



**CITY COUNCIL AGENDA
March 1, 2010**

6:45 – 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

GFOA Budget Award; Virginia Festival of the Book and Sesame Street Anniversary
Proclamations; Multiple Sclerosis Awareness Week

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

APPOINTMENTS:

BOARDS AND COMMISSIONS

1. CONSENT AGENDA* (Items removed from the consent agenda will be considered at the end of the regular agenda)

a. Minutes of December 18, January 22 and February 1

b. **APPROPRIATION:** \$60,000 – Cherry Hill Subdivision Sidewalks Contribution (2nd of 2 readings)

c. **APPROPRIATION:** \$1,380 – Public Access TV Registration Fees (2nd of 2 readings)

d. **APPROPRIATION:** \$100,000 – Schools Contribution to Small Capital Improvements Program (1st of 2 readings)

e. **APPROPRIATION:** \$370,900 – Safe Routes to School Grant (1st of 2 readings)

f. **APPROPRIATION:** \$50,000 – Roy's Place Subdivision Improvements (1st of 2 readings)

g. **RESOLUTION:** Allocating \$25,000 from Housing Fund to Charlottesville Redevelopment and Housing Authority for PHAR (1st of 1 reading)

h. **RESOLUTION:** Endorsing Re-branding of Transit Service

i. **ORDINANCE:** Option for Family Health Care Coverage for City Retirees (2nd of 2 readings)

2. ORDINANCE*

Restricting Nighttime Noise Level for Restaurants in Neighborhood Commercial Districts (2nd of 2 readings)

**3. PUBLIC HEARING
ORDINANCE***

Grant Underground Utility Easement to UVA across University Avenue to serve Madison Hall (1st of 2 readings)

**4. PUBLIC HEARING
ORDINANCE***

Closing Portion of Oak Street (1st of 2 readings)

5. PRESENTATION

School Board's Proposed FY 2011 Budget

6. PRESENTATION

City Manager's Proposed FY 2011 Budget

7. REPORT

Pedestrian Bicycle Plan Update

8. REPORT

Snow Removal Costs

9. REPORT*

City Manager Hiring Process

10. RESOLUTION*

Authorizing Purchase of Land at 401 4th Street, N.W. (1st of 1 reading)

11. ORDINANCE*

Lease of City-owned Land at 401 4th Street, N.W. for Single Room Occupancy Facility (2nd of 2 readings)

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.

12. RESOLUTION

Expressing Support for Federal Comprehensive Immigration Reform Legislation

13. RESOLUTION

Expressing the Intent to Appropriate Funds to Support Section 8 Housing Vouchers

RESOLUTION
PHAR Outreach City Match
\$25,000

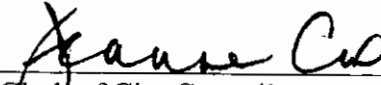
BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$25,000 is hereby paid to the Charlottesville Redevelopment and Housing Authority for PHAR's outreach program from currently appropriated funds in the following account in the capital projects fund:

Fund: 425

Project: P-00439

G/L Account: 599999

Approved by Council
March 1, 2010


Clerk of City Council

APPROPRIATION

Charlottesville Public Access TV (CATV) Registration Fees

\$1,380

WHEREAS, the City of Charlottesville, through CATV, has received registration fees of \$1,380 which will be used for expenses related to the CATV operations;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$1,380, received from patrons of CATV are hereby appropriated in the following manner:

Revenue – \$1,380

\$1,380 Fund: 105 I/O: 2000086 G/L Account: 435120

Expenditures - \$1,380

\$1,380 Fund: 105 I/O: 2000086 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$1,380;

BE IT FURTHER RESOLVED, that future fees and contributions to the CATV program will be hereby considered as a continuing appropriation and immediately available for the CATV program to spend appropriately.

Approved by Council
March 1, 2010


Clerk of City Council

**APPROPRIATION
Cherry Hill Proffer
\$60,000**

WHEREAS, as part of the Cherry Hill rezoning, \$60,000 was proffered to the City for the construction of the intersection improvements at the Cherry/Cleveland/Willard intersection.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$60,000 in proffers received as part of the Cherry Hill rezoning is appropriated in the following manner:

Revenue - \$60,000

Fund: 427

Project: P-00335

G/L Account: 434675

Expenditures -\$60,000

Fund: 427

Project: P-00335

G/L Account: 599999

Approved by Council
March 1, 2010


Clerk of City Council

**A RESOLUTION
EXPRESSING SUPPORT FOR FEDERAL COMPREHENSIVE
IMMIGRATION REFORM LEGISLATION OR ADMINISTRATIVE ACTION**

WHEREAS, immigrants and their children comprise nearly ten percent of Virginia's population and more than half of them are naturalized citizens who are eligible to vote, new Americans (naturalized U.S. citizens and their U.S.-born children) representing 6.4% of the voting population; and,

WHEREAS, immigrants are a vibrant, productive, and vital part of Charlottesville's economy, diverse cultural fabric, and changing demographics; and

WHEREAS, the integration of immigrants and a comprehensive approach to solve our immigration system is critical to ensure that our city and state continue to have strong economies; and

WHEREAS, Comprehensive Immigration Reform will recommit our country to being both a nation of immigrants and a nation of laws.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Charlottesville hereby expresses its support for federal Comprehensive Immigration Reform legislation or administrative action which includes the following: improving the economic situation of all workers in the United States; finding a path to citizenship for undocumented immigrants working and living in the United States; reforming visa programs to keep families together, protecting workers' rights, and ensuring that future immigration is regulated and controlled; implementing smart, effective enforcement measures targeted at the worst violators of immigration and labor laws; integrating immigrants into our communities and country; and respecting the due process rights of all in the United States.

Approved by Council
March 1, 2010


Clerk of City Council

**A RESOLUTION
EXPRESSING THE INTENT OF THE CHARLOTTESVILLE
CITY COUNCIL TO APPROPRIATE FUNDS TO
SUPPORT SECTION 8 HOUSING VOUCHERS FOR A SINGLE ROOM
OCCUPANCY FACILITY AT 401 FOURTH STREET, NW**

WHEREAS, the Board of Commissioners of the Charlottesville Redevelopment and Housing Authority (CRHA) has agreed to allocate existing but unused Section 8 housing vouchers to provide rental assistance to low income individuals who are eligible to reside in a Single Room Occupancy (SRO) facility to be constructed and operated by The Crossings at Fourth and Preston, LLC at 401 Fourth Street, NW; and,

WHEREAS, CRHA does not currently have adequate funding to support the use of the Section 8 vouchers allocated for the SRO facility; and,

WHEREAS, the City of Charlottesville supports the construction and operation of the new SRO facility, and wishes to express its intent to contribute to the costs of new Section 8 housing vouchers that will provide rental assistance to low and very low income individuals and families.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the Council hereby expresses its intent to appropriate funds in an amount that would support the issuance of up to twenty-one (21) Section 8 housing vouchers that can be used at the SRO facility to be developed by The Crossings at Fourth and Preston, LLC.

Approved by Council

March 1, 2010


Clerk of City Council

**RESOLUTION
AUTHORIZING PURCHASE OF PROPERTY
(CITY TAX MAP 32, PARCEL 26) FROM
REGION TEN COMMUNITY SERVICES BOARD, INC.
(SRO FACILITY)**

WHEREAS, the City desires to purchase, and Region Ten Community Services Board, Inc. ("Region Ten") has agreed to sell to the City of Charlottesville, parcels of land with the improvements thereon located at 401 4th Street, N.W., in the City of Charlottesville, more particularly identified as Parcel 26 on City Tax Map 32; and

WHEREAS, the subject property is shown on the attached 4-page plat dated January 4, 2010, by Lincoln Surveying; and

WHEREAS, the City Assessor has valued the subject property at \$1,840,500.00, and the City and Region Ten have signed a Purchase Agreement evidencing the terms of the sale of the subject property to the City for \$1,550,000.00, which funds have been appropriated in the FY2010 budget; and

WHEREAS, City staff have recommended the purchase of the subject property to allow construction and operation of a Single Room Occupancy (SRO) facility to provide affordable housing units for homeless and very low-income persons; now, therefore

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City hereby authorizes the purchase of property at 401 4th Street, N.W. from Region Ten Community Services Board, Inc., as shown on the attached plat, the City Manager is hereby authorized to sign a Purchase Agreement, in form approved by the City Attorney, for the purchase of the subject property, and the City Attorney is hereby directed to take whatever steps are necessary to effect the closing of the conveyance of the subject property to the City.

Approved by Council
March 1, 2010



Clerk of City Council

**AN ORDINANCE
AMENDING SECTION 19-139 OF ARTICLE V OF CHAPTER 19
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
RELATED TO FAMILY HEALTH CARE COVERAGE FOR CITY RETIREES.**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Section 19-139 of Article V of Chapter 19 of the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reordained, as follows:

CHAPTER 19. PERSONNEL

ARTICLE V. GROUP HEALTH INSURANCE PLAN

Sec. 19-139. Termination of coverage; termination of service; retirement.

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...

(f) ~~For so long as any retiree remains enrolled in the health care plan, they shall remain eligible to enroll family members in the plan at the retiree's sole expense, subject to certain restrictions which may vary from time to time.~~

(1) An employee enrolled in the health care plan who retires for service or disability prior to July 1, 2013 may elect to enroll a family member in the plan at the retiree's sole expense, provided such election is made prior to the date of retirement. For employees retired on or before July 1, 2010, such election shall be made on or before July 1, 2010.

(2) Effective July 1, 2013, an employee enrolled in the health care plan who retires for service or disability may elect to continue the enrollment of a family member in the plan at the retiree's sole expense, provided (i) such election to continue enrollment of the family member is made prior to the date of retirement; and (ii) the family member has been enrolled in the health care plan for no less than thirty-six (36) consecutive months immediately prior to the employee's retirement date.

(3) Any spouse or other family member who is enrolled in the city's health care plan at the time of the retiree's death may continue as a member of the plan upon payment of the applicable premium.

(g) Notwithstanding the foregoing, enrollment of a retiree's family members is subject to certain restrictions that may vary from time to time, and the city reserves the right to amend its health care coverage plan from time to time as the city in its discretion deems appropriate.

Approved by Council
March 1, 2010


Clerk of City Council

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 16-11
OF CHAPTER 16 (NOISE CONTROL) OF THE
CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
RELATING TO NOISE FROM RESTAURANTS IN THE
NEIGHBORHOOD COMMERCIAL CORRIDOR DISTRICT.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 16-11 of Chapter 16 of the Code of the City of Charlottesville, as amended, is hereby amended and reordained, as follows:

Sec. 16-11. Sound levels; restaurants.

No person shall permit, operate or cause any ~~source of~~ amplified sound to create a sound level emanating from a restaurant during the hours between 11:00 p.m. and 6:00 a.m. in excess of seventy-five (75) dB(A) (65 dB(A) in the Neighborhood Commercial Corridor district, described at City Code Sec. 34-541) when measured at ~~or outside the~~ a residential property boundary.

Approved by Council
March 1, 2010


Clerk of City Council

**AN ORDINANCE AUTHORIZING THE LEASING OF REAL PROPERTY
WITHIN THE CITY OF CHARLOTTESVILLE, COMMONWEALTH OF
VIRGINIA, LOCATED AT 401 FOURTH STREET, N.W., AND
IDENTIFIED AS PARCEL 26 ON CITY TAX MAP 32.**

WHEREAS, the City of Charlottesville is under contract to purchase property at 401 4th Street, N.W. in the City of Charlottesville, and seeks to lease said property for the purpose of allowing construction and operation of a Single Room Occupancy (SRO) facility; and

WHEREAS, the City Council for the City of Charlottesville finds that such lease is in the best interest of the City, as the construction and operation of the Single Room Occupancy facility by The Crossings at Fourth and Preston, LLC shall provide the Charlottesville community with affordable housing units for low income persons; and

WHEREAS, in accordance with Virginia Code Sections 15.2-2100, *et seq.*, this ordinance was duly advertised for the purpose of receiving bids; and

WHEREAS, in accordance with Virginia Code Section 15.2-2102, a bid has been selected; and

WHEREAS, in accordance with Virginia Code Section 15.2-1800(B), a public hearing was held on February 16, 2010 to give the public the opportunity to comment on the proposed lease of the above described land to a third party;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the City Manager is hereby authorized to execute an Option to Lease with a proposed Ground Lease attached thereto, in substantially the same form as attached hereto, for the leasing of property at 401 4th Street, N.W., Charlottesville, Virginia to The Crossings at Fourth and Preston, LLC. Said Option to Lease and Ground Lease shall be approved as to form by the City Attorney prior to execution by the City Manager.

BE IT FURTHER ORDAINED that this Ordinance is conditioned upon the City acquiring title to the property at 401 4th Street, N.W. prior to execution of the Option to Lease and Ground Lease agreement by the City Manager.

Approved by Council
March 1, 2010


Clerk of City Council