



CITY COUNCIL AGENDA July 17, 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

Motion was APPROVED 5-0 (PINKSTON/PURYEAR), to Amend and Approve the agenda, adding a staff-recommended resolution as Item #17 – "Allocation of Funds from the Capital Improvement Program Contingency Account for the City Hall Water Leak Repairs - \$1,500,000"

Reports

1. Report: Sister Cities Commission Annual Report
2. Report: Presentation of Economic Development Strategic Plan

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 (PINKSTON/PURYEAR)

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

Appointments to CRHA Board APPROVED 5-0 (PINKSTON/WADE)

6:30 PM BUSINESS SESSION

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 the end of meeting. Comments on Public Hearing items are heard during the public hearing only.

Moment of Silence

Announcements

Recognitions/Proclamations

- Recognition: Designation of July as Parks and Recreation Month

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

3. Minutes: May 1 Council meeting, May 15 Council meeting, June 5 council meeting, June 16 special meeting, June 23 special meeting
4. Resolution: Fontaine Avenue Fire Station Alerting System update (2nd reading)
#R-23-100
5. Ordinance: Charlottesville Police Department Firearms Buyback Program and Destruction of Surrendered Firearms Ordinance (2nd reading)
#O-23-101
6. Resolution: Appropriating City Traffic Assets Insurance Reimbursement – \$56,316.53 (1 of 2 readings)

7. Resolution: Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$100,000 (1 of 2 readings)
8. Resolution: Reallocating \$33,827.85 of American Rescue Plan (ARP) funds to the Department of Human Services from funds previously appropriated to City of Promise (1 of 2 readings)
9. Ordinance: Approving a Right-of-Way Encroachment Agreement for 1117 Preston Avenue (1 of 2 readings)

City Manager Report

- Report: July City Manager Report
- Report: Quarterly financial update

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

10. Resolution: Approval of City Manager Employment Agreement (1 reading)
#R-23-102 **APPROVED 5-0 (PAYNE/PINKSTON)**
11. Resolution: Appeal of ERB (Entrance Corridor Review Board) approval of a Certificate of Appropriateness for construction of an apartment building at 2005 Jefferson Park Avenue. **APPROVED 5-0 the Certificate of Appropriateness with conditions (PINKSTON/WADE)**
#R-23-103
12. Resolution: Approving a Lease Agreement with Blue Ridge Area Coalition for the Homeless (BRACH) for a portion of 100 5th Street NE (CitySpace) (1 reading) **APPROVED 5-0 (PAYNE/PURYEAR)**
#R-23-104
13. Resolution: Expressing Support for Friendship Court Redevelopment - Phase 2 (1 reading) **APPROVED 5-0 (PINKSTON/PURYEAR)**
#R-23-105
14. Resolution: Appropriating VDOT grant funds for Washington Park to Madison Avenue Trail - \$285,665 (1 of 2 readings)
15. Resolution: Approving a Special Use Permit at 218 West Market Street (1 of 2 readings)

General Business

16. Report: Presentation of Results of Alternative Fuels Study for Charlottesville Area Transit
17. Resolution: Allocation of Funds from the Capital Improvement Program Contingency Account for the City Hall Water Leak Repairs - \$1,500,000 (1 reading)
#R-23-106 **APPROVED 5-0 (PAYNE/PINKSTON)**

Other Business

Community Matters (2)

Adjournment

RESOLUTION
Appropriating the amount of \$175,000
For the Fontaine Avenue Fire Station Alerting System

WHEREAS Council has planned for \$175,000 in FY 26 of the City's 5-Year Capital Improvement Plan for the replacement of the alerting system at the Fontaine Avenue Fire Station; and

WHEREAS additional investment is needed now to address on-going operational needs;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$175,000 is hereby appropriated as follows:

Revenues:

\$175,000	Fund: 426	Cost Center: 9900000000	G/L Account: 499010
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Expenditures:

\$175,000	Fund: 426	Internal Order: 1000031	G/L Account: 599999
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**AN ORDINANCE AUTHORIZING THE CITY OF CHARLOTTESVILLE
TO PARTICIPATE IN FIREARM BUYBACK PROGRAM
AND DESTROY SURRENDERED FIREARMS**

WHEREAS, the City of Charlottesville and the Charlottesville Police Department seek to utilize all available methods under the law to promote the health, welfare and safety of our community; and

WHEREAS, the Charlottesville Police Department seeks to establish a firearm buyback program within the City of Charlottesville to promote and enhance existing public safety efforts within the City of Charlottesville; and

WHEREAS, the City of Charlottesville is only authorized to participate in a program in which individuals are given a thing of value provided by another individual or other entity in exchange for surrendering a firearm to the locality upon the City Council's enactment of an ordinance, pursuant to Va. Code § 15.2-1425, authorizing the participation of the locality in such program as provided under Va. Code § 15.2-915.5; and

WHEREAS, consistent with Virginia law, Section 15.2-915.5 of the Code of Virginia (1950), as amended, localities are authorized to participate in firearm buyback programs where individuals may be given a thing of value in exchange for surrendering a firearm to the locality; and

WHEREAS, such surrendered firearms shall be received and destroyed by the Charlottesville Police Department consistent with Virginia law, removing unwanted guns off our streets and promoting a safer community;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Charlottesville, Virginia in accordance with their authority under Va. Code Ann. § 15.2-1425:

1. That the City is hereby authorized to participate in firearm buyback programs pursuant to Section 15.2-915.5 of the Code of Virginia, as amended.
2. That the Charlottesville Police Department is authorized to receive and destroy or provide for the destruction of such firearms pursuant to Section 15.2-915.5 of the Code of Virginia, as amended.
3. That the City Manager is authorized to enter into memoranda of understanding with private and/or other governmental entities that may organize and partner with the City on such buyback programs, if necessary, in a form approved by the City Attorney.
4. That this ordinance shall be effective on the date of adoption.

**RESOLUTION
APPROVING AN EMPLOYMENT AGREEMENT
BETWEEN SAMUEL SAUNDERS, JR.
AND THE CITY OF CHARLOTTESVILLE, VIRGINIA**

WHEREAS, the Charlottesville City Council is authorized to hire a City Manager pursuant to Virginia Code Section 15.2-1540 and Section 4 of the Charlottesville City Charter; and;

WHEREAS, Mr. Samuel Saunders, Jr desires to serve as the Charlottesville City Manager.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the Employment Agreement between Mr. Samuel Saunders, Jr. and the City of Charlottesville, Virginia dated July 17, 2023, is hereby approved; and

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, Virginia that Mr. Saunders will begin his duties as the Charlottesville City Manager on August 1, 2023.

RESOLUTION

Approval of Entrance Corridor Certificate of Appropriateness for proposed development of 2005 Jefferson Park Avenue (or 2005 JPA).

WHEREAS Aspen Topco II Acquisitions, LLC (Applicant) on behalf of Gadiant Enterprise, Inc., the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, and currently addressed as 2005 and 2007 Jefferson Park Avenue and 104 Observatory Avenue (collectively referred to as “2005 JPA”), proposes at 2005 JPA a multi-unit residential building with underground parking (Project), and;

WHEREAS, per City Code §34-307(a)(5), 2005 JPA is within the *Fontaine Avenue/Jefferson Park Avenue Entrance Corridor* and, per City Code §34-309, is therefore subject to design review and a Certificate of Appropriateness (CoA) is required for the Project, and;

WHEREAS on December 20, 2022 the Applicant submitted to the City an application for a CoA for the Project (Application), and;

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on February 14, 2023 and on March 14, 2023 reviewed the Project and Application, approving with conditions the requested CoA, and;

WHEREAS, as permitted by City Code §34-314(a), following the February 14, 2023 and March 14, 2023 ERB meetings, six parties appealed to City Council the ERB’s approval of the CoA (March Appeal), and;

WHEREAS, per City Code §34-314(c), on May 15, 2023, following a review of the March Appeal by Council, no decision was made or formal action taken on the March Appeal; however, to eliminate a potential challenge that notice letters postmarked March 1 for the March 14 ERB meeting did not comply with the fourteen (14) days required by City Code, Council instructed staff to readvertise the CoA request for review by the ERB, and;

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on June 13, 2023 reviewed the Project and Application, approving with conditions the requested CoA, and;

WHEREAS, as permitted by City Code §34-314(a), following the June 13, 2023 ERB meeting, four parties appealed to City Council the ERB’s approval of the CoA (June Appeal), and;

WHEREAS, per City Code §34-314(c), on July 17, 2023 following a review of the June Appeal, the Project, and the Application, and having considered relevant information and opinions, including the ERB’s determination and the City Staff Report, this Council determined the Project is consistent with the City’s Entrance Corridor Design Guidelines and compatible with the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Certificate of Appropriateness is hereby approved for the development of 2005 JPA, subject to the following conditions:

- Glass will be clear, at the locations noted in the staff report.
- New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
- All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
- If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
- Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

[Note: The conditions of approval are those approved by the ERB on February 14, 2023, March 14, 2023, and June 13, 2023.]

RESOLUTION

Approving a lease of property at 100 5th Street NE to the Blue Ridge Area Coalition for the Homeless (BRACH)

WHEREAS, BRACH desires to lease a portion of City-owned property for a term of two (2) years, and City Council has considered the terms of the proposed lease; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the lease of a portion of City-owned property located at 100 5th Street NE, Charlottesville, Virginia, to BRACH, presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the approved lease on behalf of City Council.

RESOLUTION
Financial Resolution Supporting Friendship Court Phase 2
Parcel Number: 280112000

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Charlottesville, Virginia hereby commits up to \$5,250,000 in the form of loans to a local non-profit and their partner for the redevelopment of Friendship Court Phase 2. The commitment of up to \$5,250,000 will help to subsidize Phase 2 which in turn will create approximately 106 newly constructed affordable housing units, some commercial space and a park in the City of Charlottesville. This commitment will be made to Piedmont Housing Alliance and NHT Communities.

RESOLUTION

**Allocation of Funds from the Capital Improvement Program Contingency Account for the
City Hall Water Damage Repairs
\$1,500,000**

WHEREAS, the City of Charlottesville sustained water damage due to flooding related to faulty plumbing in City Hall; and

WHEREAS, the City of Charlottesville requires appropriation of \$ 1,500,000 for the emergency repair of City property so that the City can continue governmental operations; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that funds needed for the City Hall water leak repairs will be paid from the Capital Improvement Program Contingency Account:

Transfer From:

\$ 1,500,000	Fund: 426	WBS: CP-080	G/L Account: 599999
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Transfer To:

\$ 1,500,000	Fund: 426	WBS: 1000035	G/L Account: 599999
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