



**CITY COUNCIL AGENDA**  
**November 6, 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**

**Call to Order/Roll Call**

**Agenda Approval APPROVED 5-0 (WADE/PURYEAR)**

**Reports**

1. Presentation: Budget Presentations - Operations

**5:30 PM CLOSED MEETING (if called)**

**6:30 PM BUSINESS SESSION**

**Moment of Silence**

**Announcements**

**Recognitions/Proclamations**

- Proclamation: Recognizing Cyndi Richardson as 2023 Virginia State Crisis Intervention Team (CIT) Coalition Peer of the Year
- Proclamation: 160th Anniversary of First Baptist Church West Main Street

**Consent Agenda\* APPROVED 5-0 (WADE/PURYEAR)**

2. Minutes: August 21 regular meeting, October 3 work session, October 11 work session
3. Ordinance: Amendment of Charlottesville City Code Sec. 15-75 to Comply with Recent Amendments to the Virginia Code Sec. 46.2-924(A) Requiring Drivers to Stop for Pedestrians in Crosswalks (2nd reading)  
#O-23-139
4. Ordinance: Amendment of Charlottesville City Code Sec. 15-435 to Permit a Towing Operator Fuel Surcharge Fee to Conform to Changes in State Law (2nd reading)  
#O-23-140
5. Resolution: Resolution to appropriate funds from the Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (2nd reading)  
#R-23-141
6. Resolution: Resolution to appropriate funding from the FY22 State Criminal Alien Assistance Program (SCAAP) Grant for Albemarle Charlottesville Regional Jail - \$19,050 (2nd reading)  
#R-23-142
7. Resolution: Resolution to appropriate funding from the FY23 Housing Opportunities for Persons with AIDS/HIV (HOPWA) Grant - \$382,352 (2nd reading)  
#R-23-143
8. Resolution: Resolution to appropriate Victim Witness Assistance Program Grant - \$258,342 (1 of 2 readings)
9. Resolution: Resolution to appropriate funding from the Supreme Court of Virginia Behavioral Health Docket Grant - \$67,792 (1 of 2 readings)
10. Action Item: Resolution to appropriate Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program funding - \$30,000 (1 of 2 readings)

11. Resolution: Resolution accepting Paynes Mill Road into the City street system  
#R-23-144

12. Resolution: Resolution to Approve Mutual Aid Agreement for Fire and Rescue Services  
#R-23-145 Between the City of Charlottesville and Albemarle County

### City Manager Report

- Report: Monthly report
- Report: Presentation from PROS Consulting on the Parks & Recreation Comprehensive Master Plan

### Community Matters

#### Action Items

13. Ordinance: Ordinance to rezone property located at 630 Cabell Avenue  
#O-23-146 APPROVED 5-0 (PINKSTON/PURYEAR)

14. Resolution: Resolution for City of Charlottesville participation in a joint amicus brief  
#R-23-147 related to the Regional Greenhouse Gas Initiative (RGGI)  
APPROVED 5-0 (PINKSTON/PAYNE)

15. Resolution: Resolution Authorizing the City Manager to Enter Into an Assignment of  
#R-23-148 Contract to Acquire 23.81 Acres of Property at 0 Caroline Avenue, 510  
Caroline Avenue, 532 Caroline Avenue and 0 East High Street and Enter  
into a Mutual Release  
APPROVED 5-0 (PAYNE/PINKSTON)

16. Resolution: Resolution to Approve Appropriation for the Assignment of Contract to  
Acquire 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street  
(1 of 2 Readings)

### General Business

### Other Business

### Community Matters (2)

### Adjournment

**AN ORDINANCE AMENDING SECTION 15-75 (DUTY TO YIELD RIGHT-OF-WAY TO PEDESTRIANS), OF ARTICLE III (OPERATION OF VEHICLES GENERALLY), DIVISION 4 (RATES AND CHARGES), OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC), OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO CONFORM WITH THE NEW REQUIREMENTS OF CODE OF VIRGINIA, § 46.2-924, AS AMENDED**

**WHEREAS**, in order to conform Chapter 15 of the Code of the City of Charlottesville, 1990, as amended, with the new motor vehicle stopping requirements as mandated by Chapter 117 of the 2023 Virginia Acts of the Assembly; and

**WHEREAS**, the Council of the City of Charlottesville, Virginia, has considered the implications of the newly modified Subsection (A) of Code of Virginia, § 46.2-924 (as amended); and

**WHEREAS**, this Council finds that Section 15-75 of the Code of the City of Charlottesville, 1990, as amended, must be amended to require that drivers of vehicles stop when pedestrians are crossing a street on a designated sidewalk and other crossings as mandated by Code of Virginia, § 46.2-924;

**NOW, THEREFORE**, this Council deems it necessary to amend Section 15-75 of the Code of the City of Charlottesville, 1990, as amended, to require drivers to stop for pedestrians crossing certain streets in accordance with Code of Virginia, § 46.2-924(A), as amended, as of July 1, 2023; and

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that Section 15-75 the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reenacted as follows:

**CHAPTER 15 MOTOR VEHICLES AND TRAFFIC**

**ARTICLE III OPERATION OF VEHICLES GENERALLY**

**Sec. 15-75. Duty to stop for pedestrians**

The driver of any vehicle on the streets of this city shall stop for a pedestrian crossing such street within any clearly marked crosswalk whether a mid-block or at the end of the block, or at any unmarked regular pedestrian crossing at the end of the block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices.

(Code of 1976, § 16-14)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-924 (2023).

1. This ordinance shall become effective July 1, 2023.

**AN ORDINANCE  
AMENDING SECTION 15-435 (RATES AND CHARGES), OF ARTICLE IX  
(REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES  
UNLAWFULLY PARKED ON PRIVATE PROPERTY), DIVISION 4 (RATES AND  
CHARGES), OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC), OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO CONFORM WITH  
THE NEW REQUIREMENTS OF CODE OF VIRGINIA, § 46.2-1233.1, AS AMENDED**

**WHEREAS**, in order to conform Chapter 15 of the Code of the City of Charlottesville, 1990, as amended, with the new towing fee requirements as mandated by Chapter 323 of the 2023 Virginia Acts of the Assembly; and

**WHEREAS**, a joint public hearing on the proposed action was conducted; and

**WHEREAS**, the Council of the City of Charlottesville, Virginia, has considered the implications of the newly enacted Subsection (C) of Code of Virginia, § 46.2-1233.1 (as amended); and

**WHEREAS**, this Council finds that Section 15-453(a) of the Code of the City of Charlottesville, 1990, as amended, currently prohibits recovery and towing operators from recovering a maximum \$20.00 (USD) fuel surcharge fee for every vehicle towed from private property without such owner's consent, which the newly enacted Code of Virginia, § 46.2-1233.1(C) expressly allows;

**NOW, THEREFORE**, this Council deems it necessary to amend Section 15-435 of the Code of the City of Charlottesville, 1990, as amended, to permit recovery and towing operators to recover a fuel surcharge fee in accordance with Code of Virginia, § 46.2-1233.1(C), as amended, as of July 1, 2023; and

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

- 1. Section 15-435 the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reenacted as follows:**

**CHAPTER 15 MOTOR VEHICLES AND TRAFFIC**

**ARTICLE IX REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES  
UNLAWFULLY PARKED ON PRIVATE PROPERTY**

**DIVISION 4 RATES AND CHARGES**

**Sec. 15-435. Rates and charges.**

(a) It shall be unlawful for an operator to charge any fees exceeding the fees set forth in this section.

(b) Immobilization. An operator may charge a vehicle owner a maximum fee of one hundred dollars (\$100.00) for the release of a vehicle when it is immobilized. No other fee of any type may be charged.

(c) Show-up fee. If an operator is summoned by the property owner or the property owner's agent to a location to tow a specific vehicle, and the vehicle owner is present and removes the vehicle from the private property or corrects the violation before the vehicle is connected to the tow truck, a fee of twenty-five dollars (\$25.00) may be charged the vehicle owner by the operator, provided that the operator obtains the authorization to initiate the tow of that specific vehicle from the owner of the property from which the vehicle is towed, or agent of the owner, in writing or by electronic means, including, but not limited to, e-mail, text message or facsimile. Such authorization shall be in addition to any written contract between the towing and recovery operator and the owner of the property or agent of the owner. For the purposes of this subsection, "agent" shall not include any person who either (i) is related by blood or marriage to the towing and recovery operator or (ii) has a financial interest in the towing and recovery operator's business.

(d) Drop fee. An operator may charge a vehicle owner a maximum fee of fifty dollars (\$50.00) for the release of a vehicle prior to towing the vehicle from private property, if it has been hooked up to tow truck. No other fee of any type may be charged.

(e) Hookup and initial towing fee shall not exceed:

For vehicles with a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds or less \$125.00

For vehicles with a GVWR of ten thousand one (10,001) pounds through twenty-six thousand (26,000) pounds \$250.00

For vehicles with a GVWR greater than twenty-six thousand one (26,001) pounds \$500.00

For the initiation of a tow of a vehicle on weekdays between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or national holiday, a maximum additional fee of twenty-five dollars (\$25.00) per tow may be charged; however, in no event shall more than one (1) such fee be charged for towing any such vehicle.

(f) Storage fee for the safekeeping of vehicles:

(1) No charge shall be made for storage and safekeeping of a vehicle for the first twenty-four (24) hours that the vehicle is held at the storage site.

(2) After the vehicle is held at the storage site for more than twenty-four (24) hours, a storage fee may be charged for each subsequent twenty-four-hour period, or any portion thereof, at a rate not

to exceed fifty dollars (\$50.00) for any vehicle twenty-two (22) feet long or less and an additional five dollars (\$5.00) per foot for any vehicle over twenty-two (22) feet in length.

(g) If a fee for notification of lien holder, owner, agent or other interested party is charged, it shall not exceed one hundred fifty dollars (\$150.00). This fee may only apply after the vehicle is held at the storage site over three (3) full business days. If any such fee is charged, a copy of the Virginia Department of Motor Vehicles report will be attached to the receipt given to the vehicle owner.

(h) No administrative fees or any other charges may be collected unless expressly set forth herein.

(i) An operator may not require a vehicle owner to sign any waiver of the vehicle owner's right to receive compensation for damages to the vehicle as a condition of the owner retrieving the vehicle.

(j) An operator is authorized to charge a fuel surcharge fee of no more than \$20 for each vehicle towed or removed from private property without the consent of its owner.

**2. This ordinance shall become effective July 1, 2023.**

**RESOLUTION APPROPRIATING FUNDS**  
**Charlottesville/Albemarle Adult Drug Treatment Court Grant Award**  
**\$240,000**

**WHEREAS**, the Supreme Court of Virginia awarded the Supreme Court of Virginia Drug Treatment Court Docket Grant in the amount of \$240,000 for the Charlottesville/Albemarle Drug Court Treatment Court in order to fund salaries, benefits, and operating expenses; and

**WHEREAS**, the City of Charlottesville serves as the fiscal agent for this grant program; and

**WHEREAS**, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$140,717; and

**WHEREAS**, the grant award covers the period July 1, 2023 through June 30, 2024.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$240,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

**Revenues**

\$240,000      Fund: 209      Internal Order: 1900536      G/L Account: 430120

**Expenditures**

\$240,000      Fund: 209      Internal Order: 1900536      G/L Account: 530550

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$240,000 from the Supreme Court of Virginia.

**RESOLUTION APPROPRIATING FUNDS**  
**State Criminal Alien Assistance Program (SCAAP) Grant for 2022 reimbursement**  
**\$19,050**

**WHEREAS**, the State Criminal Alien Assistance Program (SCAAP) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$19,050.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a total of \$14,859 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$4,191 be appropriated and passed through to Justice Benefits, Inc.

**Revenues**

|          |           |                         |                     |
|----------|-----------|-------------------------|---------------------|
| \$19,050 | Fund: 211 | Internal Order: 1900511 | G/L Account: 431110 |
|----------|-----------|-------------------------|---------------------|

**Expenses**

|          |           |                         |                     |
|----------|-----------|-------------------------|---------------------|
| \$14,859 | Fund: 211 | Internal Order: 1900511 | G/L Account: 530550 |
| \$4,191  | Fund: 211 | Internal Order: 1900511 | G/L Account: 530670 |

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$19,050 from the U. S. Bureau of Justice Assistance.



**RESOLUTION APPROPRIATING FUNDS**  
**Housing Opportunities for Persons with AIDS/HIV (HOPWA) Grant**  
**\$382,352**

**WHEREAS**, The City of Charlottesville, through the Department of Human Services, has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$382,352;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$382,352 is hereby appropriated in the following manner:

**Revenues**

\$382,352    Fund: 209    IO: 1900532 (H.O.P.W.A.)    G/L: 430120 Federal Pass-Thru State

**Expenditures**

\$382,352    Fund: 209    IO: 1900532 (H.O.P.W.A.)    G/L: 530550 Contracted Services

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon receipt of \$382,352 in funds from the Virginia Department of Housing and Community Development.

**RESOLUTION**

**Accepting Paynes Mill into the City street system for maintenance**

**WHEREAS**, the new portions of Paynes Mill, have been completed by Southern Stone LLC, and has asked the City to accept the streets of Paynes Mill RD into the City street system;

**WHEREAS**, City staff has inspected those street sections of Paynes Mill RD and recommends acceptance into its street system for maintenance; now, therefore

**BE IT RESOLVED**, by the Council of the City of Charlottesville, Virginia, on recommendation of the City Engineer, that the new street of Paynes Rd, as shown on the attached drawing, are hereby accepted into the City street system for maintenance. The subject roadway has been built to the specifications and standards required by the city approved plan.

**RESOLUTION**  
**Approving and Authorizing Execution of Mutual Aid Agreement Between**  
**The City of Charlottesville Fire Department and the**  
**Albemarle County Department of Fire Rescue**

**WHEREAS**, the Charlottesville City Council finds it is in the best interest of the City of Charlottesville (“City”) to enter into a Mutual Aid Agreement (“Agreement”) with the County of Albemarle (“County”) to govern the continued rendering of assistance between the City and County of firefighting and emergency response services to preserve public safety and to prevent the loss of life and property within our respective communities; and

**WHEREAS**, the Agreement has been fully endorsed by the City’s Fire Department and the County’s Department of Fire Rescue, approved as to form by the City and County Attorneys, and signed by the City Manager and County Executive;

**BE IT RESOLVED**, the Charlottesville City Council hereby approves the Mutual Aid Agreement, and authorizes the City Manager to execute the Agreement on behalf of the City of Charlottesville.

**AN ORDINANCE  
APPROVING A REQUEST TO REZONE LAND FRONTING ON CABELL AVENUE  
FROM MULTIFAMILY RESIDENTIAL (R-3) AND TWO-FAMILY RESIDENTIAL  
UNIVERSITY (R-2U) TO MULTIFAMILY RESIDENTIAL (R-3)**

**WHEREAS**, Neighborhood Investments-CA, LLC is the owner (“Landowner”) of certain land fronting on Cabell Avenue, designated on the City Tax Map and Parcel (TMP) as 050155000 (the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from R-3 and R-2U to R-3, hereinafter referred to as the “Proposed Rezoning”; and

**WHEREAS**, a public hearing on the Proposed Rezoning was conducted by the Planning Commission and City Council on October 10, 2023, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

**WHEREAS**, this City Council has considered the matters addressed within the Landowner’s application (ZM23-00005), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning the property designated on City Tax Map and Parcel (TMP) 050155000 (“Subject Property”), containing, in the aggregate approximately 0.626 acres (approximately 27,268 square feet), from Multifamily Residential (R-3) and Two-Family Residential University (R-2U) to Multifamily Residential (R-3)

and the City’s Zoning Administrator shall update the Zoning District Map to reflect this reclassification of the Subject Property.

**RESOLUTION SUPPORTING THE CITY OF CHARLOTTESVILLE'S  
PARTICIPATION IN A JOINT AMICUS BRIEF OPPOSING VIRGINIA'S  
WITHDRAWAL FROM THE REGIONAL GREENHOUSE GAS INITIATIVE**

**WHEREAS** the Virginia General Assembly passed legislation in 2020 through which Virginia joined the Regional Greenhouse Gas Initiative (RGGI); and

**WHEREAS** RGGI is a cooperative, market-based effort among eleven mid-Atlantic and Northeastern states designed to reduce CO2 emissions from the power sector; and

**WHEREAS** in Virginia, RGGI funds two important programs (The Housing Innovation Energy Efficiency Fund and the Community Flood Preparedness Fund) that have provided significant funding to local projects related to energy efficient low-income housing and to flood resilience planning; and

**WHEREAS** recognizing the importance of a clean energy future, the City of Charlottesville has consistently expressed its support for Virginia's participation in RGGI through the passing of a related Resolution in June 2015, participation in public comment opportunities in 2022 and 2023, and inclusion of a specific related action in the 2023 Climate Action Plan; and

**WHEREAS** the Virginia State Air Pollution Control Board (APCB) has voted to withdraw Virginia from RGGI, thus discontinuing revenue streams that are having a beneficial impact in Charlottesville and communities across the Commonwealth; and

**WHEREAS** the Southern Environmental Law Center (SELC) recently filed a lawsuit in Fairfax County Circuit Court against the APCB and Virginia Department of Environmental Quality (DEQ) asserting that legislation cannot be undermined by administrative action; and

**WHEREAS** several Virginia localities are working together to file a joint amicus brief in support of SELC's lawsuit and to communicate the negative effect it will have on local communities.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the City Attorney is authorized to sign a joint amicus brief supporting the Southern Environmental Law Center's position opposing Virginia's withdrawal from the Regional Greenhouse Gas Initiative.

**A RESOLUTION  
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ASSIGNMENT OF  
CONTRACT TO ACQUIRE 23.81 ACRES OF PROPERTY LOCATED AT 0 CAROLINE  
AVENUE, 510 CAROLINE AVENUE, 532 CAROLINE AVENUE AND 0 EAST HIGH  
STREET AND TO ENTER INTO A MUTUAL RELEASE OF CLAIMS WITH SEVEN  
DEVELOPMENT, LLC AND RIVERSIDE MULTIFAMILY, LLC**

**WHEREAS**, Seven Development LLC (“Seven”) sought to develop a multifamily project known as 0 East High Street; and

**WHEREAS**, that development would have encompassed properties located at 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street; and

**WHEREAS**, Charlottesville Planning Commission conducted a Code of Virginia 15.2-2232 review and found that certain public improvements for the project were not in substantial accord with the Comprehensive Plan; and

**WHEREAS**, Seven appealed the Planning Commission’s determination to the City Council, and the City Council affirmed the Planning Commission’s determination; and

**WHEREAS**, the Property is located in an environmentally sensitive area; and

**WHEREAS**, the Property is suitable for passive recreational uses; and

**WHEREAS**, the City Council believes the acquisition of the Property for the aforementioned public purpose is in the best interests of the City; and

**WHEREAS**, Seven has assigned its interests to Riverside Multifamily, LLC (“Assignor” or “Riverside”) to acquire the properties from Southern Ventures, Inc., Southern Vector, Inc. and Wendell Wood (“Sellers”); and

**WHEREAS**, City staff has negotiated an Assignment of Contract Agreement (“Assignment”) with the above-referenced parties pursuant to which the City will acquire 23.81 acres of property at 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street and addresses not yet determined (“the Property”) from the Sellers and pay an Assignment Fee to the Assignor, subject to City Council Approval; and

**WHEREAS**, it is in the best interests of the City to enter into a Mutual Release of Claims to resolve all issues between it and Seven, as well as its successor in interest Riverside with respect to the acquisition and the Code of Virginia Sec. 15.2-2232 review:

**NOW, THEREFORE, BE IT RESOLVED** that this Council authorizes the City Manager to enter into the Assignment of Contract with Assignor, Sellers and Seven in such form as approved by the City Attorney; and

**BE IT FURTHER RESOLVED** that the City Manager is authorized to enter into a Mutual Release of Claims with Seven and Riverside in such form as approved by the City Attorney.