

CITY COUNCIL MEETING MINUTES

August 7, 2023 at 4:00 PM
CitySpace, 100 Fifth Street NE

The Charlottesville City Council met at 4:00 p.m. on Monday, August 7, 2023, at CitySpace, 100 Fifth Street NE. The meeting was moved from its original Council Chamber location because of water damage to City Hall.

Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting all councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne, Brian Pinkston and Leah Puryear.

On motion by Pinkston, seconded by Wade, Council unanimously approved the meeting agenda.

REPORTS

1. REPORT: Regional Transit Governance Study - Thomas Jefferson Planning District Commission (TJPDC)

Sandy Shackelford, TJPDC Director of Planning and Transportation introduced the report. Lucinda Shannon, TJPDC Senior Regional Planner, and Dr. Stephanie Amoaning-Yankson, AECOM Business Transformation Consultant, presented the Study update.

Over the past several years, the Thomas Jefferson Planning District Commission (TJPDC) has worked with its member jurisdictions to improve transit service in Region Ten, which is made up of the counties of Albemarle, Fluvanna, Greene, Louisa, Nelson, and the City of Charlottesville. In the past year, the region undertook a collaborative effort to develop a Transit Vision Plan to establish a clear, long-term vision for efficient, equitable and effective transit service for the region. Next steps involve additional stakeholder engagement to discuss example governance scenarios and the resulting funding allocations with goals by the end of this study to:

1. Reach consensus with regional stakeholders on feasible options for a transit governance structure in the region (e.g., membership, board representation, authorities, and powers).
2. Identify potential funding mechanisms and associated estimated projections for improving transit within the region.
3. Identify immediate next steps for preliminary planning towards implementation.

Council engaged in discussion and provided feedback including possible funding options and the need to include the University of Virginia in the Plan.

Ms. Shackelford also provided information about the Long-term Transportation Plan. The meeting recessed from 5:19 p.m. to 6:30 p.m.

BUSINESS SESSION

City Council began the business portion of the meeting by observing a moment of silence.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: Soul of Cville**
Vice Mayor Wade presented the Soul of Cville proclamation to Khalilah Jones and members of the Soul of Cville committee.
- **RECOGNITION:** Mayor Snook announced the appointment of Daniel Fairley, Youth Opportunity Coordinator focused on Black Male Achievement, to the Obama Foundation Leaders USA 2023 program.

CONSENT AGENDA

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

On motion by Pinkston, seconded by Payne, Council ADOPTED the Consent Agenda by unanimous vote.

2. MINUTES: June 20 regular meeting, July 5 joint Council/Planning Commission meeting, July 11 joint Council/Planning Commission public hearing
3. RESOLUTION: Appropriating City Traffic Assets Insurance Reimbursement – \$56,316.53 (2nd reading)

RESOLUTION

City Traffic Assets Insurance Reimbursement \$56,316.53

WHEREAS, Progressive and National General Insurance Company 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 \$56,316.53 be appropriated in the following manner:

Revenues - \$

\$56,316.53 Fund: 426 Project Code: P-01036 G/L Account: 451110

Expenditures - \$

\$56,316.53 Fund: 426 Project Code: P-01036 G/L Account: 541040

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

4. RESOLUTION: Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$100,000 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS FOR
Virginia Department of Education Special Nutrition Program Summer Food Service
Program \$100,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$100,000 from the Virginia Department of Education Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs; and

WHEREAS, the grant award covers the period from period June 20, 2023 through October 31, 2023.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, which the sum of \$100,000, received from the Virginia Department of Education Special Nutrition Program, is hereby appropriated in the following manner:

Revenue – \$100,000

Fund: 209 Internal Order: 1900528 G/L Account: 430120

Expenditures - \$100,000

Fund: 209 Internal Order: 1900528 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$100,000 from the Virginia Department of Education Special Nutrition Program.

5. RESOLUTION: Reallocating \$33,827.85 of American Rescue Plan (ARP) funds to the Department of Human Services from funds previously appropriated to City of Promise (2nd reading)

**RESOLUTION REALLOCATING AND APPROPRIATING FUNDS FOR
American Rescue Plan for Eligible Local Activities
\$33,827.85**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$33,827.85 from previously appropriated American Rescue Plan funds which have been returned to the City is hereby designated to be available for expenditure by the Department of Human Services for the continuation of eligible community resiliency activities.

Revenue:

Fund: 207 I/O 1900529 GL 451050 \$33,827.55

Expense:

Fund: 207 I/O 1900529 GL 599999 \$33,827.55

6. ORDINANCE: Approving a Right-of-Way Encroachment Agreement for 1117 Preston Avenue (2nd reading)

AN ORDINANCE APPROVING AN ENCROACHMENT AGREEMENT FROM THE CITY OF CHARLOTTESVILLE, VIRGINIA TO 1117 PRESTON AVENUE LLC FOR THE PRESTON HOUSE PROJECT AT 1117 PRESTON AVENUE

7. RESOLUTION: Appropriating VDOT grant funds for Washington Park to Madison Avenue Trail - \$285,665 (2nd reading)

RESOLUTION Appropriating Funds from VDOT Highway Safety Improvement Program Grant for Washington Park to Madison Avenue Trail - \$285,665

WHEREAS, the City of Charlottesville, through Parks and Recreation, was awarded \$285,665 from the Virginia Department of Transportation (VDOT) for the Cherry Avenue/Ridge Street Streetscape Project, and

WHEREAS, the City of Charlottesville has cancelled that project, and

WHEREAS, the City has an existing VDOT grant to construct a bicycle and pedestrian ramp to connect upper Madison Avenue and lower Washington Park that requires additional funding,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$285,665 is hereby appropriated in the following manner:

Revenues

\$285,665 Fund 426 WBS: P-01052 G/L Account: 430120

Expenditures

\$285,665 Fund 426 WBS: P-01052 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$285,665 from the Virginia Department of Transportation.

CITY MANAGER REPORT

City Manager Samuel Sanders reported the following items.

- Regarding ongoing HVAC issues with Habitat homes, Habitat is proposing to offer a \$2500 stipend to affected homeowners.

- Regarding the proposed expansion of Dairy Central, he expressed concerns about and to Mr. Henry for the approach taken in presenting the project as well as elements of the project. He stated that a community benefits agreements needs to be considered.
- He stated that Charlottesville Area Transit (CAT) is still in crisis mode with a bus driver shortage, and he shared current data as well as a pipeline for new drivers.
- He thanked Juwan Lee, who is leaving CAT after years of service.
- Steven Hicks was selected to fill the role of Interim City Manager.
- Michael Thomas was selected to fill the role of Fire Chief after serving as Interim Chief since October 2022.
- Mr. Sanders enjoyed Westhaven Days and thanked city departments who supported the event.

Deputy City Manager Ashley Marshall announced:

- Congratulations for Daniel Fairley on his appointment to the Obama Foundation program, and to the Community Attention Youth Internship Program (CAYIP) graduates. The program had a 98% success rate, and CAYIP school year applications will open soon.
- Smith Aquatic Center will be closed for annual maintenance Aug 19 - Sept 4. She announced alternate locations for programs.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Gloria Beard, city resident, expressed concerns with the proposed Dairy Market development and the lack of housing affordability.
2. Anna Malo, city resident, spoke in opposition to the special use permit request for the Dairy Market expansion, and against Stony Point Development. She ceded the remainder of her time to Vizina Howard, 10th & Page Association President, who also expressed concerns about the expansion and how the information was communicated to residents.
3. Abby Guskind, city resident, spoke in opposition to the Dairy Market expansion project, and displacement of neighbors, and the loss of neighborhood amenities.
4. Donna Shaunesey, city resident, representing herself and the Piedmont Group of the Sierra Club, spoke about the need for fossil-free transit buses.
5. Robert McAdams, Albemarle County resident, spoke about the need to transition to battery electric CAT buses.
6. Linda Abbey, city resident, spoke about the need for sidewalk repairs and transportation solutions. She spoke in opposition of taller buildings such as the 218 E Market Street proposed 9-story tall building.
7. Marcia Geyer, city resident, spoke about transit bus plans and approvals, and stated that the alternative fuels study needs to be redone.

8. Richard Hunt, city resident, spoke in opposition to the Dairy Market expansion project, and in support of inclusive economic development.
9. Zyahna Bryant, city resident, spoke in opposition to the Dairy Market expansion, and stated that community members will attend public meetings until the matter is voted upon.
10. Robin Hoffman, city resident, thanked Ashley Marshall for answering her questions about an ARPA Grant. She spoke about the need for solar on churches, the need for additional farmers markets and the need for bus shelters.
11. Don Gathers, city resident, spoke in opposition to the Dairy Market expansion project, citing the lack of affordable housing, changing of the fabric of the neighborhood, increased tax burden on existing homes, and marginalization.
12. Bill Emory, city resident, spoke about the community engagement statement for the Zoning Ordinance and stated that there has been no direct engagement with neighborhoods that do not have a neighborhood association and are directly impacted by the changes.
13. Elaine Poon, Legal Aid Justice Center, spoke in opposition to the Dairy Market expansion project, citing displacement of Black residents, elimination of street parking, lack of affordable lunch options, and the obstacle for clients who have to walk through spaces that were not built for them.
14. Syleethia Carr, city resident, spoke in opposition to the Dairy Market expansion project, citing continued displacement of Black and Brown families. She stated that Charlottesville Low Income Housing Coalition (CLIHC) has drafted a petition.
15. Sandra Aviles-Poe, Charlottesville United for Public Education, spoke about school transportation recommendations that have been shared with the School Board, and in support of the Respect Our Neighbors campaign.
16. Chris Meyer, city resident, expressed concerns about the lack of school bus drivers and holding management accountable.

ACTION ITEMS

8. RESOLUTION: Referring the Zoning Ordinance rewrite to the Planning Commission

James Freas, Director of Neighborhood Development Services, stated that the Planning Commission would have 100 days per State Code to bring a recommendation to City Council regarding the Zoning Ordinance once the item is formally referred to the Planning Commission. He stated that the goal is to complete the process by the end of 2023.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the resolution referring the Zoning Ordinance rewrite to the Planning Commission.

RESOLUTION

Referring adoption of the Charlottesville Development Code (Zoning and Subdivision Ordinances) to the Planning Commission for review and recommendation

WHEREAS upon adoption of the Affordable Housing Plan (March 2021) and the Comprehensive Plan (November 2021) both containing recommendations to adopt new zoning to address issues of equity in land use practices and regulation and to provide opportunities to build affordable housing and expand the supply of housing options; and

WHEREAS staff has prepared a draft Development Code in a public process that has engendered extensive engagement with residents and property owners in the City; and

WHEREAS this Council finds that consideration of the proposed Development Code is required by the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville that the amendment and reenactment of the entire zoning ordinance is hereby initiated pursuant to City Code 34-41(a)(1); and

BE IT FURTHER RESOLVED THAT the proposed Development Code incorporating the amended zoning and subdivision ordinances is hereby referred to the Charlottesville Planning Commission for its recommendations, and to be scheduled for a public hearing. Based on the Planning Commission's deliberations and based on input received during the public hearing process, the Planning Commission shall report its findings and recommendations to City Council within 100 days after their first regular meeting following the adoption of this resolution.

9. RESOLUTION: Special Use Permit request at 207 and 211 Ridge Street

Matt Alfele, City Planner, summarized the request. Staff recommended a tenth condition, "The applicant will provide a construction access management plan. At minimum the plan will include measures to insure safe vehicular and pedestrian access along 4th St SW and Dice St during construction. The plan will be subject to approval by the Director of NDS and must be detailed within the Final Site Plan."

On motion by Pinkston, seconded by Payne, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) AMENDED the resolution to add Condition #10.

On motion by Pinkston, seconded by Payne, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the resolution as amended.

RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 207 AND 211 RIDGE STREET (TAX MAP PARCEL 290029000)

WHEREAS The Salvation Army of Charlottesville ("Applicant") is the owner of certain land identified within the City of Charlottesville real estate records as Parcel

Identification No. 290029000 (the “Subject Property”), which has frontage on Ridge Street and 4th Street Southwest; and

WHEREAS the Subject Property is located within an Architectural Design Control District and within the West Main East Corridor mixed use zoning district, a district in which, according to the Use Matrix set forth within City Code 34-796, use of the property as a Shelter Care Facility may be authorized by City Council by means of a Special Use Permit; and

WHEREAS the Project is described in more detail within the application materials submitted in connection with SP23-00004, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS the City Council and the Planning Commission conducted a joint public hearing on July 11, 2023, following public notice given in accordance with applicable law; and

WHEREAS the Planning Commission considered and recommended approval of this application at their July 11, 2023 meeting, subject to conditions recommended within the Staff Report, and modified as discussed in the meeting; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Special Use Permit is hereby granted, to allow the Project as a permissible use of the Subject Property subject to the following conditions:

1. Per Section 34-796: Permitted Shelter Care Facility on the Subject Property with supporting services and no restrictions on number of beds.
2. Per Section 34-162: Alter the Ridge Street Streetwall requirement to state that at least thirty-two (32) percent of the building façade width of a building must be in the build-to zone on the Subject Property.
3. Per Section 34-162: Alter the 4th ST SW Streetwall requirements to state that setbacks shall be ten (10) feet minimum; no maximum and no percentage of the building façade width of a building must be in the build-to zone.
4. Per Section 34-162: No minimum parking is required on the Subject Property during construction, but the applicant will work with the City to develop a parking/safety/transportation plan (as part of a Final Site Plan) to ensure safe access to the site during construction to ensure continuity of services. When construction is complete, as indicated by the issuance of Certificate(s) of Occupancy (CO), no minimum parking will be required on the Subject Property, but should the number drop below 30 spaces, the applicant will work with the City’s Traffic Engineer to develop a Master Parking Plan for the Subject Property. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City’s Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents/employees

are informed of their parking opportunities, and any possible offsite parking arrangements, etc....

5. Per Section 34-162: Onsite parking shall not be required to have fifty (50) percent covered.
6. Per Section 34-162: An extension of the SUP may be granted for up to two (2) years if requested by the applicant or landowner pursuant to Section 34-164(d).
7. Per Section 34-157(b): Trash receptacle (dumpsters) must be provided and secured in a facility that is adequate and cannot be accessed by the public.
8. Per Section 34-157(b): If the large oak tree [at Ridge Street] dies, then another large canopy tree will be planted [in its place].
9. Per Section 34-157(b): S-3 Screening shall be provided along the 4th ST SW boundary of the property.
10. The applicant will provide a construction access management plan. At minimum the plan will include measures to insure safe vehicular and pedestrian access along 4th ST SW and Dice ST during construction. The plan will be subject to approval by the Director of NDS and must be detailed within the Final Site Plan.

10. RESOLUTION: Approving a Special Use Permit at 218 West Market Street (2nd reading)

James Freas, Director of Neighborhood Development Services, summarized the updates since the first reading of the item on July 17, 2023, and he answered questions for Council.

On motion by Pinkston, seconded by Wade, Council by a vote of 4-1 (Ayes: Pinkston, Puryear, Snook, Wade; Noes: Payne) APPROVED the resolution.

Councilor Payne spoke about the need to challenge the status quo to address housing affordability.

GENERAL BUSINESS

11. WRITTEN REPORT: Land Use and Environmental Planning Committee Semi-Annual Report

Council acknowledged the written report and Councilor Payne stated that the meetings of this committee were once open to the public and several years ago the meetings were closed to the public, so there is no public body that includes a member of City Council or the public to take part in UVA's decisions about future land use and development.

12. WRITTEN REPORT: Rivanna Authorities Quarterly Report

Council acknowledged the written report.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- Peter Rightmeyer stated that he attended the July 26 Thomas Jefferson Planning District Commission (TJPDC) meeting, and he recommended viewing a presentation from Sandy Shackelford to learn about VDOT funding. He referenced specific approved development projects that need traffic and infrastructure studies.
- James Bryant, city resident, spoke in opposition to the Dairy Market proposed expansion project.
- Althea Laughon-Worrell, city resident, spoke in opposition to the Dairy Market proposed expansion project.
- Ginny Keller, city resident, spoke about the Preston Avenue Special Use Permit request, and asked that any new project in that area respect the neighbors. She warned of unintended consequences in the draft Zoning Ordinance that would negatively impact neighborhoods such as the culturally distinct Black neighborhoods in the Preston Avenue area.
- Nya Bryant, city resident, spoke in opposition to the Dairy Market proposed expansion project.
- Robin Hoffman, city resident, spoke about the need for outreach to citizens and churches for solar power. She spoke about the usability of city parks.
- Trinity Hughes, city resident, spoke about the Westhaven neighborhood meetings and the need for sunlight to improve mental health. She spoke about the need to address traumatic mold, rats, and other issues to take care of existing properties versus building new.
- Katrina Turner, city resident, spoke in support of comments made by Zyahna Bryant and the Respect the Neighbors campaign. She spoke in opposition to the Dairy Market expansion project, citing displacement of the Black community due to lack of affordability. She asked about City plans for commemorating the August 12, 2017 anniversary.
- Deanna McDonald, Albemarle County resident with family living in the 10th & Page neighborhood, spoke in opposition to the Dairy Market proposed expansion project based on past injustices. As a clinician, she spoke about key social determinants of health. She asked that City Council not support the project on the basis of size, affordability, cultural incompetence, and lack of health equity.
- Ben Heller, spoke about the need to reduce bulk and height of the Dairy Market development proposal. He stated that either the Draft Zoning Ordinance needs revision and Dairy Market Phase 3 gets pared back, or the two should go forward together.
- Katherine Edwards, city resident, spoke in opposition to the Dairy Market proposed expansion, and cited changes to neighborhood aesthetics, tax rates, and the lack of affordability.
- Andrea Massey, city resident, spoke in opposition to the Dairy Market proposed expansion project, and expressed a need to prevent further gentrification.
- Triana Hughes, city resident and teacher, spoke about the amount of time that black women spend to combat forces that seem to push Black families out of the city. She asked those with

resources and time to help free up time for Black women.

- Joy Johnson, city resident, spoke in opposition to the Dairy Market proposed expansion project. She spoke about past broken promises.
- Anthony Lewis, city resident, spoke in support of the Respect Your Neighbors campaign in opposition to the Dairy Market expansion project.
- Leslie Lowry, city resident, spoke in opposition to the Dairy Market proposed expansion, and in solidarity with the surrounding residents of the 10th & Page neighborhood. She stated that this type of development favors profit over people. She stated that the 10th & Page neighborhood should be a protected historic neighborhood.

Mayor Snook thanked all speakers and adjourned the meeting at 8:49 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council