



CITY COUNCIL AGENDA
January 16, 2024
Postponed to January 22, 2024
(weather)
CERTIFICATIONS

Juandiego R. Wade, Mayor
Brian R. Pinkston, Vice Mayor
Natalie Oschrin
Michael K. Payne
J. Lloyd Snook, III
Kyna Thomas, Clerk

4:00 PM OPENING SESSION.

Call to Order/Roll Call

Agenda Approval APPROVED 5-0 with amendment (OSCHRIN/PINKSTON)

Reports

1. Report: CVille Scholarship
2. Report: Charlottesville Area Transit Alternative Fuels Study results with recommendations

5:30 PM CLOSED MEETING (if called)

Vote to meet in closed meeting APPROVED 5-0 (PINKSTON/SNOOK)

Vote to certify closed meeting APPROVED 5-0 (PINKSTON/SNOOK)

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: 2024 National Day of Racial Healing

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

3. Minutes: November 13 work session, November 14 joint public hearings with Planning Commission, November 20 regular meeting, November 29 Zoning Ordinance work session, January 9 joint meeting with Planning Commission, January 10 joint meeting with Schools
4. Resolution: #R-24-003 Resolution to appropriate funding from the FY23 State Criminal Alien Assistance Program (SCAAP) Grant for Albemarle Charlottesville Regional Jail - \$16,768 (2nd reading)
5. Resolution: #R-24-004 Resolution to appropriate funding from the Capital Improvement Plan Contingency Account to Virginia Supportive Housing for Premier Circle PSH - \$750,000 (2nd reading)
6. Ordinance: #O-24-005 To amend, re-ordain, and re-enact Chapter 30, Article 4 of the City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) to move application/certification deadline to April 1

City Manager Report

- Report: Monthly update
- Report: City Sheriff Budget Presentation
- Report: Downtown Mall Tree Management Presentation

Community Matters

Action Items

7. **Public Hearing/Ord.:** #O-24-006
Ordinance to approve a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville for properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road - VERVE Charlottesville PUD – ZM23-00004
APPROVED 5-0 (PINKSTON/PAYNE)
8. **Public Hearing/Ord.:** #O-24-007
Ordinance to Rezone land fronting on Ivy Road and Copeley Road related to the "2117 Ivy Road Plan Unit Development Plan Submittal"
APPROVED 5-0 (PINKSTON/PAYNE)
9. **Public Hearing/Res.:**
Public Hearing and Resolution of Appropriation to Amend the FY24 Budget (1 of 2 readings)
10. **Resolution:**
Resolution to appropriate ARPA funding and authorize the City Manager to acquire Avon/Levy Property for future redevelopment - \$4,000,000 (1 of 2 readings)
11. **Ordinance:** #O-24-008
Ordinance to amend the procurement provisions of the City Code to achieve consistency with the Virginia Code
APPROVED 5-0 (SNOOK/PINKSTON)

General Business

12. **Written Report:** Rivanna Authorities Quarterly Report

Other Business

ITEM ADDED: Councilor Oschrin stepped down as a voting member of the TJPDC for the City and Phil d’Oronzio was reappointed. **APPROVED 5-0 (SNOOK/PINKSTON)**

Community Matters (2)

Adjournment

RESOLUTION APPROPRIATING FUNDS
State Criminal Alien Assistance Program (SCAAP) Grant for 2023 reimbursement
\$16,768

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 \$16,768.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$13,079.04 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$3,688.96 be appropriated and passed through to Justice Benefits, Inc.

Revenues

\$16,768 Fund: 211 Internal Order: 1900543 G/L Account: 431110

Expenses

\$13,079.04 Fund: 211 Internal Order: 1900511 G/L Account: 530550
\$3,688.96 Fund: 211 Internal Order: 1900511 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$16,768 from the U. S. Bureau of Justice Assistance.

RESOLUTION

**Resolution to Appropriate funding from the Capital Improvement Plan Contingency
Account to Virginia Supportive Housing for Premier Circle
\$750,000**

WHEREAS, the City of Charlottesville, VA in partnership with Albemarle County has agreed to provide additional funding to Virginia Supportive Housing for the Premier Circle project; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that additional funding of \$750,000 be appropriated from the Capital Improvement Program Contingency Account.

Expenditure:

\$ 750,000

Fund: 426

WBS: CP-080

G/L Account: 540100

ORDINANCE
TO AMEND, RE-ORDAIN, AND RE-ENACT CHAPTER 30, ARTICLE IV OF THE
CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED (REAL
ESTATE TAX RELIEF FOR THE ELDERLY AND DISABLED PERSONS) TO MOVE
APPLICATION/CERTIFICATION DEADLINE TO APRIL 1

WHEREAS applicants, neighborhood associations, and housing advocates have expressed a desire for elderly and disabled real estate relief applicants to have more time to submit applications or certifications for relief; and

WHEREAS the Commissioner of the Revenue and the Treasurer have determined that a later due date will not interfere with the Treasurer's duty to mail real estate bills in a timely fashion after having applied grants to qualifying real estate tax accounts; now, therefore,

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

Section 1. *Chapter 30 (Taxation) of the Code of the City of Charlottesville (1990), as amended, Article IV, is hereby amended, re-ordained and re-enacted, as follows:*

ARTICLE IV. REAL ESTATE TAX RELIEF FOR THE ELDERLY AND
DISABLED PERSONS

Sec. 30-96. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means and refers to a claimant applying for tax relief under the provisions of this article.

Area median family income (MFI) means and refers to the median family income most recently established by the United States Department of Housing and Urban Development (HUD) for the Charlottesville, Virginia Metropolitan Statistical Area, rounded up to the nearest five thousand dollars (\$5,000.00).

Claimant refers to an individual entitled to claim an exemption under this article.

Certification means a signed written statement attesting to the accuracy of information provided by the applicant.

Combined household income means:

- (1) 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, of the applicant and all relatives living in the same dwelling, and of any other person who is an owner of and resides in the applicant's dwelling; or
- (2) For applicants 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 dwelling, and of any other person who is an owner of and resides in the applicant's dwelling.

The commissioner of revenue shall establish the combined household income of persons for whom no federal tax return is required through documentation satisfactory for audit purposes.

Dwelling means the sole place of residence of a claimant; provided, however, that the fact that a person who is otherwise qualified for tax exemption by the provisions of this article is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care for an extended period of time shall not be construed to mean that the real property for which exemption is claimed is not the sole place of residence of such individual while they are in any such facility, so long as the real property in question is not used by, or leased to, others for consideration.

Exemption means the percentage exemption from the property tax imposed by the city allowable under the provisions of this article.

Owner means and refers to an individual in whom is vested:

- (1) All or part of the legal title to real property; or
- (2) All or part of the beneficial ownership of real property and a right to present use and enjoyment of such real property.

Permanently and totally disabled, as applied to a person claiming an exemption under this article, means a person furnishing the certification or medical affidavits required by section 30-99, and who is found by the commissioner of revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

Person means and refers to a natural person (i.e., an individual).

Taxable year means the calendar year, from January 1 through December 31, for which property tax exemption is claimed under this article.

(Code 1976, § 10-36; 5-7-90, § 1; 3-3-03(4), § 1; 10-7-19(1) ; Ord. No. O-22-140 , § 1, 11-7-22)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

State law reference(s)—Provisions similar to the provisions in the above definition of "dwelling," Code of Virginia, § 58.1-3214; similar definition of "permanently and totally disabled," § 58.1-3217.

Sec. 30-97. Purpose of article.

It is hereby declared to be the purpose of this article to provide real estate tax exemptions for qualified property owners who are not less than sixty-five (65) years of age or permanently and totally disabled and who are otherwise eligible according to the terms of this article. Pursuant to the authority of Virginia Code § 58.1-3210, the city council finds and declares that persons qualifying for exemption hereunder are bearing an extraordinary real estate tax burden in relation to their income.

(Code 1976, § 10-37; 5-7-90, § 1; Ord. No. O-22-140 , § 1, 11-7-22)

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-3218.

Sec. 30-98. Qualifications for exemption.

Residential real property shall qualify for exemption pursuant to this article if the owner and the property satisfy the following requirements:

- (1) The ownership of the residential real property for which exemption is claimed must be with a claimant as of January 1 of the taxable year for which such exemption is claimed. If the real estate for which exemption is claimed consists of a lot containing a manufactured home, as defined in Virginia Code § 36-85.3, the claimant must be the owner of both the lot and the manufactured home.
- (2) As of January 1 of the taxable year and on the date a claim for exemption is submitted, the claimant must occupy the real property for which the exemption is sought as their sole place of residence (dwelling) and must intend to occupy the real property as such throughout the remainder of the taxable year. A claimant 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 their dwelling is not being used by or leased to another for consideration.
- (3) Reserved.
- (4) The claimant must be sixty-five (65) years of age or older, or permanently and totally disabled, as of December 31 of the year immediately preceding the taxable year for which the exemption is claimed.
- (5) The combined household income of such claimant must not exceed an amount equivalent to fifty (50) percent of area median family income. Provided, however, that, if a claimant can prove by clear and convincing evidence that the only alternative to their having to permanently become a resident of a hospital, nursing home, convalescent home or other facility providing physical or mental care is to have said claimant's relative reside within the claimant's dwelling and provide care for the claimant, then that relative's income shall be excluded from the income calculation.
- (6) Neither an applicant, nor an applicant's spouse who resides within the same dwelling, shall be an owner of any other real property.
- (7) For real property jointly owned by two (2) or more persons, not all of whom are at least age sixty-five (65) or permanently and totally disabled; provided that the property is the dwelling of all such joint owners, the tax exemption for the real property shall be prorated by multiplying the amount of the exemption by a fraction that has, as a numerator, the percentage of ownership interest in the dwelling held by all such joint owners who are at least age sixty-five (65) or permanently and totally disabled, and as a denominator, one hundred (100) percent. The provisions of this subsection shall not apply to married persons who are joint owners of a dwelling, when there are no other joint owners.
- (8) An applicant who is delinquent on any portion of the real estate taxes due with respect to the real property to which the exemption is to be applied must be in good standing on a payment plan with the treasurer's office with the aim of paying off said delinquency in a period not exceeding twelve (12) months.

(Code 1976, § 10-38; 5-7-90, § 1; 2-19-91; 6-1-92; 11-21-94; 6-4-01(4), § 1; 3-3-03(4), § 1; 4-19-04(1), § 1; 11-15-04(1), § 5; 9-7-21(1), § 2; Ord. No. O-22-140, § 1, 11-7-22)

State law reference(s)—Similar provisions and authority of city as to income, net worth, etc., requirements, Code of Virginia, §§ 58.1-3210—58.1-3212.

Sec. 30-99. Application for exemption, annual certification.

- (a) In the first year for which exemption is sought, and every third year thereafter, every person claiming an exemption under this article shall file an application with the commissioner of revenue of the city setting forth the basis for their claim of exemption. In each of the two (2) years between their filing of such applications, if no circumstances relevant to determination of eligibility for the exemption has changed, the applicant shall certify that; however, if an applicant's circumstances have changed to affect their eligibility for exemption, the applicant will need to file a new application. The date for filing such an application or certification shall be no later than *April* 1 of the taxable year, but may be extended by the commissioner of revenue to July 1 of a taxable year for a first-time applicant and to July 1 of each taxable year in a hardship case in which the commissioner of revenue determines that the applicant was unable to file by *April* 1 of the particular taxable year because of illness of the applicant or confinement of the applicant in a nursing home, hospital, or other medical facility or institution.
- (b) The application shall set forth the names of the related persons occupying the real property for which exemption is claimed, the name of any other person who is an owner of and resides in the dwelling on the property, and the combined household income of all such persons. The form of such application or certification shall be determined by the commissioner of revenue, and shall contain such other information as may be required adequately to determine compliance with the provisions of section 30-98.
- (c) If the person filing an application for exemption under this section is under sixty-five (65) years of age, the application shall have attached thereto proper documentation by the Social Security Administration, veteran's administration or the railroad retirement board that the person has been certified as being permanently or totally disabled as defined by those agencies, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the commonwealth, to the effect that the person is permanently and totally disabled, as defined in section 30-96. The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one (1) of the doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in section 30-96.
- (d) In addition, the commissioner of revenue may make such further inquiry of persons seeking to claim exemptions requiring answers under oath and the production of certified tax returns, as may be deemed reasonably necessary to determine eligibility for an exemption.

(Code 1976, § 10-39; 11-21-94; 10-7-19(1); Ord. No. O-22-140, § 1, 11-7-22)

Editor's note(s)—Ord. No. O-22-140 , § 1, adopted Nov. 7, 2022, amended § 30-99 in its entirety to read as herein set out. Former § 30-99 pertained to applicant's affidavit and certificate of disability, and derived from the Code of 1976, § 10-39; an ordinance adopted Nov. 21, 1994; and an ordinance adopted Oct. 7, 2019 .

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-3213.

Sec. 30-100. Certification by commissioner; deductions from real estate tax.

The commissioner of revenue, after audit and investigation, shall certify a list of the persons and property qualifying for exemption under this article and the amount thereof to the city treasurer, who shall forthwith deduct the amounts of such exemptions from the real estate tax chargeable for the taxable year to such persons and property.

(Code 1976, § 10-39; Ord. No. O-22-140 , § 1, 11-7-22)

Sec. 30-101. Calculation of amount of exemption.

The amount of the exemption granted pursuant to this article shall be a percentage of the real estate tax assessed for the applicable taxable year in accordance with the following formulas using area median family income:

- (1) An approved applicant whose combined household income is between zero dollars (\$0.00) and thirty (30) percent of MFI shall receive an exemption equivalent to one hundred (100) percent of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.
- (2) An approved applicant whose combined household income is greater than thirty (30) percent of MFI, but no more than forty (40) percent of MFI, shall receive an exemption equivalent to eighty (80) percent of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.
- (3) An approved applicant whose combined household income is greater than forty (40) percent of MFI, but no more than forty-five (45) percent of MFI, shall receive an exemption equivalent to sixty (60) percent of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.
- (4) An approved applicant whose combined household income is greater than forty-five (45) percent of MFI, but no more than fifty (50) percent of MFI, shall receive an exemption equivalent to forty (40) percent of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.

(Code 1976, § 10-40; 5-7-90, § 1; 11-21-94; 3-3-03(4), § 1; 4-19-04(1), § 1; 10-7-19(1) ; Ord. No. O-22-140 , § 1, 11-7-22)

State law reference(s)—Amount of exemption or deferral to be as prescribed by ordinance, Code of Virginia, § 58.1-3210.

Sec. 30-102. Effect of changes in status.

Changes with respect to income, ownership of property or other factors occurring during the taxable year and having the effect of violating or exceeding the limitations and conditions of section 30-98 shall result in a prorated exemption for the then current taxable year.

(Code 1976, § 10-41; Ord. No. O-22-140 , § 1, 11-7-22)

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-3215.

Sec. 30-103. Filing false claims.

It shall be unlawful and a Class 1 misdemeanor for any person to falsely claim an exemption under this article.

(Code 1976, § 10-42; Ord. No. O-22-140 , § 1, 11-7-22)

Editor's note(s)—Ord. No O-22-140 , § 1, adopted Nov. 7, 2022, repealed the former § 30-103 and renumbered former § 30-104 as § 30-103 as set out herein. Former § 30-103 pertained to payment of deferred taxes; interest; liens, and derived from the Code of 1976, § 10-41.1. The historical notation has been retained with § 30-103 for reference purposes.

Cross reference(s)—Penalty for Class 1 misdemeanor, § 1-11.

Secs. 30-104—30-125. Reserved.

Section 2. *The requirement of City Code Sec. 2-97 for a second reading of this ordinance is hereby waived, and this ordinance shall be and become effective upon its adoption by a recorded four-fifths vote of City Council.*

AN ORDINANCE
APPROVING A REQUEST TO REZONE LAND FRONTING ON JEFFERSON PARK AVENUE,
STADIUM ROAD, EMMET STREET, AND MONTEBELLO CIRCLE
FROM MULTIFAMILY RESIDENTIAL (R-3) TO PLANNED UNIT DEVELOPMENT (PUD)

WHEREAS, Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC (collectively the “Landowners”) of certain land fronting on Jefferson Park Avenue, Stadium Road, Emmet Street, and Montebello Circle, designated on the City Tax Map and Parcel (TMP) as 160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 (collectively, hereinafter, the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from R-3 to PUD hereinafter referred to as the “Proposed Rezoning”; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by the Planning Commission on January 9, 2024 and City Council on January 16, 2024, 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 on January 9, 2024, 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 (ZM23-00004), 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) 2160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 (“Subject Property”), containing, in the aggregate approximately 3.3 acres (approximately 144,002 square feet), from R-3 (Multifamily Residential) to PUD (Planned Unit Development) as described in application ZM23-00004 and the VERVE Charlottesville PUD Development Plan Dated November 17, 2023, with the following Proffer:

1. **Affordable Housing:** The Owner shall make a cash contribution to the City's affordable housing fund in the amount equal to Six Million, Eight Hundred Thousand Dollars (\$6,800,000.00). Such cash contribution shall be delivered to the City prior to the issuance of the first Certificate of Occupancy for the Project.

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

**AN ORDINANCE
APPROVING A REQUEST TO REZONE LAND FRONTING ON IVY ROAD
AND COPELEY ROAD
FROM URBAN CORRIDOR (URB) TO PLANNED UNIT DEVELOPMENT (PUD)**

WHEREAS, RMD Properties, LLC is the owner (“Landowner”) of certain land fronting on Ivy Road and Copeley Road, designated on the City Tax Map and Parcel (TMP) as 070001200 (the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from URB to PUD subject to proffered development conditions, hereinafter referred to as the “Proposed Rezoning”; and

WHEREAS, in connection with the Proposed Rezoning, the Applicants submitted: (i) a written PUD Development Plan, dated May 15, 2023 (Revision #3 dated November 21, 2023), titled “2117 Ivy Road Planned Unit Development Plan Submittal”, and (ii) proffered development conditions and “Exhibit A” diagram submitted in writing to the City; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by the Planning Commission on January 9, 2024 and by City Council on January 16, 2024, 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 their January 9, 2024 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 (ZM23-00003), 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) 070001200 (“Subject Property”), containing, in the aggregate approximately 1.027 acres (approximately 44,736 square feet), from Urban Corridor (URB) to Planned Unit Development (PUD), subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowners in accordance with law and are hereby accepted by this City Council:

Approved Proffers

1. Affordable Housing

The Project is proposed to be student housing rented by the bedroom. The Applicant shall make a cash contribution to the City's affordable housing fund in the amount equal to Three Million, Two Hundred Fifty Thousand Dollars (\$3,250,000), provided that the approved final site plan and approved building permit will permit a minimum of Six Hundred Thirty-Four (634) bedrooms. Otherwise, the amount will be equal to four and one-half (4 ½) times that which would be required under City Code Section 34-12(d)(2) in effect as of the date of this Proffer Statement, based on the approved final site plan. Such cash contribution shall be delivered to the City prior to the issuance of the first Certificate of Occupancy for the Project.

2. PUD Application Plan

- A. **Application Plan.** The Property is depicted on the plans entitled "2117 Ivy Road" dated May 15, 2023, last revised November 21, 2023, prepared by WDG Architecture and Timmons Group (the "Application Plan"). The Property will be developed in general accord with the essential elements of the Application Plan, as required by City Zoning Ordinance Section 34-518.
- B. **Exhibit A.** Notwithstanding the provisions of paragraph 2A above, the Property frontage along Ivy Road shall be developed to reflect the following major elements as shown and noted on attached plans entitled "PUD Exhibit A – Conceptual Building Section" dated December 12, 2023, prepared by Dwell Design Studio ("Exhibit A"), attached, subject to Entrance Corridor Review Board Approval:
- 1) The green zone shall be a minimum of 8 feet in width.
 - 2) The sidewalk shall be a minimum of 10 feet in width.
 - 3) Floors 1-2 shall be recessed at least 2 feet from Ivy Road beyond that shown on the Application Plan.
 - 4) Floors 3-8 shall be recessed 4 feet from Ivy Road beyond that shown on the Application Plan.
 - 5) Floors 9-10 shall be recessed 2 feet beyond floors 3-8.
 - 6) The rooftop architectural trellis shall be recessed 10 feet from the top edge of floor 10.
 - 7) Street tree species will be coordinated with City staff, the Entrance Corridor Review Board, and the University.

With regard to any differences between the approved Application Plan and this proffer statement with Exhibit A, this proffer statement and Exhibit A shall govern.

- C. The Applicant shall submit a revised Application Plan incorporating the provisions of paragraph 2B within 30 days after City Council's action on the Application.

BE IT FURTHER ORDAINED THAT the City's Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.

AN ORDINANCE TO AMEND AND REENACT CITY CODE SECTION 22-4

WHEREAS, in order to promote efficiency in the procurement of needed goods and services, the Virginia Public Procurement Act (VPPA) was amended to permit localities to use additional methods of procurement for certain kinds of contracts and to lessen the paperwork needed for certain transactions;

WHEREAS, the additional flexibility and efficiency offered by the state enabling legislation would benefit the City of Charlottesville in its procurement of needed goods and services;

WHEREAS, amendments to the procurement provisions of the City Code are necessary to enable the City to make use of the additional procurement methods and procedures afforded by the VPPA, and to bring the City Code into harmony with state enabling legislation;

WHEREAS, this Council has considered the staff recommendations regarding these changes to the procurement provisions of the City Code;

WHEREAS, this Council finds and determines that it is in the best interests of the citizens of the City of Charlottesville to promote efficiency in the procurement of needed goods and services;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia THAT:

Chapter 22 (City Procurement of Goods and Services from Non-Governmental Sources) of the Code of the City of Charlottesville (1990), as amended, Article I, Sec. 22-4, is hereby amended, re-ordained and re-enacted, as follows:

Sec. 22-4. Methods of procurement authorized.

- (a) All city contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, construction, or insurance, shall be awarded after competitive sealed bidding or competitive negotiation, unless otherwise authorized by the Virginia Public Procurement Act or this chapter.
- (b) Professional services shall be procured by competitive negotiation.
- (c) Goods and non-professional services may be procured by competitive sealed bidding or competitive negotiation.
- (d) Insurance may be procured by competitive sealed bidding or competitive negotiation. However, upon a written determination, made in advance by City Council, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker. The licensed agent or broker shall be selected in the

manner provided for the procurement of things other than professional services using a competitive negotiations process.

- (e) Construction services shall be procured by competitive sealed bidding. However, upon a written determination, made in advance by the procurement manager, that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, the following construction services may be procured by competitive negotiation:
 - (1) Contracts for the construction of public streets and any draining, dredging, excavation, grading or similar work upon real property, or
 - (2) Fixed-price contracts for design-build or construction management as provided in § 2.2-4378 of the Code of Virginia.

The procurement manager's determination shall document the basis for the determination.

- (f) Upon a written determination, made in advance by the procurement manager, that there is only one (1) source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The procurement manager shall issue a written notice stating that only one (1) source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the city's website.
- (g) In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The procurement manager shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the city's website.
- (h) Competitive sealed bidding or competitive negotiation are not required for single or term contracts if the procurement is made pursuant to written procedures ("small purchase procedures"), established by the purchasing manager and approved by the city manager, for single- or term-contracts for:
 - (1) Goods and services (other than professional services) and non-transportation related construction, if the aggregate or the sum of all phases is not expected to exceed two hundred thousand dollars (\$200,000.00); and
 - (2) Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed twenty-five thousand dollars (\$25,000.00); and

- (3) Professional services, provided the aggregate or the sum of all phases is not expected to exceed eighty thousand dollars (\$80,000.00).

Such small purchase procedures shall provide for competition wherever practicable.

- (i) Upon a determination made in advance by the procurement manager and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates, shall not be made by online public auctions.
- (j) The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates, shall not be made by reverse auctioning.
- (k) The city may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with one (1) or more other public bodies, or public agencies or institutions or localities of the several states, of the Commonwealth of Virginia, of the United States or its territories, the District of Columbia, the U.S. General Services Administration, or the Metropolitan Washington Council of Governments, for the purpose of combining requirements to increase efficiency or reduce administrative expenses, in any acquisition of goods, services, or construction.

In addition, a public body may purchase from another public body's contract or from the contract of the Metropolitan Washington Council of Governments or the Virginia Sheriffs' Association, even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies, except contracts for:

- (1) Architectural or engineering services; or
 - (2) Construction. This subsection shall not apply to (i) the installation of artificial turf or other athletic surfaces, (ii) stream restoration, (iii) stormwater management practices, or (iv) the installation of playground equipment, including all associated and necessary construction and maintenance. Nothing in this subsection shall be construed to prohibit sole source or emergency procurements awarded pursuant to subsections (f) and (g) of this section.
- (l) No contract for the construction of any building or for an addition to or improvement of an existing building by the city or any of its agencies, boards or departments for which state funds of not more than fifty thousand dollars (\$50,000.00) in the aggregate or for the sum of all phases of a contract or project either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of construction, shall be let except after competitive sealed bidding or competitive negotiation.

- (m) The city in its capacity as a utility operator may purchase services through or participate in contracts awarded by one (1) or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq. of the Code of Virginia). A purchase of services under this subsection may deviate from the procurement procedures provided in this chapter, provided that the contract is awarded based on competitive principles and that the purchasing manager makes a determination in advance and in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public.

This ordinance shall be effective as of June 11, 2023.