



**CITY COUNCIL AGENDA**  
**November 7, 2011**

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)

**TYPE OF ITEM**

**SUBJECT**

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL

AWARDS/RECOGNITIONS  
ANNOUNCEMENTS

"Go Green" VML Award

MATTERS BY THE PUBLIC

Public comment will be permitted for the first 12 speakers to 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 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 October 17

b. **APPROPRIATION:**

FY2012 Friendship Court Sponsorship Agreement (2nd Quarter) - \$22,130.50  
(2<sup>nd</sup> of 2 readings)

c. **APPROPRIATION:**

Grant Award from the Virginia Department of Forestry - Azalea Park Biofilter  
Project - \$7,500 (2<sup>nd</sup> of 2 readings)

d. **APPROPRIATION:**

Victim Witness Assistance Program Grant - \$157,143 (2<sup>nd</sup> of 2 readings)

e. **APPROPRIATION:**

Runaway Emergency Shelter Program Grant - \$222,222 (1<sup>st</sup> of 2 readings)

f. **APPROPRIATION:**

Statewide Information Sharing Strategic Plan and Pilot Geospatial Visualization  
Project - \$1,000,000 (1<sup>st</sup> of 2 readings)

g. **RESOLUTION:**

Charlottesville-Albemarle Health Department Carry Over Request - \$15,642  
(1<sup>st</sup> of 1 reading)

h. **RESOLUTION:**

Industrial Hemp (1<sup>st</sup> of 1 reading)

i. **ORDINANCE:**

Grant of Easement Near Brandywine Dr and Greenbrier Dr to Rivanna Water &  
Sewer Authority (2<sup>nd</sup> of 2 readings)

j. **ORDINANCE:**

Regulation of Pneumatic (Air Powered) Guns (2<sup>nd</sup> of 2 readings)

k. **ORDINANCE:**

Reauthorization of the Technology Zone (1<sup>st</sup> of 2 readings)

**2. PUBLIC HEARING/RESOLUTION\***

Lease to Virginia Discovery Museum (1<sup>st</sup> of 1 reading)

**3. PUBLIC HEARING/RESOLUTION\***

600 Preston Place Special Use Permit (1<sup>st</sup> of 1 reading) [Deferred to 11/21 mtg]

**4. PUBLIC HEARING/ORDINANCE\***

Critical Slopes in Planned Unit Developments (1<sup>st</sup> of 2 readings)

**5. PUBLIC HEARING/ORDINANCE\***

Update Civil Penalties Related to Zoning Violations and Correct a Code  
Reference to the Zoning Matrix (1<sup>st</sup> of 2 readings)

**6. REPORT/RESOLUTION\***

Vinegar Hill Apology (1<sup>st</sup> of 1 reading)

**7. REPORT\***

Rivanna Pump Station Update

**8. REPORT**

JAUNT Annual Report

**9. REPORT/RESOLUTION\***

Master Plan Process for Meadow Creek Stream Valley

OTHER BUSINESS  
MATTERS BY THE PUBLIC

\*ACTION NEEDED

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

**APPROPRIATION**  
**2012 Friendship Court Sponsorship Agreement (2<sup>nd</sup> Quarter)**  
**\$22,130.50**

**WHEREAS**, the City of Charlottesville has received a donation from Friendship Court to fund enhanced police coverage for the areas defined in the Sponsorship Agreement, including salary, equipment, technology and related administrative expenses associated with provisions of such enhanced coverage, for the period of October 1, 2011 to December 31, 2011.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$22,130.50, to be received as a donation from Friendship Court, is hereby appropriated in the following manner, and is conditioned upon receipt of \$22,130.50 from Friendship Court.

**Revenues - \$22,130.50**

Fund: 105

Internal Order: 2000005

G/L Account: 451999

**Expenditures - \$22,130.50**

Fund: 105

Internal Order: 2000005

G/L Account: 510060

Adopted by City Council  
on November 7, 2011

  
Barbara Ronan, Acting Clerk of Council

**APPROPRIATION**

**Grant Award from the Virginia Department of Forestry  
Azalea Park Biofilter Project  
\$7,500**

**WHEREAS**, the City of Charlottesville, through the Department of Parks and Recreation, has been awarded \$7,500 from the Virginia Department of Forestry; and

**WHEREAS**, the grant award covers the period through June 30, 2012.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$7,500 is hereby appropriated in the following manner:

**Revenue – \$7,500**

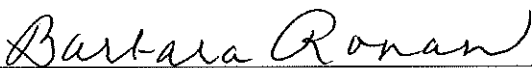
Fund: 209                      I/O: 1900178                      G/L Account: 430110

**Expenditures - \$7,500**

Fund: 209                      I/O: 1900178                      G/L Account: 520990

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Forestry.

Adopted by City Council  
on November 7, 2011

  
Barbara Ronan, Acting Clerk of Council

**APPROPRIATION**

**Charlottesville Victim Witness Assistance Program Grant**

**\$157,143**

**WHEREAS**, The City of Charlottesville, through the Commonwealth Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$143,982; and

**WHEREAS**, the City is providing a supplement in the amount of \$13,161, the source of which is the Commonwealth Attorney's salary budget (Cost Center: 1401001000; G/L Account: 519999).

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$157,143 is hereby appropriated in the following manner:


**Revenues**

\$143,982	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$13,161	Fund: 209	Cost Center: 1414001000	G/L Account: 498010

**Expenditures**

\$145,508	Fund: 209	Cost Center: 1414001000	G/L Account: 510010
\$6,922	Fund: 209	Cost Center: 1414001000	G/L Account: 520010
\$4,713	Fund: 209	Cost Center: 1414001000	G/L Account: 530100

Adopted by City Council  
on November 7, 2011

  
Barbara Ronan, Acting Clerk of Council

**RESOLUTION**  
**Authorization of Carryover for Charlottesville-Albemarle Health Department**  
**\$15,642**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the Charlottesville-Albemarle Health Department is authorized to carry over the sum of \$15,642 from Fiscal Year 2011 for the above-stated purpose.

Adopted by City Council  
on November 7, 2011

  
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Barbara Ronan, Acting Clerk of Council

**A RESOLUTION URGING THE 112TH CONGRESS  
TO ADOPT THE INDUSTRIAL HEMP FARMING ACT**

WHEREAS, the industrial hemp industry has recently experienced a revitalization with worldwide hemp sales continuing to increase; and

WHEREAS, faltering agricultural economics in a number of states have created pressure to investigate alternative crops, including industrial hemp; and

WHEREAS, industrial hemp's three raw materials, fiber, hurds and seeds, can be used in more than 25,000 products, including textiles, rope, cellulose plastics, resin, particle board, paper products, shampoo, vitamins and oil; and

WHEREAS, the histories of the United States and Virginia are replete with examples of the utility of and dependence on industrial hemp, which was legally cultivated in Virginia and many other states until the late 1930's; and

WHEREAS, although industrial hemp is derived from the Cannabis Sativa plant, it is distinctive from its better known relative in that it contains less than one percent of the chemical responsible for its psychoactive properties; and

WHEREAS, under the current United States drug policy, all Cannabis varieties, including hemp, are considered Schedule I controlled substances under the Controlled Substances Act and as such the growing of industrial hemp is controlled and strictly regulated by the U.S. Drug Enforcement Administration (DEA); and

WHEREAS, the growing of industrial hemp in the United States has been allowed only by a federal permit issued by the DEA, and the conditions of such a permit are so restrictive as to make the experimental cultivation of hemp essentially impossible; and

WHEREAS, the Virginia General Assembly has urged the federal government to revise the necessary regulations so as to permit the controlled experimental cultivation of industrial hemp in Virginia; and

WHEREAS, the National Farmers Union (NFU) has urged the President, Attorney General and Congress to direct the U.S. DEA to differentiate between industrial hemp and marijuana and adopt a policy to allow American farmers to grow industrial hemp under state law without requiring DEA licenses; and

WHEREAS, the National Association of State Departments of Agriculture support revisions to the federal rules and regulations authorizing commercial production of industrial hemp and has urged the DEA to develop and adopt an official definition of industrial hemp that comports with definitions currently used by countries producing hemp; and

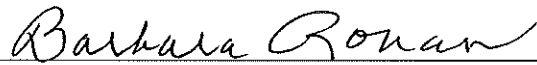
WHEREAS, the Industrial Hemp Farming Act (House Resolution 1831), has been introduced in Congress with the intention of removing Industrial Hemp as a Schedule I

controlled substance under the Controlled Substance Act and allowing the State Legislatures to license and regulate the commercial production of hemp as an industrial and agricultural commodity; and

WHEREAS, the Charlottesville City Council hereby supports the adoption of the Industrial Hemp Farming Act by Congress in order to facilitate the commercial cultivation of industrial hemp by granting the states the necessary authority to license and regulate the production of hemp as an industrial and agricultural commodity;

NOW, THEREFORE, BE IT RESOLVED, that we, the City Council of Charlottesville, Virginia, do hereby urge the 112th Congress to adopt the Industrial Hemp Farming Act and grant the States the authority to license and regulate the production of hemp as an industrial and agricultural commodity, which in turn will open the market for farmers, businesses and entrepreneurs in the emerging and fast growing hemp industry.

Adopted by City Council  
on November 7, 2011



Barbara Ronan, Acting Clerk of Council

**AN ORDINANCE  
GRANTING PERMANENT AND TEMPORARY EASEMENTS TO THE  
RIVANNA WATER AND SEWER AUTHORITY  
FOR THE RELOCATION AND ENLARGEMENT OF THE  
MEADOW CREEK INTERCEPTOR SEWER LINE.**

**WHEREAS**, the Rivanna Water and Sewer Authority (“RWSA”) has requested the City of Charlottesville to grant permanent and temporary construction easements across a portion of City-owned property near Brandywine Drive and Greenbrier Drive, as shown on the attached plat dated August 15, 2010; and,


**WHEREAS**, the proposed easements will allow for the relocation and enlargement of a portion of the Meadow Creek Sanitary Sewer Interceptor Pipeline, a sewer collection line owned by RWSA and serving City residents; and,

**WHEREAS**, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the conveyance of this easement; and

**WHEREAS**, City staff have reviewed the request and have no objection to the conveyance of said easement to RWSA.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute an Easement Modification Agreement and such other documents as may be requested by RWSA, in form approved by the City Attorney, to convey the above-described easements to the Rivanna Water and Sewer Authority.

Adopted by City Council  
on November 7, 2011

  
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Barbara Ronan, Acting Clerk of Council



**AN ORDINANCE  
AMENDING AND REORDAINING SECTION 33-7 OF CHAPTER 33  
(WEAPONS) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990,  
AS AMENDED, RELATING TO THE REGULATION OF PNEUMATIC GUNS.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Section 33-7 of Chapter 33 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

**Sec. 33-7. - Discharge of bows and arrows, ~~air~~-pneumatic guns, etc.**

(a) No person shall discharge arrows, nails or bullets from a bow or cross-bow in or into any street or other public place, or anywhere within the city discharge shot, gravel, bullets or other similar substances from a sling shot, ~~gravel shooter~~, ~~air gun~~ or similar implement. This section shall not be construed to prohibit the use of bows and arrows on authorized archery ranges.

(b) Pneumatic guns.

(1) As used in this section, "pneumatic gun" means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

(2) Pneumatic guns may be discharged only at facilities approved for shooting ranges, or on or within private property with permission of the owner or legal possessor. Use thereof must be conducted with reasonable care to prevent a projectile from crossing the bounds of the property. "Reasonable care" means that the gun is being discharged so that the projectile will be contained on the property by a backstop, earthen embankment, fence or other physical barrier. The discharge of projectiles across or over the bounds of the property shall create the rebuttable presumption that the use of the pneumatic gun was not conducted with reasonable care. Minors may use such implements only under the following conditions:

(i) Minors under the age of sixteen (16) must be supervised by a parent, guardian, or other adult supervisor approved by a parent or guardian and shall be responsible for obeying all laws, regulations, and restrictions governing the use thereof.

(ii) Minors sixteen (16) years of age and older must have the written consent of a parent or guardian and shall be responsible for obeying all laws, regulations and restrictions governing the use thereof.

(iii) Training of minors in the use of pneumatic guns shall be done only under direct supervision of a parent, guardian, junior reserve officers training corps

instructor, or a certified instructor. Training of minors above the age of sixteen (16) may also be done without direct supervision if approved by the minor's instructor, with the permission of and under the responsibility of a parent or guardian, and in compliance with all requirements of this section. Ranges and instructors may be certified by the National Rifle Association, a state or federal agency that has developed a certification program, any service of the Department of Defense, or any person authorized by these authorities to certify ranges and instructors.

(3) Commercial or private areas designated for use of pneumatic paintball guns may be established and operated for recreational use in areas where such facilities are permitted by the city's zoning ordinance. Equipment designed to protect the face and ears shall be provided to participants at such recreational areas, and signs must be posted to warn against entry into the paintball area by persons who are unprotected or unaware that paintball guns are in use.

(c) A violation of this section shall constitute a class 3 misdemeanor.

**State law reference—Code of Virginia, § 15.2-915.4.**

Adopted by City Council  
on November 7, 2011

  
Barbara Ronan, Acting Clerk of Council

## RESOLUTION

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

Amendment to the Lease Agreement between the City of Charlottesville and Virginia Discovery Museum, dated June 8, 2011, expanding the leased area for the Carousel on the Downtown Mall from 240 square feet to 990 square feet, as shown on the attached drawing.

Adopted by City Council  
on November 7, 2011



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Barbara Ronan, Acting Clerk of Council

**AMENDMENT TO LEASE AGREEMENT  
BETWEEN  
CITY OF CHARLOTTESVILLE, VIRGINIA AND  
VIRGINIA DISCOVERY MUSEUM**

**WHEREAS**, the Virginia Discovery Museum (“Discovery Museum”) entered into a 5 year lease agreement with the City of Charlottesville (“City”), dated June 8, 2011, to lease 240 square feet of the Downtown Mall for a children’s Carousel; and

**WHEREAS**, the Discovery Museum has asked the City to amend the Lease Agreement to expand the leased area to approximately 990 square feet, as shown on the attached drawing dated October 2011, in order to improve safety and provide more space for children and their caretakers to enjoy the use of the Carousel; and

**WHEREAS**, the Police Department and City staff have recommended approval of the expansion of the leased area; now, therefore,

**IT IS AGREED** between the parties that the above-referenced Lease Agreement dated June 8, 2011, is hereby amended to expand the leased area from 240 square feet to approximately 990 square feet, as shown on the attached drawing. All other terms and conditions and/or provisions of the Agreement shall remain as set forth in the Lease Agreement.

CITY OF CHARLOTTESVILLE

VIRGINIA DISCOVERY MUSEUM

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Effective Date of Amendment: November 8, 2011

## **A Resolution of the City of Charlottesville Apologizing for Destruction of Vinegar Hill**

**WHEREAS** the neighborhood known as Vinegar Hill was also known as the Black Business District for the Charlottesville area from the 1920's to the late 1950's, and;

**WHEREAS** Vinegar Hill, a self-supported community, considered the hub of black culture that included a cross-section of residents from all economic backgrounds in Charlottesville, where businesses, schools, churches and homes comprised the predominantly African American neighborhood, and;

**WHEREAS** businesses such as the Progressive Billiard Parlor, Jefferson Inn-Furnished Rooms, Wingfoot Shoe Shop and Inge's Grocery provided the goods and services to African Americans who were in many cases unable to receive those services in other areas of Charlottesville as a result of segregation laws and discrimination, and;

**WHEREAS** these business owners in Vinegar Hill faced intense racial discrimination in start, grow and maintain their businesses, and;

**WHEREAS** the Federal Housing Act of 1937 paved the way for Charlottesville to begin consideration of public housing in this area, and;

**WHEREAS** in January 1954, City Council adopted a resolution establishing a "Housing Authority" to deal with the "unsanitary and unsafe inhabited dwelling accommodations" that existed in the city, and;

**WHEREAS** on June 14, 1960, the citizens of Charlottesville voted through a referendum to proceed with redeveloping Vinegar Hill under the Federal Urban Renewal Program, and;

**WHEREAS** the attempt to create "a fine modern business section for the slum area...of Vinegar Hill" and a "decent standard of living" for the African American residents led to the displacement of close to 500 people and the destruction of close to 40 different businesses and churches, and;

**WHEREAS** when the Vinegar Hill neighborhood was demolished, many of the displaced were moved to the new public housing community of Westhaven, and;

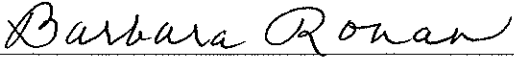
**WHEREAS** some who lived in Vinegar Hill welcomed improved housing opportunities for the residents of the neighborhood but felt overlooked and unheard during the decision making process that led to Urban Renewal;

**WHEREAS** Urban Renewal affected not only Vinegar Hill but homes and businesses along Garrett Street as well, and;

**WHEREAS** some residents of Charlottesville still feel the negative consequences of Urban Renewal and continue to distrust the City government as a result;

**NOW THEREFORE BE IT RESOLVED** that we, the undersigned members of the Charlottesville City Council recognize the African-American owned businesses, homes and property that were destroyed or damaged by the razing of Vinegar Hill; acknowledge that the events leading to the destruction of this neighborhood did not adequately include those who were to be affected; mourn the lost sense of community caused by the demolition of this neighborhood; and for the harm caused we do hereby apologize for the City government's role in the destruction of the Vinegar Hill Neighborhood, and affirm that the lessons learned from the City's actions will be remembered.

Adopted by City Council  
on November 7, 2011

  
\_\_\_\_\_  
Barbara Ronan, Acting Clerk of Council

## RESOLUTION

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that this Council hereby authorizes the City Manager and the Parks and Recreation Department to begin the Park Master Planning Process for the Meadow Creek Stream Valley and to include Greenbrier Park and Meadow Creek Gardens, as shown on Attachment 4. The Master Plan shall be conducted pursuant to the Park Master Planning Process adopted by City Council on March 16, 2009.

Adopted by City Council  
on November 7, 2011



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Barbara Ronan, Acting Clerk of Council

# Attachment 4

## Meadow Creek Stream Valley, including Greenbrier Park

### Parkland Acquisitions - Meadowcreek West

