



**CITY COUNCIL AGENDA**  
**July 18, 2022**  
**CERTIFICATIONS**

J. Lloyd Snook, III, Mayor  
Juandiego Wade, Vice Mayor  
Sena Magill, Councilor  
Michael K. Payne, Councilor  
Brian R. Pinkston, Councilor  
Kyna Thomas, Clerk

**4:00 PM OPENING SESSION**

Register at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). This portion of the meeting is held electronically in accordance with a local ordinance amended and re-enacted March 7, 2022, 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](mailto: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/Roll Call**

**Agenda Approval**    **AMENDED and APPROVED 4-0 (MAGILL /PINKSTON)**

**Reports**

1. Discussion:            Presentation of American Rescue Plan Recommendations (verbal; no packet materials)

**5:30 PM Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and Commissions; legal consultation)**

**Motion to meet in closed session APPROVED 4-0 (PINKSTON/MAGILL)**

**Motion to certify closed session APPROVED 4-0 (PINKSTON/MAGILL)**

**6:30 PM BUSINESS SESSION**

This portion of the meeting will accommodate a limited number of in-person public participants in City Council Chamber at City Hall as we employ a hybrid approach to public meetings during the locally declared state of emergency. Registration is available for a lottery-based seating selection at [www.charlottesville.gov/1543/Reserve-a-Seat-for-City-Council-Meeting](http://www.charlottesville.gov/1543/Reserve-a-Seat-for-City-Council-Meeting). Reservation requests may also be made by contacting the Clerk of Council office at [clerk@charlottesville.gov](mailto:clerk@charlottesville.gov) or 434-970-3113.

**Moment of Silence**

**Announcements**

**Recognitions/Proclamations**

- Proclamation:    Parks and Recreation Month

**Board/Commission Appointments**

**Consent Agenda\***            **APPROVED 4-0 (PAYNE/MAGILL)**

2. Minutes:            April 18 Council meeting, May 2 Council meeting, May 16 Council meeting, May 24 special meeting, June 6 Council meeting
3. **Resolution:**            **Establishing a pool of funds in the amount of \$50,000, to be used for payment of refunds to licensed City businesses engaged in the same business activity as that considered by the Virginia Supreme Court on June 9, 2022 in Record Number 210414 (2nd reading)**  
#R-22-086
4. Resolution:            Authorizing a refund of \$8,132.19 to a taxpaying entity or business, for business license tax paid in error for 2022 (1 of 2 readings)
5. Resolution:            Approving Settlement of Disputed Real Estate Assessment (Omni Hotel) (1 of 2 readings)
6. Resolution:            COVID Homelessness Emergency Response Program-Community Development Block Grant Amendment - \$250,816 (1 of 2 readings)

- 7. Resolution: Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$250,000 (1 of 2 readings)
- 8. Resolution: State Criminal Alien Assistance Program (SCAAP) Grant for 15PBJA-20-RR-00381-SCAA for \$4,748 (1 of 2 readings)
- 9. Resolution: ~~Reconstituting the Charlottesville Planning Commission to Achieve Staggered Terms (1 reading)~~ **MOVED to Action Items for discussion**

**City Manager Report**

- Report: City Manager Report

**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](http://www.charlottesville.gov/zoom).

**Action Items**

- 10. Public Hearing/Ord.: Plastic Bag Tax (1 of 2 readings; public hearing to be advertised for the 2nd reading, prior to vote)
- 11. Ordinance: Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (2nd reading) **4-0 (PINKSTON/MAGILL) DEFERRED to August 15**
- 12. Resolution: 1000 Monticello Road, Special Use Permit for additional residential density (1 reading) **3-1 (PINKSTON/MAGILL; PAYNE opposed) DEFERRED to August 15**
- 13. Resolution: **923 Harris Street, Special Use Permit for increased residential density (1 reading) APPROVED 3-1 (PAYNE/PINKSTON; SNOOK opposed)**  
#R-22-087
- 14. Resolution: **Appropriation to Transfer Funds from the Council Strategic Initiatives Account to the Office of Equity and Inclusion - \$197,181 (1 reading) APPROVED 4-0 (PINKSTON/MAGILL)**  
#R-22-088
- 9. Resolution: **Reconstituting the Charlottesville Planning Commission to Achieve Staggered Terms (1 reading) APPROVED 4-0 (MAGILL/PINKSTON)**  
#R-22-089

**General Business**

- 15. Report: Youth Council Report (written only)
- 16. Report: Rivanna Authorities Quarterly Report (written only)

**Other Business**

**Community Matters (2)**

**Adjournment**

**RESOLUTION**

**Establishing a pool of funds in the amount of \$50,000, to be used for payment of refunds to licensed businesses engaged in the same business activity as that considered by the Virginia Supreme Court on June 9, 2022 in Record Number 210414**

**WHEREAS**, the Supreme Court of Virginia has determined that City's Business License Ordinance Classification of "any other repair, personal or business service not specifically included in any other subclassification under this section" does not apply to a specific business activity engaged in by one particular business entity located within the City; and

**WHEREAS**, the Supreme Court of Virginia determined that the City's current Business License Ordinance does not contain a suitable alternative license category for the specific business activity in question; and

**WHEREAS**, on the basis of the Supreme Court's ruling, the Commissioner of the Revenue has determined that a specific business entity conducting business in Charlottesville paid 2015, 2016, 2017, and 2018 Business License Tax to the City of Charlottesville in error, and that the Commissioner is required to correct the assessment pursuant to Virginia Code §58.1-3980; and

**WHEREAS**, the business entity that prevailed in the Court proceedings has requested a refund of the amount paid in error; and

**WHEREAS**, the Commissioner of the Revenue has certified that a refund of taxes paid is due to that entity in the amount of \$3,304.21; and

**WHEREAS**, other similar entities may come forward requesting refunds on the basis of the Court's ruling, some of which will exceed \$2,500; 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 \$3,304.21 to the entity that was the subject of the Supreme Court decision rendered June 9, 2022 (Record Number 210414); and

**BE IT FURTHER RESOLVED** that City Council hereby approves and directs refunds to be issued to other business entities located in the City, who are determined by the Commissioner of Revenue, with the concurrence of the City Attorney to be, or to have been, engaged in the same business activity as that considered by the Supreme Court in Record Number 210414, without presenting each such matter to City Council, so long as, collectively, the additional refunds do not exceed \$46,695.79. When approved in this manner, the Treasurer shall be authorized to issue any additional refund(s) corrected by the Commissioner of Revenue, with the concurrence of the City Attorney, contemplated by this Resolution. The pool of funds authorized by this resolution shall come from GL# 410150 (business license tax revenue) or from GL# 1631001000 (Citywide reserve) as necessary.

**RESOLUTION**  
**Granting a Special Use Permit for Property Located at**  
**923 Harris Street (City Tax Map 35, Parcel 112)**

**WHEREAS** 923 Harris Street, LLC (“Landowner”) is the owner of certain land identified on Tax Map 35 as Parcel 112, currently addressed as “923 Harris Street” (the “Property”), and the Landowner, through its authorized representative, is requesting a Special Use Permit for increased residential density (the “Project”); and

**WHEREAS** the Applicant seeks a Special Use Permit under City Code Secs. 34-458 and 34-480 to increase residential density up to 62 DUA; and

**WHEREAS** the Property is located within the Industrial Corridor zoning district, a district in which, according to the Use Matrix set forth within City Code Secs. 34-458 and 34-480 increased density up to 64 DUA may be authorized by City Council by means of a special use permit; and

**WHEREAS** the Project is described in more detail within the Landowner’s application materials submitted in connection with SP22-00004, as required by City Code §34-158 (collectively, the “Application Materials”); and

**WHEREAS**, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on June 14, 2022; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their June 14, 2022 meeting; and

**WHEREAS** upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the public hearing, 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 regulations and safeguards would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

**BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, THAT** a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

- (1) Up to 62 dwelling units per acre (DUA) are permitted on the Property,
- (2) The height of the building within the Project shall not exceed fifty (50) feet, consisting of four floors above one floor of structured parking.
- (3) The required parking for the Project shall be reduced by one space, for a total requirement of seven (7) on-site spaces for the Project depicted within the Application Materials, subject to any further reductions as the Project may be eligible for by provisions within the City Code.
- (4) The building constructed within the Project shall be substantially similar to the landscaping plan within the exhibits submitted with the Application Materials referenced above within this Resolution.



**RESOLUTION**

**Reconstituting the Charlottesville Planning Commission and appointing or reappointing its members for staggered terms**

WHEREAS Section 15.2-2212 of the Code of Virginia (1950), as amended, (“Va. Code”) requires local planning commissions to be constituted in accordance with certain specifications, including certain categories of membership (including a requirement that at least half of the membership must be owners of real property); and

WHEREAS pursuant to City Code §2-237 of the City Code, the Charlottesville Planning Commission consists of seven members; however, the intervals for staggering of the terms of the seven commissioners no longer comply with statutory requirements, which specify terms staggered at one-year intervals, divided equally or as nearly equal as possible between the membership;

WHEREAS pursuant to the Three-Party Agreement executed among the City, the University of Virginia (UVA), and Albemarle County in 1986, the City agreed to include a representative of UVA as a non-voting member of the planning commission; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville that the Charlottesville Planning Commission is hereby reconstituted and its membership re-appointed, and three individuals are hereby appointed to “Interim Terms” to allow for the terms of the planning commission members to be staggered in the manner required by Virginia Code §15.2-2212, as follows:

- |         |   |                               |
|---------|---|-------------------------------|
| Seat 1. | Interim Term (ending August 31, 2023)   | Appointee: Hosea Mitchell     |
| Seat 2. | Regular Term (ending August 31, 2023)   | Appointee: Rory Stolzenberg   |
| Seat 3. | Regular Term (ending August 31, 2024)   | Lyle Solla-Yates –reappointed |
| Seat 4. | Interim Term (ending August 31, 2024)   | Liz Russell – reappointed     |
| Seat 5. | Interim Term (ending August 31, 2025)   | Appointee: Karim Habbab       |
| Seat 6. | Regular Term (ending August 31, 2026)   | Appointee: Carl Schwarz       |
| Seat 7. | Regular Term (ending August 31, 2026)   | Appointee: Phil D’Oronzio     |
| Seat 8. | UVA <i>ex officio</i> , per 1986 3-Party Agreement (not appointed by Council) |                               |