



CITY COUNCIL AGENDA
June 5, 2023
CERTIFICATIONS

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

4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. The meeting may also be viewed 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. 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/PURYEAR)**

Reports

1. Report: Charlottesville Albemarle Convention and Visitors Bureau Update
2. Report: Human Rights Commission 2022 Annual Report
3. Report: ADA (Americans with Disabilities Act) Transition Plan Introduction

5:30 PM CLOSED SESSION pursuant to Sections 2.2-3711 and 2.2-3712 of the Virginia Code (boards and commissions)

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

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

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

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

4. Minutes: April 17 regular meeting; May 12 special meeting; May 19-20 Strategic Planning Work Session
5. **Resolution:** Appropriating Additional Funding Received from the Virginia Department of Social Services for Adoption Assistance - \$450,000 (2nd reading)
#R-23-076
6. **Resolution:** Appropriating Funds for Virginia Department of State Police (VSP) - Help Eliminate Auto Theft (HEAT) Program - \$4,000 (2nd reading)
#R-23-077
7. **Resolution:** Appropriating additional funding received from the Virginia Department of Social Services for the VIEW Program - \$46,000 (2nd reading)
#R-23-078
8. **Resolution:** Appropriating Additional Funding Received from the Virginia Department of Social Services for Various Programs - \$56,634 (2nd reading)
#R-23-079
9. **Resolution:** Appropriating funding from the COVID Homelessness Emergency Response Program (CHERP) to the City's Department of Human Services for Expenditure - \$14,419.60 (2nd reading)
#R-23-080
10. **Resolution:** Appropriating a grant of public funds for housing assistance to low- and moderate-income homeowners within the City of Charlottesville - \$1,360,000 (2nd reading)
#R-23-081
11. **Ordinance:** Amending and re-ordaining Section 30-254 (Exemptions), Section 14-19

#O-23-082 (Class IV: Repair, Personal, Business and Other Services, and All Other Businesses and Occupations Not Specifically Listed, Excepted, Exempted in this Chapter), and Section 34-1200 (Definitions), to update language. (2nd reading)

12. Resolution: Appropriating Insurance Claim Reimbursement for The Avon Fuel Station Replacement Project - \$40,000 (1 of 2 readings)

13. Resolution: Appropriating Virginia Department of Criminal Justice Services (DCJS) American Rescue Plan Act (ARPA) for Law Enforcement Equipment Grant 2023 - \$447,000 (1 of 2 readings)

14. Resolution: Appropriating grant funding from the Virginia Department of Emergency Management (VDEM) Emergency Shelter Upgrade Assistance Fund - \$445,307 (1 of 2 readings)

15. Resolution: #R-23-083 Accepting Oak Lawn Court, Oak Lawn Drive, and Porter Avenue into the City street system (1 reading)

16. Resolution: #R-23-084 Amending Resolution #R-23-063: Appropriation of Community Development Block Grant Funds Anticipated from the U.S. Department of Housing and Urban Development as part of the City's FY 2023-2024 Annual Action Plan, approximately \$410,468 (1 reading)

City Manager Report

- Report: June 2023 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. Comments on Public Hearing items are heard during the public hearing only.

Action Items

17. Public Hearing/Ord.: Authorizing the conveyance of city-owned sanitary sewerline easement on West Main Street and Water Street for CODE Building project (1 of 2 readings)

18. Public Hearing/Ord.: 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 (1 of 2 readings)

19. Resolution: #R-23-085 Consenting to City Manager's appointment of City Attorney (1 reading)
APPROVED 5-0 (PINKSTON/WADE)

20. Appeal: #R-23-086 Appeal of BAR (Board of Architectural Review) denial of Certificate of Appropriateness for Demolition of an Individually Protected Property at 104 Stadium Road. BAR # 22-02-03. (discussed and deferred on May 15)
APPROVED Certificate of Appropriateness for Demolition 4-1 (PINKSTON/WADE; Payne opposed)

21. Resolution: Appropriating Charlottesville Supplemental Rental Assistance program (CSRAP) funding (FY23) for use in acquisition of property - \$137,500 (1 of 2 readings)

22. Resolution: Appropriating supplemental Federal Transit Administration and State Capital Funding - \$7,323,087 (1 of 2 readings)

23. Resolution: Appropriating funding received from UVA donation to Emmet Street and Fontaine Avenue Streetscape Projects - \$5,000,000 (1 of 2 readings)

24. Resolution: Appropriating \$5,300,000 to the Charlottesville City School Board for the Acquisition of CATEC (1 of 2 readings)

General Business

Other Business

Community Matters (2)

Adjournment

RESOLUTION

**Appropriating Additional Funding Received from the Virginia Department of Social Services
for Adoption Assistance In the Amount of \$450,000**

WHEREAS, the Charlottesville Department of Social Services has received an allocation of \$450,000 in the Fiscal Year 2023 budget from the Virginia Department of Social Services (“VDSS”) to provide assistance to adoptive families.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the allocation of \$450,000, upon receipt by the City from VDSS, is hereby appropriated for expenditure within the FY23 budget in the following manner:

Revenue-\$450,000

Fund 212 Cost Center: 9900000000 G/L Account: 430080 \$450,000

Expenditures-\$450,000

Fund 212 Cost Center: 3311007000 G/L Account: 540060 \$450,000

RESOLUTION
Help Eliminate Auto Theft (HEAT) Program
\$4,000

WHEREAS, the City of Charlottesville, through the Police Department, has received the Virginia Department of State Police, Help Eliminate Auto Theft (HEAT) Program training grant in the amount of \$4,000 to be used to send auto theft investigators and/or officers who investigate auto theft-related crimes to the 49th Annual Southeast Chapter of the International Association of Auto Theft Investigators (SEIAATI) Vehicle Crimes Conference in Virginia Beach, Virginia held June 4-8, 2023.

WHEREAS, the grant award covers the period from period June 4, 2023 through June 8, 2023.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$4,000, received from the Virginia Department of State Police, is hereby appropriated in the following manner:

Revenues - \$4,000

Fund: 209	IO: 1900513	CC:3101005000	\$4,000	GL: 430110	State Grant
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Expenditures- \$4,000

Fund: 209	IO: 1900513	CC: 3101005000	\$2,016	GL: 530102	Travel Lodging
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Fund: 209	IO: 1900513	CC: 3101005000	\$709	GL: 530105	Meals
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Fund: 209	IO: 1900513	CC: 3101005000	\$1,215	GL: 530140	Registration Fees
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Fund: 209	IO: 1900513	CC: 3101005000	\$60	GL: 520270	Fuel
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$4,000 from the Virginia Department of State Police.

RESOLUTION

Appropriating Additional Funding Received from the Virginia Department of Social Services for the VIEW Program in the Amount of \$46,000

WHEREAS, the Charlottesville Department of Social Services (“CDSS”) has received an allocation of \$46,000 in the Fiscal Year 2023 budget from the Virginia Department of Social Services (“VDSS”) to provide assistance to clients participating in the Virginia Initiative for Education and Work (“VIEW”) program.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the allocation of \$46,000, upon receipt by the City from VDSS, is hereby appropriated for expenditure within the FY23 budget in the following manner:

Revenue-\$46,000

Fund 212 Cost Center: 9900000000 G/L Account: 451022 \$46,000

Expenditures-\$46,000

Fund 212 Cost Center: 3333002000 G/L Account: 540060 \$46,000

RESOLUTION

Appropriating Additional Funding Received from the Virginia Department of Social Services from ARPA & COVID Funding to be used for Adult Services, Independent Living, and PSSF Programs In the Amount of \$56,634

WHEREAS, the Charlottesville Department of Social Services (“CDSS”) has received an allocation of \$56,634 from the American Rescue Plan Act (“ARPA”) & COVID Funding in the Fiscal Year 2023 budget from the Virginia Department of Social Services to provide assistance to clients participating in the Adult Services, Independent Living, and Promoting Safe and Stable Families (“PSSF”) Programs.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$56,634, upon receipt by the City from ARPA and COVID Funding, is hereby appropriated for expenditure within the FY23 budget in the following manner:

Revenue-\$56,634

Fund 212	Cost Center: 9900000000	G/L Account: 430080	\$33,481
Fund 212	Cost Center: 9900000000	G/L Account: 430110	\$23,153

Expenditures-\$56,634

Fund 212	Cost Center: 3333003000	G/L Account: 540060	\$10,142
Fund 212	Cost Center: 3333006000	G/L Account: 540060	\$23,339
Fund 212	Cost Center: 3343008000	G/L Account: 540060	\$23,153

RESOLUTION
Appropriating COVID Homelessness Emergency Response Program (C.H.E.R.P.)
\$14,419.60

WHEREAS, The City of Charlottesville’s Department of Human Services, has received C.H.E.R.P. Grant funding from the Virginia Department of Housing and Community Development, in the amount of **\$14,419.60**.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the CHERP Grant funding, the sum of **\$14,419.60** is hereby appropriated for expenditure by the City’s Department of Human Services in accordance with grant requirements, in the following manner:

Revenues

\$14,419.60 Fund: 209 IO: 1900448 G/L: 430120 Federal Pass Thru

Expenditures

\$14,419.60 Fund: 209 IO: 1900448 G/L: 530550 Contracted Services

RESOLUTION
Appropriating a grant of public funds for housing assistance
to low-and moderate-income homeowners within the City of Charlottesville

WHEREAS pursuant to the provisions of Va. Code §63.2-314 this City Council may offer public grants to its local director of social services, serving in her capacity as the “local board” under the provisions of §63.2-304; and

WHEREAS this City Council desires to offer a grant of public funds during Fiscal Year 2023-2024, to aid low- and moderate-income homeowners within the City who are affected by the rising costs of homeownership (which include mortgage payments, fees and taxes, insurance, utilities, maintenance and repairs; and

WHEREAS the average assessment of a single-family residential property within the City has risen by approximately 11.5 percent over the past year, and with rising inflation, transportation costs, and utility costs, many individuals who have income significantly lower than the Charlottesville area median income will experience significant financial stress and may need financial assistance to remain in their homes; and

WHEREAS City Council hereby finds and determines that it is both necessary and desirable, to promote the general welfare of the City, and to promote the safety, health, comfort and convenience of City inhabitants, to support the affordability of continuing homeownership by low- and moderate-income individuals;

WHEREAS public funding is available and has been appropriated within the City budget for the proposed public grant, in the amounts set forth within this resolution;

NOW, THEREFORE BE IT RESOLVED BY THE Council of the City of Charlottesville, Virginia, THAT effective July 1, 2023 and for calendar year 2023 a grant of public funds is hereby made to the Director of Social Services, in her capacity as the “local board of social services” pursuant to Va. Code §63.2-304, to be used to provide housing assistance to City homeowners in need of such, as follows:

Expenditures

\$1,360,000 Fund: 105 Cost Center: 3343019000 G/L Account: 540065

BE IT FURTHER RESOLVED THAT the Director of Social Services (“Director”) is solely responsible for administration of this assistance fund, pursuant to the provisions of Va. Code §63.2-304 and §63.2-314, provided that the Director may enter into written agreements with the Commissioner of Revenue, Treasurer, and City Manager, as may be necessary to administer the fund. And

BE IT FURTHER RESOLVED THAT it is the desire of City Council that this grant of public funds, hereafter to be referred to as the “Charlottesville Homeownership Assistance Program”, shall be provided to City homeowners in need of assistance due to rising costs of homeownership, in accordance with the following parameters:

2023 CHAP—(Public Grant for Homeownership Assistance)				
Applicant Household Income	\$0 - \$35,000	\$35,001 - \$45,000	\$45,001 - \$55,000	\$55,001 - \$60,000
Grant	\$2,500	\$2,000	\$1,500	\$1,000

- 1) Applicant/ Grantee must be a human being, own a home within the City of Charlottesville, and must reside within the home. As of January 1, 2023 and as of the date an application is submitted, the applicant must occupy that real estate as his or her sole residence and must intend to occupy that real estate throughout the remainder of calendar year 2023. An applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration. “Ownership” may be any of the following: (i) individually, or in conjunction with a spouse holding life rights, (ii) individually, or in conjunction with a spouse holding the power of revocation in a revocable inter vivos trust of which the home is an asset, or (iii) alone or in conjunction with a spouse who possesses a life estate, or an estate for joint lives, or a continuing right of use or support under the terms of an irrevocable trust of which the property is an asset.
- 2) Maximum value of the home cannot exceed \$460,000 (this is the average assessed value in 2023 of taxable residential parcels).
- 3) Applicant, applicant’s spouse, or any other owner residing in the home cannot own any other interest in real estate, either within the City or at any other location. This includes any real estate interest owned (i) as an individual, (ii) as the beneficiary of a trust, (iii) as a member of an LLC, or (iv) by virtue of any other interest in a legal entity.
- 4) Applicant/ Grantee must demonstrate evidence of Household Income within the limits established for calendar year 2023, as set forth above within this Resolution. *Household Income* means (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, or (ii) for applicants/grantees for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year: of the applicant and of any other relatives who reside in the applicant’s home, and any other person(s) who (i) owns any interest in the home and (ii) resides in the applicant’s home. The Director shall establish the Household Income of applicants/ grantees for whom no federal tax return is required through documentation satisfactory for audit purposes.
- 5) This public grant shall be used only to assist individuals who are not receiving the real estate tax exemption or deferral program provided under Chapter 30, Article IV of the Charlottesville City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) during 2023.
- 6) Not more than one grant shall be provided to any one (1) address.

ORDINANCE
AMENDING AND RE-ORDAINING
SECTION 30-254 (EXEMPTIONS), SECTION 14-19 (CLASS IV: REPAIR, PERSONAL,
BUSINESS AND OTHER SERVICES, AND ALL OTHER BUSINESSES AND
OCCUPATIONS NOT SPECIFICALLY LISTED, EXCEPTED, EXEMPTED IN THIS
CHAPTER), AND SECTION 34-1200 (DEFINITIONS),
TO UPDATE LANGUAGE.

Sec. 30-254. - Exemptions

No tax shall be payable under this article on any charge for lodging in, and during care or treatment in, any hospital, medical clinic, nursing or convalescent home, extended health care facility, sanatorium or sanitorium, home for the aged, infirmed, orphaned, disabled, or ~~mentally retarded~~ or other like facility; or in any dormitory, as that term is defined in chapter 34, section 34-1200 of this Code.

(Code 1976, § 10-67; 6-16-14; Ord. No. O-21-138 , 10-4-21; Ord. No. O-22-136 , § 1, 10-27-22)

Sec. 14-19. - Class IV: Repair, personal, business and other services, and all other businesses and occupations not specifically listed, excepted, exempted in this chapter.

...

(d) *Subclassification C.* Persons engaged in the following types of business shall obtain a city business license and shall pay an annual license tax of thirty cents (\$0.30) per hundred dollars (\$100.00) of gross receipts:

(13) Hospitals, nursing homes, rest homes, homes for the aged, mentally ill or ~~retarded~~ disabled and similar facilities, if operated for profit.

...

Sec. 34-1200. – Definitions.

...

Adult assisted living means a residential facility in which aged, infirm or disabled adults reside, and for which the licensing authority is the Virginia Department of Social Services, or for which no state license is required. The term shall not include the home or residence of an individual who cares only for persons related to them by blood or marriage. The term shall also not include any facility licensed by the State Board of Health or the ~~s~~State Department of ~~Mental Health, Mental Retardation and Substance Abuse Services~~ Behavioral Health and Developmental Services, or any other facility excluded from the definition of "assisted living facility," set forth within Code of Virginia, § 63.2-100.

Adult day care means a facility that provides care and protection to four (4) or more aged, infirm or disabled adults who reside elsewhere, during only a part of the day (a period of less than twenty-four (24) hours). The term shall not include any facility, or portion thereof, that is licensed by the State Board of Health, the State Department of ~~Mental Health, Mental Retardation and Substance Abuse Services~~ Behavioral Health and Developmental Services; or the home or residence of an individual who cares only for persons related to them by blood or marriage.

...

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; or (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.

...

Residential treatment facility means a residential facility in which no more than eight (8) persons reside, together with one (1) or more resident counselors or other resident staff person(s), and for which either (i) the State Department of ~~Mental Health, Mental Retardation and Substance Abuse Services~~ Behavioral Health and Developmental Services, or (ii) in the case of a children's residential facility, as defined with Code of Virginia § 63.2-100, the Department of Social Services is the state licensing authority.

RESOLUTION
ACCEPTING OAK LAWN COURT, OAK LAWN DRIVE AND PORTER AVENUE INTO
THE CITY STREET SYSTEM FOR MAINTENANCE

WHEREAS, Dickerson Homes and Development LLC submitted to the City of Charlottesville (the “City”), Department of Public Works (the “Department”) a subdivision plan (“Woodland Drive”) for approval;

WHEREAS, Woodland Drive plans were originally approved by the Department on April 18, 2016, and;

WHEREAS, on June 9, 2021 the Department notified Atlantic Union Bank that the developer of Woodland Drive had not completed the work in accordance with the bonded development plans, within the time period specified by the City’s development code, and;

WHEREAS, the subdivision plan for Woodland Drive, the new portions of Oak Lawn Court, Oak Lawn Drive, and Porter Avenue (the “Street Sections”), have now been completed by the developer and/or remediated by the City, and;

WHEREAS, the Public Services Manager for the City requested the City accept the Street Sections into the City’s street system for maintenance, and;

WHEREAS, City staff has inspected the Street Sections of the Woodland Drive plan and recommend their acceptance into the City’s street system for maintenance;

WHEREAS, The Street Sections have been built to the specifications and standards required by the city approved plan.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia, on recommendation of the Department that the Street Sections of the Woodland Drive Subdivision, namely, the new portions of Oak Lawn Court, Oak Lawn Drive, and Porter Avenue as shown on the attached drawing, are hereby accepted into the City street system for maintenance.

RESOLUTION**Amended Appropriation of Community Development Block Grant Funds Anticipated from the U.S. Department of Housing and Urban Development as part of the City's FY 2023-2024 Annual Action Plan, in the Amount of Approximately \$410,468**

WHEREAS the City of Charlottesville has been advised by the U.S. Department of Housing and Urban Development of an anticipated Community Development Block Grant (CDBG) allocation for the 2023-2024 fiscal year in the approximated amount of \$410,468; and

WHEREAS City Council has received recommendations for the expenditure of funds from the city's CDBG/HOME Task Force, as reviewed and approved by the City Planning Commission, which conducted a public hearing thereon as provided by law; now, therefore

BE IT RESOLVED by the City Council of Charlottesville, Virginia, that upon receipt of anticipated CDBG funding from the U.S. Department of Housing and Urban Development (HUD), said funds are hereby appropriated to the following individual expenditure accounts in the Community Development Block Grant Fund in accordance with the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations, as set forth below:

Community Services

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900514	Resident-Centered Redevelopment (Charlottesville Public Housing Association of Residents)	\$40,000.00

Economic Development

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900515	Microenterprise Entrepreneur Programs (Community Investment Collaborative)	\$25,000.00
218	1900516	Beginning Level Workforce Development (Literacy Volunteers of Charlottesville/Albemarle)	\$64,477.89

CDBG Housing

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900517	Charlottesville Critical Rehab Program (Albemarle Housing Improvement Program)	\$64,000.00
218	1900518	Coordinated Entry into Homelessness System of Care (The Haven at First & Market St.)	\$45,000.00

Programmatic Funds

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	3914001000	Planning & Admin	\$82,093.60

218	1900520	Council Priority: Public Facilities & Improvements	\$89,896.51
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Subtotal CDBG Funding Recommendations *\$410,468.00*

In the event that funding received from the U.S. Department of Housing and Urban Development for FY 2023-2024 differs from the amounts referenced above, all appropriated amounts may be administratively increased/reduced at the same prorated percentage of change to actual funding received. No subrecipient’s grant may be increased above their initial funding request without further consideration by Council.

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of not less than \$410,468 in CDBG funds from the Department of Housing and Urban Development for FY 2023-2024, and all subrecipient awards are also conditioned upon receipt of such funds.

BE IT FURTHER RESOLVED that the amounts appropriated above within this resolution will be provided as grants to public agencies or private non-profit, charitable organizations (individually and collectively, “subrecipients”) and shall be utilized by the subrecipients solely for the purpose stated within their grant applications. The City Manager is hereby authorized to enter into agreements with each subrecipient as deemed advisable, to ensure that the grants are expended for their intended purposes and in accordance with applicable federal and state laws and regulations. To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and provide for guidance and assistance in the subrecipients’ execution of the funded programs.

RESOLUTION
to Appoint City Attorney

WHEREAS, the Code of the City of Charlottesville, Article V. Section 2-211 states that the City Manager is authorized to appoint a City Attorney with the advice and consent of the city council; and

WHEREAS, the Interim City Manager, conducted a search for candidates for the position of City Attorney and included the senior government attorneys in the interview of the candidates; and

WHEREAS, the Council participated in the interviews of the candidates and provided feedback to the Interim City Manager; and

WHEREAS, the Interim City Manager recommends the appointment of Jacob P. Stroman, an experienced city attorney who most recently served as city attorney of Chesapeake, Virginia, as well as county attorney for several counties in the State, and worked for the Office of the State Attorney General and the State Supreme Court;

NOW, THEREFORE, BE IT RESOLVED that the Charlottesville City Council approves the appointment of Jacob P. Stroman as Charlottesville City Attorney, as recommended by the Interim City Manager.

RESOLUTION OF APPROVAL OF A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF THE HOUSE AND GARDENS AT 104 STADIUM ROAD

WHEREAS, on January 27, 2023, Subtext Acquisitions, LLC (Applicant) on behalf of Woodrow Two, LLC, the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 160002000 and currently addressed as 104 Stadium Road (Property), requested a Certificate of Appropriateness (CoA) for the demolition of the house and gardens on the Property (Requested CoA);

WHEREAS, per City Code §34-273 and §34-274, in 2011 the Property was designated by City Council an Individually Protected Property (IPP), therefore, per City Code §34-277, its demolition is subject to review by the City’s Board of Architectural Review (BAR) and requires approval of a CoA, and;

WHEREAS, on February 22, 2023, in a motion approved 6-0, the BAR denied the Requested CoA, stating it had “considered the standards set forth within the City Code, including the BAR’s design guidelines and the standards for considering demolitions” and “the proposed demolition of the house and gardens at 104 Stadium Road does not satisfy the BAR’s criteria and guidelines and is not compatible with this property” and, in its discussion, stating the reasons for denial, and;

WHEREAS, on March 9, 2023, as permitted by City Code §34-285(b), the Applicant appealed to City Council the BAR’s denial of the Requested CoA (Appeal), and;

WHEREAS, on May 15, 2023, per City Code §34-314(c), following a review of the Appeal, the Project, and the Application, and having considered relevant information and opinions, including the BAR’s determination, the City Staff Report, and the City’s ADC District design guidelines and the City’s standards for considering demolitions (City Code §34-278), this Council determined the requested demolition at 104 Stadium Road satisfies the design guidelines and review criteria, and is compatible with this property.

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that, pursuant to the conditions below, a Certificate of Appropriateness is hereby approved for the requested demolition at 104 Stadium Road.

Approval of certificate of appropriateness is expressly conditioned upon the occurrence of the following before issuance of a demolition permit:

1. Building and gardens be documented thoroughly through photographs and measured drawings according to the Historic American Building Standards, information should be retained by City of Charlottesville’s Department of Neighborhood Development Services and Virginia Department of Historic Resources;

2. Approval of a design-review CoA for new construction on the parcel as a contiguous element of the proposed multi-lot development ~~the building's replacement~~ to ensure that the building is not demolished without an appropriate and City-approved replacement, and issuance of site plan and building permit for construction of such replacement.
3. After the foregoing conditions are accomplished, if the IPP designation has not previously been removed by appropriate action of Council, whether before or after demolition, but no later than 30 days after demolition, applicant will ~~petition the~~ request City Council initiate ~~for~~ a zoning ordinance amendment per City Code § 34-274 to ask ~~that~~ delete the property ~~be deleted~~ from the protected property list by zoning text and map amendment.