



**CITY COUNCIL AGENDA**  
**February 5, 2024**  
**CERTIFICATIONS**

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

**4:00 PM OPENING SESSION**

**Call to Order/Roll Call**

**Agenda Approval** APPROVED as amended 5-0 (PINKSTON/SNOOK) to move Item 13 from consent agenda to action items for discussion.

**Reports**

1. Report: Development Review Procedures Manual
2. Report: Affordable Dwelling Unit Monitoring and Procedures Manual
3. Presentation: Housing Equity and Anti-Displacement Toolkit (HEAT) Program

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

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

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

**6:30 PM BUSINESS SESSION**

**Moment of Silence**

**Announcements**

**Recognitions/Proclamations**

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

4. Minutes: September 18 meeting, October 25 special meeting, and December 4 meeting
5. Resolution: Resolution to Appropriate Opioid Abatement Funding Dollars (1 of 2 readings)
6. Resolution: Resolution to appropriate ARPA funding and authorize the City Manager to acquire Avon/Levy Property for future redevelopment - \$4,181,000 (2nd reading)  
#R-24-011

**City Manager Report**

- Report: Monthly report

**Community Matters**

**Action Items**

7. Public Hearing/Ord.: Release Natural Gas Easement – Hyland Park Subdivision  
#O-24-012 APPROVED 5-0 (SNOOK/PINKSTON)
8. Public Hearing/Ord.: Release Natural Gas Easement - Dunlora Park Subdivision  
#O-24-013 APPROVED 5-0 (PINKSTON/SNOOK)
9. Ordinance: Consideration of a request to rezone the property at 108 Lankford Avenue from R-1S (Single Family Small Lot Residential) to R-3 (Multifamily Residential) APPROVED 5-0 (PINKSTON/SNOOK)  
#O-24-014

10. Resolution: Consideration of a Special Use Permit Application for 108 Lankford Avenue, designated on the City Tax Map and Parcel (TMP) as 260012000  
#R-24-015 APPROVED 5-0 (SNOOK/OSCHRIN)
11. Resolution: Development Review Procedures Manual Adoption  
#R-24-016 APPROVED 5-0 (PINKSTON/SNOOK)
12. Resolution: Resolution to adopt the Affordable Dwelling Unit (ADU) Monitoring and Procedures Manual  
#R-24-017 APPROVED 5-0 (PINKSTON/PAYNE)
13. Resolution: Resolution of Appropriation to Amend the FY24 Budget (2nd reading)  
#R-24-018 APPROVED 5-0 (PINKSTON/PAYNE)

#### General Business

#### Other Business

14. Resolution: Resolution of the Charlottesville City Council: Disposition of pending projects on the effective date of December 18.  
#R-24-019 APPROVED 3-2 (PINKSTON/OSCHRIN; Snook and Payne opposed.)
- Resolution #R-23-169 repealed

#### Community Matters (2)

#### Adjournment

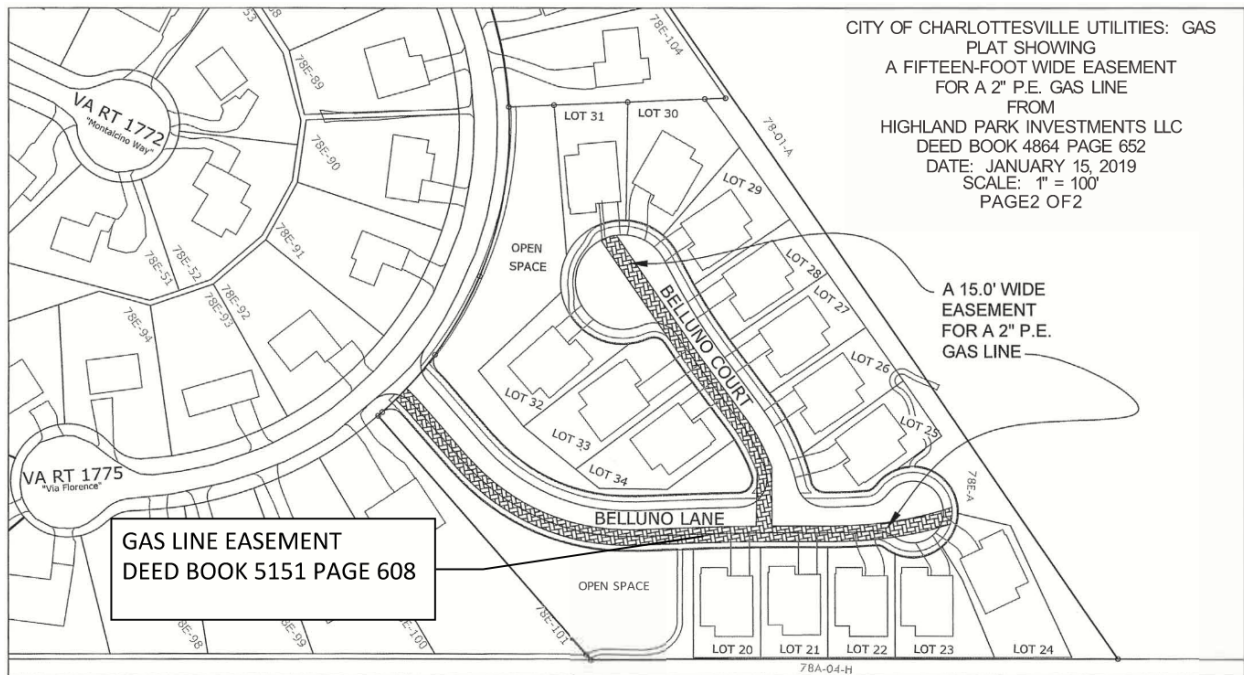
**RESOLUTION****Allocation of previously appropriated American Rescue Plan Act (ARPA) revenue replacement funds for purchase of Levy/Avon Property \$4,181,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$4,181,000 is hereby authorized to be allocated from currently appropriated funds in the below accounts to be used for the purchase of the Levy/Avon property.

<u>Source</u>	<u>Internal Order</u>	<u>Funds</u>
Affordable Housing and Services	1900497	\$1,630,000
Agency Investment Fund	1900496	\$1,000,000
Arts and Festival Fund	1900492	\$539,000
CFD Accreditation	1900482	\$544,000
Human Resources Support	1900493	\$270,000
Human Rights Commission Support	1900495	\$176,000
CFD Bonus	1900483	\$19,400
Sheriff Bonus	1900484	\$2,600
<b>TOTAL</b>		<b>\$4,181,000</b>

**ORDINANCE**  
**QUITCLAIMING CERTAIN UTILITY EASEMENTS**  
**WITHIN THE PUBLIC RIGHTS OF WAY FOR BELLUNO LANE, BELLUNO COURT,**  
**WITHIN THE HYLAND PARK SUBDIVISION LOCATED IN ALBEMARLE COUNTY,**  
**VIRGINIA**

**WHEREAS**, the developers of the Hyland Park Subdivision (“Developers”) previously granted a gas line easement to the City, over and across land within the public rights of way for Belluno Lane and Belluno Court, in the location(s) depicted as follows:



**WHEREAS**, the public rights of way in which the City’s gas line easement is located will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

**WHEREAS**, the Commonwealth of Virginia has requested the City to quitclaim the easement previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

**WHEREAS**, the City’s Director of Utilities has recommended that the Commonwealth’s request can be accommodated, so long as the City’s gas line will be allowed to remain;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that the easement is hereby quitclaimed, **PROVIDED, HOWEVER**, that the quitclaim of the foregoing easement is hereby made conditionally, subject to the following conditions:

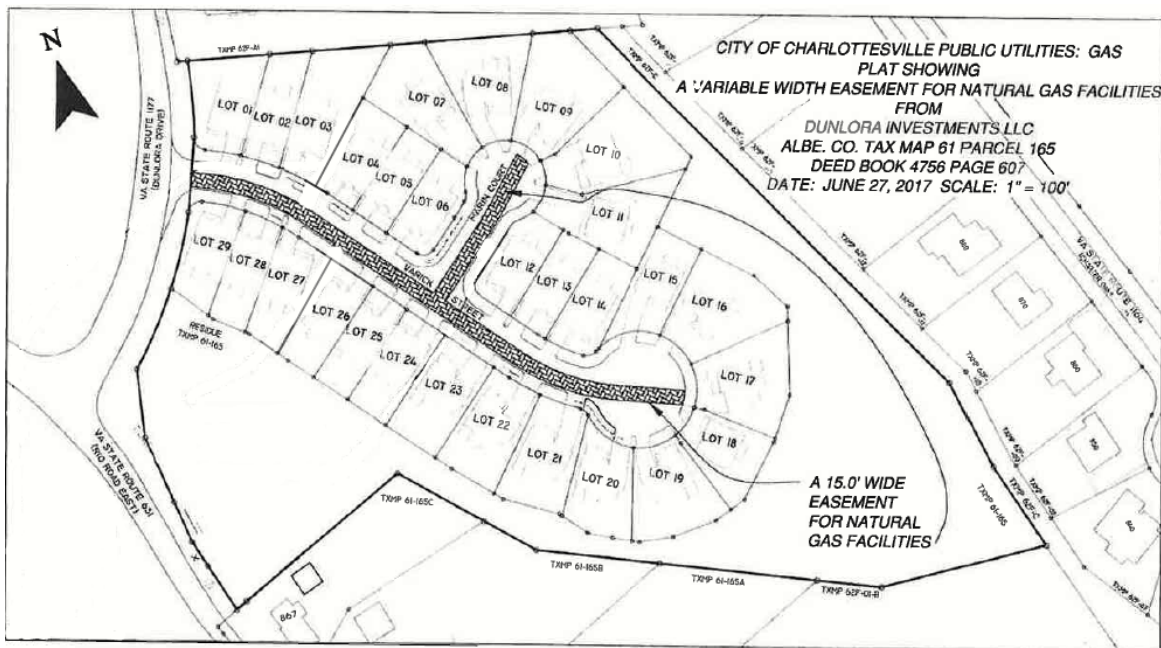
1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for the City's natural gas line, and related facilities, located within the rights of way that are the subject of this Ordinance; however, the gas line shall remain within its current location, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas line for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Belluno Lane and Belluno Court as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Belluno Lane or Belluno Court cease to be used or maintained as public streets or highways of the Commonwealth, the easement, and the City's rights, title and interests thereunder shall revert back to the City.
3. The City Attorney has prepared a Deed of Quitclaim referencing the easement to be quitclaimed by this ordinance, and for recordation within the land records, consistent with this ordinance. Once signed, the City Attorney will cause the Deed of Quitclaim and this Ordinance to be recorded within the land records of the jurisdiction in which the easement quitclaimed by this Ordinance was previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City's exercise of rights or privileges to operate its gas line within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

**AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.**

**ORDINANCE QUITCLAIMING  
CERTAIN UTILITY EASEMENTS  
WITHIN THE PUBLIC RIGHTS OF WAY FOR MARIN COURT, VARICK STREET,  
WITHIN THE DUNLORA PARK SUBDIVISION LOCATED IN ALBEMARLE  
COUNTY, VIRGINIA**

**WHEREAS**, the developers of the Dunlora Park Subdivision (“Developers”) previously granted a gas line easement to the City, over and across land within the public rights of way for Marin Court and Varick Street, in the location(s) depicted as follows:



**WHEREAS**, the public rights of way in which the City’s gas line easement is located will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

**WHEREAS**, the Commonwealth of Virginia has requested the City to quitclaim the easement previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

**WHEREAS**, the City’s Director of Utilities has recommended that the Commonwealth’s request can be accommodated, so long as the City’s gas line will be allowed to remain;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that the easement is hereby quitclaimed, **PROVIDED, HOWEVER**, that the quitclaim of the foregoing easement is hereby made conditionally, subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for the City's natural gas line, and related facilities, located within the rights of way that are the subject of this Ordinance; however, the gas line shall remain within its current location, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas line for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Marin Court and Varick Street as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Marin Court or Varick Street cease to be used or maintained as public streets or highways of the Commonwealth, the easement, and the City's rights, title and interests thereunder shall revert back to the City.
3. The City Attorney has prepared a Deed of Quitclaim referencing the easement to be quitclaimed by this ordinance, and for recordation within the land records, consistent with this ordinance. Once signed, the City Attorney will cause the Deed of Quitclaim and this Ordinance to be recorded within the land records of the jurisdiction in which the easement quitclaimed by this Ordinance was previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City's exercise of rights or privileges to operate its gas line within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

**AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.**

## AN ORDINANCE

## APPROVING A REQUEST TO REZONE LAND FRONTING ON LANKFORD AVENUE FROM SINGLE FAMILY SMALL LOT RESIDENTIAL (R-1S) TO MULTIFAMILY RESIDENTIAL (R-3)

WHEREAS, Green Retro Salvage II Holdings, LLC (the “Landowner”) is the current landowner of certain land fronting on Lankford Avenue, designated on the City Tax Map and Parcel (TMP) as 260012000 (hereinafter, the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from R-1S to R-3 hereinafter referred to as the “Proposed Rezoning”; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by the Planning Commission and City Council on November 14, 2023, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, this City Council has considered the matters addressed within the Landowner’s application (ZM23-00002), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

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

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

*Section 34-1. Zoning District Map.* Rezoning the property designated on City Tax Map and Parcel (TMP) 260012000 (“Subject Property”), containing, in the aggregate approximately 0.948 acres (approximately 41,303.59 square feet) from R-1S Single Family Small Lot Residential to R-3 (Multifamily Residential) as described in application ZM23-00002 subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowners in accordance with law and are hereby accepted by this City Council:



## Approved Proffers

### 1. Affordable Housing:

The Owner shall provide affordable housing within the Project, as follows:

a. For the purposes of this Proffer, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent is affordable to households at 60 percent of the Area Median Income (AMI) for the Charlottesville, Virginia Metro Area as published annually by the Federal Department of Housing and Urban Development (HUD). For the purposes of this Proffer, the term “affordable” means that the cost of rent, including tenant paid utilities does not exceed 30% of the monthly income of a 60 percent AMI household.

i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate income households having income less than or equal to 60 percent of the AMI.

b. The Owner shall cause 10% of the dwelling units constructed within the Project to be For- Rent Affordable Dwelling Units (the “Required Affordable Dwelling Units”). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property (“Initial Designation”). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number or make-up of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.

i. The Required Affordable Dwelling Units shall be reserved as such throughout a period of ninety-nine (99) years, beginning from the date on which the first unit of the project receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Required Affordable Dwelling Units shall be administered in accordance with one or more written declarations of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.

ii. The Required Affordable Dwelling Units shall be comprised proportional to the unit types constructed.

- iii. On or before January 10 of each calendar year, or an alternate date mutually agreed upon by the Owners and the City, the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City on a template provided by the City's Office of Community Solutions, identifying each Required Affordable Dwelling Unit by address and location, and verifying the household income of the occupant(s) of each Required Affordable Dwelling Unit.
  - iv. The Required Affordable Dwelling Units shall be constructed proportionally to the number of market rate units at a rate of 10 percent, so that for every ten (10) units constructed a minimum of one (1) is designated as a Required Affordable Dwelling Unit. Notwithstanding the foregoing, the Required Affordable Dwelling Units may be constructed at a rate that exceeds 10 percent of the total number of dwelling units. All Required Affordable Dwelling Units shall be constructed prior to the issuance of certificate of occupancy of the 44th dwelling unit.
  - v. Section 8 Housing Choice Vouchers or similar housing vouchers will be accepted as a form of payment for the Required Affordable Dwelling Units.
  - vi. The Owner shall provide a marketing plan to the Office of Community Solutions six months prior to the triggered date for affordable housing to be provided as outlined in 1 .b.i for a residential unit within the Project. The marketing plan shall demonstrate how the affordable units will be advertised and will be prepared in a form acceptable to the Office of Community Solutions.
- c. The land use obligations referenced in 1.a.i and 1.b.i through 1 .b.vi shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for rent units throughout the Rental Affordability Period.

A RESOLUTION  
APPROVING A SPECIAL USE PERMIT FOR PROPERTY FRONTING ON LANKFORD AVENUE

WHEREAS, Green Retro Salvage II Holdings, LLC (the "Landowner") is the current owner of certain land fronting on Lankford Avenue, designated on the City Tax Map and Parcel (TMP) as 260012000, having an area of approximately 0.948 acres (approximately 41,303.59 square feet) (hereinafter, the "Subject Property"),

WHEREAS, the Landowner proposes to redevelop the Subject Property by constructing multi-family buildings on the Subject Property, with residential dwelling units at a density of up to 49 dwelling units per acre ("Project"); and

WHEREAS, the Project is described in more detail within the Applicant's application materials dated December 4, 2023 submitted in connection with SP23-00003, as required by City Code §34-158 (collectively, the "Application Materials"); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on November 14, 2023; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the information provided by the landowner within its Application Materials, and the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed Special Use Permit for the Project; and

WHEREAS, upon consideration of the Planning Commission's recommendation, and the Staff Reports discussing this application, public comments received, as well as the factors set forth within City Code §34-157 of the City's Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-420 and 34-162, a Special Use Permit is hereby approved and granted to authorize residential density of up to 49 dwelling units per acre, and reduced setback and screening requirements for the Project, subject to the following conditions:

1. The development being approved by this special use permit ("Project") will generally conform to the layout in the Concept Plan dated December 4, 2023 provided in the Application Materials:



2. Per Section 34-162, the Lankford Avenue front yard setback requirement is altered to be ten (10) feet.
3. Per Section 34-162, the side yard setback requirement is altered to be ten (10) feet.
4. Per Section 34-162, the rear setback requirement is altered to be twenty-five (25) feet.
5. Per Section 34-162, a six (6) foot tall opaque fence is required in the side and rear yards.
6. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall hire a qualified archeologist to determine:
  - a. If any human graves are present on the Subject Property and, if found, no construction shall proceed until notice is provided to the City Preservation Planner and upon consultation with the City Attorney; he will provide guidance on the next steps required before development resumes.
  - b. If construction activity will disturb the adjacent property at 106 Lankford Avenue, determine if any known or unknown graves will be impacted and assure they are treated appropriately including, if necessary, consulting with the Virginia Department of Historic Resources and securing any required state permit(s).

SP23-00003

7. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall provide a minimum of one (1) tree for every four (4) parking spaces provided on-site.

**RESOLUTION APPROVING DEVELOPMENT REVIEW PROCEDURES MANUAL**

**WHEREAS**, the City Council adopted a new City of Charlottesville Development Code as new Chapter 34 and new Zoning Map on December 18, 2023 with an effective date of February 19, 2024; and

**WHEREAS**, the Development Review Procedures Manual sets forth the submission requirements, review procedures, and notice and community engagement requirements for the administration of the Development Code; and

**WHEREAS**, City Council finds that public necessity, convenience, general welfare, and good zoning practice require adoption of the proposed Development Review Procedures Manual; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville that the proposed Development Review Procedures Manual is hereby approved by City Council as the City’s official “Development Review Procedures Manual”, effective February 19, 2024. In the event of any inconsistency between this Manual and the Charlottesville Development Code, the Development Code prevails and shall be the controlling provision; and

**BE IT FURTHER RESOLVED THAT**, this Manual is subject to amendment as determined necessary by the Zoning Administrator; the Zoning Administrator, with the approval of the City Manager and the concurrence of the City Attorney, may amend and update the Development Review Procedures Manual, or any appendices thereto. Any proposed amendment to the Manual or its appendices shall include a specific revision effective date and shall be posted on the City’s website for public information for at least 10 business days prior to being approved by the City Manager; and

**BE IT FURTHER RESOLVED THAT** the Zoning Administrator has the authority to administer and interpret the provisions of the Development Review Procedures Manual. This administrative authority shall be carried out subject to oversight by the City Manager or their designee, and in consultation with the City Attorney or their designee.

**RESOLUTION APPROVING AFFORDABLE DWELLING UNIT MONITORING AND PROCEDURES MANUAL (ADU MANUAL)**

**WHEREAS**, on October 12, 2021, the Planning Commission unanimously recommended approval of the 2021 Comprehensive Plan and directed that the 2021 Comprehensive Plan be transmitted to City Council for consideration; and

**WHEREAS**, the Charlottesville City Council endorsed the Affordable Housing Plan on March 1, 2021, which informed the development of the 2021 Comprehensive Plan, as well as recommended new zoning tools to support Charlottesville's affordable housing needs through the creation and preservation of affordable housing units; and

**WHEREAS**, on December 18, 2023, the Charlottesville City Council voted unanimously to repeal and re-ordain a new Chapter 34 and the repeal of Chapter 29 of the Charlottesville City Code, marking a transformative moment in the City's land use planning and housing policies; and

**WHEREAS**, the Affordable Housing Plan and Affordable Dwelling Unit (ADU) Ordinance are major components of the adopted Development Code; and

**WHEREAS**, the Affordable Dwelling Unit ordinance is included in Chapter 34 Section 4.2.2 of the Charlottesville Development Code, and this Manual is designed to align with the provisions in the Development Code; and

**WHEREAS**, the City Council adopted a new City of Charlottesville Development Code as new Chapter 34 and new Zoning Map; and

**WHEREAS**, the Affordable Dwelling Unit Monitoring and Procedures Manual (ADU Manual) sets forth the guidance, operational procedures, and implementation protocol governing the administration of the Affordable Dwelling Unit Ordinance; and

**WHEREAS**, the City Council finds that public necessity, convenience, general welfare, and good zoning practice require the adoption of the proposed Affordable Dwelling Unit Monitoring and Procedures Manual; and

**WHEREAS**, the Affordable Dwelling Unit Monitoring (ADU Manual) plays a crucial role by:

- **Facilitating Compliance:** It simplifies the complex requirements of the new ordinances, ensuring that all stakeholders can easily understand and adhere to the regulations related to affordable dwelling units.
- **As an Internal Resource:** For city staff, the manual serves as a valuable internal resource, offering step-by-step procedures, checklists, and templates for efficient program administration.
- **As an External Resource:** External users, such as developers and applicants, benefit from a clear and comprehensive resource that guides them through the process of incorporating affordable dwelling units into their projects.

**WHEREAS**, the focus of the ADU Manual is to align seamlessly with the new ordinances by:

- Providing detailed explanations of how the manual complements the ordinances.

- Ensuring that all information within the manual reflects the current regulations, making it a reliable reference for users; and

**WHEREAS**, the ADU Manual serves as a user-friendly guide aimed at ensuring alignment with the new ordinances, providing vital information for internal and external users regarding the City's ADU and Affordable Housing Plan and complementary procedures and programs of service; and

**WHEREAS**, the ADU Manual clarifies the requirements and processes related to affordable dwelling units in compliance with the new ordinances to help ensure effective performance and compliance, offers guidance and instructions to internal staff members involved in administering the ADU programs of service, the standard order of procedures, and monitoring and tracking requirements, and assists external stakeholders, including developers and applicants, in understanding the ADU program's key aspects; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville that the proposed Affordable Dwelling Unit Monitoring and Procedures Manual is hereby approved as the City's official "Affordable Dwelling Unit Monitoring and Procedures Manual," effective February 19, 2024; and

**BE IT FURTHER RESOLVED** that in the event of any inconsistency between this Manual and the Charlottesville Development Code, the Development Code shall prevail; and

**BE IT FURTHER RESOLVED** that this Manual shall be subject to review and amendment annually. In collaboration with the Zoning Administrator with the approval of the City Manager and the City Attorney's Office, the Housing Program Manager may amend and update the ADU Manual or any appendices thereto. Any proposed amendments shall be posted on the City's website for public information for at least ten (10) business days prior to being approved by the City Manager; and

**BE IT FURTHER RESOLVED** that the Zoning Administrator and the Housing Program Manager shall have the authority to administer and interpret the provisions of the ADU Manual, including the issuance of technical bulletins or written interpretations, subject to oversight by the City Manager or their designee, and with the concurrence of the City Attorney's Office. Upon issuance of a technical bulletin or written interpretation with the concurrence of the City Attorney, the content of that document shall have the same weight of authority as the text within the ADU Manual.



**RESOLUTION****To Amend the City Budget Adopted for Fiscal Year 2024 (“Year End” Appropriation)**

WHEREAS the Charlottesville City Council has received and reviewed the results of the year-end audit for Fiscal Year 2023, which identified a surplus of appropriations over expenditures; and

WHEREAS the City Council desires to amend the budget previously adopted for Fiscal Year 2023, to increase the amount of authorized expenditures by a total of \$26,292,752.79 and, since this Budget Amendment exceeds one percent (1%) of the total expenditures shown in the currently-adopted budget, City Council conducted a public hearing on the proposed amendment following public notice given in accordance with Virginia Code §15.2-2507(A); now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the expenditures hereinafter set forth are hereby authorized and appropriated within the accounts of the City for the uses listed below, for the Fiscal Year ending June 30, 2023. The details explaining the purposes for which the following expenditure amounts are authorized, shall be as set forth within the City Council agenda memo dated January 16, 2024, which agenda memo is incorporated into this Resolution by reference.

**I. GENERAL FUND.**

The following amounts shall be permitted to be carried over and expended in the General Fund’s respective cost centers or internal orders in the following fiscal year and shall remain as continuing appropriations unless further altered by Council:

Unfunded 2% Retiree COLA granted in FY24	\$2,600,000
Finance/IT - SAP (financial management system) upgrade	\$1,500,000
Citywide Reserve	\$500,000
City refuse contract - contractual CPI increase	\$400,000
Parks and Recreation - Riverview Park restrooms	\$300,000
Maintenance fund for City leased properties	\$200,000
City Attorney's Office capacity	\$92,500
Police Department - sign on bonuses for new officers	\$68,000
Parks and Recreation - staff reorganization	\$50,000
CAT - radios	\$49,300
City Attorney's Office - office improvements	\$47,000
Police Department - upfit of new substation in Transit Station	\$47,000
Fire Department - vehicle for new Battalion Chief	\$45,000
Police Department - Guardian Score pilot program	\$20,000
Transfer to CIP Contingency	\$15,820,931
<b>Total Section I.</b>	<b>\$21,739,731</b>

**II. FACILITIES REPAIR FUND.**

Courthouse Maintenance (P-00099) - \$10,368.97 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.

Courthouse Construction (P-00783) - \$14,596.91– These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

**Total Section II. \$24,965.88**

**III. GRANTS FUND.**

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

\$14,596.91 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).

**Total Section III. \$14,596.91**

**IV. CAPITAL PROJECTS FUND.**

Funds pursuant to memorandum of understanding with CARS.

**Total Section IV. \$91,064**

**V. SCHOOLS GAINSHARING.**

In 1998, the School Board and City Council entered into a gainsharing agreement. This agreement mandates that the first \$100,000 to go to facilities for School Capital Improvement Projects, the next \$100,000 is retained by the Schools in the General Fund and then any amount over \$200,000 will be shared equally (50/50) between the School Board and the City.

For the year ending June 30, 2023, the Schools had an operating surplus of \$4,422,395. The Schools, with staff concurrence, recommend the full amount be transfer to the FY24 Capital Improvements Program for school capital projects.

**Total Section V. \$4,422,395**

**RESOLUTION  
OF THE CHARLOTTESVILLE CITY COUNCIL: DISPOSITION OF PENDING  
PROJECTS ON THE EFFECTIVE DATE OF THE NEW DEVELOPMENT CODE  
AND ZONING MAP**

**WHEREAS**, City Council has this date enacted a new Development Code as Chapter 34 and new Zoning Map (“new requirements), and has repealed the prior Zoning Ordinance (Chapter 34) (“repealed ordinance”) and Chapter 29; and

**WHEREAS**, as a matter of law, certain projects will accrue zoning vested rights to proceed under the repealed ordinance; and

**WHEREAS**, City Council is not required, but desires, to allow certain other projects, which have been submitted for approval and have been under review, but do not have vested rights, to proceed under the repealed ordinance; and

**WHEREAS**, City Council has determined that orderly transition from the prior ordinances to the new requirements of Chapter 34 will be assisted by allowing these certain other projects to continue to diligently pursue approval under the repealed ordinance for a limited time;

**NOW, THEREFORE, BE IT RESOLVED** by the Charlottesville City Council that the following projects, which otherwise have not accrued zoning vested rights, may continue to pursue site plan review and approval under the repealed ordinance with due diligence as follows:

- Those project applications for site plan approval which were submitted and accepted for review by December 18, 2023, the date of adoption of the Development Code;
- Provided, however, that in order to maintain its status as “vested” under the repealed ordinance, the project must actively pursue approval, unless given a time extension by the Director of Neighborhood Development Services for extenuating circumstances, and must complete site plan review by July 1, 2025; and
- Provided, that, if, after the third submission, one of the foregoing projects does not obtain site plan approval, the applicant must submit a new application, with new fees, and in accordance with current/new ordinance requirements. If a new submission is required, the project must proceed under the current/new requirements; and
- The relief provided in this resolution applies only to zoning ordinance requirements and not to any other development ordinance requirements.