

CHARLOTTESVILLE CITY COUNCIL MEETING
December 4, 2023 at 4:00 PM
Council Chamber, 605 E. Main Street

The Charlottesville City Council met in a regular meeting on Monday, December 4, 2023. 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 Puryear, Council voted unanimously to adopt the meeting agenda.

REPORTS

1. PRESENTATION: Budget Presentations - Information Technology, Public Safety, PCOB

City Manager Sam Sanders stated that the following reports are a continuation of department budget briefings to City Council.

Director Steve Hawkes presented the overview for the Information Technology Department.

Chief Michael Kochis presented the overview for the Police Department.

Chief Michael Thomas and Deputy Chief Mike Rogers presented the overview for the Fire Department.

Executive Director Inez Gonzalez presented the overview for the Office of the Police Civilian Oversight Board.

CLOSED MEETING

On motion by Pinkston, seconded by Puryear, Council voted unanimously to convene a closed meeting as authorized by the Code of Virginia Section 2.2-3711(A) (8) for consultation with the City Attorney regarding legal matters requiring the provision of legal advice, specifically, legal matters related to the proposed zoning ordinance.

Council suspended the closed meeting and returned to conduct the business portion of the regular meeting, stating a need to reconvene the closed meeting following the second Community Matters.

BUSINESS SESSION

The business portion of the meeting began with a moment of silence.

ANNOUNCEMENTS

Councilor Puryear announced the deadline to file personal property taxes.

RECOGNITIONS/PROCLAMATIONS

Mayor Snook recognized the Charlottesville High School Varsity Girls Basketball State Champion team of 2001, who will receive their championship rings and recognition on December 8. He recognized the retirement of Sandy McAdams after 49 years of contribution to the Charlottesville community as restaurateur and founder of Daedalus Book Shop in 1974.

CONSENT AGENDA

Deputy Clerk Maxicelia Robinson read the following items into the record. On motion by Pinkston, seconded by Puryear, Council by a vote of 5-0 adopted the consent agenda (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

2. MINUTES: September 5 Council meeting
3. RESOLUTION: A resolution to appropriate a Fire Department FY22 State Homeland Security Program Grant Award in the amount of \$51,764.00, previously introduced, was approved.

RESOLUTION

Appropriating funds from the Virginia Department of Emergency Management (VDEM) FY22 State Homeland Security Program Grant Award - \$51,764

WHEREAS, the City of Charlottesville through the Department of Emergency Management, has received from the Virginia Department of Emergency Management (VDEM) Fiscal Year 2022 Homeland Security Program Grant award of \$51,764 to be utilized to special operations equipment, for the replacement of one complete set of extrication tools;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$51,764 received from the Virginia Department of Emergency Management is hereby appropriated in the following manner:

Revenues - \$51,764

\$51,764 Fund: 209 Internal Order: 1900542 G/L Code: 430110

Expenditures - \$51,764

\$51,764 Fund: 209 Internal Order: 1900542 G/L Code: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$51,764 from the Virginia Department of Emergency Management FY22 State Homeland Security Program Grant.

4. ORDINANCE: An ordinance for renewal of the Ting Franchise Agreement, previously introduced, was adopted.

AN ORDINANCE GRANTING A RENEWED TELECOMMUNICATIONS FRANCHISE TO TING INTERNET LLC, ITS SUCCESSORS AND ASSIGNS TO USE THE STREETS AND OTHER PUBLIC PLACES OF THE CITY OF CHARLOTTESVILLE, VIRGINIA FOR ITS POLE, WIRES, CONDUITS, CABLES AND FIXTURES, FOR A PERIOD OF FIVE (5) YEARS

5. RESOLUTION: A resolution to appropriate \$750 in State assistance and citizen donation for the Spay and Neuter Program was approved.

RESOLUTION

Appropriating \$750 from the Virginia Department of Motor Vehicles (DMV) to Charlottesville/Albemarle Society for Prevention of Cruelty to Animals (CASPCA) for the Spay or Neuter Program

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that \$750.00 is hereby appropriated to the Charlottesville/Albemarle Society for Prevention of Cruelty to Animals in the following manner:

Revenues - \$750.00

Fund: 105 Cost Center: 9713006000 G/L Account: 430080

Expenditures - \$750.00

Fund: 105 Cost Center: 9713006000 G/L Account: 540100

6. RESOLUTION: A resolution to appropriate funding from the U.S. Department of the Interior for the Chesapeake Bay Gateways Network Grant in the amount of \$49,976 was carried over to next meeting for second reading and vote.
7. RESOLUTION: A resolution appropriating the Bureau of Justice Assistance FY23 Edward Byrne Memorial Justice Assistance Grant - Local Solicitation in the amount of \$27,486 was carried over to next meeting for second reading and vote.
8. RESOLUTION: A resolution to appropriate State Historic Resources Grant Funds of \$200,000 to the Jefferson School African American Heritage Center was carried over to next meeting for second reading and vote.

CITY MANAGER REPORT

City Manager Sanders announced that the City Hall lobby is under renovation until April 2024 and will not be available for use by employees or the public. He stated a potential date of January 5 for a trip to Montgomery, Maryland, to examine their transit system. This trip would include City Council, key staff, and would be open to members of the media and public. Once details for the trip have been finalized, a determination will be made for the presentation date of the Charlottesville Area Transit Alternative Fuels Study. He announced that the set of properties commonly referenced as 0 East High is now officially owned by the City of Charlottesville and

will be maintained as a passive recreation area until another determination is made. He encouraged children to participate in the Holly Trolley, and he thanked all who participated and supported the Grand Illumination event on the Downtown Mall.

COMMUNITY MATTERS

Mayor Snook opened the floor for speakers from the public.

1. Nina Barnes, Jefferson Park Neighborhood resident, expressed concerns about the proposed VERVE project.
2. Peggy Van Yahres, Chair of ReLeaf Cville, shared ways that the organization protects the health of low canopy neighborhoods from the rising heat of climate change. She spoke in support of provisions in the zoning ordinance that protect existing trees and require developers to plant trees.
3. Anna Askounis, Lewis Mountain Neighborhood resident, expressed concerns about roadway safety and location of the proposed building at 2117 Ivy Road.
4. Scott Williams, Albemarle County resident, recognized Charlottesville Police Department's work in the community and asked council to fully fund their FY25 budget request.
5. Jennifer King, city resident, asked Council to vote against the VERVE project.
6. Mark Kavit, representing the North Downtown Residents Association, provided feedback on the proposed zoning plan, requesting avoidance of tear-down of older buildings on the Downtown Mall, High Street and in-between.
7. Jessica Harris, Human Rights Commission Chair, encouraged the public to apply for upcoming vacancies on the Human Rights Commission.
8. John Hossack, city resident, provided feedback about infrastructure concerns related to the proposed zoning ordinance.
9. Hillary Murray, Lewis Mountain Neighborhood Association Chair, spoke in opposition to a luxury student housing development project at 2117 Ivy Road.
10. Ellen Contini-Morava, Jefferson Park Neighborhood resident, asked Council to vote against the VERVE planned unit development project.
11. Bonnie Reilly, Jefferson Park Neighborhood resident, spoke in opposition to the VERVE planned unit development project.
12. Alice Raucher, UVA Architect, shared the university's perspectives on the VERVE and 2117 Ivy Road planned unit developments, with the understanding that the final decision rests with City Council: consider the scale of the project, its place in the community, and its potential effect on those in its immediate surroundings.
13. Roy Van Doorn, city resident, expressed safety concerns about the access point to the 2217 Ivy Road planned unit development project.
14. Matthew Gillikin, Livable Cville, spoke about the benefits of the VERVE and 2117 Ivy Road projects.

15. Kimber Hawkey, city resident, spoke about the impacts of increased development such as tax increases for homeowners, insufficiencies in neighborhood utility infrastructure and the consequential burdens to affected neighborhoods.
16. James Kelley, Belmont Neighborhood resident, spoke about negative impacts that high density development will have on utilities, infrastructure and cost to homeowners.

ACTION ITEMS

9. REPORT: Annual Financial Audit for Fiscal Year 2023 from the City's Auditors

Finance Director Chris Cullinan introduced the item and stated that The Code of Virginia requires that localities have their accounts and records audited annually as of June 30 by an independent certified public accountant in accordance with the specifications furnished by the Auditor of Public Accounts (APA), and he specified the requirement for auditors to present their report to the governing body during a public meeting.

Michael Lumpton of Robinson, Farmer, Cox and Associates presented the report for Fiscal Year 2023 (July 1, 2022 - June 30, 2023), announcing that it was a clean audit.

Mr. Cullinan thanked Finance staff and other city staff who provided documentation for the audit. He then provided a preview of the year-end appropriation matters that will be presented to City Council in January, noting factors that have contributed to a projected surplus. Mr. Sanders announced that while staff vacancies are down and efforts continue to fill remaining vacancies, these vacancies have contributed to the surplus.

10. RESOLUTION: Resolution to amend the Rivanna Water and Sewer Authority Ragged Mountain Dam Project Agreement

Utilities Director Lauren Hildebrand made a presentation, and was joined by Bill Mawyer, Executive Director of the Rivanna Water and Sewer Authority. She reviewed the following proposed amendment to the Agreement:

- Remove the requirements in the Agreement that stipulate the additional pool level of the Ragged Mountain Reservoir can be constructed only when the capacity threshold is met.
- Request RWSA to raise the pool level in the Ragged Mountain Reservoir from 671 feet to 683 feet to provide an additional 700 million gallons of water storage.
- Allow RWSA to increase the pool level using the existing pipeline from Sugar Hollow Reservoir when:
 - water inflow to the Sugar Hollow Reservoir is at or greater than 30 million gallons per day, or
 - the water level in the Ragged Mountain Reservoir falls below the initial pool level of 671 feet, or
 - required by the Virginia Department of Environmental Quality or other emergencies.

Mr. Mawyer stated that amending the agreement will permit RWSA to begin making changes to

the reservoir, including modernizing the intake tower, and adding the gallons of water to the reservoir as referenced in the report. Approving the amendment would expedite planned changes to the reservoir by at least ten years and save the city money in the long-term. The request to increase the water level sooner will mitigate effects of climate change and the likelihood of long-term droughts.

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

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Manager is hereby authorized to sign the following document, attached hereto, in form approved by the City Attorney or his designee.

A first amendment to the agreement among the City of Charlottesville, the Albemarle County Service Authority, and the Rivanna Water and Sewer Authority regarding the Ragged Mountain Reservoir Project Agreement for the urban water system.

11. RESOLUTION: Resolution to approve a Sublease Agreement Extension with Sentara Martha Jefferson Hospital (SMJH) for lease of space at 233 4th Street NW

Brenda Kelley, Redevelopment Manager, presented the request from Sentara Martha Jefferson Hospital for a sublease extension of one year with the intention of relocating to an owned building within the next year, and the ability to terminate their current sublease with 60 days' notice.

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

RESOLUTION

Approving a Sublease Agreement Extension with Sentara Martha Jefferson Hospital (SMJH), for sublease of space at 233 4th Street NW

WHEREAS, a Sublease Agreement by and between the City of Charlottesville and Martha Jefferson Hospital, was entered into in January 2018, for lease of 1,771 square feet of space located in the Jefferson School building at 233 4th Street, N.W., for a health clinic; and

WHEREAS, Martha Jefferson Hospital (d/b/a Sentara Martha Jefferson Hospital/SMJH) wishes to extend that Sublease Agreement for one year, with the ability of either party to terminate upon 60 days written notice; and

WHEREAS, City Council has considered the terms of the proposed extension to the Sublease Agreement; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the Sublease Agreement Extension presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the amended agreement on behalf of City Council.

12. RESOLUTION: Resolution to amend a Lease Agreement with Omni Charlottesville Virginia Corporation for lease of city-owned public right-of-way

Brenda Kelley, Redevelopment Manager, presented the request to amend a lease agreement with Omni Charlottesville Virginia Corporation to include an increase of square footage gained by right-of-way.

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

RESOLUTION

Approving an Amendment of Lease Agreement to lease of public right-of-way at 212 Ridge-McIntire Road/235 West Main Street to Omni Charlottesville Virginia Corporation

WHEREAS, a Lease Agreement by and between the City of Charlottesville and Omni Charlottesville Virginia Corporation, was entered into in February 2023; and

WHEREAS, Omni Charlottesville Virginia Corporation wishes to amend that Lease Agreement pursuant to changes to the leased property area following renovations; and

WHEREAS, City Council has considered the terms of the proposed amendment to the lease; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the Agreement for Amendment of Lease presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the amended agreement on behalf of City Council.

13. ORDINANCE: Ordinance to approve a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville for properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road - VERVE Charlottesville PUD – ZM23-00004

Matt Alfele, City Planner, introduced the item and stated that Council will focus on the rezoning decision before deciding on the subsequent related items. The applicant requested to rezone the Subject Property from Multifamily Residential-R3 to Planned Unit Development (PUD) with a development plan and proffer statement.

Valerie Long with Williams Mullen, representing the applicant Subtext Acquisitions, LLC, made a presentation. She explained that the housing development may potentially be occupied by both

UVA students as well as families. The development will have a full property management staff, and the design of the property was adjusted to address public safety concerns. There was discussion about the elements of PUD zoning and the specific reasons the development was recommended for PUD zoning, including responding to original design feedback from staff and members of the public. The designation will primarily impact the bedroom size of the units (maximum 500 units) and the concept of the building design.

Several councilors voiced concerns about the project's financial contribution to the Affordable Housing Fund in comparison to the amount of revenue that the project will generate, as well as keeping with the City's Comprehensive Plan and imminent changes to the zoning ordinance, and data involving "captured demand" for student housing.

Ms. Long requested deferral for a couple of weeks to give the applicant some time to review the proposal and consider the feedback provided.

14. ORDINANCE: Ordinance amending and re-enacting Chapter 34 (Zoning) of the Code of the City of Charlottesville (1990), as amended, to remove 104 Stadium Road from the list of Individually Protected Properties - VERVE Charlottesville PUD – ZT23-09-02

No action was taken on this item since the applicant requested deferral of the rezoning request.

15. ORDINANCE: Ordinance to amend the November 4, 1996 Right-of-Way Closure Ordinance for Woodrow Street - VERVE Charlottesville PUD

No action was taken on this item since the applicant requested deferral of the rezoning request.

16. ORDINANCE: Ordinance to amend the May 2, 2011 ordinance for the sale of 409 Stadium Road - VERVE Charlottesville PUD

No action was taken on this item since the applicant requested deferral of the rezoning request.

17. RESOLUTION: Resolution to grant a Critical Slope Waiver for a residential development referred to as "VERVE Charlottesville PUD"

No action was taken on this item since the applicant requested deferral of the rezoning request.

18. RESOLUTION: Resolution to grant a Sidewalk Waiver for a residential development referred to as "VERVE Charlottesville PUD"

No action was taken on this item since the applicant requested deferral of the rezoning request.

Mayor Snook recessed the meeting from 9:51 p.m. to 9:57 p.m.

19. ORDINANCE: Ordinance to Rezone land fronting on Ivy Road and Copeley Road related to the "2117 Ivy Road Plan Unit Development Plan Submittal"

Dannan O'Connell, City Planner, introduced the item. Williams Mullen (Applicant), on behalf of RMD Properties, LLC (Owner), submitted an application pursuant to City Code 34-490 seeking a zoning map amendment to change the zoning district classification for 2117 Ivy Road, City Tax Map Parcel 070001200 from "URB" (Urban Corridor) to "PUD" (Planned Unit Development) subject to proffered development conditions.

Valerie Long, representing the Applicant, made a presentation and answered questions from Council. She clarified the building maximum height of 114.5 feet from grade, as a follow-up from a previous presentation on the development. The presentation included an update to the site plan distance and roadway changes. Options for adjusting the set-back of the project on the Copeley Road side were discussed.

Councilor Pinkston disclosed his employment with the University of Virginia and stated that he was confident that he could vote with a clear conscience.

Steve Busk, RMD Properties, provided information from a meeting with UVA architects earlier in the day. Julie Filgus, architect, presented the conceptual building design elements and areas of potential change. Thomas Ruff, Timmons Group Engineering, summarized the traffic study that was conducted on the area and the projected impact that the project will have on traffic in the adjacent area. There was a discussion about how the developers arrived at the dollar amount that was proffered for contributed to the city's Affordable Housing Fund. Primary concerns expressed about development were building height, setback distance, building design, and the affordable housing fund contribution.

Council by unanimous consent deferred the item for two weeks to give the Applicant an opportunity to make revisions to project design based upon feedback provided during the meeting, and allow time to engage the University of Virginia on design of the project.

GENERAL BUSINESS

20. REPORT: Social Services Advisory Board Annual Report to City Council

Cherry Stewart, Board Chair, presented the Social Services Advisory Board Annual Report.

COMMUNITY MATTERS (2)

- Mo Van de Sompel, UVA graduate student, spoke in support of additional student housing to solve a housing crisis, stating the criticality of UVA involvement in the student housing plan.
- Jay Oschrin, city resident, spoke about the need for additional sidewalks for walkability, and in support of the VERVE and 2117 Ivy planned unit development proposals to address housing needs for students and non-students.
- Natalie Oschrin, city resident, spoke in support of the VERVE project and in support for increased supply for student housing.

CLOSED MEETING reconvening

Council reconvened their closed session at 12:03 a.m., then certified the closed meeting with the following action:

On motion by Pinkston, seconded by Payne, Council certified by a recorded vote of 5-0 (Ayes: Payne, Pinkston, Puryear, 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 meeting were heard, discussed, or considered in the closed meeting.

The meeting adjourned at 12:32 a.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council