



## CITY COUNCIL AGENDA December 5, 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). The public may view this portion of the meeting electronically by registering in advance for the Zoom webinar or on the City's streaming platforms and local government Channel 10. 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/MAGILL)**

### Reports

1. Report: FY24 Vibrant Community Fund Update
2. Report: Report on Annual Financial Audit for Fiscal Year 2022 from City's Auditors

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

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

**Vote to certify closed session APPROVED 5-0 (PINKSTON/PAYNE)**

### 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. 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

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

3. Minutes: October 17 meeting
4. **Resolution: #R-22-157** Approving and appropriating grant funds for Virginia Department of Education Special Nutrition Program - Child and Adult Care Food Program - \$50,000 (2nd reading)
5. **Resolution: #R-22-158** Considering a Special Use Permit request for 901 Seminole Trail and 1801 Hydraulic Road (1 reading)
6. **Resolution: #R-22-159** Considering a Special Use Permit request at 211 Albemarle Street (1 reading)

### City Manager Report

### Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting.

### Action Items

7. Public Amending the 2018 City/County Courts Memorandum of Agreement and

Hearing/Ord.: approving a 40-year lease (1 of 2 readings)

8. **Resolution:** **Consent to City Manager's appointment of Chief of Police (1 reading)**  
**#R-22-160** **APPROVED 5-0 (WADE/PINKSTON)**
9. Ordinance/Resolution: Police Civilian Oversight Board Matters
  - a. Ordinance: Amending Chapter 2, Article XVI of the City Code (PCOB) (1 of 2 readings)
  - b. Resolution: Approving Operating Procedures for the PCOB (1 reading) (**tabled to 12/19**)
10. Ordinance: Considering a Zoning Map Amendment for the Mount View PUD (Planned Unit Development) (1 of 2 readings) (**carried to 12/19**) **Motion to carry APPROVED 4-1 (PINKSTON/WADE; Magill opposed)**
11. Resolution: Considering a Sidewalk Waiver Request for the Mount View PUD (Planned Unit Development) (1 reading) (**tabled to 12/19**) **Motion to table APPROVED 4-1 (PINKSTON/WADE; Magill opposed)**
12. Resolution: Transferring Capital Funds from City/County fund (P-00834) for renovations to Washington Park Pool - \$350,000 (1 of 2 readings)
13. **Resolution:** **Expressing support for a Capital Project to establish Handicapped Access to the Charlottesville Dogwood Vietnam Memorial (1 reading)**  
**#R-22-161** **APPROVED 5-0 (PINKSTON/MAGILL)**

#### **General Business**

14. Action Item: 2023 Local Legislative Positions
  - a. By Motion: Thomas Jefferson Planning District Commission (TJPDC) Proposed Legislative Positions (2023) – David Blount **APPROVED 5-0 (PINKSTON/PAYNE)**
  - b. By Motion: City Council Proposed Legislative Positions (2023) – Mayor Snook and Councilor Magill **APPROVED 5-0 (MAGILL/PINKSTON)**

#### **Other Business**

#### **Community Matters (2)**

#### **Adjournment**

**RESOLUTION**  
**Virginia Department of Education Special Nutrition Program**  
**Child and Adult Care Food Program**  
**\$50,000**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$50,000 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, 2022 through September 30, 2023;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$50,000, received from the Virginia Department of Education Special Nutrition Program is hereby appropriated in the following manner:

**Revenue – \$ 50,000**

Fund: 209                      Internal Order: 1900503                      G/L Account: 430120

**Expenditures - \$50,000**

Fund: 209                      Internal Order: 1900503                      G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$50,000 from the Virginia Department of Education Special Nutrition Program.

**RESOLUTION**  
**Granting a Special Use Permit for Property Located at**  
**901 Seminole Trail and 1801 Hydraulic Road**

**WHEREAS** 901 Seminole Trail LLC (“Applicant”) is the contract purchaser of certain land identified within the City of Charlottesville real estate records by Real Estate Parcel Identification Nos. 41B001000 and 41B002000 (together, the “Subject Property”), which has frontage on Seminole Trail, Hydraulic Road, Hillsdale Drive, and India Road; and

**WHEREAS** the Subject Property is located in the Highway Mixed Use Corridor zoning district, subject to the Entrance Corridor Overlay district regulations, and according to the Use Matrix set forth within City Code 34-796, restaurants are a permissible use of the Subject Property but a restaurant with a drive-through window is permissible only if authorized by City Council by special use permit; and

**WHEREAS** the specific development proposed by the Applicant is described in detail within the application materials submitted in connection with SP22-00006, as required by City Code §34-158 (collectively, the “Application Materials”); and

**WHEREAS** the City Council and the Planning Commission conducted a joint public hearing on November 8, 2022, following public notice given in accordance with applicable law; and

**WHEREAS** at their November 8, 2022 meeting, the Planning Commission considered and voted to recommend approval of this request, subject to conditions recommended within the Staff Report and modified during their meeting; now, therefore,

**BE IT RESOLVED by the Council for the City of Charlottesville, Virginia**, that a Special Use Permit is hereby granted, to allow a drive-through restaurant as a permissible use of the Subject Property subject to the following conditions:

- (1) The drive-through restaurant use shall be allowed only within the current boundaries of the 901 Seminole Trail parcel (41B001000);
- (2) The maximum setback off Seminole Trail, for the 901 Seminole Trail (41B001000) and 1801 Hydraulic Road (41B002000) parcels, shall be 75 feet;
- (3) The maximum setback off Hydraulic Road, for the 901 Seminole Trail (41B001000) and 1801 Hydraulic Road (41B002000) parcels, shall be 75 feet;
- (4) The maximum setback off India Road, for the 901 Seminole Trail (41B001000) and 1801 Hydraulic Road (41B002000) parcels, shall be 75 feet;
- (5) The maximum setback off Hillsdale Drive, for the 901 Seminole Trail (41B001000) and 1801 Hydraulic Road (41B002000) parcels, shall be 50 feet;

(6) A pedestrian pathway shall be created by the landowner, to provide access to the Subject Property from the intersection of Seminole Trail and Hydraulic Road and such pathway shall be handicapped accessible, or as much so as practically possible; and

(7) A sit-down dining area for the restaurant, or an alternate “walk-up” window, shall be provided and shall remain open to the public at all times when the drive-through window is in operation.

**RESOLUTION**  
**Granting a Special Use Permit for a Daycare Facility at**  
**211 Albemarle Street**

**WHEREAS** Pilgrim Baptist Church Trustees (“Applicant”) are the owners of certain land identified within the City of Charlottesville real estate records by Real Estate Parcel Identification No. 310025000 (the “Subject Property”), which has frontage on Albemarle Street and West Street; and

**WHEREAS** the Subject Property is subject to two separate zoning district classifications: the Central City Mixed Use Corridor District and R-1S (Residential Small Lot). According to the Use Matrices set forth within City Code 34-420 and 34-796, a daycare facility is permitted by right in the Central City Mixed Use Corridor, but both zoning districts permit the use of the Subject Property as a daycare facility; however, a daycare facility proposed within the R-1S zoning district requires a special use permit; and

**WHEREAS** the proposed daycare facility is described in more detail within the application materials dated October 4, 2004, submitted in connection with SP22-00010, as required by City Code §34-158 (the “Application Materials”); and

**WHEREAS** the City Council and the Planning Commission conducted a joint public hearing on November 8, 2022, following public notice given in accordance with applicable law; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their November 8, 2022 meeting, subject to conditions recommended within the Staff Report; now, therefore,

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

- (1) The daycare facility shall not serve more than fifteen (15) students;
- (2) The daycare facility shall adhere to the parking and pickup/drop off plan set forth within the Application Materials. This plan will be kept on file with the City’s zoning administrator and may be updated or amended from time to time subject to advance approval by the City’s Traffic Engineer of any proposed updates or amendments.

**RESOLUTION**

**Giving Council's Consent to the City Manager's Appointment of a Chief of Police**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, pursuant to Section 20-2 of the City Code that that the City Manager's appointment of Michael Kochis to the position of Charlottesville Police Chief is hereby approved by the City Council.

## **RESOLUTION**

### **Expressing Support for a Capital Project to Establish Handicapped Access to the Charlottesville Dogwood Vietnam Memorial**

WHEREAS the Charlottesville City Council recognizes the historic significance of the Dogwood Vietnam Memorial as the first Vietnam War Memorial constructed on public property within our country, and Council also wishes to acknowledge the continuing importance of this memorial as a poignant lesson of the sacrifices of many of our local residents during the Vietnam War; and

WHEREAS the Dogwood Vietnam Memorial was originally constructed in the mid-1960s within McIntire Park, a public park owned by the City of Charlottesville, funded entirely by private donations, and City Council desires to take steps to ensure that the Memorial will remain an important, integral component of the City's public park system, for generations to come; and

WHEREAS the Charlottesville City Council respects the unflagging commitment of the Dogwood Vietnam Memorial Foundation, whose members have generously contributed funding and supplies over the course of many years for the care, maintenance, and enhancement of the memorial and surrounding plaza; and

WHEREAS in response to concerns that the Memorial is not easy for handicapped persons to access, City Council appointed a working group in 2019, to discuss pedestrian access to the Dogwood Vietnam Memorial Plaza and identify obstacles to pedestrian accessibility; this working group recommended to City Council the creation of a vehicle parking area with a pedestrian bridge crossing over the John Warner Parkway that would not only improve pedestrian access to the memorial but would also enhance access to the citywide trail system and the eastern portion of McIntire Park; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville THAT the City Council desires to identify a path forward for making a parking lot and handicapped accessible access from the parking lot to the Dogwood Vietnam Memorial Plaza a viable capital construction project, to be undertaken either by the City government, or by the City in conjunction with a third party, following review of options available under applicable procurement or other legal procedures, with the intention that the project will be funded by private donations as well as state or local public funds; and

BE IT FURTHER RESOLVED THAT the City Council hereby requests Senator Creigh Deeds to sponsor a request for state funding to be awarded to the Charlottesville Dogwood Vietnam Memorial Foundation, or to the City of Charlottesville as fiscal agent for the Foundation, such funding to be used solely for construction of a parking lot adjacent to the John Warner Parkway and construction of a handicapped-accessible pedestrian walkway from the parking lot to the Dogwood Vietnam Memorial Plaza.