

CERTIFICATIONS



CITY COUNCIL AGENDA August 16, 2021

Members

Nikayah Walker, Mayor
Sena Magill, Vice Mayor
Heather D. Hill
Michael K. Payne
J. Lloyd Snook, III
Kyna Thomas, Clerk

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

Virtual/electronic meeting

6:30 p.m. Regular Meeting

Register at www.charlottesville.gov/zoom. Virtual/electronic meeting in accordance with a local ordinance amended and re-enacted April 19, 2021, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (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 (HILL/MAGILL)**

ANNOUNCEMENTS

RECOGNITIONS/PROCLAMATIONS

- Recognition: Finance Award

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

1. Minutes: June 8, 2021 Election Results Certification, June 21 work session, closed meeting and regular meeting July 19 work session
2. Resolution: Amending the FY2020-2021 Community Development Block Grant and HOME Investment Partnerships Program Minor Action Plan Budget (1st of 2 readings)
 - a. Resolution: Amendment to Community Development Block Grant account \$85,843.66
 - b. Resolution: Amendment to HOME Investment Partnership Program \$21,384.80
3. Resolution: Approving a refund to a nonprofit entity for Business License Taxes paid 2017, 2018, 2019, 2020 and 2021 - \$63,009.25 (1 reading)
#R-21-112
4. Ordinance: Amending and re-enacting the Code of the City of Charlottesville, 1990, as amended, in order to remove masculine and/or feminine language and to substitute gender-neutral pronouns (1st of 2 readings)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

COMMUNITY MATTERS Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Public comment will be conducted through electronic participation while City Hall is closed to the public. Participants can register in advance at www.charlottesville.gov/zoom.

ACTION ITEMS

5. Public Hearing/Ord.: Closing, vacating and discontinuing certain utility easements within the public rights of way for the following public streets located in Albemarle County, Virginia (1 reading, waiving second reading)
- a. Ordinance*: Varick Street and Marin Court within the Dunlora Park Subdivision
#O-21-113 **APPROVED 5-0 (SNOOK/HILL)**
 - b. Ordinance*: Archer Avenue and Stella Lane within the Brookhill Subdivision
#O-21-114 **APPROVED 5-0 (SNOOK/HILL)**
 - c. Ordinance*: Glenleigh Road within the Highland Park Subdivision
#O-21-115 **APPROVED 5-0 (SNOOK/HILL)**
6. Ordinance*: Approving a rezoning application at 1206 Carlton Avenue, per recommendation of the Planning Commission (2nd reading)
#O-21-116 **APPROVED 4-1 (MAGILL/SNOOK; Walker opposed)**
7. Resolution*: Approving a Special Use Permit at 1206 Carlton Avenue, per recommendation of the Planning Commission (2nd reading)
#R-21-117 **APPROVED 3-2 (SNOOK/PAYNE; Hill and Walker opposed)**
8. Resolution*: Requesting the City Manager to develop a Collective Bargaining Ordinance for the City of Charlottesville (1 reading) **APPROVED 5-0 (HILL/PAYNE)**
#R-21-118

GENERAL BUSINESS

OTHER BUSINESS and QUESTIONS FOR CITY MANAGER FOLLOW-UP

MATTERS BY THE PUBLIC

*Action Needed

RESOLUTION
AUTHORIZING REFUND TO TAXPAYING ENTITY OF BUSINESS
LICENSE TAXES PAID FOR 2017, 2018, 2019, 2020, AND 2021

WHEREAS, the Commissioner of the Revenue has determined that a local 501(c)(3) nonprofit entity was incorrectly assessed for and paid 2017, 2018, 2019, 2020, and 2021 Charlottesville business license tax on gross receipts that were exempt from local business license taxation ; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$63,009.25; 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 \$63,009.25, payable to 501(c)(3) NONPROFIT ENTITY..

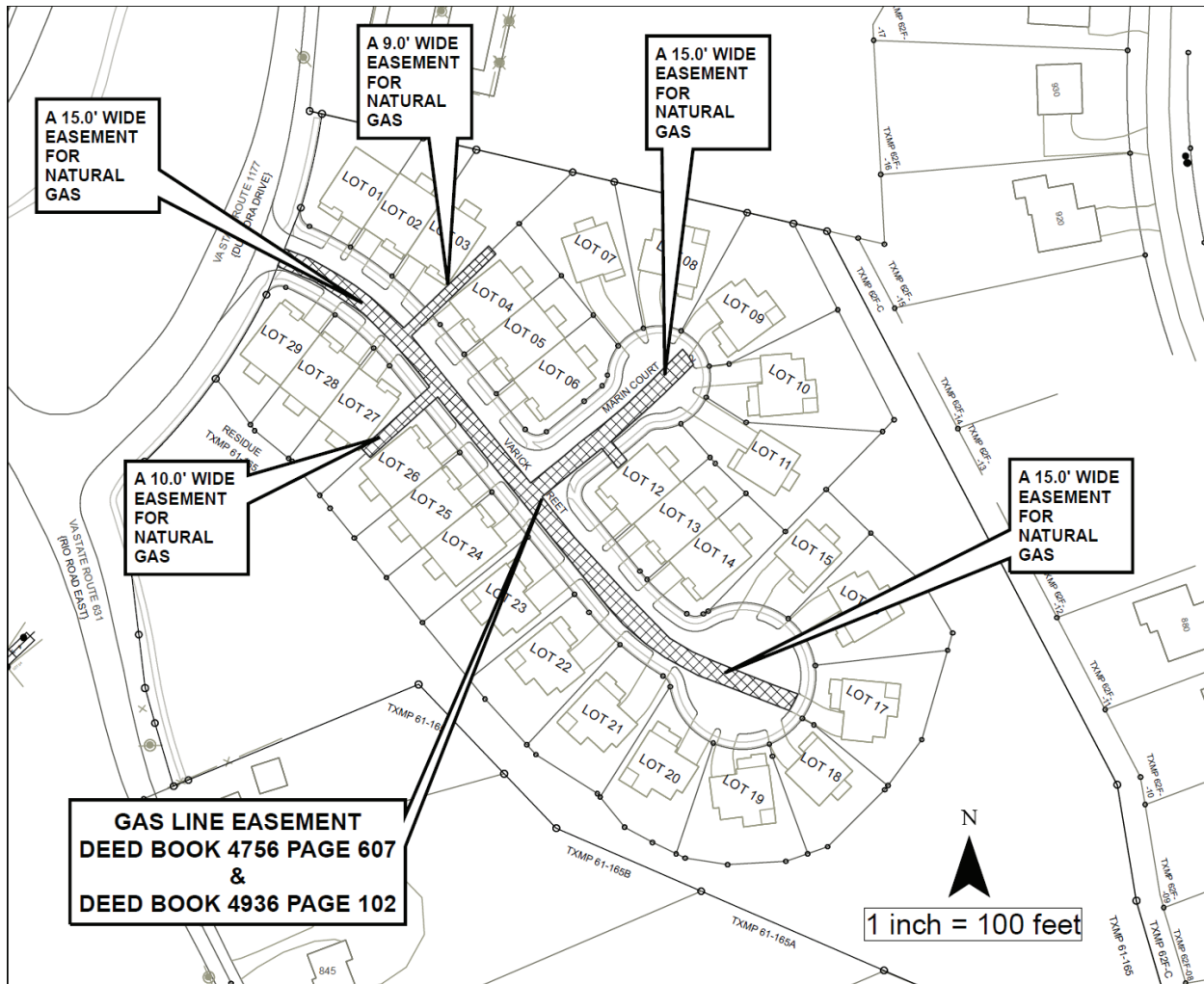
Approved by Council
August 16, 2021



Kyna Thomas, MMC
Clerk of Council

**ORDINANCE
CLOSING, VACATING AND DISCONTINUING
CERTAIN UTILITY EASEMENTS
WITHIN THE PUBLIC RIGHTS OF WAY FOR VARICK STREET
AND MARIN COURT, PUBLIC STREETS WITHIN THE DUNLORA PARK
SUBDIVISION LOCATED IN ALBEMARLE COUNTY, VIRGINIA**

WHEREAS, the developers of the Dunlora Park Subdivision (“Developers”) previously granted natural gas line easements to the City, over and across land within the public rights of way for Varick Street and Marin Court, in the location(s) depicted as follows:



And,

WHEREAS, the public rights of way in which the City’s gas line easements are located have been or will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

WHEREAS, the Commonwealth of Virginia has requested the City to vacate the easements previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

WHEREAS, the City's Director of Utilities has recommended that the Commonwealth's request can be accommodated, so long as the City's gas line will be allowed to remain;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the easements are hereby vacated, **PROVIDED, HOWEVER**, that the vacation of the foregoing easements is hereby made conditionally, subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for the City's natural gas lines, and related facilities (collectively, "gas lines") located within the rights of way that are the subject of this Ordinance; however, the gas lines shall remain within their current locations, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas lines for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Varick Street and Marin Court as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Varick Street and Marin Court cease to be used or maintained as public streets or highways of the Commonwealth, the easements, and the City's rights, title and interests thereunder shall revert back to the City.
3. The City Attorney shall prepare a Deed of Quitclaim referencing the easements to be vacated by this ordinance, and for recordation within the land records, consistent with this ordinance. The City Attorney will cause the Deed of Vacation and this Ordinance to be recorded within the land records of the jurisdiction in which the easements vacated by this Ordinance were previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City's exercise of rights or privileges to operate its gas lines within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.

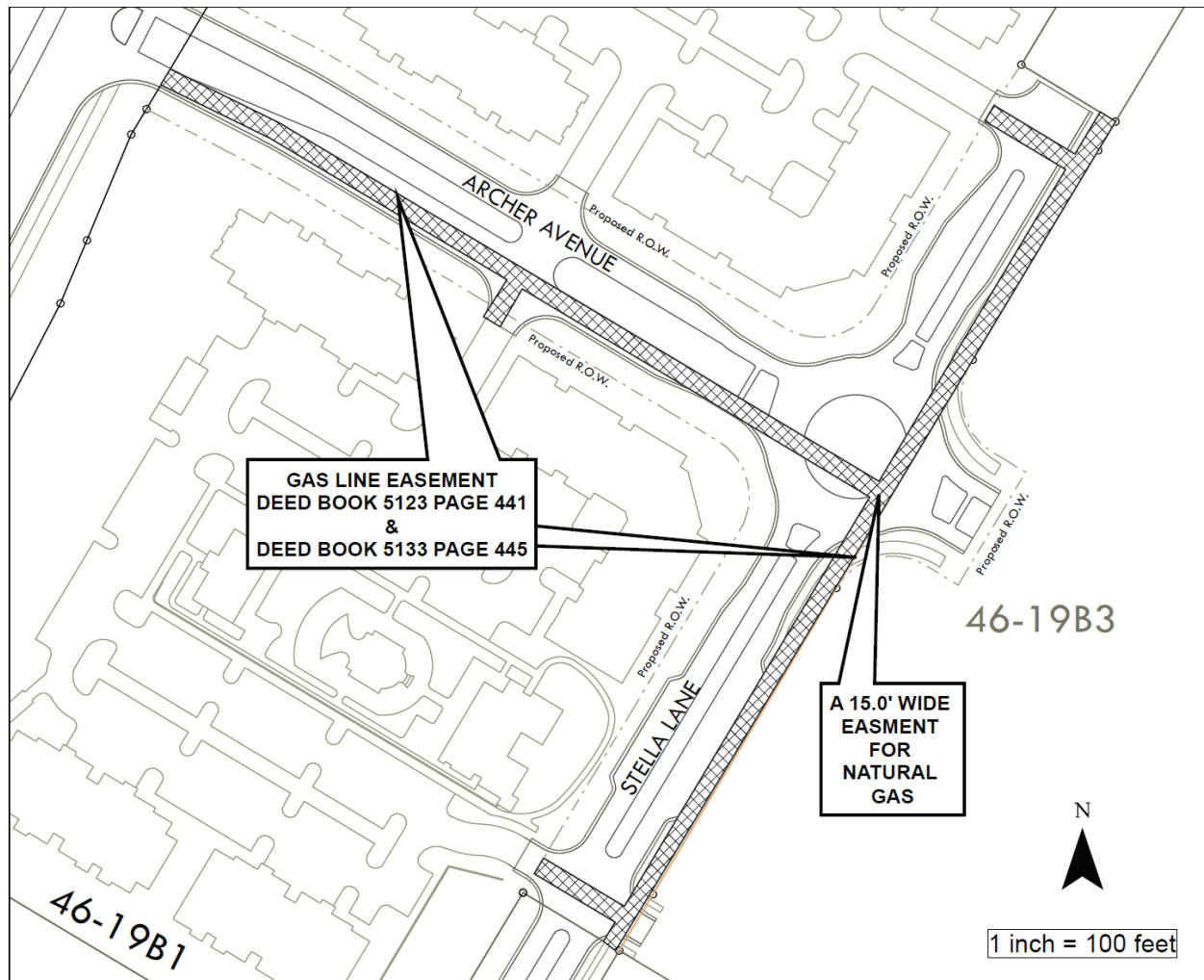
Approved by Council
August 16, 2021



Kyna Thomas, MMC
Clerk of Council

**ORDINANCE
CLOSING, VACATING AND DISCONTINUING
CERTAIN UTILITY EASEMENTS
WITHIN THE PUBLIC RIGHTS OF WAY FOR ARCHER AVENUE
AND STELLA LANE, PUBLIC STREETS WITHIN THE BROOKHILL SUBDIVISION
LOCATED IN ALBEMARLE COUNTY, VIRGINIA**

WHEREAS, the developers of the Brookhill Subdivision (“Developers”) previously granted natural gas line easements to the City, over and across land within the public rights of way for Archer Avenue and Stella Lane, in the location(s) depicted as follows:



And,

WHEREAS, the public rights of way in which the City’s gas line easements are located have been or will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

WHEREAS, the Commonwealth of Virginia has requested the City to vacate the easements previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

WHEREAS, the City's Director of Utilities has recommended that the Commonwealth's request can be accommodated, so long as the City's gas line will be allowed to remain;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the easements are hereby vacated, **PROVIDED, HOWEVER**, that the vacation of the foregoing easements is hereby made conditionally, subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for the City's natural gas lines, and related facilities (collectively, "gas lines") located within the rights of way that are the subject of this Ordinance; however, the gas lines shall remain within their current locations, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas lines for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Archer Avenue and Stella Lane as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Archer Avenue or Stella Lane cease to be used or maintained as public streets or highways of the Commonwealth, the easements, and the City's rights, title and interests thereunder shall revert back to the City.
3. The City Attorney shall prepare a Deed of Quitclaim referencing the easements to be vacated by this ordinance, and for recordation within the land records, consistent with this ordinance. The City Attorney will cause the Deed of Vacation and this Ordinance to be recorded within the land records of the jurisdiction in which the easements vacated by this Ordinance were previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City's exercise of rights or privileges to operate its gas lines within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.

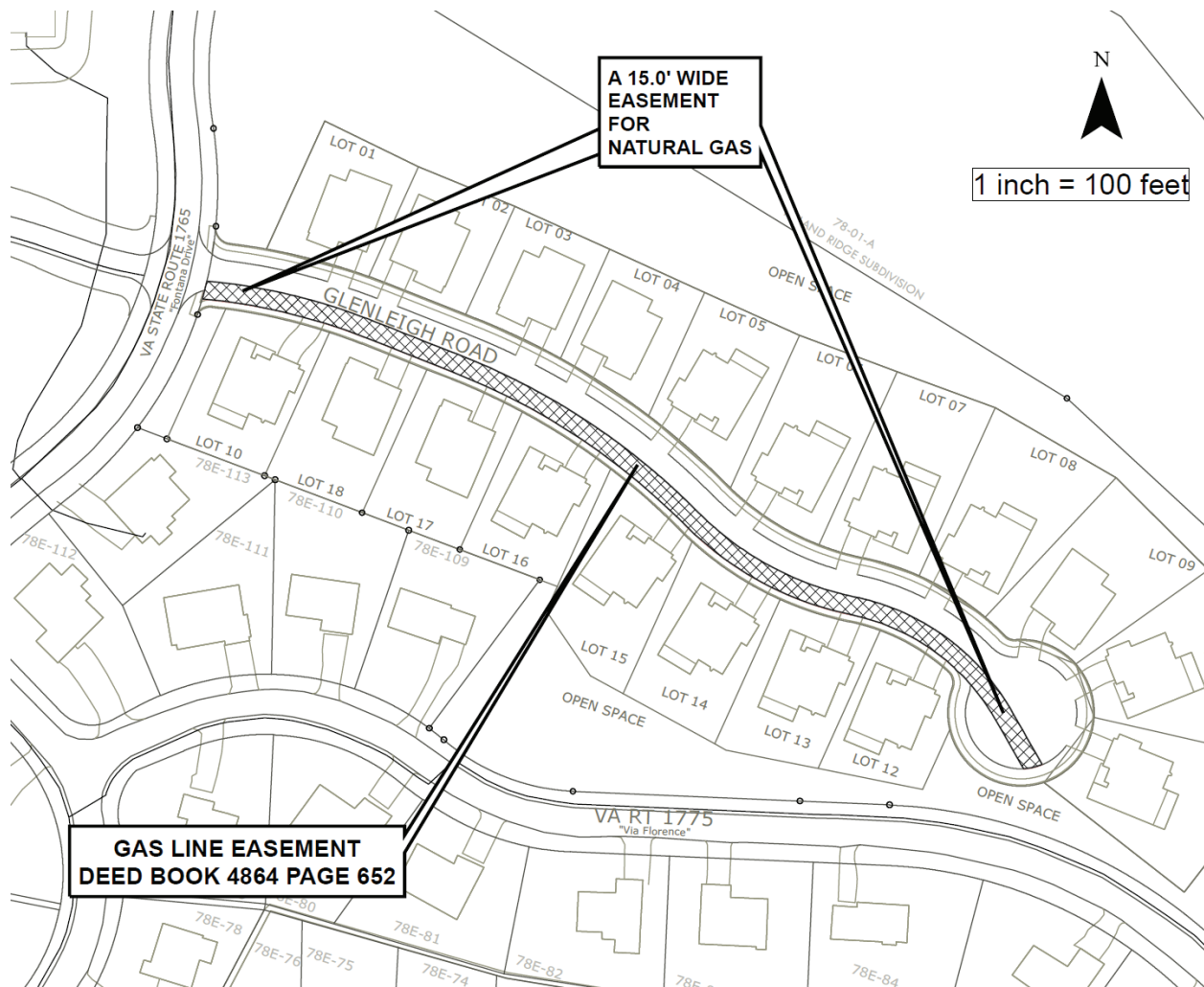
Approved by Council
August 16, 2021



Kyna Thomas, MMC
Clerk of Council

**ORDINANCE
CLOSING, VACATING AND DISCONTINUING
CERTAIN UTILITY EASEMENTS
WITHIN THE PUBLIC RIGHTS OF WAY FOR GLENLEIGH ROAD,
PUBLIC STREET WITHIN THE HIGHLAND PARK SUBDIVISION LOCATED IN
ALBEMARLE COUNTY, VIRGINIA**

WHEREAS, the developers of the Highland Park Subdivision (“Developers”) previously granted a gas line easement to the City, over and across land within the public rights of way for Glenleigh Road, in the location(s) depicted as follows:



And,

WHEREAS, the public rights of way in which the City’s gas line easement is located have been or will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

WHEREAS, the Commonwealth of Virginia has requested the City to vacate the easement previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

WHEREAS, the City's Director of Utilities has recommended that the Commonwealth's request can be accommodated, so long as the City's gas line will be allowed to remain;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the easement is hereby vacated, **PROVIDED, HOWEVER**, that the vacation of the foregoing easement is hereby made conditionally, subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for the City's natural gas line, and related facilities, located within the rights of way that are the subject of this Ordinance; however, the gas line shall remain within its current location, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas line for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Glenleigh Road as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Glenleigh Road cease to be used or maintained as public streets or highways of the Commonwealth, the easement, and the City's rights, title and interests thereunder shall revert back to the City.
3. The City Attorney shall prepare a Deed of Quitclaim referencing the easement to be vacated by this ordinance, and for recordation within the land records, consistent with this ordinance. The City Attorney will cause the Deed of Vacation and this Ordinance to be recorded within the land records of the jurisdiction in which the easement vacated by this Ordinance was previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City's exercise of rights or privileges to operate its gas line within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.

Approved by Council
August 16, 2021



Kyna Thomas, MMC
Clerk of Council

**AN ORDINANCE
REZONING PROPERTY LOCATED AT 1206 CARLTON AVENUE
FROM R-2 (RESIDENTIAL TWO-FAMILY) TO R-3 (RESIDENTIAL MULTI-
FAMILY)**

WHEREAS, Management Services Inc. (“Applicant”) is the owner of that certain property located at 1206 Carlton Avenue, designated on City Tax Map 57 as Parcel 127 (“Property”), and the Applicant seeks a rezoning of such property from R-2 (Residential Two-Family) to R-3 (Residential Multi-Family) (the “Proposed Rezoning”); and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the Planning Commission and City Council on July 13, 2021, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, notice of the July 13, 2021 public hearing was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, on July 13, 2021, following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, on August 2, 2021, this City Council considered: the matters addressed within the Application and Staff Report, comments received from the public (including those received at the public hearing), and 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-2 Residential Two-Family) and the proposed zoning classification R-3 (Residential Multi-Family) 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 all of the land designated on City Tax Map 57 as Parcel 127, consisting of approximately 0 .26 acre, from R-2 (Residential Two-Family) to R-3 (Residential Multi-Family).

BE IT FURTHER ORDAINED THAT the City’s Zoning Administrator shall update the Zoning District Map to reflect the rezoning set forth within this ordinance.

Approved by Council
August 16, 2021



Kyna Thomas, MMC
Clerk of Council

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE INCREASED DENSITY AND REDUCED SETBACKS FOR
CONSTRUCTION OF AN 8-UNIT MULTIFAMILY DWELLING AT
1206 CARLTON AVENUE**

WHEREAS, landowner Management Services, Inc. has made application for a special use permit, to obtain additional residential density, and reduction of certain building setback requirements, for a specific project; and

WHEREAS, the Project will be developed within a development site having an area of approximately 0.26 acre, or 11,325 square feet, located at 1206 Carlton Avenue (“Subject Property”), which is further identified on City Tax Map 57 as Parcel 127 and which has a zoning district classification of “R-3” (Multifamily Residential); and

WHEREAS, the project that is the subject of this application is generally described within the following application materials dated January 18, 2021, submitted to the City on March 18, 2021, including: (i) application materials dated January 18, 2021, and related narrative; and (ii) a proposed preliminary site plan dated March 12, 2021, depicting a multifamily dwelling to be constructed within the Subject Property (collectively, “Application Materials”); and

WHEREAS, the Application Materials represent that the purpose of the Special Use Permit is to facilitate the development of a multifamily dwelling containing eight (8) one- and two- bedroom dwelling units (the “Project), and that the Project cannot be developed without an increase in the allowable residential density from 21 dwelling units up to 31 dwelling units per acre, as authorized by City Code 34-420, and a reduction in the side yard setback applicable to the Subject Property from a required 13 feet (minimum) to 8 feet (minimum), as authorized by City Code 34-162(a); and

WHEREAS, on July 13, 2021 the Planning Commission and the City Council conducted a joint public hearing on the proposed special use permit, following notice as required by Virginia Code 15.2-2204 and applicable provisions of the City’s zoning ordinance; and

WHEREAS, following the joint public hearing, the Planning Commission reviewed the Application Materials, and the City’s Staff Report pertaining thereto, and then the Planning Commission voted to recommend that City Council should approve the proposed special use permit for the Project; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the Planning Commission’s recommendation, and the Staff Report, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code Sec. 34-480, a special use permit is hereby approved for the purpose of allowing development of the Project at the Subject Property, subject to the following conditions:

1. The Project may be developed at a residential density of up to thirty-one (31) dwelling units per acre, within the area of the Subject Property.
2. Two large canopy trees will be provided along the frontage with Carlton Avenue.
3. The design, height, and other key characteristics of the development shall remain essentially the same, in all material aspects, as described within the Application Materials, including the following:
 - a. a single (1) residential building on the Subject Property, containing eight (8) one- and two-bedroom dwelling units;
 - b. southeast side yard setback of eight (8') feet;
 - c. vehicular traffic pattern shall be one-way traffic, with control devices as approved by the City's Traffic Engineer;
 - d. pedestrian circulation pattern shall be independent from the vehicular traffic pattern;
 - e. vegetative screening of the parking along the property line; and
 - f. the improved parking lot shall be located behind the building and shall not be visible from Carlton Avenue

Except as may be necessary to obtain approval of a final site plan in accordance with requirements of City ordinances or regulations, or with all of the conditions of these special use permit conditions: any change in the Project as it was represented within the Application Materials shall require a modification of this SUP.

Approved by Council
August 16, 2021



Kyna Thomas, MMC
Clerk of Council

**RESOLUTION
REQUESTING THE CITY MANAGER TO DEVELOP A COLLECTIVE BARGAINING
ORDINANCE FOR THE CITY OF CHARLOTTESVILLE**

WHEREAS the Virginia General Assembly, within Virginia Code Sec. 40.1-57.2, expressly authorizes local governing bodies to enact ordinances authorizing City officials to recognize labor unions or employee associations as bargaining agents for certain public officers or employees; to collectively bargain with or enter into collective bargaining contracts with such unions or associations; and to provide for procedures for the certification and decertification of exclusive bargaining representatives; and

WHEREAS this City Council supports the development of a collective bargaining ordinance, but does not yet have sufficient information upon which to base any decision about specific provisions that it might desire to set forth within an ordinance; now, therefore,

BE IT RESOVLED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

1. The City Manager shall commence work to assemble and deliver to City Council information and analysis regarding City Council's options for collective bargaining models, sample ordinances, and the anticipated fiscal impacts of various options. The City firefighters' March 6, 2021 proposed ordinance shall be among the sample ordinances that will be studied, analyzed and considered during this process.
2. The City Manager shall present to City Council on September 13, 2021 a timeline and list of deliverables and decision points to be made by Council, as necessary to facilitate preparation of a collective bargaining ordinance in tandem with the development and adoption of the City's FY 2023 Budget.
3. To the extent that contractual services are necessary or desirable to support the work that this Council is asking the City Manager to perform, the City Manager is hereby authorized to procure those services.

Approved by Council
August 16, 2021



Kyna Thomas, MMC
Clerk of Council