



CITY COUNCIL AGENDA
December 16, 2024
City Hall Council Chamber
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

Payne arrived during the Reports Work session.

Agenda Approval APPROVED 4-0 (PINKSTON/SNOOK)

Reports

1. Report: Budget Briefing: Public Safety and Transportation

5:30 PM CLOSED MEETING

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

- Proclamation: Honoring Rosalind Collins for her recognition by the Commissioners of the Revenue Association of Virginia as the Margaret Anderson Outstanding Deputy for 2024

Community Matters

Consent Agenda* APPROVED 5-0 (PINKSTON/OSCHRIN)

2. Minutes: December 2, 2024 regular meeting
3. Resolution: Resolution to appropriate funding from the Virginia Department of Housing and Community Development, Housing Opportunities for Persons with AIDS/HIV (HOPWA) grant 24-HOPWA-303 in the amount of \$389,312 (2nd reading)
#R-24-161
4. Resolution: Resolution to appropriate BAMA Works Special Event Funding - \$38,700 (2nd reading)
#R-24-162
5. Resolution: Resolution to appropriate grant funds from the Virginia Department of Conservation and Recreation in the amount of \$393,456.60 for the Pollocks Branch Pedestrian/Trail Bridge (1 of 2 readings)
6. Resolution: Resolution to allocate funds from the CIP Contingency Fund for emergency repairs to the Fontaine Fire Station Parking Lot - \$200,000 (1 reading)
#R-24-163

City Manager Report

- Report: City Manager Report
- Report: Parks & Recreation Master Plan: Key Technical Findings, Preliminary Recommendations and Concept Plans

Action Items

7. Public: Public hearing and resolution for supplemental appropriation of \$7,571,300

- Hearing/Res.: in Federal, State, and Local Capital Grant funding for Charlottesville Area Transit (1 of 2 readings)
8. Report: Report on Annual Financial Audit for Fiscal Year 2024 from the City's Auditors
9. Resolution: Resolution to reallocate remaining unspent/unobligated American Rescue Plan Act (ARPA) funds for eligible uses.
#R-24-164 APPROVED 5-0 (PINKSTON/PAYNE)
10. Resolution: Resolution to approve the City of Charlottesville's Initial Membership in the Charlottesville-Albemarle Regional Transit Authority
#R-24-165 APPROVED 5-0 (OSCHRIN/PINKSTON)
11. Ordinance: Ordinance amending City Code Section 15-144 (Parking of buses, trucks, etc. between midnight and 6:00 a.m.) (Introduced November 18; postponed from December 2)
#O-24-166 ADOPTED 4-1 (PINKSTON/SNOOK; Payne opposed.)
12. Resolution: Resolution for revisions to Architecture Design Control District Design Guidelines: Chapter 5, Section E. Outdoor Cafes (Introduced November 18; postponed from December 2)
#R-24-167 APPROVED 5-0 (PINKSTON/OSCHRIN)

General Business

Community Matters (2)

Adjournment

RESOLUTION APPROPRIATING FUNDS
Housing Opportunities for Persons with AIDS/HIV (HOPWA) Grant
\$389,312

WHEREAS, The City of Charlottesville, through the Office of Community Solutions, has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$389,312;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$389,312 is hereby appropriated in the following manner:

Revenues

\$389,312 Fund: 209 IO: 1900576 G/L: 430120 Federal Pass-Thru State

Expenditures

\$389,312 Fund: 209 IO: 1900576 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$389,312 in funds from the Virginia Department of Housing and Community Development.

**Resolution To Appropriate a Financial Sponsorship
from BAMA Works for Special Events
\$38,700**

WHEREAS, the City of Charlottesville Parks and Recreation, through a partnership with the BAMA Works Fund, has received generous financial sponsorship to host two Sunday Sundown events at Washington Park, two Sounds of Summer events, and the annual Downtown Safe Halloween festival on the downtown mall;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$38,700 be appropriated in the following manner:

Revenues - \$38,700

Fund: 105 Internal Order: 2000121 G/L Account: 451020

Expenditures - \$38,700

Fund: 105 Internal Order: 2000121 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of the donations.

RESOLUTION

**Allocating \$200,000 from the Capital Improvement Program Contingency Account
for the Fontaine Fire Station Drive Apron Repair**

WHEREAS, the City of Charlottesville needs to make an emergency repair to stabilize the drive apron at the Fontaine Fire Station, which was found to be undermined after a recent storm event;

WHEREAS, the City of Charlottesville requires appropriation of \$200,000 for the emergency repair of City property such that the City can continue governmental operations; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that funds needed for the drive apron repairs will be paid from the Capital Improvement Program Contingency Account:

Transfer From:

\$200,000 Fund: 426 WBS: CP-080 G/L Account: 599999

Transfer To:

\$200,000 Fund: 426 Funded Program: P-01118 G/L Account: 599999

RESOLUTION**American Rescue Plan Act (ARPA) Funds –Reallocation of Unspent/Unobligated Funds**

WHEREAS, the Charlottesville City Council previously appropriated \$19,609,708 of American Rescue Plan Act (ARPA) funds to be spent on a number of eligible projects to mitigate the impacts of the coronavirus pandemic on individuals, businesses, and the City organization; and

WHEREAS, ARPA funds are required to be obligated (not just appropriated) by December 31, 2024 or be returned to the US Treasury Department; and

WHEREAS, the City will have unobligated ARPA funds it desires to fully obligate by the December 31, 2024 deadline; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the balance of unspent/unobligated ARPA funds as of December 31, 2024 be allocated to the Salvation Army Center of Hope expansion and for public safety payroll expenses incurred by the City since July 1, 2024.

From Fund 207:

Internal Order	Project Description	Unspent/Unobligated Balance
1900421	ARPA 1 OED Economic Recovery Roadmap	\$29,338.74
1900437	ARPA 1 City Technology Improvements	\$673.43
1900439	ARPA 1 DSS Sheltering for COVID Positive Individuals	\$9,743.04
1900440	ARPA 1 COVID Testing for Employees	\$203,757.75
1900450	ARPA 1 Take Home COVID Tests	\$20,000.00
1900452	ARPA 1 Café Fee Waiver	\$169,745.95
1900457	ARPA 1 CFD Uses 1	\$534.78
1900458	ARPA 1 CM Office Improvements	\$73.55
1900459	ARPA 1 City Council Chamber Improvements	\$9,782.17
1900460	ARPA 1 City Hall Lobby Improvements	\$2,652.29
1900480	ARPA 1 Unallocated Contingency	\$1,449,565.00
1900481	ARPA 1 Contingency (Revenue Recovery)	\$195,146.00
1900482	ARPA 2 CFD Accreditation (Revenue Recovery)	\$50.00
1900484	ARPA 2 Sheriff Bonus (Revenue Recovery)	\$34.00
1900492	ARPA 2 Arts Festival (Revenue Recovery)	\$1,000.00
1900506	ARPA 1 Automated External Defibrillators	\$38.51
1900507	ARPA 1 City Badge/Access Project	\$15,000.00
1900545	ARPA 2 Avon/Levy Lot Purchase (Revenue Recovery)	\$159,831.06
1900488	ARPA 2 Shelter Generator (Revenue Recovery)	\$40,000.00
1900523	ARPA 1 CFD Uses 2	\$1,551.53

1900485	ARPA 2 Downtown Mall Improvements	\$18,697.10
1900486	ARPA 2 Wayfinding Improvements	\$43,341.47
1900491	ARPA 2 Strategic Initiatives (Revenue Recovery)	\$400,000.00
1900494	ARPA 2 Strategic Planning (Revenue Recovery)	\$107,000.00
1900522	ARPA 2 Success Factors HRMIS System (Revenue Recovery)	\$379,518.06
1900524	ARPA 1 ADA Transition Plan	\$2,700.00
1900479	Meadowcreek Trail Project	\$500,000.00
TOTAL		\$3,759,774.43

To Fund 207:

Internal Order	Project Description	Amount
TBD	Salvation Army Center of Hope	\$3,000,000.00
TBD	Reimbursement for Public Safety Payroll Expenses	\$759,774.43
TOTAL		\$3,759,774.43

**RESOLUTION TO APPROVE THE
CITY OF CHARLOTTESVILLE’S INITIAL MEMBERSHIP
IN THE CHARLOTTESVILLE-ALBEMARLE
REGIONAL TRANSIT AUTHORITY**

WHEREAS, *Virginia Code* § 33.2-2800 establishes the political subdivision of the Commonwealth known as the Charlottesville-Albemarle Regional Transit Authority (“the Authority”);

WHEREAS, the City of Charlottesville (“City”) is committed to enhancing transportation services within the community and recognizes the benefits in collaborating with the Authority to provide efficient and effective transit solutions; and

WHEREAS, *Virginia Code* § 33.2-2802 provides that City shall be an initial member of the Authority upon adoption of an approving ordinance or resolution by the governing body;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlottesville, Virginia hereby adopts this resolution to approve the City’s initial membership in the Authority, pursuant to *Virginia Code* § 33.2-2802; and

BE IT FURTHER RESOLVED that the City Manager is authorized to take any other necessary actions to complete or confirm the City’s initial membership in the Authority.

I, Kyna Thomas, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Charlottesville City Council by a vote of 5 to 0, as recorded below, at a meeting held on December 16, 2024.

**AN ORDINANCE
TO AMEND CITY CODE CHAPTER 15, SECTION 144**

WHEREAS, certain areas within the City of Charlottesville have limited on- street parking, which is further exacerbated by the parking of large vehicles or inoperable vehicles on City streets; and

WHEREAS, currently Section 15-144 of the Code of the City of Charlottesville prohibits the parking of certain vehicles on City streets between the hours of midnight and 6:00 a.m., including buses or vans designed to carry more than twelve passengers, trucks, vans, trailers, semitrailers, or recreational vehicles with more than two wheels per axle; and

WHEREAS, the current version of City Code Section 15-144 does not include certain other large vehicles, and does not prohibit the practice of covering or tarping vehicles, such that city staff is unable to determine whether a vehicle is inoperable; and

WHEREAS, the revised version of City Code Section 15-144 seeks to prohibit the overnight parking of certain other large vehicles, including boats, vehicles with antique plates, and vehicles for farm use; and seeks to prohibit the practice of covering or tarping cars in a manner that restricts inspection of the license plate or state inspection decal.

THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 15 Motor Vehicles and Traffic, Section 144 of the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reenacted as follows:

Sec. 15-144 (revised). Parking and covering of restricted vehicles

(1) No vehicle or trailer listed below shall be parked on any of the public streets of the city between the hours of midnight and 6:00 a.m.; however, this section shall not apply to a vehicle that has obtained a parking permit from the City.

- a. Semi-truck or semitrailer truck, as defined by Virginia Code § 46.2-1500.
- b. Bus or van designed to carry more than (12) twelve passengers (city school buses and vans excepted)
- c. Vehicle with antique license plate
- d. Vehicle with F-tag license plate or Farm Use placard
- e. Boat
- f. Recreational vehicle (as defined by City Code § 34-1200) or Trailer (as defined by Virginia Code § 4602-1500) in excess of twenty (20) feet in length.
- g. Any vehicle or trailer with more than two (2) wheels per axle

(2) No vehicle or trailer parked on a public street of the city shall be covered with a tarp or cover that restricts inspection of the vehicle's or trailer's license plate or state

inspection decal.

- (3) It shall be unlawful for any person, business or corporation to perform service or repairs on a vehicle parked on a public street within the city, or to store or park on any public street, any motor vehicle left in the custody of any business; provided however, that this section shall not apply to emergency service or repairs; vehicle owners performing minor service or repairs on their respective vehicles otherwise legally parked and operative; or the accommodation for the immediate transfer, exchange or removal of a vehicle to or from a garage, repair shop, service station or parking facility.

RESOLUTION
Approving Revisions to the Architectural Design Control Overlay Districts Design Guidelines Chapter 5, Section E (Outdoor Cafés)

WHEREAS, City Code Chapter 34, Section 2.9.2. establishes Architectural Design Control (“ADC”) Districts and City Code Chapter 34, Section 5.1.5.C. requires the City’s Board of Architectural Review (“BAR”) develop and recommend to City Council for its approval design guidelines for the City’s ADC Districts (“Design Guidelines”); and

WHEREAS, on September 17, 2024 and October 1, 2024, the BAR held advertised work sessions to review the Design Guidelines for Outdoor Cafés (Chapter 5, Section E., adopted by City Council on September 17, 2012); and

Whereas, on October 15, 2024 the BAR at its advertised monthly meeting voted (8-0) to recommend Council approve the proposed revisions to the Design Guidelines for Outdoor Cafés, and;

WHEREAS, this City Council finds and determines that:

(1) The proposed revisions to the Design Guidelines for Outdoor Cafés recommended by the BAR are consistent with the purposes and standards set forth within City Code Chapter 34, Division 2.9 (Overlay Districts) of the City’s Zoning Ordinance;

and

(2) The Design Guidelines for Outdoor Cafés have been developed in consultation with the City’s Director of Neighborhood Development Services, as required by City Code Chapter 34, Chapter 34, Section 5.1.5.C.;

NOW, THEREFORE, BE IT RESOLVED that the Architectural Design Control Districts Design Guidelines for Café Spaces (Chapter 5, Section E.) are hereby approved, as shown in the following, with new language being underlined and deleted language shown with ~~strikeout~~.

Current (adopted 2012)

ADC District Design Guidelines Chapter 5 - Signs, Awnings, Vending and Cafés.
Section E. Outdoor Cafés

~~All elements, including chains, bollards, tables, chairs, planters, and trash containers, should be the same color, materials, and design character. Black, being the dominant color of mall elements, or silvertone metal are preferred. The use of treated lumber or unfinished wood anywhere on the mall is not allowed.~~

~~1. Fences, Chains, and Bollards~~

- ~~a) Should be wrought iron or black painted metal.~~
- ~~b) Should be kept well maintained.~~
- ~~c) Chain links shall be two inches in length or larger.~~
- ~~d) Bollards shall be at least 3 inches in diameter.~~

~~2. Tables and Chairs~~

- ~~a) Should be wrought iron, black painted or silvertone metal. Other materials or colors require BAR approval.~~
- ~~b) Cloth tablecloths and removable seat cushions are permitted. Materials other than cloth, and color are subject to BAR approval.~~

~~3. Planters~~

- ~~a) Should be compatible in terms of design, scale, and color with other elements of the café. The planter material shall be terra cotta or concrete. Other materials require BAR approval.~~

~~4. Umbrellas~~

- ~~a) If used, may contain a maximum of one dark or neutral solid color that is compatible with the furniture.~~
- ~~b) The size of the umbrella should be in scale with the table. Oversize umbrellas may be permitted, but all parts must be contained within the café space.~~
- ~~c) No text is permitted on an outdoor café umbrella.~~

~~5. Trash Containers~~

- ~~a) Black metal is preferred.~~
- ~~b) Should be located within the café enclosure.~~

Proposed revisions

ADC District Design Guidelines Chapter 5 - Signs, Awnings, Vending, and Cafés.

Section E. Outdoor Cafés

(Note: In the published ADC District Design Guidelines, the formatting may change, and appropriate images added, but the text will not be revised.)

Guiding Principles for Outdoor Cafés

- The Downtown Mall NRHP District is individually listed on the Virginia Landmarks Register (VLR) and the National Register of Historic Places (NRHP).
- The Corner is within the VLR/NRHP-listed Rugby Road-University Corner Historic District.
- The brick-paved Mall and the sidewalks at The Corner are City-owned and important public spaces.
- Leased café spaces are not permanent: All elements – including but not limited to furniture, railings, or planters – should be portable and easily moved manually.
- Within a café space the furniture, elements and materials should be compatible.
- Materials must be durable, high-quality. (Preference for metal; no plastic.)
- Prioritize pedestrian experience: Size and placement of railings, furniture, planters, plantings, and other elements should not create visual barriers.
- For unleased café spaces or when leased but not used for prolonged periods, all elements— including but not limited to furniture, railings, planters-- should be removed from the public right of way.
- Specific to the Mall:

- Elements of the café spaces must respect the design intent of the Mall. The Mall is Charlottesville's *living room*.
- Maintain sight lines on the Mall by minimizing visual obstructions within café spaces.
- The fountains should be accessible, with clear space on all sides.
- Placement of café elements should avoid, and not cause damage to, the Mall trees.

Guidelines for Design Elements

Café enclosures: Railings, bollards, chains, and planters.

- Materials and color: Wrought iron or metal. (See *Planters*.) Black.
- Dimensions: Maximum 36" height. Meet ADA and ABC requirements. Chains: 2" minimum link length. Bollard/Post (width): No minimum; 6" maximum.
- Design: No solid panels between top and bottom rails, including where dining counters are located at the railing. Enclosures must avoid contact with trees.

Dining Furniture: Tables and chairs; dining counters; bar-height counters and chairs.

- Materials and color: Wrought iron or metal preferred. Other material requires BAR approval. Black or silver tone preferred. Other colors require BAR approval.
- Dimensions: Furniture should be standard heights: Tables and dining counters (28" to 30"); chairs (16" to 18"); bar counters (41" to 43"); and bar chairs/stools (30"). Maximum table or counter length: 8-ft.
- Design: Shapes, colors, and designs should be generally compatible. No solid panels below dining furniture. Bar-height counters should not be located at the railings so as to create a visual barrier.

Service Furniture and Equipment: Shelves; cabinets; serving counters; host stands.

- Materials and color: Metal frame and shelves. Other material requires BAR approval. Black or silver tone. Other colors require BAR approval. Serving counters: .
- Dimensions: Max height: Shelves 6-ft; cabinets and serving counters 3-ft. Max length: 4-ft.
- Design: Shelves are open (framed; no solid sides or back). No permanent, enclosed storage cabinets. Rolling carts permitted, but not higher than 36", color is black, must be removed when café is closed.

Planters: On railing or free standing, including use as café enclosure.

- Materials and color: Avoid bright colors. Quality, durable material. Wood, if painted or stained. No plastic. No feed troughs/bunks. No unfinished wood barrels.
- Dimensions: Maximum 36" height, 30" width or diameter. If elevated, top of planter cannot exceed 36" above Mall floor.
- Design: Compatible with other elements of the café. If mounted on railings, top of planter cannot extend above railing. Empty planters may be permitted for decorative purpose, with approval. No lighting in planters.

Plants: In planters.

- Live only. No artificial plants. Recommend non-invasives.
- Preferably not taller than 5-ft above Mall floor; however, plants cannot be used to create a hedge.

Umbrellas:

- Materials and color: Umbrellas: Cloth. Stands: metal. Poles: wood or metal. Prefer solid colors. Variation requires BAR approval. Stands and weights must be black. Stands: metal. Poles: wood or metal.
- Dimensions: Contained entirely within the café space.
- Design: No designs, signage, or text allowed on umbrella. Weights must be appropriate for the use. Shade cloths are not permitted.

Trash Containers:

- Materials and color: Metal. Black.

All elements, generally:

- Furniture will be of same material and design character.
- Black is preferred, but additional colors must be compatible. No bare galvanized metal.
- Well-made, quality material. Kept well-maintained; easily removed, will not stain or damage Mall floor. No elements may be anchored--permanently or temporarily--to the Mall floor or City property.
- Entirely within leased café enclosure/space (per City Code). No logos, text, or branding, except as allowed by Sign Ordinance.
- Coverings on the Mall floor— including rugs, mats, faux turf--are not permitted. No electrical wires or cords on the Mall floor.

Wood elements, generally:

- Materials and color: Painted or stained. No unfinished wood. .

Temporary decorations, non-tabletop: Items such as flags, banners and pennants (Where permitted by City Code.)

- Not permanent, temporary only for holidays and special events. (See All Elements.)

Heaters: (Where permitted by City Code.)

- Materials and color: Metal. Black or silver tone.
- Dimensions: Pole mounted only. Maximum height 90". Maximum width 36".
- Other: Removed from café space when not in use, including propane tanks. Comply with Charlottesville Fire Department (CFD) and City requirements re: spacing from trees and umbrellas. No open flames permitted. Firepits and fire tables are not permitted.

Attachments to railings (café enclosures) and poles: Includes but is not limited to straps or wires that can be used to attach items to poles and rails.

- Preferably metal, black. Zip-ties, if black. No tape, string, or rope.
- Neatly installed - no sharp edges, such as that the ends of zip-ties are trimmed.
- No hanging planters that extend outside the enclosures.

Art pieces, statuary, and other similarly designed objects: (Where permitted by City Code.)

- May be permitted for decorative purpose, with BAR approval.
- No columns or posts. No inflatable objects.

Small decorative items: (Where permitted by City Code.)

- On table tops only. Removed when café is closed.
- Not permitted: Decorations suspended from poles, umbrellas, or railings.

Trees in Bosques

- No tables or service furnishings permitted within two feet of a tree trunk. Nothing may be attached to or wrapped around [contacting] the trees.

Lighting, generally:

- White lighting only.
- Tabletop: Free standing, removable. Solar or battery. Candles, if allowed by CFD. Removed when café is closed.
- Lighting/luminaries not permitted: On railings/café enclosures,, up-lighting.
- Lighting/luminaries permitted: under counters.

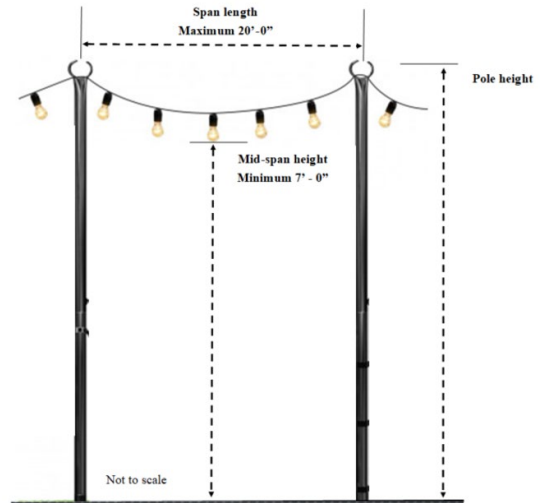
Catenary lights: Overhead, on poles.

- Poles will be straight, , painted black, and installed within the café enclosure; preferably attached to the café railing.
- Poles will have either shepherd's hooks or rings to support the lights.
- Pole heights will be at a sufficient height* such that suspended light cables will not be lower than 7'-0" at mid-span. (* Preferably not exceeding 9-ft.)
- Light cables will have black wire and sockets with bare bulbs (clear globes, either round or elongated); no holiday mini-lights, no LED tapes.
- Lights will have lamping that is dimmable, have a Color Temperature not exceeding 3,000K, and a Color Rendering Index not less than 80, preferable not less than 90. Colored [not white] and/or blinking lights are not permitted.
- Light cables will be connected only to the poles indicated on the CoA and generally follow a diagonal pattern (see below).
- Light cables will not contact or be connected to the trees, café umbrellas, or City lamp posts.
- Installed lengths (light sets connected in series) will not exceed manufacturer's specifications.
- Power sources (for ex., batteries) for the lights will be provided by café space licensee and located within the leased space. Power source will be screened, secure from tampering, silent, meet applicable code requirements, and will be removed from café space when not in use or when being charged. Connection to City lamp posts/outlets and/or extension cords crossing the Mall from outside the café space are not permitted.
- Anchors, support cables, wires, cords, railing connectors, and other similar attachments not addressed above are not permitted without approval.

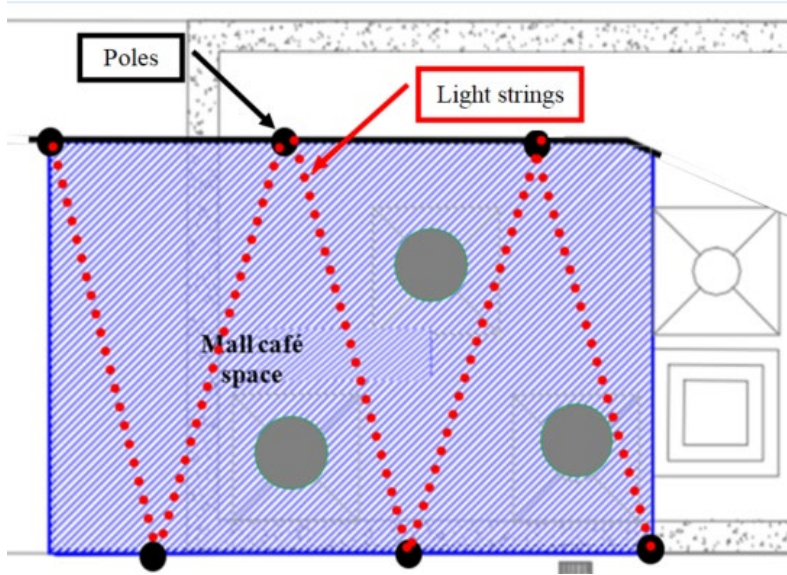
Appropriate pole types:



Dimensions:



Preferred Light String Alignment:



Elements not permitted:

- Screening: Trellis, Lattice.
- Outdoor: upholstered or oversized furniture.