIATION**

**Aid to Localities Disbursement Fund  
\$116,218**

**WHEREAS**, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$116,218 be appropriated in the following manner:

**Revenues - \$116,218**

\$116,218      Fund: 209                      I/O: 1900010                      G/L Account: 430110

**Expenditures - \$116,218**

\$96,218      Fund: 209                      I/O: 1900010                      G/L Account: 599999  
\$20,000      Fund: 209                      I/O: 1900010                      G/L Account: 561302

**BE IT FURTHER RESOLVED** that \$20,000 will be transferred to the Debt Service Fund as an effort by the Fire Department to repay debt service on the volunteer company's fire brush truck:

**Revenues - \$20,000**

\$20,000      Fund: 302                      I/O: 2000059                      G/L Account: 498010

**APPROPRIATION**

**Appropriation of Community Attention Fund Balance for Purchase of 909 East  
Market St. Property  
\$632,500**

**WHEREAS**, Community Attention has a fund balance as of the end of fiscal year 2012;

**WHEREAS**, a portion of the fund balance will be used to purchase the property on 909 East  
Market Street;

**WHEREAS**, the Director of Human Services on behalf of Community Attention  
recommends the use of \$632,500 of this fund balance for this purpose:

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville,  
Virginia, that the sum of \$632,500 is hereby appropriated in the following manner according to the  
following budget:

**Expenditures - \$632,500**

\$632,500

Fund: 213

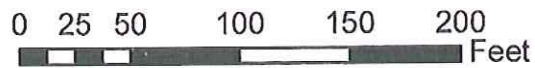
CC: 3411001000

G/L Account: 541030

**RESOLUTION  
ACCEPTING FRANCIS FIFE WAY, NUNLEY STREET  
AND PATON STREET INTO THE CITY STREET SYSTEM FOR  
MAINTENANCE, AND ACCEPTANCE OF ALL PUBLIC  
IMPROVEMENTS CONSTRUCTED IN THE PATON STREET PUD**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, on recommendation of the Director of Neighborhood Development Services and the Director of Public Works, that Francis Fife Way, Nunley Street, and Paton Street, which have been built to the specifications and standards required by City-approved plans, are hereby accepted into the City street system for maintenance. The streets hereby accepted are shown on the attached drawing dated November 2012. All public improvements, including stormwater lines, sanitary sewer lines and sidewalks, shown on the approved site plan for the Paton Street PUD are hereby accepted for maintenance by the City.





NEIGHBORHOOD DEVELOPMENT SERVICES  
NOVEMBER 2012

**RESOLUTION  
TO INITIATE STUDY OF ZONING TEXT AMENDMENTS  
TO REGULATE MOBILE FOOD UNITS**

**WHEREAS**, the City Council of the City of Charlottesville believes that changes to the City Code, Chapter 34 (Zoning) may become necessary to regulate mobile food units in the City of Charlottesville; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare, and good zoning practice require the initiation of a study of certain amendments to Chapter 34 (Zoning) of the Charlottesville City Code, 1990, as amended; now, therefore,

**BE IT RESOLVED** by the City Council of the City of Charlottesville that the Planning Commission is hereby directed to study amendment(s) to Chapter 34 of the Charlottesville City Code, 1990, as amended, for regulation of mobile food units; and

**BE IT FURTHER RESOLVED** that the Planning Commission will submit its findings and recommendations to the City Council no later than 100 days from the date of adoption of this Resolution.

## RESOLUTION

### **Authorization of the Department of Conservation and Recreation Land & Water Conservation Fund Grant Application**

A resolution authorizing application(s) for federal funding assistance from the Land and Water Conservation Fund (LWCF) to the Virginia Department of Conservation & Recreation (DCR) as provided in the LWCF Act of 1965, as amended.

**WHEREAS**, under the provisions of LWCF, federal funding assistance is requested to aid in financing the cost of land acquisition and/or facility development; and

**WHEREAS**, the Charlottesville City Council considers it in the best public interest to complete the land acquisition and/or development project described in the application;

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The City Manager, or his designee, will be authorized to make formal application to DCR for funding assistance;
2. Any fund assistance received will be used for implementation and completion of the acquisition of the property adjacent to Quarry Park within the specified time frame;
3. The City of Charlottesville hereby certifies that project funding is currently available and is committed for this project
4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required.
5. We acknowledge that any property acquired and/or developed with financial aid from the Land & Water Conservation Fund must be placed in use and be retained in perpetuity as a public outdoor recreation area in accordance with the provisions and requirements of the Land & Water Conservation Fund Act of 1965, as amended;
6. We acknowledge that any non-recreational uses may not be made of the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of Interior/National Park Service;
7. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, Executive Orders 11988 and 11990 ( Floodplain Management and Wetlands Protection) and all other applicable state and federal laws;
8. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval.
9. This resolution becomes part of a formal application to the Virginia Department of Conservation & Recreation.

This resolution was adopted by Charlottesville City Council during the meeting held in Charlottesville, Virginia on December 17, 2012.

**RESOLUTION  
APPROVING COMPREHENSIVE SIGNAGE PLAN FOR  
JEFFERSON SCHOOL CITY CENTER**

**WHEREAS**, Jefferson School Community Partner, LLLP, owner of Jefferson School City Center, 233 4<sup>th</sup> Street, N.W., a designated Individually Protected Property under City Code Sec. 34-273, has proposed a comprehensive signage plan that deviates from the sign requirements under City Code Sec. 34-1020, *et seq*; and

**WHEREAS**, the Board of Architectural Review has unanimously recommended approval of the comprehensive signage plan; and

**WHEREAS**, this Council has reviewed the proposed comprehensive signage plan, and determined there is good cause for deviating from a strict application of the zoning ordinance sign regulations, and the comprehensive signage plan, as proposed, will serve the public purposes and objectives set forth within Sec. 34-1021 the City Code at least as well, or better, than the signage that would otherwise be permitted; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the comprehensive signage plan for Jefferson School City Center, 233 4<sup>th</sup> Street, N.W., as presented to the City Council and described below, is hereby approved, in accordance with City Code Section 34-1045.

*Comprehensive Signage Plan  
Jefferson School City Center*

Unlighted signs (painted aluminum with vinyl copy):

- Three “headache” bar signs over the parking garage entrances indicate clearances.
- Six handicap parking signs are located on the upper parking deck.
- Two “towing enforced” signs are located at the parking garage entrances.
- One FDC sign is required by the fire department.
- Two YMCA signs restrict use of play area to certain hours.
- Four pedestrian directional signs are located internal to the site. These are all 28” x 60” and have text on either one or both sides. (They will be externally lit from nearby street lamps.)

Signs with LED internally lit translucent acrylic letters in painted aluminum cabinets:

- One - 3 foot tall, blue and purple, “Carver Recreation Center” monument sign located internal to the site.
- Two - 6 foot tall, red and black, three-sided pillar signs:
  - “Jefferson School City Center” sign located on 4<sup>th</sup> Street NW at the parking garage entrance;
  - “Jefferson School African-American Heritage Center” sign located on Commerce Street entrance.
- One – 8 foot tall, red and black, three-sided pillar “Jefferson School City Center” sign located at the main site entrance on 4<sup>th</sup> Street NW.

All the triangular pillar signs have two sides with LED lighted text and the third side painted solid black.

## **RESOLUTION**

**WHEREAS**, the City of Charlottesville and Charlottesville Redevelopment and Housing Authority adopted on June 20, 2011 a Section 3 Policy, which promotes training, employment, contracting and other economic opportunities for low income persons and business concerns; and

**WHEREAS**, the Section 3 Steering Committee, comprised of representatives from the City, CRHA, Thomas Jefferson Planning District Commission, Legal aid Justice Center, Public Housing Residents Association, Central Virginia Small Business Development Center, and CATEC, provided recommendations for changes to the Section 3 Policy; and

**WHEREAS**, the committee recommendations included modifications to the current policy (*e.g.*, separating policy from procedures, defining “other economic opportunities” and the tier preference structure, and outlining City, CRHA and contractor responsibilities), and the revised Section 3 Policy has been presented to Council for review and approval; now, therefore,

**BE IT RESOLVED** that the Council of the City of Charlottesville, Virginia, does hereby adopt the attached Section 3 Policy, as revised, a copy of which is attached hereto.

Modified: October 25, 2012

*The Section 3 policy has been modified to strengthen the current policy by addressing prior comments and recommendations, separating policy from procedures, defining “other economic opportunities” and the tier preference structure, and outlining City, CRHA and contractor responsibilities.*

# Section 3 Policy

City of Charlottesville and the  
Charlottesville Redevelopment and  
Housing Authority

The City of Charlottesville (hereafter referred to as the City) and Charlottesville Redevelopment and Housing Authority (hereafter referred to as the CRHA), in compliance with HUD requirements and local initiatives, have adopted this Section 3 Policy to support training, employment, contracting and other economic opportunities for the purpose of providing jobs and furthering business opportunities for low to very-low income persons and business concerns.

Adopted by the City of  
Charlottesville June 20,  
2011

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## **I. PURPOSE**

The purpose of Section 3 of the Housing and Urban Development Act of 1968, as amended 12 U.S.C. 1701u (hereinafter Section 3), is to “ensure that employment and other economic opportunities generated by certain HUD financial funding shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed toward low and very low-income persons, particularly those who are recipients of government funding for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.”

Consistent with 24 CFR Part 135, as a recipient of HUD funding, the City of Charlottesville (hereafter “City”) and the Charlottesville Redevelopment Housing Authority (hereafter “CRHA”) require fulfillment of Section 3 requirements on all contracts that are covered by that assistance. The City and the CRHA work to ensure the provision of employment, training, contracting, and other economic opportunities to its low-income persons (as defined herein). In doing so, the City and the CRHA utilize Section 3 as a means of promoting stability and self-sufficiency to Section 3 Residents. Implementation procedures may be amended periodically by the City and the CRHA to ensure that the policy requirements are met and/or to enhance the efficiencies of compliance.

## **II. APPLICABILITY**

Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing including Public and Indian Housing and Community Development Programs shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

Section 3 requirements apply to projects and activities partially or wholly funded by: 1) development assistance provided pursuant to section 5 of the U.S. Housing Act of 1937, 2) operating assistance provided pursuant to section 9 of the 1937 Act, 3) modernization assistance provided pursuant to section 14 of the 1937 Act, 4) Community Development Block Grant (CDBG), and 5) the HOME Investment Partnership (HOME).

The City’s Section 3 requirements apply to all contractors and subcontractors performing work in connection with HUD funded projects for which the amount of total federal assistance exceeds \$200,000; and/or the amount of the contract or subcontract exceeds \$100,000.<sup>1</sup>

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<sup>1</sup> 24 CFR 135.3



The CRHA's Section 3 requirements apply to all contractors and subcontractors performing work in connection with projects and activities funded by public housing assistance covered by Section 3, regardless of the amount of the contract or subcontract.<sup>2</sup>

The City also desires that contracts, which are not covered by Section 3 requirements, benefit Section 3 businesses and low and very low income individuals. The City greatly encourages businesses to demonstrate compliance with the "greatest extent feasible" requirement as set forth at 24 CFR 135 to further Section 3 training, employment, contracting and other economic opportunities.

### **III. GOALS OF THE SECTION 3 REGULATIONS**

The City and the CRHA and their contractors and subcontractors will demonstrate compliance with Section 3 by providing opportunities to Section 3 residents and Section 3 business concerns for section 3 covered programs to the greatest extent feasible in three ways, listed in order of preference; however, it should be noted that if there is a triggering event, hiring and contracting compliance is mandatory.

#### **A. Hiring low- and very low-income workers**

On Section 3 covered projects, at least 30% of the aggregate number of full-time new hires by the City, the CRHA, and its contractors on covered projects must be Section 3 eligible participants, with a preference for residents at the development where the work is being performed or in the area where the work is being performed. It should be noted that if all qualifications are met and remain equal, Section 3 residents will be given priority for hiring.

#### **B. Awarding contracts to Section 3 business concerns**

Award at least 10% of the total dollar amount of all Section 3 covered contracts for building trades work for maintenance, repair, modernization or development of Public or Indian Housing, or for building trades work arising in connection with housing rehabilitation, housing construction, and other public construction to Section 3 business concerns. Award at least 3% of the total dollar amount of all other Section 3 covered contracts to Section 3 business concerns.

#### **C. Providing other economic opportunities**

If the two goals above cannot be met by the City, the CRHA, and its sub recipients, or its contractors, other training and employment opportunities can be provided to substitute for goals A and B. Firms may provide other economic opportunities and will be responsible for soliciting and contracting a qualified

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<sup>2</sup> 24 CFR 135.3(3)(i)

firm experienced in providing a Department of Labor Approved curriculum consistent with Section 3 requirements [135.11] in the area of resident training in the following areas:

- Employment Readiness and Professional Development
- Section 3 Small Business Concern Development Training
- Building Construction Trades Classroom Training
- Other direct skills trainings unrelated to public housing solicited commodities<sup>3</sup>

#### **IV. CITY AND CRHA RESPONSIBILITIES**

The City and the CRHA, as the recipients of HUD funding, accept the responsibility of not only enforcing the Section 3 requirements, but also pro-actively facilitating compliance with Section 3. The City and the CRHA will fulfill this responsibility by following the procedures as outlined in the Section 3 Standard Operating Procedures.

#### **V. CONTRACTOR RESPONSIBILITIES**

All contractors who enter into a Section 3 covered contract with the City and/or the CRHA must agree to comply with HUD's regulations in 24 CFR Part 135. The Section 3 contract clause specifies the requirements for contractors hired for Section 3 covered projects. These requirements must be included in all such contracts. All covered contracts shall include in full the following clause (referred to as the Section 3 Clause<sup>4</sup>):

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3 shall, to the greatest extent feasible, be directed to low and very low income persons, particularly persons who are recipients of HUD assistance for housing and business concerns that provide economic opportunities for low and very low income persons.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the regulations of 24 CFR Part 135.

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<sup>3</sup> 24 CFR 135.11(d)

<sup>4</sup> 24 CFR 135.38

- C. The contractor agrees to send to each labor organization representative, workers with which the contractor has a collective bargaining agreement, or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each, the name and location of the person(s) taking applications for each of the positions, and the anticipated date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- E. The Contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.
- F. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future contracts.<sup>5</sup>

Examples of activities to demonstrate compliance with these efforts include distributing or posting flyers advertising positions to be filled, posting opportunities in a timely manner on the City's and the CRHA's website (if applicable), contacting the City and the CRHA for a list of residents that may have expressed interest in Section 3 employment, notifying the City and the CRHA about open positions, holding job informational meeting for residents, etc. Contractors will be responsible for submitting regular payrolls and documenting compliance efforts. The contractor shall maintain on file all records related to employment and job training of low-income and very low-income residents or other such records, advertisements, legal notices, brochures, flyers, publications, Section 3 forms from subcontractors, etc, in connection with covered contracts. If there is a report that is needed as part of the submission the contractor agrees to provide it timely. The contractor shall, upon request, provide such records or copies of records to the City and/or the CRHA and will maintain this information on file in

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<sup>5</sup> 24 CFR 135.38; 24 CFR 135.76(g)

conformance with record retention requirements as specified within the contract with the City / CRHA.

## **VI. PREFERENCES AND ELIGIBILITY**

*Note: All persons that are recipients of housing assistance by the government are Section 3 Residents and Public Housing Residents are top priority Section 3 Residents. The businesses owned by public housing residents are top priority business concerns. In Section 3 covered projects and/or contracts, when employment or contracting opportunities are offered as a result of Section 3 and all requirements are met and remain equal, public housing and/or Section 8 residents/businesses within the City shall be provided preference over other Section 3 residents/business concerns and non-section 3 residents/business concerns. The City, the CRHA, sub-recipients and contractors are to apply the following preferences as described in Parts A through B.*

- A) Regarding the hiring of Section 3 residents, Preference shall be given to those residents who live at the project site where the Section 3 covered assistance is expended.

Tier I Section 3 Residents shall be as prescribed below:

- I. Persons assisted with housing by the federal government in the neighborhood within the target area where the project is located.
- II. Other persons who are residents of Charlottesville Redevelopment and Housing Authority properties and or recipients of Section 8 Vouchers issues by the City of Charlottesville.
- III. Other persons who are participants of HUD programs being carried out in the City of Charlottesville.

Tier II Section 3 Residents shall be as prescribed below:

- IV. Low and very low income persons (as defined herein) within the City of Charlottesville.
- V. Low and very low income persons within the Charlottesville metropolitan statistical area.

- B) Regarding the contracting opportunities for Section 3 business concerns, preference shall be given in the following order:
- I. Section 3 business concerns owned at least 51 percent by any Section 3 residents of where the project is located and where the covered assistance is expended.
  - II. Section 3 business concerns that are owned at least 51 percent by Section 3 residents of the City.

- III. Section 3 business concerns that provide economic opportunities for Section 3 residents in the service area or neighborhood in which the Section 3 covered project is located (at least 30 percent of full-time staff are Section 3 residents from the project site).
  - IV. Section 3 business concerns within the Metropolitan Statistical Area.
  - V. Other Section 3 business concerns.
- C) Regarding eligibility, a Section 3 resident seeking a preference must fulfill the requirements of the sought position and, if asked, must provide evidence of their Section 3 status. A Section 3 business concern seeking to qualify for a Section 3 contracting preference shall certify or submit evidence that the entity qualifies as a Section 3 business concern. The Section 3 business must also be qualified and be able to demonstrate its ability to complete the contract. The ability to perform successfully under the terms and conditions of the proposed contract is required of all contractors and subcontractors subject to federal procurement standards.<sup>6</sup>

#### **VII. OTHER ECONOMIC OPPORTUNITIES**

For all contracts where Section 3 requirements are applicable, other economic opportunities may only be used where a contractor or sub-recipient cannot comply with the hiring or subcontracting goals set forth in the Preference Tier structure in paragraph VI. Whenever the other economic opportunities are employed on Section 3 covered contracts (as defined herein), other economic opportunities must equal or exceed 3% of the total contract value including any change orders. Whenever the other economic opportunities are employed on contracts that are not covered by HUD assistance, then the value of other economic opportunities is to be determined between the City and the Contractor on a mutually agreed basis.

#### **VIII. COMPLAINTS AND COMPLIANCE**

Any Section 3 resident or business concern that feels that the Section 3 regulations were not complied with are encouraged to first refer to the City or CRHA's complaint process. Section 3 residents or business concerns that feel that the Section 3 regulations were not complied with are also encouraged to contact the Section 3 Coordinator before filing a complaint directly to HUD. Any Section 3 resident or Section 3 Business (or authorized representative) may file a complaint directly to the Assistant Secretary for Fair Housing and Equal Opportunity at the following address (or as otherwise directed by HUD):

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<sup>6</sup> 24 CFR 85.36, 24 CFR 85.36b(8)

**Assistant Secretary for Fair Housing and Equal Opportunity**  
**Department of Housing and Urban Development**  
Philadelphia Regional Office of FHEO  
U.S. Department of Housing and Urban Development  
The Wanamaker Building  
100 Penn Square East, 12th Floor  
Philadelphia, Pennsylvania 19107-3380  
(215) 861-7646 or 1-888-799-2085 or TTY (215) 656-3450

The complaint must be in writing and be received within 180 days from the date of the action upon which the complaint is based. It should include the complainant's name and address, the City or contractor's name and address, and a description of the acts in question. The complainant will receive a response from HUD within 10 days in which further investigation will be explained.

#### **IX. DEFINITIONS**

Please refer to the 24 CFR 135.5 for a full list of prevailing definitions found in the regulation.

The City of Charlottesville and the Charlottesville Redevelopment and Housing Authority incorporate into this policy the definitions contained in 135.5 of 24 CFR Part 135 and any changes or updates to these definitions as may from time to time be incorporated into 24 CFR Part 135.

The City of Charlottesville and the Charlottesville Redevelopment and Housing Authority make no representation concerning interpretation and meaning of Section 3 of the Housing Act of 1968, as amended, and of 24 CFR part 135 beyond this policy. It is recommended that interested parties refer directly to the law and regulations for a complete understanding of their meaning.

**EMPLOYMENT OPPORTUNITIES GENERATED BY SECTION 3 COVERED ASSISTANCE:** All employment opportunities generated by the expenditure of Section 3 covered funding (i.e. operating funding, development funding, and modernization funding) and with respect to Section 3 covered housing and community development funding, all employment opportunities arising in connection with Section 3 covered projects, including management and administrative jobs (including architectural, engineering, or related professional services and jobs directly related to administrative support of these activities) connected with the Section 3 covered project.

**FULL-TIME EMPLOYEE:** A permanent worker who is employed on a year-round basis and who works a full workweek, generally 30 to 40 hours per week.

**LOW INCOME PERSON:** Families (including single persons) whose incomes do not exceed 80% of the median income for the project area.

**NEW HIRES:** New position and or vacant position filled with full-time employees for permanent, temporary or seasonal employment opportunities for any specific City or CRHA related contract.

**ON THE JOB TRAINING (OJT):** Planned and organized training, conducted at the employer's worksite. The trainee uses the actual tools, equipment, documents or materials that employees will use when fully trained. OJT aims to broaden and develop the employee's knowledge, skills, and abilities that are unique to a job.

**RECIPIENT:** Any recipient which receives Section 3 covered funding, directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian Tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee, or transferee of any such recipient, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include Section 3 contractors.

**RESIDENT OWNED BUSINESS (ROB):** A ROB is a Business Concern owned or controlled by Public Housing Residents, or low income residents that are: (a) at least fifty-one (51%) percent owned and operated by one or more public housing residents; and (b) whose management and daily business operations are controlled by one or more such individuals. For purposes of Section 3 compliance, a ROB must also meet the definition of a Section 3 Business Concern as described below.

**SECTION 3:** Section 3 of the Housing and Urban Development Act of 1968, as amended (12U.S.C.1701u).

**SECTION 3 BUSINESS CONCERN:** As defined by HUD, a Section 3 Business Concern is one:

- A. That is fifty-one (51%) percent or more owned by Section 3 Residents; or
- B. Whose permanent, full-time employees includes persons, at least thirty percent (30%) of whom are current Section 3 Residents, or were Section 3 Residents within three (3) years of the date of first employment with the Business Concern if the contractor is working on a redeveloped or replacement asset; or
- C. That provides evidence of a commitment to subcontract a minimum of twenty-five percent (25%) of the total contract award amount (including any modifications) to a Section 3 Business Concern(s) as defined in A or B. Example: If the Contract amount is

\$1,000,000, contractor must subcontract at least 25% or \$250,000 to a Section 3 Business Concern(s) as defined in A or B in this part.

**SECTION 3 CLAUSE:** The contract provisions and sanction set forth in 24 CFR 135.38

**SECTION 3 COVERED ACTIVITY:** Any activity that is funded by Section 3 covered funding.

**SECTION 3 COVERED ASSISTANCE:** Section 3 applies to the following HUD assistance (Section 3 covered assistance):

(1) Public and Indian housing assistance. Section 3 applies to training, employment, contracting and other economic opportunities arising from the expenditure of the following public and Indian housing assistance:

(i) Development assistance provided pursuant to section 5 of the U.S. Housing Act of 1937 (1937 Act);

(ii) Operating assistance provided pursuant to section 9 of the 1937 Act; and

(iii) Modernization assistance provided pursuant to section 14 of the 1937 Act;

The requirements of part 135 apply to recipients of covered section 3 housing and community development assistance for which the amount of the assistance exceeds \$200,000; and these requirements apply to contractors and subcontractors performing work on projects funded by housing and community development assistance for which the recipient's award exceeds \$200,000, and the contract or subcontract exceeds \$100,000. If the recipient's award of assistance exceeds \$200,000, but the contracts and subcontracts do not exceed \$100,000, then only the recipient is subject to the Section 3 requirements. The recipient's responsibility includes awarding contracts, to the greatest extent feasible, to Section 3 business concerns.

**SECTION 3 COVERED CONTRACT:** A contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 covered funding or for work arising in connection with a Section 3 covered project. "Section 3 Covered Contracts" do not include contracts for the purchase of supplies and materials except, whenever a contract for materials includes the installation of the materials.

**SECTION 3 COVERED PROJECT:** The construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with housing or community development funding.

**SECTION 3 JOINT VENTURE:** An association of business concerns, one of which qualifies as a Section 3 Business Concern, formed by written joint venture agreement to engage in and carry out a specific business venture for which purpose the business concerns combine their efforts, resources, and skills for joint profit, but not necessarily on a continuing or permanent basis for conducting business generally, and for which the Section 3 Business Concern:

- Is responsible for a clearly defined portion of the work to be performed and holds management responsibilities in the joint venture; and



- Performs at least 25% of the work and is contractually entitled to compensation proportional to its work.

VERY LOW INCOME PERSON: Families (including single persons) whose incomes do not exceed 50% of the median family income for the project area.

Please refer to [www.huduser.org/portal/datasets/il.html](http://www.huduser.org/portal/datasets/il.html) for current, local Income Limit information.

- ❖ Select current year.
- ❖ Select “Access Individual Income Limit area”
- ❖ Select “click here for FY XXXX IL Documentation” (where XXXX is the current fiscal year)
- ❖ Select State & County

**RESOLUTION  
TO ADOPT THE SECTION 3 PLAN TO COMPLY  
WITH 24 CFR, PART 135, SECTION 3 OF THE U.S. DEPARTMENT  
OF HOUSING AND URBAN DEVELOPMENT ACT OF 1968, AS AMENDED.**

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (hereinafter Section 3), to further the goal of ensuring that federal funds benefit the residents of projects funded wholly or in part by those funds; and

WHEREAS, Part 135 of Section 3 establishes the standards and procedures to be followed to ensure that the objectives of Section 3 are met; and

WHEREAS, the City of Charlottesville has developed a Section 3 Plan in adherence to 24 CFR, Part 135 that comprehensively addresses the standards and procedures prescribed in the Act; and

WHEREAS, the Section 3 Plan has been reviewed and approved by the City management and staff and their comments incorporated into the Plan; now, therefore

**BE IT RESOLVED** that the City of Charlottesville, Virginia, authorizes the adoption and implementation of this Section 3 Plan to ensure compliance with Federal Law and to strongly encourage use of Section 3 goals in all projects funded with the City's General Fund, where permissible in accordance with the laws of the Commonwealth of Virginia.

Approved by Council  
June 20, 2011



Clerk of Council

## **CRHA RESOLUTION**

TO ADOPT THE SECTION 3 POLICY TO COMPLY WITH 24 CFR, PART 135, SECTION 3 OF THE UNITED STATES DEPARTMENT OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968, AS AMENDED

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development Act of 1968 as amended 12 U.S.C. 1701u (hereinafter Section 3) to further the goal of ensuring that federal funds benefit the residents of projects funded wholly or in part by those funds; and

WHEREAS, Part 135 of Section establishes the standards and procedures to be followed to ensure that the objectives of Section 3 are met; and

WHEREAS, the Charlottesville Redevelopment and Housing Authority (CRHA) has developed a Section 3 Policy in adherence to 24 CFR, Part 135 that comprehensively addresses the standards and procedures prescribed in the Act; and

WHEREAS, the Section 3 Policy has been reviewed and approved by CRHA management and staff and their comments incorporated into the Policy.

NOW, THEREFORE, BE IT RESOLVED THAT the Charlottesville Redevelopment and Housing Authority authorizes the adoption and implementation of this Section 3 Policy to ensure compliance with Federal Law.

APPROVED AND ADOPTED this 20 day of June 2011.

**RESOLUTION**  
**Designating 2<sup>nd</sup> Street NE between East High Street and Market Street**  
**with the honorary name of Preston Coiner Street**

WHEREAS, Preston Coiner was a proud lifelong resident of Charlottesville, a member of the Belmont Boys, and a graduate of Clark Elementary School and Lane High School; and

WHEREAS, Preston Coiner was a partner in the family business of Coiners' Scrap Iron and Metal until his retirement from the business in 2008, when his retirement left him with more time to pursue his interest in historic preservation, both through his two tenures on the Charlottesville Board of Architectural Review and his partnership with his nephew Michael Coiner in buying and restoring historic and residential properties; and

WHEREAS, Preston Coiner was actively involved in his community from a very young age, both personally and through various organizations, including the Albemarle Charlottesville Historical Society, First United Methodist Church, and, most recently, Celebrate 250; and

WHEREAS, Preston Coiner was a larger than life figure, charitable, generous in spirit, an expert on most things, and a well-known and admired member of his community; and

WHEREAS, a request has been submitted to this Council to honor the memory of Mr. Preston Coiner by placing an honorary street name sign on 2nd Street NE between East High Street and Market Street, and the request meets all of the requirements under the City's Honorary Street Name Policy;

NOW THEREFORE BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that we approves designating 2nd Street NE between East High Street and Market Street with the honorary name of Preston Coiner Street.



**AN ORDINANCE AMENDING AND REORDAINING  
SECTIONS 34-86, 34-277, 34-285, 34-340 AND 34-346 OF CHAPTER 34 (ZONING)  
RELATING TO CIVIL PENALTIES FOR UNAPPROVED DEMOLITIONS AND TIME  
LIMITS ON ACTION ON A CERTIFICATE OF APPROPRIATENESS APPLICATION.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia that Section 34-86 of Article I (Administration), and Sections 34-277, 34-285, 34-340 and 34-346 of Article II (Overlay Districts) of Chapter 34 (Zoning) of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained, as follows:

**CHAPTER 34. ZONING**

**ARTICLE I. ADMINISTRATION**

**Division 5. Compliance and Enforcement**

**Sec. 34-86. Schedule of civil penalties.**

(a)...

(b) Any person who demolishes, razes or moves any building or structure which is subject to the regulations set forth within section 34-277 or section 34-340 without approval of the BAR or city council, shall be subject to a civil penalty ~~equal to~~ not to exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment ~~as at~~ the time of the demolition, razing or moving.

(1) ...

(2) ...

(3) ...

(4) ...

**ARTICLE II. OVERLAY DISTRICTS**

**Division 2. Historical Preservation and Architectural Design Control Overlay Districts**

**Sec. 34-277 Certificates of appropriateness; demolitions and removals.**

(a)...

(b)...

(c)...

(d) Failure to obtain the permit required by this section shall subject the property owner to the civil penalty described within Article I, section 34-86~~(e)~~(b) (i.e., not to exceed twice the fair market value of the building or structure).

...

**Sec. 34-285. Approval or denial of application by BAR.**

(a) Failure of the BAR to act on an application within ~~forty five (45)~~ sixty (60) days after receipt thereof shall be deemed approval. ~~With the consent of the applicant this time may be extended to eighty five (85) days.~~

(b) . . .

(c) . . .

**Division 5. Historic Conservation Overlay Districts**

**Sec. 34-340. Actions requiring certificate of appropriateness; exemptions; penalties.**

(a) . . .

(b) . . .

(c) . . .

(d) . . .

(e) . . .

(f) Failure to obtain a COA as required by this section for the demolition, razing or moving of any contributing structure shall be subject to the civil penalty described within section 34-86~~(e)~~(b) (i.e., not to exceed twice the fair market value of the building or structure).

. . .

**Sec. 34-346. Approval or denial of applications by BAR.**

(a) . . .

(b) Failure of the BAR to act on an application determined to be subject to BAR review within ~~forty five (45)~~ sixty (60) days after receipt thereof shall be deemed approval. ~~With the consent of the applicant this time may be extended to eighty five (85) days.~~

(c) . . .

**RESOLUTION**  
**- AHIP Block by Block Charlottesville - \$400,000**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$400,000 be paid to the Albemarle Housing Improvement Program for the Block by Block Charlottesville program from funds that will come out of Fiscal Year 12 - 13 Charlottesville Housing Funds.

Fund: 426

Project: CP-084

G/L Account: 599999



**RESOLUTION**  
**EXTENDING THE DEADLINE FOR PIEDMONT FAMILY YMCA**  
**TO COMMENCE CONSTRUCTION ON THE RECREATIONAL FACILITY**  
**TO BE LOCATED IN McINTIRE PARK**

**WHEREAS,** the City of Charlottesville and Piedmont Family YMCA (“YMCA”) entered into a Ground Lease, dated January 15, 2008, for the long-term use of a portion of McIntire Park on which the YMCA intends to build a recreational facility to benefit the community; and

**WHEREAS,** construction has been delayed due to litigation over the City’s bidding and funding process related to the leasing of the subject land; and

**WHEREAS,** Paragraph 8 of the Ground Lease states the lease will terminate if construction of the facility is not commenced within sixty (60) months of the execution of the lease, unless an extension of time is requested by the YMCA for good cause and agreed to by the City; and

**WHEREAS,** this Council finds that good cause does exist for the delay in construction, and YMCA has requested in writing a twelve (12) month extension of the deadline to commence construction; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that this Council hereby agrees to extend for an additional twelve (12) months the deadline to commence construction on the YMCA facility, as required by Paragraph 8 of the above-referenced Ground Lease. The new deadline will be January 15, 2014.