



CITY COUNCIL AGENDA
September 20, 2010

6:00 – 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

Domestic Violence Awareness Month, Parks & Recreation

ANNOUNCEMENTS

MATTERS BY THE PUBLIC

Public comment will be permitted until 7:35 p.m. (limit of 3 minutes per speaker) and at the end of the meeting on any item, including items on the agenda, provided that a public hearing is not planned or has not previously been held on the matter. Persons are asked to sign up in advance of the start of the meeting.

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 of September 7

b. **APPROPRIATION:** \$509,036 – Appropriation of FY 2011 JAUNT Pass-through (2nd of 2 readings)

c. **APPROPRIATION:** \$18,000 – 2011 Department of Motor Vehicles Virginia Highway Safety Grant (2nd of 2 readings)

d. **APPROPRIATION:** \$48,390 – 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) (1st of 2 readings)

e. **APPROPRIATION:** \$135,398 – BJA Drug Court Discretionary Grant Program Award (1st of 2 readings)

f. **APPROPRIATION:** \$ 4,385 – Insurance Reimbursement for Storm Damage Repairs to Gas Building on 29N (1st of 2 readings)

g. **APPROPRIATION:** \$1,540 – U.S. Department of Justice (A.T.F.) Overtime Reimbursement for the Charlottesville Gun Violence Task Force (1st of 2 readings)

h. **RESOLUTION:** Initiation of Individually Protected Property for Jefferson School (1st of 1 reading)

i. **ORDINANCE:** Petition to Rezone Property at 233 4th St NW / Jefferson School (2nd of 2 readings)

j. **ORDINANCE:** Proposed Amendment for Street Displays on the Downtown Mall (2nd of 2 readings)

k. **ORDINANCE:** Change to Snow Ordinance (1st of 2 readings)

l. **RESOLUTION:** Transfer of Downtown Project Costs (1st of 1 reading)

**2. PUBLIC HEARING /
RESOLUTION**

Water Supply Plan (1st of 1 reading)

**3. PUBLIC HEARING /
RESOLUTION**

Adoption of Comprehensive Plan Amendment to Create Urban Development Area (1st of 1 reading)

**4. PUBLIC HEARING /
ORDINANCE**

Amend Commercial Zoning Use Matrix (1st of 2 readings)

**5. PUBLIC HEARING /
ORDINANCE**

Amendments to Address State Legislative Code Changes (1st of 2 readings)

**6. PUBLIC HEARING /
ORDINANCE**

Closing of Portion of Alley off Dice Street (1st of 2 readings)

7. REPORT

TJPDC Legislative Program

8. REPORT / RESOLUTION

Drainage Issues at Virginia Institute of Autism (1st of 1 reading)

**OTHER BUSINESS
MATTERS BY THE PUBLIC
ADJOURNMENT**

*ACTION NEEDED (Appropriations require two readings; ordinances require two readings; resolutions require one reading.)

Reasonable accommodations will be provided for persons with disabilities upon request.

APPROPRIATION
JAUNT Pass-Through Funds
\$509,036 (Operating)

WHEREAS, Federal grant funds have been awarded to JAUNT, Inc. in the amount of \$509,036; and

WHEREAS, the Virginia Department of Rail and Public Transportation has requested these funds pass through the City of Charlottesville.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner, contingent upon receipt of the grant funds:

Revenue

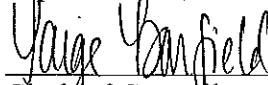
\$509,036 Fund: 245 Cost Center: 2801002000 G/L: 431010

Expenditures

\$(509,036) Fund: 245 Cost Center: 2801002000 G/L: 540365

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$509,036 from the Federal Transit Authority.

Approved by Council
September 20, 2010



Clerk of Council

APPROPRIATION

2011 Department of Motor Vehicles Virginia Highway Safety Grant

\$18,000

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 \$18,000, 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 \$3,600.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$18,000, received from the Commonwealth of Virginia Department of Motor Vehicles (2011 Virginia Safety Grant) is hereby appropriated in the following manner:

Transfer Local Match of \$3,600 from Fund: 105 CC: 3101001000, G/L: 5199999

Revenue

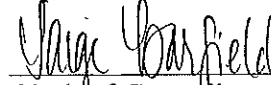
\$18,000	Fund: 209	IO: 1900155	G/L: 430120 State (Federal Pass-thru)
\$ 3,600	Fund: 209	IO: 1900155	G/L: 498010 Transfer from Other Funds

Expenditure

\$ 3,345	Fund: 209	IO: 1900155	G/L: 510010 Full Time Salaries
\$ 6,040	Fund: 209	IO: 1900155	G/L: 510060 Overtime
\$ 715	Fund: 209	IO: 1900155	G/L: 511010 Social Security – FICA
\$ 10,500	Fund: 209	IO: 1900155	G/L: 520900 Machine/Equip/Furn (non-cap)
\$ 1,000	Fund: 209	IO: 1900155	G/L: 530210 Training

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$18,000 from the Commonwealth of Virginia Department of Motor Vehicles (2011 Virginia Safety Grant).

Approved by Council
September 20, 2010


Clerk of Council

**A RESOLUTION
TO INITIATE AN AMENDMENT TO THE ZONING CODE AND ZONING MAP
THAT WILL ADD THE PROPERTY AT 233 FOURTH STREET, N.W., COMMONLY
KNOWN AS THE JEFFERSON SCHOOL (CITY TMP 32-89), TO THE LIST OF
INDIVIDUALLY PROTECTED PROPERTIES (IPP) SUBJECT TO THE CITY'S
HISTORIC PRESERVATION AND ARCHITECTURAL DESIGN CONTROL
OVERLAY DISTRICT ORDINANCE**

WHEREAS, the Jefferson School, located at 233 4th Street, N.W. in the City of Charlottesville, is currently listed on the National and State Registers of historic properties, but not designated locally as an historic property; and

WHEREAS, with an Individually Protected Property (IPP) designation, the property would be subject to design review by the Board of Architectural Review, as well as site plan review; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare, and good zoning practice require the initiation of an amendment to the zoning code and zoning map to add the property at 233 4th Street, N.W. (Jefferson School) to the list of individually protected properties found in Section 34-273(b) of the Charlottesville City Code, 1990, as amended;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville that the amendment to the zoning code as indicated herein is initiated, and this matter is referred to the City Board of Architectural Review for a recommendation pursuant to City Code Sec. 34-274; and to the City Planning Commission for an advertised joint public hearing following notice as required by Virginia Code Sec. 15.2-2204, and for a recommendation by the Commission to City Council, said recommendations to address whether the property at 233 4th Street, N.W., commonly known as the Jefferson School, should be designated as an individually protected property subject to the City's Historic Preservation and Architectural Design Control Overlay District Ordinance.

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 this Resolution.

Approved by Council
September 20, 2010



Clerk of Council

**RESOLUTION
APPROVING AMENDMENT OF THE 2007
COMPREHENSIVE PLAN TO CREATE AN
URBAN DEVELOPMENT AREA**

WHEREAS, this Council on August 6, 2007 adopted an updated Comprehensive Plan for the City of Charlottesville upon completion of the five-year review required by §15.2-2230 of the Code of Virginia (1950), as amended (hereinafter, the “Comprehensive Plan”); and

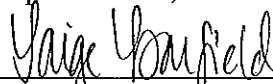
WHEREAS, as authorized by Section 34-27 of the City Code an application was made by staff to the Planning Commission to amend Chapter 5 of the Comprehensive Plan to create an Urban Development Area; and

WHEREAS, on August 10, 2010 and September 20, 2010, following notice given in accordance with §15.2-2204 of the Code of Virginia, the Planning Commission and City Council respectively conducted public hearings with regard to the proposed amendment to Chapter 5; and

WHEREAS, on August 10, 2010, the Planning Commission recommended the proposed amendment to Chapter 5 to Council for approval, and the Director of Neighborhood Development Services, who serves as Secretary to the Planning Commission, has certified a copy of the proposed amendment to Chapter 5 to Council for its consideration; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville that the 2007 Comprehensive Plan is hereby amended as recommended by the Planning Commission to insert the attached language in Chapter 5 of the Comprehensive Plan.

Approved by Council
September 20, 2010



Clerk of Council

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 28-2
OF ARTICLE I, AND ADDING SECTION 28-127 TO ARTICLE IV, OF CHAPTER 28
(STREETS AND SIDEWALKS) OF THE
CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATED TO DISPLAY OF ITEMS BY BUSINESSES
LOCATED ON THE DOWNTOWN PEDESTRIAN MALL.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 28-2 of Article I of Chapter 28 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, and a new Section 28-127 is hereby added to Article IV of Chapter 28 of the Charlottesville City Code, 1990, as amended, to read as follows:

**CHAPTER 28. STREETS AND SIDEWALKS
ARTICLE I. IN GENERAL**

...

Sec. 28-2. Definitions.

(a) The term "streets," when used in this chapter, shall mean public streets, sidewalks, walkways, alleys, lanes and highways of the city, except where by the context or by reasonable intent sidewalks or walkways are not included.

(b) For the purposes of this chapter, the term "Downtown Pedestrian Mall" shall mean and refer to the brick-paved area ~~of Main Street, bounded by~~ bordered by Market Street on the north, Water Street on the south, Ridge-McIntire Road on the west and 7th Street, S.E. on the east (as if extended in a straight line in a southerly direction from its current terminus to Water Street). The Downtown Pedestrian Mall shall be designated on a map approved by the city manager and maintained available for public inspection within the city's department of neighborhood development services.

...

ARTICLE IV. STREET VENDORS ~~IN GENERAL~~ AND DISPLAYS

...

Sec. 28-127. Downtown Pedestrian Mall outdoor business displays

(a) Retail businesses with ground level frontage on the Downtown Pedestrian Mall may utilize up to five (5) feet extending outward from the front of their building façade to display merchandise for sale and/or décor, subject to the following requirements:

- (1) No display shall be placed so as to leave less than a six (6) foot wide area for pedestrian passage;
- (2) No display shall be placed in the fire lane;
- (3) No display, including furniture, bookshelves, clothing racks and/or mannequins shall be placed so as to create a pedestrian trip hazard;

- (4) All small merchandise shall be placed on top of one (1) table adjacent to the building façade with a tailored black (preferred), blue, dark green, purple, charcoal gray or maroon cloth skirt which extends to the ground on all four (4) sides;
- (5) Signs no larger than one (1) square foot in area may be placed within the display area;
- (6) All merchandise, décor and the surrounding area shall be maintained, kept clean and in good repair;
- (7) All merchandise for sale shall be removed from the Downtown Pedestrian Mall at the close of business each day.

Approved by Council
September 20, 2010



Clerk of Council

**AN ORDINANCE
APPROVING A REQUEST TO REZONE PROPERTY LOCATED AT
233 4TH STREET N.W. (JEFFERSON SCHOOL)
FROM B-1 (BUSINESS) TO B-2 (BUSINESS)**

WHEREAS, Jefferson School Community Partnership, L.L.L.P. ("Applicant"), the contract purchaser of property designated as 233 4th Street, N.W. and identified on City Tax Map 32 as Parcel 89, submitted an application seeking a rezoning of such property from B-1 (Business) to B-2 (Business), hereinafter the "Proposed Rezoning"; and

WHEREAS, a public hearing on the Proposed Rezoning was held before the Planning Commission on August 10, 2010, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, legal notice of the public hearing held on August 10, 2010 was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, the Applicant submitted a Preliminary Proffer Statement dated July 16, 2010, as required by City Code Section 34-64(a), and presented the Preliminary Proffer Statement to the Planning Commission on August 10, 2010; and

WHEREAS, on August 10, 2010, the Planning Commission voted to recommend approval of the Proposed Rezoning to the City Council on the basis of general welfare or good zoning practice; and

WHEREAS, the Applicant submitted a Statement of Final Proffer Conditions, dated August 16, 2010, as required by City Code Section 34-64(c), and made a part of these proceedings; and

WHEREAS, a second public hearing on the Proposed Rezoning was held before City Council on September 7, 2010, following notice to the public by advertisement in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare or good zoning practice requires the Proposed Rezoning; that both the existing zoning classifications (B-1 Business) and the proposed "B-2" zoning classification (subject to proffered development conditions) are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning from B-1 (Business) to B-2 (Business), subject to the proffered development conditions set forth within the Statement of Final Proffer Conditions dated August 16, 2010, all of the property located at 233 4th Street, N.W., identified on City Tax Map 32 as Parcel 89, consisting of approximately 170,624 square feet or 3.917 acres.

Approved by Council

September 20, 2010



Clerk of Council

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 28-2
OF ARTICLE I, AND ADDING SECTION 28-127 TO ARTICLE IV, OF CHAPTER 28
(STREETS AND SIDEWALKS) OF THE
CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATED TO DISPLAY OF ITEMS BY BUSINESSES
LOCATED ON THE DOWNTOWN PEDESTRIAN MALL.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 28-2 of Article I of Chapter 28 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, and a new Section 28-127 is hereby added to Article IV of Chapter 28 of the Charlottesville City Code, 1990, as amended, to read as follows:

**CHAPTER 28. STREETS AND SIDEWALKS
ARTICLE I. IN GENERAL**

...

Sec. 28-2. Definitions.

(a) The term "streets," when used in this chapter, shall mean public streets, sidewalks, walkways, alleys, lanes and highways of the city, except where by the context or by reasonable intent sidewalks or walkways are not included.

(b) For the purposes of this chapter, the term "Downtown Pedestrian Mall" shall mean and refer to the brick-paved area ~~of Main Street, bounded by~~ bordered by Market Street on the north, Water Street on the south, Ridge-McIntire Road on the west and 7th Street, S.E. on the east (as if extended in a straight line in a southerly direction from its current terminus to Water Street). The Downtown Pedestrian Mall shall be designated on a map approved by the city manager and maintained available for public inspection within the city's department of neighborhood development services.

...

ARTICLE IV. STREET VENDORS IN GENERAL AND DISPLAYS

...

Sec. 28-127. Downtown Pedestrian Mall outdoor business displays

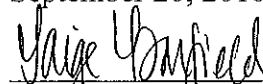
(a) Retail businesses with ground level frontage on the Downtown Pedestrian Mall may utilize up to five (5) feet extending outward from the front of their building façade to display merchandise for sale and/or décor, subject to the following requirements:

- (1) No display shall be placed so as to leave less than a six (6) foot wide area for pedestrian passage;
- (2) No display shall be placed in the fire lane;
- (3) No display, including furniture, bookshelves, clothing racks and/or mannequins shall be placed so as to create a pedestrian trip hazard;

- (4) All small merchandise shall be placed on top of one (1) table adjacent to the building façade with a tailored black (preferred), blue, dark green, purple, charcoal gray or maroon cloth skirt which extends to the ground on all four (4) sides;
- (5) Signs no larger than one (1) square foot in area may be placed within the display area;
- (6) All merchandise, décor and the surrounding area shall be maintained, kept clean and in good repair;
- (7) All merchandise for sale shall be removed from the Downtown Pedestrian Mall at the close of business each day.

Approved by Council

September 20, 2010



Clerk of Council

**RESOLUTION
APPROVING AMENDMENT OF THE 2007
COMPREHENSIVE PLAN TO CREATE AN
URBAN DEVELOPMENT AREA**

WHEREAS, this Council on August 6, 2007 adopted an updated Comprehensive Plan for the City of Charlottesville upon completion of the five-year review required by §15.2-2230 of the Code of Virginia (1950), as amended (hereinafter, the "Comprehensive Plan"); and

WHEREAS, as authorized by Section 34-27 of the City Code an application was made by staff to the Planning Commission to amend Chapter 5 of the Comprehensive Plan to create an Urban Development Area; and

WHEREAS, on August 10, 2010 and September 20, 2010, following notice given in accordance with §15.2-2204 of the Code of Virginia, the Planning Commission and City Council respectively conducted public hearings with regard to the proposed amendment to Chapter 5; and

WHEREAS, on August 10, 2010, the Planning Commission recommended the proposed amendment to Chapter 5 to Council for approval, and the Director of Neighborhood Development Services, who serves as Secretary to the Planning Commission, has certified a copy of the proposed amendment to Chapter 5 to Council for its consideration; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville that the 2007 Comprehensive Plan is hereby amended as recommended by the Planning Commission to insert the attached language in Chapter 5 of the Comprehensive Plan.

Approved by Council
September 20, 2010



Clerk of Council

RESOLUTION
\$500,000
Stormwater Management Facilities

WHEREAS, due to longstanding drainage issues in the Westwood Road area, including deteriorating stormwater management facilities, City staff has recommended funding in the amount of \$500,000 to design and construct improvements to, or replacement of, existing stormwater management facilities in the Westwood Road area; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$500,000 is hereby transferred from currently appropriated funds to the Schenks Branch Stormwater Repair account in the following manner, for the purposes outlined above:

Transfer From:

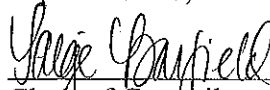
Amount	Fund	Cost Center/Project	G/L Account
\$100,000	428	P-00341	561426
\$150,000	425	P-00156	561426
\$250,000	631	GS-001	561426

Transfer To:

Amount	Fund	Cost Center/Project	G/L Account
\$500,000	426	P-00612	599999
\$500,000	426	P-00612	498010

City Council Agenda Memo
RE: Drainage Issues at Virginia
Institute of Autism

Approved by Council
September 20, 2010


Clerk of Council