

CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES
February 5, 2024 at 4:00 PM
Council Chamber

The Charlottesville City Council met on Monday, February 5, 2024. Mayor Juandiego Wade called the meeting to order at 4:02 p.m. and Clerk of Council Kyna Thomas called the roll, noting all councilors present: Mayor Juandiego Wade, Vice Mayor Brian Pinkston and Councilors Natalie Oschrin, Michael Payne, and Lloyd Snook.

On motion by Pinkston, seconded by Payne, Council unanimously approved the meeting agenda, amended to move the Resolution of Appropriation to Amend the FY24 Budget from Consent Agenda to the Action Agenda for discussion.

REPORTS

1. REPORT: Affordable Dwelling Unit Monitoring and Procedures Manual

City Manager Sam Sanders stated that the reports need to be presented in a different order than presented on the agenda in the interest of time. Alex Ikefuna, Director of the Office of Community Solutions, introduced the item. The ADU Manual serves as a user-friendly guide aimed at ensuring alignment with the new ordinances. It clarifies requirements and processes related to affordable dwelling units and offers guidance to internal staff and external stakeholders.

Antoine Williams, Housing Program Manager, reviewed the Affordable Dwelling Unit Monitoring and Procedures Manual and alignment with the City's Affordable Housing strategic outcome area. On December 18, 2023, the Charlottesville City Council unanimously enacted a series of transformative measures. These measures included the repeal and re-ordination of a new Chapter 34 and the repeal of Chapter 29 within the Charlottesville City Code. The Council also deferred the required adoption of the Affordable Dwelling Unit (ADU) Monitoring and Procedure Manual (the "ADU Manual") in conjunction with this comprehensive zoning reform. The deferral was an administrative progression to allow adequate time to harmonize the manual with the newly established Chapter 34, Section 4.2.2.2 as drafted and adopted on December 18, 2023. The ADU Manual was created in January with inputs from the City Housing Advisory Committee. On Jan 17, 2024. the committee unanimously voted in support of the draft. Councilors asked clarifying questions.

**2. PRESENTATION: Housing Equity and Anti-Displacement Toolkit (HEAT) Project |
FY2024 – 2025 Strategic Outcome: Housing Work Plan**

Antoine Williams combined the presentation of this item with the prior item, and City Manager Sanders provided a summary of next steps. The HEAT Project represents a proactive and action-

oriented comprehensive initiative designed to leverage Housing Equity & Anti-displacement Tools for the betterment and protection of core communities, particularly those facing high social vulnerability, barriers to affordable housing development, and displacement risks. The HEAT Project commences with adopting the city's new ADU ordinance in February. It encompasses a collaborative approach to maximize the following seven key measures, ensuring equitable outcomes and benefits in line with the city's affordable housing plan and inclusive zoning reforms: Land Bank Program, Charlottesville Affordable Housing Fund, Charlottesville Supplemental Rental Assistance Program, Real Estate Tax Relief Program, Revamp Use of Tax Increment Rebate/Performance Agreement for Affordable Housing, Water and Wastewater Fee Waiver Programs, and Consolidation of Strategic Investment Area and Small Area Plan Funds.

3. REPORT: Development Review Procedures Manual

James Freas, Director of Neighborhood Development Services, presented key aspects of the Development Review Procedures Manual, and stated that the manual is a living document. The Development Review Procedures Manual is a companion document to the Charlottesville Development Code, serving as a reference for project developers and the public seeking to understand and navigate the required development review processes. The manual includes details for application submittal requirements, public notice requirements, and public engagement requirements consistent with the Code of Virginia state statutes associated with certain development review processes and community expectations.

Staff answered Council questions. Mr. Sanders and Mr. Freas reviewed the vesting schedule associated with the Zoning Ordinance for projects considered in a decision made by City Council on December 18, 2023.

Council agreed to revisit the vesting schedule during Other Business at the end of the business session.

CLOSED MEETING

On motion by Pinkston, seconded by Snook, Council voted 5-0 (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none) to meet in closed session: 1. pursuant to Code of Virginia Section 2.2- 3711(A)(7) for consultation with the City Attorney pertaining to actual litigation, where consultation or briefing in open meeting would adversely affect the litigating posture of the City Council, specifically, *White v. Charlottesville*, and 2. pursuant to Code of Virginia Section 2.2-3711(A)(1) for the discussion and consideration of prospective candidates for appointment to city boards, commissions or authorities, specifically, the Planning Commission and the Police Civilian Oversight Board.

On motion by Pinkston, seconded by Snook, Council certified by a vote of 5-0 (Ayes: Oschrin, 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.

BUSINESS SESSION

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

ANNOUNCEMENTS

Councilor Oschrin announced the YES You Matter campaign kickoff, created by Mr. Alex Zan to address mental health challenges.

CONSENT AGENDA

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

4. MINUTES: September 18 meeting, October 25 special meeting, December 4 meeting
5. RESOLUTION: Resolution to Appropriate Opioid Abatement Funding Dollars (carried)
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)

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.

Source	Internal Order	Funds
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
TOTAL		\$4,181,000

Following comments from the following members of the public, on motion by Mr. Pinkston and seconded by Mr. Snook, Council voted 5-0 (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none) to ADOPT the Consent Agenda.

- Alex Omayá, Belmont resident, commented about evaluation of the Avon/Levy site, which used to be a gas station. He stated that below ground environmental issues may be present and he asked for consultation with Belmont residents for site selection and future planning.
 - Mayor Wade provided clarity about the real estate transaction.
- Linda Springle, Belmont resident, spoke about safety concerns with residents who have mental health issues. She asked about putting \$4 Million toward Friendship Court rather than the Avon/Levy transaction. She also requested more community notification before such real estate transactions as Avon/Levy.
- Rebecca Ellison, Belmont resident, expressed support for the purchase of 405 Avon Street/Levy Avenue and the need to address housing.
- Katherine Walden, Belmont resident, spoke in support of the city's purchase of 405 Avon/Levy, and she requested robust community engagement. She asked the city to look for a better location for a homeless shelter.

CITY MANAGER REPORT

City Manager Sanders presented his Work Plan Update. He introduced two new Deputy City Managers, who started work today: Eden Ratliff - Deputy City Manager of Administration, and Lionel Lyons - Deputy City Manager of Operations. He provided the department portfolios for each member of the executive management team. He reviewed his notes from the Council Retreat on January 26 and apologized for the technical difficulties with the broadcast on that day. He outlined future work session items for City Council meetings.

COMMUNITY MATTERS

Mayor Wade opened the floor for comments from the public.

1. Kelly Hart, accompanied by other Green Grannies, sang a song about electrifying buses.
2. Bruce Glassco, city resident, spoke about diesel buses and carbon emissions.
3. James Groves, city resident, spoke about the pending Charlottesville Area Transit Alternative Fuels Study, and about some of his research about use of personal cars versus use of public transportation. He stated that travel time is the primary predictor of mode choice.
4. Valerie Long spoke about the pending site plan vesting schedule mentioned before the closed session. She requested consideration of a retroactive date for five site plan applications that were in process when the vesting date was determined on December 18, 2023.

5. Nicole Scro, land use attorney and developer, spoke about the ADU Manual and calculation of rental rates established by the Department of Housing and Urban Development. She recommended changes to the ADU Manual.
6. Kelsey Schlein, Planner and city resident, spoke in support of adjusting the site plan application vesting date which was determined on December 18, 2023. She requested adoption of the December 18, 2023, cutoff date, which was the only proposed date that was not retroactive.

ACTION ITEMS

7. PUBLIC HEARING/ORDINANCE: Release Natural Gas Easement – Hyland Park Subdivision

Lauren Hildebrand, Director of Utilities, presented the request.

Mayor Wade opened the public hearing and there were no speakers. He closed the public hearing and Council asked clarifying questions.

On motion by Snook, seconded by Pinkston, Council by a vote of 5-0 adopted the ordinance, waiving second reading. (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

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

8. PUBLIC HEARING/ORDINANCE: Release Natural Gas Easement - Dunlora Park Subdivision

Lauren Hildebrand, Director of Utilities, presented the request.

Mayor Wade opened the public hearing and there were no speakers. He closed the public hearing and Council asked clarifying questions.

On motion by Pinkston, seconded by Snook, Council by a vote of 5-0 adopted the ordinance, waiving second reading. (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

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

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)

Carrie Rainey, City Planner, summarized the rezoning request, which came before the Planning Commission and City Council for a joint public hearing on November 14, 2023.

Kelsey Schlein, Shimp Engineering, representing the applicant Green Retro Savage, made a presentation. She verified that research during the time of deferral determined that there was no cemetery on the property. The applicant made amendments to strengthen the application and the Planning Commission recommended approval.

On motion by Pinkston, seconded by Snook, Council by a vote of 5-0 adopted the ordinance. (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

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)

10. RESOLUTION: Consideration of a Special Use Permit Application for 108 Lankford Avenue, designated on the City Tax Map and Parcel (TMP) as 260012000

Carrie Rainey, City Planner, introduced the special use permit request.

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

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).
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.

11. RESOLUTION: Development Review Procedures Manual Adoption

James Freas, Director of Neighborhood Development Services, reviewed information on the Development Review Procedures Manual presented during the 4:00 p.m. work session.

On motion by Pinkston, seconded by Snook, Council approved the resolution adopting the Development Review Procedures Manual by a vote of 5-0 (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

Vice Mayor Pinkston asked for feedback in 6 months.

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.

12. RESOLUTION: Resolution to adopt the Affordable Dwelling Unit (ADU) Monitoring and Procedures Manual

Antoine Williams, Housing Program Manager, followed up on questions from the work session earlier in the meeting. He and Alex Ikefuna answered additional questions from Council.

On motion by Pinkston, seconded by Payne, Council by a vote of 5-0 Approved the resolution as amended with wording provided by Mr. Williams, and requested review in two to three months. (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

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.

13. RESOLUTION: Resolution of Appropriation to Amend the FY24 Budget (2nd reading)

Vice Mayor Pinkston requested further discussion of this item and investment of fewer funds from the FY 23 surplus into the Capital Improvement Contingency Fund to address the Classification and Compensation Study as well as Collective Bargaining needs. City Council, City Manager Sanders and Budget Director Krisy Hammill discussed bond ratings as well as one-time and recurring expenses.

On motion by Pinkston, seconded by Payne, Council by a vote of 5-0 Approved the resolution appropriating and amending the FY24 City Budget. (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

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

Total Section I. \$21,739,731

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

OTHER BUSINESS

14. ADDED RESOLUTION: Revisiting project vesting date decision previously approved December 18, 2023

Council agreed to add this item for reconsideration of the decision made on December 18, 2023.

City Attorney Stroman provided context and legal clarification for comments made during Community Matters. He referenced Section 15.2-2307(A) of the Virginia State Code regarding vested rights.

Council engaged in discussion, with comments both in favor and opposed to changing the December 18 decision.

On motion by Pinkston, seconded by Oschrin, Council by a vote of 3-2 rescinded Resolution #R-23-169 approved on December 18, 2023, and replaced it with the following resolution, establishing an effective project vesting date of August 31, 2023. (Ayes: Oschrin, Pinkston, Wade; Noes: Payne and Snook).

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 August 31, 2023, the date of first advertisement of the new ordinance Chapter 34 for the Planning Commission public hearing;
- 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.

COMMUNITY MATTERS

No speakers from the public came forward.

The meeting adjourned at 9:30 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council