



CITY COUNCIL AGENDA November 16, 2020

Members

Nikuyah Walker, Mayor
Sena Magill, Vice Mayor
Heather D. Hill
Michael K. Payne
J. Lloyd Snook, III

5:30 p.m. Closed session pursuant to Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Legal consultation; personnel)

Virtual/electronic meeting

6:30 p.m. Regular Meeting

Virtual/electronic meeting in accordance with the local ordinance approved July 27, 2020 to ensure continuity of government and prevent the spread of disease. Register at www.charlottesville.gov/zoom. NOTE: Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

CALL TO ORDER

MOMENT OF SILENCE

ROLL CALL

AGENDA APPROVAL **APPROVED 5-0 (MAGILL/HILL)**

ANNOUNCEMENTS

CONSENT AGENDA* **APPROVED 5-0 (HILL/SNOOK)**

1. Appropriation: Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$30,000 (2nd reading)
#A-20-147
2. Appropriation: Virginia Outdoors Foundation Grant - Ragged Mountain Land Acquisition - \$65,000 (2nd reading)
#A-20-148
3. Appropriation: Runaway Emergency Shelter Program Grant - \$209,444 (2nd reading)
#A-20-149
4. Appropriation: Local Emergency Management Performance Grant (L.E.M.P.G.) - \$7,500 (2nd reading)
#A-20-150
5. Ordinance: Amendment to the text of Chapter 34 (Zoning Ordinance) of the City of Charlottesville, 1990, as amended, to provide updates to family day home uses (2nd reading)
#O-20-151

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for up to 8 spaces; preregistered speakers announced by Noon the day of the meeting. Additional public comment period at end of meeting. Public comment will be conducted through electronic participation as City Hall is closed to the public. Participants can register in advance at www.charlottesville.org/zoom.

ACTION ITEMS

6. Allocation*: Employee Assistance Proposal **APPROVED by motion 5-0 (HILL/MAGILL)**

GENERAL BUSINESS

7. Report: Traffic safety report
8. Report: City logo discussion

OTHER BUSINESS

MATTERS BY THE PUBLIC

APPROPRIATION

**Virginia Department of Education Special Nutrition Program
Child and Adult Care Food Program
\$30,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$30,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

WHEREAS, the grant award covers the period from period October 1, 2020 through September 30, 2021;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$30,000, received from the Virginia Department of Education Special Nutrition Program is hereby appropriated in the following manner:

Revenue – \$ 30,000

Fund: 209 **Internal Order: 1900342** G/L Account: 430120

Expenditures - \$30,000

Fund: 209 **Internal Order: 1900342** G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$30,000 from the Virginia Department of Education Special Nutrition Program.

APPROPRIATION

**Virginia Outdoors Foundation Grant – Ragged Mountain Land Acquisition
\$65,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded \$65,000 from the Virginia Outdoors Foundation to acquire 5 acres of undeveloped forested land adjacent to the Ragged Mountain Reservoir Property; and

WHEREAS, the match for this grant will come from the remainder of a previous USDA grant award; and

WHEREAS, the grant funding will be passed through the parkland acquisition account and paid to the property owner;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$65,000 is hereby appropriated in the following manner:

Revenue

\$65,000 Fund: 426 WBS: P-00534 G/L Account: 431110

Expenditures

\$65,000 Fund: 426 WBS: P-00534 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$65,000 from the Virginia Outdoors Foundation.

APPROPRIATION
Runaway Emergency Shelter Program
\$209,444

WHEREAS, the City of Charlottesville has been awarded \$200,000 from the Department of Health and Human Services Administration for Children and Families with cash match of \$9,444 provided by the Human Services Fund and in-kind match of \$12,778 provided by ReadyKids;

WHEREAS, the funds will be used to operate the Runaway Emergency Shelter Program through a partnership between the Human Services Department and ReadyKids. The grant award covers the period from September 30, 2020 through September 29, 2021;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$209,444 is hereby appropriated in the following manner:

Revenue – \$209,444

\$200,000	Fund: 211	Internal Order: 1900391	G/L Account: 431110
\$ 9,444	Fund: 211	Internal Order: 1900391	G/L Account: 498010

Expenditures - \$209,444

\$ 69,948	Fund: 211	Internal Order: 1900391	G/L Account: 519999
\$125,000	Fund: 211	Internal Order: 1900391	G/L Account: 530010
\$ 14,496	Fund: 211	Internal Order: 1900391	G/L Account: 599999

Transfer - \$9,444

\$ 9,444	Fund: 213	Cost Center: 3413003000	G/L Account: 561211
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$200,000 from the Department of Health and Human Services Administration for Children and Families.

APPROPRIATION
2019 Local Emergency Management Performance Grant (LEMPG)
\$7,500

WHEREAS, the City of Charlottesville has received funds from the Virginia Department of Emergency Management in the amount of \$7,500 in federal pass through funds and \$7,500 in local in-kind match, provided by the Charlottesville-UVA-Albemarle Emergency Communications Center Office of Emergency Management; and

WHEREAS, the funds will be used to support programs provided by the Office of Emergency Management; and

WHEREAS, the grant award covers the period from July 1, 2019 through June 30, 2020;

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

Revenue – \$7,500

\$7,500 Fund: 209 I/O: 1900380 G/L: 430120 State/Fed pass thru

Expenditures - \$7,500

\$7,500 Fund: 209 I/O: 1900380 G/L: 510010 Salaries

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Emergency Management, and the matching in-kind funds from the Charlottesville-UVA-Albemarle Emergency Communications Center Office of Emergency Management.

**ORDINANCE
AMENDING AND RE-ENACTING THE CODE OF THE CITY OF
CHARLOTTESVILLE, CHAPTER 34 (ZONING) TO ESTABLISH UPDATED
REGULATIONS FOR FAMILY DAY HOMES**

WHEREAS, the Planning Commission initiated a zoning text amendment proposing amendments to the City’s zoning ordinance, provisions regulating family day homes (“Proposed Zoning Text Amendment”); and

WHEREAS, a joint public hearing on the Proposed Zoning Text Amendment was held by the Planning Commission and City Council on October 13, 2020, after notice to the public as required by law, and, following conclusion of the public hearing, the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment for the public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, after consideration of the Planning Commission’s recommendation, the City staff report and recommendations therein given, and the public comment received, this Council is of the opinion that that the Proposed Zoning Text Amendment, as recommended by the Planning Commission, has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Zoning Text Amendment; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 34 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and re-enacted as follows:

1. Amend the provisions of §34-420 (Use matrix—Residential zoning districts), as follows:

Residential Zoning Districts											
Family day home	R-1	R-1U	R-1S	R-1SU	R-2	R-2U	R-3	R-UMD	R-UHD	MR	MHP
1-4 1-5 children	B	B	B	B	B	B	B	B	B	B	B
5-12 6-12 children	S P	S P	S P	S P	S P	S P	B P	P	P	B P	P

2. Amend the provisions of §34-480 (Use matrix—Commercial districts), as follows:

Commercial Zoning Districts						
Family day home	B-1	B-2	B-3	M-I	ES	IC
1-4 1-5 children	B	B	B	B		B
5-12 6-12 children	B P	B P	B P	P		P

3. Amend the provisions of §34-796 (Use matrix—Mixed use corridor districts), as follows:

Mixed Use Zoning Districts														
Family day home	D	DE	DN	WME	WMW	CH	HS	NCC	HW	WSD	URB	SS	CD	CC
1-4 1-5 children	B	B	B	B	B	B	B	B	B	B	B	B	B	B
5-12 6-12 children	P	P	P	P	P	P	P	P	P	P	P	P	P	P

4. Amend §34-1200, the definitions of “family day home” and “residential occupancy”, as follows:

Family day home means a child care program serving one (1) to twelve (12) children under the age of thirteen (13) (exclusive of the provider's own children and any children who reside in the home), where such program is offered in the **lawfully established** residence of the provider or the **lawfully established** residence of any of the children in care. Any program serving more than twelve (12) children shall be considered a child daycare facility.

Occupancy, residential for purposes of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling unit, as a single housekeeping unit. Each of the following shall be deemed a single housekeeping unit: (i) one (1) person; (ii) two (2) or more persons related by blood or marriage, together with any number of their children (including biological children, stepchildren, foster children, or adopted children); (iii) two (2) persons unrelated by blood or marriage, together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children); (iv)

within certain designated university residential zoning districts: up to three (3) persons unrelated by blood or marriage; (v) within all other residential zoning districts: up to four (4) persons unrelated by blood or marriage; (vi) group homes, residential facilities and assisted living facilities, as defined in the Code of Virginia, § 15.2-2291, which are licensed by the department of social services or the department of behavioral health and developmental services and which are occupied by no more than eight (8) mentally ill, mentally retarded, developmentally disabled, aged, infirm, or disabled persons together with one (1) or more resident counselors; (vii) a group of persons required by law to be treated as a single housekeeping unit, in accordance with the Federal Fair Housing Act, or a similar state law. **A family day home that serves one (1) to (4) four children shall be considered part of a residential occupancy by a single family.**

5. Add a new §34-1176, as follows:

§34-1176.—Family day home (5-12 children).

A provisional use permit that authorizes a family day home serving five (5) to twelve (12) children shall be subject to the following regulations:

1. Each provisional use permit for a family day home will be valid from January 1 (or such other date during a calendar year on which such permit is issued) through December 31 of the calendar year in which the permit is issued.
2. The operator of the family day home must reside at the property as his/her primary residence, or must be caring for children who reside within the residence.
3. No clients or employees shall be allowed to visit the property on which a family day home is conducted earlier than 6:00 a.m. or later than 11 p.m. The family day home may operate up to 12 hours within each 24 hour period.
4. Applicants for a family day home provisional use permit must obtain, and provide to the zoning administrator:
 - a. A copy of a valid city business license (or a statement from the commissioner of revenue that no city business license is required)
 - b. A copy of a valid state license. Following initial issuance of the provisional use permit, the operator shall keep the zoning administrator supplied with a valid state license at all times while the provisional use permit is valid.
 - c. A traffic safety plan that addresses drop-off and pick-up procedures related to automotive traffic.

5. In addition to the resident(s) of the dwelling, not more than one (1) other individual may be engaged in the activities of the family day home on the property at any given time.
6. One (1) exterior sign, of dimensions no greater than two (2) square feet, may be placed on the exterior of the dwelling or an accessory structure to indicate the presence of the family day home. The sign shall not be lighted.
7. A provisional use permit for a family day home may be revoked by the zoning administrator should a permit holder fail to maintain compliance with any of the regulations set forward in this section. An operator whose provisional use permit has been revoked pursuant to this paragraph shall not be permitted to apply for a new permit for any location for one calendar year after the end of the permit term.
8. Once an application requesting a provisional use permit is received by the zoning administrator, notification shall be sent by registered or certified letter to the last known address of each adjacent property owner. If the zoning administrator receives no written objection from a person so notified within 30 days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance and all other applicable local ordinances, the zoning administrator shall issue the permit. If the zoning administrator receives a written objection from a person so notified within 30 days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance, the zoning administrator shall consider such objection and may (i) issue or deny the permit or (ii) refer the permit to the local governing body for consideration.