



**CITY COUNCIL AGENDA**  
**January 19, 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**

**ANNOUNCEMENTS**

**AWARDS/RECOGNITIONS** Julian Taliaferro

**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 7

**b. APPROPRIATION:** \$110,629 – Fire Programs Grant (2<sup>nd</sup> of 2 readings)

**c. APPROPRIATION:** \$150,000 – Fund Balance Reappropriation for Visitors Center (2<sup>nd</sup> of 2 readings)

**d. APPROPRIATION:** \$292,000 – Insurance Reimbursement for Transit (1<sup>st</sup> of 2 readings)

**e. RESOLUTION:** Reallocating \$50,000 for Energy House Demo Project (1<sup>st</sup> of 1 reading)

**f. RESOLUTION:** Special Use Permit for Increased Residential Density at 1003 W. Main Street  
(1<sup>st</sup> of 1 reading)

**g. ORDINANCE:** Amendments to Fire Code Chapter (2<sup>nd</sup> of 2 readings)

**h. ORDINANCE:** Amending Street Acceptance Policy (1<sup>st</sup> of 2 readings)

**2. PUBLIC HEARING  
ORDINANCE\*** Abandoning Gas Easement on Old Ivy Road to U. Va. (1<sup>st</sup> of 2 readings)

**3. PUBLIC HEARING  
APPROPRIATION\*** Amending FY 2010 Budget to Appropriate \$2,351,744 in Transit Grant Funds

**4. REPORT** Solid Waste Update

**5. REPORT** Water Update

**6. REPORT\*** Schnabel Engineering – Ragged Mountain Reservoir

**7. REPORT** Police Citizen Advisory Panel

**8 REPORT** Internet Crimes against Children

**9. REPORT** Police Report

**OTHER BUSINESS**  
**MATTERS BY THE PUBLIC**

ADJOURNMENT

\*ACTION NEEDED (appropriations require 2 readings; ordinances require 2 readings; resolutions require 1 reading)  
Reasonable accommodations will be provided for persons with disabilities if requested.

**RESOLUTION  
AUTHORIZING EXPENDITURE FOR  
ENERGY EFFICIENCY REMODEL AND DEMONSTRATION PROJECT  
(\$50,000) AND  
TRANSFER OF GREEN CITIES INITIATIVES FUNDS FROM THE  
CAPITAL BUDGET TO THE GENERAL FUND (\$34,699.50)**

**WHEREAS**, City Council has established a Green City Fund to sponsor sustainability demonstration and education projects consistent with Council's Green City Vision; and

**WHEREAS**, the City owns a residential property at 608 Ridge Street and has committed to renovating it, and

**WHEREAS**, the City has made numerous commitments to sustainability and recognizes the role and challenge that our existing built environment plays with regards to energy consumption and related greenhouse gas emissions, and

**WHEREAS**, the City clearly understands the need for demonstration and education projects to promote tangible actions and strategies for its community members.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$50,000 is hereby made available from currently appropriated funds in the following account:

**From:**

Fund: 105                      Cost Center: 1601002000                      G/L Account: 599999

**To:**

Fund: 425                      Project: P-00579                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that \$34,699.50 is transferred in the following manner:

**Transfer From:**

Fund: 425                      Project: P-00442                      G/L Account: 599999

**Transfer To:**

Fund - 105                      Cost Center: 1601002000                      G/L Account: 599999

Approved by Council  
January 19, 2010

  
Clerk of City Council

**APPROPRIATION**

**2010 CACVB Fund Balance Reappropriation  
\$150,000**

**WHEREAS**, the CACVB has a fund balance of \$314,411 as of the end of fiscal year 2009; and

**WHEREAS**, the funds will be used to purchase and maintain a website to promote the Charlottesville-Albemarle region; and

**WHEREAS**, the CACVB Board has approved the use of the fund balance for this purpose through a CACVB Board resolution dated July 28, 2009:

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$150,000 is hereby appropriated in the following manner according to the following budget:

**Expenditures - \$150,000**

\$150,000      Fund: 986                      CC: 8101001000                      G/L Account: 530220

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**APPROPRIATION**  
**Aid & Localities Disbursement Fund**  
**\$110,629**

**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 \$109,122 is hereby appropriated in the following manner:

**Revenues - \$110,629**

Fund: 209                      I/O: 1900010                      G/L Account: 430110

**Expenditures - \$110,629**


Fund: 209	I/O: 1900010	G/L Account: 599999	\$90,629
Fund: 209	I/O: 1900010	G/L Account: 561302	\$20,000

**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**

Fund: 302                      I/O: 2000059                      G/L Account: 498010

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Clerk of City Council

**A RESOLUTION  
OPPOSING THE PASSAGE OF A PROPOSED CONSTITUTIONAL  
AMENDMENT IN THE FORM PASSED BY THE GENERAL ASSEMBLY IN 2009,  
PERTAINING TO A REAL PROPERTY TAX EXEMPTION  
FOR CERTAIN DISABLED VETERANS**

**WHEREAS**, a proposed constitutional amendment to grant an exemption from real property taxation for veterans who have a 100 percent permanent service related disability, as presently drafted, represents an inefficient and inequitable way to recognize the sacrifices that veterans have made; and,

**WHEREAS**, the amendment as passed by the General Assembly in the 2009 session and before the legislature for a second vote in 2010 poses several significant policy issues:

- Not all veterans would be eligible for the benefit, and many of those are already eligible for real property tax exemptions under local tax relief programs for the elderly and the disabled.
- Surviving spouses of veterans who died while in service are not eligible for the tax exemption.
- Veterans who do not own houses are not eligible.
- Veterans with a disability rating of less than 100 percent are not eligible for the exemption.
- The exemption is granted with no regard to income level.
- The State is providing tax relief using the revenues of local governments, instead of using its own revenues.

**WHEREAS**, the Virginia Municipal League and the Virginia Association of Counties oppose this legislation; and,

**WHEREAS**, there are many potential avenues that the Commonwealth could pursue that would provide financial assistance to all veterans with service-related disabilities, including those who do not have the means to own their own home or who are homeless, including:

- Providing a state tax credit based on the real estate tax paid by the eligible veteran. The tax credit could be prorated to the level of disability and to the income level of the veteran, and could be extended to surviving spouses who have not remarried. Survivors of those who die while in service could be eligible to receive the credit at the same level as veterans with a 100 percent level of disability.
- Not taxing the unearned income of veterans with service-connected disabilities. While veterans' disability income is not subject to state income taxation, unearned income is.
- Increasing services available to homeless veterans.
- Providing a refundable income tax credit for qualified veterans.

**NOW, THEREFORE, BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the Council hereby opposes, for the reasons stated herein, the passage of the constitutional amendment as proposed in Senate Joint Resolution No. 13 and House Joint Resolution No. 33, and requests that the General Assembly investigate and consider more equitable avenues to provide meaningful financial assistance to all disabled veterans. The Clerk of Council is directed to send certified copies of this Resolution to the City's representatives in the General Assembly.

Approved by Council  
January 19, 2010

  
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Clerk of City Council

**RESOLUTION AMENDING A SPECIAL USE PERMIT  
GRANTED TO STUDIO HOUSE, LLC ON SEPTEMBER 2, 2008  
TO ALLOW INCREASED RESIDENTIAL DENSITY  
ON PROPERTY AT 1003 WEST MAIN STREET**

**WHEREAS**, Studio House, LLC, owner of the property at 1003 West Main Street (City Tax Map 10, Parcel 51), was granted a special use permit on September 8, 2008, to allow certain building height changes and setback encroachments for the mixed use development to be constructed at 1003 West Main Street; and

**WHEREAS**, Studio House, LLC has requested an amendment to the above-referenced special use permit, to allow an increase in residential density on the property from 16 dwelling units to a maximum of 45 dwelling units; and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on December 8, 2009, this Council finds that such use is allowed under City Code Section 34-420, 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 an amendment to the special use permit approved on September 8, 2008, is hereby approved and granted to Studio House, LLC to allow an increase in residential density at 1003 West Main Street from 16 dwelling units to a maximum of 45 dwelling units. The terms of the September 8, 2008 special use permit shall remain in full force and effect, except for the following amendments:

- (1) A maximum density of 45 dwelling units at 118 dwelling units per acre shall be allowed;
- (2) The affordable housing condition previously required shall be eliminated;
- (3) A resident director or manager will be accommodated on site;
- (4) There will be provision of at least 750 square feet of a resident-oriented community facility to provide for on-site recreational and social activities;
- (5) Shade trees must be planted on West Main Street;
- (6) Secure bicycle storage will be provided inside the building exclusive of that available inside each of the residential units; and,
- (7) The submission to the BAR for a certificate of appropriateness of the project at 1003 West Main Street will be substantially the same as the application that was approved on October 21, 2008 for the same project.

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**AN ORDINANCE  
AMENDING AND REORDAINING SECTION 12-32  
OF ARTICLE III OF CHAPTER 12 (FIRE PREVENTION CODE)  
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Section 12-32 of Article III of Chapter 12 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained as follows:

**ARTICLE III. FIRE PREVENTION CODE**

**Sec. 12-30. City fire prevention code.**

There is hereby established a fire prevention code for the City of Charlottesville, consisting of the Virginia Statewide Fire Prevention Code adopted pursuant to section 12-31, as well as the regulations set forth within section 12-32, following below.

**Sec. 12-31. Virginia Statewide Fire Prevention Code.**

- (a) It shall be the policy and practice of the city to enforce, in its entirety, the Virginia Statewide Fire Prevention Code ("SFPC") adopted by the Virginia Board of Housing pursuant to § 27-97 of the Virginia Code, as amended from time to time. Accordingly, the SFPC is hereby adopted as part of the fire prevention code of the city. At least one (1) copy of the SFPC shall be maintained in the office of the city's fire chief and such copy shall be made available for inspection during regular office hours.

...

**Sec. 12-32. Local regulations.**

- (a) The SFPC, as adopted pursuant to section 12-31, above, is hereby amended, supplemented, amplified and modified by the following provisions, which are intended to be more restrictive or more extensive in scope than the regulations set forth within the SFPC:

- (1) ...
- (2) ...
- (3) ...
- (4) ...
- (5) ...
- (6) ...
- (7) ...
- (8) ...

- (9) Fire hydrant distribution - Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets where new building construction or modifications to water

mains occur as follows: No more than three hundred (300) feet shall exist between fire hydrants serving buildings meeting SFPC occupancy classifications other than Residential Group R-5, in which case no more than six hundred (600) feet shall exist between fire hydrants.

(10) Chapter 1, section 103.1.2 of the SFPC is replaced by the following:

103.1.2. Appendices.

(i) Appendix B, Fire-Flow Requirements For Buildings, of the International Fire Code - 2006 Edition, as amended from time to time (hereinafter "IFC"), is considered part of the IFC for the purposes of Section 103.1 of the SFPC.

(ii) Appendix D, Fire Apparatus Access Roads, of the IFC is considered part of the IFC for the purposes of Section 103.1 of the SFPC, as modified in the City's Standards and Design Manual. Any conflict between the two documents shall be resolved in favor of the City's Standards and Design Manual.

(b) Nothing in this section shall be construed, interpreted or applied to abrogate, nullify, or abolish any law, ordinance or code enacted by the city, or by the Commonwealth of Virginia, its boards or agencies. When any provision of this section is found to be in conflict with any zoning, safety, health or other applicable law, ordinance or code, the provision that establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

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