



**CITY COUNCIL AGENDA**  
**Monday, July 17, 2017**

7:00 p.m.

**Regular Meeting - CALL TO ORDER**  
*Council Chambers*

**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**

**AWARDS/RECOGNITIONS**  
**ANNOUNCEMENTS**

**CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC**

**MATTERS BY THE PUBLIC** Public comment is provided for up to 15 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 10 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

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

- a. Minutes for July 5, 2017
- b. APPROPRIATION: Strategic Investment Area Form-Based Code – \$228,000 (2<sup>nd</sup> of 2 readings)
- c. APPROPRIATION: 2017-2018 Community Development Block Grant – \$430,316.31 (1<sup>st</sup> of 2 readings)
- d. APPROPRIATION: 2017-2018 HOME Funds – \$90,748.69 (1<sup>st</sup> of 2 readings)
- e. APPROPRIATION: HOME Investment Partnerships Program – \$3,214.26 (1<sup>st</sup> of 2 readings)
- f. APPROPRIATION: Amendment to Community Development Block Grant Account (1<sup>st</sup> of 2 readings)
- g. RESOLUTION: Authorizing Revenue Bond Issue for Jefferson Scholars Foundation (1<sup>st</sup> of 1 reading)
- h. RESOLUTION: Refund of Tax Payment to County Waste LLC (1<sup>st</sup> of 1 reading)
- i. RESOLUTION: Refund of Tax Payment to Wells Fargo Equipment Finance INC (1<sup>st</sup> of 1 reading)
- j. RESOLUTION: Refund of Tax Payment to PNC Equipment Finance LLC (1<sup>st</sup> of 1 reading)
- k. ORDINANCE: Quitclaim to VDOT (Fontana and Hyland Ridge Subdivisions) (2<sup>nd</sup> of 2 readings)
- l. ORDINANCE: Approval of Sale of Baylor Lane Lot (2<sup>nd</sup> of 2 readings)
- m. ORDINANCE: King St. Rezoning Application (2<sup>nd</sup> of 2 readings)
- n. ORDINANCE: Parking Ordinance Changes (2<sup>nd</sup> of 2 readings)

**2. PUBLIC HEARING** Charlottesville Fire Department and Charlottesville Albemarle Rescue Squad Emergency Medical Services System Improvement Strategy and Cost Recovery Program – **15 mins**

**3. PUBLIC HEARING / ORDINANCE\*** Urban Archery Ordinance and related revisions (1<sup>st</sup> of 2 readings) – **20 mins**

**4. PUBLIC HEARING / ORDINANCE\*** Closing and Vacating First Street South Between Water Street and South Street (1<sup>st</sup> of 2 readings) – **10 mins**

**5. PUBLIC HEARING / ORDINANCE\*** Woolen Mills Village Historic Conservation District (1<sup>st</sup> of 2 readings) – **20 mins**

**6. REPORT:  
RESOLUTION\*  
RESOLUTION\*** Reallocation of Existing Funds for Parks Projects – **20 min**

- McIntire Park Rail Road Pedestrian Bridge (1<sup>st</sup> of 1 reading)
- Skate Park (1<sup>st</sup> of 1 reading)

**7. REPORT** Rivanna Quarterly Update – **15 mins**

**8. REPORT\*** Community Development Corporations Report – **30 mins**

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

# GUIDELINES FOR PUBLIC COMMENT

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**We welcome public comment;  
it is an important part of our meeting.**

**Time is reserved near the beginning and at the end of each regular City Council meeting for Matters by the Public.**

**Please follow these guidelines for public comment:**

- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- Each speaker has **3 minutes** to speak. Please give your name and address before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them.
- Please **refrain from using obscenities**.
- If you cannot follow these guidelines, you will be escorted from City Council Chambers and not permitted to reenter.

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



Agenda Date:	July 5, 2017
Action Required:	Appropriation
Presenter:	Alex Ikefuna, Director, NDS
Staff Contacts:	Alex Ikefuna, NDS Director
<b>Title:</b>	<b>Strategic Investment Area Form-Based Code - \$228,000</b>

**Background:**

On December 19, 2016, City Council approved a resolution to procure a consultant to assist with the development of a Form-Based Code (F.B.C.) to implement Phase I of the Strategic Investment Area Plan (SIA). The Resolution also indicated that the City Council “is willing to authorize a budget for such services up to \$228,000.”

**Discussion:**

Staff prepared and published a Request for Proposal (Form-Based Code/17-67) to solicit the services of a Form-Based Code firm to assist with the development of the F.B.C. Three proposals were received from Form Based Code Institute, Torti Gallas and Code Studio. The Form Based Code Institute was selected for the project due to the comprehensiveness of their proposal, citizen engagement plan strategy, support for adoption process, and training component. The fee for the project is approximately \$200,000; however, we are requesting for all of the authorized \$228,000 due to other expenses not part of the proposed fee. Those include citizen engagement professional to facilitate the kick-off community meeting, charrette expenses, etc.

**Alignment with Council Vision Areas and Strategic Plan:**

As this project is associated with the Small Area Plan implementation and Comprehensive Plan, all aspects of the Council Vision are addressed in one way or another. It also contributes to Goal 5 of the Strategic Plan, A well-managed and responsive organization and Objective 5.4, Foster effective community engagement.

**Community Engagement:**

There was no formal community engagement process for the consultant selection process; however, the Selection Committee included a combination of City staff, representatives from the developer

community, Public Housing Association of Residents (PHAR), Charlottesville Redevelopment and Housing Authority (C.R.H.A.), Piedmont Housing Alliance/Friendship Court, Belmont-Carlton Neighborhood Association, Ridge Street Neighborhood Association, North Downtown Neighborhood Association, Locust Avenue Neighborhood Association and Downtown Business Association. Additionally, more community engagement process will occur as part of the overall Form-Based Code development.

**Budgetary Impact:**

The funds will be transferred from previously appropriated funding in the Capital Improvement Program Contingency account to the SIA Form-Based Code project account.

**Recommendation:**

Staff recommends approval of this appropriation.

**Alternatives:**

N/A

**Attachments:**

Authorizing Resolution approved December 19, 2016

Appropriation

**RESOLUTION**  
**APPROVING THE PROCURMENT OF A CONSULTANT TO ASSIST WITH THE**  
**DEVELOPMENT OF A FORM-BASED ZONING CODE TO IMPLEMENT PHASE I OF**  
**THE STRATEGIC INVESTMENT AREA PLAN**

WHEREAS, this Council has determined that the City would benefit from having professional planning assistance for the development of a form-based code to implement Phase I of the Strategic Investment Area Plan; and

WHEREAS, City Council is willing to authorize a budget for such services of up to \$228,000; now, therefore,

BE IT RESOLVED that Council authorizes staff to take all actions necessary to procure the services of a consultant within the budget authorized by this resolution.

**APPROPRIATION**

**Strategic Investment Area Form-Based Code - \$228,000**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the funding for the Strategic Investment Area Form-Based Code project is hereby transferred in the following manner:

**Transfer From:**

\$228,000      *Fund: 426*                      *WBS: CP-080*                      *G/L Account: 599999*

**Transfer To**

\$228,000      *Fund: 426*                      *WBS: P-00947*                      *G/L Account: 599999*

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 17, 2017
Action Required:	Appropriation and Approval
Presenter:	Tierra Howard, Grants Coordinator, NDS
Staff Contacts:	Tierra Howard, Grants Coordinator, NDS
<b>Title:</b>	<b>Approval and Appropriation of CDBG &amp; HOME Budget Allocations for FY 2017-2018</b>

**Background:**

This agenda item includes the revised Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) final budget allocation for FY 2017-2018 appropriation for the HOME Investment Partnerships (HOME) funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

**Discussion:**

On May 15, 2017, City Council approved the *estimated* appropriation of the City's CDBG and HOME funds for FY 2017-2018 totaling \$371,309 Entitlement (EN) Grant, and \$42,268.31 in Reprogramming for a total of \$413,577.31. The HOME total consists of an estimated \$58,520 which is the City's portion of the Consortium's appropriation, \$14,630 for the City's 25% required match, \$19,357.13 in HOME EN available after program income (PI) applied, and \$3,214.26 in program income carry forward for a total of \$90,748.69. In addition to the budget, Council also approved any percent changes to the estimated amounts to be applied equally to all programs and no agency's allocation would increase more than their initial funding request.

On June 22, 2017, the City received the official allocation from HUD for the CDBG and HOME programs. The City's allocation has changed to \$388,048 in CDBG entitlement and \$42,268.31 in Reprogramming for a total of \$430,316.31. The HOME total consists of \$57,113.25 in HOME entitlement funds, \$14,278.31 of City match funds, \$19,357.13 in HOME EN available after PI applied, and \$3,214.26 in program income carry forward for a total of \$90,748.69.

**Community Engagement:**

A public hearing was held for the proposed CDBG and HOME FY 17-18 budget on May 1, 2017. There were no comments provided by the public. Per the CDBG/HOME Citizen Participation Plan, there are no other community engagement efforts required as a result of the

revised resolutions.

**Alignment with City Council’s Vision and Strategic Plan:**

Approval of this agenda item aligns directly with Council’s vision for Charlottesville to have **Economic Sustainability and Quality Housing Opportunities for All.**

**Budgetary Impact:** The HOME program requires the City to provide a 20% match. The sum necessary to meet the FY 2017-2018 match is \$14,278.31, which will need to be appropriated out of the Charlottesville Housing Fund (CP-0084) at a future date.

**Recommendation:**

Staff recommends approval of the appropriations. Funds will not be available or eligible to be spent until HUD releases funds. Funds included in this budget will not be spent until HUD releases the entitlement after the Action Plan is approved.

**Alternatives:**

No alternatives are proposed.

**Attachments:**

- 2017-2018 CDBG and HOME Budget
- Appropriation Resolution for CDBG funds (Revised)
- Appropriation Resolution for HOME funds (Revised)
- Appropriation Resolution for HOME PI funds
- Appropriation Resolution for CDBG reprogrammed funds



**2017-2018 CDBG and HOME BUDGET ALLOCATIONS**  
**RECOMMENDED BY CDBG/HOME TASK FORCE and SAT: 1/10/17, 1/11/17, 1/19/17, and 1/25/17**  
**RECOMMENDED BY PLANNING COMMISSION: 3/1/2017**  
**APPROVED BY CITY COUNCIL: 5/15/2017**

<b>I.</b>	<b>PRIORITY NEIGHBORHOOD</b>		
	A. 10 <sup>th</sup> and Page		<b>\$282,000.31*</b>
<b>II.</b>	<b>ECONOMIC DEVELOPMENT PROJECTS</b>		
	A. Community Investment Collaborative Scholarships		\$12,500
		<b>ECONOMIC DEVELOPMENT TOTAL:</b>	<b>\$12,500</b>
<b>III.</b>	<b>PUBLIC SERVICE PROJECTS</b>		
	A. City of Promise – Enrolled to Launch		\$17,837
	B. OAR – Re-entry Services		\$15,533
	C. United Way – Child Care Subsidies		\$24,837
		<b>SOCIAL PROGRAMS TOTAL:</b>	<b>\$58,207 (15% EN)</b>
<b>IV.</b>	<b>ADMINISTRATION AND PLANNING:</b>		
	A. Admin and Planning		<b>\$77,609 (20% EN)</b>
		<b>GRAND TOTAL:</b>	<b>\$430,316.31</b>
		<b>ESTIMATED NEW ENTITLEMENT AMOUNT:</b>	<b>\$388,048</b>
		<b>REPROGRAMMING:</b>	<b>\$42,268.31</b>

\* Funding includes program income/reprogrammed funds

**2017-2018 HOME BUDGET ALLOCATIONS**

A.	Habitat – Down payment Assistance	\$40,000
B.	PHA – Down payment Assistance	\$50,748.69*
	<b>TOTAL:</b>	<b>\$90,748.69</b>
	<b>ENTITLEMENT AMOUNT:</b>	<b>\$57,113.25</b>
	<b>ESTIMATED EN AVAILABLE AFTER PI APPLIED:</b>	<b>\$19,357.13</b>
	<b>PI CARRY FORWARD TO BE APPLIED TO PROJECTS:</b>	<b>\$3,214.26</b>
	<b>LOCAL MATCH:</b>	<b>\$14,278.31</b>

\* Includes estimated EN available after program income applied and program income carry forward

**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2017-2018  
COMMUNITY DEVELOPMENT BLOCK GRANT - \$430,316.31**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2017-2018 fiscal year in the total amount of \$413,577.31 that includes new entitlement from HUD amounting to \$388,048.00, and previous entitlement made available through reprogramming of \$42,268.31.

**WHEREAS**, City Council has received recommendations for the expenditure of funds from the CDBG Task Force, the SAT, the 10<sup>th</sup> and Page Priority Neighborhood Task Force and the City Planning Commission; and has conducted a public hearing thereon as provided by law; now, therefore

**BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

**PRIORITY NEIGHBORHOOD**

10<sup>th</sup> and Page – Pedestrian safety and accessibility improvements \$282,000.31

**ECONOMIC DEVELOPMENT**

Community Investment Collaborative Scholarships \$12,500

**PUBLIC SERVICE PROGRAMS**

United Way – Childcare Subsidies \$24,837

City of Promise – Enrolled to Launch Program \$17,837

OAR Re-entry Services \$15,533

**ADMINISTRATION AND PLANNING:**

Admin and Planning \$77,609

**TOTAL \$430,316.31**

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$388,048 from the Department of Housing and Urban Development.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (sub-recipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2017-2018  
HOME FUNDS \$90,748.69**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnerships (HOME) funding for the 2017-2018 fiscal year;

**WHEREAS**, the region is receiving an award for HOME funds for fiscal year 17-18 of which the City will receive \$57,113.25 to be expended on affordable housing initiatives such as homeowner rehab and downpayment assistance.

**WHEREAS**, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the Charlottesville Housing Fund (account CP-0084 in SAP system) in the amount of \$14,278.31; to be held in P-00507 until applied to individual projects. Project totals also include previous entitlement made available through program income of \$19,357.13. The total of the HUD money, program income, and the local match, equals \$90,748.69 and will be distributed as shown below.

<b>PROJECTS</b>	<b>HOME EN</b>	<b>% MATCH</b>	<b>MATCH</b>	<b>OTHER</b>	<b>TOTAL</b>
Habitat for Humanity, DPA	\$32,000	20 %	\$8,000		\$40,000
PHA, DPA	\$25,113.25	20 %	\$6,278.31	\$19,357.13	\$50,748.69*

\* includes Program Income which does not require local match.

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$57,113.25 from the Department of Housing and Urban Development.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**APPROPRIATION**  
**HOME INVESTMENT PARTNERSHIPS PROGRAM**  
**\$3,214.26**

**WHEREAS**, The City of Charlottesville has received \$3,214.26 from Charlottesville Redevelopment and Housing Authority as repayment for loans made through the HOME Investment Partnerships Program (HOME) program in prior years;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$3,214.26 is hereby appropriated in the following manner:

**\$3,214.26 Revenue**

Fund: 210    IO: 1900280 HOME PI Carry-forward G/L: 451070 HOME PI

**\$3,214.26 Expenditures**

Fund: 210    IO: 1900280 HOME PI Carry-forward    G/L: 530670 Other Contractual Services

**APPROPRIATION**  
**AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT**  
**Reprogramming of Funds for FY 17-18**

**WHEREAS**, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) funds; and

**WHEREAS**, it now appears that these funds have not been spent and need to be reprogrammed, and therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the CDBG fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby reappropriated to the respective accounts shown as follows:

<b>Program Year</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
14-15	P-00001-05-03	C4K Websites	\$37,340.08		
15-16	P-00001-05-08	Seedplanters	\$150.29		
15-16	P-00001-02-72	City of Promise	\$2,624.77		
15-16	P-00001-05-12	ReadyKids Facility Project	\$1,556.12		
16-17	P-00001-02-79	OED GO Driver	\$597.05		
16-17	P-00001-05-19	Priority Neighborhood		<b>\$42,268.31</b>	<b>\$42,268.31</b>
		<b>TOTALS:</b>	<b>\$42,268.31</b>	<b>\$42,268.31</b>	<b>\$42,268.31</b>

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# CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



<b>Agenda Date:</b>	July 17, 2017
<b>Action Required:</b>	Approval of Resolution
<b>Presenter:</b>	Chris Engel, Director of Economic Development
<b>Staff Contacts:</b>	Chris Engel, Director of Economic Development
<b>Title:</b>	<b>Authorizing revenue bond for Jefferson Scholars Foundation</b>

## **Background & Discussion:**

The Jefferson Scholars Foundation is a recognized 501(c)(3) organization that supports the University of Virginia through scholarship and fellowship programs and operates a facility at 112 Clarke Court in the City. The Foundation has requested that the Economic Development Authority of the City of Charlottesville (the "Authority"), assist with the issuance of a tax-exempt revenue refunding bond in an amount not to exceed \$23,000,000. The proceeds of the bonds will be used to refinance the current obligations of the organization under more favorable terms.

The Authority is authorized under the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia, to issue its revenue bonds to finance and refinance the acquisition, construction and equipping of facilities for use by organizations that are exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

While the Authority will actually authorize the issuance of the proposed bonds, federal and state code provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds.

There are no Authority funds involved; the Authority is acting as a conduit to confer tax-exempt status on the bonds. There are no City funds involved; and the City's ability to issue its own bonds is not impacted by this transaction. In addition, there is no liability to either the Authority or the City as a result of proposed transaction.

The documents associated with the proposed transaction have been thoroughly reviewed by borrower's counsel, bond counsel, lender's counsel and authority counsel and are deemed to be in compliance with

federal and state requirements related to the issuance of tax-exempt bonds.

**Community Engagement:**

A duly noticed public hearing was held by the Authority on June 29, 2017 with respect to the proposed tax-exempt bond issuance. No one appeared in opposition to the proposed financing.

**Budgetary Impact:**

This resolution has no budgetary impact. The City is not obligated to pay any costs associated with this issue. Nor will it affect the city's taxing power or its ability to issue its own bonds.

**Recommendation:**

Staff recommends approval of the attached resolution.

**Alternatives:**

No recommendation.

**Attachments:**

Copy of the proposed resolution

Copy of the certificate of public hearing



## CERTIFICATE OF PUBLIC HEARING AND RESOLUTION

The undersigned Secretary of the Economic Development Authority of the City of Charlottesville (the "Authority") hereby certifies as follows:

1. A regular meeting of the Authority was duly called and held on June 29, 2017, at 4:00 p.m., in City Council Chambers, located at 605 East Main Street, Charlottesville, Virginia 22902. The meeting was open to the public, and persons of differing views were given an opportunity to be heard. At such meeting all of the Directors of the Authority were present or absent throughout as follows:

PRESENT: Carolyn Shears  
G. Reid Young  
Ethan Dunstan  
Adrian Felts  
Paul Beyer

ABSENT: Tara R. Boyd

2. The Vice-Chair, serving as chair of the meeting, announced the commencement of a public hearing on the application of Jefferson Scholars Foundation and that a notice of the hearing was published once a week for two consecutive weeks, the second publication being not more than 21 days nor less than 6 days prior to the hearing, in *The Daily Progress*, a newspaper having general circulation in Charlottesville, Virginia (the "Notice"). A copy of the Notice and a certificate of publication of such Notice has been filed with the records of the Authority and are attached hereto as **Exhibit (i)**.

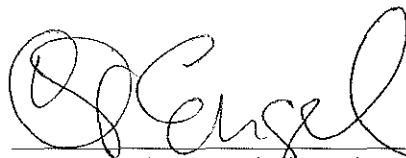
3. The individuals noted on **Exhibit (ii)** appeared and addressed the Authority. A reasonably detailed summary of their statements made at the public hearing is included in **Exhibit (ii)**. The fiscal impact statement required by the Industrial Development and Revenue Bond Act is attached hereto as **Exhibit (iii)**.

4. Attached hereto as **Exhibit (iv)** is a true, correct and complete copy of a resolution (the "Resolution") adopted at such meeting of the Authority by the following roll call vote of the Directors present and voting at such meeting, with the vote being recorded in the minutes of such meeting as follows:

<u>Director</u>	<u>Vote</u>
Carolyn Shears	Aye
G. Reid Young	Aye
Ethan Dunstan	Aye
Adrian Felts	Aye
Paul Beyer	Aye

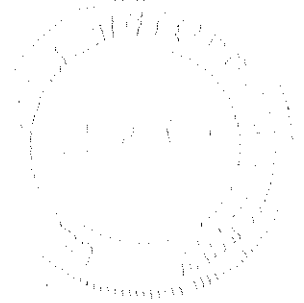
5. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect, on the date hereof.

WITNESS my hand and the seal of the Authority this 27<sup>th</sup> day of June, 2017.



Secretary, Economic Development Authority of the  
City of Charlottesville, Virginia

(SEAL)



**Exhibit (i)**

Notice and Certificate of Publication for the Economic Development Authority of the City of  
Charlottesville, Virginia

# The Daily Progress

Advertising Affidavit

Account Number

3505075

P.O. Box 9030  
 Charlottesville, Virginia 22906  
 (434) 978-7215

Date

June 22, 2017

CHRISTIAN & BARTON LLP  
 909 EAST MAIN STREET, SUITE 1200  
 RICHMOND, VA 23219

Date	Category	Description	Ad Size	Total Cost
06/22/2017	Legal Notices	NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE R	2 x 54 L	780.00

**NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE REFUNDING BOND FINANCING BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF CHARLOTTESVILLE, VIRGINIA**

Notice is hereby given that the Economic Development Authority of the City of Charlottesville, Virginia (the "Authority") will hold a public hearing on the application of the Jefferson Scholars Foundation (the "Foundation") for the Authority to issue, pursuant to the Virginia Industrial Development and Revenue Bond Act (the "Act"), its revenue refunding bond in an amount estimated not to exceed \$23,000,000 (the "Bond"). The Foundation is a Virginia non-profit corporation, whose principal place of business is located at 112 Clarke Court, Charlottesville, Virginia 22903.

The proposed Bond will be issued in one or more series pursuant to a plan of financing, and the proceeds of the Bond will be used, together with other available funds, to assist the Foundation in refunding all or a portion of the outstanding principal amount of the following obligations: (i) \$18,000,000 Variable Rate Demand Revenue Bonds (Jefferson Scholars Foundation Project), Series 2007, issued by the Industrial Development Authority of Albemarle County, Virginia, and (ii) \$4,500,000 Revenue Note (Jefferson Scholars Foundation Project), Series 2010, issued by the Virginia Small Business Financing Authority. The Foundation used the proceeds of the foregoing obligations to finance the acquisition, construction, and equipping of a new administrative office for the Foundation and its Jefferson Fellows Center located at 112 Clarke Court (formerly, the addresses of this site were 108, 112, 114 and 124 Albany Avenue and 118 Clarke Court, Charlottesville, Virginia 22901, and to pay costs of issuance of the respective obligations. As required by the Act, the issuance of the Bond as requested by the Foundation will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the City of Charlottesville, Virginia. Neither the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the City of Charlottesville, Virginia, shall be obligated to pay the Bond, or the interest thereon, or the costs incident thereto, except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the City of Charlottesville, Virginia, will be pledged to the payment of the principal of or interest on the Bond or other costs incident thereto.

The public hearing, which may be continued or adjourned, will be held at 4:00 p.m. on Thursday, June 29, 2017, before the Authority, in City Council Chambers, 665 East Main Street, Charlottesville, Virginia 22902. Any person interested in the issuance of the Bond or the refinancing of the project may appear at the hearing and present his or her views or may send written comments before such hearing to the Authority, 510 East Market Street, Room 8226, Charlottesville, Virginia 22902. A copy of the application may be inspected at the offices of the Authority.

Economic Development Authority of the City of Charlottesville, Virginia

**Publisher of the Daily Progress**

This is to certify that the attached NOTICE OF PUBLIC HEARING was published by the Daily Progress in the city of Charlottesville, in the State of Virginia, on the following dates:

06/15, 06/22/2017

The First insertion being given ... 06/15/2017

Newspaper reference: 0000552495

Sworn to and subscribed before me this

*Alto June 2017* Albemarle County

*[Signature]*  
 Notary Public

*[Signature]*  
 Supervisor

WENDY LEE GASWELL  
 Notary Public  
 Commonwealth of Virginia  
 7615959  
 My Commission Expires Aug 31, 2018

State of Virginia

My Commission expires \_\_\_\_\_

THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

**Summary of Statements**

Representatives of the Jefferson Scholars Foundation (James H. Wright, President, and Michael E. Lutz, Director of Finance) and Christian & Barton, L.L.P., as bond counsel (Eric E. Ballou), appeared before the Authority to provide information relative to the Foundation and to explain the refunding transaction. Jesse Bausch, Esq., of Sands Anderson PC, as counsel to the Authority, also spoke as the transaction and the Authority's role as conduit issuer of the bonds.

No one appeared in opposition to the proposed financing.

Fiscal Impact Statement

## FISCAL IMPACT STATEMENT

Date: June 29, 2017

To the Economic Development Authority of the City of Charlottesville, Virginia

Name of Applicant: Jefferson Scholars Foundation

Facility: Graduate Fellows Center of the Jefferson Scholars Foundation

1. Maximum amount of financing sought	\$23,000,000
2. Estimated taxable value of the facility's real property to be constructed in the municipality <sup>*</sup>	\$16,115,100
3. Estimated real property tax per year using present tax rates	\$153,100
4. Estimated personal property tax per year using present tax rates	\$6,800
5. Estimated merchants' capital tax per year using present tax rates	\$ -0-
6. (a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality	\$150,000
(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality	\$100,000
(c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality <sup>**</sup>	\$12,100,000
(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality	\$540,000
7. Estimated number of regular employees on year round basis	18 employees
8. Average annual salary per employee	\$134,600



Chairman, Economic Development  
Authority of the City of Charlottesville,  
Virginia

\* Reflects current assessed value

\*\* Includes amount of annual grants by Foundation to students and faculty

Exhibit (iv)

Resolution of the Economic Development Authority of the City of Charlottesville



**BOND RESOLUTION OF THE ECONOMIC DEVELOPMENT  
AUTHORITY OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
APPROVING THE ISSUANCE OF AN UP TO \$23,000,000  
REVENUE REFUNDING BOND  
(JEFFERSON SCHOLARS FOUNDATION PROJECT)  
SERIES 2017**

**RECITALS**

**WHEREAS**, the Economic Development Authority of the City of Charlottesville, Virginia (the "Authority") is a political subdivision and a body politic and corporate of the Commonwealth of Virginia and is authorized under the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the "Act"), to issue its revenue bonds to finance and refinance the acquisition, construction and equipping of facilities for use by organizations (other than organizations organized and operated exclusively for religious purposes) that are exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "IRS Code");

**WHEREAS**, to further the Act's purposes, at the request of the Jefferson Scholars Foundation, a Virginia nonstock non-profit corporation (the "Foundation"), the Authority has determined to issue and sell its revenue refunding bond (the "Series 2017 Bond") in an aggregate principal amount not to exceed \$23,000,000 pursuant to the Act to assist the Foundation in refunding all or a portion of the outstanding principal amount of the following obligations: (a) \$18,000,000 Variable Rate Demand Revenue Bonds (Jefferson Scholars Foundation Project), Series 2007, issued by the Industrial Development Authority of Albemarle County, Virginia, and (b) \$4,500,000 Revenue Note (Jefferson Scholars Foundation Project), Series 2010, issued by the Virginia Small Business Financing Authority (together, the "Refunded Bonds"); and to pay costs of issuance of the Series 2017 Bond;

**WHEREAS**, the Foundation used the proceeds of the Refunded Bonds to finance the acquisition, construction, and equipping of a new administrative office for the Foundation and its Jefferson Fellows Center located at 112 Clarke Court (formerly, the addresses of this site were 108, 112, 114 and 124 Maury Avenue and 110 Clarke Court), Charlottesville, Virginia, and to pay costs of issuance of the Refunded Bonds;

**WHEREAS**, a public hearing has been held as required by Section 147(f) of the IRS Code, and in accordance with the provisions of Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code");

**WHEREAS**, the Series 2017 Bond is expected to be sold to STI Institutional and Government, Inc. (the "Bank") pursuant to a Bond Purchase and Loan Agreement (the "Agreement"), among the Authority, the Foundation and the Bank;

**WHEREAS**, the Series 2017 Bond will be a limited obligation of the Authority, the principal of, premium, if any, and interest on which will be payable solely out of the receipts and revenues of the Authority derived from the Agreement; and

**WHEREAS**, a form of the Agreement, including a form of the Series 2017 Bond and a promissory note of the Foundation (the “Note”) attached thereto, has been presented to this meeting and filed with the Authority’s records.

After careful consideration and in furtherance of the public purposes for which the Authority was created, **NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The issuance of the Series 2017 Bond, to be styled the “Economic Development Authority of the City of Charlottesville, Virginia Revenue Refunding Bond (Jefferson Scholars Foundation Project), Series 2017,” with principal amounts, maturities, and interest rates consistent with the Bond Terms (as defined below), is hereby authorized and approved. The refunding of the Refunded Bonds is hereby authorized and approved. The Series 2017 Bond shall be issued in an aggregate principal amount not to exceed \$23,000,000, and shall bear interest as provided and mature on the dates set forth therein; provided, however, that the maximum initial rate of interest shall not exceed 5.0% per annum and the final maturity date shall be not later than October 1, 2047 (the “Bond Terms”). The final principal amount, interest rate and maturity date of the Series 2017 Bond are to be determined by the Chairman or Vice Chairman as evidenced by his or her execution of the Series 2017 Bond. The Series 2017 Bond shall be in substantially the form attached as an exhibit to the Agreement.

Principal of and premium, if any, and interest on the Series 2017 Bond shall be limited obligations of the Authority payable solely from the revenues and receipts derived by the Authority under the Agreement and the security therefor. The principal of and premium, if any, and interest on the Series 2017 Bond shall not be deemed to constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the City of Charlottesville, Virginia (the “City”). Neither the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the City, shall be obligated to pay the principal of or premium, if any, or interest on the Series 2017 Bond or other costs incident thereto except from payments received pursuant to the Agreement and the security therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the City, will be pledged to the payment of the principal of or premium, if any, or interest on the Series 2017 Bond or other costs incident thereto. No covenant, condition or agreement contained in the Series 2017 Bond or in any financing instrument executed and delivered in connection therewith shall be deemed to be a covenant, agreement or obligation of any past, present or future director, officer, employee or agent of the Authority in his or her individual capacity, and no officer of the Authority executing the Series 2017 Bond shall be liable personally on the Series 2017 Bond or be subject to any personal liability or accountability by reason of the issuance thereof.

2. The Series 2017 Bond and the Agreement are approved in substantially the forms submitted to this meeting, with such changes, insertions or omissions (including, without limitation, changes of the name, series designation or dated dates thereof) as may be approved by the Chairman or the Vice Chairman of the Authority, whose approval will be evidenced conclusively by the execution and delivery of the Series 2017 Bond and the Agreement. The Chairman and the Vice Chairman of the Authority are each authorized and directed to accept from the Foundation the Note to evidence the Foundation’s repayment obligation for the loan

provided for in the Agreement and to assign by endorsement and deliver the Note to the Bank as security for the Series 2017 Bond.

3. The execution and delivery by the Authority of the Agreement are authorized. The execution of the Series 2017 Bond and its delivery against payment therefor, the amount of such payment to be disbursed in accordance with the terms of the Agreement, are authorized.

4. The Chairman or the Vice Chairman of the Authority is each authorized to execute on behalf of the Authority the Series 2017 Bond and the Agreement, and the Secretary or Assistant Secretary of the Authority is authorized to affix the seal of the Authority to the Series 2017 Bond and, if required, the Agreement and to attest such seal. The signatures of the Chairman or Vice Chairman and the Secretary or Assistant Secretary and the seal of the Authority may be by facsimile. Each officer of the Authority is authorized to execute and deliver on behalf of the Authority such instruments, documents or certificates, including without limitation an escrow agreement, IRS Form 8038 and a tax compliance agreement or certificate, and to do and perform such things and acts as he or she deems necessary or appropriate to carry out the transactions authorized by this resolution or contemplated by the Series 2017 Bond, the Agreement or the refunding of the Refunded Bonds, and all of the foregoing, previously done or performed by such officers of the Authority, are in all respects approved, ratified and confirmed.

5. At the request of the Foundation, the Authority approves Christian & Barton, L.L.P., as Bond Counsel in connection with the issuance of the Series 2017 Bond.

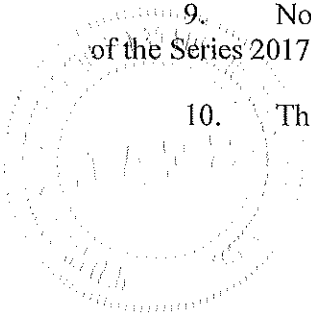
6. All fees, costs and expenses in connection with the issuance and sale of the Series 2017 Bond, including the Authority's administrative fee and the other fees and expenses of the Authority, bond counsel and Authority counsel, shall be paid from moneys provided by the Foundation. If for any reason such Series 2017 Bond is not issued, it is understood that all such expenses shall be paid by the Foundation and that the Authority shall have no responsibility therefor. Neither the Authority, including its officers, directors, employees and agents, nor the City, shall be liable and hereby disclaim all liability to the Foundation and its affiliated entities for any damages, direct or consequential, resulting from the failure of the Authority to issue the Series 2017 Bond for any reason.

7. The Foundation agrees to indemnify and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the issuance and sale of the Series 2017 Bond or the refunding of the Refunded Bonds.

8. The Authority hereby recommends that the City Council of the City of Charlottesville, Virginia (the "Council"), approve the issuance of the Series 2017 Bond as required by Section 147(f) of the IRS Code and Section 15.2-4906 of the Virginia Code.

9. No bonds may be issued pursuant to this resolution until such time as the issuance of the Series 2017 Bond has been approved by the Council.

10. This resolution will take effect immediately upon its adoption.



**CERTIFICATE**

The undersigned Secretary of the Economic Development Authority of the City of Charlottesville, Virginia (the "Authority"), certifies that:

1. A meeting of the Authority was held on June 29, 2017, at the time and place established and noticed by the Authority, at which the following members were present and absent:

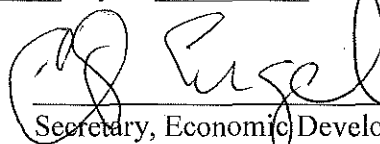
<b><u>MEMBER</u></b>	<b><u>PRESENT/ABSENT</u></b>
Mr. Dunstan	present
Mr. Young	present
Mr. Beyer	present
Mr. Felts	present
Ms. Shears	present
Ms. Boyd	absent

2. The foregoing Bond Resolution was adopted by a majority of the quorum of the Authority present by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mr. Dunstan	aye
Mr. Young	aye
Mr. Beyer	aye
Mr. Felts	aye
Ms. Shears	aye

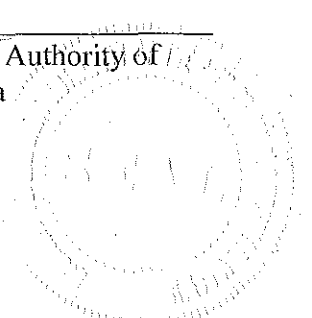
3. The foregoing Bond Resolution is a true and correct copy of such Bond Resolution as adopted on June 29, 2017. The foregoing Bond Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

**WITNESS** my signature and the seal of the Economic Development Authority of the City of Charlottesville, Virginia, this 29<sup>th</sup> day of June, 2017.



Secretary, Economic Development Authority of  
the City of Charlottesville, Virginia

(SEAL)



**RESOLUTION  
OF THE CITY COUNCIL OF  
THE CITY OF CHARLOTTESVILLE, VIRGINIA**

**WHEREAS**, Jefferson Scholars Foundation (“Foundation”), a Virginia non-stock, not-for-profit corporation, has requested that the Economic Development Authority of the City of Charlottesville, a political subdivision of the Commonwealth of Virginia (the “Authority”) assist with the issuance of a tax-exempt revenue refunding bond (the “2017 Refunding Bond”) in an amount not to exceed \$23,000,000 in order to refund the following obligations: (i) \$18,000,000 Variable Rate Demand Revenue Bonds (Jefferson Scholars Foundation Project), Series 2007, issued by the Industrial Development Authority of Albemarle County, Virginia (the “2007 Bonds”), and (ii) \$4,500,000 Revenue Note (Jefferson Scholars Foundation Project), issued by the Virginia Small Business Financing Authority (the “2010 Bonds”);

**WHEREAS**, the Authority issued the 2007 and 2010 Bonds in order to finance the acquisition, construction, and equipping of a new administrative office for the Foundation and its Jefferson Fellows Center located at 112 Clarke Court (formerly, the addresses of 108, 112, 114, and 124 Maury Avenue and 110 Clarke Court), Charlottesville, Virginia 22903 (the “Refinanced Project”), and to pay costs of issuance of the respective obligations;

**WHEREAS**, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the “Virginia Code”), provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

**WHEREAS**, the Refinanced Project is located in the City of Charlottesville (the “City”), the Authority issues its bonds on behalf of the City, and the City Council of the City (the “Council”) constitutes the highest elected governmental unit of the City;

**WHEREAS**, following the public hearing held by the Authority on June 29, 2017, the Authority adopted an approving resolution with respect to the issuance of the 2017 Refunding Bond and recommended that the City Council approve the issuance of the 2017 Refunding Bond; and

**WHEREAS**, a copy of the Bond Resolution, a brief summary of the Authority's public hearing, and the Authority's Fiscal Impact Statement have been filed with the Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA:**

1. The City Council approves the issuance of the 2017 Refunding Bond by the Economic Development Authority of the City of Charlottesville in a principal amount not to exceed \$23,000,000 for the benefit of the Foundation, as required by Section 147(f) of the IRS Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended.

2. The approval of the issuance of the 2017 Refunding Bond does not constitute an endorsement to a prospective purchaser of the 2017 Refunding Bond of the creditworthiness of the Foundation, and the 2017 Refunding Bond shall provide that neither the City nor the Authority shall be obligated to pay the 2017 Refunding Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the City and the Authority, shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

**CERTIFICATE**

The undersigned Clerk of the City of Charlottesville, Virginia, does hereby certify that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on July \_\_, 2017, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing Resolution, a quorum was present. The vote of the members of the City Council upon the foregoing Resolution was as follows:

<u>Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Mike Signer, Mayor		
Wes Bellamy, Vice Mayor		
Kristen Szakos		
Kathy Galvin		
Bob Fenwick		

**WITNESS MY HAND** and the seal of the City of Charlottesville, Virginia, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Clerk, City of Charlottesville, Virginia

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



Agenda Date:	July 17, 2017
Action Required:	Approval of Refund of Tax Payment
Presenter:	Jason Vandever, City Treasurer
Staff Contacts:	Jason Vandever, City Treasurer Todd Divers, Commissioner of the Revenue
<b>Title:</b>	<b>Refund of Tax Payment to County Waste LLC</b>

**Background:**

In 2016 County Waste LLC paid personal property tax on several vehicles the City believed to be garaged in the City. After further research, the Commissioner of the Revenue determined that the vehicles were actually garaged in Fluvanna County, and were never taxable in the City.

**Discussion:**

City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$2,500 (City Code Sec. 30-6b). Payment of interest is required in accordance with Code of Virginia 58.1-3918. The refund has been approved for presentment to Council by the City Attorney, Commissioner of the Revenue, and City Treasurer.

**Alignment with City Council's Vision and Strategic Plan:**

n/a

**Budgetary Impact:**

The refund will reduce current year Personal Property Tax revenue (GL 400100) by \$9,957.77 and Interest Revenue (GL 400120) by \$474.18. Because \$1,240.57 of the refund has been applied to 2017 taxes, the total refund to the taxpayer is \$8,717.20.

**Recommendation:**

Approval of the tax refund.

**Alternatives:**

n/a

**Attachments:**

Interest Calculation  
Council Resolution

<b>Refund Interest Calculation- Account 402993 County Waste Inc.</b>									
<b>Payment</b>	<b>Paid</b>	<b>Today</b>	<b>Months</b>	<b>Rate</b>	<b>Annualized Interest</b>	<b>Payment Made</b>	<b>New Balance</b>	<b>Tax Refund</b>	<b>Interest Refund</b>
1st H 2016	12/5/2016	6/5/2017	6	10.00%	\$ 195.34	\$ 1,953.41	\$ -	\$ 1,953.41	\$ 97.67
2nd H 2016	12/5/2016	6/5/2017	6	10.00%	\$ 753.02	\$ 7,530.18	\$ -	\$ 7,530.18	\$ 376.51
<b>Interest Refund Due</b>									<b>\$ 474.18</b>
<b>Total Refund</b>									<b>\$ 9,957.77</b>

<b>Tax Refund</b>	<b>\$ 9,483.59</b>
<b>Interest Refund</b>	<b>\$ 474.18</b>
<b>Total Refund</b>	<b>\$ 9,957.77</b>
<b>Applied to 2017</b>	<b>\$ 1,240.57</b>
<b>Refund to Taxpayer</b>	<b>\$ 8,717.20</b>

**RESOLUTION  
AUTHORIZING REFUND TO COUNTY WASTE LLC  
OF PERSONAL PROPERTY TAXES PAID FOR 2016**

**WHEREAS**, the Commissioner of the Revenue has determined that vehicles owned by County Waste LLC were actually taxable in another jurisdiction; and

**WHEREAS**, the personal property taxes for the Property for calendar year 2016 were paid on time and as billed; and

**WHEREAS**, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$8,717.20; and

**WHEREAS**, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$8,717.20, payable to County Waste LLC.

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



<b>Agenda Date:</b>	July 17, 2017
<b>Action Required:</b>	Approval of Refund of Tax Payment
<b>Presenter:</b>	Jason Vandever, City Treasurer
<b>Staff Contacts:</b>	Jason Vandever, City Treasurer Todd Divers, Commissioner of the Revenue
<b>Title:</b>	<b>Refund of Tax Payment to Wells Fargo Equipment Finance INC</b>

**Background:**

In 2015-2016 Wells Fargo paid personal property tax on several items the City believed to have situs in the City. After further research, the Commissioner of the Revenue determined that the items were actually garaged in Albemarle County, and were never taxable in the City.

**Discussion:**

City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$2,500 (City Code Sec. 30-6b). Payment of interest is required in accordance with Code of Virginia 58.1-3918. The refund has been approved for presentment to Council by the City Attorney, Commissioner of the Revenue, and City Treasurer.

**Alignment with City Council's Vision and Strategic Plan:**

n/a

**Budgetary Impact:**

The refund will reduce current year Personal Property Tax revenue (GL 400100) by \$3,638.83 and Interest Revenue (GL 400120) by \$255.99.

**Recommendation:**

Approval of the tax refund.

**Alternatives:**

n/a

**Attachments:**

Interest Calculation  
Council Resolution

**Refund Interest Calculation- Account 177685 Wells Fargo Equipment Finance Inc.**

<b>Payment</b>	<b>Paid</b>	<b>Today</b>	<b>Months</b>	<b>Rate</b>	<b>Annualized Interest</b>	<b>Payment Made</b>	<b>New Balance</b>	<b>Tax Refund</b>	<b>Interest Refund</b>	
2nd H 2015	3/21/2016	6/5/2017	14	10.00%	\$ 195.34	\$ 1,953.41	\$ -	\$ 1,953.41	\$ 227.90	
1st H 2016	4/4/2017	6/5/2017	2	10.00%	\$ 168.54	\$ 1,685.42	\$ -	\$ 1,685.42	\$ 28.09	
<b>Interest Refund Due</b>									<b>\$ 255.99</b>	
									<b>Total Refund</b>	<b>\$ 3,894.82</b>

<b>Tax Refund</b>	<b>\$ 3,638.83</b>
<b>Interest Refund</b>	<b>\$ 255.99</b>
<b>Total Refund</b>	<b>\$ 3,894.82</b>

**RESOLUTION**  
**AUTHORIZING REFUND TO WELLS FARGO EQUIPMENT FINANCE INC**  
**OF PERSONAL PROPERTY TAXES PAID FOR 2015 AND 2016**

**WHEREAS**, the Commissioner of the Revenue has determined that items owned by Wells Fargo Equipment Finance Inc were actually taxable in another jurisdiction; and

**WHEREAS**, the personal property taxes for the Property for calendar years 2015 and 2016 were paid on time and as billed; and

**WHEREAS**, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$3,894.82; and

**WHEREAS**, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$3,894.82, payable to Wells Fargo Equipment Finance Inc.



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



<b>Agenda Date:</b>	July 17, 2017
<b>Action Required:</b>	Approval of Refund of Tax Payment
<b>Presenter:</b>	Jason Vandever, City Treasurer
<b>Staff Contacts:</b>	Jason Vandever, City Treasurer Todd Divers, Commissioner of the Revenue
<b>Title:</b>	<b>Refund of Tax Payment to PNC Equipment Finance LLC</b>

**Background:**

In 2015-2016 PNC Equipment Finance LLC paid personal property tax on a vehicle the City believed to be garaged in the City. After further research, the Commissioner of the Revenue determined that the vehicle was actually garaged in Albemarle County, and was never taxable in the City.

**Discussion:**

City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$2,500 (City Code Sec. 30-6b). Payment of interest is required in accordance with Code of Virginia 58.1-3918. The refund has been approved for presentment to Council by the City Attorney, Commissioner of the Revenue, and City Treasurer.

**Alignment with City Council's Vision and Strategic Plan:**

n/a

**Budgetary Impact:**

The refund will reduce current year Personal Property Tax revenue (GL 400100) by \$6,416.64 and Interest Revenue (GL 400120) by \$864.85.

**Recommendation:**

Approval of the tax refund.

**Alternatives:**

n/a

**Attachments:**

Interest Calculation  
Council Resolution

**Refund Interest Calculation- Account 177685 Wells Fargo Equipment Finance Inc.**

<u>Payment</u>	<u>Paid</u>	<u>Today</u>	<u>Months</u>	<u>Rate</u>	<u>Annualized Interest</u>	<u>Payment Made</u>	<u>New Balance</u>	<u>Tax Refund</u>	<u>Interest Refund</u>
1st H 2015	11/12/2015	7/17/2017	20	10.00%	\$ 2.51	\$ 25.13	\$ -	\$ 25.13	\$ 4.19
2nd H 2015	11/12/2015	7/17/2017	20	10.00%	\$ 229.97	\$ 2,299.71		\$ 2,299.71	\$ 383.29
1st H 2016	5/17/2016	7/17/2017	14	10.00%	\$ 206.27	\$ 2,062.65		\$ 2,062.65	\$ 240.64
2nd H 2016	5/17/2016	7/17/2017	14	10.00%	\$ 202.92	\$ 2,029.15	\$ -	\$ 2,029.15	\$ 236.73
								<b>Interest Refund Due</b>	<b>\$ 864.85</b>
								<b>Total Refund</b>	<b>\$ 2,919.13</b>

<b>Tax Refund</b>	<b>\$ 6,416.64</b>
<b>Interest Refund</b>	<b>\$ 864.85</b>
<b>Total Refund</b>	<b>\$ 7,281.49</b>

**RESOLUTION**  
**AUTHORIZING REFUND TO PNC EQUIPMENT FINANCE INC**  
**OF PERSONAL PROPERTY TAXES PAID FOR 2015 AND 2016**

**WHEREAS**, the Commissioner of the Revenue has determined that an item owned by PNC Equipment Finance Inc was actually taxable in another jurisdiction; and

**WHEREAS**, the personal property taxes for the Property for calendar years 2015 and 2016 were paid on time and as billed; and

**WHEREAS**, the Commissioner of the Revenue has certified that a refund of taxes paid and interest is due in the amount of \$7,281.49; and

**WHEREAS**, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$7,281.49, payable to PNC Equipment Finance Inc.

**CITY OF CHARLOTTESVILLE  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	July 5, 2017
<b>Action Required:</b>	Yes (First Reading of Ordinance)
<b>Staff Contacts:</b>	Craig Brown, City Attorney Lauren Hildebrand, Director of Utilities
<b>Title:</b>	<b>Quitclaim Gas Easements to VDOT (Fontana and Hyland Ridge Subdivisions)</b>

**Background:** In April of 2009 and May of 2013, the City acquired natural gas line easements in various roadways within the Fontana and Hyland Ridge Subdivisions in Albemarle County. The Virginia Department of Transportation is prepared to accept these roadways into the state highway system. At the request of the Gas Division, we have drafted an ordinance and deed quitclaiming to VDOT the City's natural gas easements crossing Fontana Drive, Hyland Creek Circle, Hyland Creek Drive, Aspen Drive, and Hyland Ridge Drive.

**Discussion:** The quitclaim deed requires the gas lines to remain in their present locations, and if the streets cease to be part of the state's highway system, the easements will automatically revert back to the City. The natural gas lines and facilities continue to be owned and maintained by the City even after the easements are quitclaimed to the state.

**Alignment with Council Vision Areas and Strategic Plan:** Not applicable.

**Community Engagement:** Not applicable.

**Alternatives:** If the ordinance is not approved, VDOT will not accept the roadways into its road maintenance system.

**Budgetary Impact:** None.

**Recommendation:** Approval of the attached ordinance and quitclaim deed.

**Attachments:** Ordinance and Deed of Quitclaim (with plat attached).

**AN ORDINANCE  
TO QUITCLAIM NATURAL GAS LINE EASEMENTS  
WITHIN THE HYLAND RIDGE SUBDIVISION  
LOCATED IN ALBEMARLE COUNTY  
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadways known as Fontana Drive in the Fontana Subdivision and Fontana Drive, Hyland Creek Circle, Hyland Creek Drive, Aspen Drive, and Hyland Ridge Drive located in the Hyland Ridge Subdivision in Albemarle County; and

**WHEREAS**, the City owns natural gas lines located within these roadways, and also owns easements for such gas lines, and VDOT has asked that the foregoing easements crossing these roadways be released upon VDOT's acceptance of the roadways; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easements crossing Fontana Drive, Hyland Creek Circle, Hyland Creek Drive, Aspen Drive, and Hyland Ridge Drive to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said lines to continue to be located in said roadways.

*Prepared by S. Craig Brown, City Attorney (VSB #19286)  
Charlottesville City Attorney's Office  
P.O. Box 911, Charlottesville, VA 22902*

*Albemarle County Tax Map 78A (Fontana Drive) and 78E (Hyland Ridge Subdivision Roadways)*

**This deed is exempt from recordation taxes pursuant to Virginia Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4).**

**DEED OF QUITCLAIM**

**THIS DEED OF QUITCLAIM**, made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

**WITNESSETH:**

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, such easements and rights of way shown on the attached plat made by the City of Charlottesville Gas Division dated June 15, 2017, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in Fontana Drive, in the Fontana Subdivision and Fontana Drive, Hyland Creek Circle, Hyland Creek Drive, Aspen Drive, and Hyland Ridge Drive in the Hyland Ridge Subdivision in the County of Albemarle, namely: Natural gas lines and related gas facilities upon and across Fontana Drive, Hyland Creek Circle, Hyland Creek Drive, Aspen Drive, and Hyland Ridge Drive, insofar as the lands embraced within said easements fall within the boundaries of a public street or highway to be maintained by the Virginia Department of Transportation. Said gas line easements were conveyed to the City by the following deeds:

- (1) Deed of Easement from the County of Albemarle, Virginia, dated May 16, 2013, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 4352 at page 411; and
- (2) Deed of Easement from Pantops-Lakeridge, LLC, dated March 23, 2009, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 3722 at page 464.

The Grantor reserves unto itself, its successors and assigns, all of the rights and privileges under the aforesaid Deed of Easement until such time as the Virginia Department of Transportation has issued a permit to the GRANTOR subject to the following two conditions which shall also be covenants running with the land:

1. That the above described improvements of the GRANTOR may continue to occupy such streets or highways in the existing condition and location.
2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE is to have and hold the above-described property for so long as said property is used as part of its public street or highway maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said property's use for such purposes, all rights, privileges, interests and easements in the property herein described under aforesaid Right of Way Easement shall revert to the GRANTOR, its successors and assigns.

Notwithstanding other language contained herein which might appear to the contrary, the parties agree that GRANTOR shall continue to own in fee simple the gas line improvements located within the above described public roadways.



**IN WITNESS WHEREOF**, the **GRANTOR** has caused its name to be assigned hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

**CITY OF CHARLOTTESVILLE, VIRGINIA**

BY: \_\_\_\_\_  
A. Michael Signer, Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

STATE OF VIRGINIA  
CITY OF CHARLOTTESVILLE

I, \_\_\_\_\_, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that A. Michael Signer, Mayor of the City of Charlottesville, Virginia, and Paige Rice, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of \_\_\_\_\_, 2017, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: \_\_\_\_\_

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public  
Registration # \_\_\_\_\_

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**CITY OF CHARLOTTESVILLE PUBLIC UTILITIES: GAS**

**PLAT SHOWING  
EXISTING GAS LINE EASEMENT**

**LOCATED WITHIN THE ROAD RIGHTS OF WAY OF**

**"FONTANA DRIVE"**

**TO BE QUIT CLAIMED TO THE**

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION**

**GAS LINE EASEMENT RECORDED IN ALBEMARLE COUNTY AT:**

**DEED BOOK 4352 P. 411**

**DATE: JUNE 15, 2017 SCALE: 1" = 100'**

The M.A.O.P. of 2" P.E. pipe is 99 P.S.I.

which is <20% S.M.Y.S.

When installed minimum depth was

42" below paved surfaces and

36" in grassy areas.

SEE SHEET 2

HYLAND RIDGE SUBDIVISION

TXMP 78-01-A  
TXMP 78E PAR A  
FONTANA SUBDIVISION

TXMP 78-01-B  
TXMP 78E PAR 118  
FONTANA SUBDIVISION

FONTANA DRIVE (50' P.O.W.)

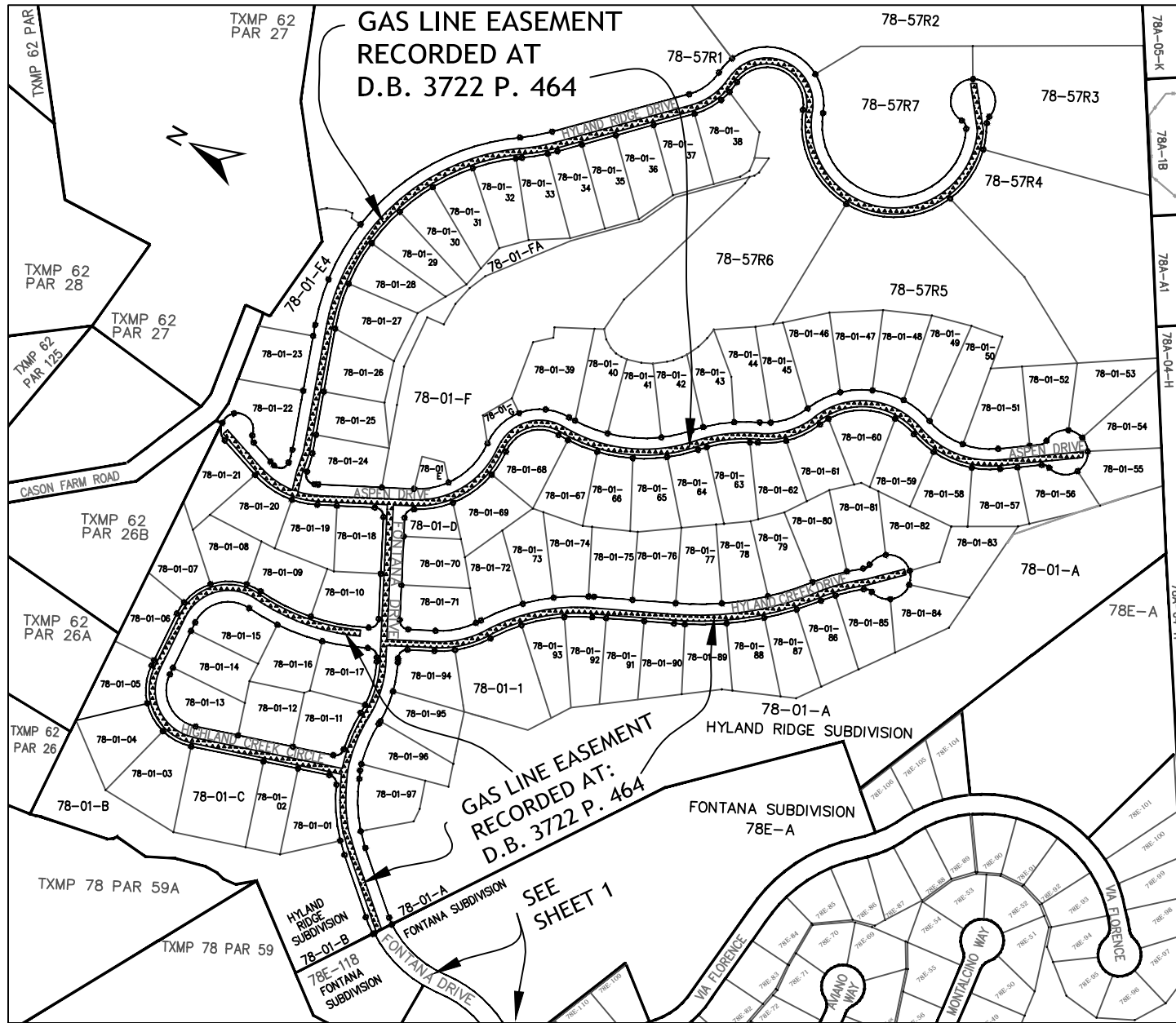
TXMP 78E PAR A

GAS LINE EASEMENT  
RECORDED AT  
D.B. 4352 P. 411

D.B. 4163 P. 429

VA STATE ROUTE 1775

VA STATE ROUTE 1771 {Verona Drive}



CITY OF CHARLOTTESVILLE PUBLIC UTILITIES: GAS PLAT SHOWING EXISTING GAS LINE EASEMENT LOCATED WITHIN THE ROAD RIGHTS OF WAY OF "Fontana Drive" ; "Hyland Creek Circle" ; "Hyland Creek Drive" ; "Aspen Drive" ; and "Hyland Ridge Drive" "HYLAND RIDGE SUBDIVISION" TO BE QUIT CLAIMED TO THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION GAS LINE EASEMENT RECORDED AT: ALBEMARLE COUNTY DEED BOOK 3722 PAGE 464

The M.A.O.P. of 2" P.E. pipe is 99 P.S.I. which is <20% S.M.Y.S.

When installed minimum depth was 42" below paved surfaces and 36" in grassy areas.

DATE: JUNE 15, 2017 SCALE: 1" = 400'

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



Agenda Date:	July 5, 2017
Action Required:	Public Hearing and Ordinance to approve sale of City land
Presenter:	Brian Daly, Dept. of Parks and Recreation
Staff Contacts:	Chris Gensic, Dept. of Parks and Recreation
<b>Title:</b>	<b>Approval of Sale of Baylor Lane Lot</b>

**Background:**

The City purchased the last remaining lot in the Carter’s View subdivision in order to secure the lower portion of the property for parkland, trails and stormwater management purposes. The upper portion of the lot was subdivided from the lower portion in February 2017, is buildable and is not needed for public use. A public hearing and an Ordinance is required to authorize the sale of the property.

**Discussion:**

In 2014 the City acquired a large parcel of land at 162 Baylor Lane that included a lot near the Baylor Lane cul-de-sac (“Subject Property”), and an adjoining lot that contained wetlands and an area for park and trail use. The intention has been to sell the buildable lot to recover costs of the initial acquisition and/or apply the sale proceeds towards the purchase of additional land near Jordan Park. A critical slopes waiver was approved by Council on the Subject Property in April 2017 in order to make the Subject Property compliant with the Carter’s View building requirements. The critical slopes waiver also included a requirement for a pedestrian access easement to be located entirely within the existing storm drainage easement on the lot.

The Subject Property has been marketed through a Request for Bids, which was sent to the owners of adjoining properties, the Blue Ridge Builders Association, and Southern Development (developer of Carter’s View Subdivision). The Request for Bids was published in the newspaper, on the City website, and a sign was posted on the Subject Property. Bids were accepted through June 9, 2017, and the high bid was received from Southern Property, LLC. The attached Purchase Agreement has been signed by Southern Property, LLC, with sale conditioned on Council approval.

**Alignment with City Council’s Vision and Strategic Plan:**

The project supports City Council’s “Green City” and “Quality Housing Opportunities for All” vision. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

**Community Engagement:**

The public hearing is required by law and gives the public the opportunity to comment on the sale.

**Budgetary Impact:**

Proceeds of the sale will be returned to the Parkland Acquisition Fund to be used to purchase an adjacent property for parkland and trail use. This adjacent property will be combined with other parcels to enlarge Jordan Park

**Recommendation:**

Staff recommends approval of the sale of the buildable lot on Baylor Lane.

**Alternatives:**

If the lot is not sold, it will require maintenance by the City, and the proceeds from the sale of this property will prevent the City from purchasing additional land for park purposes.

**Attachments:**

Plat of Subject Property  
Request for Bids  
Proposed Ordinance  
Purchase Agreement

NOTES:

- 1.) Source of meridian for bearings is based upon NAD 83 based on GPS observations performed by Draper Aden Associates.
- 2.) The property shown hereon is located in Flood Zone X as shown on FIRM panel FM51003C0288D effective date February 4, 2005.
- 3.) This is a compiled plat. Boundary information is based on the plat of record.
- 4.) This survey was prepared without the benefit of a Title Report and may not show all the encumbrances on the property.
- 5.) Physical improvements, contours, sanitary, storm lines, and water lines are shown per GIS.
- 6.) Contour Interval = 2'
- 7.) Topographic Information was provided by others and is shown for informational purposes only.
- 8.) This Survey was prepared for the City of Charlottesville and Draper Aden Associates assumes no liability for reuse or modification of this document.
- 9.) Section 29-161(b)(1) allows City-owned property to have no street frontage. No building permit shall be issued for Parcel "B" unless it is combined with another parcel so that it gains frontage and satisfies minimum lot requirements.
- 10.) The proposed Parcels meet criteria for critical slopes, per Section 34-1120(b).



[Signature] 2-14-17  
 Chair of Planning Commission Date

[Signature] 14 FEB 2017  
 Secretary of Planning Commission Date

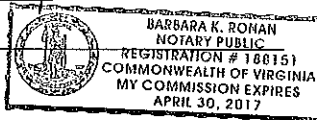
The platting or dedication of the following described land Tax Map 26 Parcel 45 is with free consent and in accordance with the desire of the undersigned owners, proprietors and trustees of the City of Charlottesville, Virginia.

Maurice Jones, City Manager 2-13-17  
 City of Charlottesville, Virginia Date

ACKNOWLEDGEMENT OF SIGNATURE:

Signed before me, in my presence, this 13<sup>th</sup> day of February, 2017.

Barbara K. Ronan Reg #188151  
 Notary Public for the County/City of Charlottesville  
 My commission expires 4/30/2017



Date

COMPILED PLAT SHOWING  
 MINOR DIVISION TAX MAP 26, PARCEL 45  
 CHARLOTTESVILLE, VIRGINIA

SHEET 1 of 4



**Draper Aden Associates**

Engineering + Surveying + Environmental Services

700 Harris Street, Suite E  
 Charlottesville, VA

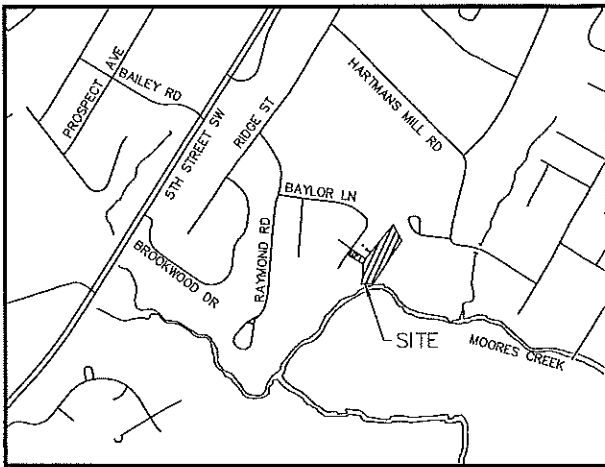
434-295-0700 Fax: 434-295-2105

Blacksburg, VA  
 Richmond, VA  
 Hampton Roads, VA

DRAWN: CAS  
 CHECKED:

SCALE: AS SHOWN  
 DATE: 01/02/2015  
 REV: 10/19/2016

PLAN NO. C14160C-01S



**LEGEND**

- ..... Floodplain
- - - - - Floodway
- Storm Structure
- - - - - Stream Buffer
- ⊙ Fire Hydrant
- ⊖ Water Meter
- ⊗ Water Valve
- ⊗ — San. Manhole w/ San. Line

**VICINITY MAP**  
Scale: 1=1000'



**ADJOINING OWNERS**

TM 26-45.5  
DAVID H & CHRISTINA S WEISS  
DB 2011-2060

TM 26-45.6  
WILLIAM F & ASHLEY B JOHNSTON  
DB 2009-4851

TM 26-45.7  
KURT & SUSAN J JORDAN  
DB 2009-5498

TM 26-45.8  
AHMAD FASHANDI & ANNA ZIMMERMAN  
DB 2014-1548

TM 26-45.9  
CLINT C & ANDREA L WILDER  
DB 2014-891

TM 26-45.11  
CHANTAL ELIZABETH JENNINGS  
DB 2014-3302

TM 26-45.12  
DAVID KOEHN & ASHLEY MATTHEWS  
DB 2008-5547

TM 26-45.13  
MICHELLE KISLIUK  
DB 2009-433

ALB. TM 77-7  
CITY OF CHARLOTTESVILLE  
DB 4462-562, PG. 567-573 PLAT

TM 26-67  
CHARLES A III & KENDALL YOUNG  
WB 30-351

TM 26-43B  
ROY'S PLACE LLC  
DB 1022-755

**CURRENT ZONING:**

TM 26-45:  
Zone R-1S

- 1.) Required Front Yard -  
25', min.\* On any lot where 40% or more of the lots located within 500' in either direction, fronting on the same side of the street, have front yards greater or less than the minimum front yard, the required front yard shall be the average depth of the existing front yards within 500'.
- 2.) Required Side Yard -  
SFD: 5' minimum  
Non-Res.: 50' minimum  
Corner, street side: 20' minimum.
- 3.) Required Rear Yard -  
Res.: 25' minimum  
Non-Res.: 50' minimum

**TITLE REFERENCE:**

TM 26-45  
Owner: CITY OF CHARLOTTESVILLE  
DB 2014-2729  
DB 1117-239-248 PLAT

COMPILED PLAT SHOWING  
**MINOR DIVISION TAX MAP 26, PARCEL 45**  
CHARLOTTESVILLE, VIRGINIA

SHEET 2 of 4



**Draper Aden Associates**

Engineering + Surveying + Environmental Services

700 Harris Street, Suite E  
Charlottesville, VA

434-295-0700 Fax: 434-295-2105

Blacksburg, VA  
Richmond, VA  
Hampton Roads, VA

DRAWN: CAS

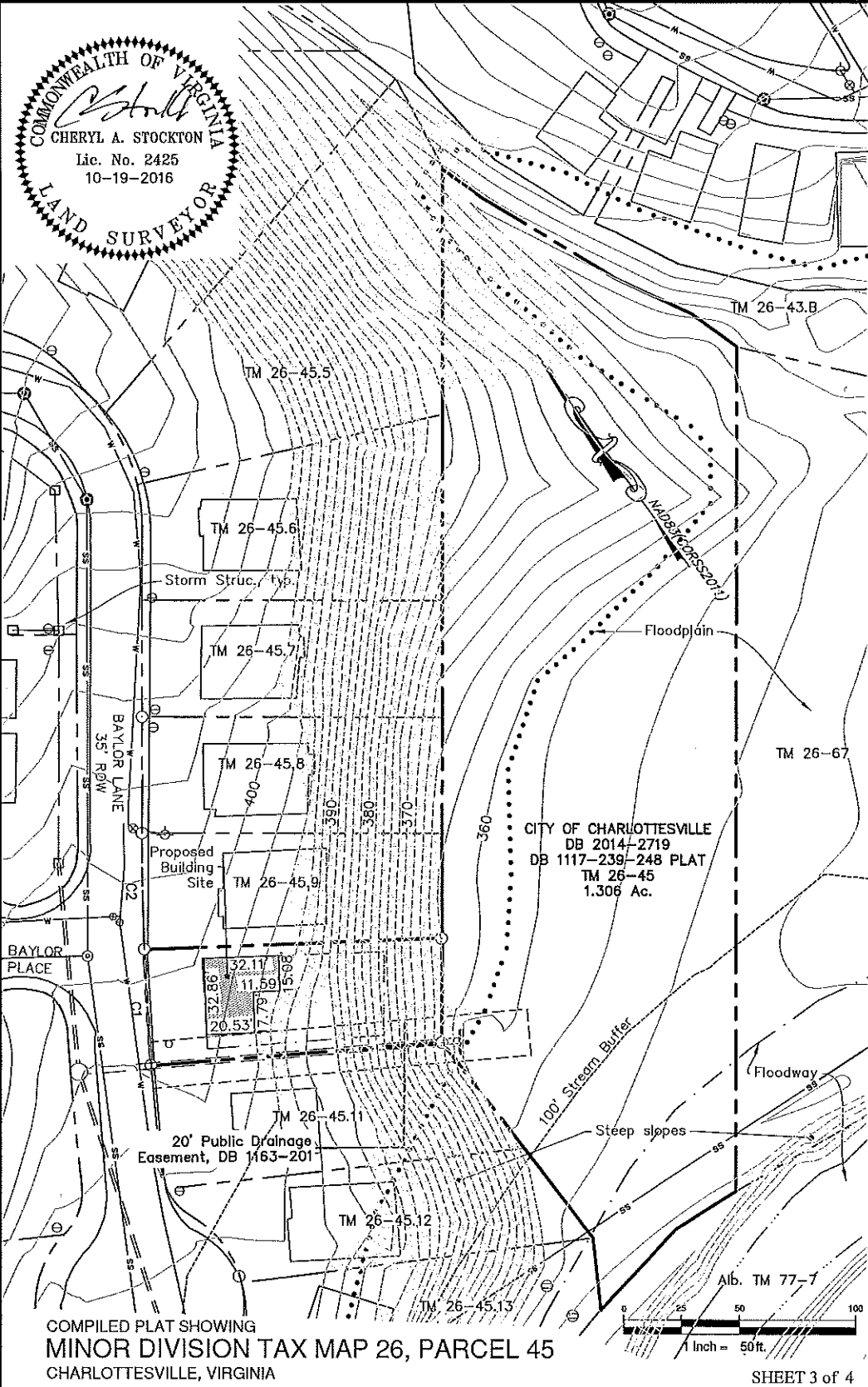
CHECKED:

SCALE: AS SHOWN

DATE: 01/02/2015  
REV: 10/19/2016

**PLAN NO. C14160C-01S**





CITY OF CHARLOTTESVILLE  
 DB 2014-2719  
 DB 1117-239-248 PLAT  
 TM 26-45  
 1.306 Ac.

COMPILED PLAT SHOWING  
**MINOR DIVISION TAX MAP 26, PARCEL 45**  
 CHARLOTTESVILLE, VIRGINIA

SHEET 3 of 4



**Draper Aden Associates**  
 Engineering + Surveying + Environmental Services

700 Harris Street, Suite E  
 Charlottesville, VA  
 434-295-0700 Fax: 434-295-2105

Blacksburg, VA  
 Richmond, VA  
 Hampton Roads, VA

DRAWN: CAS  
 CHECKED:

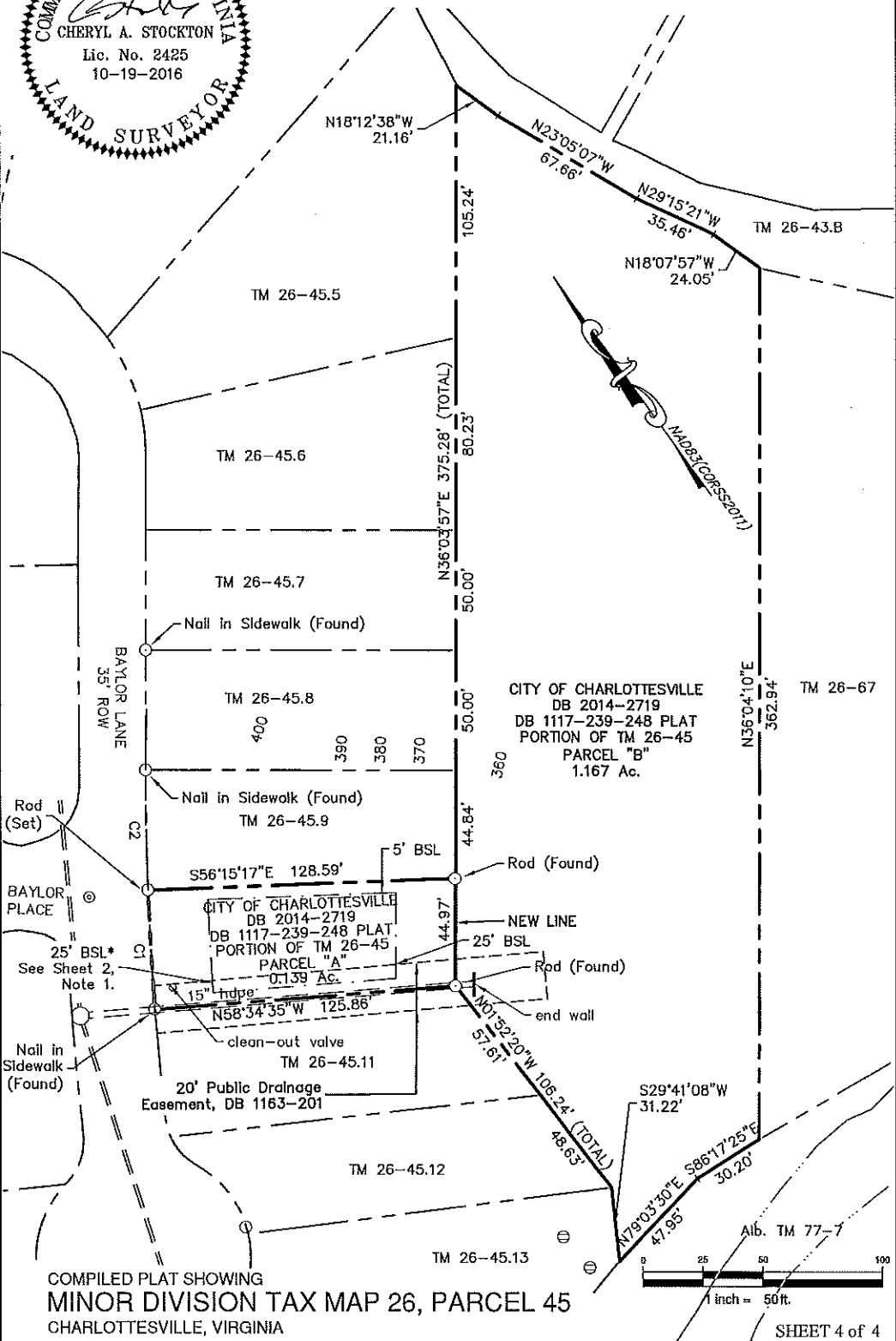
SCALE: 1" = 50'  
 DATE: 01/02/2015  
 REV: 10/19/2016

PLAN NO. C14160C-01S

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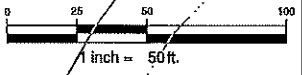
CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	1235.00'	50.05'	2°19'18"	50.04'	S32°35'04"W
C2	1235.00'	50.07'	2°19'22"	50.06'	S34°54'24"W



CITY OF CHARLOTTESVILLE  
 DB 2014-2719  
 DB 1117-239-248 PLAT  
 PORTION OF TM 26-45  
 PARCEL "B"  
 1.167 Ac.

CITY OF CHARLOTTESVILLE  
 DB 2014-2719  
 DB 1117-239-248 PLAT  
 PORTION OF TM 26-45  
 PARCEL "A"  
 0.139 Ac.

20' Public Drainage  
 Easement, DB 1163-201



COMPILED PLAT SHOWING  
**MINOR DIVISION TAX MAP 26, PARCEL 45**  
 CHARLOTTESVILLE, VIRGINIA

SHEET 4 of 4



**Draper Aden Associates**

Engineering + Surveying + Environmental Services

700 Harris Street, Suite E  
 Charlottesville, VA  
 434-295-0700 Fax: 434-295-2105

Blacksburg, VA  
 Richmond, VA  
 Hampton Roads, VA

DRAWN: CAS  
 CHECKED:

SCALE: 1" = 50'  
 DATE: 01/02/2015  
 REV: 10/19/2016

PLAN NO. C14160C-01S

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## **City of Charlottesville Sale of 162 Baylor Lane Request for Bids**

The City of Charlottesville seeks bids from interested parties to acquire a parcel of land located on Baylor Lane (Tax Map Parcel 260045001), to be addressed as 162 Baylor Lane. The parcel is zoned R-1S (Single-Family Residential) and is approximately 6,043 s.f. in size. It is subject to the Carter's View Subdivision Declaration of Restrictions, Covenants, Conditions and Easements, which document is available in the Charlottesville Circuit Court Clerk's Office in Deed Book 1126, Pages 917-927, and to a 10' wide storm drain and pedestrian access easement crossing the property.

Submittals should be in writing and include: 1) the name, address, phone number and e-mail address of the bidder; 2) intended use of the land (*i.e.*, single family home to be sold, single family home for use by the bidder, *etc.*); and 3) the amount offered as the purchase price, which shall not be less than the assessed value of the property (\$78,900.00 for calendar year 2017).

All inquiries should be directed to Mr. Brian Daly at (434) 970-3215 or [dalyb@charlottesville.org](mailto:dalyb@charlottesville.org). The City reserves the right to reject bid proposals for any reason, and sale is conditioned on City Council approval of the terms and purchase price.

Bids will be received up until **2:00 p.m. on June 9, 2017**. Submission can be via e-mail to [dalyb@charlottesville.org](mailto:dalyb@charlottesville.org) or delivered to the Department of Parks and Recreation at 501 East Main Street, Charlottesville, VA 22902 or mailed to P. O. Box 911, Charlottesville, VA 22902. Envelopes should be marked "Bid to Purchase 162 Baylor Lane".

**AN ORDINANCE AUTHORIZING THE SALE/CONVEYANCE  
OF CITY-OWNED LAND LOCATED AT 162 BAYLOR LANE  
TO SOUTHERN DEVELOPMENT**

**WHEREAS**, the City of Charlottesville is the owner of property designated as Tax Map Parcel 260045001, located on Baylor Lane, and to be addressed as 162 Baylor Lane, Charlottesville, Virginia (the “Property”); and

**WHEREAS**, the Property consists of approximately 6,054 square feet (0.139 acre) and fronts on Baylor Lane, as shown on the attached recorded subdivision plat prepared by Draper Aden Associates, dated January 2, 2015, last revised October 19, 2016; and

**WHEREAS**, the City solicited bids from persons interested in acquiring and developing the Property through a “Request for Bids”, a copy of which was published in the local newspaper, posted on the Property, and mailed to neighbors and the Charlottesville Area Association of Realtors, and the City received one offer to purchase the Property, which was assessed in 2017 at \$78,100.00; and

**WHEREAS**, following review of the proposal received, consideration of the merits thereof, and upon consideration of the recommendation of staff, this Council finds that the proposal submitted by Southern Property, LLC is the most meritorious for reasons including, without limitation, the offered purchase price of \$80,101.00; and

**WHEREAS**, a Purchase Agreement approved by the Deputy City Attorney has been signed by Southern Property, LLC, but is conditioned upon Council approval; and

**WHEREAS**, as required by Virginia Code Section 15.2-1800(B) a public hearing on the proposed sale of the Property was advertised and was held on July 5, 2017, and the public has thereby been given an opportunity to comment on the proposed conveyance of the Property;

**NOW, THEREFORE, BE IT ORDAINED** by the Charlottesville City Council that the offer received from Southern Property, LLC is hereby accepted by Council, and Council hereby approves a sale of the Property to Southern Property, LLC under the terms and conditions set forth within the aforementioned Purchase Agreement; and

**BE IT FURTHER ORDAINED** that the City Manager is hereby authorized to execute the Purchase Agreement for the sale of the Property, and that the Mayor is hereby authorized to execute a deed, in form approved by the City Attorney, conveying the Property to the Purchaser. The City Attorney is hereby authorized to take whatever steps are necessary to effect the closing of said property conveyance.

## AGREEMENT

### Sale of Land to Southern Property, LLC (Lot Containing 6,043 s.f. on Baylor Lane)

**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2017 between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, P.O. Box 911, Charlottesville, Virginia 22902, hereinafter referred to as "Seller" or "City", and **SOUTHERN PROPERTY, LLC**, a Virginia limited liability company, hereinafter referred to as "Purchaser", whose address is 170 South Pantops Drive, Charlottesville, VA 22911.

#### WITNESSETH:

**WHEREAS**, Seller is the owner of certain real property, approximately 6,043 square feet in area, located in the City of Charlottesville, Virginia, designated as Parcel 45.10 on City Tax Map 26, to be addressed as 162 Baylor Lane, shown on the attached Plat made by Draper Aden Associates, dated January 2, 2015, last revised October 19, 2016, of record in the Charlottesville Circuit Court Clerk's Office as Instrument No. 201700000618 (the "Property"); and

**WHEREAS**, Seller has agreed to sell to Purchaser for the purchase price of **Eighty Thousand One Hundred and One Dollars (\$80,101.00)** the Property and all improvements thereon and appurtenances thereto belonging, and Purchaser has agreed to purchase said Property from Seller, subject to the conditions outlined in Section II below;

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants contained herein, Seller and Purchaser do hereby set forth their agreement as follows:

#### I. AGREEMENT TO CONVEY

Seller agrees to convey by General Warranty Deed to Purchaser, and Purchaser agrees to purchase from Seller, the real property referred to herein as the "Property," which is more particularly described as follows, to-wit:

All that certain lot or parcel of land, approximately 0.139 acre or 6,043 square feet in area, designated as Parcel A on a plat made by Draper Aden Associates, dated January 2, 2015, last revised October 19, 2016, of record in the Charlottesville Circuit Court Clerk's Office as Instrument No. 201700000618 (the "Plat"), and attached to this Agreement. After the Plat was recorded on February 17, 2017, City Council approved a waiver of the critical slopes restrictions on the Property, which expanded the allowable building site and placed a pedestrian access easement within the boundaries of the existing storm drain easement crossing the Property.

#### II. TERMS AND CONDITIONS

The Purchaser's obligations under this Agreement are expressly contingent upon all of the

following conditions being met:

- (a) Title Examination. Purchaser's receipt of the results, satisfactory to them in their sole discretion, of a title examination to be performed by Purchaser at their own expense, and any other documents required by Purchaser's title insurer to ensure the Purchaser can obtain title insurance on the Property.

If the title examination reveals a title defect of a character that can be remedied through legal action or otherwise within a reasonable period of time, then Seller shall bear the expense of such action and shall promptly cure such defect. If the defect is not cured within 60 days after Seller receives notice of the defect, then Purchaser shall have the right to terminate this Agreement, in their sole discretion, and all such deposits, if any, shall be returned to Purchaser and there shall be no further obligations between the parties herein. In the event that Purchaser waives the defect and proceeds to settlement there shall be no reduction in the purchase price.

- (b) General Warranty Deed. Seller shall deliver (by facsimile mail, electronic mail or first-class mail) to the Purchaser a proposed General Warranty Deed for review at least ten (10) days prior to Closing. Said deed shall contain a reservation of a pedestrian access easement located within the 10' wide existing storm drain easement on the Property.

Each of the foregoing conditions is, and is intended by each of the parties to be, a condition precedent to the obligation of either party to proceed to Closing. Purchaser or Seller may elect not to proceed to Closing, without liability or penalty, if one or more of the above-referenced contingencies and/or conditions are not fulfilled to their satisfaction, which approval will not be unreasonably withheld, by delivering written notice to the other party.

### **III. CLOSING**

- (a) Closing will take place in the Office of the City Attorney in City Hall (605 East Main Street, City Hall, Charlottesville, Virginia) on or about \_\_\_\_\_, 2017.
- (b) Upon satisfaction of all of the terms and conditions of this Agreement, the Seller at Closing shall deliver and convey to Purchaser, by General Warranty Deed in a form acceptable to Purchaser, marketable fee simple title to the Property free and clear of any and all liens and encumbrances, subject only to standard permitted exceptions and existing easements of record which do not materially and adversely affect the use of the Property for Purchaser's intended purposes or render title unmarketable. Seller shall deliver possession of the Property to the Purchaser as of the date of Closing.
- (c) At the Closing, Seller shall also deliver to Purchaser all documents reasonably requested by Purchaser, including, without limitation, an Owner's Affidavit to Mechanic's Liens and Possession reasonably acceptable to Purchaser's title company. If requested, Seller shall submit a completed W-9 form and wiring instructions to the Purchaser at least five (5) days prior to Closing in order to allow timely wire transfer of purchase price money, less deductions.
- (d) Seller's costs: (1) Preparation of General Warranty Deed; and (2) Preparation of other Seller's documents required hereunder.

- (e) Purchaser's costs: (1) Recordation cost of General Warranty Deed (Seller is exempt from Grantor's tax); (2) Title insurance examination and premium; and (3) Attorney fees, if any, to represent Purchaser.

#### **IV. OTHER TERMS**

This agreement is further contingent upon the following:

- (a) Purchaser shall be responsible for real estate taxes due on the Property on and after the date of Closing. Seller is exempt from real estate taxation.
- (b) From the date of this Agreement through Closing, risk of loss or damage to the property by fire, windstorm, casualty or other caused is assumed by the Seller. From the date of this Agreement Seller shall not commit, or suffer any other person or entity to commit, any waste or damage to the Property or any appurtenances thereto, From the date of this Agreement, Seller shall not permit the manufacture, use, storage or disposal of hazardous wastes and/or toxic substances on or in the Property or in or near any adjoining waterways or drainage ditches.
- (c) No transfer or assignment of any rights or obligations hereunder shall be made by anyone having an interest herein, without the advance written consent of all other persons or entities having an interest herein. No failure on the part of Purchaser to enforce any of the terms or conditions set forth herein shall be construed as or deemed to be a waiver of the right to enforce such terms or conditions. The acceptance or payment of any sums by the Purchaser, and/or the performance of all or any part of this Agreement by the Purchaser, for or during any period(s) following a default or failure by the Seller, shall not be construed as or deemed to be a waiver by the Purchaser of any rights hereunder, including, without limitation, the Purchaser's right to terminate this Agreement.
- (d) This Agreement shall be governed and interpreted by the laws of the Commonwealth of Virginia.
- (e) This Agreement is binding upon the parties hereto and their respective heirs, personal representatives, successors and assigns.
- (f) This Agreement contains the final agreement between the parties hereto, and they shall not be bound by any terms, conditions, oral statements, warranties or representations not contained herein.

**WITNESS** the following signatures:

**CITY OF CHARLOTTESVILLE, VIRGINIA, Seller**

By: \_\_\_\_\_  
Maurice Jones, City Manager

Date signed: \_\_\_\_\_, 2017

*Approved as to Form:*

\_\_\_\_\_  
Allyson Manson Davies, Deputy City Attorney

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**SOUTHERN PROPERTY, LLC, Purchaser**

By: 

Frank T. Baillif, as Manager

Date signed: JUNE 15, 2017

Attachment: Plat of Property

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**CITY OF CHARLOTTESVILLE, VIRGINIA**

**CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	July 5, 2017
<b>Action Required:</b>	Consideration of a Rezoning Application
<b>Presenter:</b>	Matt Alfele, City Planner
<b>Staff Contacts:</b>	Matt Alfele, City Planner
<b>Title:</b>	<b>ZM16-00003 – 910, 912, 914, &amp; 916 King Street</b>

**Background:**

Atlas Projects, LLC submitted a rezoning application to rezone lots 910 – 916 King Street (Subject Properties) from the existing residential use (R-1S) to Cherry Avenue Mixed Use Corridor (CH). This rezoning is being requested to accommodate a proposed higher density mixed use development on the parcels that would not be permitted under the current zoning. To date no site plan for the proposed development has been submitted. Atlas Projects, LLC is currently the owner of 910, 912, & 914 King Street and holds an option to purchase 916 King Street from Jeffery Marshall. An unoccupied single family home is situated on 910 King Street. 912, 914, & 916 are all vacant lots. The applicant is proposing to combine the four (4) lots and build a mixed use development with residential units, commercial and office space, and accessible green space.

**Discussion:**

The Planning Commission discussed this matter at their June 13, 2017 meeting.

Hotel use, traffic, and the impact of the recently acquired land to the north of King Street from the subject properties were areas of discussion by the Planning Commission. The Planning

Commission wanted to know if anything in the application or proffers would require the developer to build a mixed use building. It was explained that the applicant was for a straight rezoning and any uses in the CH would be allowed on the subject properties. The only use proffered out is the subject properties cannot be used for a freestanding hotel with more than 30 rooms. It was also discussed that traffic related issues would receive more detail review if and when a site plan is submitted. Planning Commission was concerned that any of the CH uses could be developed on the subject properties, but also stated they needed to make a recommendation on the information submitted and could not speculate on what may or may not be developed on the subject properties in the future.

**Alignment with City Council’s Vision Areas and Strategic Plan:**

The City Council Vision of **Quality Housing Opportunities for all** states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities.” The vision also states; “Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.”

The project may contribute to Goal 1.3 of the Strategic Plan, **Increase affordable housing options**, and objective 2.6, to engage in robust and context sensitive urban planning, and objective 3.2, to attract and cultivate a variety of new businesses.

**Community Engagement:**

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on June 13, 2017.

During the June 13, 2017 Public Hearing, two members of the public spoke in support of the rezoning. One of the speakers did express concerns about traffic and how a mixed use development would impact the surrounding neighborhood. He supports the rezoning, but wants thought put into traffic and vehicular circulation.

The applicant held a community meeting on April 8, 2017 at Tonsler Park. Property owners within 500 feet and the Fifeville Neighborhood Association were notified of the meeting per requirements in Z.O. Section 34-41(c)(2).

**Budgetary Impact:**

This has no impact on the General Fund.

**Recommendation:**

The Commission took the following action:

Mr. Santoski moved to recommend to City approval of this application to rezone subject properties from R-1S with proffers, on the basis that the proposal would service the interests of the general public and good zoning practice.

Mr. Clayborne seconded the motion. The motion passed 4-1.

**Alternatives:**

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolution (granting the Rezoning as recommended by the Planning Commission);
- (2) by motion, request changes to the attached Resolution, and then approve the Rezoning in accordance with the amended Resolution;
- (3) by motion, defer action on the Rezoning, or
- (4) by motion, deny the requested the Rezoning.

**Attachment:**

- A. Resolution
- B. Link to the Staff Report for the June 13, 2017 Planning Commission meeting:  
<http://www.charlottesville.org/home/showdocument?id=53167> (Staff Report starts on page 25)

**AN ORDINANCE  
APPROVING A REQUEST TO REZONE PROPERTY LOCATED NEAR  
THE INTERSECTION OF KING STREET AND ROOSEVELT BROWN BOULEVARD  
(910, 912, 914 AND 916 KING STREET)  
FROM R-1S (RESIDENTIAL, SMALL LOT) TO CHERRY AVENUE MIXED USE CORRIDOR  
DISTRICT, SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS**

**WHEREAS**, Atlas Projects, LLC (“Applicant”) is the Owner and contract purchaser of certain property near the intersection of King Street and Roosevelt Brown Boulevard, designated on City Tax Map 30 as Parcels 124, 125, 126 and 127, and the Applicant seeks a rezoning of such property from R-1S (Residential-Small Lot) to Cherry Avenue Mixed Use Corridor District (“CH”) (“Application”) subject to proffered development conditions dated May 15, 2017 (“Proffers”) (together, hereinafter the Application and Proffers are referred to as the “Proposed Rezoning”); and

**WHEREAS**, a public hearing on the Proposed Rezoning was held before the Planning Commission on June 13, 2017, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, on June 13, 2017, following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

**WHEREAS**, on July 5, 2017, this City Council conducted a public hearing on the Rezoning, after notice to the public and to adjacent property owners as required by law, and City Council has considered the matters addressed within the Application and Staff Report, comments received from the public, including those received at each of the two public hearings in this matter, as well as the Planning Commission’s recommendation; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Rezoning; that both the existing zoning classification (R-1S Residential-Small Lot) and the proposed “CH” mixed use 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 R-1S Residential-Small Lot to CH (Cherry Avenue Mixed Use Corridor District), the property located near the intersection of King Street and Roosevelt Brown Boulevard, designated on City Tax Map 30 as Parcels 124, 125, 126 and 127 (910, 912, 914 and 916 King Street) (the “Property”), consisting of approximately 0.56 acres, or 24,393 square feet, subject to the following Proffers, which were tendered by the Applicant in accordance with law and are hereby accepted by this City Council:

Approved Proffers

1. *Right of Way:* At such time that any development of the Property requires a site plan, the owner will execute a deed and plat that will dedicate the necessary right-of-way to the city on the northern border of the Property with King Street, to create a five (5) foot sidewalk.

2. *Additional step back requirement.* The height of a building wall adjacent to the ten (10) foot required side yard abutting low density residential on King Street shall be 35 feet maximum; above the height of 35 feet, a stepback of at least 10 feet shall be provided along at least eighty percent (80%) of the building wall. In no case shall any building wall, above the height of 35 feet, be within ten (10) feet of the Property's side lot line adjacent to King Street. In the event that a landowner provides a yard in excess of the 10 feet required, then the required stepback may be reduced by the amount of such excess.
3. *Restricted uses.* No freestanding hotels with more than 30 rooms.

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# CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



<b>Agenda Date:</b>	July 5, 2017
<b>Action Required:</b>	Approval of Ordinance
<b>Presenter:</b>	Chris Engel, Director of Economic Development
<b>Staff Contacts:</b>	Chris Engel, Director of Economic Development Rick Siebert, Parking Manager
<b>Title:</b>	<b>City Code Updates for Metered Parking</b>

## **Background:**

City staff developed a Parking Action Plan in response to City Council resolution, Parking Management Implementation Plan, April 4, 2016. The Plan, in part, calls for the implementation of a six month Pilot Program for Metered Parking. The operation of metered parking is controlled by City Code Chapter 15 (Motor Vehicles and Traffic) Article V. Stopping, Standing and Parking. In order to provide for an option for contract parking enforcement and to accommodate current parking meter technology, various changes to the code are required.

## **Discussion:**

The Code of Virginia was recently changed to allow for cities with a population of over 40,000 the option of contract parking enforcement. The proposed City code change incorporates this change in State code. The current code also has multiple references to outdated parking meter technology. Examples of these issues include:

1. Where the meter must be installed to serve a parking space: The current Code does not envision a how a parking meter could serve multiple parking spaces.
2. How payment must be made: The current Code must be changed to accommodate payment by any method other than the deposit of coins.
3. How paid parking is enforced: The current Code is not compatible with cloud based digital enforcement.

The above are representative examples of the multiple technical changes to the Code in the Resolution.

**Community Engagement:**

City staff will continue outreach to all those affected by City public parking policy.

**Budgetary Impact:**

None.

**Recommendation:**

Staff recommends approval of the attached resolution.

**Alternatives:**

No recommendation.

**Attachments:**

Resolution

AN ORDINANCE AMENDING CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC), DIVISION 2 (PARKING METERS) SECTIONS 15-171 THROUGH 15-180 OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED TO AUTHORIZE THE CITY'S TRAFFIC ENGINEER TO ESTABLISH PARKING METER ZONES AND TO ADD PROVISIONS AUTHORIZING BOTH PARKING METERS AND STATIONS AND TO AUTHORIZE VARIOUS FORMS OF PAYMENT

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Chapter 15 of the City Code is changed as marked effective immediately.

**City Code Chapter 15 (MOTOR VEHICLES AND TRAFFIC)  
Article V. Stopping, Standing and Parking**

**DIVISION 1. GENERALLY**

**Sec. 15-149. Procedure for parking violations; payment of fine without trial.**

(a) A summons or parking ticket for violation of the city's parking regulations within this article may be issued by city police ~~Police officers, other uniformed city employees and other persons~~ authorized by the chief of police to enforce the provisions of this article, or by uniformed personnel serving under contract with the city. Any such summons or ticket shall be posted ~~a written notice of violation~~ on the windshield of each vehicle found illegally parked on city streets or city operated parking lots. Such summons or parking ticket ~~notice of violation~~ shall state that the recipient of the summons or ticket ~~notice~~ may elect to waive his or her right to appear and be tried for the offense indicated in the summons or ticket ~~notice~~.

State law reference—Va. Code 46.2-1220

**DIVISION 2. PARKING METERS\***

**Sec. 15-171. ~~Reserved.~~ Establishing and changing meter zones.**

~~Editor's note—An ordinance adopted Nov. 15, 2004, § 3, repealed § 15-171, which pertained to establishing and changing meter zones. See also the Code Comparative Table.~~ The traffic engineer, with the approval of the city manager, is hereby authorized to establish and change from time to time parking meter zones on streets or parts of streets, and in municipally operated parking lots, where the parking of vehicles shall be regulated by parking meters. The traffic engineer shall follow the procedure set forth within city code sec. 15-4.

**Sec. 15-172. Installation, design, etc., of meters.**

(a) Parking meters shall be installed in parking meter zones ~~upon the curb immediately adjacent to in~~ reasonable proximity to each designated restricted parking space. ~~Such meters shall be capable of being operated, either automatically or mechanically, upon the deposit therein of a coin of United States currency of the designated denomination, for the full—~~ Each meter shall allow payment for parking during a period of time for which parking is lawfully permitted in the applicable ~~any of the~~ parking meter zones.

(b) Each parking meter shall be so designed, constructed, installed and set that it will indicate at the

~~time of payment the time period for which parking has been paid, upon the expiration of the time period registered by the deposit of one (1) or more coins, it will indicate, by an appropriate signal, that the lawful parking meter period has expired and during such period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.~~

(c) Each parking meter shall bear thereon a legend indicating the hours when the requirement for paid parking to deposit coins therein shall apply, the value and method of the required payment coins, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which the meter is located.

**Sec. 15-173. Marking of meter spaces.**

Within parking meter zones, each ~~Adjacent to each~~ parking meter ~~there shall be placed in reasonable proximity to~~ marked the parking space(s) for which the meter is to be used. ~~Spaces so marked shall be of appropriate length and width so as to be accessible from normal traffic lanes.~~

**Sec. 15-174. Time and manner of parking in metered space.**

(a) When a parking meter is erected giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking space for a period of time longer than designated by the meter, ~~upon the deposit of a coin of United States currency of the designated denomination, on any days except Saturdays and Sundays.~~

(b) Every vehicle shall be parked wholly within a marked metered parking space ~~for which the meter shows parking privilege has been with the front end of such vehicle facing in the direction of traffic granted and with the front end of such vehicle immediately opposite the parking meter for such space.~~

(c) No person shall park a vehicle in any designated parking meter space during the restricted and regulated time applicable to the parking meter zone in which the meter is located so that any part of the vehicle occupies more than one (1) such space, except that a vehicle which is of a size too large to be parked within a single designated meter space shall be permitted to occupy two (2) adjoining meter spaces when coins have been made deposited in the parking meter for each space so occupied, whether occupied in whole or in part as is required for the parking of other vehicles in such space.

**Sec. 15-175. Parking in meter zone or city parking lot for purpose of making sales.**

It shall be unlawful for any person to park any vehicle within the area designated as a parking meter zone, or within any municipally operated parking lot, for the purpose of making sales of any property to persons in the street or in such parking lot. This section shall not apply to the selling or delivery of goods sold within the buildings abutting on such streets or parking lots or to the city market.

**Sec. 15-176. Payment ~~Deposit of coins required; overtime parking.~~**

(a) No person shall park a vehicle in any parking space within a metered parking zone, ~~upon a street or within a municipally operated metered parking lot, adjacent to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which the meter is located, unless payment for such parking has been made as required by this division a coin of United States currency of the appropriate denomination has been deposited by such person has been placed in operation.~~

(b) No person shall permit a vehicle operated by him or under his control or registered in his name to be or remain parked in any parking metered parking space ~~during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal~~

~~that the lawful parking after the paid time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit payment in immediately thereafter a coin in such meter.~~

(c) No person shall park a vehicle on the same block in a parking meter zone ~~any such parking meter space~~ for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone any single space on that block, in which such meter is located, irrespective of the number or amount of coins deposited in the meter.

(d) The provisions of this section shall apply to parking only on the days, and during such ~~between the hours of 8:00 a.m. and 6:00 p.m. on days other than Saturdays and Sundays as are restricted within the~~ applicable parking meter zone.

(e) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter and the state statutes prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

**Sec. 15-177. Purpose of required deposits.**

~~The coins required to be deposited in parking meters as provided in this division are hereby levied and assessed as fees to provide for the proper regulation and control of traffic on the public streets and to cover the cost of the supervision, inspection, installation, operation, maintenance, control and use of the parking spaces on such streets and within municipally operated parking lots and for regulating the parking of vehicles in the parking meter zones.~~

**Sec. 15-178. Use of metered space for loading and unloading.**

(a) Commercial vehicles may be parked without deposit payment, of coins in meters from 7:00 a.m. to 10:00 a.m. within metered spaces which are set aside for this purpose and so designated by hoods placed on the meters stating as loading and unloading zones "LOADING AND UNLOADING ZONES"; provided, that commercial vehicles may only occupy such spaces during the time necessary to complete actual operations of delivering or picking up merchandise.

(b) Commercial vehicles which require only one (1) regular parking space may be parked anywhere in a meter zone at any time and for any purpose, if the required payment deposit is made in the meter and if all other parking and meter regulations are complied with.

(c) No commercial vehicle which requires more than one (1) regular parking space may be parked on University Avenue between 14th Street, West, and Chancellor Street, during the hours from 10:00 a.m. to 6:00 p.m. on any day.

(d) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of property exceed thirty (30) minutes.

(e) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

(f) The driver of a ~~Operator~~ of passenger or commercial vehicles may use, without deposit of payment, a parking metered space for the purpose of promptly receiving or discharging any passenger.

**Sec. 15-179. Deposit of slugs.**

(a) No person shall deposit or attempt to deposit in any parking meter any slug, button or other device or substance, other than a card or device identified on the meter as being an accepted form of payment as a substitute for a coin of United States currency.

(b) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

**Sec. 15-180. Damaging, tampering with, etc., meters.**

(a) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter. ~~No person shall willfully manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation.~~

(b) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor, for a first offense. Subsequent violations of this section shall be punishable as set forth within Code of Virginia sec. 18.2-152.

(Code 1976, § 16-51; Code 1990, § 15-180)

**State law reference**—Stealing from or tampering with meters, Code of Virginia, § 18.2-152.

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



Agenda Date:	July 17, 2017
Action Required:	None – Public Hearing
Presenter:	Andrew Baxter, Fire Chief, Charlottesville Fire Department
Staff Contacts:	Andrew Baxter, Fire Chief, Charlottesville Fire Department
<b>Title:</b>	<b>Charlottesville Fire Department and Charlottesville Albemarle Rescue Squad Emergency Medical Services System Improvement Strategy and Cost Recovery Program</b>

**Background:**

City Staff and leadership from the Charlottesville-Albemarle Rescue Squad (CARS) have recognized the need for a new, strategic approach to the delivery of E.M.S. (Emergency Medical Services) transport services in the City. Implementation of the E.M.S. System Improvement Strategy will help to ensure the provision of timely, efficient, and effective E.M.S. transport services for the community. Funding for the new strategy will be provided in large part through the implementation of an E.M.S. Cost Recovery Program. A short report tonight will provide information on the key elements of this strategy, how we got here, and how we plan to move forward followed by a public hearing

**Discussion:**

Since 1960, the Charlottesville-Albemarle Rescue Squad (CARS), an all-volunteer, not-for-profit organization, has been the primary provider of E.M.S. transport services in the City. Since 2014, the Charlottesville Fire Department (C.F.D.) has provided staffing support to CARS through a Memorandum of Understanding. This supplemental staffing model has provided some stability to daytime CARS staffing. However, several factors make the current approach less than optimal, including increased call demand, challenges with developing and retaining experienced volunteer E.M.S. Advanced Life Support (A.L.S.) providers, increased costs associated with the delivery of more complex E.M.S. care, and decreasing community contributions to CARS annual fund drive. Over the course of the last 18 months, City staff and CARS leadership have collaborated to develop a comprehensive strategy that will add needed E.M.S. transport capacity and provide for the more consistent availability of A.L.S. providers at the medic-level. A volunteer-career combination E.M.S. system will provide the needed E.M.S. transport and A.L.S. capacity while leveraging both the continued commitment of CARS volunteers and the consistency in staffing provided by C.F.D. career firefighter-E.M.T's and firefighter-medics. The focus of the combination E.M.S. transport system will be on the provision of high-performance E.M.S. while ensuring the health and safety of the community and its responders. Funding for the City of Charlottesville Emergency Medical Services System Improvement Strategy, which will be largely provided through the implementation of an E.M.S. Cost Recovery Program, will ensure

adequate E.M.S. transport capacity in the following ways: supporting three additional full-time sworn firefighter-E.M.T. positions; providing operational funding for the Charlottesville-Albemarle Rescue Squad; and providing for one civilian E.M.S. billing specialist/privacy officer. The following chart provides a combined overview of the projected revenues and expenses for the program for F.Y. 18.

Billing rates for ambulance transport services will be set by Council in the form of a resolution. Proposed fees for Emergency Medical Services (E.M.S.) vehicle transport service:

For Basic Life Support (B.L.S.) transport services: \$500. B.L.S. is defined as the emergency response and transport of a patient that requires assessment and treatment by a BLS Technician and no Advance Life Support procedures.

For Advanced Life Support Level 1 (A.L.S.1): \$600. A.L.S.1 is defined as the emergency response and transport of a patient that requires assessment and treatment by an A.L.S. Technician and one or more Advanced Life Support procedures.

For Advanced Life Support Level 2 (A.L.S.2): \$850. A.L.S.2 is defined as the transport of a patient that requires defibrillation, pacing, intubation, or the administration of 3 or more Schedule IV medications.

For Ground Transport Miles (G.T.M.): \$15.00/mile. G.T.M. is defined as the charge per patient transport mile.

**Revenue**

E.M.S. Billing	\$720,000
General Fund Appropriation	\$32,391

**Expenditures**

Salaries and Benefits	\$388,288
Other Operating Expenses	17,292
Contribution to CARS	346,811

**TOTAL EXPENDITURES \$752,391**

**Alignment with City Council's Vision and Strategic Plan:**

The implementation of the E.M.S. System Improvement Strategy supports Goal 2 of the City's Strategic Plan, to be a safe, equitable, thriving and beautiful community; objectives 2.1 & 2.3.

**Community Engagement:**

C.F.D. and CARS leadership have collaborated for the last 18 months to develop a comprehensive strategy for E.M.S. system improvement. Tonight's meeting will hold a public hearing on the overall strategies and the fees, which were advertised per a legal ad posted in the Daily Progress on July, 5, 2017. The first of two readings for the appropriation of funds to implement the E.M.S. System Improvement Strategy and the resolution to establish the schedule of fees for emergency medical



services vehicle transport services will occur on August 21, 2017, 7pm in City Council Chambers.

**Budgetary Impact:**

Revenue from the E.M.S. Cost Recovery Program (E.M.S. System Fund) will partially offset expenditures associated with supporting a combination volunteer-career E.M.S. system. Estimated F.Y.18 revenues for the E.M.S. Cost Recovery Program are \$720,000 based on current call volume and area recovery rates.

**Recommendation:**

This is a public hearing in order to gain input from the community on the proposed E.M.S. System Improvement strategy including the E.M.S. Cost Recovery Program. The August 21, 2017 meeting will recommend that City Council approve the resolution to establish a fee schedule for ambulance transports and approve the appropriation to implement the E.M.S. System Improvement Strategy.

**Alternatives:**

If the funding is not approved, the E.M.S. transport system will not develop in a manner consistent with other services provided by the City.

**Attachments:**

- E.M.S. System Improvement Strategy Start Up Revenues and Expenditures
- Resolution to Establish the Schedule of Fees for Emergency Medical Services Vehicle Transport Services
- E.M.S. Cost Recovery Program Frequently Asked Questions

**E.M.S. Cost Recovery Program  
Start-Up Revenues and Expenditures**

Revenues	<u>F.Y.18</u>	<u>F.Y.19</u>	<u>Notes/Comments</u>
Ambulance Service Billing	\$ 720,000	\$ 1,440,000	F.Y.18 Assumes 6 months of billing revenue collection due to estimated lag time between when service is provided and billing revenue is collected.
<b>REVENUE TOTAL</b>	<b>\$ 720,000</b>	<b>\$ 1,440,000</b>	
Expenditures	<u>F.Y.18</u>	<u>F.Y.19</u>	<u>Notes/Comments</u>
<b>24 Hour C.F.D. Medic Unit</b>			
Salary and Benefits	\$ 208,405	\$ 255,088	Represents cost of 3 new F.T.E's – F.Y. 18 represents 10 months of expenses. First year of medical supplies and fuel will be absorbed in current C.F.D. operating budget (\$29,025), but need to budget for those costs beginning in year 2
Operational Costs	<u>17,292</u>	<u>49,776</u>	
<b>Sub-Total</b>	<b>\$ 225,697</b>	<b>\$ 304,864</b>	
<b>Peak Activity Unit</b>			
Daytime Overtime Staffing	<u>121,550</u>	<u>148,777</u>	Overtime rates for 1 Firefighter-E.M.T. & 1 Firefighter-Medic (M-F, 7:00-18:00) – F.Y. 18 represents 10 months of expenses.
<b>Sub-Total</b>	<b>\$ 121,550</b>	<b>\$ 148,777</b>	
<b>E.M.S. Billing Specialist</b>			
Salary and Benefits	<u>58,333</u>	<u>70,000</u>	
<b>Sub-Total</b>	<b>\$ 58,333</b>	<b>\$ 70,000</b>	
<b>CARS</b>			
Contribution to CARS	<u>346,811</u>	<u>424,496</u>	F.Y.18 represents <b>10 months</b> of payment and is based on the percentage of the CARS Operating budget that is proportionate to the percentage of CARS calls that are run in the City.
<b>Sub-Total</b>	<b>\$ 346,811</b>	<b>\$ 424,496</b>	
<b>EXPENDITURE TOTAL</b>	<b>\$ 752,391</b>	<b>\$ 948,137</b>	
<b>FUNDING (GAP)/BALANCE</b>			
	<b>\$(32,391)</b>	<b>\$ 491,863</b>	

The F.Y.18 Budget figures represent 10 months of expenses based upon the projected start date for the billing program. The F.Y.19 figures represent 12 months of service.

<b>One-Time/Capital Costs</b>	<b><u>F.Y.18</u></b>	<b><u>F.Y.19</u></b>
Mobile Data Computers	\$ 60,000	Cost to outfit 12 CARS vehicles with same mobile data computers as C.F.D. - necessary for billing and closest unit deployment model and will be funded through CIP Contingency. \$ -

**RESOLUTION TO ESTABLISH THE SCHEDULE OF FEES FOR  
EMERGENCY MEDICAL SERVICES VEHICLE TRANSPORT SERVICES**

**WHEREAS**, on June 2, 2014, the City Council enacted Sec. 12-43. of the City Code of Ordinances, which requires that reasonable fees shall be charged for services provided by an agency operating emergency services vehicle transports; and

**NOW, THEREFORE, BE IT RESOLVED** that the following EMS vehicle transport service fees are hereby established, effective \_\_\_\_\_ 2017, for all EMS vehicle transport services provided in accordance with Sec. 12-43 of the City Code of Ordinances:

1. For Basic Life Support (BLS) transport services: \$500. BLS is defined as the emergency response and transport of a patient that requires assessment and treatment by a BLS Technician and no Advance Life Support procedures.
2. For Advanced Life Support Level 1 (ALS1): \$600. ALS1 is defined as the emergency response and transport of a patient that requires assessment and treatment by an ALS Technician and one or more Advanced Life Support procedures.
3. For Advanced Life Support Level 2 (ALS2): \$850. ALS2 is defined as the transport of a patient that requires defibrillation, pacing, intubation, or the administration of 3 or more Schedule IV medications.
4. For Ground Transport Miles (GTM): \$15.00/mile. GTM is defined as the charge per patient transport mile.

**BE IT FURTHER RESOLVED THAT** no person shall be denied transport services due to his or her inability to pay.



## City of Charlottesville

### Emergency Medical Services (E.M.S.) Cost Recovery Program

#### Frequently Asked Questions

##### I. General Questions

###### **Q: What is the E.M.S. Cost Recovery Program?**

**A:** E.M.S. cost recovery is the process of obtaining financial reimbursement for the cost of providing medically necessary ambulance transportation. The E.M.S. cost recovery program will not and is not designed to cover all E.M.S. system costs but will provide a stable financial foundation. The program will be funded through available reimbursements from Medicare, Medicaid, and private insurance companies. No one will ever be denied service based on their ability to pay or any outstanding bills. ALWAYS call 911 in the event of an emergency; we will ALWAYS be ready to answer your call 24/7/365.

###### **Q: How will this program affect me? Will I get a bill?**

**A:** City residents covered by Medicare, Medicaid, or private insurance will not be billed for any balances due after applicable insurance payments have been collected. City residents without insurance will not be billed at all. Non-City residents will receive a bill for any remaining balance after all insurance reimbursement has been obtained. Non-City residents, in cases of hardship, may apply to the City for a hardship waiver once all applicable insurance payments have been collected. No one will ever be denied emergency service because of the E.M.S. cost recovery program. If a patient calls 911 but is not transported, there is no charge. ALWAYS call 911 in the event of an emergency; we will ALWAYS be ready to answer your call 24/7/365.

###### **Q: Why is the City of Charlottesville engaging in EMS cost recovery?**

**A:** Emergency medical calls account for a large percentage of the total number of emergency services calls in the City. For example, in 2016, there were over 5,000 E.M.S. incidents in the City and 54% of Charlottesville Fire Department responses were for E.M.S. incidents. In the same period, the Charlottesville-Albemarle Rescue Squad transported over 5,000 patients from



City

incidents to area hospitals. As the need for emergency medical services continues to grow, the City, like many other localities, is seeking ways to fund these services without relying solely on local tax revenue or donations to local volunteer agencies.

E.M.S. cost recovery permits localities to recover system costs from those individuals who benefit directly from E.M.S. delivery, including non-City residents, with the vast majority of the costs collected from Medicare, Medicaid and insurance companies.

The E.M.S. cost recovery program will be utilized to support the volunteers at the Charlottesville-Albemarle Rescue Squad (CARS), will provide a funding stream to support additional Charlottesville firefighters to staff ambulances in the City, and will support the acquisition and deployment of sophisticated EMS equipment.

**Q: Will the Charlottesville-Albemarle Rescue Squad (CARS) bill for service in the City?**

**A:** Yes. Both CARS and Charlottesville Fire Department staffed ambulances will bill for service as part of the E.M.S. cost recovery program.

**Q: Is the fire department “taking over” the rescue squad?**

**A:** No. The rescue squad will remain a non-profit, volunteer agency but will receive operational funding from revenue generated through the E.M.S. cost recovery program. CARS and the City will continue to closely collaborate to ensure the provision of high-quality emergency medical services in the City.

**Q: How much money will be recovered?**

**A:** The City estimates that between \$1M and \$1.4M will be recovered annually. These funds will be used to support and strengthen the City’s combination volunteer-career E.M.S. system.

**Q: What other localities in this area have E.M.S. cost recovery programs?**

**A:** Nearly 80% of Virginia residents live in localities that bill for E.M.S. transport. Of the 38 independent cities in Virginia, 37 currently have some form of E.M.S. billing in place to recover expenses and offset system costs. Localities in our region including Albemarle, Augusta, Greene, Fluvanna, Louisa, Nelson, Orange, Staunton, Waynesboro, and Rockingham bill for service, as do Richmond, Chesterfield, Hanover, Stafford, and Spotsylvania.



## **II. How Billing Works**

### **Q: How will the billing process work?**

**A:** The City of Charlottesville has contracted with a billing company, Digitech Computer, to administer the E.M.S. billing process. Once patient information is collected, a claim form will be forwarded to the patient's insurance provider, Medicare, or Medicaid.

### **Q: Will City residents be required to pay any co-payment or deductible that may be included in their insurance policy?**

**A:** No. Co-pays and deductibles will be waived for City residents. Taxes paid by City residents are considered co-payments for City residents.

### **Q: Will visitors and non-City residents be charged a co-payment?**

**A:** Yes. Only City residents will have their co-payments and deductibles waived.

### **Q: What are the billing rates for this E.M.S. service?**

**A:** Fees for ambulance transport range from \$500 - \$850 per transport, depending on the level of E.M.S. care required by the patient. Rates are established by City Council.

### **Q: If an ambulance comes to my house but I don't need transport, will I receive a bill?**

**A:** No. Fees are recovered only if a patient is transported.

### **Q: If a fire engine comes to my house to provide E.M.S. care, will I receive a bill?**

**A:** No. E.M.S. first-response will remain a core municipal service provided by the Charlottesville Fire Department. There is no fee for E.M.S. first-response services. Fees are only recovered if a patient is transported in an ambulance to the hospital.

### **Q: Who do I contact with questions about my bill?**

**A:** The City's billing company, Digitech Computer, has customer service representatives to handle your billing and insurance questions at (888) 248-7936.



### III. Ability to Pay

#### **What if I don't have insurance and am unable to pay or have insurance but am unable to pay any balances due?**

The City of Charlottesville E.M.S. cost recovery program includes compassionate billing provisions. If the patient is a City resident, he/she will not be responsible for any balance due once all applicable insurance payments have been collected. If the patient is not a City resident and cannot pay, he/she may request a hardship waiver form and may not have to pay. All patients will be treated and transported regardless of the ability to pay.

#### **If I have an outstanding balance on my insurance, will I be refused ambulance service?**

All patients will be treated and transported, regardless of their ability to pay. This program will not change the ambulance service provided to anyone in the City of Charlottesville, regardless of insurance coverage or any other factor. The City of Charlottesville will not deny service to those with delinquent accounts. Billing does not occur until after service has taken place. Emergency responders who respond to a call will have no knowledge of who has paid and who has not paid.

### IV. Insurance Information

#### **Will my health insurance premiums increase because of this billing?**

Unfortunately, health insurance premiums continue to rise regardless of whether a community decides to bill for E.M.S. transports. Factors including the rise in prescription drug prices, the rising costs of hospitalization, an aging population, and litigation have resulted in escalating healthcare costs. Despite the steep increase in healthcare costs, ambulance transport costs represent less than 1% of health care expenditures. Many other local governments in Virginia have implemented similar E.M.S. cost recovery programs, and they have reported no evidence that E.M.S. billing increases health insurance premiums.





## V. Effects on the Volunteers

### **How does this new program help the volunteers at the Charlottesville-Albemarle Rescue Squad (CARS)?**

The volunteers of the Charlottesville-Albemarle Rescue Squad have faithfully served the citizens of Charlottesville and Albemarle County for almost 60 years. The City is committed to utilizing a significant amount of this revenue source to provide operational funding to CARS. This funding stream will allow our dedicated volunteers to continue to focus on providing top-notch emergency medical care to our community. E.M.S. cost recovery program funds will also help offset the rising costs associated with the provision of E.M.S. services in the City.

### **Will the rescue squad still need our donations?**

Yes. The cost of providing E.M.S. services continues to rise and CARS will still need the public's support.

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



Agenda Date:	July 17, 2017
Action Required:	Ordinance Approval (1 <sup>st</sup> of 2 readings)
Presenter:	Mike Murphy, Assistant City Manager
Staff Contacts:	Maurice Jones, City Manager Mike Murphy, Assistant City Manager Andrew Gore, Assistant City Attorney
<b>Title:</b>	<b>Urban Archery Ordinance</b>

**Background:**

On July 18, 2016 Council heard a presentation from Mr. David Kocka with the Virginia Department of Game and Inland Fisheries (DGIF) on urban deer management. On September 19, 2016 City staff reported on a number of deer management strategies, actions taken by a sample of peer localities, discussed their potential application in Charlottesville, and requested guidance from Council. Council expressed a clear desire to manage the local deer population and instructed staff to investigate the strategies of additional localities and return with alternatives to recommend to Council. Staff has focused on five key interventions to manage the local deer population: Education of the Public, Sterilization, Employee Led Culling, Urban Archery, and Professional Sharpshooting Services. On March 20, 2017 Council endorsed urban archery in the City of Charlottesville.

On June 5, 2017, staff presented to Council recommended elements of an ordinance permitting urban archery in the City, after consultation with DGIF, review of ordinances of multiple localities, and review of input from Council. Pursuant to the direction of Council, staff has prepared the attached proposed ordinance for Council consideration.

**Discussion:**

The proposed ordinance authorizes urban archery hunting of deer, pursuant to the enabling legislation of Va. Code § 29.1-528.1 and applicable DGIF regulations. The proposed ordinance permits the hunting of deer by licensed hunters within the City with bows during applicable hunting seasons designated by the Virginia Department of Game and Inland Fisheries. All such hunting activities would be subject to the conditions previously recommended by staff and incorporated into the proposed ordinance at the direction of Council. The violation of any provision of the ordinance would constitute a Class 3 misdemeanor.

Additionally, the ordinance updates the City Code to conform with applicable state law authorizing the adoption of certain prohibitions on the use of bows within the City.

**Alignment with City Council's Vision and Strategic Plan:**

This item aligns with Council's vision of a **Smart, Citizen Focused Government** and Strategic Plan Goal #2 to **Be a Safe, Equitable, Beautiful and Thriving Community**.

**Community Engagement:**

This is a frequent topic among some neighborhood associations and at Our Town meetings. A public

hearing was held on September 19<sup>th</sup> to solicit resident input.

**Budgetary Impact:**

No further appropriation of funds is requested at this time.

**Recommendation:**

Staff recommends that Council approve the proposed ordinance. July adoption should allow time for new business processes to be adopted, and eligibility requirements clearly articulated to property owners.

**Alternatives:**

Council may elect to amend the proposed ordinance or alter the schedule for ordinance adoption.

**Attachments:**

Proposed Ordinance

**AN ORDINANCE  
AMENDING AND REORDAINING CHAPTER 33 (WEAPONS) OF THE  
CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED  
RELATING TO URBAN ARCHERY HUNTING.**

**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, and a new section, Section 33-9, is hereby added to Chapter 33, as follows:

**Sec. 33-7. Discharge of ~~bows and arrows~~, 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 or similar implement. ~~This section shall not be construed to prohibit the use of bows and arrows on authorized archery ranges.~~

(b) *Pneumatic guns.*

...

**Sec. 33-9. Discharge of bows and arrows; urban archery hunting.**

(a) For the purposes of this section, "bow" includes all compound bows, crossbows, slingbows, longbows, and recurve bows having a peak draw weight of 10 pounds or more. The term "bow" does not include bows that have a peak draw weight of less than 10 pounds or that are designed or intended to be used principally as toys. The term "arrow" means a shaft-like projectile intended to be shot from a bow.

(b) No person shall discharge an arrow from a bow in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner or tenant of such property. The discharge of an arrow across or over the boundaries of a property for which no permission has been given by the property owner shall create a rebuttable presumption that the use of the bow was not conducted with reasonable care.

(c) No person shall discharge an arrow from a bow from, over, across or into any street, sidewalk, alley, roadway, public land or public place, or towards any building or dwelling in such a manner that the arrow may strike it.

(d) No person shall hunt with a bow within the City except as authorized in this section.

(e) Deer may be hunted with bows within the City in accordance with this subsection. Any such hunting activity shall be subject to the following conditions:

(1) All hunting and compliance with the provisions of this subsection shall be subject to the supervision of the chief of police;

(2) Hunting is permitted only during applicable hunting seasons designated by the

Virginia Department of Game and Inland Fisheries.

- (3) Hunters must abide by all applicable provisions of state law and state hunting regulations, including but not limited to licensing requirements.
- (4) Hunting with bows is permitted only on residential parcels which consist of one-half (½) acre or more, or contiguous parcels which in combination consist of one-half (½) acre or more. Hunting with bows is prohibited in all other areas within the City.
- (5) It is unlawful to hunt except from a stand elevated a minimum of ten (10) feet above the ground.
- (6) The property owner must obtain an annual urban archery permit from the police department. The police department shall issue the annual urban archery permit at no cost to the property owner upon application by the property owner meeting all requirements of this section. The property owner shall provide written notice to all occupants of the property before obtaining the permit.
- (7) The hunter must obtain written permission from the property owner before hunting and shall carry a copy of the written permission and a copy of the urban archery hunting permit issued to the property owner at all times while hunting.
- (8) No person shall discharge an arrow from a bow within one-hundred and fifty (150) feet of the property line of any school or city park.
- (9) The hunter is responsible for the appropriate disposition of the deer carcass.
- (10) If a deer which has been shot with an arrow leaves the property on which the hunter has permission to hunt, the hunter shall obtain permission from any property owner over which he or she must travel to pursue or retrieve the deer.
- (11) No person shall hunt deer in the City by use of a dog or dogs.

(f) Any person who violates the provisions of this ordinance shall be guilty of a Class 3 misdemeanor.

**State Law reference**— Code of Virginia § 15.2-916, defining the terms “bow” and “arrow” and authorizing local ordinances prohibiting certain uses thereof; Code of Virginia § 18.2-286, prohibiting the discharge of bows in the road or right-of-way; Code of Virginia § 29.1-528.1 authorizing urban archery hunting.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 17, 2017
Action Required:	Adoption of Ordinance Vacating First Street
Presenter:	S. Craig Brown, City Attorney
Staff Contacts:	S. Craig Brown; Lisa Robertson, Deputy City Attorney
<b>Title:</b>	<b>Ordinance Proposed for Closing and Vacating First Street, South, Between Water Street and South Street</b>

**Background:**

Market Street Plaza, LLC (“Developer”) has requested that the City Council close a portion of First Street, so that the area can be incorporated into a new mixed use development planned for construction on a site proposed to be sold by the City to the Developer. The street segment proposed to be closed is that portion of First Street, South, located between Water Street and South Street, adjacent to Parcels 62, 69, 71 and 72 on City Real Estate Tax Map 28. The vacation is to facilitate a new development within the area currently part of the street right-of-way and on the adjacent property (previously known as “Market Plaza”, currently being referred to as “West2nd”). The proposed sale of the development site to the Developer has not yet been completed; a closing date has not yet been set.

**Discussion:**

1. Virginia Code §15.2-2006 establishes the procedure to be followed by this request. The City has advertised the proposed street vacation in accordance with the requirements of the statute.
2. If City Council determines that the proposed vacation of a portion of First Street is appropriate and desirable, then it may adopt the attached Ordinance.

**Alignment with Council Vision Areas and Strategic Plan:**

The proposal to facilitate this development is consistent with the City Council’s vision to provide quality housing opportunities for all, and is also consistent with Strategic Plan Goals of a beautiful and sustainable built environment; a diversified economy; and a healthy and safe city.

**Community Engagement:**

A public hearing has been advertised in accordance with the requirements of Virginia Code § 15.2-2006, and Council must conduct the public hearing prior to making a decision on the proposed ordinance.

**Budgetary Impact:**

This office knows of no budgetary impact associated with this action

**Recommendation:**

If City Council determines that the proposed vacation should be approved, we recommend that the vacation of the street be approved conditionally. We do not recommend that the vacation of this portion of First Street take effect unless and until the Closing of the sale of the development site by the City to the Developer actually takes place.

We have drafted the attached Ordinance to include a condition that the vacation shall not take effect until the Closing of the development site by the City to the Developer has occurred (i.e., the deed of conveyance is filed in the land records of the circuit court) and the ordinance directs the Clerk of Council to provide a certified copy of the approved ordinance of vacation suitable for filing in the Clerk's Office, only upon being instructed to do so by the City Attorney.

**Alternatives:**

City Council may decline to approve the proposed street closing, if it wishes to do so.

**Attachment:**

Proposed Ordinance



**AN ORDINANCE  
CLOSING, VACATING AND DISCONTINUING  
A PORTION OF THE FIRST STREET, SOUTH, RIGHT-OF-WAY**

**WHEREAS**, Market Plaza, LLC, contract purchaser of properties owned by the City, has petitioned the City to close the following described right of way:

A portion of First Street South located between Water Street and South Street, such portion being located adjacent to Parcels 62, 69, 71 and 72 on City Real Estate Tax Map 28 (hereinafter "Subject Right of Way"); and,

**WHEREAS**, owners along the Subject Right of Way to be closed have been duly notified; and,

**WHEREAS**, following notice to the public pursuant to Virginia Code §15.2-2006, a public hearing by the City Council was held on July 17, 2017, and comments from City staff and the public were made and heard; and,

**WHEREAS**, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on February 7, 2005, this Council finds and determines that the petitioner's request should be granted.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the City hereby closes, vacates and discontinues the Subject Right-of-Way described as follows:

That portion of First Street South located between Water Street and South Street, such portion being located adjacent to Parcels 62, 69, 71 and 72 on City Real Estate Tax Map 28.

**PROVIDED, HOWEVER**, that approval of this Ordinance is conditioned upon the conveyance of certain City-owned properties (City Tax Map 28, Parcels 71, 72, 73, 74 and 75) to Market Plaza, LLC, or its successors in title, and recordation of a deed, in form approved by the City Attorney, and this vacation shall not be effective until (1) the deed of conveyance is recorded, and (2) a certified copy of this Ordinance is filed in the Charlottesville Circuit Court for inclusion in the current street closing book; and

**BE IT FURTHER ORDAINED** that the Clerk of City Council shall not send a certified copy of this Ordinance to the Clerk of the Circuit Court until directed by the City Attorney, and in no event sooner than sixty (60) days of the adoption of this ordinance.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 17, 2017
Action Required:	Approve or deny ordinance for zoning text and zoning map amendments
Presenter:	Mary Joy Scala, Preservation & Design Planner, Neighborhood Development Services (NDS)
Staff Contacts:	Alex Ikefuna, Director, NDS
<b>Title:</b>	<b>Woolen Mills Village Historic Conservation District (1<sup>st</sup> of 2 readings) ZT16-00003 and ZM16-0000A</b>

**Background:**

The Woolen Mills Neighborhood Association (WMNA) originally brought this request to the Planning Commission for its initiation. The proposal would add a historic conservation overlay district to eighty-five parcels currently zoned R-1(S), R-2, PUD, and IPP, located along East Market Street, Chesapeake Street, Leake Lane, 18<sup>th</sup> Street NE, Franklin Street, Steephill Street, and Riverside Avenue (ATTACHMENT 2: Map of proposed historic conservation district and ATTACHMENT 3: Zoning map amendment ZM16-0000A - Tax map parcels to be rezoned). The proposed district includes all the City properties within the boundaries of the Woolen Mills Village National Register district (ATTACHMENT 8: National and Virginia Register historic district survey and map link), plus two additional vacant lots.

City Council is being asked to take action to either approve or deny the overlay district, which was recommended unanimously by the Planning Commission on November 9, 2016 and by the Board of Architectural Review (BAR) on September 20, 2016 (ATTACHMENT 4: Joint public hearing staff report – November 9, 2016 and ATTACHMENT 5: BAR staff report – September 20, 2016).

In December 2016 the WMNA asked that the rezoning be deferred for six months, or until the historic conservation district ordinance and guidelines could be revised for clarity of interpretation. Those revisions were approved by Council in April 2017. However, there continued to be concerns expressed by residents and/or property owners in Woolen Mills neighborhood. Therefore, staff conducted a poll to gauge current interest of *affected property owners* only. The poll letter and the follow-up letter that reported the results of the poll are attached (ATTACHMENT 9: Staff's letters to affected property owners May 19, and June 12, 2017).

## **Discussion:**

The rezoning consists of a zoning text amendment (ATTACHMENT 1: Zoning text amendment ZT16-00003 - actual language); and a zoning map amendment, which would add a historic conservation overlay designation to the eighty-five parcels. In addition, every building in the district would be designated either contributing or non-contributing on the map included in the guidelines (ATTACHMENT 2: Map of proposed historic conservation district). The effect of the proposed overlay district would make certain exterior changes subject to review by the BAR, in summary:

- All *new structures* require design review by the BAR if they require a building permit and unless concealed by the principal structure;
- Certain *fences and walls*;
- An *addition* if:
  - (1) located on a corner or double-frontage lot;
  - (2) located on the front or side of a building;
  - (3) equal to or greater than 50% total gross floor area of the building; OR
  - (4) exceeding the height or width of existing building;
- *Demolition* of all or part of a “contributing” structure if:
  - (1) located in whole or part to the front or side of the building;
  - (2) located on a corner or double-frontage lot; OR
  - (3) equal to or greater than 33% of the total gross floor area of the building.
- *Painting* only previously unpainted brick or other masonry.

The removal or replacement of windows or doors does not require BAR review, provided the size of the opening is not altered.

## **Alignment with Council Vision Areas and Strategic Plan:**

The intent of the *Historic Conservation Overlay District* is to (1) identify and preserve buildings, structures and areas; (2) to protect a neighborhood’s scale and character; and (3) to document and promote an understanding of a neighborhood’s social history.

The proposed rezoning supports City Council’s “C’ville Arts and Culture” vision: *Our community has world-class performing, visual, and literary arts reflective of the unique character, culture, and diversity of Charlottesville. Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources....*

It contributes to Goal 2 of the Strategic Plan: *Be a safe, equitable, thriving, and beautiful community*; and Objective 2.5: *Provide natural and historic resources stewardship.*

## **Community Engagement:**

Community engagement has been extensive:

*February 2016* - Prior to requesting the historic designation, the Woolen Mills Neighborhood

Association (WMNA) engaged in a process to determine support among property owners in the area. They sent a mailing to all property owners in the proposed district; held a community meeting in April 2016, and mailed ballots in May 2016 (ATTACHMENT 6: WMNA rezoning request email and ballots sent to property owners).

*September 20, 2016* - The Board of Architectural Review (BAR) made a unanimous recommendation for approval.

*November 9, 2016* - The Planning Commission held a joint public hearing and made a unanimous recommendation for approval. Staff received thirty written comments from the public: 19 from affected property owners, with 13 in support, 5 opposed, and 1 question; and 11 from persons who are not owners of property within the proposed district, with 9 in support, 1 opposed, and 1 question (ATTACHMENT 7: 2016 letters from the public).

*December 1, 2016* – at the request of John Frazee, Chair of the WMNA, another informational session for the residents was held at Woolen Mills Chapel with staff and BAR and Planning Commission representatives present to take comments and answer questions.

*December 21, 2016* – Frazee requested deferral of Council’s consideration of the proposed district for six months, or until the final revisions to the historic conservation district code were adopted.

*May 11, 2017* - Staff received a petition with 43 signatures asking if NDS could not provide an opt-out option, that the proposed district not be passed (ATTACHMENT 10: Eric Hurt petition).

*May and June 2017*- Staff sent two mailings to all affected property owners, the first to ask their opinion in a poll, and the second to report the poll results and the City Council public hearing date. (ATTACHMENT 9: Staff’s letters to affected property owners May 19, and June 12, 2017).

**Budgetary Impact:**

No impact.

**Recommendation:**

Staff recommends, along with the BAR and the Planning Commission, that City Council should approve the designation, based on the criteria found in Section 34-336(c) of the Zoning Ordinance, of this part of the Woolen Mills Neighborhood as the *Woolen Mills Village Historic Conservation District*, including the proposed district boundary and the map of contributing/non-contributing properties as proposed.

**Alternatives:**

- (1) City Council could choose to approve or deny the proposed historic conservation overlay district designation as proposed; and/or

- (2) City Council could choose to reduce or enlarge the area to be rezoned with the overlay district (an increase in area would require historic survey of additional properties and re-notification).

**Attachments:**

1. Zoning text amendment ZT16-00003 - actual language
2. Map of proposed historic conservation district
3. Zoning map amendment ZM16-0000A - Tax map parcels to be rezoned
4. Joint public hearing staff report – November 9, 2016
5. BAR staff report – September 20, 2016
6. WMNA rezoning request email and ballots sent to property owners
7. 2016 letters from the public
8. National and Virginia Register historic district survey and map link  
<http://www.charlottesville.org/home/showdocument?id=15458>
9. Staff's letters to affected property owners May 19, and June 12, 2017
10. Eric Hurt petition

## ORDINANCE

### AMENDING AND REORDAINING SECTION 34-337 OF CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO AD A NEW ZONING OVERLAY DISTRICT TO BE KNOWN AS THE WOOLEN MILLS VILLAGE HISTORIC CONSERVATION DISTRICT

**WHEREAS**, based on information and surveys provided by neighborhood residents, the City’s Board of Architectural Review (“BAR”) and staff of the City’s Department of Neighborhood Development Services (“NDS”) have recommended that a new historic conservation overlay district should be established, as shown on a map prepared by NDS, dated November 18, 2016, titled “Proposed Woolen Mills Village Historic Conservation District,” (“Proposed District Map”), a copy of which is attached to this Ordinance and incorporated herein by reference; and

**WHEREAS**, the Planning Commission, by motion, initiated the zoning text and zoning map amendments necessary for the establishment of the proposed historic conservation district; and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised in accordance with law and held on November 9, 2016, the Planning Commission reviewed the information and analysis provided by the BAR and NDS staff relative to the criteria set forth within City Code Sec. 34-36(c), and voted to recommend approval of proposed historic conservation district, accepting a staff recommendation for one parcel owned by a railroad company that includes the Franklin Street railroad overpass to be removed from the originally proposed district map, and the Planning Commission then transmitted its recommendation of approval to City Council along with the Proposed District Map; and

**WHEREAS**, (i) descriptions of the features of each property within the district have been set forth within Architectural and Site Descriptions included with the BAR and NDS staff recommendations, but no designation of any structure as an individually protected property is proposed as part of this zoning action; and (ii) the designation of individual structures within the proposed district as either “contributing” or “noncontributing” is as shown on the Proposed District Map; and

**WHEREAS**, this Council finds and determines that approval of the zoning text and zoning map amendments necessary for the establishment of the proposed historic conservation district will further goals and objectives of the City’s Comprehensive Plan; will serve the interests of the public necessity, convenience, general welfare and good zoning practice; and that the zoning amendments have been designed to give reasonable consideration to protect against destruction of or encroachment upon historic areas within the City; NOW, THEREFORE,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia:

- 1. THAT the Charlottesville City Code (1990), as amended, Chapter 34 (Zoning), Article II (Overlay Districts), Section 34-337 (Conservation Districts) is hereby amended and re-ordained, as follows:**

Sec. 34-337. **Conservation districts.**

The following areas have been determined by city council to meet the criteria for designation as a conservation district, the limits of which are shown on the city’s zoning map:

- (1) The Martha Jefferson Historic Conservation District; ~~and~~
- (2) The Rugby Road Historic Conservation District; and
- (3) The Woolen Mills Village Historic Conservation District.

Within each district designated above, City Council has determined that only certain buildings are considered “contributing structures.” Those contributing structures are identified on a map of each district included within the city’s conservation district design guidelines, copies of which are available within the department of neighborhood development services.

- 2. THAT this City Council concurs with the determinations shown on the Proposed District Map dated November 18, 2016, identifying structures on each parcel within the Rugby Road Historic Conservation District as being “contributing” or “non-contributing”. Such determinations are hereby adopted by City Council as its own, and those properties determined to be “contributing” shall be the properties identified on a map of the district to be included within the city’s conservation district design guidelines, as required by City Code Sec. 34-337. From time to time hereafter, Council may amend these determinations by resolution, in the same manner by which the guidelines may be approved or amended pursuant to City Code Sec. 34-348(2); and further,**
  
- 3. THAT the Zoning Map referenced within City Code Sec. 34-1(1) is hereby amended and re-ordained, and shall be revised to show, within the boundaries depicted within the Proposed District Map dated November 18, 2016, an overlay zoning district to be referenced as The Rugby Road Historic Conservation District established pursuant to City Code Sec. 34-337(2), and this zoning district shall include all of the parcels identified within the boundaries shown on the Proposed District Map, which parcels are additionally described by the following Tax Map Parcel Identification Numbers:**  
  

Tax Map 55A (2017): Parcels 88, 89.1, 89.2, 89.3, 90, 92, 93, 106, 107, 108, 109, 115, 115.1, 115.2, 116, 117, 118, 120, 121, 122, 122.1, 123, 124, 124.1, 125, 128, 130, 130.1, 131, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 145, 146, 148, 149, and 150; and

Tax Map 56 (2017): Parcels 40, 40A, 40.1, 40.2, 40.3, 40.4, 40.4AA, 41, 107, 108, 109, 109A, 110, 111, 112, 113, 114, 114.1, 114.2, 114.3, 114.4, 114.5, 115, 115.1, 116, 116.1, 116.2, 117, 118, 119, 119A, 119.1, 119.2, 119.3, 119.4, 120, 121, 122, 123, 123.1, and 124.
  
- 4. THAT the Zoning Administrator is hereby directed to revise the Zoning Map referenced within City Code Sec. 34-1(1) and update it effective as of the date this ordinance is approved, to show the Woolen Mills Village Historic Conservation Overlay District in accordance with the Proposed District Map dated November 18, 2016, which is set forth as follows:**



# Proposed Woolen Mills Village Historic Conservation District

November 18, 2016



## **ATTACHMENTS – Woolen Mills Village Historic Conservation Overlay District**

### **1. Zoning text amendment ZT16-00003 - actual language**

#### **ARTICLE II. OVERLAY DISTRICTS**

Sec. 34-337. Conservation districts.

The following areas have been determined by city council to meet the criteria for designation as a conservation district, the limits of which are shown on the city's zoning map:

- (1) The Martha Jefferson Historic Conservation District; and
- (2) The Rugby Road Historic Conservation District.
- (3) The Woolen Mills Village Historic Conservation District.

Within each district designated above, city council has determined that only certain buildings are considered "contributing structures." Those contributing structures are identified on a map of each district included within the city's conservation district design guidelines, copies of which are available within the department of neighborhood development services.

2. Map of proposed historic conservation district to be added to guidelines

Proposed Woolen Mills Village Historic Conservation District

November 18, 2016



CITY OF CHARLOTTESVILLE  
NEIGHBORHOOD DEVELOPMENT SERVICES

### **3. Zoning map amendment ZM16-0000A - Tax map parcels to be rezoned**

Tax Map 55A, Parcels 88, 89.1, 89.2, 89.3, 90, 92, 93, 106, 107, 108, 109, 115, 115.1, 115.2, 116, 117, 118, 120, 121, 122, 122.1, 123, 124, 124.1, 125, 128, 130, 130.1, 131, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 145, 146, 148, 149, 150.

Tax Map 56, Parcels 40, 40A, 40.1, 40.2, 40.3, 40.4, 40.4AA, 41, 107, 108, 109, 109A, 110, 111, 112, 113, 114, 114.1, 114.2, 114.3, 114.4, 114.5, 115, 115.1, 116, 116.1, 116.2, 117, 118, 119, 119A, 119.1, 119.2, 119.3, 119.4, 120, 121, 122, 123, 123.1, 124.

4. Joint public hearing staff report – November 9, 2016

CITY OF CHARLOTTESVILLE  
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES  
STAFF REPORT



APPLICATION FOR REZONING OF PROPERTY

PLANNING COMMISSION AND CITY COUNCIL  
JOINT PUBLIC HEARING

DATE OF HEARING: Wednesday November 9, 2016  
APPLICATION NUMBERS: ZT16-00003 and ZM16-0000A

**Project Planner:** Mary Joy Scala

**Date of Staff Report:** November 9, 2016

**Applicant:** Woolen Mills Neighborhood Association (John Frazee, Chair)

**Current Property Owner:** Multiple

**Application Information**

**Property Street Address:** Multiple addresses on East Market Street, Chesapeake Street, Leake Lane, 18<sup>th</sup> Street NE, Franklin Street, Steephill Street, Riverside Avenue

**Tax Map/Parcel Numbers:** Multiple

Tax Map 28, Parcel 555 (part of RR R/W)

Tax Map 55A, Parcels 88, 89.1, 89.2, 89.3, 90, 92, 93, 106, 107, 108, 109, 115, 115.1, 115.2, 116, 117, 118, 120, 121, 122, 122.1, 123, 124, 124.1, 125, 128, 130, 130.1, 131, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 145, 146, 148, 149, 150.

Tax Map 56, Parcels 40, 40A, 40.1, 40.2, 40.3, 40.4, 40.4AA, 41, 107, 108, 109, 109A, 110, 111, 112, 113, 114, 114.1, 114.2, 114.3, 114.4, 114.5, 115, 115.1, 116, 116.1, 116.2, 117, 118, 119, 119A, 119.1, 119.2, 119.3, 119.4, 120, 121, 122, 123, 123.1, 124.

**Total Square Footage/Acreage Site:** Approximately 81 acres

**Comprehensive Plan (Land Use Plan) Designation:** Low Density Residential; Park or Preserved Open Space (Riverview Cemetery)

**Current Zoning Classification:** R-1(S) - Residential Single Family (Small Lot); R-2 - Residential Two Family; PUD – Planned Unit Development; IPP – Individually Protected Property.

**Applicant's Request**

The applicant, Woolen Mills Neighborhood Association, is seeking a rezoning to add a Historic Conservation overlay district to all the City properties that were included within the boundaries of the Woolen Mills Village National Register district (Virginia Landmarks Register 12-17-2009 and National Register of Historic Places 4-12-2010) (Note: The National Register District also included Albemarle County properties at the end of East Market Street). In addition, the neighborhood has proposed, and staff and BAR are recommending, inclusion of two additional currently vacant properties, to insure that any new construction would be compatible with the other properties in the district.

## **Vicinity Map**

(omitted)

## **Standard of Review**

City council may, from time to time, designate properties and areas for inclusion within a *Historic Conservation Overlay District*. Any such designation must follow the process for an amendment to the city's zoning ordinance and zoning map, including a public hearing and notification. City council shall consider the recommendations of the Planning Commission and the Board of Architectural Review (BAR) regarding criteria found in Section 34-336(c) as to the proposed designation.

The Planning Commission must make an advisory recommendation to the City Council. Council may amend the zoning district classification of this property upon finding that the proposed amendment would serve the interests of “*public necessity, convenience, general welfare, or good zoning practice.*” To advise Council as to whether those interests would be served, the Planning Commission should inquire as follows: **(1)** The initial inquiry should be whether the *existing* zoning of the property is reasonable; **(2)** the Commission should then evaluate whether the *proposed* zoning classification is reasonable. One factor relevant to the reasonableness of a particular zoning district classification is whether that classification is consistent with the City’s Comprehensive Plan designation for the property. Other relevant factors include: the existing use and character of the subject property and adjacent properties; suitability of the property for various uses; zoning classification(s) of adjacent properties; the intent and purposes of the proposed zoning district classification; trends of growth and change (including, without limitation, recent patterns of development of other circumstances which may have changed since the current zoning classification was originally enacted).

## **Executive Summary**

The applicant, Woolen Mills Neighborhood Association, is seeking a rezoning to add a Historic Conservation overlay district to eighty-six parcels currently zoned R-1(S), R-2, PUD, and IPP Overlay. The underlying zoning would not change. The Planning Commission is being asked to make a recommendation to City Council regarding the proposed designation.

Fifty-two of the seventy-two primary structures, the earliest (Pireus Store) dating from 1847, are proposed to be designated “contributing;” and twenty primary structures are proposed to be designated “non-contributing.” Non-contributing structures include three homes from the 1960’s; three from the 1970’s; two from the 1980’s; five from the 1990’s, including four single family attached; three from the 2000’s; and four from the 2010’s, including three multi-family structures built by JABA behind the Timberlake house. In addition, certain outbuildings and structures are proposed to be designated either “contributing” (including the CSX RR bridge/stone abutments on Franklin Street dated 1878), or “non-contributing.” There are ten vacant parcels included in the district, and also Riverview Cemetery. The cemetery itself and two small structures located there are “contributing.”



The intent of the *Historic Conservation Overlay District* is to (1) identify and preserve buildings, structures and areas; (2) to protect a neighborhood’s scale and character; and (3) to document and promote an understanding of a neighborhood’s social history.

The following is intended to be a summary of the effects of a *historic conservation district*:

- All *new structures* require design review by the BAR.
- An *addition* requires BAR approval if: (1) located on a corner lot; (2) located on the front or side of a building; (3) equal to or greater than 50% total gross floor area of the building; OR (4) exceeding the height or width of existing building.
- *Demolition* of all or part of a “contributing” structure requires BAR approval if: (4) The proposed demolition is located in whole or part to the front or side of the building OR (2) is equal to or greater than 33% of the total gross floor area of the building.

The Woolen Mills Neighborhood Association is the third neighborhood association to request this type of historic designation for a portion of the neighborhood. Martha Jefferson was the first in 2010, followed by Venable Neighborhood Association in 2014.

**Project Review**

**Overall Analysis**

**1. Proposed Use of the Property.**

The proposed use of the properties will not change with the historic district designation. Included within the proposed district boundaries are mostly single family dwellings; including four single-family attached dwellings; four duplexes; three multi-family dwellings; one church; a cemetery; a RR bridge; and ten vacant parcels. The historic designation would require that certain demolitions, new construction and additions would become subject to BAR review.

**2. Zoning History**

The structures in the district were built between 1847- 2010, with most built before 1920. The zoning of the area over the years has remained fairly consistent. On the 1958 zoning map, this area was not yet annexed. Woolen Mills neighborhood east of Leake Lane was annexed in 1963. The 1991 zoning map showed R-1A and R-2 zoning. The 2003 zoning map showed R-1S and R-2 zoning. The four IPP’s were in place by 2003; but the Timberlake PUD was not added until 2010.

**3. Character and Use of Adjacent Properties**

The character of this section of Woolen Mills is more rural than urban, due to the consistently low density development, front yard setbacks, wooded landscape, and lack of sidewalks. The railroad tracks conceal the view to the south, and the river creates a dead-end, preventing through-traffic on East Market and Chesapeake Streets.

<b>Direction</b>	<b>Use</b>	<b>Zoning</b>
North	Single family residential	R-2; R-1S; PUD
East	Single family residential; park; historic industrial buildings	R-1S; Park Overlay; PUD; County

South	Industrial uses	M-1; County
West	Single Family residential	R-1S

**4. Reasonableness/Appropriateness of Current Zoning**

The current R-1S, R-2, PUD and IPP zoning is reasonable, appropriate, and consistent with the character of the area. However, some of the adjacent zoning, land uses, and proposed land uses are quite different from single family, and could be perceived as creating pressure to change to the character of the area.

**5. Reasonableness/Appropriateness of Proposed Zoning**

The proposed Historic Conservation overlay district designation is an *overlay* zoning district, meaning it would add preservation and design review regulations, but the current underlying zoning designations would not change. The proposed Historic Conservation overlay district would be reasonable and appropriate as a method to further protect the character and integrity of the area.

**6. Consistency with Comprehensive Plan**

The Comprehensive Plan Land Use Plan for this area recommends Low Density Residential except the Riverview Cemetery is designated for Park or Protected Open Space.

The Historic Preservation and Urban Design Chapter, Goal 6, includes:

*6.1 As requested by specific neighborhoods or when otherwise appropriate, consider additional neighborhoods or areas for designation as local historic districts (either Architectural Design Control Districts or Historic Conservation Districts) based on architectural and historic survey results.*

*6.7 Consider portions of the Woolen Mills neighborhood for Historic Conservation District designation.*

Therefore, the proposed district is consistent with the Comprehensive Plan.

**7. Potential Uses of the Property**

The potential uses of the properties will not change with the historic district designation. The underlying zoning district designations would remain the same.

**Criteria to Establish a Historic Conservation District:**

The following criteria found in Section 34-336(c) shall be addressed by both the Planning Commission and the BAR when making recommendations. Staff’s assessment of the criteria is as follows:



(1) The age of buildings and structures;

**The period of significance is 1847-1962, with the majority of buildings constructed before 1920.**

(2) Whether the buildings, structures and areas are listed on the Virginia Landmarks Register or the National Register of Historic Places, or are eligible to be listed on such registers;

**The entire proposed district, except two vacant parcels, is currently listed on the Virginia Landmarks Register (12-17-2009) and on the National Register of Historic Places (4-12-2010).**

(3) Whether the buildings, structures or areas are of locally important historic, cultural, architectural or archaeological interest;

**The village's domestic buildings showcase a range of architectural styles from Gothic Revival to Craftsman/Bungalow. The resources retain a high degree of integrity and give the historic district the feel of a late-19<sup>th</sup> century industrial village.**

(4) Whether the buildings, structures or areas are associated with an historic person or event or with a renowned architect or master craftsman, or have special public value because of notable features relating to the cultural or artistic heritage of the Charlottesville community;

**The National Register District areas of significance include: Architecture, Industry, and Social History.**

(5) Whether the buildings, structures or areas are part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exists a number of buildings or structures separated geographically but linked by association or history; and

**The Woolen Mills Village has been central to the City of Charlottesville's history since the opening of a milling operation there in 1829. As a company mill town, the brick and frame dwellings in a range of styles built during the mid-19<sup>th</sup> century through the early 20<sup>th</sup> century have come to define the village. As a home for generations of families working in the Mills, the village developed into a stable neighborhood and was annexed in 1968.**

(6) Whether the buildings, structures or areas, when viewed together, possess a distinctive character and quality or historic significance.

**The Woolen Mills Village possesses a distinctive character and historic significance. The village displayed many of the features typical of southern mill towns – company-owned housing, a company store, a chapel. The residential portion feels far more rural than the more urban or suburban areas of Charlottesville developed in the same period. The proximity of the river, the railroad and the remaining 20<sup>th</sup> century mill buildings at the end of East Market Street are tangible reminders of the area's industrial beginnings.**

**Public Comments Received:** Sixteen written correspondences were received, and are attached.

**Staff Recommendation:**

On September 20, 2016 the BAR recommended (9-0) that City Council should designate the Woolen Mills Village Historic Conservation District with the boundary and “contributing structures” as recommended by staff; and

The BAR defines the architectural character-defining features of the proposed Woolen Mills Village Historic Conservation District as outlined in the letter dated September 13, 2016 (attachment 4).

[NOTE: Section 34-336 (b) requires that the BAR define character-defining features that would be referenced and reinforced when applying the design guidelines; and Section 34-338 (b) requires that, before an area is designated as a historic conservation district, structures that may qualify for designation as an Individually Protected Property (IPP) shall be identified. However, this petition is for a historic conservation district designation only – no additional IPP’s are being proposed at this time.]

The Planning Commission should recommend, based on the criteria found in Section 34-336(c), that it is appropriate to designate this part of the Woolen Mills Neighborhood as a *Historic Conservation Overlay District*. The BAR and staff recommend that it is appropriate, based on the above criteria.

As part of their motion, the Planning Commission should also confirm the referenced list of parcels within the proposed district boundary, and the contributing/non-contributing properties. The BAR and staff recommend the boundary and the contributing buildings as shown on the attached map, and as submitted by the applicant.

#### **Suggested Motions:**

1. “I move to recommend that City Council approve this petition, including ZT16-00003 and ZM16-0000A, to rezone the properties included on the attached list of parcels, and as shown on the attached map, by adding a *Historic Conservation Overlay District* designation as requested, on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare or good zoning practice, and would meet the historic criteria of Sec 34-336(c). Further, I recommend that the contributing properties are the same as described on the attached map.” (OR)
2. “I move to recommend that City Council deny this petition to rezone properties by adding a *Historic Conservation Overlay District* designation.”

#### **Attachments:**

- ~~1. Zoning text amendment ZT16-00003 – Actual language~~
- ~~2. Zoning map amendment ZM16-0000A – Tax map parcels to be rezoned~~
- ~~3. WMNA list of character defining features dated September 13, 2016~~
- ~~4. Written comments from the public~~
- ~~5. BAR staff report – September 20, 2016~~
- ~~6. WMNA rezoning request email from Bill Emory~~
- ~~7. Historic Survey prepared by Lydia Brandt~~

## 5. BAR staff report – September 20, 2016

### CITY OF CHARLOTTESVILLE BOARD OF ARCHITECTURAL REVIEW STAFF REPORT September 20, 2016



#### **Recommendation**

Establishment of Woolen Mills Village Historic Conservation District  
Woolen Mills Neighborhood Association, Applicant

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#### **Background**

The *historic conservation district* ordinance was adopted on March 16, 2009 to create a second, less stringent type of local (regulatory) historic district that would provide an alternative to the existing *historic preservation and architectural design control (ADC) district*. The intent of a *historic conservation district* is to protect historic buildings from unwarranted demolition, and to require a basic level of design review for new structures and additions.

The first designation of this type was the Martha Jefferson Neighborhood Historic Conservation District, requested by the Martha Jefferson Neighborhood Association (MJNA), approved by City Council in 2010. The Rugby Road Historic Conservation District, requested by the Venable Neighborhood Association in 2014, was the second. Woolen Mills Village would be the third. The City also has eight ADC districts.

July 12, 2016 – the Planning Commission initiated a proposed amendment to the city’s zoning ordinance and map, to wit: amending Article II, Division 5, Section 34-337 to add “Woolen Mills” as a Historic Conservation Overlay District; and amending the city’s zoning map to add Woolen Mills Historic Conservation District as an overlay district zoning designation;”

#### **What it means to be designated as a Historic Conservation District**

The *historic conservation district* designation was originally devised to protect the character and scale of the more modest historic Charlottesville neighborhoods that were facing increased development and tear-downs. The designation requires review by the Board of Architectural Review (BAR) of all new structures, and certain additions and demolitions, *all of which have the potential to change the character of the historic neighborhood*. Otherwise, the intent is to minimize requirements on residents who may want to rehabilitate their homes.

A *historic conservation district* is different from an *ADC district* in three main respects:

- (1) Unlike in an *ADC District*, where review is required of all exterior changes to existing buildings, in a *historic conservation district* BAR approval is only required for certain additions and demolitions;
- (2) The *historic conservation district* guidelines are short and simple; and
- (3) The residents of a *historic conservation district* are asked to help identify neighborhood features to be preserved.

The guidelines and ordinance are attached; the following is intended to be a summary of the effects of a *historic conservation district*:

- All *new structures* require design review by the BAR.

- An *addition* requires BAR approval if: (1) located on a corner lot; (2) located on the front or side of a building; (3) equal to or greater than 50% total gross floor area of the building; OR (4) exceeding the height or width of existing building.
- *Demolition* of all or part of a “contributing” structure requires BAR approval if: (5) The proposed demolition is located in whole or part to the front or side of the building OR (2) is equal to or greater than 33% of the total gross floor area of the building.

In addition,

- Staff would interpret changing siding or roof material that is visible from the public right-of-way to be a demolition requiring BAR approval.
- Removal or replacement of windows and doors within existing openings is not considered a demolition.
- The *historic conservation district* ordinance does not address subdivisions.
- Special use permit applications within the district would require a BAR recommendation.
- The appeals process is the same as for an *ADC District*.

### **Standard of Review**

City Council may, by ordinance, from time to time, designate properties and areas for inclusion within a *historic conservation district*. Any such designation must follow the process for an amendment to the city's zoning ordinance and zoning map, including a public hearing and notification.

Prior to the adoption of any such ordinance, the BAR shall define, taking into consideration information that may be provided by neighborhood residents, the architectural character-defining features of the proposed district. Those features would be referenced and reinforced when applying the district design guidelines.

Before an area is designated as a *historic conservation district*, each structure shall be determined to be either “contributing” or “non-contributing.” Each of the structures that may qualify for designation as an Individually Protected Property (IPP) under Section 34-273 within that area shall be identified.

Prior to the adoption of any such ordinance, City Council shall consider the recommendations of the Planning Commission and the BAR as to the proposed designation.

### **Application**

The boundary of the *historic conservation district*, as proposed by Woolen Mills Neighborhood Association, includes all properties that were included within the boundaries of the Woolen Mills Village National Register district, and that are located within the City. (The National Register District extended into Albemarle County at the end of East Market Street). In addition, staff is recommending inclusion of two additional currently vacant properties, to insure that any new construction would be compatible with the other properties in the district.

There are approximately 80 parcels in the proposed district, most of which (approximately 52) contain “contributing” primary structures. In addition, certain outbuildings would be designated as contributing, as shown on the attached map. There are currently four Individually Protected Properties (IPP) in the area: Timberlake–Branham House, Woolen Mills Chapel, Pireus Store, and House at Pireus. No additional structures are recommended to be designated as an IPP.

The proposed *historic conservation district* designation is an *overlay* zoning district, meaning it would add regulations, but the current underlying zoning designations would not change. All properties in the proposed district are zoned R-1S Residential, except part of Riverview Cemetery is zoned R-2 Residential, and Timberlake Place is zoned PUD (Planned Unit Development).

### **Criteria to Establish a Historic Conservation District**

The following criteria found in Section 34-336(c) shall be addressed by both the Planning Commission and the BAR when making recommendations. Staff's assessment of the criteria is as follows:

- (1) The age of buildings and structures;

**The period of significance is 1847-1962, with the majority of buildings constructed before 1920.**

- (2) Whether the buildings, structures and areas are listed on the Virginia Landmarks Register or the National Register of Historic Places, or are eligible to be listed on such registers;

**The entire proposed district, except two vacant parcels, is currently listed on the Virginia Landmarks Register (12-17-2009) and on the National Register of Historic Places (4-12-2010).**

- (3) Whether the buildings, structures or areas are of locally important historic, cultural, architectural or archaeological interest;

**The village's domestic buildings showcase a range of architectural styles from Gothic Revival to Craftsman/Bungalow. The resources retain a high degree of integrity and give the historic district the feel of a late-19<sup>th</sup> century industrial village.**

- (4) Whether the buildings, structures or areas are associated with an historic person or event or with a renowned architect or master craftsman, or have special public value because of notable features relating to the cultural or artistic heritage of the Charlottesville community;

**The National Register District areas of significance include: Architecture, Industry, and Social History.**

- (5) Whether the buildings, structures or areas are part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exists a number of buildings or structures separated geographically but linked by association or history; and

**The Woolen Mills Village has been central to the City of Charlottesville's history since the opening of a milling operation there in 1829. As a company mill town, the brick and frame dwellings in a range of styles built during the mid-19<sup>th</sup> century through the early 20<sup>th</sup> century have come to define the village. As a home for generations of families working in the Mills, the village developed into a stable neighborhood and was annexed in 1968.**

- (6) Whether the buildings, structures or areas, when viewed together, possess a distinctive character and quality or historic significance.

**The Woolen Mills Village possesses a distinctive character and historic significance. The village displayed many of the features typical of southern mill towns – company-owned housing, a company store, a chapel. The residential portion feels far more rural than the more urban or suburban areas of Charlottesville developed in the same period. The proximity of the river, the railroad and the remaining 20<sup>th</sup> century mill buildings at the end of East Market Street are tangible reminders of the area’s industrial beginnings.**

### **Discussion and Recommendations**

1. The BAR should decide, based on the above criteria, whether it is appropriate to designate the Woolen Mills Village as a *historic conservation district*. Staff recommends that it is appropriate based on the criteria.
2. The BAR should confirm the proposed district boundary and the “contributing/non-contributing” properties. Staff recommends the National Register boundary, with the addition of two vacant parcels shown in red on the attached map dated July 2016. (ATTACHMENT #2) Staff recommends “contributing structures” as proposed on National Register map, City portion (ATTACHMENT # 3).
3. The BAR should confirm staff’s recommendation that no additional Individually Protected Properties (IPP) are proposed.
4. The BAR should define, taking into consideration information that has been provided by neighborhood residents, the architectural character-defining features of the proposed conservation district. See September 13, 2016 letter (ATTACHMENT #1)

### **Suggested Motion**

Having considered the criteria set forth within the City Code, I move to recommend that City Council should designate the Woolen Mills Village Historic Conservation District with the boundary and “contributing structures” as recommended by staff; and

The BAR defines the architectural character-defining features of the proposed Woolen Mills Historic Conservation District as follows....

#### **ATTACHMENTS:**

- ~~1. September 13, 2016 letter describing architectural character defining features.~~
- ~~2. Map dated July 2016 showing proposed boundary~~
- ~~3. National Register map showing contributing/noncontributing structures (yellow dots indicate City/County boundary)~~
- ~~4. May 30, 2016 letter from bill Emory requesting district designation with attachments B & C. (Attachment A was emailed)~~
- ~~5. Letters received by citizens~~

## 6. WMNA rezoning request email and ballots sent to property owners

**Scala, Mary Joy**

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**From:** bill emory <billemory@gmail.com>  
**Sent:** Monday, May 30, 2016 11:59 AM  
**To:** Council  
**Cc:** Planning Commission; Scala, Mary Joy; Rainey, Carrie; wmna-board; Margaret Maliszewski; Lydia Brandt  
**Subject:** Woolen Mills Conservation District petition  
**Attachments:** attachment A.pdf; attachment B.pdf; attachment C.pdf

Memorial Day, May 30, 2016

Dear City Councilors,

The purpose of this letter is to seek your support for establishing a Historic Conservation Overlay District (CV) for a 60 acre portion of the Woolen Mills Neighborhood (that same portion which was listed on the National Register of Historic Places April 12, 2010).

For decades, the Woolen Mills Neighborhood has partnered with the City in an effort to retain the character of our community located in a bend of the Rivanna River at the foot of Monticello Mountain (a world heritage site). The Woolen Mills Village (both in Charlottesville and Albemarle County) contributes significantly to the architectural, archaeological, recreational, residential and historical offerings of our central Virginia region.

In 2006 the Virginia Department of Historic Resources (DHR) recommended that the Woolen Mills neighborhood contained a historic district potentially eligible for listing in the Virginia Landmarks Register (VLR) and the National Register of Historic Places (NRHP). Neighborhood residents initiated a project through DHR with the generous support of the city and county, to pursue an architectural and historic building survey to document properties within the neighborhood that resulted in the listing of the Woolen Mills Village Historic District in the National Register of Historic Places and the Virginia Landmarks Register. The map of the Virginia/Federal historic designated area and the National Parks Service Registration Form are included as Attachment A.

While the historic places designations did provide welcomed recognition of the worthy status of our community, as well as limited tax credits for preservation and restoration of contributing properties, they do not provide a reliable, legal basis for the continued protection of the historic structures and character of the neighborhood. The CV offers a starting point in a progression toward a small area plan to address land use issues for the entire 268 acre Woolen Mills Neighborhood. Additionally, the CV would help to avoid the loss of affordable housing, the loss of historic resources and the out of scale residential development we have seen elsewhere in the City.

### **Community Engagement:**

The Woolen Mills Neighborhood Association meets monthly, the 2nd Monday at 7:00 p.m.. Discussion began at these meetings in September 2013 regarding the possibility of the neighborhood applying for a CV overlay. Minutes of the meetings are posted electronically at the [WMNA webpage](#) and physically at a bulletin Board in Meade Park. Subsequently, the WMNA Board approved a mailing to affected property owners to float a trial balloon about a CV. (February 2016, attachment B).

April 11, 2016. The WMNA hosted a community meeting with NDS Preservation and Design Planner Ms. Mary Joy Scala to educate residents on the pros and cons of a CV and to answer questions. [The audio from this](#)

meeting is posted on the Internet.

May 6, 2016, the WMNA mailed ballots to the 68 owners of the 80 parcels which would be affected by the proposed CV overlay. In the two weeks that followed, 72% (49) of the owners responded. Three voted "no", forty-six voted "yes". (Attachment C)

On the basis of the positive affected property owners response to this initiative the Woolen Mills Neighborhood Association petitions to create the Woolen Mills Village Historic Conservation District and seeks official city action and approval. This letter constitutes that formal application and request.

Best Regards,

Bill Emory (WMNA Board Secretary)  
1604 E Market ST Charlottesville VA 22902

*All cities contain areas, sites, or structures of architectural and/or historical interest or significance. Such structures and areas contribute to the particular uniqueness of each city and form an important part of that city's physical and cultural heritage which, if lost, cannot be replaced. The loss of its heritage deprives the city of its individuality. Unless means can be found to retain important structures and areas in urban areas, our communities face a future of historical and architectural sterility.—Historic Landmark Study, Charlottesville, Virginia, 1976*

p.s.- The petition is for the City portion of the NRHP "Woolen Mills Village" district, site #002-1260.



## Woolen Mills Neighborhood Association

February 13, 2016

Dear xxxx,

One of the pleasures of living in the Woolen Mills Neighborhood is its ambiance, daily being in the presence of the story told by our neighborhood's landscape and architecture.

The City of Charlottesville has a zoning tool available to help protect the unique built fabric of our neighborhood, the "Historic Conservation District" designation. The designation offers protection for the character of neighborhoods through a review process that addresses the construction of new buildings and substantial demolitions to existing houses. Currently, the sections of the city that have Conservation District designation are in the Martha Jefferson and Rugby Road neighborhoods. The Woolen Mills Neighborhood Association Board believes that the Woolen Mills would benefit from the protection offered by the Historic Conservation District designation.

Achieving additional zoning protection and design guideline benefits requires the support of landowners within the proposed Historic Conservation District. You have received this letter because your property is located in the area eligible for additional protection. If residents support the idea of a new Historic Conservation District within the Woolen Mills neighborhood, then the WMNA would request that the City Council establish the district.

This zoning protection can only be acquired if it is supported by affected homeowners. Information about Historic Conservation Districts is available on the WMNA website at:

<http://woolenmillsneighborhood.org/conservation-districts/>

We request that you consider the benefits and responsibilities of property ownership within a Historic Conservation District before we ask you to vote for your preference (pro or con for a Woolen Mills Village Historic Conservation District.) Your opinion counts!

Best regards,

Woolen Mills Neighborhood Association Board

P.S. We will host an informational meeting about this topic on 03/14/16 in the Woolen Mills Chapel from 7:00-9:00 PM. Please feel free to contact Bill Emory, WMNA secretary, with questions about this initiative: [billemary@gmail.com](mailto:billemary@gmail.com) 434-977-1243 804-462-9968

The teardown trend began nationally in 2002. Modest historic houses are scraped off lots and replaced with megamansions.

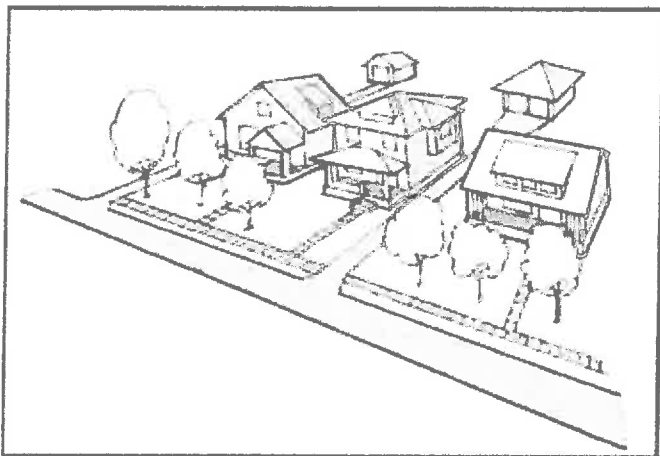
The teardowns cause the loss of historic architecture, but the phenomenon is also about community character, smart growth, affordable housing, environmental sustainability, economic and demographic shifts, and the ever-changing real estate market and housing preferences.

Community economic and social diversity is reduced as new over-scaled houses replace affordable homes.

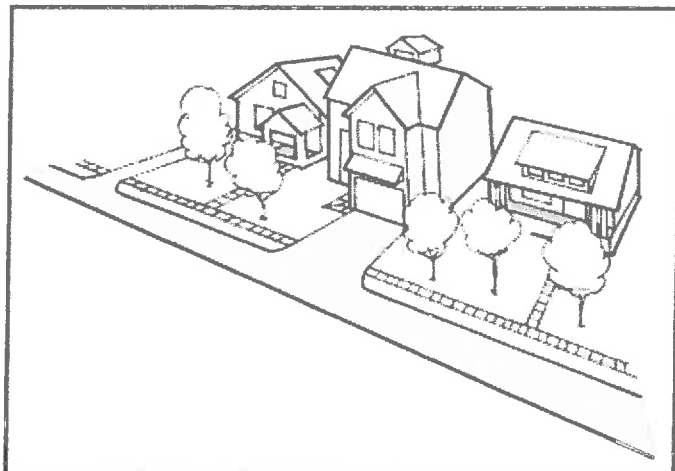
The existing zoning code in the Woolen Mills would allow the juxtaposition above. (to see it live visit Booker Street).



620 and 624 Booker Street, Charlottesville, Virginia



Voting for a Woolen Mills conservation district would discourage this before and after situation.



Lets have a neighborhood conversation, we believe in the necessity of a thorough study and understanding before we invite new rules and regs.

#### FAQS:

Q: Can I repaint my house optic yellow?

A: Yes.

Q: Can I build a modern architecture house on my empty lot?

A: Yes, modern style is encouraged.

Q: Can I replace my windows and doors with energy efficient "modern" windows and doors?

A: Yes

Q: How is this different from an Architectural Design Control (ADC) District?

A: (1) Unlike in an ADC District, where review is required of all exterior changes to existing buildings, in a Historic Conservation District no BAR approval is required for rehabilitations of an existing building, or for smaller additions and demolitions;

(2) The Historic Conservation District guidelines have been greatly condensed and simplified; and

(3) The residents of a Historic Conservation District help identify neighborhood features to be preserved.

## Woolen Mills Neighborhood Association

May 5, 2016

Dear XXXXX,

In February we wrote regarding the possibility of establishing a "Historic Conservation District" zoning overlay within a portion of the Woolen Mills neighborhood.

April 11, Mary Joy Scala, the City's Design and Preservation planner came to the Woolen Mills Chapel where she gave an overview of Conservation Districts and took questions from assembled neighbors.

It is time to vote! Please sign, date and mail the enclosed postcard.

Best regards,

P.S. A recording of Ms. Scala's presentation is available on the Internet.

<http://woolenmillsneighborhood.org/blog/historic-conservation-district-101/>

Unanswered questions? Send them to Ms. Scala [scala@charlottesville.org](mailto:scala@charlottesville.org) or call me.

Bill Emory (WMNA Board secretary)  
1604 E Market Street  
Charlottesville VA 22902  
434-977-1243, 804-462-9968(m)  
[billeemory@gmail.com](mailto:billeemory@gmail.com)

Dear Planning Commissioners, BAR and City Councilors,

As a property owner in the affected area

I support

I do not support

the establishment of a local conservation district overlay for the City portion (60 acres) of the Woolen Mills Village district listed on the National Register of Historic Places in April of 2010.

Name:

Parcel:

Property Address:

Signature and date:

Dear Planning Commissioners, BAR and Council,

As a property owner in the affected area

I support

I do not support

the establishment of a local conservation district overlay for the City portion (60 acres) of the Woolen Mills Village district listed on the National Register of Historic Places in April of 2010.

Name:

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Dear Planning Commissioners, BAR and Council,

As a property owner in the affected area

I support

I do not support

the establishment of a local conservation district overlay for the City portion (60 acres) of the Woolen Mills Village district listed on the National Register of Historic Places in April of 2010.

Name:

Parcel:

Property Address:

Signature and date:

parcel #	owner	property address	mailing address	address3	zipcode	response rec'd
55A118000	ACKERMAN, KARL D & JENNIFER G	1611 E MARKET ST	1611 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
560123000	ADEBOYE, BOLANLE LABAKE	1810 E MARKET ST	1810 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A106000	ALEXANDER, JOHN & DIANE OBER, TRUSTEES	210 18TH ST NE	210 18TH ST NE	CHARLOTTESVILLE VA	22902	1
560119100	ALFELE, MATT	1704 E MARKET ST	1704 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A124100	ALLISON, SUSAN J	1705 E MARKET ST	1705 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
560040A00	ANDERSON, JOHN N & ISOLINA G N	102 LEAKE LN	102 LEAKE LANE	CHARLOTTESVILLE VA	22902	1
55A122000	ARTHUR, PATRICK	1619 E MARKET ST	1619 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A115200	BALTIMORE, DAVID N	1603 E MARKET ST	605 MARSHALL CT	CHARLOTTESVILLE VA	22902	1
55A136000	BONNEY, HOLBROOK & K LEE WILLIS	1719 E MARKET ST	807 DRUID AVE	CHARLOTTESVILLE VA	22902	1
560113000	BURGESS LANE PROPERTIES INC	123 FRANKLIN ST	P O BOX 1054	CHARLOTTESVILLE VA	22902	1
55A116000	BURKE, MARY KATHERINE	1607 E MARKET ST	1607 EAST MARKET ST	CHARLOTTESVILLE VA	22902	1
55A148000	CATLIN, BEVERLY L & DIMITRA A COSTAN	202 RIVERSIDE AVE	202 RIVERSIDE AVENUE	CHARLOTTESVILLE VA	22902	1
560124000	CHESTER, KATHERINE A	1812 E MARKET ST	1812 E MARKET ST	CHARLOTTESVILLE VA	22902	1
560107000	CHILDRESS, CONNOR J M & MARIEL T	1516 E MARKET ST	1516 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
560116100	Dee, Catherine Louise	1620 E MARKET ST	50 Pleasant ST	Marblehead MA	1945	1
55A107000	DIVEN, JOHN R	214 18TH ST NE	214 18TH STREET NE	CHARLOTTESVILLE VA	22902	1
560114000	DOMINICK, BETTY JO	1610 E MARKET ST	1610 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
560110000	EMORY, WILLIAM H	1604 E MARKET ST	1604 E MARKET ST	CHARLOTTESVILLE VA	22902	1
560111000	EMORY, WILLIAM H	1602 E MARKET ST	1604 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A149000	FINK, JONATHAN H & ROBYN J	1901 E MARKET ST	1901 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A150000	FINK, JONATHAN H & ROBYN J	E MARKET ST	1901 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
560041000	GARDNER, TAMARA L	106 LEAKE LN	106 LEAKE LANE	CHARLOTTESVILLE VA	22902	1
560114100	GELBURD, GREG S	1612 E MARKET ST	1612 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A134000	GIANAKOS, BRIDGIT ANN GATLIN	1730 CHESAPEAKE ST	1730 CHESAPEAKE STREET #A	CHARLOTTESVILLE VA	22902	1
55A090000	GIBSON, ROBERT R & SARAH B MCCONNELL	1803 CHESAPEAKE ST	1803 CHESAPEAKE STREET	CHARLOTTESVILLE VA	22902	1
560112000	GODDIN, CHARLES BURR	1606 E MARKET ST	511 MOSELEY DR	CHARLOTTESVILLE VA	22902	1
55A115100	HANES, ROBIN	208 18TH ST NE	1709 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A130000	HANES, ROBIN M	E MARKET ST	1709 E MARKET ST	CHARLOTTESVILLE VA	22902	1
55A130100	HANES, ROBIN M	1709 E MARKET ST	1709 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A124000	Hanson, Corrina B	1703 E MARKET ST	1703 E Market ST	CHARLOTTESVILLE VA	22902	1
55A138000	HART, JAMES G	1715 E MARKET ST	1715 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
560040000	HURT, FLOYD W, JR, TRUST	1502 E MARKET ST	1213 WHITE HALL ROAD	KESWICK VA	22947	1
560123100	IVEY, JASON A & SACHI O	1808 E MARKET ST	1808 E MARKET ST	CHARLOTTESVILLE VA	22902	1
560119A00	JOHNSON, JUDY MARIE	1702 E MARKET ST	1702 E MARKET ST	CHARLOTTESVILLE VA	22902	1
560119000	JOHNSON, JUDY MARIE	1700 E MARKET ST	1702 E MARKET ST	CHARLOTTESVILLE VA	22902	1
560116200	KERNER, WILLIAM B JR	1620 E MARKET ST	1620 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A131000	LAMB, DOUGLAS E	1713 E MARKET ST	1713 EAST MARKET ST	CHARLOTTESVILLE VA	22902	1
560121000	LAPE, EMILY E	1718 E MARKET ST	1718 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A089100	LAWRENCE, FRANCIS M & EDITH C	1729 CHESAPEAKE ST	1729 CHESAPEAKE STREET	CHARLOTTESVILLE VA	22902	1
55A109000	LAWRENCE, FRANCIS MCQ & EDITH CATLIN	1504 CHESAPEAKE ST			22902	1

55A122100	LEWIS, EDWIN D & DONNA M	1617 E MARKET ST	1617 EAST MARKET ST	CHARLOTTESVILLE VA	22902	1
560114500	MORNINGSTAR DEVELOPMENT LLC	FRANKLIN ST	3101 SUGAR HILL LANE	CROZET VA	22932	1
55A121000	OPPENHEIMER, LEMUEL & JENNIFER	1615 E MARKET ST	1615 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
560040100	PARMENTER, THOMAS A, JR	1504 E MARKET ST	1504 E MARKET ST	CHARLOTTESVILLE VA	22902	1
55A089200	PARRISH, HELEN P TR-FOR GOR LD TR	1731 CHESAPEAKE ST	1126 DRYDEN LANE	CHARLOTTESVILLE VA	22903	1
560119200	POTHOVEN, GARY K & DANIELLE M RACKE	1706 E MARKET ST	1706 E MARKET ST	CHARLOTTESVILLE VA	22902	1
55A143000	RAIFORD, HARRIET E & GILLIAN G M KYLES	203 RIVERSIDE AVE	203 RIVERSIDE AVENUE	CHARLOTTESVILLE VA	22902	1
55A141000	SCOTT, ADAM & JULIE MCGANNEY	1804 CHESAPEAKE ST	1804 CHESAPEAKE ST	CHARLOTTESVILLE VA	22902	1
55A117000	SCRUGGS, BETTY LOU & LUCIAN R JR	1609 E MARKET ST	1609 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A135000	SHULLAW, BRIAN C & SARA E	313 STEEPHILL ST	313 STEEPHILL STREET	CHARLOTTESVILLE VA	22902	1
560108000	SYME, PRESTON T JR & MICHELE MARTIN	1600 E MARKET ST	1600 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A115000	THOMPSON, BENJAMIN J & SUMMERLYN L	1601 E MARKET ST	1601 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A128000	VAN YAHRES, MICHEL & MARGARET F	1700 CHESAPEAKE ST	1700 CHESAPEAKE ST	CHARLOTTESVILLE VA	22902	1
560040300	VOISINET, ROGER L	1510 E MARKET ST	1907 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A089300	WANN, BEVERLY JEAN	1733 CHESAPEAKE ST	1733 CHESAPEAKE ST	CHARLOTTESVILLE VA	22902	1
55A144000	WOOLEN MILLS CHAPEL TR	E MARKET ST	1819 EAST MARKET ST	CHARLOTTESVILLE VA	22902	1
55A145000	WOOLEN MILLS CHAPEL TR	E MARKET ST	1819 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
55A146000	WOOLEN MILLS CHAPEL TR	1819 E MARKET ST	1819 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	1
560118000	ARNETTE, INOCH	1624 E MARKET ST	1624 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	0
55A125000	BALFREY, DAVID	1707 E MARKET ST	1707 E MARKET ST	CHARLOTTESVILLE VA	22902	0
560119300	C & T RENTALS LLC	1708 E MARKET ST	307 WEST RIO ROAD	CHARLOTTESVILLE VA	22903	0
560114300	FRANKLIN ST, LLC	FRANKLIN ST	1845 JAMES MONROE PKWY	CHARLOTTESVILLE VA	22902	0
560114400	FRANKLIN ST, LLC	FRANKLIN ST	1845 JAMES MONROE PKWY	CHARLOTTESVILLE VA	22902	0
560114200	FRANKLIN ST, LLC	FRANKLIN ST	1845 JAMES MONROE PKWY	CHARLOTTESVILLE VA	22902	0
560115000	GIBSON, NANCY W, TRUST	1614 E MARKET ST	5614 BROWNSVILLE ROAD	CHARLOTTESVILLE VA	22903	0
560115100	GIBSON, NANCY W, TRUST	1616 E MARKET ST	5614 BROWNSVILLE ROAD	CHARLOTTESVILLE VA	22903	0
55A120000	HARGROVE, CHRIS D & PATRICIA E HIDALGO	1613 E MARKET ST	1613 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	0
560040400	JABA TIMBERLAKE PLACE, LLC	1512 E MARKET ST	674 HILLSDALE DR STE 9	CHARLOTTESVILLE VA	22901	0
560109000	JABA TIMBERLAKE PLACE, LLC	1520 E MARKET ST	674 HILLSDALE DR STE 9	CHARLOTTESVILLE VA	22901	0
560120000	LAVEZZO REAL ESTATE, LLC	1712 E MARKET ST	3990 FARRCROFT DR	FAIRFAX VA	22030	0
560040200	PARMENTER, THOMAS A SR & LAURA E	1506 E MARKET ST	1506 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	0
55A093000	PAYNE, WILLIAM E & PATRICIA S	1805 CHESAPEAKE ST	1805 CHESAPEAKE STREET	CHARLOTTESVILLE VA	22902	0
55A088000	RIVERVIEW CEMETERY CORPORATION	1701 CHESAPEAKE ST	1701 CHESAPEAKE STREET	CHARLOTTESVILLE VA	22902	0
55A137000	Sarver, Jonathan R	1717 E MARKET ST	1717 E Market ST	CHARLOTTESVILLE VA	22902	0
55A139000	SCHULTZ, LOUIS & LAURA C COVERT	1809 E MARKET ST	1809 EAST MARKET STREET	CHARLOTTESVILLE VA	22902	0
55A092000	SPENCER, CHARLOTTE C	1803-1/2 CHESAPEAKE ST	1803-1/2 CHESAPEAKE ST	CHARLOTTESVILLE VA	22902	0
55A140000	SPENCER, CLARENCE E JR & VIRGINIA L	1800 CHESAPEAKE ST	1800 CHESAPEAKE STREET	CHARLOTTESVILLE VA	22902	0
560119400	TUCKER, WILLIAM, III	1710 E MARKET ST	307 WEST RIO ROAD	CHARLOTTESVILLE VA	22901	0
55A123000	UMBERGER, BARRY EVERETT & DARA ECHOLS	1701 E MARKET ST	1701 EAST MARKET ST	CHARLOTTESVILLE VA	22902	0
560116000	WELLS FARGO BANK, NA, ETAL	1618 E MARKET ST	Wells Fargo Bank PO Box 13519	Arlington TX	76094	0
560117000	WINTER, MARY P P & JOHN A W	1622 E MARKET ST	1015 DEER RUN DRIVE	EARLYSVILLE VA	22936	0

## 7. 2016 letters from the public

Dear BAR, Planning Commission and City Council,

My name is John Frazee, and I am Chair of the Woolen Mills Neighborhood Association. The WMNA is the applicant in a matter before you this fall, the Woolen Mills Village Conservation District.

On behalf of the neighborhood I'd like to express our deep appreciation for your creation of the "Historic Conservation District" overlay legislation in the Charlottesville Municipal Code. While our neighborhood was recognized by the State and Federal governments in 2010 for the significance of its cultural landscape, we are interested in tools to stave off impulsive demolitions and help encourage quality in new development.

We feel that the landscape and built fabric of the Woolen Mills has much to share with the larger community about what it meant to be a working class Virginian/American in the years of following the Civil War. The Charlottesville Woolen Mills represented an early bloom of industrial activity in the postwar south. Residents of this neighborhood produced a product which earned national accolades for its quality. Uniform cloth produced here was worn by attendees of West Point and Tuskegee University, by Pullman Porters and by the US Navy. Guards at the 1893 World's Columbian Exposition wore cloth woven by the waterpower of the Rivanna River.

The Woolen Mills community, stable and productive for over a century, took a hit with the closure of the mill and subsequent exodus of its young people, in search of work, in the 1960's. But the neighborhood is steadily building back. We are a mixed income neighborhood, we are home to a large section of the City's riverfront, we sit at the base of a world heritage site, walking distance from downtown. We are a tight knit, old growth, humble, vernacular architecture community.

The 60 acre portion of the Woolen Mills under consideration for a zoning overlay was largely built before the advent of automobile in Charlottesville. We hope, through careful planning, to retain our community character and to remain a keystone between downtown and Monticello.

Please support our application for a Historic Conservation District zoning overlay.

Sincerely

John Frazee

**From:** John Diven [mailto:littlediv3@gmail.com]  
**Sent:** Monday, September 12, 2016 8:28 AM  
**To:** Scala, Mary Joy  
**Cc:** Emory, Bill  
**Subject:** The Woolen Mills

Dear BAR, Planning Commission, and Council,

My name is John R. Diven. I have been living at 214 18<sup>th</sup> Street N.E. for the last 14 years. My neighborhood is very important to me. I have raised my two sons here and consider my home in the Woolen Mills as an essential element of the great quality of my life that I have shared with them.

I am writing to secure your support for our application for a Historic Conservation District zoning overlay.

Please help us preserve the character and unique history of our neighborhood.

Thanks for seriously considering this request.

Sincerely,  
J.D.

-----Original Message-----

**From:** Beverly Wann [mailto:bevwann@gmail.com]  
**Sent:** Monday, September 12, 2016 9:17 PM  
**To:** Scala, Mary Joy  
**Subject:** Woolen Mills Neighborhood

Hello. I live on Chesapeake Street in the Woolen Mills neighborhood. I am very much in favor of designating our neighborhood a Historic Conservation District. It contains a unique history related to the river and mill, and has a character not found in any other corner of the City. The designation will ensure careful, thoughtful growth that will preserve the beauty of the past while accommodating the needs of the future.

Thank you, Bev Wann



Robert R. Gibson  
1803 Chesapeake Street  
Charlottesville, Va. 22902  
434-295-4947 bob.gibson@virginia.edu

September 12, 2016

Dear Charlottesville City Council, BAR and Planning Commission,

My name is Bob Gibson, and I am a 34-year resident of the Woolen Mills Neighborhood. I write to support formal city designation of the Woolen Mills Village Conservation District.

I hope that you will support designating the Woolen Mills as a Historic Conservation District. Our historic neighborhood does have a rich history along the Rivanna River. We have great old buildings and sites, including the Woolen Mills Chapel and the scenic Riverview Cemetery.

For too long, the city has turned its back on and neglected the Rivanna, which is the most scenic natural feature of our neighborhood and is only recently being fully recognized as a great community resource. I do hope you will add to the neighborhood's recognition and support the designation of the Woolen Mills Neighborhood. Thank you!

Best,

Bob Gibson  
1803 Chesapeake Street

**From:** Jason Ivey [mailto:jay.ivey@gmail.com]  
**Sent:** Tuesday, September 13, 2016 9:45 AM  
**To:** Scala, Mary Joy  
**Subject:** Woolen Mills Village Historic District

Ms. Scala,

We are writing in response to a letter we received from you dated 9/6/2016 about the Woolen Mills Proposed Historic District. We will be out of town on business and unable to attend the meeting scheduled for 9/20/2016. My wife and I live at 1808 East Market St.

We want our comment to be heard in that we do not want our property to be included in the gerrymandered proposed map of properties of this intrusive "historic" district and disagree with this concept 100%. We believe there are numerous properties within this map that would be better off as vacant land or redeveloped verses the current structures.

We believe this proposal is lacking transparency and looks gerrymandered. This appears to be an intrusion and attempt to stunt the growth and property values of our neighborhood. We support all of the recent additions and improvements we have ongoing in the neighborhood. Where are the results of the vote that was taken on this matter? What were the results? We do not want our property or neighborhood to be constrained by BAR.

We want to know why the property owned by CSX and rented by Buckingham Branch Railroad next door to us has not been included in this rigged map? Please keep us informed as this proposal develops.

Best,

Jason & Sachi Ivey

310.804.2910 (c)  
202.415.1823 (vm)

424.299.0047 (c)

<http://www.imdb.com/name/nm1577677/>

\*\*\* This e-mail is intended for the recipient indicated above. It may be confidential or protected from disclosure. If you have received this e-mail in error, please advise by return e-mail to [jay.ivey@gmail.com](mailto:jay.ivey@gmail.com) and please destroy this e-mail. \*\*\*

-----Original Message-----

From: Alexander, John A. (jaa9n) [mailto:jaa9n@eservices.virginia.edu]

Sent: Wednesday, September 14, 2016 11:01 AM

To: Scala, Mary Joy

Cc: Alexander, John A. (jaa9n)

Subject: Support for Woolen Mills neighborhood as the City's third "Historic Conservation District" (CV)

Dear Ms. Scala,

I strongly support the zoning text amendment to designate sixty acres of the Woolen Mills neighborhood as the City's third "Historic Conservation District" (CV). I have lived in the Woolen Mills Neighborhood since the early 1980s and am an enthusiastic neighbor, active in the neighborhood association. Of the many things I love about the neighborhood, its strong sense of place, which in my opinion has been retained even as it has grown more dense. I also greatly enjoy the sense of vernacular design that emerges in the neighborhood and welcome this CV designation as a way that we might support, nurture and preserve that sense of place as we continue to grow and become more dense.

Best regards,

John

John Alexander

Associate Director, SHANTI

Sciences, Humanities, and Arts

Network of Technological Initiatives

PO Box 400600

Alderman Library, Rm 323

University of Virginia

<http://shanti.virginia.edu/>

ph. 434.243.6619

fx. 434.982.2363

Chair, General Faculty Council

<http://faculty.virginia.edu/jalexander/>

Research:

Reflective Writing and Making Meaning:

<http://bit.ly/MakingMeaningofGettingAway>

Poor People's Campaign Oral History:

<http://bit.ly/ResurrectionCityResearch>

**From:** Katie [mailto:katie@chesterandhound.com]  
**Sent:** Thursday, September 15, 2016 9:45 AM  
**To:** Scala, Mary Joy  
**Subject:** Woolen Mills Neighborhood:, Historic Conservation District

Dear BAR Planning Commission and Council,

I'm writing in support of designating sixty acres of the Woolen Mills neighborhood as Charlottesville's third "Historic Conservation District" (CV).

In the nineteenth century, the Woolen Mills neighborhood area grew up around the Woolen Mills, providing housing for the Mill workers. These are not the grand houses of the Mill owners, but the humble houses of the laborers. That does not make the character and scale of this neighborhood any less worthy of protection.

To preserve only the neighborhoods with clear examples of idolized architectural styles is to partake in revisionist history. Perhaps your dream home looks significantly different than mine, perhaps your lifestyle values different amenities; neither is more valid than the other.

The Woolen Mills is a tightly-woven, mixed- income community with a fierce sense of neighborhood pride. Its character, texture and human scale drew us here and keep us here. We urge you to see its beauty and understand its value through our eyes. Please support designating the Woolen Mills neighborhood as Charlottesville's third "Historic Conservation District".

Best,

Katie Chester

1812 East Market Street

Charlottesville, VA 22902

**From:** Robin Hanes [mailto:marchhanes@gmail.com]  
**Sent:** Thursday, September 15, 2016 8:55 PM  
**To:** Balut, Stephen; Earnst, Emma; Graves, Whit; Keesecker, Kurt - 2nd address; Knott, Laura; Miller, Melanie; Mohr, Tim; Sarafin, Justin; Schwarz, Carl; Planning Commission; Council; Scala, Mary Joy; Mess, Camie  
**Subject:** Woolen Mills Historic Conservation Overlay

Dear BAR, Council and Planning Commission,

I renovated a home built in 1895 in the Woolen Mills. While we redesigned it for comfort and fun, I love being responsible for history. Keeping an old house's bones and cladding is an environmentally sustainable practice. My house has complemented the character of our neighborhood for 120 plus years, a neighborhood full of history and social diversity.

Please help us retain our structure and personality, help us encourage well thought-out future projects. Let us remain a cherished place where a flourishing new generation will want to stay.

Sincerely,

Robin Hanes  
1709 East Market Street  
Charlottesville, Virginia, 22902

**From:** Jim Benedict [mailto:jimbenedict94@gmail.com]  
**Sent:** Saturday, September 17, 2016 11:15 AM  
**To:** Scala, Mary Joy  
**Subject:** writing to you in support of the Woolen Mills Historic application

To whom it may concern.

My wife and Myself - Kate and James Benedict-Burke are residents of the city and Woolen Mills neighborhood and reside at 1607 E market st.

We have lived here 22 years in the city.

Please include our names in support of the Wollen Mills Historic Conservation District.

We strongly support this designation. *A Historic Conservation District is intended to protect the character and scale of a historic neighborhood.*

*Respectfully.*

--

Jim and Kate Benedict-Burke.  
Charlottesville, Va.  
cell 434 249 2158

**From:** bettyontube1 . [mailto:dominickdesigns@gmail.com]  
**Sent:** Thursday, September 22, 2016 9:55 AM  
**To:** Scala, Mary Joy  
**Subject:** Woolen mills preservation

Good morning , I am writing you in support of the proposed tract in the woolen mills for conservation. I moved to my 100 or so year old home on the corner of Franklin in 2003. I have managed to hang in here in spite of so many obstacles but absolutely support this proposal. As a musician and a wedding florist I have met many people and am always warned by the response I get when saying I live in the woolen mills. This community and these homes are a special part of Charlottesville.

I have spent these 13 years raising greenery and flowers for my business Secret Gardens and have no objection to the proposal. You might remember the kiosk days ! Never knew back then what the wedding industry would bring to Charlottesville ,but when I invite a bride here for a consult they are in awe of the charm....Rock walks, old mature trees, an English basement with its original stone floor and claw foot tub...shed with tin roof....still smelled of corn when we bought !!

In case you don't know there's a ghost story about this house in the Charlottesville /albemarle ghost stories paperbacks ..."evil in the English basement " ....an herbalist who lived here in the 70's wrote the piece .....

Thanks for your consideration !

Betty Jo Dominick

**From:** Sara Shullaw [mailto:sara.shullaw@gmail.com]

**Sent:** Thursday, November 03, 2016 8:27 AM

**To:** Scala, Mary Joy; Fenwick, Bob; Galvin, Kathy; Szakos, Kristin; Signer, Michael; Bellamy, Wes; Clayborne, Corey; Dowell, Taneaia; Green, Lisa; Keesecker, Kurt - 2nd address; Keller, Genevieve; Lahendro, Jody; Santoski, John

**Cc:** Emory, Bill

**Subject:** Woolen Mills Historic District Overlay

Dear BAR, Planning Commission, and City Council,

My name is Sara Shullaw. I have been a resident at 313 Steephill St in Woolen Mills for over 8 years. I am writing to ask that you please support our application for a Historic Conservation District overlay.

My husband and I were originally drawn to the Woolen Mills neighborhood because of the character of the historic homes. We were lucky enough to purchase a home built in 1890. There is nothing like an old farmhouse with creaky, beautiful heart pine floors and slightly crooked door frames. We were thrilled to be able to remodel and add on to our home in 2014, updating plumbing, electrical, and insulation, while at the same time keeping in character with the original 1890 farmhouse style. We have so much pride in our home because it is truly unique and combined with other historic homes of the Woolen Mills it tells a story.

It is so important we maintain and appreciate the remaining historic homes in our City, especially those that make up the fabric of a neighborhood like those in Woolen Mills. They provide authenticity for our City and connect us to our history. We hope that the Historic Conservation District Overlay will help us in our effort to maintain the unique character of our neighborhood.

Thank you for your support.

Sincerely,

Sara Shullaw

**From:** Syme, Preston (pts8q) [mailto:pts8q@eservices.virginia.edu]  
**Sent:** Friday, November 04, 2016 7:54 PM  
**To:** Planning Commission  
**Subject:** Woolen Mills Conservation Overlay District

Dear Planning Commission members,

We are writing in support of the proposed Woolen Mills Village Historic Conservation District. We live at 1600 East Market St. Our house is a contributing structure under the proposal. Even before buying our house in 1986, we, like many others, frequented the neighborhood to experience its feeling of space, its rural character and the variety of architectural styles. Thankfully, what first attracted us remains largely true today. It is still a remarkable neighborhood, with a rich history, a charming blend of historic and contemporary housing, and a rural feeling, while being only blocks from the Mall.

In the 30 years we have been here there have been numerous proposals that many felt were threats to what makes our neighborhood so unique. Fortunately the majority of those were deflected, but the process taught us that “progress” is a relentless pressure, and left unchecked has a tendency to compromise what so many of us hold dear. To our mind the Historic Overlay proposal gives us one more way to protect our neighborhood from this pressure.

As property owners we would gladly live with the very minimal requirements this proposal places on us versus living with the fear of something far worse happening without it. JABA voluntarily worked with the BAR in the design of Timberlake Place to make it compatible with the surrounding neighborhood. We can do the same.

In reading the background information about Conservation Districts we were struck by what a perfect fit the proposed Woolen Mills District is. If there was ever a place that matched the intent of enabling language, this is it. We urge you to approve the proposal.

Preston Syme  
Michele Martin  
1600 East Market St.



**From:** Edward Brownfield [mailto:ed.brownfield@gmail.com]  
**Sent:** Tuesday, November 08, 2016 9:39 PM  
**To:** Creasy, Missy; Scala, Mary Joy  
**Cc:** Bill May  
**Subject:** Zoning Text Amendment

Ms. Creasy and Ms. Scala,

I am writing to you concerning the public hearing that is scheduled for Wednesday evening November 9, 2016 concerning zoning amendment ZT17-00003 & ZM16-0000A. This public hearing concerns a proposed amendment making the area that includes a duplex at 1731 Chesapeake St. (Parcel 55A089200) historic. The property at 1731 Chesapeake St. is owned by GOR L/T, of which I am a beneficial owner.

This duplex was built in 1973; it is not historic. I object to it being included in the proposed historic district. In looking at the drawing that was included in the information sent by Missy Creasy, it appears that the first two parcels to the east of the River View Cemetery are omitted from the historic district. I do not think that the duplex at 1731 Chesapeake St. should be included in the historic district either. There are two beneficial owners of GOR L/T, I am one and Bill May is the other owner. I am in Phoenix, AZ and cannot be at the public hearing on November 9th however I want to be on record that I oppose the area being designated as historic, and in particular the property at 1731 being included in a historic district.

If you have questions or need to reach me my cell phone number is 434-981-0045.

Best regards,  
Ed Brownfield

**From:** Bill May [mailto:Bill.May@ERA.com]  
**Sent:** Wednesday, November 09, 2016 4:12 PM  
**To:** ed.brownfield@gmail.com; Creasy, Missy; Scala, Mary Joy  
**Cc:** bill.may@era.com  
**Subject:** RE: Zoning Text Amendment

Ms. Creasy and Ms. Scala,

I oppose the property at 1731 Chesapeake (Parcel 55A089200) being included in a historic district. I own this property with Ed Brownfield.  
The structure is a brick duplex built in 1970's.

*Always there for you...*

**Bill**

**Bill May, Broker**

**ERA Bill May Realty Co.**

Office: 434-978-7355, 1-800-296-3721

Fax: 434-973-0122

[Bill.May@ERA.com](mailto:Bill.May@ERA.com)

[www.BillMayRealty.com](http://www.BillMayRealty.com)

**From:** Peggy Van Yahres  
**Sent:** Wednesday, November 09, 2016 1:06:00 PM  
**To:** Council; Planning Commission  
**Subject:** Woolen Mills Village Historic Conservation District

As a long-time owner of a home in the Woolen Mills, which will be included in this district, my husband, Mike, and I support this Conservation proposal. Thanks  
Peggy and Mike Van Yahres

1700 Chesapeake St  
Charlottesville

**From:** Catherine Dee [mailto:catherine@catherinedee.com]  
**Sent:** Wednesday, November 09, 2016 2:28 PM  
**To:** Scala, Mary Joy  
**Subject:** Map Error/Woolen Mills Village Historic Conservation District

Mary Joy,

I am the owner of an empty lot in the Woolen Mills (Parcel ID 560116100) that is contained within the boundaries of the proposed Woolen Mills Village Historic Conservation District.

When apprised of the conservation district proposal via mail a few weeks ago, I noticed an error on the map with regard to the designation of my own property. I believe (and I am going from memory since I have tried to look at the PDF to verify this and the resolution of the imagery is good sufficient to see the text details) that my lot was labeled as being '1620'. If this is the standing label, it is incorrect and may be something you all should change since 1620 is an adjacent address. My property has no numeric designation in the category of house numerals (for lack of a better way of describing it!).

Not sure if this is helpful but hopefully so. I am being reminded of this issue now as the hearing is this evening.

Would you let me know? No rush.

Thanks,

Catherine Dee  
(434) 984 3358

**From:** Judy marie Johnson [mailto:renaissancewomyn@gmail.com]  
**Sent:** Sunday, November 13, 2016 8:52 AM  
**To:** Scala, Mary Joy  
**Subject:** woolen mills

dear ms scala ..although i voted for the designation,upon further understanding i wish to negate that vote, to withdraw my support for it.. my vote is no, judy marie johnson, owner of 1702 and1700 east market st  
and further you might update the map you are using as i built a cottage on my second lot (1700) over five years ago, and of course have been paying taxes on it as well...can you do that please?? thank you

**From:** Lem Oppenheimer <[lem@easystar.com](mailto:lem@easystar.com)>  
**Subject:** Woolen Mills Historic Overlay - Removal of Support  
**Date:** November 14, 2016 at 9:16:43 AM EST  
**To:** <[council@charlottesville.org](mailto:council@charlottesville.org)>  
**Cc:** 'Jen Oppenheimer' <[jenopp@gmail.com](mailto:jenopp@gmail.com)>  
**Resent-From:** <[council@charlottesville.org](mailto:council@charlottesville.org)>

To the members of City Council,

I understand that the question of creating a historic overlay of Woolen Mills is going before council and may affect our property at 1615 East Market (which is a double lot). Previously in an informal vote within the neighborhood, we had supported this overlay plan, but as we've spoken to more neighbors and looked closer at the ramifications of this, we would like to rescind our support and try to remove our house from the overlay if it does get put through.

Thank you,

Lem Oppenheimer  
Chief Operating Officer / Co-Founder  
Easy Star Records  
434-326-5736  
[lem@easystar.com](mailto:lem@easystar.com)  
[www.easystar.com](http://www.easystar.com)

**B. From persons who are not owners of property within the proposed district**

Katherine E. Slaughter  
1503 Short 18<sup>th</sup> Street  
Charlottesville, Va. 22902  
434-971-5813 [kes1961@ntelos.net](mailto:kes1961@ntelos.net)

September 11, 2016

To: Charlottesville Board of Architectural Review, Charlottesville Planning Commission and Charlottesville City Council\

Re: Conservation District for Woolen Mills Neighborhood

I hope that you will support designating the Woolen Mills as a Historic Conservation District. This neighborhood, of which I am a resident, has such a rich history, and many of the buildings and sites reflect this – including the Rivanna River, Riverview Cemetery and the Woolen Mills Chapel. Many of the homes are also representative of both the managers of the historic Woolen Mills and some of the workers – some of the oldest homes in the Mills are located in the County. Because the area overlaps the city-county line, it would be wonderful if the city and county could discuss their mutual interest in the area.

Beginning in the 1980s, the Virginia Department of Historic Resources as well as the National Register of Historic Places began to recognize the concept of historic resources broadened beyond architecturally significant buildings or buildings of historically famous incidents or people to include representative examples from many historic periods, including industrial plants, worker housing, military buildings, barns, schools, battlefields, roads, bridges, and designed landscapes.

In the Woolen Mills, strong neighborhood support exists for being designated as a Historic Conservation District. In May the WMNA mailed ballots to the 68 owners of the 80 parcels which would be affected by a proposed overlay. In the two weeks that followed, 72% (49) of the owners responded. Three voted “no”, forty-six voted “yes”. (I note that I am not an owner in the affected overlay district).

The 2013 Comprehensive Plan also suggests consideration of portions of the Woolen Mills neighborhood for designation (See Chapter Seven, “Historic Preservation and Urban Design” goal 6.7.)

I hope you will support the designation of the Woolen Mills Neighborhood.

**From:** Carol Hunt [mailto:chunt1@embarqmail.com]  
**Sent:** Tuesday, September 13, 2016 11:22 AM  
**To:** Scala, Mary Joy  
**Subject:** Woolen Mills Historic District becoming Conservation District

Dear Ms. Scala,

I am writing to express my support for the Woolen Mills Historic District becoming a Conservation District. I would like to ask the BAR and the Planning Commission to approve this request on the part of the residents of the historic district. Woolen Mills is a beautiful old neighborhood that is constantly being threatened by redevelopment and light industrial needs. We must do everything we can to preserve its unique character and harmonious architecture. Thank you for anything you can do to facilitate this request.

Sincerely,  
Carol Hunt, Woolen Mills Neighborhood Association Member



School of Visual Art and Design

September 14, 2016

Dear members of the Charlottesville Board of Architectural Review,

I strongly support the recognition of the Woolen Mills Village as a Historic Conservation District in the city of Charlottesville. As the author of the 2010 survey and National Register of Historic Places/Virginia Landmark Register nomination of the neighborhood, I know its vernacular buildings and fascinating stories well. The designation of Historic Conservation District will protect the character and integrity of this place, as central to the early development of Charlottesville as the University of Virginia.

Woolen Mills Village is unique to Charlottesville's built landscape and deserving of this special recognition. Unlike the current Martha Jefferson Historic Conservation District, most of the buildings in the Village are older and humbler. Its designation would be a step forward for the protection of buildings representative of vernacular styles and forms and those associated with the working classes. As a relatively complete village (with church, industrial buildings, a cemetery, and private residences), the Woolen Mills also offers more diversified building types than the current Rugby Road District and a collection of buildings and landscapes that is as interwoven with the fabric of Charlottesville as it is independent of it. In comparison with other late nineteenth-century industrial villages nationwide, the Woolen Mills Village is a superb example.

The Woolen Mills Village retains the physical evidence of multiple generations of families working and living alongside one another, expanding and improving upon their homesteads as they gained status and stability. This is a collection of buildings that people have chosen to care about over several centuries. The current efforts to recognize it signal that love and care for the place has not dissipated. Charlottesville is lucky to have such a neighborhood and such neighbors.

Thank you for considering the Woolen Mills as Charlottesville's next Historic Conservation District.

Sincerely,

Lydia Mattice Brandt, PhD  
Assistant Professor, University of South Carolina

From: **Preservation Piedmont** <preservationpiedmont@gmail.com>

Date: Wed, Sep 14, 2016 at 9:30 AM

Subject: Designation of Woolen Mills Neighborhood

To: Mary Joy Scala <mjscala@gmail.com>, Justin Sarafin City BAR <justin.sarafin@alumni.virginia.edu>, Carl Schwarz City BAR <caschwarz83@gmail.com>, Whit Graves City BAR <Whit@evergreenbuilds.com>, "Chair Melanie Miller City BAR Chair, Historic Resources Committee, Co-Chair" <melanie@houseofmillers.com>, Laura Knott City BAR <lknott@chg-inc.com>, kkeesecker@brw-architects.com, Emma Earnst <earnst.emma@gmail.com>, Stephen Balut <sbalut@hotmail.com>, Tim Mohr City BAR <tmohr@tmdarch.com>

To Chairperson Miller and members of the Charlottesville Architecture Review Board,

Preservation Piedmont, our local historic preservation organization, urges the BAR to support the local designation of the Woolen Mills neighborhood as a Historic Conservation District. Much of this neighborhood is on the Virginia Landmarks Register and the National Register of Historic Places.

Sec. 34-271 (1) of the Zoning Ordinance states that the City seeks to "preserve and protect buildings, structures and properties which serve as important visible reminders of the historic, cultural, and architectural or archaeological heritage of this city...".

Thank you for protecting this important neighborhood.

Jean Hiatt

Preservation Piedmont

Preservation Piedmont | P.O. Box 2803 | Charlottesville, VA | 22902

**From:** Lucia Stanton [mailto:cstanton1811@gmail.com]  
**Sent:** Monday, September 19, 2016 3:08 PM  
**To:** Scala, Mary Joy; Mess, Camie  
**Subject:** BAR meeting and Woolen Mills CV

To members of the:  
Charlottesville Board of Architectural Review  
Charlottesville City Planning Commission  
Charlottesville City Council

I am writing to express my wholehearted support for the Woolen Mills Village Historic Conservation District. This unique and evocative area needs every protective measure available to prevent the loss of its historic features and its distinctive character.

On a personal note, although I live in the county and am not a Woolen Mills resident, I usually take out-of-town visitors to two places, Monticello and the Woolen Mills area. And my grown daughter makes a pilgrimage to the Woolen Mills every time she returns to town. I say this only to stress how special a place it is.

I hope you will support every possible measure to protect this neighborhood, a treasure for us all.

Your sincerely,

Lucia (Cinder) Stanton  
Shannon Senior Historian Emerita (Monticello)  
Coordinator, Central Virginia History Researchers



Dear BAR, Planning Commission and City Council,

My husband and I moved to Charlottesville twenty-five years ago. Over those many years we have experienced some exciting and some unwelcome, drastic changes to the city. Early on we became involved in our neighborhood association and appreciated the sense of community and connection to place that was being nurtured. I am proud that we were instrumental in the designation of the Martha Jefferson Historic District on the Virginia Landmarks Register and the National Register, and that we became the first designated Historic Conservation District in the city.

I am writing to urge you to approve the creation of the Woolen Mills Historic Conservation District. As you know, the guidelines are modest and not onerously restrictive, with the intent to protect the scale and character of the neighborhood. At a time when new development is burgeoning, it is more important than ever to treasure the unique and diverse corners of the city that still reflect its history and character. I believe it is important for city officials to respect the wishes of its residents and the integrity of all the city's neighborhoods.

Please support the application for the Woolen Mills Historic Conservation District zoning overlay.

Sincerely,

Ellen Casey Wagner  
841 Locust Avenue  
Charlottesville, VA 22902

p.s. please note that while I am on the city's Historic Resources Committee and the board of Preservation Piedmont, I am writing to express my personal view as a longtime city resident.

**From:** hevergreen [mailto:hevergreen@cs.com]  
**Sent:** Thursday, October 27, 2016 3:32 PM  
**To:** Scala, Mary Joy  
**Subject:** Letter

Dear Planning Commission and City Council,

I am a newly elected member of the Woolen Mills Neighborhood Association. I am asking that you approve our neighborhood request for Historic Conservation status. While I live in a different part of Woolen Mills from this district, it sets a tone for the whole area. There is a rich history here which deserves some protection. We have an interesting and vibrant mix of housing styles which we wish to maintain.

Cordially,  
Howard Evergreen

**From:** Pete Armetta  
**Sent:** Wednesday, November 09, 2016 4:50:31 PM  
**To:** Planning Commission; Council  
**Subject:** Woolen Mills Village Historic Conservation District

Dear Planning Commissioners and City Councilors.

In the spirit of keeping original neighborhoods intact and development proportionate to their character, I support the designation of the Woolen Mills Village Historic Conservation District. I also encourage its consideration in other downtown-adjacent residential neighborhoods along with form-based code and other tools that will help preserve local landscapes. This added layer of sensitivity is not too restrictive when the trade off is placekeeping, the building of neighborhood identity, and protection of our city's traditional affordable housing stock.

Thank you,

Pete Armetta  
506 Ridge Street

**From:** cindy cartwright  
**Sent:** Wednesday, November 09, 2016 5:49:35 PM  
**To:** Council; Planning Commission  
**Subject:** Woolen Mills Conservation District

Dear Charlottesville Citizens We Entrust,

I am writing in support of adopting a Historic Conservation District overlay in the Woolen Mills. Our neighborhood is certainly eclectic, but it's roots reside in history.

We have no wish to change the patchwork quilt that surrounds us. As former residents of Manhattan, we embrace the diversity that inhabits our neighborhood. We were thrilled to be enjoy the 120th anniversary of our house a few years ago with neighbors.

But when my family had lived in our house for ten years, we became the first family to do so in over 50 years. In the 1950s, our house was flipped into a duplex. Significant features of the house were permanently removed. History was altered in some highly questionable, and terribly energy *inefficient*, ways. Yet; most of the change makers during this time never lived in our house or owned it more than five years.

So, tonight I ask you to vote for thoughtful renovations and thoughtful new construction. Homes should be restored and built. Structures that will sell quickly should be discouraged.

Let's value thoughtful planning and long-term thinking.

Cindy Cartwright  
1404 East Market Street

**From:** Laura Covert [mailto:lcmacb@gmail.com]  
**Sent:** Friday, November 11, 2016 1:33 PM  
**To:** Scala, Mary Joy  
**Subject:** Conservation district question

Greetings Mary Joy. I have a question about the conservation district that is in the works for Woolen Mills. I attended the information session you gave for the neighborhood board and at that time I asked the question as to whether or not out buildings would be required to be reviewed by the BAR. I recall that you said that they would not need to be reviewed, that the conservation district was more concerned with the front of houses and with new houses and tear downs of existing houses.

The wording in the regulations says "all new structures require design review by the BAR." Does this include outbuildings like sheds/coops/garages etc?

Please let me know.

Many thanks  
Laura Covert

**From:** Courtney <[courtney.ringuette@gmail.com](mailto:courtney.ringuette@gmail.com)>  
**Subject: Re: Woolen Mills district changes**  
**Date:** November 14, 2016 at 9:32:03 AM EST  
**To:** <[council@charlottesville.org](mailto:council@charlottesville.org)>  
**Resent-From:** <[council@charlottesville.org](mailto:council@charlottesville.org)>

It has just been brought to my attention that our property is included and we were never sent a ballot on this. This needs to be voted on again in fairness to everyone.

Please respond.

Thank you.

On Nov 14, 2016, at 9:28 AM, Courtney <[courtney.ringuette@gmail.com](mailto:courtney.ringuette@gmail.com)> wrote:

Dear Council,

We would like to notify the council that as property owners in the Woolen Mills, our property being located at 1315 East Market Street, that we are opposed to any change in the districts code and historic status now and in the future. Luckily our house is not affected directly in the current change that is up for approval, however we will not agree to any changes in the status of our property in the future and are against the current change.

Thank you,

Courtney and Arthur Heyward  
1315 East Market Street  
22902

**8. National and Virginia Register historic district survey and map link**  
<http://www.charlottesville.org/home/showdocument?id=15458>

**9. Staff's letters to affected property owners May 19, and June 12, 2017**

**CITY OF CHARLOTTESVILLE**  
*"A World Class City"*



**Department of Neighborhood Development Services**

City Hall Post Office Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
[www.charlottesville.org](http://www.charlottesville.org)

May 19, 2017

RE: Proposed Woolen Mills Village Historic Conservation District Notification and Poll

Dear Property Owner:

This notification and poll is being sent to you as an affected owner of property located within the proposed Woolen Mills Village Historic Conservation District. There is a map of the proposed district in this mailing. If you own multiple properties in the proposed district, you will receive a letter for each property.

The proposed zoning overlay district was originally proposed by the Woolen Mills Neighborhood Association (WMNA), and was recommended by the Board of Architectural Review on September 20, 2016, and by the Planning Commission on November 9, 2016.

On December 21, 2016 John Frazee, the President of WMNA, requested deferral of City Council's consideration of the proposed district for six months, or until the final revisions to the historic conservation district code were adopted. City Council adopted the code changes on April 17, 2017. (A copy of both the Ordinance and related Design Guidelines are attached for your information.) Therefore, the proposed Woolen Mills Village Historic Conservation District may now be scheduled before City Council for a final decision.

First, we would like to ask for your opinion in a poll, to advise Council how much support the proposed district has among affected property owners. However, this is not a vote. City Council does not make zoning decisions by popular vote. Council's ultimate action will be based on its assessment of whether or not the proposed conservation district will serve public interests, and its decision will be informed by the results of your response to this poll, along with other factors.

To date, some Woolen Mills residents have suggested that the City should consider adopting an "opt-out" provision to be included within the proposed historic district regulations. The City Attorney's Office has advised that opt-out provisions are not within the City's zoning authority conferred by the Virginia General Assembly. According to the City Attorney's Office, opt-out provisions:

- Would likely constitute an unlawful delegation of city council’s legislative zoning powers to private parties;
- Would likely constitute “SPOT ZONING” because the decision as to whether a particular property would be part of, or excluded from, the conservation district would be based purely on the private interests of an individual landowner, rather than the overall welfare of the general public and good zoning practice; and
- Would possibly create grounds for a court to invalidate the entire conservation district ordinance, due to a lack of uniformity—some properties that are “contributing” (based on objective criteria) would be subject to regulation, while other properties that are “contributing” would not.

We are asking that you respond to one question on the enclosed post card: Do you prefer that your property is included in the proposed historic district? If you respond “no,” please give the reason(s) for your response. For your reference, the criteria that are used to determine which properties should be included within a local conservation/ historic district are set forth within the zoning ordinance, *see* City Code sec. 34-336. All comments are welcome.

If you own multiple properties in the proposed district, ***you will receive one post card for each property.*** Please drop the postcard(s) in the mail so that they are postmarked by 5:00 p.m. on Monday, June 5, 2017. Later, you will receive a notice of the tally, and the upcoming City Council public hearing date.

If you should have any questions regarding this mailing, please contact Mary Joy Scala, Preservation and Design Planner at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org)

Sincerely Yours,

Mary Joy Scala  
Preservation and Design Planner

CITY OF CHARLOTTESVILLE  
"A World Class City"



**Department of Neighborhood Development Services**

City Hall Post Office Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
www.charlottesville.org

June 12, 2017

RE: Proposed Woolen Mills Village Historic Conservation District - Council Meeting

Dear Property Owner:

This letter is to inform you, as an affected property owner of property located within the proposed Woolen Mills Village Historic Conservation District, of the recent City poll results, and to notify you of the upcoming City Council meeting date when Council will conduct a public hearing on the proposed historic district.

Of the 85 notices we mailed in May, we received back 65 postcards, or 76% of the total.

The results are as follows:

37 postcards were received marked: NO, I prefer that the following property IS NOT included in the Woolen Mills Village Historic Conservation District.

26 postcards were received marked: YES, I prefer that the following property IS included in the Woolen Mills Village Historic Conservation District.

2 postcards were "returned to sender" in original envelopes with no response.

Council's ultimate action will be based on its assessment of whether or not the proposed conservation district will serve public interests, and its decision will be informed by the results of your response to this poll, along with other factors.

City Council will hold a public hearing (and the first of two required readings) at their regular meeting on **Monday, July 17, 2017, starting at 7:00 p.m. in Council Chambers, City Hall, 605 East Main Street, Charlottesville, Virginia.** An agenda will be posted on the City website.

If you should have any questions regarding this mailing, please contact Mary Joy Scala, Preservation and Design Planner at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org)

Sincerely yours,

Mary Joy Scala  
Preservation and Design Planner



## 10. Eric Hurt petition

**From:** ERIC HURT <ehurt@me.com>  
**Sent:** Thursday, May 11, 2017 10:39 AM  
**To:** Council  
**Cc:** wmna-board; Scala, Mary Joy  
**Subject:** UPDATED: Petition from Woolen Mills Neighborhood to City Council  
**Attachments:** WM Petition 5.11.17 Small.pdf

Dear Council Members,

Attached is an updated petition containing signatures of additional residents who are asking that that the NDS and the WMNA provide an opt-out to the proposed Woolen Mills Historic Conservation District.

If the NDS cannot provide an opt-out, these residents are asking that the proposed district not be passed.

We ask that the WMNA swing it's focus away from this divisive issue and put it's energy towards the many things that the entire neighborhood can agree on.

Thank you,  
Eric M. Hurt

On Mar 10, 2017, at 9:57 AM, ERIC HURT <ehurt@me.com> wrote:

Dear City Council Members,

Attached is an updated petition with additional signatures.

Cheers,  
Eric M. Hurt

<WM Petition 3.10.17..pdf>

On Mar 9, 2017, at 9:14 AM, ERIC HURT <ehurt@me.com> wrote:

Dear City Council Members,

Attached you will find a petition asking the City Council not to allow the proposed Woolen Mills Historic Conservation District to be implemented without an opt-out compromise in place for those who do not wish to be included, or those who believe that individuals should have the right not to be included. The petition is signed by the majority of the actual residents of the Woolen Mills Neighborhood currently included in the proposed district map.

The petition states simply that due to financial burdens this proposed district would put on the residents, among other things, this proposed district should not move forward without an opt-out compromise in place, and available for all affected residents. The majority of residents in the proposed district request that the Council

and the WMNA allow the compromise of an opt-out. If an opt-out compromise is not possible, they insist that you do not approve the proposed Woolen Mills Historic Conservation District.

The signatures on this petition were gathered in a house-to-house, and face-to-face method. This was not a mailed "Poll" or decision by a neighborhood association, but instead individual conversations between neighbors. The findings of these conversations were clear and insightful. We found that many residents, who were once in favor of the proposed district, are, after reading the details of the restrictions it would put on their property and the financial burdens it would impose, are now against it. Other residents who are in favor of their own properties being under the district support a compromise and were happy to support this petition. This petition is supported by residents that have lived here 85 years, 45 years, 33 years, 25 years and on down.

We expect to have additional signatures to add to these already collected and will pass them on to the members as they come in. Please honor the wishes majority of residents and see that this proposed district does not pass without an opt-out compromise in place.

Regards,

-Eric M. Hurt

-Jason Ivey

- Lem Oppenheimer

-Barry Umberger  
<PETITION 3.7.17.pdf>

Eric Hurt  
1502 East Market Street  
Charlottesville, VA 22902

Jason Ivey  
1808 East Market Street  
Charlottesville, VA 22902

Dear Mary Joy Scala,

Attached you will find a petition asking the City Council not to allow the proposed Woolen Mills Historic Conservation District to be implemented without an opt-out compromise in place for those who do not wish to be included, or those who believe that individuals should have the right not to be included. The petition is signed by the majority of the actual residents of the Woolen Mills Neighborhood currently included in the proposed district map.

We realize that you are not a council member, but feel it is necessary for you to be aware that the will of the majority of residents do not approve of the proposed district without an opt-out compromise in place.

The petition states simply that due to financial burdens this proposed district would put on the residents, among other things, this proposed district should not move forward without an opt-out compromise in place, and available for all affected residents. The majority of residents in the proposed district request that the Council and the WMNA allow the compromise of an opt-out. If an opt-out compromise is not possible, they insist that you do not approve the proposed Woolen Mills Historic Conservation District.

The signatures on this petition were gathered in a house-to-house, and face-to-face method. This was not a mailed "Poll" or decision by a neighborhood association, but instead individual conversations between neighbors. The findings of these conversations were clear and insightful. We found that many residents, who were once in favor of the proposed district, are, after reading the details of the restrictions it would put on their property and the financial burdens it would impose, are now against it. Other residents who are in favor of their own properties being under the district support a compromise and were happy to support this petition.

We expect to have additional signatures to add to these already collected and will pass them on to you and the council members as they come in. Please honor the wishes majority of residents and see that this proposed district does not pass without an opt-out compromise in place.

Regards,  
-Eric M. Hurt  
-Jason Ivey

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name: Stacey Parmenter

Address: 1504 E Market St. Charlottesville Va 22902

I live within the proposed district: Yes  No

Name: LAURA P CARRISON

Address: 1502 E MARKET ST CHARLOTTA VA 22902

I live within the proposed district: Yes  No  (OWNER)

Name: William Payne 3/6/17

Address: 1805 Chesapeake St

I live within the proposed district: Yes  No

Name: Diane Ober

Address: 210 18<sup>th</sup> St, N. Va. 22901

I live within the proposed district: Yes  No

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name: Connor Childress connor.childress@gmail.com

Address: 1516 E Market St

I live within the proposed district: Yes  No

Name: Nichole Martin

Address: 1600 E Market

I live within the proposed district: Yes  No

Name: BETTY LOU SCRUGGS

Address: 1609 E MARKET ST

I live within the proposed district: Yes  No

Name: Greg Goibard

Address: 1612 E MARKET

I live within the proposed district: Yes  No

85  
Yes  
Resident

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name: Bolanle Adeboye

Address: 1810 East Market Street

I live within the proposed district: Yes  No

Name: JONATHAN SATEER

Address: 1717 E. Market St

I live within the proposed district: Yes  No

Name: JUDY MARE JOHNSON

Address: 1402 east market st

I live within the proposed district: Yes  No

Name: JUDY MARE JOHNSON

Address: 1400 east market

I live within the proposed district: Yes  No

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name: John N Anderson 3-3-17

Address: 102 LENOX Lane Charlotte

I live within the proposed district: Yes  No

Name: Tamara L. Bartlett

Address: 100 Lenox Ln tamara@wmls.com  
3mail.com

I live within the proposed district: Yes  No

Name: Melissa M. Parrish

Address: 1618 E. Market St.

I live within the proposed district: Yes  No

Name: James G. Hart JHART46201@wml.com

Address: 1715 E Market St. 3-3-17

I live within the proposed district: Yes  No

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name: Gillian Kyles + Harriet Raiford.

Address: 203 Riverside Avenue.

I live within the proposed district: Yes  No

Name: James R Spence

Address: 1503 1/2 Chesapeake St

I live within the proposed district: Yes  No

Name: Bev Wann B/Wann

Address: 1735 Chesapeake St 3/5/10

I live within the proposed district: Yes  No

Name: Roger Vossinet Rog & Vossinet

Address: 1317 + 1510 + 1907 E. Market 3/5/17

I live within the proposed district: Yes  No



WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name: BARRY UMBERGER

Address: 1701 EAST MARKET

I live within the proposed district: Yes  No

Name: DARA UMBERGER

Address: 1701 EAST MARKET

I live within the proposed district: Yes  No

Name: ED LEWIS

Address: 1617 E MARKET ST.

I live within the proposed district: Yes  No

Name: LEM OPPENHEIMER

Address: 1615 EAST MARKET ST.

I live within the proposed district: Yes  No

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name: Katie + Corrina Hanson 3/2/17

Address: 1703 E Market Street

I live within the proposed district: Yes  No

Name: Nathaniel Galea

Address: 1810 B Market St / Cville VA

I live within the proposed district: Yes  No

Name: ERIC T. ZIMMER

Address: 1510 S. MARKET ST

I live within the proposed district: Yes  No

Name: Thomas R. Montes Jr

Address: 1504 E. Market St Charlottesville

I live within the proposed district: Yes  No

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name: Jeff Gregerson

Address: 1613 E Market St

I live within the proposed district: Yes  No

Name: Jason Tracy

Address: 1808 E Market St

I live within the proposed district: Yes  No

Name: James J. [unclear] 26 Feb 2017

Address: 1603 E Market

I live within the proposed district: Yes  No

Name: [unclear] March 2nd 2017

Address: 1619 E. Market St.

I live within the proposed district: Yes  No

verve1900@gmail.com

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name: Will Kerner

Address: 1620 E - Market St.

I live within the proposed district: Yes  No

Name: ~~J. Han~~  
Floyd Han / Eric Han 3/7/17

Address: 1502 E MARKET ST.

I live within the proposed district: Yes  No

Name: Jennifer Tidwell

Address: 1725 Chesapeake St. 3/9/17

I live within the proposed district: Yes  No

Name: Darlene Bunn

Address: 1723 Chesapeake St, Coville, VA 22902

I live within the proposed district: Yes  No

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed districts without an Opt-Out in place.

Name: GOR Land Trust by Ed Brownfield

Address: 1731 Chesapeake St.

I live within the proposed district: Yes  No

I own property within the proposed district

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I live within the proposed district: Yes  No

Name: Sarah McConnell

Address: 1803 Chesapeake Street

I live within the proposed district: Yes  No

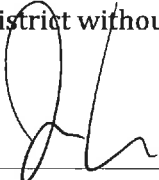
Name: \_\_\_\_\_

Address: \_\_\_\_\_

I live within the proposed district: Yes  No

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name:  **Jonathan Lavezzo**

Address: **1712 east market st**

I live within the proposed district: Yes  No

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I live within the proposed district: Yes  No

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I live within the proposed district: Yes  No

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I live within the proposed district: Yes  No

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name: STEVE RIGGS / SE ✓

Address: 1610 E MARKET ST

I live within the proposed district: Yes  No

Name: Betty J. Dominick

Address: 1610 E Market St

I live within the proposed district: Yes  No

Name: Virginia Spencer

Address: 1800 Chesapeake Street

I live within the proposed district: Yes  No

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I live within the proposed district: Yes  No

WOOLEN MILLS HISTORIC CONSERVATION DISTRICT  
COMPROMISE PETITION

In order to protect neighbors who may not be able to afford approval to alter or build on their Woolen Mills properties I support an Opt-Out compromise to the proposed Historic Conservation District. We ask the City Council not to approve the proposed district without an Opt-Out in place.

Name: Lasz Schultz 

Address: 1809 E. Market St. C'ile 22902

I live within the proposed district: Yes  No

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I live within the proposed district: Yes  No

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I live within the proposed district: Yes  No

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I live within the proposed district: Yes  No



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 17, 2017
Action Required:	Approval of Resolutions for Re-Allocation of Existing CIP Funds – McIntire Park RR Pedestrian Bridge and Skate Park
Presenter:	Doug Ehman, Manager, Parks Division Vic Garber, Manager, Recreation Division Chris Gensic, Parks and Trails Planner
Staff Contacts:	Brian Daly, Director, Parks and Recreation
<b>Title:</b>	<b>Re-Allocation of Existing CIP Funds – McIntire Park RR Pedestrian Bridge and Skate Park</b>

**Background:**

Two large projects within McIntire Park, the bicycle and pedestrian bridge over the Norfolk Southern Railroad, and the new skate park on the east side of the park, have reached the point where a determination of the use of existing CIP funds for the two projects is required.

The bicycle and pedestrian bridge over the railroad linking the two sides of McIntire Park has been a community priority for many years. It was noted in the 1972 Master Plan for the park as well as in many subsequent plans for the area:

- 1983 Park Master Plan
- 2003 Bicycle/Pedestrian Master Plan
- 2007 City Comprehensive Plan
- 2008 West Side McIntire Park Master Plan
- 2012 East Side McIntire Park Master Plan
- 2013 City Comprehensive Plan
- 2015 Conceptual Design for East Side of McIntire Park

This bridge is a critical link in the east/west connectivity of off-street transportation along the 250 bypass commuter trail. The City has worked for many years to seek funding grants and approvals from the Norfolk Southern Railroad and the Virginia Department of Transportation to complete this link. Bids were received March 22, 2017 and the low bid from Corman Construction was \$2,013,387. Current fund balance in Project P-00673 (RR Bridge) is \$1,292,272. There will be additional costs for railroad flagging during construction as well as construction management. Cost summary below:

	RR Bridge
Low Bid	2,013,387
Flagging	208,248
Construction Mgmt	140,000
Contingency	100,000
Subtotal	2,461,635
Current Balance P-00673	1,292,272
Additional Required	1,169,363

A new skate park, included in the master plan and schematic design for the east side of McIntire Park (approved by City Council in 2012 and 2015 respectively) is also a community priority and is currently located in a temporary manner on the east side of McIntire Park in the old golf course parking lot.

Bids were received January 24, 2017 for the construction of the new skate park and the low bidder was Martin Horn with a bid price of \$2,436,995. Following lengthy negotiations and the removal of lights from the first phase of the project construction, staff and Martin Horn have agreed upon a final construction cost of \$1,985,163. Further cost savings were achieved by working with City Facilities Development staff in the Public Works Department, who will provide construction management services for the skate park project. Current fund balance in Project P-00733 (Skate Park Relocation) is \$1,503,748. Cost Summary Below:

	Skate Park
Low Bid	1,985,163
Contingency	100,000
Subtotal	2,085,163
Current Balance P-00733	1,503,748
Additional Required	581,415

**Discussion:**

Total Funding for the two projects is 4,546,798. Total available funding is outlined below.

Current	Code	Balance
McIntire Master Plan	P-00207	2,219,327
Skate Park	P-00733	1,503,748
Railroad Bridge	P-00673	1,292,272
	Total	5,015,347

Please note that the balances listed above are a combination of amounts that will carry over from FY (fiscal year) 17 to FY18 as well as new money, which was included in the FY18 budget. It should be noted that funding from the FY17 carryovers are subject to adjustment until the FY17 audit is completed. Should account balance changes occur, staff will adjust the transfer amount to fully fund the project.

Staff recommends using existing CIP funds from these three projects in an aggregate manner to accomplish the long-held goal of the pedestrian bridge over the railroad and completion of the skate park in a comprehensive manner.

Transferring required funding from the McIntire Park Master Plan account (P-00207) to both the bridge and skate park projects would leave a balance of \$468,549. This amount will allow for the further investment in completing the schematic design for the east side of the park, including the trail from the RR bridge to the U.S. 250 / John Warner Parkway and a smaller pedestrian bridge in the northern portion of the park connecting the botanical garden area to the trail systems south of a tributary to Schenk's Branch.

**Community Engagement:**

Extensive community engagement took place as part of the Master Planning of the east side of McIntire Park, as well as a separate and distinct design process for the skate park that also included extensive community engagement. The Conceptual design for the east side of the park was approved by City Council in March of 2015 and includes both amenities.

**Alignment with City Council's Vision and Strategic Plan:**

This project aligns with City Council's "Green City" vision and contributes to Goal 2 of the Strategic Plan: Be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

**Budgetary Impact:**

No additional funding is required to be appropriated. The funding sources recommended for use have been appropriated by City Council through prior actions, including a \$25,000 grant toward the skate park from the Tony Hawk Foundation. Upon completion of both projects, remaining funds can be reallocated back to the primary McIntire Park capital account for future park renovation needs.

**Recommendation:**

Staff recommends this approach to utilize existing appropriated funds to complete two major projects within McIntire Park.

**Alternatives:**

Council may choose to an alternative path forward or approve this funding approach.

**Attachments:**

Resolutions – Re-allocation of CIP Funding

**RESOLUTION**

**McIntire Park CIP funding for Railroad Bridge Project  
\$1,169,363**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has been awarded \$1,096,295 from the Virginia Department of Transportation to construct a bicycle and pedestrian trail bridge across the railroad at McIntire Park; and

**WHEREAS**, the City needs to provide additional local funds in the amount of \$1,169,363 from the McIntire Park Improvement CIP fund (P-00207); and

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$1,169,363 is hereby appropriated in the following manner:

**Budget Transfer From**

\$1,169,363    Fund: 426                      WBS: P-00207                      G/L Account: 599999

**Budget Transfer To**

\$1,169,363    Fund: 426                      WBS: P-00673                      G/L Account: 599999

Be it further resolved that the amount of this transfer is contingent upon the closeout of Fiscal Year 2017, and the transfer amount noted above could be subject to change but will be limited to an amount that results in a total project budget in account P-00673 that does not exceed \$2,461,635.

**RESOLUTION**

**McIntire Park CIP funding for Skate Park Project  
\$ 581,415**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has received bids and negotiated a price with the low bidder to construct the Skate Park within McIntire Park; and

**WHEREAS**, the City needs to provide additional local funds in the amount of \$ 581,415 from the McIntire Park Improvement CIP fund (P-00207); and

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$ 581,415 is hereby appropriated in the following manner:

**Budget Transfer From**

\$ 581,415      Fund: 426                      WBS: P-00207                      G/L Account: 599999

**Budget Transfer To**

\$ 581,415      Fund: 426                      WBS: P-00733                      G/L Account: 599999

Be it further resolved that the amount of this transfer is contingent upon the closeout of Fiscal Year 2017 and the transfer amount noted above could be subject to change but will be limited to an amount that results in a total project budget in account P-00733 that does not exceed \$2,085,163.

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**Rivanna Water & Sewer Authority**  
**Rivanna Solid Waste Authority**  
695 Moores Creek Lane  
Charlottesville, Virginia 22902-9016  
434.977.2970 • 434.293.8858 Fax  
www.rivanna.org

## MEMORANDUM

**TO: THE HONORABLE CHARLOTTESVILLE CITY COUNCIL**

**FROM: BILL MAWYER, EXECUTIVE DIRECTOR  
RIVANNA WATER & SEWER AUTHORITY  
RIVANNA SOLID WASTE AUTHORITY**

**SUBJECT: QUARTERLY UPDATE**

**DATE: July 17, 2017**

This quarterly update to provide information on drinking water, wastewater and solid waste projects currently in the planning, design or construction phases for the Rivanna Authorities. A general overview of the current and upcoming Capital Improvement Projects follows:

1. Odor Reductions at Moores Creek Wastewater Plant

Scope: Provide two clarifier covers, one air scrubber, wastewater containment pipe, and chemical neutralizers.

Status: Clarifier covers and chemical neutralizers have reduced odor levels. Construction of permanent facilities continues.

Completion: January 2018

Cost: \$10 million

2. Rivanna Wastewater Pump Station

Scope: Replace existing pump station and increase wastewater pumping capacity from 25 to 53 million gallons per day.

Completion: July 2017

Cost: \$32 million

3. Granular Activated Carbon Facilities

Scope: Add GAC contactors at all five water treatment plants to minimize disinfection byproducts in our drinking water.

Completion: December 2017

Cost: \$29 million

4. Water Treatment Plant Improvements

Scope: Replace equipment which has reached end-of-service life at the South Rivanna, Observatory, and Crozet Water Treatment Plants.

Completion: 2019-2021

Cost: \$20 million

5. South Fork Rivanna to Ragged Mountain Reservoir Pipeline Right-of-Way

Scope: Determine alignment and acquire rights-of-way for pipeline to transfer raw water between the South Rivanna Reservoir to Ragged Mountain Reservoir, as set forth by the community water supply plan.

Completion: 2017-2022

Cost: \$2.3 million

5. Avon Street to Pantops Water Main

Scope: Provide a drinking water main between water storage tanks located on Pantops and Avon Street to improve hydraulic connectivity between the two tanks.

Completion: 2020-2023

Cost: \$13 million

8. Replace Ivy Transfer Station

Scope: Provide 11,600 sq. ft waste transfer station and demolish the existing transfer station.

Construction: 2017-2018

Cost: \$2.5 million

cc: RSWA Board of Directors  
RWSA Board of Directors



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 17, 2017
Action Required:	seeking Council direction
Presenter:	Alex Ikefuna, NDS Director
Staff Contacts:	City Attorney's Office: Lisa Robertson, Andrew Gore NDS: Alex Ikefuna, Stacy Pethia City Manager's Office: Brenda Kelley
Title:	<b>Council's Request for Information on Community Development Corporations</b>

**Background:**

One or more City Council members have requested information on Community Development Corporations, specifically: whether or not Council could form such a corporation in order to itself undertake redevelopment activities for construction of affordable housing. For the reasons discussed below, we are of the opinion that City Council itself is not authorized to form a development corporation to undertake redevelopment activities, but that other alternatives may be available to Council.

**Discussion:**

By law in Virginia, under what's referred to as Dillon's Rule of statutory construction: a municipal corporation such as the City of Charlottesville has only those powers that are expressly granted by the General Assembly ("enabling legislation"), or powers that may necessarily or fairly be implied from expressly-granted powers. Within Virginia Code §36-19, the General Assembly has expressly granted to every *Redevelopment and Housing Authority* the following powers (among others):

(2) Within its area of operation **1** to prepare, carry out, acquire, lease and operate housing projects and residential buildings, and **to provide for the construction, reconstruction, improvement, alteration or repair of any housing project **2**, residential building, or any part thereof,**

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**1** The CRHA's "area of operation" consists of the entire City, see Va. Code §36-3.

**2** In Va. Code §36-3, the term "housing project" is defined to mean any work or undertaking: (i) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adoption of such area to public purposes, including parks or other recreational or community purposes; or (ii) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low and moderate income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or (iii) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures or improvements, the

and to construct, remodel or renovate any public building or other facility used for public purposes provided the authority is requested to do so by the governing body of the political subdivision wherein the public building or facility is located....and

**(12) With the approval of the local governing body or its designee, to form corporations, partnerships, joint ventures, trusts, or any other legal entity or combination thereof, on its own behalf or with any person or public or private entity....**

We have found no enabling legislation that expressly confers these same powers on a city or municipality; therefore, we must conclude that the City Council cannot, independently of CRHA, form a development corporation for the purpose of providing for the construction or reconstruction of any development within the definition of “housing project” set forth within Virginia Code §36-3.

Alternatives:

There are a number of alternative options that City Council may consider.

(1) **Incentives for Private Development involving repair or production of affordable housing**: Enabling legislation for this type of incentive program is set forth within Va. Code §15.2-958. This statute authorizes the City to offer public funding to owners of residential rental property that is occupied, or that will be occupied, following rehabilitation or after construction (if new), by persons of low and moderate income, for the purpose of rehabilitating or producing such property. Any property owner who accepts public funding offered pursuant to this incentive program must demonstrate that, upon completion of rehabilitation or construction, **at least 20 percent of the dwelling units rehabilitated or constructed will be occupied by low and moderate income persons, for a minimum of 10 years. The recipient does not need to be a non-profit entity.** In connection with this type of program, the enabling legislation would also allow City Council to provide in-kind services (e.g., construction of streets, utilities, parks, parking facilities, and other site improvements essential to the planned rehabilitation or development). City Council could, if it chooses, adopt an ordinance authorizing this incentive program and authorizing Charlottesville Affordable Housing Fund (CAHF) money to be used for this purpose.

(2) **Land Bank Corporation**: in 2016 the General Assembly adopted legislation authorizing a locality, by ordinance, to create a land bank entity as a corporation, for the purpose of assisting the locality to address vacant, abandoned and tax delinquent properties. A Land Bank entity must have at least five (5) members, and may enter into an agreement with a locality for staffing services; the members don't need to be from any particular groups or professions, but may not have any direct or indirect interest in the transactions or holdings of the entity. The new legislation does not limit the activities of a Land Bank, or its property acquisitions, to any particular geographic area within the locality. A Land Bank can sue and be sued in its own name (including actions to clear title to property); can borrow money from private lenders as well as the locality; can enter into contracts; can manage rental property; can sell property; can “design, develop, **construct**, demolish, reconstruct,

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construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

rehabilitate, renovate, relocate, **and otherwise improve real property** or rights or interests in real property”; can enter into collaborative relationships with municipalities, and other public and private entities for the ownership, management, development and disposition of real property; and **may acquire or accept transfers of real estate from any source**, including a locality. **See Va. Code §15.2-7506**. Within an ordinance creating a Land Bank, a locality may establish a ranking of priorities for the use of real property conveyed by a Land Bank to third parties, including: affordable housing; public spaces; retail, commercial, industrial activities; or preservation of historic properties. Significantly, a locality may remit to the Land Bank up to 50% of real estate taxes collected on real property acquired by a person *from* the Land Bank, for a period of up to 10 years after the conveyance.

- (3) **Housing Rehabilitation Zones**: pursuant to Virginia Code §36-55.64, City Council may, by ordinance, establish “**housing rehabilitation zones**” (**HRZ**) to provide incentives and regulatory flexibility for certain housing development activities. Special zoning can be established for an HRZ; tax liens on property can be waived to facilitate a sale of a delinquent property to a new owner who will renovate, rehabilitate or replace an existing housing unit; the City may establish a service district within an HRZ, to provide additional or more complete public services within the HRZ (e.g., water; sewerage; economic development services; promotion of business and retail development; public parking; etc.). An HRZ, once established, is deemed to meet the state’s requirements for designation of “**housing revitalization**”—a designation which renders a housing development project eligible for state financing as an economically mixed project. A real estate tax exemption program could be established by Council, for new structures constructed in a rehabilitation zone, and for improvements to existing structures. *See* §58.1-3219.4. (The City Assessor’s Office would need to actively participate in developing a tax incentive program; that office would largely be responsible for implementing/administering the program).
- (4) **Establish A More Robust Zoning Incentive Program**: currently, the City’s Zoning ADU Program applies only in relation to landowners seeking a rezoning or special use permit for a particular development; the existing program is the result of special legislation obtained by the City from the General Assembly. Separate legislation, set forth within Virginia Code §15.2-2305, authorizes all localities to establish density bonuses, or other incentives, applicable to “by-right” development. Among the options authorized for such an incentive program are (i) an **Exclusive Right for the City or its designee to purchase** up to one-third (1/3) of for-sale ADUs, within 90 days of their being completed and ready for purchase (with the remaining 2/3 required to be offered for sale exclusively to income qualified purchasers, for a period of 90 days); and (ii) an **exclusive right for the City or its designee to lease up to a specified percentage of the rental ADUs** within a controlled period of time, with the remaining percentage of ADUS to be offered to income-qualified persons for a specified period of time. These provisions would facilitate partnerships between the City and third-parties such as a Land Bank, private developers/ contractors, local nonprofit entities, or other “designees” of City Council, to provide for long-term availability (15-50 years) of a supply of affordable housing units.
- (5) **Community-Based Development Organizations (CDBO)**: federal law allows localities to provide Community Development Block Grant (CDBG) funds, as grants or loans, to a CBDO, to carry out neighborhood revitalization or community

economic development projects. A CDBO's activities must take place within a defined geographic area, which can't be the entire area of the City. A CDBO itself must carry out an eligible project. (This means that the CDBO would either need to undertake CDBG-funded activities itself, or through a contractor *other than* the City, or the CDBO could provide financial assistance for activities in which it retains a direct and controlling involvement and responsibilities. Federal regulations require the governing board of a CDBO to consist of at least 51 percent (i) low- and moderate-income residents of its geographic area of operation, (ii) officers or owners of private establishments or institutions in that geographic area, and/or (iii) representatives of low- and moderate-income neighborhood associates located in the geographic area. All members of the governing board must be nominated and approved by the general membership of the organization, or by its permanent governing body.

**Alignment with Council Vision Areas and Strategic Plan:**

N/A at this time

**Community Engagement:**

N/A at this time

**Budgetary Impact:**

N/A at this time

**Recommendation:** we recommend that Council provide direction to staff, the HAC and the Planning Commission as to which of the above-referenced alternatives Council might wish to develop as an action-item, and in what time period.

**Attachments:** copies of statutes referenced within Alternatives (1)-(4).

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Chapter 75. Land Bank Entities Act

## § 15.2-7506. Powers of land bank entity.

A. The land bank entity shall have the power to:

1. Adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;
2. Sue and be sued in its own name and plead and be interpleaded in all civil actions, including actions to clear title to property of the land bank entity;
3. Adopt a seal and alter the same at its pleasure;
4. Borrow money from private lenders, localities, or the state or from federal government funds, as may be necessary, for the operation and work of the land bank entity;
5. Procure insurance or guarantees from the Commonwealth or federal government of the payments of any debts or parts thereof incurred by the land bank entity and pay premiums in connection therewith;
6. Enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers;
7. Enter into contracts and other instruments necessary, incidental, or convenient to the performance of functions by the land bank entity on behalf of localities or agencies or departments of localities or to the performance by localities or agencies or departments of localities of functions on behalf of the land bank entity;
8. Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land bank entity;
9. Procure insurance against losses in connection with the real property, assets, or activities of the land bank entity;
10. Invest funds of the land bank entity, at the discretion of the board, in instruments, obligations, securities, or real property determined proper by the board and name and use depositories for its funds;
11. Enter into contracts for the management of, the collection of rent from, or the sale of real property of the land bank entity;
12. Design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, and otherwise improve real property or rights or interests in real property;
13. Fix, charge, and collect rents, fees, and charges for the use of real property of the land bank entity and for services provided by the land bank entity;

14. Grant or acquire a license, easement, lease, or option with respect to real property of the land bank entity;

15. Enter into partnerships, joint ventures, and other collaborative relationships with municipalities and other public and private entities for the ownership, management, development, and disposition of real property;

16. Accept grants and donations from any source, as may be necessary, for the operations of the land bank entity;

17. Accept real estate from any source, subject to the limitations and restrictions set out in § 15.2-7507;

18. Make loans or provide grants to carry out activities consistent with the purposes of the land bank entity; and

19. Do all other things necessary or convenient to achieve the objectives and purposes of the land bank entity or other laws that relate to the purposes and responsibility of the land bank entity.

B. The land bank entity shall neither possess nor exercise the power of eminent domain.

2016, cc. 159, 383.

## § 36-55.64. Creation of local housing rehabilitation zones

A. Any city, county, or town may establish, by ordinance, one or more housing rehabilitation zones for the purpose of providing incentives and regulatory flexibility in such zone.

B. The incentives provided in a housing rehabilitation zone may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) waiver of tax liens to facilitate the sale of property that will be substantially renovated, rehabilitated or replaced.

C. Incentives established pursuant to this section may extend for a period of up to 10 years from the date of initial establishment of the housing rehabilitation zone; however, the extent and duration of any incentive shall conform to the requirements of applicable federal and state law.

D. The regulatory flexibility provided in a housing rehabilitation zone may include, but not be limited to (i) special zoning for the district, (ii) the use of a special permit process, (iii) exemption from certain specified ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), and the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq.), and (iv) any other incentives adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

E. The governing body may establish a service district for the provision of additional public services pursuant to Chapter 24 (§ 15.2-2400 et seq.) of Title 15.2.

F. Each locality establishing a housing rehabilitation zone pursuant to this section may also apply for the designation of a housing revitalization zone pursuant to Chapter 11 (§ 36-157 et seq.). Nothing in this chapter shall preclude such dual designation.

G. Any housing rehabilitation zone established pursuant to this chapter shall be deemed to meet the requirements for designation of housing revitalization eligible to be financed as an economically mixed project pursuant to § 36-55.30:2.

H. This section shall not authorize any local government powers that are not expressly granted herein.

2006, c. 711;2013, cc. 756, 793;2016, c. 331.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia  
Title 58.1. Taxation  
Chapter 32. Real Property Tax

## § 58.1-3219.4. Partial exemption for structures in redevelopment or conservation areas or rehabilitation districts.

For purposes of this section, unless the context requires otherwise:

"Redevelopment or conservation area or rehabilitation district" means a redevelopment or conservation area or a rehabilitation district established in accordance with law.

- A. The governing body of any county, city, or town may, by ordinance, provide for the partial exemption from taxation of (i) new structures located in a redevelopment or conservation area or rehabilitation district or (ii) other improvements to real estate located in a redevelopment or conservation area or rehabilitation district. The governing body of a county, city, or town may (a) establish criteria for determining whether real estate qualifies for the partial exemption authorized by this section, (b) establish requirements for the square footage of new structures that would qualify for the partial exemption, and (c) place such other restrictions and conditions on such new structures or improvements as may be prescribed by ordinance.
- B. The partial exemption provided by the local governing body shall be provided in the local ordinance and shall be either (i) an amount equal to the increase in assessed value or a percentage of such increase resulting from the construction of the new structure or other improvement to the real estate as determined by the commissioner of the revenue or other local assessing officer, or (ii) an amount up to 50 percent of the cost of such construction or improvement, as determined by ordinance. The exemption may commence upon completion of the new construction or improvement or on January 1 of the year following completion of the new construction or improvement and shall run with the real estate for a period of no longer than 15 years. The governing body of a county, city, or town may place a shorter time limitation on the length of such exemption, or reduce the amount of the exemption in annual steps over the entire period or a portion thereof, in such manner as the ordinance may prescribe.
- C. The local governing body or its designee shall provide written notification to the property owner of the amount of the assessment of the property that will be exempt from real property taxation and the period of such exemption. Such exempt amount shall be a covenant that runs with the land for the period of the exemption and shall not be reduced by the local governing body or its designee during the period of the exemption, unless the local governing body or its designee by written notice has advised the property owner at the initial time of approval of the exemption that the exempt amount may be decreased during the period of such exemption. In no event, however, shall such partial exemption result in totally exempting the value of the structure.
- D. Nothing in this section shall be construed so as to permit the commissioner of the revenue to list upon the land book any reduced value due to the exemption provided in subsection B.
- E. The governing body of any county, city, or town may assess a fee not to exceed \$125 for residential properties, or \$250 for commercial, industrial, and/or apartment properties of six



units or more, for processing an application requesting the exemption provided by this section. No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the commissioner of the revenue or assessing officer has verified that the new structures or other improvements have been completed.

F. Where the construction of a new structure is achieved through demolition and replacement of an existing structure, the exemption provided in subsection A shall not apply when any structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

2006, c. 572; 2011, cc. 423, 460.

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Chapter 9. General Powers of Local Governments

## § 15.2-958. Local funding for repair or production of low and moderate income rental property or repair of residential property; other housing experiments.

It is hereby declared that the preservation of existing housing in safe and sanitary condition and the production of new housing for persons of low and moderate income are public purposes and uses for which public money may be spent, and that such preservation and production are governmental functions of concern to the Commonwealth. Therefore, the governing body of any locality may provide by ordinance that such locality may make grants or loans to owners of residential rental property occupied, or to be occupied, following rehabilitation or after construction if new, by persons of low and moderate income, for the purpose of rehabilitating or producing such property. Owners assisted in this manner must provide a minimum of 20 percent of the units for low and moderate income persons as defined by the locality for a minimum of 10 years. Participation by an owner under this section is voluntary.

Any locality in the ordinance herein authorized may:

1. Provide for the installation, construction, or reconstruction of streets, utilities, parks, parking facilities, playgrounds, and other site improvements essential to the development, preservation or rehabilitation planned;
2. Provide encouragement or financial assistance to the owners or occupants for developing or preserving and upgrading apartment buildings and for improving health and safety, conserving energy, preventing erosion, enhancing the neighborhood, and reducing the displacement of low and moderate income residents of the property;
3. Require that the owner agree to maintain a portion of the property in residential rental use for a period longer than ten years and that a portion of the dwelling units in the property be offered at rents affordable to persons or families of low and moderate income;
4. Provide that the value of assistance given by the locality under subdivisions 1 and 2 above be proportionate to the value of considerations rendered by the owner in maintaining a portion of the dwelling units at reduced rents for persons or families of low and moderate income; and
5. Make loans or grants of local funds to individuals for the purpose of rehabilitating owner-occupied residences or assisting in the purchase of an owner-occupied residence in designated conservation or rehabilitation districts. The locality shall publish annually a report listing the property purchased or rehabilitated pursuant to this provision and the amounts of any grants or loans made for such purpose. Such ordinance shall require that any such loans or grants be applied using the income guidelines issued by the Virginia Housing Development Authority for use in its single family mortgage loan program financed with bonds on which the interest is exempt from federal income taxation. The locality shall offer financial institutions as defined in §

6.2-604 the opportunity to participate in local loan programs established pursuant to this subsection.

1988, c. 862, § 15.1-37.3:9; 1993, c. 791; 1995, c. 393; 1997, c. 587; 2008, c. 580.

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Chapter 22. Planning, Subdivision of Land and Zoning

### § 15.2-2305. Affordable dwelling unit ordinances.

A. In furtherance of the purpose of providing affordable shelter for all residents of the Commonwealth, the governing body of any locality, other than localities to which § 15.2-2304 applies, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low and moderate income citizens, determined in accordance with the locality's definition of affordable housing, by providing for increases in density to the applicant in exchange for the applicant providing such affordable housing. Any local ordinance providing optional increases in density for provision of low and moderate income housing adopted before December 31, 1988, shall continue in full force and effect. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing. Counties to which § 15.2-2304 applies shall be governed by the provisions of § 15.2-2304 for purposes of the adoption of an affordable dwelling unit ordinance.

B. Any zoning ordinance establishing an affordable housing dwelling unit program may include, among other things, reasonable regulations and provisions as to any or all of the following:

1. A definition of affordable housing and affordable dwelling units.
2. For application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or a portion thereof at one location which is the subject of an application for rezoning or special exception or, at the discretion of the local governing body, site plan or subdivision plat which yields, as submitted by the applicant, at an equivalent density greater than one unit per acre and which is located within an approved sewer area.
3. For an increase of up to 30 percent in the developable density of each site subject to the ordinance and for a provision requiring up to 17 percent of the total units approved, including the optional density increase, to be affordable dwelling units, as defined in the ordinance. In the event a 30 percent increase is not achieved, the percentage of affordable dwelling units required shall maintain the same ratio of 30 percent to 17 percent.
4. For increases by up to 30 percent of the density or of the lower and upper end of the density range set forth in the comprehensive plan of such locality applicable to rezoning and special exception applications that request approval of single family detached dwelling units or single family attached dwelling units, when such applications are approved after the effective date of a local affordable housing zoning ordinance amendment.

5. For a requirement that not less than 17 percent of the total number of dwelling units approved pursuant to a zoning ordinance amendment enacted pursuant to subdivision B 4 of this section shall be affordable dwelling units, as defined by the local zoning ordinance unless reduced by the 30 to 17 percent ratio pursuant to subdivision B 3 of this section.

6. For establishment of a local housing fund as part of its affordable housing dwelling unit program to assist in achieving the affordable housing goals of the locality pursuant to this section. The local housing fund may be a dedicated fund within the other funds of the locality, but any funds received pursuant to this section shall be used for achieving the affordable housing goals of the locality.

7. For reasonable regulations requiring the affordable dwelling units to be built and offered for sale or rental concurrently with the construction and certificate of occupancy of a reasonable proportion of the market rate units.

8. For standards of compliance with the provisions of an affordable housing dwelling unit program and for the authority of the local governing body or its designee to enforce compliance with such standards and impose reasonable penalties for noncompliance, provided that a local zoning ordinance provide for an appeal process for any party aggrieved by a decision of the local governing body.

C. For any building which is four stories or above and has an elevator, the applicant may request, and the locality shall consider, the unique ancillary costs associated with living in such a building in determining whether such housing will be affordable under the definition established by the locality in its ordinance adopted pursuant to this section. However, for localities under this section in Planning District Eight, nothing in this section shall apply to any elevator structure four stories or above.

D. Any ordinance adopted hereunder shall provide that the local governing body shall have no more than 280 days in which to process site or subdivision plans proposing the development or construction of affordable housing or affordable dwelling units under such ordinance. The calculation of such period of review shall include only the time that plans are in review by the local governing body and shall not include such time as may be required for revision or modification in order to comply with lawful requirements set forth in applicable ordinances and regulations.

E. A locality establishing an affordable housing dwelling unit program in any ordinance shall establish in its general ordinances, adopted in accordance with the requirements of subsection B of § 15.2-1427, reasonable regulations and provisions as to any or all of the following:

1. For administration and regulation by a local housing authority or by the local governing body or its designee of the sale and rental of affordable units.

2. For a local housing authority or local governing body or its designee to have an exclusive right to purchase up to one-third of the for-sale affordable housing dwelling units within a development within ninety days of a dwelling unit being completed and ready for purchase, provided that the remaining two-thirds of such units be offered for sale exclusively for a ninety-

day period to persons who meet the income criteria established by the local housing authority or local governing body or the latter's designee.

3. For a local housing authority or local governing body or its designee to have an exclusive right to lease up to a specified percentage of the rental affordable dwelling units within a development within a controlled period determined by the housing authority or local governing body or its designee, provided that the remaining for-rental affordable dwelling units within a development be offered to persons who meet the income criteria established by the local housing authority or local governing body or its designee.
4. For the establishment of jurisdiction-wide affordable dwelling unit sales prices by the local housing authority or local governing body or the latter's designee, initially and adjusted semiannually, based on a determination of all ordinary, necessary and reasonable costs required to construct the affordable dwelling unit prototype dwellings by private industry after considering written comment by the public, local housing authority or advisory body to the local governing body, and other information such as the area's current general market and economic conditions, provided that sales prices not include the cost of land, on-site sales commissions and marketing expenses, but may include, among other costs, builder-paid permanent mortgage placement costs and buy-down fees and closing costs except prepaid expenses required at settlement.
5. For the establishment of jurisdiction-wide affordable dwelling unit rental prices by a local housing authority or local governing body or its designee, initially and adjusted semiannually, based on a determination of all ordinary, necessary and reasonable costs required to construct and market the required number of affordable dwelling rental units by private industry in the area, after considering written comment by the public, local housing authority, or advisory body to the local governing body, and other information such as the area's current general market and economic conditions.
6. For a requirement that the prices for resales and rerentals be controlled by the local housing authority or local governing body or designee for a period of not less than 15 years nor more than 50 years after the initial sale or rental transaction for each affordable dwelling unit, provided that the ordinance further provide for reasonable rules and regulations to implement a price control provision.
7. For establishment of an affordable dwelling unit advisory board which shall, among other things, advise the jurisdiction on sales and rental prices of affordable dwelling units; advise the housing authority or local governing body or its designees on requests for modifications of the requirements of an affordable dwelling unit program; adopt regulations concerning its recommendations of sales and rental prices of affordable dwelling units; and adopt procedures concerning requests for modifications of an affordable housing dwelling unit program. Members of the board, to be ten in number and to be appointed by the governing body, shall be qualified as follows: two members shall be either civil engineers or architects, each of whom shall be registered or certified with the relevant agency of the Commonwealth, or planners, all of whom shall have extensive experience in practice in the locality; one member shall be a real estate salesperson or broker, licensed in accordance with Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1; one member shall be a representative of a lending institution which finances residential development in the locality; four members shall consist of a representative from a local housing

authority or local governing body or its designee, a residential builder with extensive experience in producing single-family detached and attached dwelling units, a residential builder with extensive experience in producing multiple-family dwelling units, and a representative from either the public works or planning department of the locality; one member may be a representative of a nonprofit housing organization which provides services in the locality; and one citizen of the locality. At least four members of the advisory board shall be employed in the locality.

F. A locality establishing an affordable housing dwelling unit program in any ordinance shall establish in its general ordinances, adopted in accordance with the requirements of subsection B of § 15.2-1427, reasonable regulations and provisions as to the following:

The sales and rental price for affordable dwelling units within a development shall be established such that the owner/applicant shall not suffer economic loss as a result of providing the required affordable dwelling units. "Economic loss" for sales units means that result when the owner or applicant of a development fails to recoup the cost of construction and certain allowances as may be determined by the designee of the governing body for the affordable dwelling units, exclusive of the cost of land acquisition and cost voluntarily incurred but not authorized by the ordinance, upon the sale of an affordable dwelling unit.

1990, c. 834, § 15.1-491.9; 1991, c. 599; 1992, c. 244; 1993, c. 437; 1994, cc. 88, 679; 1996, cc. 233, 426; 1997, cc. 587, 607; 2007, cc. 695, 713; 2008, c. 790.

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