



## CITY COUNCIL AGENDA February 7, 2022

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

#### 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)

### 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

#### Consent Agenda\*

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)
4. Resolution: Appropriating funding for American Rescue Plan for eligible local activities (2nd reading)
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 discussed 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)
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)
9. Resolution\*: Amending the FY2018-2019 CDBG Substantial Action Plan to reprogram funds (1 reading)

### General Business

### Other Business

### Matters by the Public

\*Action Needed



## **PLACEHOLDER**

4:00 PM Charlottesville  
Fire Department  
Presentation

# CITY OF CHARLOTTESVILLE



## PROCLAMATION

### BLACK HISTORY MONTH 2022

**WHEREAS**, February has been set aside nationally as a time to remember and learn about the contributions of Black Americans to the formation of our country; and

**WHEREAS**, during February we bring focus to the stories of Black Americans who have helped build our Nation and our City, who have advanced the cause of freedom and civil rights, and who have strengthened our families and our community; and

**WHEREAS**, when we examine our Nation's history and the history of Charlottesville, which continues to be written, we discover countless stories that inspire us – stories of the triumph of the human spirit; the triumph over cruelty rooted in ignorance, prejudice and bigotry; and the triumph of everyday people rising above seemingly insurmountable circumstances to achieve greatly; and

**WHEREAS**, we commit to work with intention to address past injustices that have hurt the Black community – racist laws, policies and practices that were intended to displace, intimidate and financially harm Black citizens. We acknowledge our collective responsibility to break down barriers to equity and inclusion; and

**WHEREAS**, as we celebrate Black History Month, we teach our children, our neighbors, and all Americans to rise above complacency and to be champions for human dignity, fairness, equity and equality; and

**WHEREAS**, we take this time to rededicate ourselves to affirming the promise of the Declaration of Independence, “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”; and

**WHEREAS**, in the City of Charlottesville we resolve to teach the true history of all our people, in both our public schools and our public spaces; and

**WHEREAS**, Black lives do matter in Charlottesville, Virginia. Black people are valued and vital members of the community; Black culture is woven into the fabric of the community; and we work to attract, welcome and retain a diverse population;

**NOW THEREFORE**, We, the City Council of the City of Charlottesville, Virginia, hereby proclaim February as BLACK HISTORY MONTH. We call on the people of Charlottesville to join us in learning about and honoring Black achievement and the Black experience in our community and throughout the country, and we encourage support of Black History Month programs.

**Signed and sealed this 7th day of February 2022.**

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**J. Lloyd Snook, III, Mayor**



# VIRGINIA DEPARTMENT OF SOCIAL SERVICES

## COMMONWEALTH OF VIRGINIA STATE BOARD OF SOCIAL SERVICES *Benefit Programs Specialist Appreciation Month Resolution of Appreciation*

**WHEREAS**, Virginia has provided a safety net to the most vulnerable citizens of the Commonwealth by administering the benefit programs of SNAP, TANF, Medical Assistance, General Relief, Auxiliary Grant, Refugee Cash Assistance and Energy Assistance by local department of social services; and

**WHEREAS**, Virginia's landmark welfare reform legislation and the present social economic climate in the United States and Virginia have significantly impacted the services provided by local Benefit Programs Specialists, calling upon them to creatively promote individual self-sufficiency and personal responsibility; and

**WHEREAS**, Virginia continues to experience unprecedented implementation of complex policies and procedures in all major benefit programs, as well as, continuing the processes of working remotely and relying on technology for processing cases and issuing benefits during a public health emergency as essential employees; and


**WHEREAS**, Virginia's 3916 Benefit Programs Workers (3409 Specialists, 465 Supervisors, and 42 Managers), 316 VIEW workers and 453 Child Care workers have been at the forefront of public efforts to meet that need, steadily maintaining a high rate of application processing and case management to ensure that those qualified for social services benefits receive and continue to receive them; and

**WHEREAS**, 37,577 TANF recipients and an additional \$4,707,569 in TANF Diversionary payments were issued to prevent long term dependence on public assistance, 7,166 VIEW cases, 753,638 SNAP recipients, 1,841,088 Medical Assistance recipients, 444 General Relief recipients, 3,014 Auxiliary Grant recipients, 107,933 Energy Assistance households, 26,666 Child Care households, 4,414 children under 17 in Foster Care and 838 young adults (18-21 year olds) are served through the Benefit Programs Division and depend on the dedication and commitment of Benefit Programs Specialist who handle their cases in an accurate and timely manner, and

**WHEREAS**, Benefit Programs Specialists are continually faced with reconciling an environment of rapidly changing policies, procedures, and technological advances with quality control requirements; and

**WHEREAS**, Benefit Programs Specialists provide ethical public service, respect human dignity, are responsible for the application of the law, demonstrate personal integrity and promote professional excellence;

**NOW THEREFORE BE IT RESOLVED**, on this 15th day of December 2021, the State Board of Social Services does hereby commend all Benefit Programs Specialists across the Commonwealth of Virginia for a job well done and recognizes the month of February 2022 as Benefit Programs Specialists Appreciation Month, calling upon Virginians to join in acknowledging their public service contributions.

  
Clyde Santana, Chair,  
State Board of Social Services  
Commonwealth of Virginia

**CHARLOTTESVILLE CITY COUNCIL MEETING**  
**December 20, 2021**  
**Virtual/electronic meeting via ZOOM**

**5:30 PM CLOSED MEETING**

The Charlottesville City Council met in an electronic meeting on Monday, December 20, 2021, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Walker called the meeting to order at 4:02 p.m., and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

On motion by Councilor Hill, seconded by Councilor Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(1) for the purposes of discussion and consideration of the appointment of individuals to City boards or commissions, and
- Section 2.2-3711(A), for discussion of the award of a public contract for city manager services, including interviews and negotiations with offerors, and discussion of the terms or scope of such contract, because discussion in an open session would adversely affect the bargaining position or negotiating strategy of city council.

On motion by Councilor Hill, seconded by Councilor Snook, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 6:49 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**6:30 PM REGULAR MEETING**

The Charlottesville City Council met in an electronic meeting on Monday, December 20, 2021, in accordance with a local ordinance approved and re-enacted October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic.

Mayor Walker called the meeting to order at 6:50 p.m. and City Council observed a moment of silence. Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

On motion by Councilor Hill, seconded by Councilor Snook, Council unanimously approved the meeting agenda.

## **ANNOUNCEMENTS**

Vice Mayor Magill announced the 4th annual Harambee family events calendar created by Mr. Alex- Zan. More information can be found at [www.Alex-zan.com](http://www.Alex-zan.com).

## **RECOGNITIONS/PROCLAMATIONS**

Vice Mayor Magill shared accolades about Mayor Walker and Councilor Hill and presented each with a plaque of appreciation for their time and work on City Council. Mayor Walker and Councilor Hill made remarks during this last meeting of their tenure on City Council. Councilors Snook and Payne made comments regarding Mayor Walker's and Councilor Hill's service on City Council.

## **BOARD/COMMISSION APPOINTMENTS**

On motion by Councilor Hill, seconded by Councilor Snook, Council by a vote of 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) APPROVED the following appointments to boards and commissions:

- Board of Architectural Review: Cheri Lewis, Hunter Smith, Clayton Strange, David Timmerman
- Historic Resources Committee: Richard Wilson
- Human Rights Commission: Mary Bauer, Wolfgang Keppley, Andy Orban, Lyndele von Schill
- Minority Business Commission: Airea Garland
- Region Ten Community Services Board: Richard Stott
- Sister Cities Commission: Alicen Brown, Sylvia New Strawn, Vivien Wong, Kimber Hawkey
- Social Services Advisory Board: Conner Brew, Cherry Stewart
- Vendor Appeals Board: Franklin Fountain

**CONSENT AGENDA\***

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

- 1. MINUTES: November 15 work session
  
- 2. RESOLUTION: Appropriating funds from Progressive and National General Insurance companies for a loss associated with City of Charlottesville Traffic assets - \$17,448.47 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for  
City Traffic Assets Insurance Reimbursement - \$17,448.47**

**WHEREAS**, Progressive and National General Insurance companies are reimbursing the City of Charlottesville for a loss associated with City of Charlottesville Traffic assets;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$17,448.47 be appropriated in the following manner:

**Revenues**

\$17,448.47    Fund: 105    Cost Center: 2471001000    G/L Account: 451110

**Expenditures**

\$17,448.47    Fund: 105    Cost Center: 2471001000    G/L Account: 541040

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of funds from Progressive and National General Insurance companies.

- 3. RESOLUTION: Appropriating funds for the Virginia Department of Transportation (VDOT) Bicycle and Pedestrian Safety Program for bicycle and pedestrian improvements at Preston Avenue and Harris Street - \$245,725 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for  
City Traffic Assets Insurance Reimbursement - \$17,448.47**

**WHEREAS**, Progressive and National General Insurance companies are reimbursing the City of Charlottesville for a loss associated with City of Charlottesville Traffic assets;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$17,448.47 be appropriated in the following manner:



**Revenues**

\$17,448.47 Fund: 105 Cost Center: 2471001000 G/L Account: 451110

**Expenditures**

\$17,448.47 Fund: 105 Cost Center: 2471001000 G/L Account: 541040

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of funds from Progressive and National General Insurance companies.

4. RESOLUTION: Appropriating funds for the Virginia Community Flood Preparedness Grant – Stormwater Management Model of Moores Creek Watershed - \$307,000 (2nd reading)

**RESOLUTION APPROPRIATION FUNDS FOR  
Virginia Community Flood Preparedness Grants - Stormwater Management Model of  
Moores Creek Watershed - \$307,000**

**WHEREAS**, the City of Charlottesville has been awarded \$153,500 from the Virginia Department of Conservation and Recreation for the development of a two-dimensional stormwater management model; and

**WHEREAS**, as a match of local funds in the amount of \$153,500 is required and will be funded using previously appropriated funds;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$307,000 be appropriated in the following manner:

**Revenues - \$307,000**

\$153,500 Fund: 209 I/O: 1900433 G/L Account: 430110  
\$153,500 Fund: 209 I/O: 1900433 G/L Account: 498010

**Expenditures - \$307,000**

\$307,000 Fund: 209 I/O: 1900433 G/L Account: 599999

**Transfers:**

\$136,153 Fund: 631 I/O: 2000095 G/L Account: 561209  
\$ 17,347 Fund: 426 WBS Element: P-00673 G/L Account: 561209

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt the Virginia Department of Conservation and Recreation.

5. RESOLUTION: Appropriating 2020 Local Emergency Management Performance Grant (LEMPG) - \$7,500 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for  
2020 Local Emergency Management Performance Grant (LEMPG) - \$7,500**

**WHEREAS**, the City of Charlottesville has received funds from the Virginia Department of Emergency Management in the amount of \$7,500 in federal pass through funds and \$7,500 in local in-kind match, provided by the Charlottesville-UVA-Albemarle Emergency Communications Center Office of Emergency Management; and

**WHEREAS**, the funds will be used to support programs provided by the Office of Emergency Management; and

**WHEREAS**, the grant award covers the period from July 1, 2020 through June 30, 2021;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$7,500 is hereby appropriated in the following manner:

**Revenue – \$7,500**

\$7,500      Fund: 209      I/O: 1900434      G/L: 430120 State/Fed pass thru

**Expenditures - \$7,500**

\$7,500      Fund: 209      I/O: 1900434      G/L: 599999 Salaries

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Emergency Management, and the matching in-kind funds from the Charlottesville-UVA-Albemarle Emergency Communications Center Office of Emergency Management.

6. RESOLUTION: Appropriating funds for COVID Homelessness Emergency Response Program (C.H.E.R.P.) Community Development Block Grant - \$680,263 (carried)

7. RESOLUTION: Approving the final disposition of the Thomas J. "Stonewall" Jackson statue

**RESOLUTION  
APPROVING A FINAL DISPOSITION OF THE  
STATUE OF STONEWALL JACKSON**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE** that

all of the City's right, title and interest in and to the statue of Confederate General Thomas J. "Stonewall" Jackson, including its base, is hereby conveyed to LAXART, a charitable institution/ organization organized under the laws of the state of California, in return for monetary compensation in the sum of \$50,000.00. This disposition is final.

Mayor Walker opened the floor for comments on Consent Agenda items:

- Thomas Randolph spoke about applying to acquire Confederate monuments.
- David Rhodes spoke in opposition to the disposition of Confederate monuments.
- Richard H. Allan spoke on an item not on the Consent Agenda, the Slave Auction Block.
- Andrew Shelton spoke as a descendant of Confederate soldiers, in support of the disposition of Confederate monuments.
- Tanesha Hudson spoke in support of the disposition of Confederate monuments and the need to consider the plight of African American people.
- James Groves spoke in support of the allocation of funds for the Moores Creek Watershed.

On motion by Vice Mayor Magill, seconded by Councilor Hill, Council by a vote of 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) APPROVED the Consent Agenda.

### **CITY MANAGER REPORT**

Deputy City Manager Ashley Marshall provided the following update.

1. Regarding concerns about the dust created during leaf pick up, staff was unable to source a solution as of this meeting.
2. Regarding the renaming of half streets, staff is investigating with the City Attorney's office the process to change an official street name.
3. Regarding the Slave Auction Block, Mr. Allan reached out directly to the City Manager's office, the Commonwealth's Attorney's Office, as well as City Council. While the City can physically move the parking spaces in question per the Traffic Engineer, the Historic Resources Commission is tasked with creating a new marker for this site and they continue their work. The City Manager's Office would not preemptively move those parking spaces, nor authorize any replacement marker to be erected prior to that committee's plan being proposed to Council for acceptance or rejection. Therefore, this issue is moot until that time or further direction by Council.
4. Regarding cybersecurity related to a breach at the General Assembly, the City has systems in place to reduce vulnerability.

## COMMUNITY MATTERS

1. Philip Harway, city resident, thanked Mayor Walker and Councilor Hill for their service on City Council. He also spoke about water flow and potential flooding as related to the proposed construction at 0 Nassau Street.
2. Kimber Hawkey, city resident, spoke in opposition to the upzoning request at 0 Nassau Street.
3. James Groves, city resident, asked the city to commit to climate change and deny the upzoning request at 0 Nassau Street, citing floodplain concerns. He thanked Mayor Walker and Councilor Hill for their service on City Council.
4. David Coleman Rhodes spoke again about separating Confederate descendants from white supremacists and separating the government from the people.
5. Richard Hobcraft Allan, III, spoke about the installation of a Slave Block replica sign to replace one that went missing between 1999 and 2002. He thanked Mayor Walker and Councilor Hill for their service on City Council.
6. Tanesha Hudson thanked Mayor Walker for her service on City Council. She spoke about individual involvement in government operations.
7. Robin Hoffman congratulated David Dillehunt and Joe Rice for their work on the Grand Illumination. She encouraged Heather Hill and Nikuyah Walker to host their own shows on public access television.
8. Grace Hays spoke in favor of the resolution presented for the final disposition of the Lewis, Clark and Sacajawea statue, including the contextualization from the familial descendants of Sacajawea.
9. Nancy Carpenter spoke of the December 21<sup>st</sup> remembrance vigils for unhoused persons. She asked about assistance to Thomas Jefferson Area Coalition for the Homeless (TJACH) for help with shelter needs during cold weather, especially with an uptick in the reporting of homelessness for women.
10. Jeffrey Fogel, city resident, voiced concerns regarding the proposed ordinance for the Police Civilian Oversight Board.
11. Jojo Robertson, city resident, spoke about the recent murder of Tonita Smith by a serial killer, and the need to help her family of six children.
12. Rose Ann Abrahamson, familial descendant of Sacajawea, thanked those who have worked on the Sacajawea project. She thanked Mayor Walker and Councilor Hill for their service on City Council.
13. Andrew Shelton spoke in support of moving forward with working with the Lewis and Clark Center for disposition of the Lewis, Clark and Sacajawea statue.

14. Katrina Turner, city resident, thanked Council for donating the Lee statue to the Jefferson School African American Heritage Center. She spoke in support of disposition of the Lewis, Clark and Sacajawea statue to the Lewis and Clark Center. She spoke about the proposed PCOB ordinance and acknowledged all involved throughout the process, specifically The People's Coalition. She thanked Mayor Walker for her service on City Council.
15. Rosia Parker, city resident, read a statement in thanks to Mayor Walker for her service on City Council.
16. Mark Kavit, city resident, spoke in opposition to the upzoning request at 0 Nassau Street. He expressed concern about Moores Creek and support of the MACAA project.
17. Joy Johnson thanked Mayor Walker and Councilor Hill for their service on City Council. She spoke about the struggle of being a Black woman in a leadership position and spoke words of encouragement to Mayor Walker.

Councilor Hill and Mayor Walker responded to comments about staff pay.

Council discussed their decision to hold off on appointments to the PCRB/PCOB until there is clarity about what will be asked of members.

The meeting recessed at 8:48 p.m. and reconvened at 9:06 p.m.

## **ACTION ITEMS**

### **8. PUBLIC HEARING/RESOLUTION: Consideration of amendments to the City's adopted FY2021 Budget (carried)**

Chris Cullinan, Director of Finance, reviewed three recommendations from staff:

1. Transfer \$6,674,971 from the Citywide Reserve-Economic Downturn account to the Capital Improvement Plan (CIP) Contingency account.
2. Transfer \$5,503,327 from the General Fund fund balance to 2213001000 for employee compensation.
3. Transfer \$6,393 from General Fund fund balance to City Treasurer's Office.

Mayor Walker opened the public hearing.

- Mark Kavit recommended that funding be allocated to the Affordable Housing Fund.
- Tanesha Hudson recommended that funding be allocated to the Affordable Housing Fund and recommended that the City work toward building its own housing as well as pay competitive wages.

- Kimber Hawkey recommended that funding be allocated to the Affordable Housing Fund and to community land trusts.
- Martha Smythe recommended that funding be allocated to the Affordable Housing Fund.
- Rosia Parker recommended allocating funding to combat homelessness.

Mayor Walker closed the public hearing. She asked the future Council to be more thoughtful about the uses for funding in Recommendation #1.

Vice Mayor Magill expressed concern about the upcoming obligation to school reconfiguration and noted that funds in the Capital Improvement Plan will positively impact affordable housing.

Councilor Payne asked how Recommendation #2 compares or works with the Classification and Compensation Study. Mr Cullinan, Ms. Marshall and Ms. Hammill provided a response about current recommendations and plans for the near future.

Councilor Snook mentioned that he was in support of all three recommendations.

Mayor Walker asked for resolution to the accrued time for employees who have not been able to take time off (so that they don't lose time).

Mayor Walker recommended putting the item on the Action item agenda for Jan. 3 in order for the new council members to discuss. Other councilors agreed.

**9. ORDINANCE: Amending and reenacting Chapter 2 (Administration), Article XVI (Police Civilian Review Board) to reestablish the City's Police Civilian Review Board as an oversight Board pursuant to Virginia Code Section 9.1-601 (2nd reading)**

Councilor Snook gave an overview of updates to the proposed ordinance. He commented about various memos that were sent around and acknowledged the historical work of the many people who have weighed in on the ordinance. He explained that a pending hearing will take place under the current ordinance and the new ordinance would become effective March 1, 2022.

Vice Mayor Magill suggested options to meet the police ride-along requirement. Mayor Walker, Councilor Hill and Councilor Payne agreed that a police ride-along should not be required and that other options should be available. Vice Mayor Magill recommended that the board participate in community walk-alongs in public housing developments.

Council discussed concerns about investigations occurring without the consent of the aggrieved person, and compelled testimony. Hansel Aguilar, Executive Director of the PCRB, shared his experience with obstacles and logistical limitations when investigations do not involve the injured party. He shared additional experience from a previous locality regarding compelled

testimony.

Mayor Walker asked about the decision to keep the current board members with the transition from a PCRB to a PCOB. Councilor Snook noted that options were weighed and there was a greater benefit to keeping members than starting over.

PCRb member William Mendez provided clarifying information to Council regarding the updated ordinance. He advised that within the next two months two sets of operating procedures would need to be written to address: 1) Standard Operating Procedures that define the relationship between the police and the PCRb and address the sharing of information and avoidance of duplicating investigative efforts; and 2) other procedures, including working with reluctant victim. He stated that there is no intent to make the board a secret body, but an effort will be made to balance privacy concerns.

Council agreed to minor edits:

- Section 2-453 paragraph C. Police Civilian Review Board and Police Civilian Oversight Board initial capitalization
- Section 2-455 changing "specific oversight tasks" to "specific monitoring tasks", and changing other instances of "oversight" to "monitoring"
- Section 2-458 G1 changing "oversight" to "monitoring" and "oversee" to "monitor"

Mayor Walker responded to comments from Mr. Mendez regarding reconstituting the Board.

On motion by Councilor Snook, seconded by Vice Mayor Magill, Council by the following vote APPROVED the ordinance: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

**ORDINANCE AMENDING AND REENACTING CHAPTER 2 (ADMINISTRATION), ARTICLE XVI (POLICE CIVILIAN REVIEW BOARD) TO REESTABLISH THE CITY'S POLICE CIVILIAN REVIEW BOARD AS AN OVERSIGHT BOARD PURSUANT TO VIRGINIA CODE SECTION 9.1-601**

**10. ORDINANCE: Approving the rezoning of land at 0 Nassau Street from R-2U (Two-Family Residential, University) to R-3 (Multifamily Residential) subject to preferred development conditions (2nd reading)**

Mayor Walker acknowledged that the item was placed on the Action Agenda to give Vice Mayor Magill an opportunity to comment as she was unable to attend the December 6 meeting.

Vice Mayor Magill stated that she was not comfortable with the project and would like for staff to review it more thoroughly.

Councilor Snook expressed concern about the way that the item came before Council. He referenced floodplain materials that he has reviewed. He asked to defer the item in order to give city engineering staff time to further investigate.

Tony Edwards, city staff, provided information about floodplain methodology and risk. He advised that the FEMA methodology has not factored in climate change. In response to Councilor Snook, he advised that with current zoning or a rezoning, the builder would need to exceed minimum requirements for building in the floodplain.

James Freas, Director of Neighborhood Development Services (NDS), confirmed information shared by Mr. Edwards and advised Council that they would need to decide how much density they want to approve in the location, given any potential of flooding.

The applicant Justin Shimp refuted statements made earlier regarding property being four feet underwater at Nassau Street during a previous flood, advising that photos from that point in time were in a different elevation on Nassau Street. He provided additional information about floodplain measurements.

Councilor Payne asked about any meaningful difference in the flood risk with what can be built by-right and adjacent properties, and what impact could the proposed development have on flood risk.

Several councilors indicated a need for additional information. NDS staff suggested that they could bring back additional information about the flood danger for Council consideration on January 18 and the meaningful difference in risk between by-right and rezoning.

This item was DEFERRED to the January 18, 2022 City Council meeting.

**11. RESOLUTION: Approving the final disposition of the City-owned sculpture titled "Their First View of the Pacific", also known as the Lewis, Clark and Sacajawea statue**

Deputy City Manager Ashley Marshall reviewed Council options related to statue disposition. At the request of Mayor Walker, with agreement from Council, Rose Ann Abrahamson read proposed resolution changes from Sacajawea's familial descendants.

Alexandria Searls, Executive Director of the Lewis and Clark Exploratory Center expressed that and she would not be able to agree to changes because they would have to go through other approvals, and that having not seen the proposed revisions before, she could not agree to what is seemingly a merger. She said that in spirit she agrees with many aspects of the input given, but for legal reasons could not commit to changes.



City Attorney Lisa Robertson clarified the current status of the proposal process used by City Council.

Ms. Searls agreed that the Lewis and Clark Exploratory Center would be willing to work with the family of Sacajawea and other stakeholders to bring back a new proposal.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) to confirm that the proposals received did not meet Council’s desired requirements.

**12. RESOLUTION\*: Consideration of the award of a contract for City Manager services**

City Attorney Robertson introduced the item.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council voted 4-0-1 (Ayes: Hill, Magill, Payne, Snook; Noes: none; Abstention: Walker) to APPROVE a management contract with the Robert Bobb Group. Mayor Walker abstained based on discussions, advising that once contract terms are discussed, it would be up to the incoming Council to make decisions on negotiations. She advised that based on what she heard from the Robert Bobb Group, she would not have voted No.

**RESOLUTION  
TO AWARD A CONTRACT FOR CITY MANAGER SERVICES**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA that a contract is hereby awarded to the firm of \_ the Robert Bobb Group (“Successful Offeror”) to provide City Manager services, this City Council having determined that the firm made the best proposal and offers the best overall combination of quality, price, and various elements of the required services that, in total, are optimal to the City’s needs for an interim city manager. Notice of award shall be posted in accordance with procurement requirements.

The City Attorney shall prepare a contract for execution by the Mayor and the Successful Offeror.

**GENERAL BUSINESS**

**13. REPORT: Charlottesville Affordable Housing Fund (CAHF) Program Review/Redesign Update**

Alex Ikefuna, Interim Director for Community Solutions, introduced HR&A Advisors to present an update on the Charlottesville Affordable Housing Fund Program.

Phillip Kash with HR&A Advisors presented the interim report for the Charlottesville Housing Program Review and Redesign. HR&A was contracted to perform two tasks: 1) Program Review and Redesign; and 2) Inclusionary Zoning Program Redesign. This report addresses Task #1.

HR&A examined past performance of the City's affordable housing programs. This work included collecting and reviewing available records from the City and funding recipients which focused on affordable housing units created and households served. HR&A is in the process of creating an up-to-date inventory of City-funding awards since 2010, drafting findings and preparing recommendations. To accomplish this, HR & A has reviewed past funding agreements and performance for City-funded projects and programs over a 10-year period (2010-2021) and interviewed agencies that received City funds for operations, programming, and development of affordable housing units. The primary purpose is to compare the level of impact projected during the application period with the impact achieved by the program or project.

#### Highlights of the Review

1. Since 2010, the City of Charlottesville has administered a total of \$46.7 million in funding to support a variety of affordable housing initiatives across the City, drawing from the City's General Fund, Capital Budget (CIP) and Housing Trust Fund (CAHF), and federal HOME and CDBG funds. This breaks down as follows: Housing Trust Fund and Capital Budget (\$38,623,967), General fund (\$5,185,260, and CDBG/HOME (\$2,920,628).
2. Funding levels have averaged \$3.6 million per year, with a large outlier in 2021 which totaled \$10.4 million.
3. The funding is spread across a variety of uses. The largest share of funding (47%) went towards development (new construction of multifamily and single-family homes, and significant rehabilitation of multifamily buildings). Program (owner-occupied single-family rehabilitation and energy retrofits, homelessness services, rental subsidy, and homeownership subsidies) grants made up the next highest share, 4(0 %) of funding. Operating subsidies for nonprofits made up (11%) of expenditures. The remaining 2% were used for internal City administration, such as housing-related staff and consulting fees.
4. The spending yielded a total of about 2,300 households served, and 1,600 units created or preserved.

Councilors gave input for consultants to consider before presenting the next update.

Deputy City Manager Sam Sanders added comments about mapping funding in order to provide more effective analysis.

**14. REPORT: Community Development Block Grant (CDBG)-HOME Program Task Force (Tabled from 12/6/21 work session)**

Deputy City Manager Sanders presented the report, sharing an analysis of using the Task Force Model:

- Routinely unable to meet regulatory conditions
- Timeliness remains a major concern
- Staff recommendations are not viewed as expert advice
- Same organizations receive funds with little analysis
- Planning Commission questions their role today
- Redundant to have Planning Commission also consider

He expressed concern that staff recommendations are often disregarded or overlooked and offered the following recommendations:

1. Update our approach to community planning
2. Elevate the staff recommendation as expert advice
3. Layer more expertise to meet regulatory conditions
4. Convert the HOME/CDBG and Neighborhood Task Forces to Staff Advisory level body
5. Issue timeliness adherence to consideration of proposals
6. Redirect projects to more appropriate sources (CIP, departments, external)
7. Develop more opportunities for technical assistance and capacity building

Mr. Sanders advised that staff would bring back an action item.

**OTHER BUSINESS**

There were no additional business items.

**MATTERS BY THE PUBLIC**

- Brandon Collins, city resident, thanked Mayor Walker for her work and service on City Council.
- Rosia Parker responded to comments from Councilor Snook regarding interviewing for a position on the PCRB.

The meeting adjourned at 1:15 a.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**CHARLOTTESVILLE CITY COUNCIL**  
**January 11, 2022**  
**Virtual/electronic meeting via Zoom**

**11:00 AM SPECIAL MEETING**

The Charlottesville City Council met electronically on Friday, October 22, 2021, at 11:00 a.m. in accordance with a local ordinance amended and re-enacted on October 4, 2021 to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency.

Mayor Lloyd Snook called the meeting to order at 11:00 a.m. and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Sena Magill, Michael Payne and Brian Pinkston.

On motion by Councilor Payne, seconded Councilor Pinkston, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to meet in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2-3712, specifically:

- Section **2.2-3711(A)(1) and (A)(8)**, for discussion, consideration or interviews of one or more prospective candidates proposed by the Robert Bobb Group (RBG) to perform the duties of Interim City Manager, and for consultation with legal counsel regarding implementation of the contract with the Robert Bobb Group.

On motion by Councilor Payne, seconded by Councilor Magill, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

For the benefit of the public Mayor Snook advised that Council interviewed several impressive candidates and was not ready to make a decision but expected to make a decision on January 18.

The meeting adjourned at 2:10 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	January 18, 2022
Action Required:	Approve Ordinance (1 <sup>st</sup> of 2 readings; no public hearing required)
Presenter:	James Freas, Director, Neighborhood Development Services
Other Staff Contact:	Chris Engel, Director of Economic Development
<b>Title:</b>	<b>Outdoor Café Rent Payments—Responsibility for Collection, and Waiver of Rent Due for Permit Years 2020 and 2021</b>

**Background**

The COVID 19 pandemic had significant impacts on restaurants and, as part of City efforts to support these businesses, City Council took actions utilizing authority under the declared state of emergency to waive and reduce the fees charged for the outdoor dining café areas on the downtown mall. Looking ahead to the next permit year, staff is proposing the Council take similar action to support downtown restaurants. The previously taken actions related to café permits/fees were as follows:

- Waived fees for the two months during which restaurants were closed under the Governor’s orders.
- Reduced fees by half for the remaining duration of 2020 and 2021.
- Deferred collection of those fees until date to be determined.

Every outdoor café on the Downtown Pedestrian Mall is required to rent space from the City pursuant to a permit program. These café permits and fees are governed by Chapter 28, Article VI of the City Code, and the Code designates the Zoning Administrator as the City official responsible for administering the program. Separately, from time to time, City Council approves a Fee Schedule, setting out various fees and charges associated with City zoning and other permit processes. Under the current Fee Schedule, the annual fees/rent for an outdoor café is set at \$5 per square foot of sidewalk café space plus an \$125 administration fee. New permit requests, and annual requests for renewals of existing permits, are due by March 1st of every year (the “Permit Year” may be referred to by year, but the commencement of a permit year is in March of each calendar year). Rents received by the City are appropriated to the Downtown Mall maintenance fund, which is in the Capital Improvement Plan (CIP) and administered by the Department of Parks and Recreation. The entire program is overseen by the Office of the Zoning Administrator in NDS.

As part of the review of the Sidewalk Café program, Zoning Administration staff suggested shifting rent collection responsibility to the Treasurer's office, which is better suited to the task with the appropriate procedures and capacities already in place. This change requires amendment of the ordinance. Staff discussed the proposal with Jason Vandever, City Treasurer, who had no concerns with taking over responsibility for rent collection.

### **Discussion**

The Zoning Administrator and NDS Director met with Chris Engel, Director of Economic Development, to discuss how to address the upcoming Café permit year. Based on the experience of the Zoning Administrator and the recommendations of the Economic Development Office, staff recommends Council adopt the attached Ordinance.

- The Ordinance proposes to designate the Treasurer as the City official responsible for collecting rent payments due from outdoor café operators.
- The Ordinance will also waive permit fees and rent payment owed for 2020 and 2021. Any prepaid rents should be applied to the 2022 permit year or refunded to a café operator who will not be in business for the 2022 Permit Year.
- To replace the rent revenues proposed to be waived, it is staff's recommendation that City Council should appropriate ARPA funds to replace the lost revenue in the Downtown Mall Maintenance Fund, which resides in the operating budget for the Parks & Recreation Department. (The amount that would need to be appropriated from ARPA funds is **\$227,735**). That appropriation is NOT part of this Ordinance but would require separate action by City Council at a later date.
- Return to the normal fee/rent rates and payment requirements effective for the Permit Year commencing in March 2022.

### **Alignment with City Council's Vision and Strategic Plan**

The proposed resolution and ordinance amendments support Council's vision for 'Economic Sustainability,' which identifies the Downtown Mall as an important economic asset for the City, as well as the 'Smart, Citizen Focused Government' vision, which calls for continuous work to identify better ways of delivering City services.

### **Community Engagement**

There was no community engagement specific to the proposed ordinance provisions. Both proposals are based in part on feedback received by staff from restaurant owners in the course of administering the program.

### **Budgetary Impact**

There is no impact on the general fund if Council implements the recommendation of using ARPA funds to replace foregone revenue. Otherwise, the City will effectively be waiving its claims for approximately \$227,735 for rent due and owing to the City for the periods from March 2020 through February 2022, which spans more than one Fiscal Year.

### **Recommendation**

Staff recommends approval of the proposed Ordinance.

### **Alternatives**

City Council could decline to approve the Ordinance. This would mean that each restaurant making use of outdoor café space on the Downtown Mall would owe the City an average of around \$5,000 in rent covering the 2020, 2021, and 2022 permit years. The zoning administrator would need to invoice each operator for the amounts owed and follow up with a collections process.

### **Attachments**

- Proposed Ordinance

**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.***

# CITY OF CHARLOTTESVILLE, VIRGINIA. CITY COUNCIL AGENDA.



Agenda Date: February 7, 2022.

Actions Required: Approval of Resolution to Appropriate Funds (2<sup>nd</sup> of 2 readings).

Presenter: Chris Cullinan, Director of Finance.

Staff Contacts: Chris Cullinan, Director of Finance.  
Ashley Reynolds Marshall, Deputy City Manager for REDI.

Title: **Resolution Appropriating Funds from the American Rescue Plan for Eligible Local Activities - \$1,094,653.**

## **Background:**

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (the Act) to provide additional relief for individuals and businesses affected by the coronavirus pandemic. The Act includes funding for state, local, and tribal governments as well as education and COVID-19-related testing, vaccination support, and research.

The City of Charlottesville will receive direct funding from the American Rescue Plan (ARP) in two tranches: \$9,804,854 already received in May 2021 and \$9,804,854 to be received in May 2022 for a total of \$19,609,708. These funds must be obligated by December 31, 2024.

City Council has previously appropriated a total of \$3,178,936 of ARP funds to address urgent community and organizational needs arising from the impacts of COVID-19.

City staff continues the process of identifying needs resulting from the impacts of the COVID-19 virus. This appropriation request includes requests to “support the public health response”, “address negative economic impacts caused by the public health emergency”, and “premium pay for essential workers”.

## **Discussion:**

The specific funding requests are detailed below. These requests are eligible for ARP funds per the guidance provided by US Treasury in their May 17, 2021 *Interim Final Rule*.

Request #1: City funded portion of Sheriff bonuses.

Amount Requested: \$12,918.

ARP Eligibility: Premium Pay for Essential Workers.

Description: The Commonwealth awarded Compensation Board funded positions in the Sheriff's Office \$3,000 per person bonuses. There are four employees in the Sheriff's Office who are not funded by the Compensation Board, but would otherwise have been eligible to receive the bonus. The City elected to pay these persons using its own funds, then seek reimbursement using ARP funds for premium pay.

Request #2: Café rental fee waiver/revenue replacement.

Amount Requested: \$227,735.

ARP Eligibility: Address negative economic impacts caused by the public health emergency.

Description: The COVID 19 pandemic had significant impacts on restaurants. As part of City efforts to support these businesses, City Council took actions utilizing authority under the declared state of emergency to waive and reduce the fees charged for the outdoor dining café areas on the downtown mall. The fee revenue is directed towards the Downtown Mall maintenance fund. ARP funds will be used to replace the lost revenue in the Downtown Mall maintenance fund.

Request #3: Pathways Fund and Community Hotline assistance.

Amount Requested: \$776,000.

ARP Eligibility: Address negative economic impacts caused by the public health emergency.

Description: Support for the Pathways fund and Community Hotline through June 2022. \$595,000 for Pathways Fund assistance, \$125,000 for the Emergency Fund, and \$56,000 for Human Services staff support costs.

Request #4: Juvenile and Domestic Court cleaning.

Amount Requested: \$58,000.

ARP Eligibility: Supporting the public health response.

Description: These funds will be used to cover the contract cleaning costs for the Juvenile and Domestic Relations Court through June 2022.

Request #5: Take home COVID tests for City employees.

Amount Requested: \$20,000.

ARP Eligibility: Address negative economic impacts caused by the public health emergency.

Description: 1,000 take home COVID tests will be purchased to be distributed to City employees as needed.

**Budgetary Impact:**

This request in addition to the previous ARP appropriation totals \$1,094,653. If Council approves this third appropriation, the remaining balance of ARP funds from the first tranche totals \$5,531,265.

**Alignment with Council Vision Areas and Strategic Plan:**

This resolution contributes to Goal 1 of the Strategic Plan, to be an inclusive community of self-sufficient

residents; Goal 2 to be a healthy and safe City; and Goal 5 to be a well-managed and responsive organization.

**Recommendation:**

Staff recommend that Council approve the attached resolution.

**Alternatives:**

City Council may elect not to appropriate funding for these purposes at this time or may elect other ARP eligible program expenditures.

**Attachments:**

1. Appropriation.

**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

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 7, 2022
Action Required:	Resolution
Presenter:	Missy Creasy, NDS Deputy Director Sandy Shackelford, Transportation Manager, Thomas Jefferson Planning District Commission
Staff Contacts:	Missy Creasy, NDS Deputy Director
Title:	<b>Urban Rivanna River Corridor Plan – Comprehensive Plan Amendment</b>

**Background:**

The Thomas Jefferson Planning District Commission was tasked with the second phase of a joint Charlottesville and Albemarle Rivanna River Corridor planning process. Phase I involved an inventory of existing conditions and was completed in 2018. This current phase involves the development of a joint area plan to guide the future development and environmental preservation of the urban portion of the Rivanna River.

**Discussion:**

The Planning Commission held a virtual joint Public Hearing with City Council on January 11, 2022 on this matter. During the discussion, the Planning Commission provided a favorable impression of the document, and noted the following edits:

- Spelling error bloat to boat (2 locations) page 52/58,
- typo on Monacan page 78/82,
- homelessness to encampments 2.3 (on page 68 of the plan),
- edit header on page 68.

After the Public Hearing, the consultant incorporated the Planning Commission's changes as outlined above and they are reflected in the document before you tonight.

**Alignment with City Council's Vision and Strategic Plan:**

Approval of this item aligns with the City Council Vision Statements of: A great Place to Live for All of Our Citizens, A Connected Community, and A Green City. The Plan also supports goals and objectives of the Strategic Plan: Goal 3: A Beautiful and Sustainable Natural and Built Environment,

**Community Engagement:**

In addition to the community engagement the consultant and City did during the planning process (see Public hearing Staff Report), Planning Commission held a Public Hearing on January 11, 2022. There were no speakers at the public hearing.

**Budgetary Impact:**

This has no impact on the General Fund.

**Recommendation:**

The Planning Commission took the following action:

Mr. Stolzenberg moved to approve the attached resolution, with the following revisions, to amend the City’s 2021 Comprehensive Plan to include the Urban Rivanna River Corridor Plan, dated December 2021.

1. Spelling error bloat to boat (2 locations) page 52/58,
2. typo on Monacan page 78/82,
3. homelessness to encampments 2.3 (on page 68 of the plan),
4. edit header on page 68.

Mr. Mitchell seconded the motion

- Mr. Lahendro, Yes
- Mr. Mitchell, Yes
- Ms. Dowell, Yes
- Mr. Habbab, Yes
- Mr. Stolzenberg, Yes
- Ms. Russell, Yes
- Mr. Solla-Yates, Yes

The motion passed 7 – 0 to recommend to amend the City’s 2021 Comprehensive Plan to include the Urban Rivanna River Corridor Plan dated December 2021 with edits.

**Alternatives:**

The City Council has the following alternative actions:

1. by motion, vote to approve the attached resolution;
2. by motion, request changes to the attached resolution, and then approve it in accordance with the amended resolution;
3. by motion, defer action, or
4. by motion, deny the proposed Comprehensive Plan Amendment.

**Attachments:**

1. City Council Resolution
2. Certified Planning Commission Resolution



3. Link to Planning Commission/Council Public Hearing Documents:  
<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1338&key=-1&mod=-1&mk=-1&nov=0>
4. Direct Link to the Project Website: <https://tjpd.org/our-work/area-plans/urban-rivanna-river-corridor-plan/>

**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 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.

**RESOLUTION  
OF THE CHARLOTTESVILLE PLANNING COMMISSION  
RECOMMENDING ADOPTION OF THE URBAN RIVANNA RIVER  
AREA PLAN**

WHEREAS, this Planning Commission and City Council jointly held a public hearing on the proposed Urban Rivanna River Area Plan, after notice given as required by law,

NOW THEREFORE BE IT RESOLVED that this Planning Commission hereby recommends to the City Council the approval of the Urban Rivanna River Area Plan dated December 2021 as an amendment to the City's Comprehensive Plan. A copy of this update is attached to this Resolution and is hereby certified to the City Council for its consideration in accordance with City Code Section 34-27 (b).

Adopted by the Charlottesville Planning Commission, the 11<sup>th</sup> day of January 2022.

Attest:

  
Secretary, Charlottesville Planning Commission

Attachment: Urban Rivanna River Area Plan (Link: <https://tjpc.org/our-work/area-plans/urban-rivanna-river-corridor-plan/>).

**CITY OF CHARLOTTESVILLE, VIRGINIA**  
**CITY COUNCIL AGENDA**



Agenda Date:	February 7, 2022
Action Required:	Adoption of Ordinance (2 readings, no public hearing required)
Presenter:	Brennen Duncan, PE, City Traffic Engineer, Public Works
Staff Contacts:	Brennen Duncan, PE, City Traffic Engineer, Public Works
<b>Title:</b>	<b>5<sup>th</sup> Street SW Speed reduction</b>

**Background**

State law, Virginia Code Sec. 46.2-1300(A), requires that localities may change established speed limits when a change is supported by findings within an engineering and traffic investigation.

**Discussion**

In response to public engagement and several fatal accidents along the 5<sup>th</sup> Street corridor, an engineering and traffic investigation as conducted by the City Traffic Engineer. This included multiple speed studies as well as reviewing recent crash reports and the safety analysis performed as a part of the 5<sup>th</sup>-Ridge-McIntire Multimodal Corridor Study completed in 2018. Although it was determined that the posted speed limit was not a factor in the most severe crashes, there were nearly 40% of all of the crashes that could have been mitigated, either in occurrence or severity, by a lower speed limit.

**Budgetary Impact**

Cost to install/replace speed limit signs along the 5<sup>th</sup> Street Corridor

**Recommendations**

Staff recommends adoption of the proposed ordinance, based on the recommendation supported by an Engineering and Traffic Investigation conducted by the City Traffic Engineer

## **Attachments**

1. Engineering and Traffic Investigation Memo
2. Proposed Ordinance



**TO:** Sam Sanders, Deputy City Manager

**FROM:** Brennen Duncan, PE, City Traffic Engineer

**DATE:** February 2, 2022

**SUBJECT:** 5<sup>th</sup> Street Engineering and Traffic Investigation Speed Analysis

The Virginia General Assembly establishes the statutory speed limits and gives authority to cities and incorporated towns to decrease speed limits under their jurisdiction. In order to do so, the locality must perform an engineering study.

The City of Charlottesville traffic engineering office has conducted such a study along the 5<sup>th</sup> Street SW corridor between Harris Road on the south end, and Cherry Avenue on the north end. The current speed limit along this stretch is 45 miles per hour. The 85<sup>th</sup> percentile speeds falls in line with the posted speed limit, but accidents along the corridor are much higher than the statewide average.

In reviewing the 5<sup>th</sup>-Ridge-McIntire Multimodal Corridor Study performed in 2018 by EPR, this stretch of roadway is #17 in the district for segments of roadway for its "Potential for Safety Improvements" and is 2-3 times higher than the statewide average. In looking at the micro data for the 243 accidents between the 2011-2016 study window, it was determined that the largest category of accident, with nearly 40% of all accidents, were of the rear end variety. This type of accident is normally a result of the failure to stop, and the stopping distance is directly proportional to the traveling speed. A reduction of the speed limit from 45mph to 40mph should reduce the required stopping distance for vehicles by approximately 17%, resulting in fewer of the rear end type of accident.

After reviewing the data, lowering the posted speed limit by 5 mph should have very limited negative impact on the traveling public while increasing safety along the corridor for the most prevalent type of accident. The City Traffic Engineer thus recommends formally reducing the posted speed limit from 45mph to 40mph. This should take effect as soon as City Council is able to vote to amend Section 15-99 of the City Ordinance regarding speed limits.

**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 5<sup>TH</sup> STREET S.W**

WHEREAS the City’s Traffic Engineer has prepared a report entitled "5<sup>th</sup> Street Engineering and Traffic Investigation Speed Analysis", dated February 1, 2022, for the City Engineer, who concurs with the recommendations made by the Traffic Engineer for appropriate speed limits (from an engineering and safety standpoint) on 5<sup>th</sup> Street, S.W., from Cherry Avenue to the south corporate limits of the City; and

WHEREAS the traffic engineer notes that accident type and frequency indicates the need to reduce speed limits on this public street. Now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Section 15-99 of Article IV (Speed Limits) of Chapter 15 (Motor Vehicles and Traffic) of the Charlottesville City Code, 1990, as amended, is hereby amended and re-ordained with a change to the established speed limit for 5<sup>th</sup> Street, S.W., as follows:

**Sec. 15-99. Maximum limits on specific streets**

Pursuant to a traffic engineering and traffic survey as required by Code of Virginia, section 46.2-1300, the following speed limits are imposed as hereinafter set forth and no person shall drive a vehicle at a speed in excess of such limits:

....

Street	From	To	Speed Limit (MPH)
5 <sup>th</sup> Street, S.W.	Cherry Avenue	South corporate limits	<del>45</del> <u>40</u>

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 7, 2022
Action Required:	Presentation by Staff
Presenter:	Jack Dawson, City Engineer, DPW-Eng
Staff Contacts:	Andrea Henry, Water Resources Protection Administrator, DPW-Eng James Freas, Director, Neighborhood Development Services
Title:	<b>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</b>

**Background**

The proposed rezoning of 0 Nassau Street from R-2U to R-3 was considered by Council at their December 6, 2021 and December 20, 2021 meetings. In response to citizen concerns about the floodplain map as it relates to the property, Council asked staff to provide a presentation addressing the following:

1. Provide a general overview of the FEMA/floodplain process
2. Provide a more specific outline of the floodplain amendment process that was done for the area of the subject property
3. Provide staff's assessment of 'risk' to this site if project were approved at increased density.

**Discussion**

DPW-Engineering staff prepared the presentation providing the requested information and this information was reviewed and discussed across engineering and NDS staff. As will be described in the presentation, overall staff is most concerned about how the City, applicants and FEMA can work together on future floodplain amendment decisions as well as staff working to develop a more robust set of floodplain management policies and actions to present to Council.

Staff also discussed the specific rezoning request. Key attributes of that discussion included the idea that building in floodplains is inherently risky – wherever the legally defined floodplain line is, nature itself is inherently unpredictable and while a great deal of study and science is behind this work, there is a remaining risk. However, the proposed site for rezoning already has a legal by-right ability to accommodate six residential units and the proposed rezoning, with proffers, would allow ten units to be built in the same footprint and building scale as is currently allowed. So effectively, the proposed development that this rezoning would allow would be for ten units of a smaller size than the six currently allowed. Further, there is a demonstrated need for more



housing units in Charlottesville, particularly more affordable units. Overall, following discussions with engineering staff related to the floodplain, NDS staff's recommendation continues to be to approve the requested rezoning, recognizing both the floodplain risk versus opportunity for new homes and current legal entitlements.

**Recommendation**

As noted above, the NDS staff recommendation is for approval of the proposed rezoning from R-2U (Two-Family Residential, University) to R-3 (Multifamily Residential) subject to proffered development conditions.

**Attachments**

City Council Action Memo – 0 Nassau St Rezoning – Dec. 6, 2021  
Rezoning Ordinance

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	December 6, 2021
Action Requested:	Consideration of a Rezoning Application
Presenter:	Matt Alfele, AICP, City Planner
Staff Contacts:	Matt Alfele, AICP, City Planner
<b>Title:</b>	<b>0 Nassau Street. – ZM21-00002</b>

**Background:**

Justin Shimp (Shimp Engineering, P.C.) and Nicole Scro representing the owner, Franklin Street Land Trust III, has submitted a Rezoning Application pursuant to City Code Sec. 34-41 seeking a zoning map amendment to change the zoning district classification of Tax Map and Parcels 610079600, 610079700, and a portion of 610079000 (Subject Properties). The application proposes to change the zoning classification of the Subject Properties from the existing R-2 (Residential Two-Family) to R-3 (Residential Multifamily) with proffers and a development plan. The proposed development plan indicates 2 multifamily buildings with 5 units in each building for a total of 10 units on the Subject Properties. The proposed density will be 19.4 dwelling units per acre (DUA). The Subject Property is approximately 0.51 acres with frontage on Nassau Street. The Comprehensive Land Use Map for this area calls for Low Density Residential. See Attachment A for proffered conditions

**Discussion:**

The Planning Commission held a virtual joint Public Hearing with City Council on November 9, 2021 on this matter. Floodplain impacts, accessibility of the playground to the community, and size of the units were all discussion points from the Planning Commission and City Council. The Commission wanted to ensure the proposed development would meet all floodplain requirements and wanted clarification on who could use the playground and greenhouse.

**Alignment with City Council's Vision and Strategic Plan:**

If City Council approves the rezoning request, the project could contribute to *Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

**Community Engagement:**

On September 9, 2021 the applicant held a community meeting on Zoom from 6:30pm to 7pm. No members of the public attended the meeting. The meeting was recorded and is available to the public through the developer.

On November 9, 2021 the Planning Commission held a virtual joint Public Hearing with City Council. two (2) members of the public spoke and expressed the following:

- The City should not allow development within the floodplain and should do more to protect the trees.
- The City needs more housing and this development would benefit the City.

Any emails received by staff regarding this project have been forwarded to Planning Commission and City Council.

**Budgetary Impact:**

This has no impact on the General Fund.

**Recommendations:**

The Planning Commission took the following action:

Rezoning Application (ZM21-00002)

Ms. Russell moved to recommend approval of this application to rezone the Subject Properties from R-2, to R-3, on the basis that the proposal would service the interests of the general public and good zoning practice.

Mr. Mitchell seconded the motion

- Ms. Dowell, Yes
- Mr. Lahendro, Yes
- Mr. Solla-Yates, Yes
- Mr. Stolzenberg, Yes
- Mr. Habbab, Yes
- Mr. Mitchell, Yes
- Ms. Russell, Yes

The motion passed 7 - 0 to recommend approval of the rezoning application to City Council.

**Alternatives:**

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance granting the Rezoning as recommended by Planning Commission;
- (2) by motion, request changes to the attached ordinance and then approve the Rezoning;
- (3) by motion, take action to deny the Rezoning; or
- (4) by motion, defer action on the Rezoning.

**Attachments:**

- A. Signed Proffer Statement
- B. Rezoning Ordinance
- C. Link to the Public Hearing materials.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1286&key=-1&mod=-1&mk=-1&nov=0>

(Materials start on page 5)

Original Proffers   X    
Amendment           

**PROFFER STATEMENT**

Rezoning: 0 Nassau Street  
Tax Map Parcels: 610079000 (portion of), 610079700, and 610079600

Owner: Franklin Street Land Trust III, Justin M. Shimp, Trustee  
912 East High Street  
Charlottesville, VA 22902

Date of Proffer Signature: November 10, 2021  
Subject properties to be rezoned from R-2 to R-3

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Franklin Street Land Trust III is the owner (the “Owner”) of Tax Map Parcels 610079000, 610079700, and 610079600 (collectively, the “Property”), located in the City of Charlottesville, Virginia. The Property is the subject of rezoning application ZM21-00002 to allow for the development of a project known as “0 Nassau Street” (the “Project”).

Pursuant to Division 4 of the City of Charlottesville Zoning Ordinance (Chapter 34 of the City of Charlottesville Code), the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the requested zoning district, R-3. These conditions are proffered as part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenant and warrant that it is authorized signatory of the Owner for this Proffer Statement.

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 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. Except that the characteristics of the Project may subsequently be modified to comply with City zoning regulations not modified by this application, any other material change of the Project as represented within the application materials shall require a modification of this rezoning application.
2. **HEIGHT OF BUILDINGS AND STRUCTURES:** any buildings and 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 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. LAND USES

- a. **Permitted Uses**: the Property may be used only for the following. Any uses other than those listed below shall be prohibited:
  - i. Residential and related uses.
    1. By-right: single-family detached, single-family attached, townhome, two-family, accessory buildings, structures and uses; multifamily dwellings; residential treatment facility (1-8 residents); 1-21 dwelling units per acre (DUA).
    2. With a provision use permit: home occupations.
  - ii. Other uses.
    1. By-right: utilities;
    2. By special use permit: utility facilities.

The undersigned Owner hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions herein above. This document shall supersede all other agreements, proffers, or conditions that may be found to be in conflict. The Owner agrees that all proffers shall be binding to the Property, which means the proffers shall be transferred to all future property successors of the land.

[Signature Page Immediately Follows]

WITNESS the following duly authorized signatures and seals:

**OWNER:**

Franklin Street Land Trust III

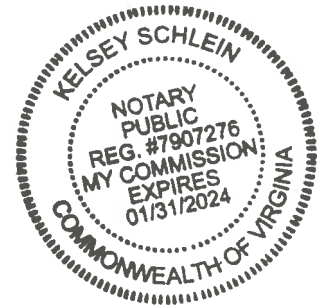
By: [Signature]  
Justin M. Shimp, Trustee

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Charlottesville, to wit:

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of November, 2021  
by Justin M. Shimp, Trustee of Franklin Street Land Trust III, on its behalf.

My Commission expires: 01/31/2024

[Signature]  
Notary Public



**AN ORDINANCE  
APPROVING A REZONING OF LAND FRONTING ON NASSAU STREET  
FROM R-2U (TWO-FAMILY RESIDENTIAL, UNIVERSITY)  
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, each currently addressed as 0 Nassau Street (collectively, the “Subject Property”), from “R-2U” to “R-3”, with said rezoning to be subject to several development conditions proffered by Landowner; and

**WHEREAS**, the purpose of the Rezoning is to allow a specific development project identified within the application materials for ZM21-00002, which materials describe a plan to establish 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; and 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 ZM21-00002 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 Subject 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 provisional 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 referenced in City Code §34-1, to reflect this rezoning of the Subject Property subject to the proffered development conditions.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 07, 2022
Action Required:	Resolution
Presenter:	Erin Atak, Grants Coordinator
Staff Contacts:	Erin Atak, Grants Coordinator Alex Ikefuna, Interim Director Sam Sanders, Deputy City Manager Joe Powers, Deputy Chief Hezedeane Smith, Fire Chief
<b>Title:</b>	<b>FY2018-2019 CDBG Substantial Action Plan Amendment</b>

**Background:**

This agenda item is a continuation from the January 18, 2022, City Council agenda item and includes a substantial action plan amendment and list of eligible activities for the Community Development Block Grant (CDBG); funds received from the U.S. Department of Housing and Urban Development (HUD).

On January 14, 2021, the City of Charlottesville was found to be noncompliant, for the second consecutive year, with the CDBG timely expenditure requirements. HUD has noted that the City of Charlottesville's lack of timely performance as a deficiency. On December 23, 2021, it was calculated that the City had an adjusted line of credit balance of 2.16 times the annual grant; an adjusted balance of 1.50 is needed to be in compliance. The City is subject to HUD's timeliness sanctions policy. HUD will conduct its final timeliness test on the City of Charlottesville on May 2, 2022.

**Discussion:**

City Staff has identified a list of immediate programs to solve the City's timeliness concerns by May 2, 2022. The City has unexpended 2018 CDBG dollars totaling \$140,585.49 and upcoming unexpended 2022 CDBG dollars totaling \$244,950.82; for a grand total of \$385,536.31 from the delayed Belmont Neighborhood Franklin Street Sidewalk activity. These funds can be reprogrammed back into the CDBG program budget to fund activities that are ready, as well as address the City Council CDBG priorities and HUD CDBG National Objectives. Future funding sources can later repay the Belmont Franklin Street Sidewalk construction activity should needed right-of-way be obtained.

To meet timeliness deadlines by May 2, 2022, reprogrammed funds must be spent down within the next three-month period. The following housing energy retrofit, and fire activities have been identified as immediate and CDBG eligible spend-down activities. Beneficiaries would mostly include residents within the Belmont Priority Neighborhood, and CDBG Priority neighborhoods.

**Proposed Timeliness Activities (Estimated \$217,200.00)**

<b>Item</b>	<b>Estimated Cost</b>
Smoke Alarm	\$20,000
Stove Top Fire Stop	\$40,000
Zoll AutoPulse CPR Assist Device	\$142,200
Carbon Monoxide Alarms	\$15,000

**Community Engagement:**

Members of the public were given the opportunity to voice their opinions during the HUD-mandated 30-day public comment period held December 12, 2021 through January 12, 2022. A public hearing was held January 18, 2022.

**Alignment with City Council’s Vision and Strategic Plan:**

Approval of this agenda item aligns directly with Council’s vision for Charlottesville to have a **Green City and Quality Housing Opportunities for All**. It contributes to a variety of Strategic Plan Goals and Objectives including: Goal 2: A Healthy and Safe City; and Goal 3: A Beautiful and Sustainable Natural and Built Environment.

**Budgetary Impact:**

None

**Recommendation:**

Staff recommends approval of the resolution.

**Alternatives:**

No alternatives are proposed.

**Attachments:**

Resolution: 2018-2019 Substantial Action Plan Amendment

**RESOLUTION**  
**Approval of FY 2018-2019 Substantial Action Plan Amendment**

**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).