



**CITY COUNCIL AGENDA**  
**June 21, 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 APPROVED 5-0 (PINKSTON/WADE)**

**Reports**

1. Presentation: City-owned properties
2. Presentation: Rivanna Water and Sewer Authority Central Water Line Project update

**5:30 PM CLOSED SESSION pursuant to Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and Commissions; legal consultation)**

**Vote to meet in closed session APPROVED 5-0 (WADE/PAYNE)**

**Vote to certify closed session APPROVED 5-0 (WADE/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: Osher Lifelong Learning Institute (OLLI) at UVA 20 year milestone
- Proclamation: Pride Month

**Board/Commission Appointments APPROVED 5-0 (PAYNE/MAGILL)**

**Consent Agenda\* APPROVED 5-0 (PINKSTON/PAYNE)**

3. Minutes: April 4 Council meeting, April 7 budget work session, April 12 special meeting, corrected minutes from February 1, 2021
4. Resolution: Appropriating the amount of \$15,000 to be expended for the Local Emergency Management Performance Grant (2nd reading)  
#R-22-076
5. Ordinance: Amending and reordaining Chapter 31 (Utilities) of the Code of the City of Charlottesville, 1990, as amended, to establish new utility rates and service fees for City gas, water and sanitary sewer (2nd reading)  
#O-22-077
6. Resolution: Approving Community Development Block Grant 2020-2021 reprogramming of the Ridge Street Priority Neighborhood fund (1 reading)  
#R-22-078

7. Resolution: Approving Community Development Block Grant - HOME Program 2022-2023 minor budget amendments
- a. Resolution: Amending HOME Investment Partnership accounts FY 2022-2023 (1 reading)  
#R-22-079
- b. Resolution: Amending Community Development Block Grant accounts FY 2022-2023 (1 reading)  
#R-22-080
8. Ordinance: Authorizing encroachment of a building constructed on property at 1622 East Market Street (1 reading)  
#O-22-081
9. Ordinance: Authorizing encroachment of a building constructed on property identified on tax map 30 as parcel 24 at the corner of Delevan Street and an unnamed 12-foot alley, together referred to as 301 7th Street SW (1 reading)  
#O-22-082
10. Resolution: ~~Reconstituting the Charlottesville Planning Commission and appointing or reappointing its members for staggered terms (1 reading)~~ **Removed by Council vote.**
11. 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 (1 of 2 readings)

### City Manager Report

- Report: Financial 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

12. Public Hearing/Ord.: Considering a request for vacation and purchase of the adjacent unaccepted Right-of-Way for Oak Street at 321 6th Street (1 reading)  
**Deferred to July 18 meeting.**
13. Public Hearing/Ord.: Considering a request to purchase an adjacent City Right-of-Way at 819 East Jefferson Street (1 reading)  
**Motion to Deny 4-1 (PAYNE/PINKSTON; Wade opposed denial)**
14. Public Hearing/Ord.: Considering a request for the City to quitclaim its interest in a property line "gap" area at 1110 Preston Avenue (1 reading)  
#O-22-083  
**APPROVED 5-0 (PINKSTON/WADE)**
15. Resolution\*: Acquisition of property at 921 East Jefferson Street (1 reading)  
#R-22-084  
**APPROVED 4-1 (PINKSTON/WADE; Payne opposed)**
16. Resolution\*: Accepting a Donated Memorial to August 12 and establishing criteria governing the use of Downtown Mall trees (1 reading)  
#R-22-085  
**APPROVED 5-0 (PAYNE/PINKSTON)**

### General Business

17. Report: Thomas Jefferson Planning District Commission hazard mitigation presentation

### Other Business

**RESOLUTION**  
**Appropriating the amount of \$15,000 to be expended for the**  
**Local Emergency Management Performance Grant (LEMPG)**

**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;

**WHEREAS**, the grant award covers the period from July 1, 2021 through June 30, 2022;

**WHEREAS**, the City of Charlottesville will be required to provide matching funds (\$7,500) and that amount is available within the Citywide Reserve;

**WHEREAS**, the total funds, in the amount of \$15,000, will be used to support the update and finalization of an enterprise continuity of operations plan (COOP);

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$7,500, be received as grant funding and the sum of \$7,500, be allocated from citywide reserves and be appropriated in the following manner:

**Revenues – \$15,000**

\$7,500	Fund: 209	Internal Order: 1900471	G/L: 430120 State/Fed pass thru
\$7,500	Fund: 209	Internal Order: 1900471	G/L: 498010 Transfer from Other Funds

**Expenditures – \$15,000**

\$15,000	Fund: 209	Internal Order: 1900471	G/L: 599999 Lump Sum
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**Transfer Sender - \$7,500**

\$7,500	Fund: 105	Cost Center: 1631001000	G/L: 561209 Transfer to State Grants
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Emergency Management.

**AN ORDINANCE  
AMENDING AND REORDAINING CHAPTER 31 (UTILITIES) OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES  
FOR CITY GAS, WATER AND SANITARY SEWER.**

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

**1. Sections 31-56, 31-57, 31-60, 31-61, 31-62, 31-102, 31-106, 31-153, 31-156 and 31-158 of Chapter 31, of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:**

**CHAPTER 31. UTILITIES**

**ARTICLE II. GAS**

**DIVISION 2. TYPES OF SERVICE; SERVICE CHARGES**

**Sec. 31-56. Rates - Generally.**

The firm service gas rates based on monthly meter readings shall be as follows:

Basic Monthly Service Charge	\$ 10.00	
First 3,000 cubic feet, per 1,000 cubic feet	<del>\$8.9908</del>	<u>\$8.8087</u>
Next 3,000 cubic feet, per 1,000 cubic feet	<del>\$8.5198</del>	<u>\$8.3559</u>
Next 144,000 cubic feet, per 1,000 cubic feet	<del>\$8.0489</del>	<u>\$7.9031</u>
All over 150,000 cubic feet, per 1,000 cubic feet	<del>\$7.5779</del>	<u>\$7.4504</u>

**Sec. 31-57. Air conditioning.**

(a) Gas service at the rate specified in this paragraph (“air conditioning rate”) shall be available to customers who request such service in writing and who have installed and use air conditioning equipment operated by natural gas as the principal source of energy. The air conditioning rate will be ~~\$7.3421~~ \$7.3471 per one thousand (1,000) cubic feet of gas used per month.

(b) The director of finance may, when it is impracticable to install a separate meter for air conditioning equipment, permit the use of one (1) meter for all gas delivered to the customer, in which instance the director of finance shall estimate the amount of gas for uses other than air conditioning and shall bill for such gas at the rates provided in applicable sections of this division.

...

**Sec. 31-60. Interruptible sales service (IS).**

(a) *Conditions. . . .*

(b) *Customer's agreement as to discontinuance of service. . . .*

(c) *Basic monthly service charge.* The basic monthly charge per meter for interruptible sales service (“IS gas”) shall be sixty dollars (\$60.00).

(d) *Rate.* For all gas consumed by interruptible customers the rate shall be ~~\$7.2178~~ \$7.0120 per one thousand (1,000) cubic feet for the first six hundred thousand (600,000) cubic feet, and ~~\$6.6937~~ \$6.5125 per one thousand (1,000) cubic feet for all volumes over six hundred thousand (600,000) cubic feet.

(e) *Annual Minimum Quantity.* Interruptible rate customers shall be obligated to take or pay for a minimum quantity of one million two hundred thousand (1,200,000) cubic feet of gas annually. Each year, as of June 30, the director of finance shall calculate the total consumption of each interruptible customer for the preceding twelve (12) monthly billing periods and shall bill any customer that has consumed less than the minimum quantity for the deficient amount at the rate of ~~\$7.2178~~ \$7.0120 per one thousand (1,000) cubic feet. Any new customer shall be required to enter into a service agreement with the City prior to the start of service. If an interruptible customer terminates service, the annual minimum requirement shall be prorated on the basis of one hundred thousand (100,000) cubic feet per month for each month the customer has received service since the last June 30 adjustment.

(f) *Contract required. . . .*

**Section 31-61. Interruptible Transportation Service (TS).**

(a) *Generally. ...*

(b) *Rates.* The rates for interruptible transportation service (“TS gas”) shall be as follows:

(1) ~~\$2.6462~~ \$2.6287 per dekatherm for a customer receiving only TS gas, and

(2) ~~\$1.5877~~ \$1.5772 per dekatherm, for customers who transport 35,000 or more dekatherms per month (“large volume transportation customers”), regardless of whether such large volume transportation customer receives only TS gas, or also receives IS service.

(c) *Basic Monthly Service Charges. ...*

(d) *Special terms and conditions. ...*

(e) *Extension of facilities. . . .*

(f) *Billing month. . . .*

- (g) *Lost and unaccounted-for gas. . . .*
- (h) *Combined IS and TS customer using more than provided or scheduled by customer....*
- (i) *TS Customer providing more gas, or less gas, than customer's usage. ...*
- (j) *Other terms and conditions. . . .*

**Section 31-62. Purchased gas adjustment.**

In computing gas customer billings, the basic rate charges established under sections 31-56, 31-57, 31-60 and 31-61 shall be adjusted to reflect increases and decreases in the cost of gas supplied to the city. Such increases or decreases shall be computed as follows:

(1) For the purpose of computations herein, the costs and charges for determining the base unit costs of gas are:

- a. Pipeline tariffs;
- b. Contract quantities; and
- c. Costs of natural gas, in effect or proposed as of ~~April 1<sup>st</sup>, 2021~~, April 1<sup>st</sup>, 2022

(2) Such base unit costs are ~~\$4.2810~~ \$5.1715 per one thousand (1,000) cubic feet for firm gas service and ~~\$2.8498~~ \$3.4986 per one thousand (1,000) cubic feet for interruptible gas service.

(3) In the event of any changes in pipeline tariffs, contract quantities or costs of scheduled natural gas, the unit costs shall be recomputed on the basis of such change in accordance with procedures approved by the city manager. The difference between the unit costs so computed and the base unit costs shall represent the purchased gas adjustment to be applied to all customer bills issued beginning the first billing month after each such change.

**ARTICLE III. WATER AND SEWERS GENERALLY**

**Sec. 31-102. - Application for water service; water connection charges generally; installation of meters, etc.**

(a) Whenever any person owning or leasing property for which water service has been installed desires the initiation of water delivery, they shall make written application to the director of finance on forms prescribed by the director.

(b) Whenever any person owning or leasing property along an existing city water main desires to provide a service connection from such main to such property, they shall make application to the director of finance on forms prescribed by the director. The charge for a water connection for a meter provided, installed and set by the city under this subsection. The cost of connecting to the city water shall be determined based on the water meter size or equivalent residential connections (ERC), whichever fee is greater, shall be as follows:

Water Meter Size (inch)	ERC	Water Meter Set Fee	Water Facility Fee
5/8	1	\$325.00	\$3,100.00
1	2.5	\$495.00	\$7,750.00
1 1/2	5	\$565.00	\$15,500.00
2	8	\$635.00	\$24,800.00
3	15-25	\$825.00	<del>\$46,500.00</del> \$77,500.00
4	25-50	\$965.00	<del>\$77,500.00</del> \$155,000.00
6	50-80	\$1,145.00	<del>\$155,000.00</del> \$248,000.00

(c) In new subdivisions or any portion thereof the city may, if the city manager deems it to be in the best interest of the city, install water connections at the same time the water main or mains are installed in the new streets and prior to the time that the streets are paved, provided:

- (1) The subdivider so requests;
- (2) The subdivider gives assurance in writing that the lots will be built upon within a reasonable time; and
- (3) The subdivider designates on a plat the desired location of such connections. The charge for a water connection shall be as indicated in subsection (b) of this section.

(d) All installations made pursuant to subsections (b) and (c) of this section, from and including the meter to the main, shall be the property of the city, and the city shall maintain such service line and meter.

(e) In new subdivisions, such as apartment or office complexes or shopping centers, the city may, if the city manager deems it to be in the best interest of the city, install water meters at approximately the same time the water main or mains are installed in the project, provided:

- (1) The subdivider or developer so requests;
- (2) The subdivider or developer gives assurance in writing that the project will be built within a reasonable time;
- (3) The subdivider or developer designates on a plat the desired location of any main or mains, service lines and meters; and
- (4) The subdivider or developer installs at their expense any required mains and service lines in accordance with city standards.

The charge for a water connection shall be as indicated in subsection (b) of this section.

**Sec. 31-106. - Sewer connections generally.**

(a) All sanitary sewer connections shall be done by the applicant; extensions of all lines in city streets shall be performed by or approved in advance by the city. The cost of connecting to the city sewer shall be determined based on the water meter size or equivalent residential connections (ERC), whichever fee is greater, as follows:

Meter Size (inch)	ERC	Sewer Facility Fee
5/8	1	\$5,350.00
1	2.5	\$13,375.00
1 1/2	5	\$26,750.00
2	8	\$42,800.00
3	15-25	<del>\$80,250.00</del> \$133,725.00
4	25-50	<del>\$133,725.00</del> \$267,500.00
6	50-80	<del>\$267,500.00</del> \$428,000.00

For the purposes of this subsection, multi-family housing shall equal 0.5 ERC per unit and hotels shall equal 0.33 ERC per room. "Multi-family housing" shall include all buildings or structures with three (3) or more dwelling units, regardless of whether the units are individually owned or leased.

As used herein, a "sewer facility fee" is defined as a charge levied to offset existing or planned future capital costs necessary to meet the service needs of city sanitary sewer customers. The amount of the sewer facility fee is based on the customer's water meter size, or the number of equivalent residential connections as indicated above.

(b)Connections shall be made only upon application in writing on a form provided by the director of finance, to whom applications shall be made, and the payment above mentioned shall be made at the time of application.

(c)All applicant connections to the city's sewer lines shall be made only by a certified master plumber after securing a proper permit. All such connections must be inspected and approved by the city.

(d)All connections to mains of the city sewerage system, whether inside or outside of the city, shall be made only by the use of a mechanical tapping saddle with straps or bands circling the entire pipe compressing a rubber seal against the main line, or a polyvinyl chloride or ductile iron wye in the line. Any portion of the house sewer line within any street or road right-of-way shall be ductile iron, polyvinyl chloride or cast iron.

(e)In new subdivisions or any portion thereof, the city may, if the city manager deems it to be in the best interest of the city, install sewer connections at the same time the sewer main or mains are installed in the new streets and prior to the time that the streets are paved; provided:

- (1) The subdivider so requests;
- (2) The subdivider gives assurance in writing that the lots will be built upon within a reasonable time; and
- (3) The subdivider designates on a plat the desired location of such connections.

The charge for sewer connections shall be as indicated in subsection (a) of this section.



**ARTICLE IV. WATER AND SEWER SERVICE CHARGES**

**Sec. 31-153. Water rates generally.**

(a) Water rates shall be as follows:

(1) Monthly service charge....

	<u>May-September</u>	<u>October-April</u>
(2) Metered water consumption, per 1,000 cu. ft.	<del>\$70.08</del> <u>\$80.59</u>	<del>\$53.91</del> <u>\$62.00</u>

(b) This section shall not apply to special contracts for the consumption of water which have been authorized by the city council.

**Sec. 31-156. Sewer service charges generally.**

(a) Any person having a connection directly or indirectly, to the city sewer system shall pay therefor a monthly charge as follows:

(1) Monthly service charge ...

(2) An additional charge of ~~eighty one dollars and thirty four cents (\$81.34)~~ eighty-three dollars and eighty cents (\$83.80) per one thousand (1,000) cubic feet of metered water consumption.

(b) Any water customer not discharging the entire volume of water used into the city's sanitary sewer system shall be allowed a reduction in the charges imposed under this section, provided such person installs, at his expense, a separate, City-approved water connection to record water which will not reach the City sewer system. The cost and other terms of City Code section 31-102 shall apply. For customers with monthly water consumption in excess of thirty thousand (30,000) cubic feet, where the director of finance considers the installation of a separate meter to be impracticable, the director may establish a formula which will be calculated to require such person to pay the sewer charge only on that part of the water used by such person which ultimately reaches the city sewers.

**2. The foregoing amendments shall become effective July 1, 2022.**

**RESOLUTION**

**The FY 2020-2021 CDBG Action Plan Amendment to Reprogram the Community Development Block Grant Ridge Street Priority Neighborhood Taskforce Traffic Calming Project Funds for Expenditure of CDBG Funding on or before June 30, 2022.**

**WHEREAS** on May 7, 2018, the Charlottesville City Council approved a Consolidated Plan for the City of Charlottesville and the Thomas Jefferson Planning District, covering the period from July 1, 2018 through June 30, 2023, which sets forth a plan to provide support for certain community development needs—including, but not limited to—infrastructure needs, within those jurisdictions; and

**WHEREAS** the Consolidated Plan includes a citizen participation plan, and Sec. 2-419(10) specifies that, once City Council has approved and funded a program, any reprogramming and budgetary changes will be done consistent with the approved citizen participation plan;

**WHEREAS** the Consolidated Plan is implemented during the coverage period through certain “Action Plans”, including the “FY 2020-2021 Action Plan” previously approved by resolution of City Council on May 3, 2021; and

**WHEREAS** within the FY2020-2021 Action Plan the Charlottesville Ridge Street Priority Neighborhood was selected as a designated priority neighborhood for CDBG funding from the City, in the amount of \$85,830, to plan neighborhood improvement activities in the City of Charlottesville within the Ridge Street Priority Neighborhood, with a target of June 30, 2022 for expenditure of the funding in accordance with the approved project; and

**WHEREAS** the 10<sup>th</sup> and Page Kennon Williams Design services is requesting a modification of their approved project, in order to satisfy outstanding design costs for the Jenkins Park, while allowing for the timely expenditure of all awarded funding by June 30, 2022 (“contingency plan”), and federal regulations specify that this type of modification must be approved by City Council as a minor amendment of the City’s FY2020-2021 Action Plan (“Minor Amendment of the FY2020-2021 Action Plan”); and

**WHEREAS** the requested Minor Amendment of the FY2020-2021 Action Plan does not make any change to the amount of CDBG funding previously approved for the Ridge Street Priority Neighborhood; and

**WHEREAS** this Council is satisfied by the information presented within the staff report, that the proposed Minor Amendment of the FY2020-2021 Action Plan has been brought forward in accordance with the approved citizen participation plan, as required by City Code §2-419(10); now, therefore

**BE IT RESOLVED** that the Charlottesville City Council hereby approves a Minor Amendment of the City’s FY2020-2021 Action Plan, to authorize the Reprogramming of Ridge Street Priority Neighborhood Traffic Calming funds, which will assist the Charlottesville 10<sup>th</sup> and Page in meeting CDBG timeliness goals in accordance with federal regulations set forth at 24 CFR 570.902.

**RESOLUTION**  
**AMENDING HOME INVESTMENT PARTNERSHIPS PROGRAM ACCOUNTS**  
**FY 2022-2023**

**WHEREAS**, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the HOME Investment Partnerships Program (HOME) funds on June 6, 2022; and

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the HOME 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 appropriated to the respective accounts shown as follows:

<b>Fund</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
210	1900463	HOME Match		\$2,225.31	\$23,369.53
210	1900463	LEAP Assisted Home Performance		\$8,901.25	\$93,478.13
		<b>TOTALS:</b>			

**RESOLUTION**  
**AMENDING COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNTS**  
**FY 2022-2023**

**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 on June 6, 2022; and

**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 appropriated to the respective accounts shown as follows:

<b>Fund</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
218	1900464	Ridge ST Priority Neighborhood	\$7,981.82		\$178,394.34
218	1900465	CIC Microenterprise Scholarships	\$1,070.66		\$23,929.34
218	1900466	LEAP Workforce Development	\$1,290.36		\$28,839.64
218	1900467	PHAR Resident Involved Redevelopment	\$1,606.42		\$35,903.90
218	1900468	LVCA Workforce Tutoring	\$1,178.17		\$26,332.15
218	1900469	LEAP Solar Maintenance	\$1,723.77		\$38,526.23
218	3914001000	Administrative and Planning	\$3,712.80		\$82,981.40
		<b>TOTALS:</b>			<b>\$414,907</b>

**ORDINANCE  
AUTHORIZING ENCROACHMENT OF A BUILDING  
CONSTRUCTED ON PROPERTY IDENTIFIED ON CITY TAX MAP 56 AS PARCEL 117  
HAVING THE ADDRESS OF 1622 EAST MARKET STREET**

**WHEREAS** John and Mary Winter, the owners of certain property located at 1622 East Market Street, identified on City Tax Map 56 as Parcel 117 (City Real Estate Parcel Identification No. 560117000) (the “Property”), has requested City Council to authorize an existing encroachment of the building constructed on the Property in 1920 into the public right-of-way of East Market Street (the “Encroachment”); and

**WHEREAS** the City Engineer has reviewed a physical survey plat prepared by Commonwealth Land Surveying, LLC, dated April 14, 2022, titled Physical Survey Lot D J.W. & Ethel H.A. Garrison Subdivision (“Plat”), showing the Encroachment area. Seeing no apparent detrimental effect of City Council agreeing to the Encroachment, the City Engineer has confirmed that he has no objection to the request; and

**WHEREAS** Sections 15.2-2009 and 15.2-2011 of the Code of Virginia (1950), in effect as of the date this Ordinance is approved, permit the City Council to authorize encroachments upon public rights-of-way, subject to the requirement that the Property owner shall not be relieved of negligence on account of the Encroachment(s), and further subject to other terms and conditions as City Council may prescribe;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute a deed or other instrument(s), in a form approved by the City Attorney and suitable for recording among the land records of the City of Charlottesville, to authorize the Encroachment of the Building within the East Market Street right-of-way, subject to the provisions of Sections 15.2-2009 and 15.2-2011 of the Code of Virginia (1950) in effect as of the date this Ordinance is approved.

**ORDINANCE**  
**AUTHORIZING ENCROACHMENT OF A BUILDING**  
**CONSTRUCTED ON PROPERTY IDENTIFIED ON CITY TAX MAP 30 AS PARCEL 24**  
**AT THE CORNER OF DELEVAN STREET AND AN UNNAMED 12-FOOT ALLEY**

**WHEREAS** R&J ENTERPRISES, LLC, the owner of c[redacted]erty identified on City Tax Map 30 as Parcel 24 (City Real Estate Parcel Identification No. 300024000 ), bounded to the west by Delevan Street and bounded to the north by an alley (together, the “Property”) has requested City Council to authorize an existing encroachment of a building constructed on the Property in 1961 (“Building”) (i) into the public right-of-way of Delevan Street and (ii) into an alley that serves as the northern boundary of the Property, as to which alley ownership has not been determined (each, an “Encroachment”); and

**WHEREAS** the City Engineer has reviewed a physical survey plat prepared by Roudabush Gale & Associates, Inc., dated October 18, 2021, titled “Physical Survey Tax Map 30 Parcel 24 Lots 1 & 10 City of Charlottesville, Virginia” (“Plat”), showing the areas of Encroachment. Seeing no apparent detrimental effect of City Council agreeing to either Encroachment, the City Engineer has confirmed that he has no objection to the request; and

**WHEREAS** Sections 15.2-2009 and 15.2-2011 of the Code of Virginia (1950) in effect as of the date this Ordinance is approved permit the City Council to authorize encroachments upon public rights-of-way, subject to the requirement that the Property owner shall not be relieved of negligence on account of the Encroachment(s), and further subject to other terms and conditions as City Council may prescribe;

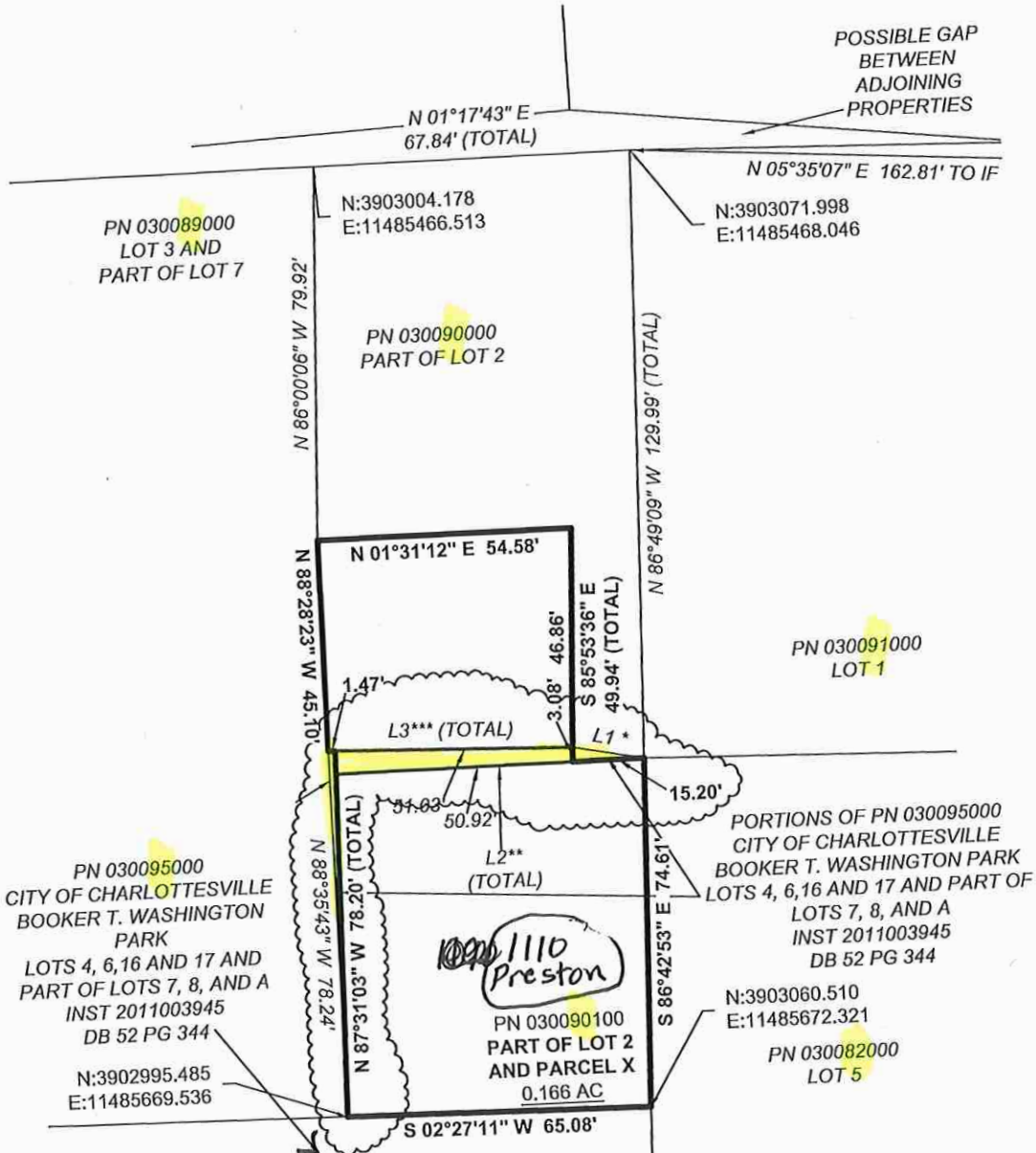
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute a deed or other instrument(s), in a form approved by the City Attorney and suitable for recording among the land records of the City of Charlottesville, to authorize the Encroachment of the Building within the Delevan Street right-of-way, and—to the extent of the City’s right, title or interest in the adjacent alley, if any—to authorize the Encroachment of the Building within the alley, both authorizations being subject to the provisions of Sections 15.2-2009 and 15.2-2011 of the Code of Virginia (1950) in effect as of the date this Ordinance is approved.

**ORDINANCE****APPROVING A QUITCLAIM OF ALL OF THE CITY'S RIGHT, TITLE AND INTEREST IN AND TO LAND SITUATED BETWEEN OR AMONG THE BOUNDARIES OF 1106 PRESTON AVENUE, 1108 PRESTON AVENUE, AND 1110 PRESTON AVENUE, UPON SATISFACTION OF SPECIFIED CONDITIONS**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City agrees to quitclaim all of its right, title and interest, if any, in and to a certain area of land identified and described on a Plat Showing Physical Survey and New Easements Lot 2 and Parcel X Old Barracks Road Subdivision, prepared by Commonwealth Land Surveying, LLC, dated March 10, 2022 as a "gap" between or among the existing property lines of property located at 1106 Preston Avenue, 1108 Preston Avenue, and 1110 Preston Avenue, said quitclaim conveyance being expressly made subject to the following conditions:

1. The City Attorney shall prepare a quitclaim deed conveying all of its rights, title, and interest, in the "gap" area, to grantees identified, collectively, by mutual agreement of the owners of 1106 Preston Avenue, 1108 Preston Avenue, and 110 Preston Avenue ("Lot Owners"). The City shall not be responsible for determining title to the "gap" area. In the event that the Lot Owners cannot agree upon the individuals who will be the grantees named in the quitclaim deed, the authority granted by this Ordinance to the City Attorney shall expire thirty (30) days after the City Attorney gives written notice to the Lot Owners and the Lot Owners fail to reach agreement within the 30-day period.
2. The owners of 1110 Preston, either themselves or by agreement with the other Lot Owners, shall be responsible for providing a boundary survey plat establishing the correct lot lines for 1106 Preston Avenue, 1108 Preston Avenue, and 110 Preston Avenue, and for all costs, recordation taxes and fees associated with recording the quitclaim deed and boundary survey plat in the land records of the Charlottesville Circuit Court. The City shall not pay, contribute, or be liable for any cost or expense, of any nature whatsoever, that is incurred by any Lot Owner(s) in connection with the quitclaim conveyance approved by this Ordinance.

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City of Charlottesville



**RESOLUTION****Approving terms for the acquisition of property at 921 East Jefferson Street  
by the City of Charlottesville**

**WHEREAS** GEWINN INVESTORS III, L.C. (“Owner”) owns certain property known by present street numbering as 921 East Jefferson Street, Charlottesville, Virginia, designated on City of Charlottesville Real Estate Tax Map 53 as Parcel 266 (City Real Estate Tax Parcel Identification Number 530266000), and the owner has offered the property for sale; and

**WHEREAS** the City of Charlottesville (“City”) is an interested purchaser of the property to be conveyed (the “Property”); and

**WHEREAS** Owner and the City have engaged in mutual discussions and have tentatively agreed to terms of a proposed agreement for the purchase and sale of the Property, including, among other terms, a purchase price of \$1,650,000, conditioned upon approval of said terms by the Charlottesville City Council; and

**WHEREAS** funds are available for the City’s purchase of the Property, within Capital Improvement Fund Account P-1008; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia **THAT**

1. The purchase and acquisition of the property known by present street numbering as 921 East Jefferson Street, Charlottesville, Virginia, designated on City of Charlottesville Real Estate Tax Map 53 as Parcel 266 (City Real Estate Tax Parcel Identification Number 530266000) (“Property”) is hereby **APPROVED** upon the following terms:
  - a. Purchase Price: the proposed purchase price for the property is \$1,650,000;
  - b. Closing Date: closing would be scheduled to take place within 30 days of City Council’s approval, within 5 days of executing a purchase agreement, the City will pay a deposit in the amount of \$25,000, to be held in escrow and which will be applied to the Purchase Price at Closing.
  - c. Clear title: at Closing, the City would receive insurable title to the Property, by special warranty deed. The Property will be acquired by the City in as-is condition.
  - d. Existing Leases: the City would agree to allow tenants currently occupying the Property pursuant to four unrecorded leases to remain on the Property through November 1, 2022, Seller will prepare an assignment of its interests in the leases to the City.
  - e. Seller Costs: Seller will pay its own attorneys fees, including preparation of the deed, preparation of a lien affidavit, costs associated with releasing deeds of trust or other existing liens, if any, and recordation taxes applicable to grantors, and other Closing documentation
  - f. City Costs: City is responsible for costs of title examination and title insurance, and all recording costs and recordation taxes other than the grantor’s tax., and other Closing documentation necessary to complete the City’s purchase
  - g. Taxes: Seller must pay all real estate taxes due on the Property, through the date of Closing.

- h. Other terms: such other or further administrative, procedural or contractual provisions as deemed necessary by the City Attorney in order to effectuate a binding agreement for the purchase and sale of the Property upon the terms set forth in 1.a. through 1.g., preceding above.
- 2. Upon the approval of the City Attorney as to the form of a written Real Estate Purchase and Sale Agreement upon the terms stated in Section 1, above, the City Manager is hereby authorized to execute said agreement, and the City Attorney and City Manager are hereby authorized to execute any other necessary documents, in form approved by the City Attorney, as may be necessary to consummate the purchase of 921 East Jefferson Street by the City of Charlottesville upon the terms herein stated and to complete the settlement and closing of the purchase/sale transaction and the recordation of a deed conveying insurable title to the City of Charlottesville.

**RESOLUTION**

**Accepting a Donated Memorial Titled “The Story of Us: Reclaiming the Narrative of #Charlottesville through Portraits of Community Resilience” and establishing criteria governing use of the Downtown Mall trees**

WHEREAS this City Council has been contacted by an artist who is inspired to create an interactive photographic display of scenes from August 11-12, 2017, which the artist is willing to donate to the City as a memorial (“Memorial”);

WHEREAS the components of the Memorial would be attached to various trees along the Downtown Mall, accompanied by “QR Codes” that will allow the public to listen to audio recordings of individual stories about moments captured within the photographs, and

WHEREAS City Council finds and determines that the Downtown Mall trees are a natural resource that generally should not be utilized as a location for posting of signs or exhibits; however, City Council may occasionally, by resolution, authorize the trees to be used for artwork or memorial/ commemorative displays selected by the City Council;

WHEREAS City Council has carefully considered a collection of sample/representative photographs provided by the artist offering the Memorial, and Council hereby finds and determines that the photographs (which do not depict violence) portray individuals and circumstances directly related to the City’s history, are consistent with the esthetics, history and culture of the Downtown Mall, and effectively communicate and promote City Council’s Vision of a community of mutual respect, committed to racial and cultural diversity, inclusion, racial reconciliation, economic justice, and equity; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the privately financed and donated Memorial is hereby accepted for public display within the trees on the Downtown Mall, with setup commencing on or after August 1, 2022. A volunteer member of the City Council, together with the City’s Deputy City Manager for Diversity, Equity and Inclusion, shall work with the artist as Council’s representatives, to monitor the development of the final components of the Memorial, and, in the event that the developed components of the Memorial deviate from the character of the content presented to City Council by the artist’s representative sample photographs and descriptive materials, then the representatives shall notify City Council and Council hereby reserves the right to withdraw the acceptance set forth within this Resolution if the Memorial will not satisfy the criteria set forth within this Resolution; and

BE IT FURTHER RESOLVED that henceforth, City Council may occasionally, by resolution, authorize the Downtown Mall trees to be used for artwork or memorial/ commemorative displays selected by the City Council, when such artwork or display:

- (i) communicates or promotes one or more aspects of the City Council’s Vision Statement;
- (ii) is appropriate for the Downtown Mall, or a portion thereof, based on esthetics, history and culture, and will not harm the trees, and
- (iii) is either:
  - (A) directly related to the City’s history, or
  - (B) donated by an individual or organization with longstanding community ties.