



**CITY COUNCIL AGENDA**  
**February 7, 2022**  
**CERTIFICATIONS**

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

Register at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). This meeting is being held electronically in accordance with a local ordinance amended and re-enacted October 4, 2021, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

**4:00 PM AFTERNOON MEETING**

**Roll Call**

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

**Reports**

1. Report:                      Modernizing the Charlottesville Fire Department

**5:30 PM CLOSED MEETING as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and Commissions; legal consultation)**

**(PAYNE/MAGILL) 5-0 vote to meet in closed session**

**(PAYNE/MAGILL) 5-0 vote to certify closed session**

**6:30 PM EVENING MEETING**

**Moment of Silence**

**Announcements (and Update from Blue Ridge Health Department)**

**Recognition/Proclamations**

- Proclamation:              Black History Month 2022
- Recognition:                Benefit Programs Specialist (BPS) Appreciation Month

**Board/Commission Appointments**

- Appointments to CACVB and Human Rights Commission; replacing Vice Mayor Wade with Councilor Pinkston on the Social Services Advisory Board **APPROVED 5-0 (MAGILL/WADE)**
- Removing member of Region Ten Board **APPROVED 5-0 (MAGILL/WADE)**
- Approving Sena Magill as city representative to National Association of Counties Grant workgroup for Evidence Based Decision Making **APPROVED 5-0 (MAGILL/WADE)**

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

2. Minutes:                      December 20 closed and regular meetings; January 11 special meeting
3. Ordinance:                      Amending and re-enacting the provisions of Chapter 28 (Streets and Sidewalks), Article VI (Sidewalk Cafes) of the Code of the City of Charlottesville (1990) as amended, to establish the City Treasurer as the city official responsible for collecting rents from sidewalk cafe operators; and to waive rents due and owing to the City under the provisions of City Code Section 28-214(c)(2) for 2020 and 2021 (2nd reading)  
#O-22-016
4. Resolution:                      Appropriating funding for American Rescue Plan for eligible local activities (2nd reading)  
#R-22-017
5. Resolution:                      ~~Appropriating funding for Charlottesville Community Care Team, a public-private partnership – \$250,000 (1st of 2 readings)~~  
**(Removed from 2/7/22 agenda per team member; to be reviewed at a later date)**

## City Manager Report

### Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Public comment will be conducted through electronic participation while City Hall is closed to the public. Participants can register in advance at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom).

### Action Items

6. Resolution\*: Consideration of a proposed amendment to the 2021 Comprehensive Plan to incorporate contents of the Urban Rivanna River Corridor Plan (1 reading) **APPROVED 5-0 (WADE/MAGILL)**  
#R-22-018
7. Ordinance: Amending and reordaining Section 15-99 of Chapter 15 (Motor Vehicles and Traffic) of the Code of the City of Charlottesville, 1990, as amended, to reduce the speed limit on 5th Street S.W. (1st of 2 readings)
8. Ordinance\*: Approving the rezoning of land at 0 Nassau Street from R-2 (Two-Family Residential,) to R-3 (Multifamily Residential) subject to proffered development conditions (3rd reading) **APPROVED 5-0 (PINKSTON/WADE)**  
#O-22-019
9. Resolution\*: Amending the FY2018-2019 CDBG Substantial Action Plan to reprogram funds (1 reading) **APPROVED 4-1 (PINKSTON/WADE; Payne opposed) as amended**  
#R-22-020

### General Business

### Other Business

### Matters by the Public

Adjourn

**ORDINANCE**

**TO AMEND AND RE-ENACT THE PROVISIONS OF CHAPTER 28 (STREETS AND SIDEWALKS), ARTICLE VI (SIDEWALK CAFES) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990) AS AMENDED, TO ESTABLISH THE CITY TREASURER AS THE CITY OFFICIAL RESPONSIBLE FOR COLLECTING RENTS FROM SIDEWALK CAFÉ OPERATORS; AND TO WAIVE RENTS DUE AND OWING TO THE CITY UNDER THE PROVISIONS OF CITY CODE SECTION 28-214(c)(2) FOR 2020 AND 2021**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT Chapter 28, Article VI of the Code of the City of Charlottesville, Virginia (1990), as amended, is hereby amended and reenacted to include the following changes:

1. *The provisions of Chapter 28 (Streets and Sidewalks), Article VI (Sidewalk Cafés), Division 1 (Generally), Section 28-186, are amended and reenacted as follows:*

Sec. 28-186. - Responsibilities of zoning administrator under article.

The zoning administrator shall be responsible for receiving and approving applications for permits under this article and for administering the requirements of this article. *The City Treasurer shall be responsible for collecting rent payments required by Sec. 28-214(c)(2).*

2. *The provisions of Chapter 28 (Streets and Sidewalks), Article VI (Sidewalk Cafés), Division 2 (Permit), Section 28-214, are amended and reenacted as follows:*

Sec. 28-214. - Contents and conditions generally.

- (a) A permit granted by the zoning administrator under this division shall identify the permit term, or outstanding portion thereof, during which the operation of the café shall be authorized.
- (b) Permits for cafés on the downtown pedestrian mall or city sidewalks may contain additional reasonable conditions and requirements as the zoning administrator may deem necessary. The purpose of any such conditions shall be to ensure that the operation or use of the proposed café will not present a hazard to the public health, safety or welfare.
- (c) Effective for the permit term commencing in March 2009, and each permit term thereafter:
  - (1) Each applicant for a café permit shall pay a permit fee upon submission of such application, in the amount specified on the most recent fee schedule approved by city council. For operators renewing an existing permit this fee shall be due and payable within thirty (30) days following the commencement of the current permit term.
  - (2) Each operator shall pay rent in the amount specified on the most recent fee schedule approved by city council. Such rent shall be paid according to the payment schedule set by the *City Treasurer zoning administrator*. Any café permit for which the holder has not

paid rent hereunder within thirty (30) days of the due date shall expire and become null and void.

- (d) No food preparation shall be performed in any area which is the subject of a café permit issued under this article. The operator of an outdoor café which is the subject of any such permit shall promptly remove all food dishes and utensils after each customer has left and shall thoroughly clean the entire café area and the sidewalk located within the café after the close of each business day. The zoning administrator shall have the authority to require any café operator, as an additional condition of a permit, to use only non-disposable dishes, utensils and napkins within the café area, upon a determination that the use of paper or plastic tableware or napkins is or has been contributing to litter problems in the area subject to the permit. Upon making such a determination, the zoning administrator shall issue thirty (30) days' advance written notice of the new requirement to each operator whose permit will be affected.
- (e) An outdoor café subject to a permit required by this article shall be operated only within the area specifically assigned to an operator by a permit issued by the zoning administrator. The operator shall clearly delineate its area of operation through use of any one (1) or more of the following markers: trees, fences, planters and barriers. All items used for delineation of café space shall be compliant with current ADA Guidelines and approved by city staff prior to use. An outdoor café shall be in operation only during hours that the restaurant with which it is associated is open.
- (f) Musical entertainment shall be allowed within any outdoor café area subject to a permit; however, such activity shall be limited to un-amplified vocal or instrumental performances and such activity shall not be conducted during the hours between 12:00 midnight and 11:00 a.m. of any day. Cafés located on the downtown pedestrian mall shall also be subject to the city's noise ordinance established for that area; however, in the event of a conflict between said noise ordinance and the requirements of this section, the stricter requirement shall govern the activities within such outdoor café.
- (g) No tents or similar structures shall be erected or utilized over or within any outdoor café operating under a permit granted pursuant to this article; except that, not more than twice per year, the operator of an outdoor café, after receiving approval of the city's board of architectural review, may erect or utilize a tent over or within his outdoor café space. No such tent may be utilized or remain in place for longer than seventy-two (72) hours.
- (h) Access to and use of city electricity by outdoor café operators, including, without limitation, use of any outdoor electrical outlet(s), shall be permitted for cash registers and credit card machines only to those operators that pay a monthly fee to the city as established by city council.
- (i) Space heaters (other than any heaters requiring use of city electricity or electrical outlets) may be utilized by a café operator so long as the use and operation of any such heater is in compliance with all applicable building and fire codes and does not present a threat to the health, safety or welfare of the public. Each heater must be approved by city staff.
- (j) No café permit shall be shared by any restaurant with another restaurant without the prior written approval of the zoning administrator. In the case of such sharing arrangement, (i) the original operator shall remain fully responsible for compliance with this article unless

otherwise agreed in writing by the zoning administrator; and (ii) if the space that is the subject of the permit exceeds eight hundred (800) square feet under circumstances permitted by section 28-212(e), approval of the sharing arrangement shall be conditioned upon a reduction of the area reserved by the permit to not more than eight hundred (800) square feet.

- (k) All tables, chairs and equipment located within an outdoor café shall be maintained in good, clean condition by the operator.

***3. In recognition of the ongoing hardship that the COVID-19 pandemic has effected on restaurants within the City, and acknowledging the significance of the outdoor cafes on the Downtown Pedestrian Mall as important assets of the local economy, this Council hereby waives any and all permit fees and rents due and owing to the City by any outdoor café operator to the City, for or in connection with permits that commenced or were renewed in March 2020 and in March 2021 pursuant to City Code Section 28-214(c). Any rent amounts prepaid by a café operator for Permit Years 2020 or 2021 shall be credited by the Treasurer to the rent due for the 2022 Permit Year; however, in the event that a café operator prepaid rents for Permit Years 2020 or 2021, and that operator does not obtain or renew a permit for 2022, the Treasurer shall issue a refund of the prepaid amounts to the operator for which the applicable 2020 or 2021 outdoor café permit was issued. The provisions of this paragraph shall become effective March 1, 2022.***

***4. This Ordinance shall be effective upon adoption, except as otherwise specified herein.***

**RESOLUTION APPROPRIATING FUNDING FOR  
American Rescue Plan for Eligible Local Activities  
\$1,094,653**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$1,094,653 from American Rescue Plan funding is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

City funded portion of Sheriff bonuses.	\$12,918.
Café rental fee waiver/revenue replacement.	\$227,735.
Pathways Fund and Community Hotline Assistance.	\$776,000.
Juvenile and Domestic Court cleaning.	\$58,000.
Take home COVID tests for City employees.	\$20,000.
<b>TOTAL.</b>	<b>\$1,094,653.</b>

**Revenues - \$1,094,653**

Fund: 207                      Cost Center: 9900000000                      G/L Account: 430120

**Expenditures - \$1,094,653**

Fund: 207	I/O: 1900423	G/L Account: 599999	\$12,918
Fund: 207	I/O: 1900452	G/L Account: 599999	\$227,735
Fund: 207	I/O: 1900421	G/L Account: 599999	\$720,000
Fund: 207	I/O: 1900441	G/L Account: 599999	\$56,000
Fund: 207	I/O: 1900451	G/L Account: 599999	\$58,000
Fund: 207	I/O: 1900450	G/L Account: 599999	\$20,000

**RESOLUTION**  
**APPROVING AN AMENDMENT TO THE CITY COMPREHENSIVE PLAN BY**  
**INCORPORATION -THE URBAN RIVANNA RIVER CORRIDOR PLAN**

WHEREAS, on January 11, 2022, after notice was given as required by law, the Charlottesville Planning Commission and Charlottesville City Council conducted a public hearing on a proposed amendment to the 2021 Comprehensive Plan for the City of Charlottesville, to include the contents of the proposed Urban Rivanna River Corridor Plan; and

WHEREAS, on January 11, 2022, the Planning Commission adopted a resolution recommending approval by the City Council of the Comprehensive Plan Amendment, and certifying a copy of the Comprehensive Plan Amendment to Council for its consideration; now, therefore,

BE IT RESOLVED that, upon consideration of the Comprehensive Plan Amendment, the City Council hereby adopts the Urban Rivanna River Corridor Plan, dated December 2021, with amendments as recommended by the Planning Commission on January 11, 2022, as an amendment to the City's Comprehensive Plan. The Neighborhood Development Services staff shall post on the City's website notice of Council's adoption of this Update, along with a copy of the approval.

**AN ORDINANCE  
APPROVING A REZONING OF LAND FRONTING ON NASSAU STREET  
FROM R-2 (TWO-FAMILY RESIDENTIAL) TO R-3 (MULTIFAMILY RESIDENTIAL)  
SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS**

**WHEREAS**, in order to facilitate a specific development project, Franklin Street Land Trust III (“Landowner”), by its representative, Justin Shimp, has submitted rezoning application ZM21-00002, proposing a change in the zoning classification (“rezoning”) of certain land fronting on Nassau Street, identified within the City’s 2021 real estate tax assessment records by Real Estate Parcel Identification Nos. 610079600, 610079700, and a portion of 610079000 (collectively, the “Subject Property”), from “R-2” to “R-3”, with said rezoning to be subject to several development conditions proffered by Landowner; and

**WHEREAS**, the purpose of the rezoning application is to allow a specific development project identified within the application materials for ZM21-00002, which materials describe a plan to provide multifamily residential dwellings within the Subject Property (the “Project”); and

**WHEREAS**, a joint public hearing on the proposed rezoning was conducted by the Planning Commission and City Council on November 9, 2021, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on November 9, 2021, to recommend that City Council should approve the Rezoning; and

**WHEREAS**, this City Council has considered the details of the specific Project represented within the Landowner’s application materials for ZM21-00002; has reviewed 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 all of the land identified within the City’s 2021 real estate assessment records by Real Estate Parcel Identification Numbers 610079600, 610079700, and a portion of 610079000 (“Subject Property”), containing, in the aggregate approximately 0.51 acres (approximately 22,215 square feet), from R-2 (Two-Family Residential) to R-3 (Multifamily Residential), subject to proffered development conditions (“Proffers”), which were tendered by the Landowner in accordance with law and are hereby accepted by this City Council, as set out below within this ordinance.



### Approved Proffers

The use and development of the Subject Property shall be subject to and in accordance with the following development conditions voluntarily proffered by the Landowner, which conditions shall constitute zoning regulations which apply to the Subject Property in addition to the regulations otherwise provided within the City's zoning ordinance:

1. **DESIGN:** The design, height, density, and other substantive characteristics of the Project shall remain essentially the same, in all material aspects, as described within the application materials for ZM21-0002 submitted to the City on July 16, 2021, including, but not limited to, the Conceptual Site Plan, dated July 10, 2021, prepared by Shimp Engineering, P.C. Nothing within this condition shall preclude a subsequent modification of characteristics of the Project when necessary to comply with City zoning regulations other than those set out within these proffered conditions; however, any other material change of the Project as represented within the application materials shall require an amendment of this Ordinance.

2. **HEIGHT OF BUILDINGS AND STRUCTURES:** Any buildings or structures located on the Property shall not exceed thirty-five (35) feet in height. Height is to be measured in accordance with City Code Section 34-1110 in effect as of the date of this ordinance, which specifies that height, when applied to a building or structure, shall refer to the vertical distance measured perpendicularly from grade to the highest point on such building or structure.

3. Permitted Uses: The Subject Property may be used only for the uses listed below; any uses other than those listed below shall be prohibited:

a. Residential and related uses.

1. By-right: residential dwellings, at a density of one (1) to twenty-one (21) dwelling units per acre within area of the Subject Property, specifically: single-family detached dwellings, single-family attached dwellings, townhouses, two-family dwellings, multifamily dwellings, or residential treatment facilities (1-8 residents),
2. By-right: accessory buildings, structures and uses, and
3. With a provision use permit: home occupations.

b. Other Uses.

1. By-right: utility lines;
2. By special use permit: utility facilities.

**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.

**RESOLUTION**  
**Approval of FY 2018-2019 Substantial Action Plan Amendment**  
**\$140,585.49**

**BE IT RESOLVED** that the Charlottesville City Council hereby approves the FY 2018 – 2019 Substantial Action Plan Amendment of the 2018-2022 Consolidated Plan. The reprogrammed 2018 CDBG activities will be added into the 2018-2019 Annual Action Plan to meet HUD spending deadlines under 24 CFR 570.902(a).