

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	October 19, 2020
Action Required:	Approval of Ordinance
Presenter:	Chris Engel, Director of Economic Development
Staff Contacts:	Chris Engel, Director of Economic Development Lisa Robertson, Deputy City Attorney Craig Fabio, Assistant Zoning Administrator
Title:	Café Space Fee Wavier and Reduction

Background:

The City of Charlottesville has permitted the use of public space for sidewalk cafés in designated areas of the city for many years. Restaurants operating nearby these areas may apply to rent space to conduct outdoor dining on an annual basis. The fees are collected bi-annually by the zoning administrator. The process is addressed specifically in City Code Chapter 28-214.

Discussion:

At the onset of the COVID-19 pandemic use of these café spaces were restricted due to state and local ordinances. As a result, the City Manager deferred the two annual payments until September 2020.

With the continued impact the pandemic is having on restaurants and given that outdoor dining appears to be in the public interest, an adjustment to the fee structure is appropriate. The proposed ordinance waives the fee for months in which restaurants could not operate (March and April 2020) and provides a 50% reduction in fee for the time operations were restricted to 50% capacity. Any accounts paid prior to the start of the pandemic or the City Manager's deferral shall receive a credit in an equal amount.

In addition, restaurants wishing to rent a public parking space in an effort to increase outdoor dining adjacent to their business may do so with a 50% reduction in cost.

Both reductions will be in effect until March 8, 2021 unless otherwise extended by the City Council.

Alignment with Council Vision Areas and Strategic Plan:

This action aligns with the City Council's Strategic Plan Goal Four: A Strong Diversified Economy.

Community Engagement:

Staff in both the Office of Economic Development and Neighborhood Development Services have received requests and comments regarding this issue from business owners.

Budgetary Impact:

No new funding is being requested. The proposed waiver/reduction in fees does reduce the amount of funds that flow to Parks and Recreation for mall maintenance.

Recommendation:

Staff recommends approval of the Ordinance.

Attachments:

Proposed Ordinance

**ORDINANCE
TO MODIFY DEADLINES, MODIFY PUBLIC MEETING
AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS
CONTINUITY OF OPERATIONS ASSOCIATED WITH THE PANDEMIC DISASTER**

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order 51 declaring a state of emergency for the Commonwealth of Virginia due to the potential spread of COVID-19; and

WHEREAS, Governor Northam's March 12, 2020 declaration found that the anticipated effects of COVID-19 constitute a disaster pursuant to Virginia Code Section 44-146.16; and

WHEREAS, the City Manager, who is the City's Director of Emergency Management, declared the potential spread of COVID-19 an emergency on March 12, 2020 pursuant to authorization within a Resolution adopted by the Charlottesville City Council; and

WHEREAS, Virginia Code Section 15.2-1413 provides that a locality may, by ordinance, provide a method to assure continuity in government in the event of a disaster "notwithstanding any contrary provision of law, general or special"; and

WHEREAS, the Virginia Freedom of Information Act (Code of Virginia Section 2.2-3700, et seq.) provides that all meetings shall be open to the public unless a public body elects to exercise an exemption provided by the Act "or any other statute"; and

WHEREAS, the Charlottesville City Council enacted an ordinance provided for by Virginia Code Section 15.2-1413 on March 25, 2020 and re-enacted the ordinance on September 8, 2020; and

WHEREAS, the September 8, 2020 ordinance will expire on March 8, 2021; and

WHEREAS, the Charlottesville City Council wishes to amend the continuity of operations ordinance pursuant to the authority granted by Virginia Code Section 15.2-1413.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the September 8, 2020 ordinance adopted pursuant to the authority granted by Virginia Code Section 15.2-1413 is amended and reenacted to include all of the following in addition to the provisions previously re-enacted on September 8, 2020:

BE IT FURTHER ORDAINED that the café permit fee assessed pursuant to Charlottesville City Code Section 28-214(c) be waived for the months of March and April 2020; and

BE IT FURTHER ORDAINED that the café permit fee assessed pursuant to Charlottesville City Code Section 28-214(c) for the months of May, June, July, August, September, October, November, and December 2020 and for the months of January and February 2021 shall be reduced by fifty percent; and

BE IT FURTHER ORDAINED that the City Manager may grant a credit to any café permit holder that paid the full amount of the café permit fees for March, April, May, June, July, August, September, October, November, and December 2020

and January and February 2021 for future years.

BE IT FURTHER ORDAINED that the rental fee assessed pursuant to Charlottesville City Code Section 28-5 and the City Council's approved fee schedule, for a City parking space to be used for outdoor dining, shall be reduced by fifty percent for the months of May, June, July, August, September, October, November, and December 2020 and for the months of January and February 2021; and

Pursuant to Charlottesville City Code Section 2-96, this ordinance is enacted on the date of its introduction by a four-fifths vote of the Charlottesville City Council.