



**CITY COUNCIL AGENDA**  
**December 20, 2010**

**6:15 – 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** First Night, CHS Science Team, VRA Award

**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 December 6
  - b. **APPROPRIATION:** \$20,000 - Finance/Warehouse Operation Used Forklift Purchase (2<sup>nd</sup> of 2 readings)
  - c. **APPROPRIATION:** \$167,312.71 – CATEC VDOT Funds (1<sup>st</sup> of 2 readings)
  - d. **APPROPRIATION:** \$5,000 Stipend – Project Child Hands Participation (1<sup>st</sup> of 2 readings)
  - e. **APPROPRIATION:** \$750.00 – Sam’s Club Foundation Community Grant (1<sup>st</sup> of 1 reading)
  - f. **APPROPRIATION:** \$1,954.92 – 2010 Charlottesville Police Department Foundation Donation (1<sup>st</sup> of 2 readings)
  - g. **APPROPRIATION:** \$6,187.50 – U.S. Department of Justice 2010 Bullet Proof Partnership Reimbursement Grant (1<sup>st</sup> of 2 readings)
  - h. **RESOLUTION:** \$32,500 – Funding for The Paramount Theatre Outreach Initiatives (1<sup>st</sup> of 1 reading)
  - i. **RESOLUTION:** TEA Grant – McIntire Park Bike/Pedestrian Bridge Over Rail-Road – Phase 2 – Construction Funds (1<sup>st</sup> of 1 reading)
  - j. **RESOLUTION:** Reentry Summit Funding Authorization (1<sup>st</sup> of 1 reading)
  - k. **RESOLUTION:** DCR Washington Park – (1<sup>st</sup> of 1 reading)
  - l. **RESOLUTION:** Amendment of Funding Agreement Between the City of Charlottesville and CEDA for Jefferson School Renovation (1<sup>st</sup> of 1 reading)
  - m. **ORDINANCE:** Mixed Use Matrix (2<sup>nd</sup> of 2 readings)
  - n. **ORDINANCE:** Parking Entrance Widths in Historic Districts (2<sup>nd</sup> of 2 readings)
  - o. **ORDINANCE:** Vacation of Subdivision Plat for 2210 Berkshire Road (2<sup>nd</sup> of 2 readings)
- 2. PUBLIC HEARING / ORDINANCE** Donation of Land to Habitat for Humanity (1<sup>st</sup> of 2 readings)
- 3. PUBLIC HEARING / ORDINANCE** Amendment of Vendor Fees (1<sup>st</sup> of 2 readings)

**4. PUBLIC HEARING /  
ORDINANCE**

Sale of 409 Stadium Rd. (1<sup>st</sup> of 2 readings)

**5. REPORT**

~~Water Supply—Black & Veatch Report~~ **POSTPONED TO 1/3/2011**

**6. REPORT / RESOLUTION**

Tree Commission Follow-up (1<sup>st</sup> of 1 reading)

**7. REPORT**

City Market

**OTHER BUSINESS  
MATTERS BY THE PUBLIC  
ADJOURNMENT**

**APPROPRIATION**  
**Warehouse Forklift Purchase**  
**\$20,000**

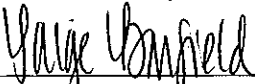
**WHEREAS**, the Warehouse needs to replace the forklift used for operations which poses safety concerns to those who need to use it;

**WHEREAS**, there are sufficient funds in the Warehouse Unappropriated Fund Balance to purchase this forklift;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a total of \$20,000 is hereby approved to be used from the Warehouse Unappropriated Fund Balance (Fund 706) for the replacement of a forklift into the following expenditure account:

Cost Center: 2071001000  
G/L Account: 541050

Approved by Council  
December 20, 2010

  
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Clerk of Council

**APPROPRIATION**

The First Tee of Charlottesville - \$750.00

**WHEREAS**, the City of Charlottesville, through The First Tee of Charlottesville, has received a Community Grant from The Sam's Club Foundation in the amount of \$750.00; and

**WHEREAS**, the revenue for this grant was already appropriated as part of the FY 2011 Adopted Budget and therefore, only the expenditure portion requires appropriation.


**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$750.00 received from The Sam's Club Foundation, is hereby appropriated in the following manner:

**Expenditures**

**\$750.00** Fund: 609 Cost Center: 3821001000 G/L Account: 520600

Approved by Council

December 20, 2010

  
Clerk of Council

**RESOLUTION**  
**Funding for The Paramount Theatre Outreach Initiatives**  
**\$32,500**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$32,500 is hereby paid from currently appropriated funds in the Council Priority Initiatives account in the General Fund:

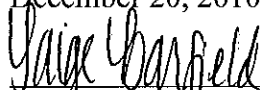
Fund: 105

Cost Center: 1011001000

G/L Account: 540090

Approved by Council

December 20, 2010

  
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Clerk of Council

**RESOLUTION**

**Resolution to Apply for TEA Grant – McIntire Park Bike/Pedestrian Bridge Over Rail-Road – Phase 2 – Construction Funds**

Whereas, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring local jurisdiction or state / federal agency in order that the Virginia Department of Transportation establish an enhancement project in the City of Charlottesville.

Now, Therefore, Be It Resolved, that the City of Charlottesville, requests the Commonwealth Transportation Board to establish a project for the improvement of the McIntire Park railroad bicycle and pedestrian bridge.

Be It Further Resolved, that the City of Charlottesville hereby agrees to provide a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project.

Be It Further Resolved, that the City of Charlottesville hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

Be It Further Resolved, that the City of Charlottesville will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds.

Be It Further Resolved, that if the City of Charlottesville subsequently elects to cancel this project the City of Charlottesville hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Charlottesville also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this 20th day of December, 2010

Charlottesville, Virginia

By: Yaije Garfield, Clerk of Council

Attest

**RESOLUTION**  
Reentry Summit  
\$7,500

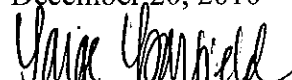
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of up to \$7,500 is hereby paid from currently appropriated funds in the Council Priority Initiatives Account in the General Fund to promote awareness, provide education and training, and facilitate improved coordination of reentry services to prisoners in our community.

Fund: 105

Cost Center: 1011001000

G/L Account: 540090

Approved by Council  
December 20, 2010

  
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Clerk of Council

## Recreational Trails Program Resolution

A resolution authorizing application(s) for federal funding assistance from the Recreational Trails Program to the Virginia Department of Conservation & Recreation (DCR) as provided by the Federal Highway Administration of the U.S. Department of Transportation.

WHEREAS, under the provisions of RTP, federal funding assistance is requested to aid in financing the cost of the construction and/or rehabilitation of recreational trails and trail related facilities,

WHEREAS, the Charlottesville City Council considers it in the best public interest to complete the Washington Park recreational trail project described in the preliminary application and proposal description and environmental screening application;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Manager be authorized to make formal application to DCR for funding assistance;
2. Any fund assistance received be used for implementation and completion of the Washington Park Bicycle and ADA connector path within the specified timeframe;
3. The Charlottesville City Council hereby certifies that project funding is committed and will be derived from the City's Trail CIP fund;
4. We acknowledge that we are responsible for supporting all non-cash commitments to this project should they not materialize; [ *if applicable* ];
5. We are aware that the grant, if approved by the Federal Highway Administration, will be paid on a 80-20 reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid and remitted to our vendors and evidence of such has been provided to DCR in the format required by the project agreement.
6. This resolution becomes part of a formal application to the Virginia Department of Conservation & Recreation;
8. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all applicable state and federal laws provided appropriate opportunity for public comment on this application



9. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval.

This resolution was adopted by the Charlottesville City Council during the meeting held at City Hall on December 20<sup>th</sup>, 2010

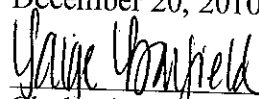
Signed and approved by the following authorized representative:

Signed: *Shirley Boyfield*  
Title: *clerk of council*  
Date *December 20, 2010*

**RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the Mayor is authorized to execute, on behalf of the City, the Second Amendment to the Funding Agreement Between the City of Charlottesville and the Charlottesville Economic Development Authority, in form approved by the City Attorney.

Approved by Council  
December 20, 2010

  
Clerk of Council

**AN ORDINANCE  
AMENDING AND REORDAINING SECTION 34-796 OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
RELATING TO AMENDMENTS TO THE USE MATRIX  
FOR MIXED USE CORRIDOR DISTRICTS.**

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that Section 34-796 of Article VI (Mixed Use Corridor Districts) of Chapter 34 (Zoning) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained as follows:

**ARTICLE VI. MIXED USE CORRIDOR DISTRICTS  
Division 16. Use Matrix**

**Sec. 34-796. Use matrix – Mixed use corridor districts.**

The uses and residential densities allowed within the city's mixed use corridor zoning districts are those identified within the matrix following below. (For a list of each of the city's zoning districts and their abbreviations, see section 34-216.)

A = Ancillary use	GFA = Gross floor area
B = By-right use	MFD = Multifamily development
CR = Commercial/residential	P = Provisional use permit
A/S = Ancillary or Special use permit	S = Special use permit
M/S = Mixed use or special use permit	T = Temporary use permit
DUA = Dwelling units per acre	M = Mixed use development

*[See attached Matrix with amended areas highlighted in red – Changes to Matrix described below]*

**Under the category RESIDENTIAL AND RELATED USES:**

Allow fraternity/sorority houses and rooming houses with a special use permit in the Corner (CD) zoning district by adding an "S" in the CD column for the rows labeled "Boarding: fraternity and sorority house" and "Boarding house (rooming house)".

Prohibit Criminal Justice Facility as a use in the Cherry Avenue Corridor (CH) zoning district by deleting the "B" in the CH column.

Allow Multi-Family Dwellings in the High Street Corridor (HS) zoning district as a by-right use by inserting a "B" in the HS column for the row labeled "Multifamily" under the category "Dwellings".

Allow Family Day Homes serving 1-5 children as a by-right use by adding a "B" in the DE, DN, WMN, WMS, HS, NCC, CD and CC columns for the row labeled "1-5 Children" under the category Family Day Home.

Allow occupancy of up to 4 unrelated persons as a by-right use in the Highway Corridor (HW) zoning district by inserting a "B" in the HW column for the row labeled "4 unrelated persons" under the category "Occupancy, residential."

Eliminate the residential density section by deleting the row labeled "Residential density (developments)" and deleting the rows labeled: 1-21 DUA, 22-43 DUA, 44-64 DUA, 65-87 DUA, 88-120 DUA, 121-200 DUA, 201-240 DUA, including all the zoning codes (B, M, M/S, S) shown in each of the deleted rows.

**Under the category NON-RESIDENTIAL: GENERAL and MISC. COMMERCIAL:**

Allow houses of worship as a by-right use in the Cherry Avenue Corridor (CH) zoning district by inserting a "B" in the CH column for the row labeled "Houses of worship" under the category "Assembly (indoor)".

Allow temporary outdoor assemblies in the Cherry Avenue Corridor (CH) zoning district by inserting a "T" in the CH column for the row labeled "Temporary (outdoor church services, etc.)" under the category "Assembly (outdoor)".

Allow car wash facilities by special use permit in the Highway Corridor (HW) and Urban Corridor (URB) zoning districts by inserting an "S" in the HW and URB columns for the row labeled "Car wash".

Prohibit cemeteries in the Cherry Avenue Corridor (CH) zoning district by deleting the "B" in the CH column for the row labeled "Cemetery".

Allow attached communications facilities by special use permit in the Cherry Avenue Corridor (CH) zoning district by inserting an "S" in the row labeled "Attached facilities visible from an adjacent street or property" under the category "Communications facilities and towers".

Prohibit golf driving ranges in the Urban Corridor (URB) zoning district by deleting the "S" in the URB column for the row labeled "Golf driving range".

Prohibit helipads in the Cherry Avenue Corridor (CH) zoning district by deleting the "B" in the CH column for the row labeled "Helipad".

Allow libraries as a by-right use in the Central City Corridor (CC) zoning district by inserting a "B" in the CC column for the row labeled "Libraries".

Allow parking garages as an ancillary use or by special use permit in the Highway Corridor (HW) zoning district by inserting an "A/S" in the HW column for the row labeled "Parking garage" under the category "Parking:".

Prohibit parking garages as a by-right use in the South Street Corridor (SS) zoning district by deleting the "B" in the SS column for the row labeled "Parking garage" under the category "Parking:".

Amend the title of the row labeled "Surface parking lot" under the category "Parking:" to "Surface parking lot (19 or less spaces)", and change the allowable use from by-right to ancillary in the South Street Corridor (SS) zoning district by deleting the "B" and inserting an "A" in the SS column for that row.

Amend the title of the row labeled "GFA up to 10,000 SF" under the category "Recreational Facilities/Indoor...(on private property)" to "GFA ~~up to~~ 4,001 - 10,000 SF".


Change the allowable use for utility facilities in the Cherry Avenue Corridor (CH) zoning district from by-right to special use permit by deleting the "B" and inserting an "S" in the CH column for the row labeled "Utility facilities".

Change the allowable use for utility lines in the Cherry Avenue Corridor (CH) zoning district from special use permit to by-right by deleting the "S" and inserting a "B" in the CH column for the row labeled "Utility Lines".

**Under the category NON-RESIDENTIAL USES: RETAIL:**

Delete the row labeled "Up to 3,000 SF GFA" under the category "Other retail stores (non-specified)", including all the zoning codes for every zoning district in that row.

Approved by Council  
December 20, 2010

  
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Clerk of Council

**AN ORDINANCE  
AMENDING AND REORDAINING SECTION 34-972  
OF ARTICLE IX OF CHAPTER 34 OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
RELATING TO ALLOWABLE WIDTH OF DRIVEWAY ENTRANCES  
IN CERTAIN HISTORIC CONSERVATION AND  
DESIGN CONTROL ZONING DISTRICTS.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia that Section 34-972 of Article IX (Generally Applicable Regulations) of Chapter 34 (Zoning) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained as follows:

**Sec. 34-972. Location, yard areas, and driveways.**

(a) For lots containing a single-family detached dwelling or a two-family dwelling, parking may be located within any yard. Driveways and off-street parking spaces, regardless of zoning district, shall be subject to the following location and dimensional requirements, with such requirements applying to the portion of the driveway and off-street parking spaces located between the right-of-way and the building line.

- (1) No driveway entrance or exit shall intersect with a street at a location closer than fifteen (15) feet to any street intersection;
- (2) No driveway within a residential district, or used for residential purposes, shall be located within three (3) feet from the line of an adjacent property;
- (3) For driveways and off-street parking spaces, except those off-street parking spaces provided in a garage or carport, the portion of the driveway and off-street parking area located between the right-of-way and the building setback line shall not exceed a maximum of twenty-five (25) percent of the lot area between the right-of-way and building line. This does not prohibit a lot from having one (1) one-way driveway entrance of a maximum width of twenty (20) feet;
- (4) The above language notwithstanding, all driveway entrances shall meet a minimum width requirement of twenty (20) feet and shall not exceed a maximum width of thirty (30) feet, except as allowed by subsection (5) of this section.
- (5) For off-street parking areas in Architectural Design Control Districts and Historic Conservation Districts, as defined in Article II of this chapter, the city traffic engineer may approve a modification in the required driveway entrance width on properties zoned for multi-family residential, commercial, industrial or mixed-use development following a recommendation from the Board of Architectural Review for such modification. Specific factors to be considered by the city traffic engineer include, but are not limited to, expected traffic volumes, internal site circulation, volume of truck traffic, speed limit of the adjacent roadway, and the presence of turn lanes.

Approved by Council  
December 20, 2010

  
Clerk of Council

**AN ORDINANCE  
AUTHORIZING THE VACATION OF A SUBDIVISION PLAT  
FOR THE PROPERTY AT 2210 NORTH BERKSHIRE ROAD**

WHEREAS, the City of Charlottesville recorded a subdivision plat, dated January 20, 2009, which subdivided Parcel 74 on City Real Estate Tax Map 40C, also designated as 2210 North Berkshire Road, into two (2) separate lots; and

WHEREAS, said property subsequently was conveyed to Greater Charlottesville Habitat for Humanity ("Habitat") by the City by deed dated February 17, 2009, of record in the Charlottesville Circuit Court Clerk's Office as Instrument No. 2009-4077; and

WHEREAS, Habitat developed the property as the 2210 North Berkshire Road Condominium, as a duplex unit, and recorded a Condominium Plat; and

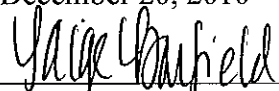
WHEREAS, Habitat has requested that the City vacate the January 20, 2009 subdivision plat pursuant to Virginia Code Sec. 15.2-2272(2), by way of adoption of an ordinance; and

WHEREAS, notice of the proposed adoption of this ordinance was advertised in accordance with Virginia Code Sec. 15.2-2204; and

WHEREAS, City staff has reviewed Habitat's request and recommends approval of the vacation; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is authorized to sign on behalf of the City an instrument vacating the aforementioned subdivision plat dated January 20, 2009, as authorized by Virginia Code Sec. 15.2-2272(2).

Approved by Council  
December 20, 2010

  
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Clerk of Council

## Resolution

Be It Resolved by the City Council of the City of Charlottesville, that a Tree Commission be established as outlined in the attached Council Memo for the December 20, 2010 Council Meeting.

Approved by Council  
December 20, 2010

  
Clerk of Council



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



<b>Agenda Date:</b>	December 20, 2010
<b>Action Required:</b>	Approval
<b>Presented By:</b>	Michael Smith, Planning Assistant
<b>Staff Contact:</b>	Michael H. Smith, Planning Assistant, NDS James E. Tolbert, AICP, Director of NDS
<b>Title:</b>	<b>Charlottesville Tree Commission</b>

### **Background**

City Council has expressed interest in creating a Tree Commission for the City. On October 18<sup>th</sup>, 2010, Mr. Jim Tolbert, Director of NDS, presented a memo to Council that discussed the capacity in which a Tree Commission would serve. Council agreed with Mr. Tolbert's analysis and provided suggestions on how to move forward.

The Tree Commission will serve strictly in an advisory role assisting Council, Planning Commission, and City staff on issues regarding tree planting, preservation, and removal. The intent of the Tree Commission will be to protect the City's aesthetic quality by preserving and monitoring all trees located on public right-of-ways and public property. The Commission will promote an atmosphere of concerned, educated citizens working towards enhancing the diversity and health of the Charlottesville tree canopy.

### **Discussion**

#### Membership

Nine City residents will be appointed by Council to serve on the Commission. Six seats will be reserved for: City Arborist, Planning Commission member, representative from the Charlottesville Area Tree Stewards, or its successor organization, and representative of Blue Ridge Permaculture Institute, or its successor organization. At least two, if not more, members should represent low-income neighborhoods. The remaining three seats will be appointed at large.

Members will be selected based upon their knowledge and interest in urban forestry. Qualified applicants should have experience in landscape design, natural resource protection, and/or forest restoration.

## Terms

Each member will serve a term of three years with a maximum of two consecutive terms.

## Duties

### 1. Review Hazardous Trees:

The Commission will work to provide a comprehensive study of unhealthy and unstable trees located within public lands. By referring to the Virginia Department of Forestry and the City's Urban Forest Management Plan, the Commission will conduct an evaluation of the trees to better assist Council, Commission, and City staff on decisions related to planting, removal, and landscaping.

### 2. Inform the public of the City's tree preservation efforts:

Support and work with local stewardship groups such as the Charlottesville Area Tree Stewards, Rivanna Master Naturalists, and the Charlottesville Garden Club to strengthen the connection among non-profit organizations and the City. Establish meetings with property owners within the City to inform them of tree standards suitable for Charlottesville.

### 3. Engage the youth:

Develop a relationship with civic organizations, stewardship organizations, and local schools. Encourage fieldwork studies among City schools to bring awareness to kids about the importance of preserving trees. Organize tree planting activities, walking tours, or workshops that allow the youth to gain a hands-on approach towards tree conservation and identification.

### 4. Advise Council on pertinent legislation;

The Commission will inform Council on any enabling legislation the Commission deems appropriate for the City to incorporate into the annual Legislative Program. The Commission will also advise Council, Planning Commission, and City staff on progressive, sustainable landscaping techniques that may be suitable for the City.

### 5. Develop a Street Tree Master List:

Develop a master list of street trees suitable for the City. The Commission will refer to the City's existing street tree list and provide suggestions on improving and updating the list. The Commission will only suggest trees that adhere to site development regulations.

### 6. Develop Criteria for Council, Planning Commission, and staff to consider:

Develop a guide that includes suggested criteria in evaluating tree preservation. This criteria should be based off of data and analysis collected by the Tree Commission. The Tree Commission will work to incorporate students from UVA and PVCC to gather this information.

7. Assist with management of the UFMP:

Work with the City Arborist to assist with the management of the Urban Forestry Management Plan. Suggest ordinances and policies to Council that include appropriate alterations to the City's Urban Forest Management Plan.

8. Develop and update a long-range preservation plan:

Create a plan outlining long-term tree care that includes irrigation, pruning, and other annual activities.

9. Study and revise the 1975 Street Tree Master Plan

The Commission will examine the 1975 Street Tree Master Plan and make a recommendation to Council regarding the revisions and degree of implementation of that plan.

10. Maintain tree inventory:

Maintain and update an inventory of trees located on all public lands. The inventory will be a tool for the Commission to monitor tree health and priority areas.

11. Encourage the involvement of residents in public housing with the work and projects of the Commission.

### **Meetings**

Staff suggests that the Commission meet quarterly or as called by the Chair. The Commission shall establish bylaws to govern its operation.

### **Staff Support**

The Commission's work shall be staffed by the City Arborist or other employee as designated by the Department of Parks and Recreation.

### **Budgetary Impact**

Staff does not anticipate any budgetary impacts at the time. However, Council could provide funding in the future for studies, tree purchases, or events as requested by the Commission. Additionally, Council could choose to provide reimbursement to Commission members for attendance at meetings.

**Recommendations.**

Staff recommends approval of the creation of a Charlottesville Tree Commission in accordance with this proposal.