



CITY COUNCIL AGENDA

January 22, 2014 (Postponed from January 21st due to weather)

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)

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

MATTERS BY THE PUBLIC

Public comment will be permitted for the first 12 speakers who 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 RESPONSE 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 January 6
 - b. APPROPRIATION: 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) - \$27,039 (2nd of 2 readings)
 - c. APPROPRIATION: Thomas Jefferson Crisis Interview Team Asset Forfeiture Transfer Program - \$111,726 (2nd of 2 readings)
 - d. APPROPRIATION: 2014 Department of Motor Vehicles Virginia Highway Safety Grant for Alcohol Enforcement - \$13,950 (2nd of 2 readings)
 - e. APPROPRIATION: 2014 Department of Motor Vehicles Virginia Highway Safety Grant for Speed Enforcement - \$6,720 (2nd of 2 readings)
 - f. APPROPRIATION: FY 2012-2013 HOME CHDO Funds - \$89,902 (2nd of 2 readings)
 - g. APPROPRIATION: Bama Works Fund Check and Connect Grant - \$10,000 (1st of 2 readings)
 - h. APPROPRIATION: FY 2014 Aid & Localities Fire Disbursement Fund - \$122,138 (1st of 2 readings)
 - i. APPROPRIATION: Appropriation of FY 2014 Transit Grants - \$213,693 (1st of 2 readings)
 - j. APPROPRIATION: Safe Routes to School Grant - Clark Pedestrian Improvements – \$174,800 (1st of 2 readings)
 - k. ORDINANCE: Easement to Dominion Power at Public Works Center on Avon Street (1st of 2 readings)
2. **RESOLUTION*** SUP for 1000 West Main Street (1st of 1 reading)
3. **PUBLIC HEARING / RESOLUTION*** Release of Drainage Easement at 1000 West Main Street (1st of 1 reading)
4. **PUBLIC HEARING / ORDINANCES*** Revise Neighborhood Development Services (NDS) Fee Schedule (1st of 2 readings)
Amending Café and Vendor Fees and Regulations (1st of 2 readings)
5. **REPORT** Downtown Mall Work Groups Update
6. **RESOLUTION*** Hartman Mill Parkland Acquisition (1st of 1 reading)
7. **RESOLUTION*** Water Street Extended Streetscape Improvements - \$356,525 (1st of 1 reading)
8. **REPORT** Healthy Eating Active Living (HEAL) Update

OTHER BUSINESS

MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION

2013 Edward Byrne Memorial Justice Assistance Grant (J.A.G.)
Grant # 2013-D.J.-B.X.-0822
\$27,039

WHEREAS, the City of Charlottesville, through the Police Department, has received the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance 2013 Edward Byrne Memorial Justice Assistance Grant (J.A.G.) in the amount of \$27,039 to be used for approved law enforcement equipment.

WHEREAS, the grant award covers the period from period October 1, 2012 through September 30, 2016

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$27,039, received from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, is hereby appropriated in the following manner:

<u>Revenue</u>			
\$ 27,039	Fund: 211	I/O: 1900212	G/L: 431110 Federal Grants
<u>Expenditure</u>			
\$ 27,039	Fund: 211	IO: 1900212	G/L: 520990 Other Supplies

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$27,039 from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance.

Approved by City Council
January 22, 2014


Barbara Ronan, Acting Clerk of Council

APPROPRIATION.

**Thomas Jefferson Crisis Intervention Team Asset Forfeiture Transfer Program.
\$111,726.**

WHEREAS, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, has received from the Office of the Attorney General of Virginia, asset forfeiture funds in the amount of \$111,726 to be used for approved C.I.T. and law enforcement training and equipment.

WHEREAS, the grant award covers the period from period October 1, 2013 through September 30, 2015

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$111,726, received from the Office of the Attorney General of Virginia, Asset Forfeiture Transfer Program is hereby appropriated in the following manner:

Revenue


\$ 111,726 Fund: 209 I/O: 1900203 G/L: 430110 Federal Grants

Expenditure

\$ 111,726 Fund: 209 IO: 1900203 G/L: 520990 Other Supplies

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$111,726 from the Office of the Attorney General of Virginia Asset Forfeiture Transfer Program.

Approved by City Council
January 22, 2014


Barbara Ronan, Acting Clerk of Council

APPROPRIATION.

**2014 Department of Motor Vehicles Virginia Highway Safety Grant for Alcohol Enforcement.
\$13,950.**

WHEREAS, the City of Charlottesville, through the Police Department, has received a Virginia Highway Safety Grant award from the Commonwealth of Virginia Department of Motor Vehicles in the amount of \$9,300, to be used for overtime, equipment, and training related to highway safety and the City of Charlottesville, through the Police Department, will utilize highway safety related expenditures as an in-kind match in the amount of \$4,650.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$13,950, received from the Commonwealth of Virginia Department of Motor Vehicles (2014 Virginia Safety Grant-Alcohol Enforcement) is hereby appropriated in the following manner:

Transfer Local Match of \$4,650 from Fund: 105 CC: 3101001000, G/L: 5199999

Revenue

\$ 9,300	Fund: 209	IO: 1900214	G/L: 430120 State (Federal Pass-thru)
\$ 4,650	Fund: 209	IO: 1900214	G/L: 498010 Transfer from Other Funds

Expenditure

\$ 4,650	Fund: 209	IO: 1900214	G/L: 510010 Full Time Salaries
\$ 2,520	Fund: 209	IO: 1900214	G/L: 510060 Overtime
\$ 6,280	Fund: 209	IO: 1900214	G/L: 520900 Machine/Equip/Furn.
\$ 500	Fund: 209	IO: 1900214	G/L: 530210 Training

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$9,300 from the Commonwealth of Virginia Department of Motor Vehicles (2014 Virginia Safety Grant-Alcohol Enforcement).

Approved by City Council
January 22, 2014


Barbara Ronan, Acting Clerk of Council

APPROPRIATION.

2014 Department of Motor Vehicles Virginia Highway Safety Grant for Speed Enforcement.

\$6,720.

WHEREAS, the City of Charlottesville, through the Police Department, has received a Virginia Highway Safety Grant award from the Commonwealth of Virginia Department of Motor Vehicles in the amount of \$4,480, to be used for overtime, related to highway safety and the City of Charlottesville, through the Police Department, will utilize regular traffic officer, related to highway safety as an in-kind match in the amount of \$2,240.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$6,720, received from the Commonwealth of Virginia Department of Motor Vehicles (2014 Virginia Safety Grant) is hereby appropriated in the following manner:

Transfer Local Match of \$2,240 from Fund: 105 CC: 3101001000, G/L: 519999

Revenue:


\$4,480	Fund: 209	IO: 1900213	G/L: 430120 State (Federal Pass-thru)
\$2,240	Fund: 209	IO: 1900213	G/L: 498010 Transfer from Other Funds

Expenditure:

\$ 2,240	Fund: 209	IO: 1900213	G/L: 510010 Full Time Salaries
\$ 4,480	Fund: 209	IO: 1900213	G/L: 510060 Overtime

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$6,720 from the Commonwealth of Virginia Department of Motor Vehicles (2014 Virginia Safety Grant).

Approved by City Council
January 22, 2014


Barbara Ronan, Acting Clerk of Council

**APPROPRIATION
THE CITY OF CHARLOTTESVILLE'S 2012-2013
HOME CHDO FUNDS – \$89,902**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnership (HOME) funding for the 2012-2103 fiscal year; and

WHEREAS, it is the City of Charlottesville's turn in the regional rotation of HOME CHDO funds in the amount of \$89,902 to be expended on affordable housing initiatives;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$89,902, received from the U.S. Department of Housing and Urban Development through the Thomas Jefferson HOME Consortium is hereby appropriated in the following manner:

Revenues

\$89,902	Fund: 210	Internal Order: 1900210	G/L Account: 432170
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Expenditures

\$89,902	Fund: 210	Internal Order: 1900210	G/L Account: 519999
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Approved by City Council
January 22, 2014


Barbara Ronan, Acting Clerk of Council

**RESOLUTION
GRANTING A SPECIAL USE PERMIT
TO CAMPUS ACQUISITIONS HOLDINGS, LLC
TO ALLOW INCREASED HEIGHT AND DENSITY
AT 1000 WEST MAIN STREET**

WHEREAS, Campus Acquisitions Holdings, LLC (“Applicant”) has submitted an application seeking approval of a special use permit with respect to property located at 1000 West Main Street and 118 11th Street, SW, Charlottesville, Virginia, identified on City Tax Map 10 as Parcels 68 and 70, consisting of approximately 1.277 acres (“Subject Property”) to allow increased height, up to 101 feet, and residential density up to 193 dwelling units per acre, and has requested modification of setback and stepback requirements in City Code Sec. 34-638; and

WHEREAS, the Subject Property is zoned “WMS” (West Main South) and, pursuant to §34-637 and §34-641 of the City Code, West Main South zoning permits a maximum height of 101 feet by special use permit, and a maximum density of 240 dwelling units per acre by special use permit, and pursuant to §34-162, Council may, as part of a special use permit, modify certain yard requirements, such as setbacks and stepbacks; and


WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on January 14, 2014, the Planning Commission transmitted its recommendation for approval of this application, subject to certain conditions, and this Council finds that approval of the proposed special use permit subject to reasonable conditions would serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria applicable to special permits generally under Chapter 34 of the City Code; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a special use permit is hereby approved to allow (i) the requested modification of the setback and stepback requirements of City Code Sec. 34-368, as described within the application; and (ii) increased building height, up to 101 feet, and residential density of up to 193 dwelling units per acre, subject to the following conditions:

1. The applicant will complete a traffic study that will take into account the impacts on emergency vehicle access to the University Hospital.
2. The applicant’s traffic study will take into account the cumulative effect of traffic associated with approved developments on the streets immediately adjacent to the site.
3. The applicant and the University of Virginia will collaborate on an airflow study of the site and surrounding properties to address the continued operation of existing buildings and the development of 1000 West Main Street.
4. The applicant will complete all required filings with the Federal Aviation Administration to ensure that the building and the construction of the building does not interfere with the operation of the heliport at the University Medical Center.
5. The applicant shall in its preliminary site plan for the development demonstrate how the loading and unloading of deliveries to support the commercial space can be accomplished internal to the site.
6. The applicant shall submit and City staff shall review the rules and regulations for tenants, which shall be incorporated into the lease agreement.

7. The number of 4-bedroom units referenced in the application [106 4-bedroom units] will be situated on floors in a manner that isolates them, as much as practical, from 0, 1 and 2-bedroom units.
8. The required setback from Roosevelt Brown Boulevard shall be five feet (5').

Approved by City Council
January 22, 2014




Barbara Ronan, Acting Clerk of Council

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the Mayor is hereby authorized to sign the following document, in form approved by the City Attorney or his designee.

Deed of Quitclaim between Robert P. Hodous and Frederick W. Payne, Trustees of The Ivy Land Trust, and the City of Charlottesville, Virginia, for the release of a permanent drainage easement across the property designated as Parcel 70 on City Tax Map 10 on West Main Street and Roosevelt Brown Boulevard.

Approved by City Council
January 22, 2014


Barbara Ronan, Acting Clerk of Council

Prepared by Charlottesville City Attorney's Office
Tax Map Parcel 100070000

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 _____, 2014, from the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (hereinafter, the "CITY"), Grantor, to **ROBERT P. HODOUS and FREDERICK W. PAYNE, TRUSTEES of the THE IVY LAND TRUST** (hereinafter "IVY LAND TRUST"), Grantee, whose address is 414 East Jefferson Street, Charlottesville, Virginia 22902.

WITNESSETH:

WHEREAS, IVY LAND TRUST is the owner of certain real property in the City of Charlottesville, Virginia, designated on City Real Estate Tax Map 10 as Parcel 70 (the "Property"); and

WHEREAS, by Quitclaim Deed dated February 5, 2002 from the Commonwealth of Virginia to the CITY, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 841, page 55, the CITY was conveyed a permanent easement and right of way (the "Drainage Easement") for the construction and maintenance of drainage facilities (drop inlet and berm ditch) across the Property; and

WHEREAS, IVY LAND TRUST wishes to have the Drainage Easement, shown on Sheet 4 of the plans for State Highway Project U000-104-V08, RW-201, of record in the State Highway Plat Book 3, Page 267 in the aforesaid Clerk's Office as the area shaded GREEN on said Sheet 4, quitclaimed by the CITY in order to allow new construction on the Property; and

WHEREAS, the CITY has agreed to Quitclaim the Drainage Easement referenced above as requested by Grantee, after holding a public hearing, advertised in accordance with Virginia Code Sec. 15.2-1800(B), and adoption of a Resolution by the Charlottesville City Council on _____, 2014.

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 Drainage Easement acquired by the CITY by instrument dated February 5, 2002, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 841, Page 55.

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to a Resolution adopted by City Council on _____, 2014.

WITNESS the following signatures and seals:

GRANTOR: CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Satyendra Singh Huja, Mayor

APPROVED AS TO FORM:

S. Craig Brown, City Attorney
City of Charlottesville, Virginia

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2014 by Satyendra Singh Huja, Mayor, on behalf of the City of Charlottesville, Virginia.

NOTARY PUBLIC
Registration #: _____
My commission expires: _____

GRANTEE:

THE IVY LAND TRUST

By: _____
Robert P. Hodous, Trustee

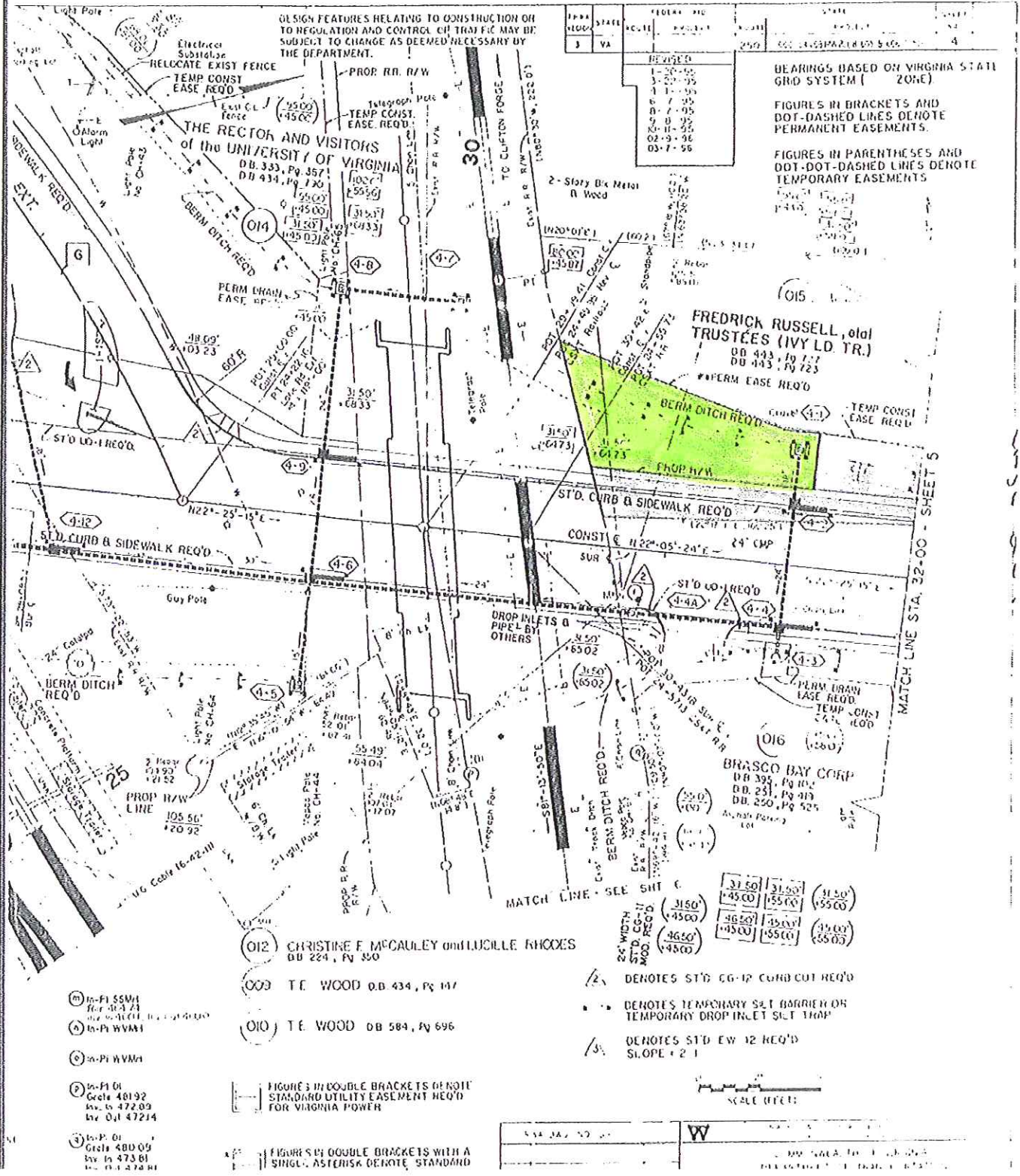
By: _____
Frederick W. Payne, Trustee

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2014 by Robert P. Hodous, and Frederick W. Payne, Trustees of The Ivy Land Trust.

NOTARY PUBLIC
Registration #: _____
My commission expires: _____

PB3 - P267



RESOLUTION
ACQUISITION OF LAND (20.25 ACRES) NEAR MOORE'S CREEK
AND JORDAN PARK FROM HURT INVESTMENT COMPANY
AND SOUTHERN DEVELOPMENT GROUP INC.


WHEREAS, Hurt Investment Company and Southern Development Group Inc. ("Seller") have offered to sell to the City of Charlottesville approximately 20.25 acres of land, designated as Parcel 7 on Albemarle County Tax Map 77, and shown on the attached plat dated October 25, 2012, made by Dominion Engineering, hereinafter the "Property"; and

WHEREAS, the Property is located adjacent to Jordan Park and within the Property boundaries are Moore's Creek and the historic Hartman Mill; and

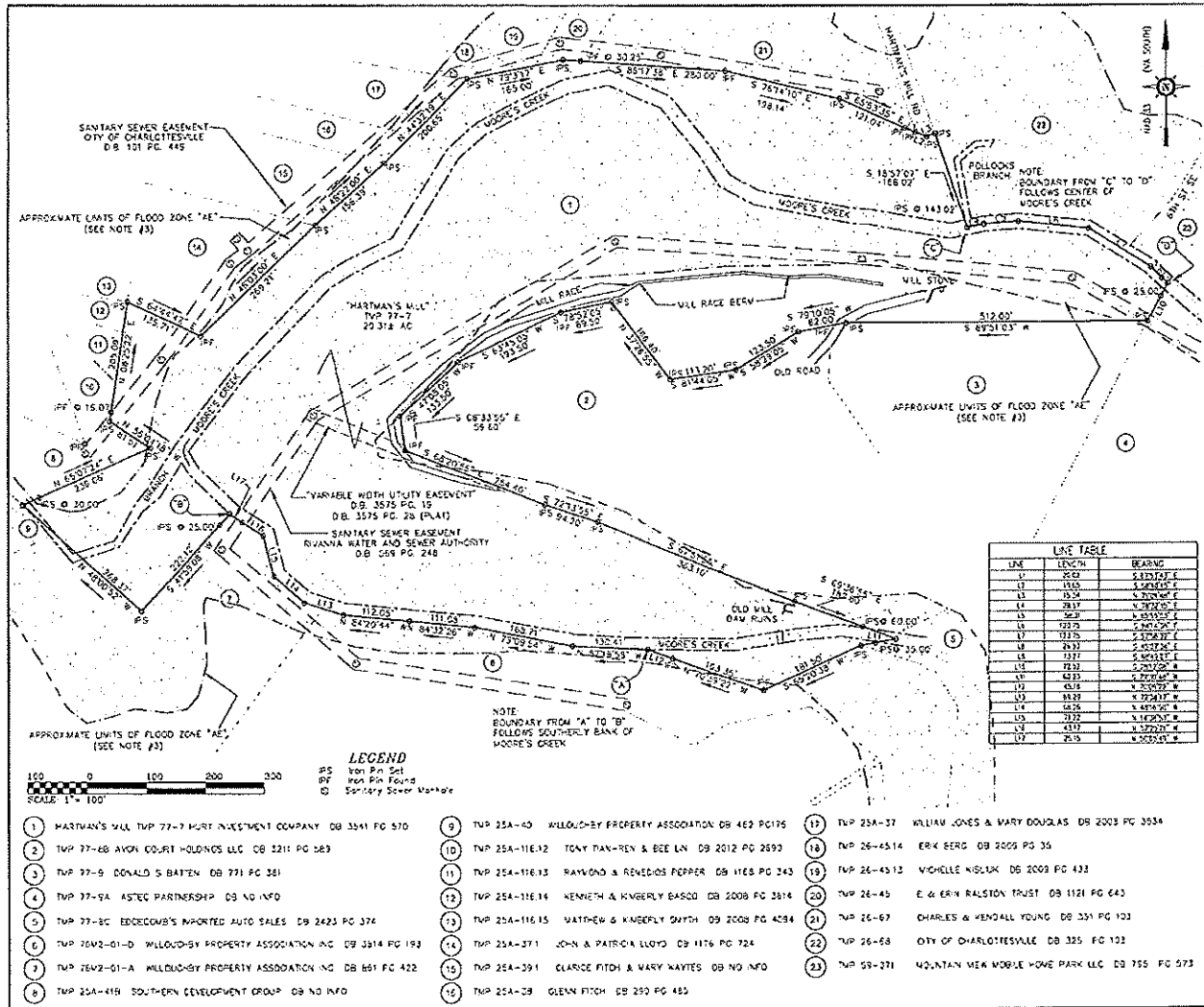
WHEREAS, City staff have recommended acquisition of the Property to provide extended greenbelt trails, expansion of Jordan Park, protection for Hartman Mill, and allow future stream restoration activity; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City hereby authorizes the acquisition of approximately 20.25 acres of land (Albemarle County Tax Map Parcel 77-7) from Hurt Investment Company and Southern Development Group Inc. for the purchase price of \$250,000.00, and the City Attorney is hereby directed to take whatever steps are necessary to effect the closing on the conveyance of the Property to the City.

Approved by City Council
January 22, 2014



Barbara Ronan, Acting Clerk of Council



DOMINION Engineering
 10000 Old Dominion Blvd.
 Suite 100
 Fairfax, VA 22031
 (703) 261-1000

COMMONWEALTH OF VIRGINIA
 REGISTERED PROFESSIONAL ENGINEER
 NO. 2482

REVISIONS:

NO.	DATE	DESCRIPTION
1	04-12-12	REVISED BOUNDARY LINE

PROJECT TITLE: ALTA/ASCM SURVEY OF HARTMAN MILL, HARTMAN DISTRICT, ALBERMARLE COUNTY, VA

PROJECT NO.: 120109

SHEET NO.: 2

DATE: OCTOBER 25, 2012

SCALE: 1" = 100'

MAP SHEET

RESOLUTION

**Water Street Extended Streetscaping Improvement
\$356,525**

WHEREAS, funding from current C.I.P. accounts is being transferred to the Charlottesville Economic Development Authority (C.E.D.A.) account to implement the Water Street project:

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia \$356,525 from current C.I.P. accounts is hereby transferred to the C.E.D.A. account in the following manner:

Transfer From - \$356,525

\$ 96,525	Fund 425	WBS: P-00428	G/L Account: 561974
\$260,000	Fund 426	WBS: P-00771	G/L Account: 561974

Transfer To – \$356,525

Fund: 974	Cost Center 7101001000	G/L Account: 498010
Fund: 974	Cost Center 7101001000	G/L Account: 599999

BE IT FURTHER RESOLVED that City staff will ask the developer of the CityWalk project to consider working with the City's Section 3 Coordinator if any new employees are hired by the developer for the construction of the streetscape improvements on Water Street Extended.

Approved by City Council
January 22, 2014



Barbara Ronan, Acting Clerk of Council

**A RESOLUTION
AUTHORIZING THE CITY MANAGER TO EXECUTE A
FUNDING AGREEMENT BETWEEN THE CITY OF CHARLOTTESVILLE AND
THE CHARLOTTESVILLE ECONOMIC DEVELOPMENT AUTHORITY FOR
STREETSCAPE IMPROVEMENTS ON WATER STREET EXTENDED**

WHEREAS, Water Street Extended is currently under construction by the developer of the City Walk project; and,

WHEREAS, the City Council desires (1) a wider Water Street Extended in order to provide for additional on-street parking to compensate for the loss of parking on Meade Avenue due to trail construction, and (2) the planting of street trees along Water Street and the multi-use path along the railroad; and,

WHEREAS, the Charlottesville Economic Development Authority (“CEDA”) has been in discussion with the developer of City Walk regarding the installation of a fence along the railroad tracks, which is an existing contractual obligation of CEDA; and,

WHEREAS, CEDA and the City Walk developer have agreed in principle to enter into an agreement that provides for the funding and construction of the additional on-street parking and street trees as desired by the City Council, as well as the aforementioned fence; and,

WHEREAS, the City is willing to provide CEDA with funding in the amount of \$356,525 to pay for the installation of the parking spaces and the street trees, subject to the execution of an agreement between CEDA and the developer of City Walk.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the City Manager is authorized to execute, in form approved by the City Attorney, a Funding Agreement between the City and CEDA in the amount of \$356,525 for the parking and streetscape improvements described herein. The Agreement will provide that funds will be transferred to CEDA upon the execution of an agreement between CEDA and the developer of City Walk for the construction of the improvements.

Approved by City Council
January 22, 2014



Barbara Ronan, Acting Clerk of Council